

# NORTH KOREA'S NUCLEAR PROGRAM: THE CHALLENGE TO STABILITY IN NORTHEAST ASIA

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## HEARING BEFORE THE SUBCOMMITTEE ON ASIA AND THE PACIFIC OF THE COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

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## **NORTH KOREA'S NUCLEAR PROGRAM: THE CHALLENGE TO STABILITY IN NORTHEAST ASIA**

**THURSDAY, FEBRUARY 13, 2003**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON ASIA AND THE PACIFIC,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

The Subcommittee met, pursuant to call, at 9:30 a.m. in Room 2172, Rayburn House Office Building, Hon. James A. Leach [Chairman of the Subcommittee] presiding.

Mr. LEACH. The Committee will come to order. On behalf of the Committee, I would like to welcome Assistant Secretary Kelly to the inaugural hearing of the Subcommittee on East Asia and the Pacific. At the outset let me stress how pleased I am to have Representative Faleomavaega designated to be the Subcommittee's Ranking Member.

The hearing today is intended to focus on the rapidly unfolding North Korean nuclear challenge. I can think of few parallels in history in which the U.S. has found itself with a less appealing menu of options. The stakes are high. North Korea's decision to withdraw from the Nuclear Nonproliferation Treaty and dismiss IAEA inspectors has profound implications for regional stability alliance relations with Japan and South Korea, the international non-proliferation regime, and potentially even terrorist threats to the United States.

In the Cold War, U.S.-Soviet relations were hallmarked by a doctrine defined by the acronym MAD, mutually assured destruction. As grave as our differences were, both sides understood that militant confrontation was a bad option. Today we have a knotty circumstance in which several smaller countries with confrontational agendas have developed limited weapons of mass destruction capacities, in the case of Iraq biochemical, in the case of north Korea nuclear, and appear bent on expanding their arsenal of these weapons.

The Administration has determined that time may not be on our side in Iraq, and it has marshaled substantial forces in the region which may in the near future be called upon to act. As all of us understand, intervention carries risks. So does failure to act. With North Korea the circumstance is already worsening, but in many ways time may not be on North Korea's side. Like the old Soviet Union, it has developed formidable conventional as well as nuclear warfare capacities.

On the other hand, the history of the 20th century has shown that governments which lack democratic legitimacy and fail to give their people the opportunity for a decent life are vulnerable to rapid internal implosion. Military might is simply no substitute for societal attention to human concerns. The North Koreans must ask themselves to what end is the militarization of their society. No member of the international community desires to attack the North. What the world wants is simply the advancement of the best interests of the North Korean people, economic and social progress, and the peaceful reunification of a great people who have an ancient and respected culture.

Before we turn to Secretary Kelly, I would like to make several points. First, no party benefits from precipitating confrontation. Caution should be the watchword.

Secondly, there is simply no alternative to South Korea's policies of sunshine as long as we recognize that North Korea's Stalinist-style dictatorship continues to operate in the darkest of shadows.

Three, North Korea's decision to withdraw from international arms control obligations is an assault on the world community, and we should not allow the regime to rationalize this action as a response to some sort of alleged American imperialism. Hence U.S. policy should not be of a go-it-alone, nature but should include discussions within the international community and with South Korea as well as other important powers in the region, particularly Japan, Russia and China.

Fourth, as preferable as internationalizing the problem is, it is doubtful whether multilateral efforts will prove sufficiently effective, particularly given North Korea's clear intention to escalate the crisis by reprocessing spent nuclear fuel. So as unpalatable as it may be, direct bilateral dialogue with the DPRK may be one of the least bad options.

Six, it is, of course, entirely conceivable or perhaps even probable that the DPRK is determined to build up its nuclear capability perhaps as a misguided deterrent, to gain leverage in discussions with South Korea, for prestige, or to weaken the U.S.-ROK alliance, or perhaps other reasons. But as problematic as a nuclear North Korean regime is, the international community must make clear that marketing weapons technology to others is unacceptable national behavior.

Seven, we should be prepared at all times for sober dialogue with the North but should commence immediately a full-blown strategy for reinforcing a mature, respectful and value-based partnership with Seoul that is supportive of the Korean people's desire for national unification.

Eight, America has to be conscious that one of the surprise issues of the last several years is a growth in increasingly negative South Korean attitudes toward the United States. The South's recent anti-American bent may be a transient phenomenon, but it could in its own way be challenging to regional stability.

Nine, the United States policy should be premised on a precept of respect for South Korea's democratic processes even though we may find awkward the anti-American sentiment reflected in the recent election. Respect for the South's vibrant democracy rather than coolness to the election rhetoric must be our guiding principle.

Ten, there must be greater appreciation in Washington that in certain international settings, the wisdom of the American playground is inverted. Insensitive words can often be more hurtful than the throwing of sticks and stones.

Eleven, despite the fact that leaders can be vain or villainous and policies irrational, even evil countries themselves are not intrinsically evil. Negative terms that apply to peoples as opposed to people are almost always counterproductive.

Twelve, coercive diplomacy may be in order and sanctions of one kind or another placed on the table, but a policy which lacks inducement elements may backfire.

Thirteen, the goal with the North should be to craft a policy of firmness toward leaders, but compassion toward the subjective populace. Starvation is not only a humanitarian trauma, it is a dangerous basis for irrational governmental action.

Fourteen, a caring nation does not cut off assistance to malnourished schoolchildren or the elderly because of a government that is willing to sacrifice the best interest of its people for the sake of the power games of the power elite.

Finally, starvation presents North Korean families with little choice. In this regard, it is long past due for the Administration to complete its review of North Korean refugee policy and make recommendations to Congress in ways to mitigate one of the greatest human rights tragedies of our time.

[The prepared statement of Mr. Leach follows:]

PREPARED STATEMENT OF THE HONORABLE JAMES A. LEACH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA, AND CHAIRMAN, SUBCOMMITTEE ON ASIA AND THE PACIFIC

On behalf of the Committee, I would like to welcome Assistant Secretary Kelly to the inaugural hearing of the Subcommittee on Asia and the Pacific. At the outset let me stress how pleased I am to have Representative Faleomavaega designated to be the Subcommittee's Ranking Member.

The hearing today is intended to focus on the rapidly unfolding North Korean nuclear challenge. I can think of few parallels in history in which the U.S. has found itself with a less appealing menu of options.

The stakes are high. North Korea's decision to withdraw from the Nuclear Non-Proliferation Treaty (NPT) and dismiss International Atomic Energy Agency (IAEA) inspectors has profound implications for regional stability, alliance relations with Japan and South Korea, the international nonproliferation regime, and potentially even terrorist threats to the United States.

In the Cold War U.S.-Soviet relations were hallmarked by a Doctrine defined by the acronym M.A.D.—mutually assured destruction. As grave as our differences were, both sides understood that militant confrontation was a mad option. Today we have a knotty circumstance in which several smaller countries with confrontational agendas have developed limited weapons of mass destruction capacities—in the case of Iraq, bio-chemical; in the case of North Korea, nuclear—and appear bent on expanding their arsenal of these weapons.

The Administration has determined that time may not be on our side in Iraq and it has marshaled substantial forces in the region which may in the near future be called upon to act. As all of us understand, intervention carries risks; so does failure to act.

With North Korea, the development of nuclear weapons is a chilling prospect for which significant advancements are possible in the immediate months ahead. Nevertheless, in many ways time simply is not on North Korea's side. Like the old Soviet Union, it has developed formidable conventional as well as nuclear warfare capacities. On the other hand, the history of the 20th century has shown that governments which lack democratic legitimacy and fail to give their people the opportunity for a decent life are vulnerable to rapid internal implosion. Military might is simply no substitute for societal attention to human concerns.

The North Koreans must ask themselves: to what end is the militarization of their society. No member of the international community desires to attack the North. What the world wants is the advancement of the best interest of the North Korean people: economic and social progress, and the peaceful reunification of a great people who have an ancient and respected culture.

Before we turn to Secretary Kelly, I would like to make a few points.

- No party benefits from precipitating confrontation. Caution should be the watchword.
- There is simply no alternative to South Korea's policies of "sunshine" as long as we recognize that North Korea's Stalinist-style dictatorship continues to operate in the darkest of shadows.
- North Korea's decision to withdraw from its international arms control obligations is an assault on the world community and we should not allow the regime to rationalize its actions as a response to America's alleged imperialism. Hence U.S. policy should not be of a "go-it-alone" nature, but should include involvement of institutions of the United Nations and close discussions with South Korea as well as other important powers in the region, particularly, Japan, Russia, and China.
- As preferable as internationalizing the North Korean challenge is, it is doubtful whether multilateral efforts will prove sufficiently effective, particularly given North Korea's intention to escalate the crisis by reprocessing spent nuclear fuel. So, as unpalatable as it may be, direct bilateral dialogue with the DPRK may be one of the "least bad" options for the United States.
- It is of course entirely conceivable, and perhaps even probable, that the DPRK is determined to build up its nuclear capability, perhaps as a misguided deterrent, to gain leverage in discussions with South Korea, for prestige, to weaken the U.S.-ROK alliance, or for other reasons. But as problematic as a nuclear North Korean regime is, the international community must make clear that marketing weapons technology to others is unacceptable national behavior. North Korea must not be allowed to become the world's foremost merchant of death.
- We should be prepared at all times for sober dialogue with the North but should commence immediately a full-blown strategy for reinforcing a mature, respectful, and value-based partnership with Seoul that is supportive of the Korean people's desire for national unification.
- America has to be conscious that one of the surprise issues of the last several years is the growth in increasingly negative South Korean attitudes toward the United States. The South's recent anti-American bent may be a transient phenomenon but it could in its own way be challenging to regional stability.
- United States policy should be premised on the precept of respect for South Korea's democratic processes even though we may find awkward the anti-American sentiment reflected in the recent election. Respect for the South's vibrant democracy rather than coolness to the election rhetoric must be our guiding principle. The North must not be allowed to drive a wedge between the U.S. and South Korea. America's commitment to South Korea must remain steadfast and our strategic alliance unquestioned as the Korean unification process proceeds.
- There must be greater appreciation in Washington that in certain international settings the wisdom of the American playground is inverted. Insensitive words can often be more hurtful than the throwing of sticks and stones.
- Despite the fact that leaders can be vain or villainous and policies irrational and even evil; countries themselves are not intrinsically evil. Negative terms that apply to peoples as opposed to people are almost always counter-productive.
- Coercive diplomacy may be in order and sanctions of one kind or another placed on the table, but a policy which lacks inducement elements too easily backfires.
- The goal with the North should be to craft a policy of firmness toward leaders but compassion toward the subjected populous. Starvation is not only a humanitarian trauma, it is a dangerous basis for irrational governmental action.
- A caring nation does not cut off assistance to malnourished school children or the elderly because of a government that is willing to sacrifice the best interests of its people for the sake of the power games of a power elite.

- Repression and lack of opportunity spur refugees all over the world. Starvation presents North Korean families with little choice. In this regard, it is long past due for the Administration to complete its review of North Korean refugee policy and make recommendations to Congress on ways to mitigate one of the great human rights tragedies of our time.

The problem of terrorism represents a throw-back in time with the modern twist that the more advanced a society, the more vulnerable it becomes to anarchistic acts with conventional as well as advanced technology weapons. In this context, Iraq holds center stage as a country where religious issues mix with oil economics and where unprecedented use of biological weapons is conceivable. North Korea, on the other hand, not only has nuclear capacities, but unlike Iraq, a large well-trained and equipped army bunkered in virtually impregnable mountain defenses. It also has an offensive capacity to reach with sophisticated weapons distant shores and with conventional weapons key areas of South Korea. In this setting the case from America's perspective for conflict escalation is clearly problematic. The only rational approach is to increase wariness and concomitant preparedness but de-escalate tension. There is no alternative to attentive engagement.

We look forward to the testimony of Secretary Kelly and the questions that follow.

Mr. LEACH. Before turning to the Secretary, let me ask if Mr. Faleomavaega wants to make any opening statements.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Mr. Chairman, may I first offer my congratulations for your continued service and outstanding leadership as Chairman of our Subcommittee on the Asian-Pacific region. This being our first Subcommittee hearing of the year, I also want to welcome all the Members of our Committee, on both sides of the aisle. I sincerely hope that whatever bills and resolutions that will be considered by our Committee, as well as our oversight hearings, will be taken in the spirit of cooperation and bipartisanship and that the substance of our deliberations and discussions will always be taken in the spirit of comity and one of mutual understanding. And, of course, our efforts should always be centered on what is in the best interest of our Nation.

Of course, there will always be disagreements as we deliberate the issues of the day. However, this is expected of our democracy and I expect that at times we may all be very vocal on what each of us believes in, but then at the end of the day, it is my sincere hope that we can still be friends.

Mr. Chairman, thank you for calling this hearing on the subject matter that is seriously affecting our national security interests in this region of the world. How easily we forget that some 50 years ago when the Communist military forces of North Korea crossed the borders of South Korea, took over and captured the capital city of Seoul, South Korea. This Communist takeover was deliberate and the North Korean Army went as far south as to almost be in Pusan. With the little space of the southern region of South Korea, the United Nations-sponsored military forces under the leadership of General Douglas MacArthur managed to push the North Korean Army back to its borders. This was done at the tremendous sacrifice of the lives of our soldiers who fought and died in order to free the people of South Korea from the Communist takeover. And correct me if I am wrong, Mr. Chairman, but I believe some 37,000 American soldiers lost their lives during the Korean War, let alone over 100,000 wounded and maimed for life.

We now have some 37,000 troops stationed in South Korea to demonstrate our support and to provide some sense of stability in the Korean Peninsula. It seems that lately the recently elected

leadership of South Korea does not favor the idea of our presence in South Korea and, for that matter, even the people of South Korea, given the recent demonstrations in the streets of South Korea, are also somewhat against our presence. Perhaps it is time to reassess our policies in the Korean Peninsula.

From a layman's point of view, our 37,000 soldiers stationed in South Korea are like sitting ducks, Mr. Chairman, almost like sacrificial lambs prepared for the slaughter. My reason for saying this, Mr. Chairman, is that North Korea literally has hundreds of thousands of soldiers ready at any time to cross the 38th parallel. Common sense dictates that our soldiers do not have a chance for survival if the Korean War starts again. In my honest opinion, I am a little bothered by the fact that if this is the sentiment of the South Korean people that our presence is not wanted, that maybe we should leave South Korea in that respect. Certainly for the lives of our soldiers who are there, completely at a disadvantage, in my humble opinion, if you want to talk about military presence, that maybe we need to look at this again, Mr. Chairman, which leads me to my next point.

North Korea's recent announcement and admissions that she is developing the capability to produce an atomic weapon, even according to media reports already stated that she may have already completed developing two or three atomic devices, has now changed—in my humble opinion—has changed the entire spectrum not only of our foreign policy, but our strategic and security interests in the entire Asian-Pacific region.

Even more critical, Mr. Chairman, just yesterday the media has reported that North Korea has the capability, maybe not perfected yet, but she has now has the capability of producing or shooting an ICBM-type missile that can land anywhere in the United States directly from North Korea. And you add a nuclear warhead and a missile, Mr. Chairman, and North Korea will then become a distinguished member of the nuclear club.

Mr. Chairman, I am sure the Members of our Committee have questions to raise with our friend Jim Kelly, the Assistant Secretary of East Asian and Pacific Affairs, and I, too, would like to offer my personal welcome to Secretary Kelly and certainly for the outstanding job that he is doing serving in that capacity. I look forward to hearing from Secretary Kelly, and I also have some questions that I want to raise. And again, thank you for letting me say so.

Mr. LEACH. Thank you.

[The prepared statement of Mr. Faleomavaega follows:]

PREPARED STATEMENT OF THE HONORABLE ENI F.H. FALEOMAVAEGA, A  
REPRESENTATIVE IN CONGRESS FROM AMERICAN SAMOA

Mr. Chairman:

May I first offer my congratulations and commend you for your continued service and outstanding leadership as Chairman of our Subcommittee on Asia and the Pacific. As this is our first subcommittee hearing of the 108th Congress, I also want to welcome both our Republican and Democratic members.

At this time in our nation's history and during these days of heightened security, it is my sincere hope that as we consider whatever bills and resolutions that come before us that we will do so in a spirit of cooperation and bipartisanship. I also hope that the substance of our deliberations and discussions will always be one of mutual

understanding and that our efforts will always be centered on what is in the best interest of our nation.

Of course there will be disagreements as we deliberate, as this is part of the democratic process. I expect that at times each of us may be very vocal about what we believe. But, at the end of every debate, we can also still be friends.

Mr. Chairman, I want to thank you for calling this hearing on a matter that is seriously affecting our national security interests. How easily we forget that it was only some 50 years ago that the military forces of communist North Korea crossed the borders of South Korea, took over and captured South Korea's capital, the city of Seoul. This communist takeover was deliberate. The North Korean army went as far south as Pusan.

From the southern region of South Korea, a United Nations sponsored military force under the leadership of General Douglas MacArthur managed to push the North Korean army back to its border. But this was done only through a tremendous loss and sacrifice of human life.

Correct me if I'm wrong, Mr. Chairman, but I believe that more than 37,000 American soldiers lost their lives to free the people of South Korea from a communist takeover. Thousands more were wounded and maimed for life.

Today, we now have some 37,000 troops stationed in Korea to support and to provide some sense of stability in the Korean peninsula. But it seems that lately the recently elected leadership of South Korea does not favor the idea of our presence in South Korea. For that matter, given the recent demonstrations on the streets of South Korea, even the people of South Korea, do not support our presence.

Perhaps it is time to re-assess our policies in the Korean peninsula. From a layman's point of view, it already appears that our 37,000 U.S. soldiers stationed in South Korea are like sitting ducks, like sacrificial lambs prepared for the slaughter. My reason for saying this is that North Korea literally has hundreds of thousands of soldiers ready at any time to cross the 38th parallel. Common sense dictates that our soldiers do not have a chance for survival if the Korean War starts again—which leads me to my next point, Mr. Chairman.

If South Korea does not want us there—fine—let's bring our soldiers home. North Korea's recent announcements that it is developing the capability to produce an atomic weapon and, according to some media reports, that it already has 2 or 3 atomic devices, has now changed the entire spectrum of our foreign policy in the Asian region.

Even more critical, Mr. Chairman, just yesterday the media reported that North Korea has the capability, maybe not perfected yet, but the capability of shooting an ICBM type missile that can land anywhere in the United States. You add a nuclear warhead to the missile and North Korea will then become a distinguished member of the nuclear club.

I am sure that our subcommittee members have many questions regarding these matters to raise with our friend, Jim Kelly, U.S. State Department Assistant Secretary for East Asian and Pacific Affairs. Secretary Kelly, I welcome you to our hearing and I look forward to also discussing this most serious matter with you.

Mr. LEACH. Mr. Royce.

Mr. ROYCE. Thank you, Mr. Chairman. Thank you for holding this hearing. In the last Congress, Mr. Chairman, you called a hearing to look at the nightmarish conditions in the North Korean prison camps, and that day we heard testimony from North Koreans who had escaped these camps where those in disfavor with the Stalinist regime, those convicted, as they say, of anti-criminal acts, are quite simply worked to death. We heard from those who witnessed prisoners being gassed as part of an experiment there.

This Committee has also done admirable work bringing to light the plight of hundreds of thousands of North Koreans who have fled their homes, risking life and limb to escape into China, through which a lucky few managed to find their way to South Korea. Last week I had the opportunity to talk with one such defector, who, after his first attempt to escape into China, was captured, was returned, and he showed me where he had been tortured, and he told me about the torture occurring in what he called a concentration camp. And like Dr. Norbert Vollertsen, who we heard last year, the German physician who spent time in North

Korea, he raised the same point. He said, I don't see why the world doesn't hear more, doesn't know more about these Nazi-type atrocities that are occurring to North Korean people. The defector I spoke with finally did flee and is telling his story now in southern California.

But we face now a real security challenge on the Korean Peninsula, as we long have. The North Korean regime appears determined to develop its weapons of mass destruction. The fact is that Pyongyang has been developing weapons of mass destruction for years. Its highly enriched uranium program dates back at least to 1998. What is new is that Kim Jong Il's regime's brazenness, it's acknowledging these efforts. That is what is new. It is telling the world, yes, we are doing this.

The right analysis, I believe, is not to say if we had only done more for North Korea, it would be playing ball, and we wouldn't be in this pickle. It has always struck me as naive to think that we can buy security by paying off and actually bolstering a regime with zero incentive to reform. This regime is going to continue to be a totalitarian regime whose only ace is its military might. The Agreed Framework policy developed in 1994, I think, probably encouraged this. Given the conditions of the North Korean people, the ones in the camps and the many others who must eat grass and roots as their country suffers a perpetual regime-created famine that has killed millions over the last several years, one must continually ask about the morality of materially supporting this regime. However realpolitik this policy may seem to us, we have got to ask ourselves about that basic morality.

This security challenge is political. There have been high-profile expressions of anti-Americanism in South Korea. These generate much media attention there. And it is important to remember, however, that anti-American protests in South Korea have occurred throughout our 50-year partnership, and these protests are being fueled partly by North Korean active support through propaganda.

The U.S.-South Korean security relationship has survived these tensions because both sides have judged it to be in their interest. I believe that this will continue to be the case, but it is also true, I believe, that South Korea must assume greater responsibility for its defense, and this might help minimize the inevitable tensions in our security relationship.

The question is often raised how can we confront Iraq when faced with the threat of North Korea? My response to that is that North Korea is Exhibit A on why Iraq needs to be disarmed before it becomes like North Korea. A North Korea in the Middle East with a weapons of mass destruction program and what certainly would be a willingness to proliferate selling those weapons to any nation or group with the cash to pay is exactly what we cannot afford in Iraq.

It is an obvious point that North Korea and Iraq are different challenges requiring different policies. This Administration is rightly open to any diplomatic reengagement with North Korea. Never say never. But the options for engagement should not include propping up the North Korean regime.

I look forward to hearing from the Administration on its views of the challenging situation on the Korean Peninsula, and again, I thank you, Mr. Chairman, for holding this hearing.

Mr. LEACH. Well, thank you very much Mr. Royce.

Mr. BROWN.

Mr. BROWN. Thank you, Mr. Chairman.

In December 2001, President Bush warned Iraq and North Korea that they would be held accountable if they developed weapons of mass destruction that will be used to terrorize nations. We suspect Iraq may have a nuclear program. We know North Korea has a nuclear program. We were told last fall that it was a possibility—possibility—Iraq could have obtained fissile materials, and I emphasize possibility, within 6 months to a year. We know North Korea has nuclear capability. Just yesterday CIA Director Tenet testified before Congress that North Korea has or may soon have a nuclear ballistic missile with the potential to reach the West coast of our country. As we sit here today an imminent war with Iraq looms. Meanwhile North Korea, a nation with the world's third largest military, openly defiantly continues to pursue a policy of brinkmanship and seeks further nuclear capabilities. We continue to do nothing, we wait, we watch.

The fact that this Administration and the State Department have done so little astounds me. The President's spokesman recently said, "The President is focused on multilateral diplomacy talks with North Korea." Then why have those talks not begun? Just yesterday North Korea appealed to Britain to persuade the U.S. to enter negotiations. Again, the Administration resisted. The President has made talks contingent upon North Korea dismantling its nuclear program, an increasingly unlikely prospect at this stage.

The longer we refuse to negotiate, the larger North Korea's nuclear arsenal will become. The CIA has stated that if we were to attack Iraq, there could be significant blow-back against U.S. civilians. In his testimony before Congress yesterday, the CIA Director said the desire for nuclear weapons is on the upsurge; the domino theory of the 21st century may well be nuclear. When will the Administration begin listening to its own intelligence sources?

The fundamental question about an invasion of Iraq with a preemptive strike without U.N. approval and support is will the U.S. be safer if we make that attack? Will U.S. civilians abroad, will U.S. civilians in this country be safer if we preemptively, without U.N. support, attack Iraq? The same question, will we be safer as a society, applies to what we do in North Korea.

Mr. Chairman, I thank you. I will yield back the balance of my time.

Mr. LEACH. All right. Thank you.

Mr. Blumenauer.

Mr. BLUMENAUER. Thank you, Mr. Chairman.

Mr. Kelly, welcome.

I will put off some more elaborate statement probably later to put in the record, but I did want to express my concerns from the outset as I have watched this Administration from the language of characterizing the axis of evil with broad brushstrokes to what I think most commentators have felt that what has happened in

North Korea with vis-a-vis the United States has not been the highlight of this Administration's diplomatic efforts.

It is very difficult for some of us to be able to reconcile the President's stated intention in the State of the Union to pursue peaceful diplomatic means on the Korean Peninsula versus what we appear to be rushing toward in Iraq. I, too, have deep concerns about the disconnect between the attitudes in South Korea, in Europe, of people on the street. We are not talking about the Arab street now, but people who have traditionally been our friends and allies. This morning I just got an e-mail from my son, who is in Jakarta, raising his concerns at what he is hearing there.

We need to be able to forcefully, clearly be able to articulate what our policies are and do so in a consistent fashion. I personally am pleased that you are in your post. I have followed, as you know, a little bit—your travels overlapped a little bit. I have enjoyed our interaction and am pleased with your personal efforts and insights into this situation in particular and throughout Asia. I look forward to your comments today and looking for ways that Members of this Committee can work with the Administration to make sure that Congress is a full partner both in terms of helping us shape and understand policies and, most important, be able to explain them to the American public, because I for one have found that it is very difficult at this point to be able to make that connection and, most important, with what will be the long-term implications on the Korean Peninsula, in Iraq and other places that I know you are going to be working in the months ahead.

Thank you, Mr. Chairman, for starting our work off this Congress with an area that is probably the most important for us to address.

Mr. LEACH. Well, thank you, Mr. Blumenauer.

Mr. Ackerman.

Mr. ACKERMAN. Thank you, Mr. Chairman.

Welcome, Secretary Kelly. It is good to see you again.

Mr. Chairman, I am glad you decided to call this morning's hearing on the situation in North Korea, because whether or not the Administration fully appreciates it, it is a crisis, and it deserves our full and complete attention.

I have been one who has been totally dismayed with the Administration's approach to North Korea from the day of opening the door and walking into the White House and walking away from the four-party talks to—for the sake of a few cheap applause lines decided to poke the North Koreans in the eye with a sharp stick. The price we are going to pay for that is not as cheap as some might have thought.

Yesterday, as we all know, the IAEA decided to refer the entire matter to the U.N. Security Council. While I agree that North Korea's nuclear program is an issue that the entire international community should be concerned about, it is not entirely clear to me what the referral will accomplish. I don't think that North Korea is particularly susceptible to additional international sanctions. After all, it is a government that will and has and does starve its own people in order to pursue the acquisition of nuclear weapons.

I think that North Korea's immediate neighbors, Russia and China, have more leverage, or maybe the proper word is influence,

over what the North Koreans do, but this brings us to a point that I have never been very clear about. Over the years that we have been dealing with this issue, China has always been represented as sharing our interests and concerns on this question, but is a non-nuclear Korean Peninsula sufficiently in China's interest that they would resort to a cut-off of trade with North Korea if the North pursues reprocessing? Everyone knows that China is North Korea's chief trading partner and the main supplier of fuel, but is that leverage going to be used by China? If the Chinese don't want to go that far, then how much leverage does China actually have with North Korea? Where is China's red line on this question, if they have one?

This lack of knowledge about what China will do, is, I think, the core of the problem here, and that is, we don't really know what the major players in this drama want. Indeed what are China's redlines? But more importantly, we don't really know what the North is after. We don't know whether their nuclear program is a bargaining chip to get a nonaggression pact and acceptance into the family of nations, or whether it is something that they will pursue at any costs, having decided that possessing nuclear weapons is the only way to ensure their survival as a nation. The fact that they have not honored any international agreements on this question would lead one to the latter conclusion, and therein lies the crux of the dilemma.

I hope today that Secretary Kelly will be able to shed some light on this very, very important question, and I thank the Chairman and am looking forward to hearing from our witness.

Mr. LEACH. Thank you very much, Mr. Ackerman.

If I could, I would like to ask if Mr. Chabot would have a comment or two, and then proceed to the Secretary. We are going to have a problem. The Secretary has a constraining time problem with a meeting at the White House, as well as potential votes on the Floor.

Mr. Chabot.

Mr. CHABOT. Thank you, Mr. Chairman. I will be very brief. I hadn't intended to speak, and I am anxious to hear Secretary Kelly as well, but I couldn't let go unresponded to Mr. Ackerman's comment about the Administration poking the North Koreans in the eye, and it is our fault that the North Koreans are acting up. That is just not the case.

The President spoke the truth. He called North Korea an axis of evil, and it is. That doesn't make it a problem. That just—it gets the truth out there where it ought to be. You know, they were abusing the agreement that they entered into long before President Bush spoke out about it. You know, if they are moving their nuclear weapons program forward secretly, it doesn't cause that to happen when you speak out publicly and say this is what is going on, and they admit it.

Now, obviously, this is a very sensitive and very difficult situation, a very dangerous situation that the whole world finds itself in. And I, as well as many other Members of Congress, and the world for that matter, I think, are sorely disappointed in China in not taking a more active role in putting pressure on North Korea to back off, and Russia as well. We want the other countries in the

region who are really more at risk than we are to get involved in this actively, and that is the only way that I think military confrontation can be avoided. But to criticize the President or the Administration for North Korea is, in my view, totally inaccurate and inappropriate.

I had the opportunity to be at the DMZ not that long ago, and you know we are looking—Seoul, you know, is staring right down the end of the barrel of more artillery pieces than anywhere else in the world, and to think of North Korea having nuclear weapons on top of that, a very, very dangerous situation. And I hear sometimes folks say, oh, well, let's—we can't act in Iraq because we have to deal with North Korea. Now, if we shifted over to North Korea, they would say, well, we can't deal with North Korea, we have to deal with Iraq.

The bottom line is we have to handle both of these situations, and they are both very important, and I commend the Administration for their activity, their involvement thus far and look forward to continuing to work with them in resolving this very, very dangerous situation.

Thank you, Mr. Chairman.

Mr. LEACH. Thank you, Mr. Chabot.

Well, let me bring the opening statements to an end and indicate that, without objection, all Members may insert opening statements in the record and revise and extend the comments they have made.

And before turning to the Secretary, I would just stress one point. There may be some differences of judgment on the Committee, but I think there is unanimity that the North not be allowed to drive a wedge between South Korea and the United States. I think there is unanimity as well that America's commitment to South Korea has to be steadfast and our alliance held very much unquestioned as this unpredictable unification process with the North proceeds.

Mr. Kelly, please begin.

**STATEMENT OF THE HONORABLE JAMES A. KELLY, ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE**

Mr. KELLY. Thank you, Mr. Chairman, Members of the Subcommittee and Members of the Committee.

First, sir, in the form of full disclosure, my White House commitment that caused me to leave at 11:15 was taken away a couple of hours ago, and—I will be at risk of antagonizing my staff—I will be happy to interact with Members as long as it pleases them.

Mr. Chairman and Members of the Committee, thank you very much for inviting me to discuss the Administration's approach toward achieving a peaceful resolution of the North Korean nuclear issue. Much has happened since I last came before you with Under Secretary Grossman in a closed session on January 8. We value your advice, and we appreciate the very deep interest of so many Members of the Committee and the Committee itself.

With your consent, I will submit my full statement for the record and briefly summarize the issue and our policy here.

Mr. LEACH. Without objection, it will be done.

Mr. KELLY. For nearly a decade we have lived with the possibility that North Korea may possess one or two nuclear weapons. The 1994 Agreed Framework was intended to resolve overall the nuclear issue in South Korea or in the Korean Peninsula. It did freeze the North's plutonium program at its Yongbyon nuclear complex, but last summer we determined that the DPRK had been secretly pursuing another nuclear weapons program based on enriched uranium. When confronted with our knowledge of this program, the North Koreans did not end it, but instead moved rapidly to unfreeze key plutonium production facilities at a place called Yongbyon. Should the DPRK reprocess the roughly 8,000 spent fuel rods, some 50 tons' worth there, stored at the Yongbyon nuclear complex, it could produce enough plutonium to produce four to six additional nuclear weapons.

We are also concerned that the North's highly enriched uranium program may have moved from R&D to production and provide perhaps as many as two weapons once it reaches its full activity. This presents a most serious proliferation concern. The DPRK has a demonstrated record of selling missiles and missile technology to such countries as Iran, Pakistan and Yemen. Desperately poor, it could try to sell fissile material to nonstate actors or to rogue states.

With that background I will review our policy with respect to the DPRK. As President Bush and Secretary Powell have said repeatedly, when it comes to defending our Nation, all options must remain on the table. They have made equally clear that the United States has no intention of invading North Korea; that diplomacy is our best option to resolve the threats posed by North Korea's weapons of mass destruction and their means of delivery.

We were ready last summer, in consultation with South Korea and Japan, to pursue a bold new approach with Pyongyang. That approach would have entailed political and economic steps to improve the lives of the North Korean people and to move our relationship toward normalcy if North Korea also addressed issues of concern to us. It was derailed by the discovery of the North's highly enriched uranium program, but President Bush has said we would consider pursuing it if the North verifiably ends its nuclear program.

The international community has made clear how North Korea must address concerns over its development of nuclear weapons. It must do four things: dismantle its uranium enrichment and nuclear weapons programs, restore the freeze on and dismantle its plutonium program, cooperate fully with the International Atomic Energy Agency, and come into compliance with the Nuclear Non-proliferation Treaty and its safeguards agreement.

Despite North Korea's rhetoric, resolution of the North's nuclear threat is not just a matter between Pyongyang and the United States. Many countries have important equities. For that reason we want a strong multilateral setting for any discussions with North Korea.

Yesterday the Board of Governors of the International Atomic Energy Agency found the DPRK to be in further noncompliance with its safeguards agreement and reported this finding to the U.N. Security Council by a vote of 31 in favor, with 2 abstentions.

We look forward to taking this matter up at the U.N. Security Council in the coming days.

To achieve our nonproliferation objectives on the Korean Peninsula, we are working very closely with South Korea, Japan, Russia, China, the European Union, Australia and many others to make the North understand the consequences of its actions. Consultations with South Korea have been especially close. President-elect Roh has stated emphatically that North Korea's nuclear weapons program is unacceptable. China and Russia share our goal of a non-nuclear Korean Peninsula and have called on North Korea to observe its international obligations fully and to remain in the NPT.

North Korea in the past has said it wanted to transform its relations with its former enemy. The President is holding out an unmistakable opportunity to do so, but the North will need to change its behavior in order to realize that opportunity. For its part the North must be willing to act in a manner that builds trust. While we will not dole out rewards to convince North Korea to live up to its existing obligations, we remain prepared to talk to North Korea and to transform our relations with it once the North comes into compliance with its international obligations and commitments and meets our concerns.

Thank you for the opportunity to discuss this important issue with you today. We will continue to work closely with the Congress with respect to North Korea. Thank you very much, Mr. Chairman. I am ready to try to respond to your questions.

Mr. LEACH. Well, thank you very much, Mr. Secretary.

[The prepared statement of Mr. Kelly follows:]

PREPARED STATEMENT OF THE HONORABLE JAMES A. KELLY, ASSISTANT SECRETARY,  
BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. Chairman and Members of the Committee, thank you for inviting me to discuss the Administration's approach toward achieving a peaceful resolution of the North Korean nuclear issue.

I appreciate this opportunity to continue our ongoing discussion of this important topic. Much has happened since I last came before you, with Under Secretary Grossman in closed session on January 8. We value your advice and appreciate the Committee's deep interest.

I'll outline the nature of the threat posed by North Korea's nuclear weapons programs, Administration policy with respect to the DPRK, and how we are working to achieve our non-proliferation objectives.

#### THE THREAT OF NORTH KOREA'S NUCLEAR WEAPONS PROGRAMS

North Korea's nuclear program and ambitions are a long-standing problem, certainly for over 20 years. The US has been concerned about North Korea's desire for nuclear weapons and has assessed since the early 1990s that the North has one or possibly two weapons using plutonium it produced prior to 1992.

North Korea has moved rapidly in recent weeks to unfreeze key elements of its graphite-moderated plutonium production program, which had been frozen under the 1994 Agreed Framework agreement between the U.S. and North Korea.

The DPRK has removed the monitoring equipment the IAEA installed at its Yongbyon nuclear complex; expelled the IAEA inspectors resident there; announced it would resume operations at such facilities as its 5 megawatt reactor and at its spent fuel reprocessing plant; and on January 10, announced its withdrawal from the Nuclear Non-Proliferation Treaty. On 21 January, the Vice Minister of Power and Coal Industries announced Yongbyon would be able to generate electricity within a few weeks and that preparations were being stepped up. North Korea claims, we believe disingenuously, that "its nuclear activity would be limited to peaceful purposes . . . at the present stage."

If North Korea reprocessed the roughly 8,000 spent fuel rods it had stored under IAEA supervision under the Agreed Framework, it could recover enough plutonium to produce several additional nuclear weapons.

That would present a most serious proliferation concern. The DPRK has a demonstrated record of selling missiles and missile technology to such countries as Iran, Pakistan and Yemen. Missiles and conventional arms are an important source of hard currency earnings, and the North could try to sell fissile material, when it has more of it, to non-state actors or rogue states.

The North's plutonium program is not the only concern. For several years, North Korea has also been pursuing a parallel path to nuclear weapons through the production of highly enriched uranium. This program violates the Agreed Framework, the Nonproliferation Treaty, its IAEA safeguards agreement, and the Joint North-South Declaration on the Denuclearization of the Korean Peninsula.

North Korea's uranium enrichment efforts continue to progress, and we recognize that any North Korean nuclear weapon (whether made from enriched uranium or plutonium) represents a grave security threat. Last summer we concluded that Pyongyang had moved from R&D to construction of a plant that could produce enough weapons-grade uranium for two or more nuclear weapons per year when fully operational—which could be as soon as mid-decade.

#### ADMINISTRATION POLICY WITH RESPECT TO NORTH KOREA

As President Bush and Secretary Powell have said repeatedly, we seek a peaceful, diplomatic solution with North Korea.

President Bush stated during his visit to South Korea last year that the United States has no intention of invading North Korea. However, the President has also made clear that all options remain on the table for addressing this situation.

Meanwhile, the United States continues to be concerned about the innocent people of North Korea, and doing what we can to help them. The U.S. is the world's largest donor of food assistance to the DPRK. Since 1995, we have provided 1.9 million metric tons of food, valued at \$620 million. For the 2002 World Food Program (WFP) operation in North Korea, the United States contributed 207,000 metric tons of food, valued at \$ 82.4 million, over half of what the WFP actually received last year. With better crop production in 2002–2003, the WFP has reduced its appeal for North Korea. The U.S. will be a significant donor again this year although the amount that we will provide has not yet been determined.

President Bush has stressed we will continue to provide humanitarian assistance to the people of North Korea, and that we will not use food as a source of political leverage. North Korea does impose uniquely onerous restrictions on distribution, which prevent us from having full confidence that the food we provide is going to the people who actually need it. And we must balance out the needs of the over 80 other countries to which we are providing food aid. We will factor these considerations in to decide exactly how much aid to give North Korea this year.

We want North Korea to understand that the United States stands ready to build a different kind of relationship with it, once Pyongyang eliminates its nuclear weapons program in a verifiable and irreversible manner, and comes into verifiable compliance with its international commitments.

In fact, in consultation with South Korea and Japan, the United States was ready last summer to pursue a Bold Approach with Pyongyang.

That approach would have entailed political and economic steps to improve the lives of the North Korean people and to move our relationship with the North toward normalcy, if North Korea also addressed issues of concern to us.

What derailed it was the discovery that the North had for several years been pursuing a covert uranium enrichment program for nuclear weapons, in egregious violation of its international obligations. North Korea appears to be considering taking further provocative, escalatory actions. If the North reverses course, and gives up its nuclear weapons program in an open, verifiable way, we may again consider a bold approach.

#### ACHIEVING OUR NON-PROLIFERATION OBJECTIVES

We have made clear exactly what North Korea must do to address concerns over its development of nuclear weapons: verifiably and irreversibly dismantle its nuclear weapons program and come into compliance with its international obligations.

Despite Pyongyang's rhetoric, North Korea's nuclear program is not just a matter between the DPRK and the United States. Pyongyang's behavior affects international security and the global nonproliferation regime. Many other countries, our friends and allies, have important equities in the resolution of the North's nuclear threat.

That is why the 35 member nations of the Board of Governors of the International Atomic Energy Agency last month unanimously deplored DPRK moves to unfreeze its plutonium program. In that resolution, the IAEA Board called on the DPRK to comply on an urgent basis with its safeguards obligations and to cooperate with the Agency to re-establish surveillance at the Yongbyon nuclear complex.

The agency further announced that it is at present unable “to exercise its responsibilities under the safeguards agreement, namely, to verify that the DPRK is not diverting nuclear material to nuclear weapons or other nuclear explosive devices . . .”

North Korea subsequently further escalated the situation by rejecting the IAEA resolution, announcing its intention to withdraw from the Nuclear Non-Proliferation Treaty, and suggesting that it may resume flight testing of long-range missiles. Should North Korea take such steps and advance its nuclear capabilities further, it will only isolate itself and force the international community to consider a strong response.

Yesterday, the IAEA Board of Governors found the DPRK to be in further non-compliance with its safeguards agreement and reported this finding to the UN Security Council by a vote of 31 in favor, with 2 abstentions. We look forward to taking this matter up at the UN Security Council in the coming days.

To achieve our non-proliferation objectives on the Korean Peninsula, we are working closely with South Korea, Japan, Russia, China, the EU, Australia, and other friends and allies to make the North understand the consequences of its dangerous and provocative actions.

We have proposed multilateral talks to North Korea and remain prepared to engage in those talks. Secretary Powell is leading this diplomatic approach, and is daily engaged with officials of the ROK, Japan, Australia, China, Russia, and many other governments who, without exception, share our objective that the Korean Peninsula remains free of nuclear weapons.

Consultations with South Korea have been especially close. We are looking forward to a very close and effective working relationship with President-elect Roh and we will continue to deepen and strengthen our alliance with the ROK.

The President called President-elect Roh Moo-hyun on December 20 to congratulate him on his victory. They agreed to meet in Washington some time after Mr. Roh is inaugurated on February 25, and intensify consultations in the interim by exchanging envoys. Accordingly, I traveled to Seoul in January as the President's envoy, and President-elect Roh sent National Assemblyman Chyung Dae-chul to Washington February 4–5 to meet with senior administration officials. President-elect Roh has stated emphatically that North Korea's nuclear weapons program and recent actions at Yongbyon are unacceptable.

China and Russia share our goal of a non-nuclear Korean peninsula. They have called on North Korea to observe its international obligations fully and to remain in the NPT.

We are also consulting with our KEDO partners—South Korea, Japan and the EU, about KEDO's future, including the fate of the light water reactor project. In the meantime, the Administration has asked Congress to appropriate \$3.5 million in FY03 to fund the U.S. contribution to KEDO's administrative account, should we decide it is in our national interest to do so. No part of that funding would go to heavy fuel oil shipments, which the KEDO Executive Board suspended in November, or to light water reactor construction. But the ability to make our contribution to the administrative account will give us flexibility in working with our KEDO allies to achieve our shared non-proliferation goals. Given the fluidity and seriousness of the current situation, this flexibility is important.

North Korea in the past has said it wanted to transform its relations with its former enemies.

The President is holding out an unmistakable opportunity to do so.

But, the North will need to eliminate its nuclear weapons program and to change its behavior on other important matters such as human rights, address the issues underlying its appearance on the State Department list of states sponsoring terrorism, its weapons of mass destruction programs, the proliferation of missiles and missile-related technology, and its conventional force disposition in order to realize that opportunity.

Channels of communication remain open.

For its part, the North must be willing to act in a manner that builds trust.

While we will not dole out “rewards” to convince North Korea to live up to its existing obligations, we remain prepared to pursue a comprehensive dialogue about a fundamentally different relationship with that country, once it eliminates its nuclear weapons program in a verifiable and irreversible manner and comes into compliance with its international obligations.

Thank you for this opportunity to discuss this important issue with you today. We will continue to work closely with the Congress as we seek a diplomatic solution with respect to North Korea.

Mr. LEACH. And also, for the record, I think it should be noted on the issue of bilateral discussions as well as intent, that the mission of yours to North Korea was intended as a high-level American effort to advance a bettering of relations, not a worsening of tension. And so whether or not it proved to not exactly work in that direction, that has been the goal of this Administration.

My question to begin with is that we have seen in recent days, and with your testimony, a clear understanding that North Korea has certain nuclear capacities today as well as the intent to advance those capacities tomorrow. How does this affect the whole issue of the balance in North-South dialogue? How does it affect the United States national security concerns in the Pacific, and how does it tie into the fact that we may be in conflict in the Middle East in the near future?

Mr. KELLY. Mr. Chairman, as I mentioned, there are really four potential sources of North Korea's nuclear capabilities. The weapons that may have been developed from plutonium that was reprocessed more than 10 years ago, the possibility of reprocessing spent fuel that is there now, what new spent fuel may be developed in that 5-megawatt reactor that is there at Yongbyon, and the uranium enrichment program. These are four different sources of weaponry.

A North Korea with nuclear weapons capabilities certainly would affect the regional balance and be certainly of major concern to Japan, and as several Members have noted, and as testimony yesterday before the Congress noted. The development of ever longer-range North Korean missiles, even though these have not been tested, is a matter that significantly broadens the security concerns involved with North Korea. So this is not a bilateral matter between the U.S. and the DPRK, but it is something that deeply involves the security of the entire region. I will leave it with that, sir.

Mr. LEACH. Thank you.

Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. And again, thank you Secretary Kelly for your statement.

Mr. Secretary, a critical point in our national policy toward the likely possibility of waging war against Saddam Hussein, or Iraq for that matter, was the possibility of the presence of weapons of mass destruction. We have always used that terminology to mean that weapons of mass destruction include chemical, biological and nuclear weapons, if I am correct in that definition. But there is now, in plain view, the fact that North Korea openly makes an admission that she is developing weapons of mass destruction. Openly withdraws its membership from the Nonproliferation Treaty; openly tells the world that she is working on the capability of producing an ICBM-type missile; that easily is—just the event of putting a nuclear weapon on this missile, and she is a member of the—as I said earlier in my statement—the nuclear club.

My question is, why is the Administration opting for diplomacy with North Korea as serious as this problem is? Yet we are about

to wage war against Iraq for the same reasons, that if possible—that Iraq might have weapons of mass destruction? I think those are the critical issues as to why we are so bent on looking at the possibility of putting our men and women in the military in harm's way to achieve that objective and preventing Iraq from possessing or having weapons of mass destruction. Can you help me with this? Why a different standard?

Mr. KELLY. Well, sir, as the President put it in the State of the Union Address, different threats require different strategies, and the objective situation of Iraq and the objective situation of North Korea are very different. We don't have, in the case of North Korea, a legacy of all these disregarded United Nations resolutions going back 10 or 12 years. We do not have a recent history—we certainly did in 1950, but we do not have a recent history of invasion of neighbors.

The nature of the threat and the willingness to use weapons of mass destruction has been demonstrated by Iraq and is a potential threat with North Korea. The proximity, of course, of our ally and the many thousands of artillery pieces that could all reach Seoul are also a considerable concern. This is absolutely a situation in which we have to work very closely with South Korea, with Japan, and in which China and Russia also have some very significant interests. So the solutions of this difficult and very dangerous problem are not obvious, although no options should or have been removed from the table.

Mr. FALCOMVAEGA. I said earlier in my statement, Mr. Secretary, that—and correct this for the record, at least for the Members of the Committee—exactly what is the position of the newly elected President of South Korea? In terms of our relationship with South Korea, given the demonstrations and the death of the two Korean students by our military—it is my understanding it was an accident—and for which hundreds of thousands of South Koreans demonstrated to the effect that suggesting maybe we are no longer needed there. What seems to be the change in climate of the feelings of the people?

I realize this is a new generation. They weren't born at the time the Korean War occurred when our Nation really played a very crucial role in freeing the South Korean people from Communist takeover. Can you share with us what the sentiment is now? Is it true that the newly elected President really doesn't seem to want us there?

Mr. KELLY. I would say, Mr. Falcomvaega, that that is not true. I met about 3 weeks ago, with President-elect Roh for an hour, and he made quite the opposite point, that he does think that the U.S.-South Korean alliance is extremely important. He acted on that point later that very week by going out to meet with our commander as well as the Republic of Korea commanders by visiting the troops, and by receiving a command briefing in which he made numerous favorable statements.

Now, if I may, I won't go on at length, but I would like to give a more complete answer that the causes of the current expressions of anti-Americanism in South Korea are numerous, and some of them are longstanding. They include the rise of a postwar generation there and a lessened perception of a North Korean threat.

There have been noted incidents such as the U.S. Forces Korea terrible traffic accident that killed two schoolgirls last summer, which generated a great deal of public anger, but these are not the root causes of the problem. President Bush conveyed his sadness and regret over the deaths of the two girls to President Kim Dae Jung, in a direct phone conversation. And many others, including myself, have done the same. But more fundamentally we are talking to members of the outgoing and incoming ROK administrations about the need for both governments to explain our alliance to our people. The commitment that I see and that was expressed again by the President-elect's envoy last week is a very deep one.

Now, we have to communicate, and we probably have to communicate better, our respective views, but in most respects the policies of South Korea and the policies of the U.S. necessarily overlap. There is not a lot of difference between them and those differences are ones that we can certainly work out as we have in the past by direct consultation, and we are dedicated to doing that.

Mr. FALEOMAVAEGA. And as I recall, when President Bush first came to office, there was some sense of critical view of President Kim Dae Jung's efforts to dialogue with the North Koreans. I would like to ask, what the Administration's policy is? Is the Administration in favor of allowing the South Korean leaders to continue the dialogue and to talk about possibly reunification; to talk about trade or economic relationship between North and South Korea? What is the Administration's policy on this?

Mr. KELLY. The Administration has not opposed, in fact, it has supported, the engagement policy of current President Kim Dae Jung over the years. There have been many recent ways in which we have been supportive. We are especially supportive of the family reunification meetings. They are still a drop in a huge bucket of what is necessary, but which are important. We are supportive of ministerial meetings. We are supportive of the two transportation corridors that have recently been opened up through the Demilitarized Zone. The extent of current economic interactions of South Korea with the North, including humanitarian food aid, doesn't give us any problems at all.

We will certainly want to consult, and I note President-elect Roh's statement that nuclear weapons would be unacceptable on the Korean Peninsula, and if there are further steps along that line by North Korea, that certainly is something we are going to have to talk about, because North Korea is really mistaken if it thinks it is improving its security by turning in the direction of nuclear weapons. It is really isolating itself from the world as a whole, and they really can't afford to do that.

Mr. FALEOMAVAEGA. Mr. Chairman, is my time over? I am sorry.

Mr. LEACH. It probably is.

Mr. FALEOMAVAEGA. All right. I will wait for the second round. Thank you, Mr. Secretary.

Mr. LEACH. Mr. Rohrabacher.

Mr. ROHRABACHER. Thank you very much.

Let's just make it very clear to the people of South Korea, if they don't want American troops in South Korea, we will not stay in South Korea. The people of South Korea determine what the future of their country is, and I personally am very disappointed in their

lack of appreciation and their willingness to use a very unfortunate incident that every—who could but have a heart broken by the ideas that two little girls were accidentally run over by a huge tractor or truck or whatever that military piece of equipment was? But for the outpouring of animosity toward the United States that was demonstrated in South Korea after that accident, which was so regretted by the people and everybody, if that indicates their heart and their soul and the way they feel about the United States of America, they have got to understand we are there to help them. If they don't want us, we will be very happy to get out and spend our money elsewhere.

And I think the American people have a right to feel that somewhat—not even—more than unappreciated, attacked by the people of South Korea for that. My father fought in Korea and risked his life, and I resent that type of vitriol being aimed at us by people that members of my family risked their lives in order to protect.

With that said, during the Cold War we did establish the line in Korea, and that held, and it has held firm and held the peace in Korea for all of these years, something I think we can be very proud of. However, during the last Administration something went haywire. I noticed that Madeleine Albright suggests her greatest accomplishment was this deal that we now found out has resulted in a nuclear threat being posed to that region; Madeleine Albright, who, you know, brokered a deal that gave how many—and this is my question for you—how much money—what is the value of the food, fuel and other aid funds that we have transferred to North Korea over these last 8 years as a result of that unfortunate and, while I would say now, indefensible deal made by the last Administration? Including that, I might add, of our allies in South Korea, are we talking about billions of dollars here?

Mr. KELLY. If you add up the cost of the food that we have provided—now, I think it is important to say, Mr. Rohrabacher, that the food is a humanitarian effort that has not been a party to any of the agreements in the past—it would be over \$600 million since 1995.

Mr. ROHRABACHER. So if we provide \$600 million in food alone, that just provides them what, that provides them the ability to spend that money on their nuclear weapons program; does it not? Isn't this exactly what the North Koreans did?

Mr. KELLY. It probably doesn't, because I don't think North Korea would have bought the food. First of all, they didn't have the money; and second of all, I don't think they have the inclination to buy food for their people. I am afraid they would have let them starve, as perhaps a million North Koreans did, in fact, starve during the latter part of the 1990s. So the food aid, I think, is one that we can be pretty proud of and—

Mr. ROHRABACHER. That we disagree with. I don't think that it is something that—we cannot be proud of providing Stalin with food, or providing Adolf Hitler with food, nor to providing this militaristic fascistic regime in North Korea the food they need to feed their army. They should be investing their resources so they can feed their own people rather than maintaining—and this is one of the largest armies in Asia; is it not?

Mr. KELLY. It certainly is. Only the Chinese Army would be larger. I think it is even larger than the Vietnamese Army now. Globally, I think only China and India and possibly Russia would have a larger army.

Mr. ROHRABACHER. Well, let me go on record that I remember when this deal—when the Clinton Administration brought this deal to us, and Christopher Cox testified here in this hearing aggressively opposed to it. I remember literally pounding on the desk saying what lunacy it was, and now we are faced with—and surprise, surprise—this vicious dictatorship, one of the most, you know—well, I won't go into true vitriolic parts about them, but the fact is a regime that obviously did not warrant any of our trust reneged from the very beginning of that agreement.

Let me ask you about China's role in this. Isn't it true that Communist China has sold or given to North Korea many of the chemicals and supplies needed to turn the—to turn some of their materials into nuclear weapons-producing substances?

Mr. KELLY. There have been press reports to that degree that I am not able to discuss, sir, in open session. The fact is, though, and I have made three visits to China in the last 3 months on this topic and I am convinced that China strongly opposes—how strongly is a big question—but it opposes nuclear weapons in the Korean Peninsula.

Mr. ROHRABACHER. The Chinese need to prove that to us. The Chinese, we have let them off the hook, and I think there is every reason to believe that very quietly and behind the scenes Communist China has played a major role in policymaking by the North Korean Government. And I think if the people who run the show in Beijing are friends of the United States or want to have good relations with the West, want to be a peaceful force in that part of the world, now is their time to prove it. But there is every reason for us to believe that instead they have been behind the scene playing a negative role.

With that, thank you very much, Mr. Chairman, and I do want to applaud you and our President. When the President talked about North Korea as the axis of evil, he talked about how he loathes leaders who spent their money on building up their military while their own people are starving. It hearkened back to the day of Ronald Reagan when he talked about the evil empire and helped make the world in the end—by his courage and by his sense of moral outrage, helped make the world a safer place than it would have been and led to the collapse of the Soviet Union. Hopefully this will lead to the collapse of that regime in North Korea that now threatens Asia with its nuclear weapons. Thank you.

Mr. LEACH. Thank you, Mr. Rohrabacher.

Mr. Blumenauer.

Mr. BLUMENAUER. Thank you, Mr. Chairman.

One cannot—just listening, reflecting on my colleague from California comments, I am just thinking about Mark Russell's laugh line as to whether or not we are concerned whether or not Saddam Hussein has weapons of mass destruction, chemical weapons; and the line was, of course we know he has them because we have the receipts. The United States in the past has helped—companies

have helped Saddam Hussein develop some of their capacity that may have dual use.

I am also a little concerned about this notion that we are going to be really cranky with people who have questions about our policies, and that somehow because Americans sacrificed 50, 70 or 80 years ago, that people should welcome us on an ongoing basis no matter what we do and no matter how we engage them. And I hope, Mr. Chairman, under your leadership, working with the Administration, thinking about how things have developed around the world, we will be able to explore why a lot of the people in other countries like Americans, but have deep, deep concerns about our policies, not just in South Korea, but in Japan, in Europe, in Asia, not just the Arab streets.

But that the United States appears to not be engaging our friends and allies around the world, that was evident in Johannesburg when some of us were there last fall for the World Environmental Summit, and this is an area where I hope we can work with you to sort of understand what the dimensions are and to look at it more broadly and not end up behaving in ways that actually move us further away from global alliances that are going to be critical if we are going to be successful in a war against terrorism, which is really, I think, our greatest threat.

Mr. Ambassador, I had a little concern. As you know, I am trying to understand so I can explain to people the difference why we are going to engage the North Koreans, diplomatically, we are going to go to war in Iraq. You mentioned that we don't have a legacy, the same sort of legacy of violence and reckless behavior, and not violating conventions and United Nations' resolutions with North Korea.

I am sort of sitting back, it is not just that we were at war with them a half century ago and tens of thousands of Americans gave their lives, but my recollection is we had a problem with the Pueblo, for instance, and moving out and attacking a United States ship, where the North Koreans were kidnapping people in Japan and bringing them back to their country.

When I visited the DMZ, they pointed out to me where there was a reckless attack against a soldier right there within the demilitarized compound area, where we have had people going across the border until recently in South Korea with aggressive military actions. And North Korea continues not only its nuclear program, it has recently tested missiles. It has been shipping missiles which we allowed to be delivered to Yemen. It has been involved in terms of technology and missile production and distribution.

So it seems to me there is a little bit of a disconnect in terms of thinking that there isn't a legacy, because it seems to me for my entire lifetime this is a country that has been aggressive, reckless, poised on the edge of attack; and, unlike Iraq, which doesn't pose an immediate threat to Americans, we have had people in harm's way; as our Ranking Member pointed out, 37,000 there right now.

So it looks to me like there is a problem. These are reckless and dangerous people. They have starved and killed far more of their own people than Saddam Hussein has done to his, the record will show, and maintains a vast system of forced labor and prison ac-

tivities that continue to abuse tens of thousands of their people every day.

Then I come back to your written statement. And I think you said it—I got a little confused there—where we talk about what is going to be necessary for us to be able to engage North Korea in these diplomatic activities.

How conditional is their behavior before we are going to be able to move to the next step? Are they going to have to eliminate the nuclear weapons program in a viable and a verifiable and irreversible manner and come to compliance with its international compliance, as you say in your written statement, or as you said verbally here, it seemed to be a little more equivocal, that it left the door open to moving, without them having to comply in a sort of a step-by-step fashion. What is that situation? How open are we?

Mr. KELLY. I was personally not precise about the timing. The objective, though, very clearly is that North Korea has to step back from its various nuclear programs. And we are going to not want to follow the paths that we have before, in which agreements were set in motion that turned out to be dishonored.

What we have said is that we are willing to talk, in a multilateral setting, to North Korea about its fulfillment of its obligations to the international community, which is a way of describing the return to the NPT and the verifiable end of these other nuclear programs.

I have not gone in to precision, and I don't think I could, about exactly what order all of that needs to happen. But it all has to be part of the whole.

Mr. LEACH. Well, thank you very much. Mr. Royce.

Mr. ROYCE. I will pass.

Mr. LEACH. Thank you. Mr. Chabot.

Mr. CHABOT. Thank you, Mr. Chairman.

Just again to comment on some of the comments that I have heard from the other side of the aisle, this whole line about, you know, well, we are ready probably to take military action in Iraq; and now North Korea is here, so we can't do this, let's shift our attention over to North Korea. I would be interested to hear what solution my colleagues are suggesting. Are they suggesting that we should attack North Korea?

I haven't heard anybody say that. And we haven't heard the Administration suggest that at this time. But it is, again, a very dangerous situation.

I also heard it said, Well, you know, Iraq is not a threat to the United States. They are clearly a threat to the United States. They have chemical weapons, they have biological weapons, they were close to having nuclear weapons.

I think Secretary of State Colin Powell made a very compelling case at the U.N. recently. And you know, it just is mind boggling, this constant drumming of, Oh, well, we just can't act in Iraq because now North Korea is on our plate.

And, I guess, Secretary Kelly, if you could again comment on the Administration's response that different situations require different responses.

Mr. KELLY. Mr. Chabot, I am really not very comfortable in going through all of those comparisons of Iraq and North Korea, because

as Mr. Blumenauer pointed out, I would be the last one here who wants to be portrayed as some kind of an apologist for North Korea.

You are certainly right, sir, that North Korea has an uninterrupted record of dangerous behavior for a very long period of time, including abductions in Japan, abductions of South Koreans and the harboring of terrorists. North Korea is on our list of terrorist states. But that does not mean, as the President has made clear, that the strategies for dealing with these serious problems are exactly the same, and follow the same kind of a time line, and they don't.

Mr. CHABOT. Thank you.

Let me ask—you know, I have heard—you know, there has been some similarity relative to this—the issue of a nonaggression treaty or some sort of a commitment by the United States that they wouldn't take military action or there wouldn't be an invasion or whatever terminology one wants to use, there seems to be some similarity to the Cuban missile crisis where Cuba—essentially, the United States ultimately resolved that matter, pulled the missiles out of Turkey and did agree to take no more hostile action against Cuba, which it hasn't. It is still under Communist control to this day, and the people still live under that repressive regime. And the North Koreans apparently want a similar commitment.

Again, you know, we are—one always has to be in mind that you don't reward bad behavior. They have clearly violated an agreement that they already agreed to, and that was not to move forward on this nuclear weapons program. They are doing that anyway.

So, could you comment on the Administration's position relative to agreeing or not agreeing to taking actions somewhere down the road?

Mr. KELLY. It is hard, Mr. Chabot, to respond to this very hypothetical question. When I was in North Korea in October, their indication was that if there was a peace treaty between the U.S. and North Korea; if there was a nonaggression treaty; if there was some sort of unspecified economic support; and if our President would make that deal directly and personally, then maybe they would get ready to talk us to about their nuclear programs.

That has changed, and we haven't heard so much recently about the peace treaty or economic support, and whether the President will go there to sign up to something.

There has a lot of discussion about this nonaggression treaty. But the problem is not that. The President said last February in South Korea that we have no plans to invade North Korea. At the same time, given the current situation, no options can—as the President has said—be removed from the table.

So the heart of the problem is North Korea's violation of its earlier agreements and the presence of this nuclear program and whether it gets worse.

As we have said, a lot of things are possible that might begin to go forward if North Korea will step back. But, first we really have to have an indication that North Korea is going to reverse directions from its nuclear plans.

Mr. CHABOT. Thank you, Mr. Secretary.

Mr. LEACH. Mr. Smith.

Mr. SMITH OF WASHINGTON. Thank you, Mr. Chairman.

Thank you, Mr. Secretary, for being here today. I guess I have just a couple of observations and one quick question.

I certainly think that there is a clear distinction between Iraq and North Korea, and I think we need to think through our policies more carefully than just one-size-fits-all. It is not an easy equation, but clearly they are different, and as one who supports the actions in Iraq, I think it is important to point out that we are not acting unilaterally; we, in fact, have U.N. approval at this point for whatever we will do, and I think that is important.

I will also say the Administration, in my opinion, was not as quick to engage the multilateral approach as they should have been, or haven't even sounded as committed to it now. Even though we are acting in a multilateral fashion in Iraq, the rhetoric from the Administration sometimes makes it sound like we are not. So with that U.N. approval, I think it is important to note that distinction.

I guess, as near as I can tell, the reason North Korea is different from a military standpoint is, we are not militarily in a position to disarm North Korea right now. It is not an option on the table because we are just not set up to take on their military with ours in the same fashion that we are in Iraq. That is just one of many differences. I think the distinction is clear.

As far as the agreed framework is concerned, if we hadn't entered into that agreement, I imagine that we would be where we are now 9 years earlier. I don't see how that would have benefited us. I think it makes a certain sense to try and work these things out diplomatically.

The question I have, though, given where we are at and what is more important than the history of all of this, is what are we going to do exactly? Because, as I hear it described, North Korea right now is insisting on bilateral negotiations before they will listen to us at all, or listen to the U.N. or China or Japan or anybody for that matter. They will continue to move forward on their path, which seems to be to develop as many nuclear weapons as possible, if for no other reason than to strengthen their bargaining position.

We, on the other hand, are rejecting that they will do—that we will discuss anything with them in a bilateral fashion. How is that going to change? I don't see North Korea waking up tomorrow and saying, No, okay, we didn't really mean it; we will go ahead and talk with the U.N., or we will go ahead and talk with some combination of countries that you tell us to.

What is your strategy for either getting them to the point where they will talk in a more multilateral fashion or, alternatively, for putting ourselves in a position where we can gracefully acquiesce to their demands, because short of that, they just keep moving forward?

Mr. KELLY. There are a lot of aspects to the strategy, Mr. Smith. One, of course, was yesterday's 31 to 0 vote in the International Atomic Energy Agency on a resolution that puts this issue into the Security Council.

Mr. SMITH OF WASHINGTON. But does North Korea care about that?

Mr. KELLY. It is not clear that they care about it. But I think they need to care about it, because the North Koreans would characterize this nuclear issue as just something between the U.S. and North Korea. It is not. The NPT, which North Korea signed in 1985, has been going on for 35 years; 190 countries are signed up, and no country has ever withdrawn before.

This is inherently a multilateral issue that involves many members of the international community. And we are not going to say, because we had the temerity to identify that there were four broken treaties involved in this covert uranium enrichment program that somehow it is only a problem between the U.S. and North Korea.

Now, we have made clear that we will talk to them in a multilateral format about fulfilling their international obligations, and we are ready to honor that. But we simply have to reject the notion that this nuclear weapons program in North Korea is just something between the U.S.A. and North Korea, and everybody else, including the other Koreans on the peninsula, are bystanders. They are not bystanders.

Mr. SMITH OF WASHINGTON. That is not very helpful. I am glad that we are right. It makes me feel better that we are, in fact, correct and North Korea is wrong, and this is a multilateral problem. But somehow, like I said, I just don't see North Korea waking up at any point in the next 6 months and saying that you were right, we were wrong, let's talk.

I mean, they have their position. Their position is, they want to talk to us, period. And until we do that, don't they just keep moving forward?

Mr. KELLY. Well, sir, that is not clear. They keep saying that they sent the inspectors out and they are unfreezing this material, and it is just about making electricity.

Soon after I was there in October, North Korea kept saying they were entitled to have nuclear weapons. Incidentally, they have stopped saying that, and one of the reasons they have stopped saying it is, it made China and Russia very, very unhappy. North Korea, much as it may wish to, is not able to exist in the world independent of everyone else. And as the notion of increased isolation sits upon them; and as they carefully measure whether they want to run this up the temperature ladder a few more steps, they may realize that the further they climb the ladder, the more steps they are going to have to make coming down it.

Mr. SMITH OF WASHINGTON. I am sorry, I am way over time here, but what is the leverage that Russia and China has over them specifically? What do they give them that North Korea needs?

Mr. KELLY. I am not sure how much Russia has, although they are interested in a number of projects that others would pay for that would significantly benefit South Korea, and Russia is not at all interested in the sale of fissile material to nonstate, nasty actors whose first step in using that fissile material could well be in the Russian Federation.

With respect to China, China is the nominal ally of North Korea. It supported North Korea, of course, in the Korean War and it is the principal supplier of food and fuel to North Korea from outside even now.

Mr. SMITH OF WASHINGTON. Thank you very much.

Mr. LEACH. Mr. Royce.

Mr. ROYCE. Thank you, Mr. Chairman. I think one of the questions that seems obvious to us now is that perhaps we ourselves, over the last 8 years, as a nation helped fund the capabilities. As we funded the infrastructure there, as we provided fuel, as the United States, under President Clinton's framework agreement in 1994, provided food, the North Koreans were able to sell a lot of that on the Pyongyang food market, according to French NGOs, for hard currency.

They were certainly able to use the fuel, and as a consequence, had some ready cash available to go forward with this build-up.

I would like to see this Administration, as I wanted to see the last Administration, bring more attention to the human rights abuses by the North Korea regime, because I don't think the world really understands the nature of the regime that we are working with. If Russia or Japan or China or the world community had a better understanding, there would be more engagement.

I, just for the record, because I admire the man, wanted to share with you Dr. Norbert Vollertsen's observations as he was there on the ground. He worked there for 18 months in North Korea.

He was deported for denouncing the regime for its human rights abuses, and the thing he called attention to was the fact that they were not distributing the massive amounts of food aid to the people who needed it. And after leaving, he said, I knew the only way that I could help the people of North Korea was to tell the world what was actually going on, what I witnessed, and the work there that I was involved in. He said, I interviewed hundreds of North Korean defectors later in Seoul, as well as near the Chinese-North Korea border; and many of them had spent years in concentration camps. They spoke of the mass executions, the torture, the rape, the murder, the killing of infants and other crimes against humanity. Many were imprisoned, he said, for "antistate criminal acts," as the North Koreans called it.

He said, one must remember that the famine in North Korea is not a natural disaster, it is a man-made one. The North Korean dictator uses food as a weapon against his own people, keeping them weak and dependent on the state. From 1994 to 1998, at least 2 million North Koreans perished from starvation and related diseases. During the time he was there, he said, 50 percent of all North Korean children are malnourished to the point that it threatened their physical and mental health.

So these are the circumstances that we face in North Korea and as far as reluctance to call this evil, he said, you know, South Korean students spend their time and energy denouncing the presence of U.S. troops instead of denouncing the evils of Kim Jong-il. What many foreigners fail to understand is that the student movement in Seoul is heavily influenced by North Korea propaganda and, quite possibly, is given logistical and financial support through spies from the North.

As a man who spent 18 months there and treated so many North Koreans, I think we should heed his words. I think we in the United States should do a better job of getting these human rights abuses out, because it would help frame the debate not only for the

American people, but also for the South Koreans, who seem to gloss over the horrific realities in the North.

Last week, Secretary Powell showed satellite photos of Iraqi weapons sites. Well, let's show the satellite photos of the gulags in the North where they are conducting chemical weapons tests against prisoners.

We sat here last year and listened to some of the testimony about the biological and chemical tests from defectors who came back with the evidence on that. Let's get those photos up there, because human rights should be an important part of the equation, of the international debate about North Korea, in order to rally the international community.

I would like your response on that. Thank you.

Mr. KELLY. Well, thank you, Mr. Royce, for those very powerful comments. I will say just three things quickly.

First, with respect to declassifying information and the use of imagery in illustrating the extent of the gulags or the network of concentration camps, we are attempting to work such an item, and I hope we can do so.

Second, human rights remains a longstanding concern. And it was one of the key elements in the bold approach that we planned to discuss with North Korea, but the nuclear matters intervened.

And, third, I am well aware of the concerns that you cite. I have met with Dr. Vollertsen myself, including on my recent trip. There are many manifestations of the human rights problem, including increasing numbers of what are clearly refugees trying to go into China across the border and leave North Korea and this is a very difficult and vexing problem.

Mr. LEACH. Thank you, Mr. Royce.

Mr. Ackerman.

Mr. ACKERMAN. Thank you, Mr. Chairman. I am kind of glad so many of our Members have spoken now, giving me a chance to cool down from some of the things that I have heard before.

Let me say that it makes me absolutely furious and irate to hear some of the comments that some have made in an attempt to blame everything in the world on President Clinton. It seems to me that if someone in the White House got a diaper rash, they would somehow figure out that Clinton stole the talcum powder when he left.

This Administration has made mistakes, and that is not to say that the North Koreans are angels; they are a tough, impossible, evil, difficult regime that commits the worst of atrocities, and we have to work together to try to do everything that we can to get a handle on the situation and to manage this case.

And I thank you, Mr. Secretary, in particular for being the steady hand that you have been on this and so many other issues. But I do point out to some of my colleagues that the reason that so many of our fathers and brothers risked and even lost their lives in the Korean War was so that democracy could prevail, and not the way of life of Kim Il Sung and the North Koreans. Kim Il Sung, I remind you, was not a creation of President Clinton. He was there throughout the entire Administrations of President Eisenhower, President Ford, President Nixon, President Reagan, President Bush, and the music goes on today. Not an American creation,

not a Democratic creation, it is not you people on the other side of the aisle.

Let's try to deal with the issues here. And the issues here, we have a situation which is getting out of hand and out of control. And in some cases with the Administration, they have made mistakes. The fact that we prevailed in the Korean War and that South Korea exists as a free and democratic state, enabling people to peacefully demonstrate when they have disagreements with either their government or us by marching in a quiet candlelight procession, should not cause Americans to stand up and say, Gee, we fought a war 50 years ago for them; today they have to kiss my butt while I beat my hairy chest, and then wonder why American arrogance is perceived as such around the world.

It is a problem that we create, and we create it here at this table sometimes. And it spreads. Get a grip on yourselves.

Mr. Secretary, some of the things that I and others have pointed out are not trying to tear anybody down, but to try to create the fact that we have to understand when we are going off on a tangential way and not approaching a situation where we have made mistakes. If we can't agree that we have made mistakes, we are going to make them again.

I have to say, no, the President was not supportive of Kim Dae Jung's sunshine policy. When Kim Dae Jung came here, the President absolutely dissed him. He expected some endorsements of his open door policy to the North, so that they can continue their dialogue. The President absolutely insulted him and the South Korean people. That was quite evident in all of the press.

And when Secretary Powell even commented, and said, Well, we have to sit down and talk about this, the President publicly rebuked Secretary Powell, who then said, Well, I got a little too forward on my skis on that one. And the fact of the matter is, Secretary Powell was right, and the State Department's attitude was right.

No, the problem is not created by our provoking North Korea. North Korea is a problem. They are a rogue regime. The leadership there doesn't really belong to the human race. They are a different kind of species, and there is no excuse for it. But how we handle it and what we do about it is really the critical point.

And with the North Koreans, dialogue is very important. That is one of things that they want. They want to have respect and to be able to sit down with the United States. And for the Administration to have a reaction—and, Mr. Secretary, it was your good work that revealed the fact that their program continues, although not with plutonium, which was capped for all of these years by, guess who, the Clinton Administration, so that that program didn't move forward.

But an enriched uranium program somehow started while nobody was watching. And our Administration—you, Mr. Secretary, were the one who confronted the North Koreans and said to them, You have got a program going on. And we were shocked. I think we were shocked, anyway, to find out that they said, Yeah, we do. And it was a typical case of the dog catching the bus. What the heck do we do now? And the answer is, we didn't and still don't have the answer.

And the answer we gave at the time is, we are not going to talk to these people. We are not going to sit down with them. We are not going to negotiate with them. We are not going to give them anything. And the language got more and more bellicose on our side.

And they are a bunch of paranoids to begin with, and in the end, you know and I know and everybody who follows this knows, we are going to sit down and talk to them, we are going to negotiate with them, we are going to bargain with them, and we are going to give them something in order to get something.

And they only have one thing to give. They are going to sell us the same carpet that they sold the previous Administration, because that is the only carpet that they have. And we are going to pay for it, because that is what we want them to give up, and we are going to pay a higher price.

But I hope in this case, with this Administration, there is going to be more transparency into whatever agreement we can finally arrive at, and how we get there from here are really the key questions and the key strategies that we have to think about.

This is a case of, we have to be at the table, they have to be at the table. This is a situation, and my colleagues on this side of the aisle, some of whom I disagree with on what we do with Iraq, pointed out, and appropriately so, we can't turn our back on this problem and make believe it is not a problem because we have another problem.

I think the North Koreans confessed to having the program because we said we can't allow some other country to develop a program. What do they do if they develop it? We don't know.

So they said, Okay, you don't know; we have one. And we said, Oops.

One of the cards that we tried to play, which is not a card from our hand, is the Chinese card. And we rely very heavily on the Chinese, because we believe that they have all of this leverage, because as you said, they pulled their chestnuts out of the fire in the Korean War, and they are their main trading partner. And they prop up their economy, if you can call it propped up.

But we always ask the Chinese to speak to the North Koreans, but we never ask the Chinese when they come back, did you talk them or what did they say, or what is the answer; and I don't understand that. If we task the Chinese with some responsibility, and we don't expect them to come back with an answer, why are we going through the exercise? We don't even know that they are doing it.

It is like the guy with the idiot nephew who comes to his Congressman for a letter of recommendation, and you say, I sent it. That is the answer that we are getting from the Chinese.

Mr. LEACH. If the gentlemen will yield. The gentleman has extended beyond his time.

But he has been so thoughtful, that the gentleman wants to let him go on, if he can.

Mr. ACKERMAN. I would like to pose the Chinese question, if I can indulge the Committee's generosity with the time, as to what we do with the Chinese to get an answer.

Mr. KELLY. Mr. Ackerman, we have had extensive two-way discussions with the Chinese about this program. I have been there three times since last October, and Secretary Powell has had numerous discussions with Foreign Minister Tang. I don't think I can go into the details of what they have said, whether it is sufficient or not. It obviously has not yet caused North Korea to reverse its path. But the Chinese have been, in my view, helpful in making the point to the North Koreans about the dangers of their proceeding with a nuclear weapons program.

But, as you say, this is a difficult and dangerous problem, and we need the help of many members of the international community, including China, to solve it.

Mr. ACKERMAN. Thank you.

Mr. LEACH. Mr. Smith.

Mr. SMITH OF NEW JERSEY. Secretary Kelly, thank you for the good work you are doing. I know you are dealing with perhaps the most vexing problems imaginable and doing it quite well, so I know, from both sides of the aisle, we are very, very appreciative of the work you are doing. I do have a couple of questions, and I do want to associate myself with the remarks of Mr. Royce earlier with regards to human rights.

I think we cannot state enough how horrific this regime treats its own people; the use of torture, the use of the gulag and as we heard from that very telling hearing that Chairman Leach chaired last spring, when we heard from Dr. Vollertsen who talked about the use of chemical weapons on certain people, especially Christians. I mean, there was a great deal of evidence presented at that hearing of an absolutely terrible and horrible human rights regime.

For some people human rights don't matter as much, such as when we talk about Cuba and the use of the gulags there, with 400 political prisoners. Or China itself, where torture is epidemic and systematic but very often an asterisk. I would hope that the Administration would continue promoting human rights in North Korea so that the world knows that this regime absolutely mistreats its people and uses food as a weapon.

And I do want to say that I too am very proud of the White House and Congress, but especially the executive branch for taking the lead in ensuring that that 1.9 million metric tons, since 1995, has flowed.

Yes, we are concerned about diversion; who wouldn't be? But when you have young children, women, men, and families suffering the pangs of malnutrition and starvation, you are to be commended for the effort, even if some of the aid is diverted and that cannot be helped.

It reminds me of during the years of Mengistu in Ethiopia, when he used to charge the NGOs a fee at port for the food that was coming in to feed his own people. He would not allow humanitarian corridors for a long time to save his people, to be a lifeline to them, and he used food as a weapon. But nevertheless, we all persisted, and you know, food was provided and many people did survive.

I do want to ask a very specific question on the IAEA. You mentioned yesterday 31 with 2 abstentions. My understanding is that Russia and Cuba were two of the abstentions. You might want to shed some light on why. That seems to be a breathtakingly irre-

sponsible vote on the part of Cuba and Russia. Perhaps you can shed some light on it.

And, secondly, will we pursue a human rights resolution at the upcoming U.N. convention on human rights in Geneva with regards to North Korea? It seems to me, to make the case about these horrific human rights abuses, that the U.N. would be a venue that would lend itself to the cause, so that all of the world can take measure and hopefully seek some kind of intervention to mitigate those abuses.

Mr. Secretary?

Mr. KELLY. I think, Mr. Smith, your point about the human rights resolution is entirely valid, and we will certainly take that as a very serious concern.

On the vote yesterday, well, about the best thing I can say is that Russia did not oppose, they did not vote against it. I suppose we would have to analyze exactly why Russia abstained. It is possible that Russia felt it would continue to have some increased credibility with the North Koreans about this. But I did not see this as an anti-American or pronuclear weapons move on their part.

China, I would note, did vote with the majority on the IAEA Board of Governors.

Mr. SMITH OF NEW JERSEY. What about Cuba? What would be their rationale for opposing?

Mr. KELLY. I don't know, Mr. Chairman. I guess it was any-side-but-that-of-the-U.S.A., but I don't know, sir.

Mr. SMITH OF NEW JERSEY. Let me just ask you, since I have another minute or 30 seconds remaining. What might we be seeking as we go forward in the Security Council? When we went to Kum Chang-ri—many of us before that visit said that you are going to see a Potemkin village with all of this advance notice. How can any reasonable person expect to find anything, when we have even had hearings prior to a site visit? It almost guarantees that we come back and say: "Thumbs up; nothing was there."

So if visits are allowed in the future, I would hope we would avoid any situation like Potemkin village.

Mr. KELLY. I think any visits in the future really have to be by very comprehensive ones, including surprise moves throughout the country, a matter that North Korea has, to the best of my knowledge, never accepted. They have to be from an international forum and not from the U.S.A. I will leave it at that.

Maybe I forgot the second part of your question.

Mr. SMITH OF NEW JERSEY. The Security Council.

Mr. KELLY. On the Security Council, sir, I am not clear, because we have the Iraq matter before the Security Council, exactly when the Security Council will take North Korea up. I think this will be the first time the UNSC will take up North Korea; and we welcome it. It will focus international attention, and the body in the world that has responsibility for peace and security on this serious problem.

But I don't anticipate that the Security Council is going to vote any sanctions, at least at this stage of the problem. It was, after all, only January 10th that North Korea withdrew from the NPT. And, in fact, the vote yesterday made clear that North Korea is

still bound by the provisions of the NPT until their 90-day period for withdrawing is concluded, and it is not even half-way through.

Mr. SMITH OF NEW JERSEY. Thank you very much.

Mr. LEACH. Thank you.

Mr. Schiff.

Mr. SCHIFF. Thank you, Mr. Chairman. I have two questions I want to pose, Mr. Secretary. The first bears on a point that Mr. Ackerman made earlier. And that is, during the early part of the Administration, there was a concerted effort to effectively throw cold water on the sunshine policy, discourage the rapprochement that seemed to be going on between the North and South.

I think a lot of that led to some of the resentment that we see manifested in the death of the two girls, a perception in South Korean that we were affirmatively discouraging a thawing of relations between the two countries. This, of course, was undertaken before we learned about the surreptitious progress of their nuclear program.

So my first question is, why did the Administration adopt that policy? And I hope it won't be suggested that it wasn't the policy, because if it wasn't the policy, it was certainly so broadly the perception that whatever the policy was must have missed its mark by a great deal. Because the perception, I think the reality was that we strongly discouraged that rapprochement between North and South.

The second question is, part of the 1994 framework involved our facilitation of the construction of a nuclear facility. And I am interested to know whether the by-products of that nuclear facility, if and when completed, could they be used in a nuclear weapon with further refinement, or as they are? Is there any way that the by-products of that could be used, could be weaponized? If so, I would hope that down the road, during any dialogue or negotiation, that that part of the framework would be jettisoned.

I can't imagine how on earth it would be in our interests to pursue that component of the 1994 agreement, given the now pretty demonstrably terrible track record of their compliance.

So if you could respond to those two questions.

Mr. KELLY. Yes, sir, Mr. Schiff.

With respect—clearly, there was a perception problem from March 2001. It is one, though, that may be growing larger in the retelling. The fact is, Mr. Schiff, that on June 6th of 2001, the Administration finished its review of North Korea policy, and the President's statement was in clear support of the engagement policy of South Koreans and essentially set up the willingness of the Administration to engage any time in any place the North Koreans.

It took 16 months before we finally had the meeting, and we had the intervening nuclear information. But I respectfully don't agree that the Administration was as antagonistic as has been suggested to the plans that were going forward, although there were certainly press stories that emphasized whatever differences existed at that time.

Mr. SCHIFF. Well, clearly the perception here on the Hill was that there was an abrupt change of course from the Clinton Administration's embrace of the sunshine policy. This is what the perception was at the time. It is not retrospective now, after the fact. I

strongly disagree with those that suggest that that change in course has resulted in the present predicament, because, after all, the nuclear program was going on long before that change in policy.

But it was certainly the—the view both I think on the Hill and in that, we were not only affirmatively opposing the sunshine policy, but to the point where we were impacting the South Korean elections.

Mr. KELLY. Sir, the South Korean elections were, of course, in December 2002. And by that time, President Bush had visited South Korea, as he did again last February. The statements and meetings that he had with President Kim Dae Jung at that time, and the several meetings that he had held with President Kim on several other occasions in Washington and elsewhere, I think all speak for themselves, that we had been operating very closely together.

In addition, we had had at least eight trilateral coordination meetings on our policy toward North Korea. The policy differences that were suggested by the media from the beginning of the Administration, I don't think were a factor at all in the South Korean election of last fall.

Now, there may be generational feelings that were somehow set in motion. I can't analyze that.

You had a second question, sir, about the light water reactors that were part of the Agreed Framework. So far, we are not anywhere near delivering any critical nuclear material. The Agreed Framework has been effectively nullified in the North Korean's own words. And although the Japanese and South Koreans who are paying for the light water reactors have not yet ended the project, it is a matter that is under ongoing discussion within the Korean Peninsula Energy Development Organization.

I think clearly any future solution to North Korea has to involve no nuclear activities in North Korea and I don't see any prospect that any reactors would be set in motion that would provide, as a result of that agreement, any future fissionable material for North Korean use.

There are two other reactors that the North Koreans were building, and whose construction they froze in 1994, I believe, a 200-megawatt reactor, and a 50-megawatt reactor. I have no idea whether they are going to be able to finish those. It would be a matter of years before they do so.

Mr. SCHIFF. Just one clarification—

Mr. LEACH. If I could ask you to withhold. Mr. Flake.

Mr. FLAKE. Thank you, Mr. Chairman.

Thank you, Mr. Secretary. I am a bit interested—I appreciate the dissimilarities between Iraq and North Korea and agree with all of them that have been outlined. There is some similarity that we are dealing with a ruthless, unstable dictator in both countries. I think that would be an accurate description of both.

But I am interested in your own assessment of why they came forward when presented with the evidence, when you presented it to them last fall. Is it that it was just irrefutable evidence that they could not contradict anymore? Were they looking for leverage at that point? What is your own feeling about why they confessed,

came clean, whatever you want to call it, at that point? Because it may have some bearing on where they go from here.

Mr. KELLY. I don't know why that particular meeting. I had four meetings with a delegation accompanying me when we were in North Korea on the 3rd to the 5th of October. And for the first two, which were very long meetings, I didn't even ask for a reply.

By the way, I did not present evidence to them of the covert uranium enrichment program. I simply said that we knew that it was there, and that it was a big problem between us; and that it was something that if they could very quietly, without any publicity, step back from, then perhaps our bold approach might be able to go forward. And the response was that I was making some sort of fabrication, and I was just trying to disrupt their relations. But in the last meeting, it was clear that they did admit to the existence of this uranium enrichment program.

But, since then, there has been some revisionism going on, and assorted characterizations that have been salami-sliced in different directions.

Right now, I think North Korea says they never admitted that they were doing that. But the fact is, we knew then and we know now that the covert uranium enrichment program is going on.

Now, exactly why they did that, I think belongs in the category or why did North Korea admit that it abducted these Japanese from Japan. Why did North Korea appoint a Chinese—and I use the words that a senior Chinese official used to me—a “Chinese economic criminal” as the governor of a special economic zone in the northwestern part of North Korea, shortly before the Chinese threw this individual in jail?

I don't know why these things were done. It is possible that they were actions that the North Korean Government is having second thoughts about.

Mr. FLAKE. You mentioned Japan. At what point, if we don't get a speedy resolution to this, and that looks far off at this point—at what point does Japan insist on having nuclear capacity?

Mr. KELLY. Mr. Flake, as long as we have a firm U.S.-Japan alliance, and as long as the U.S. provides a nuclear umbrella to Japan, I am convinced that the Japanese people do not seek to have nuclear weapons and will not take that step of moving in that direction.

But certainly this is a problem that is of very serious impact on Japan and will cause Japan to rethink all of its positions. But at this time I see no support or prospect for Japan to become a nuclear weapons state.

Mr. FLAKE. One final question: South Korean has at different times since October, played differing roles, if you will, kind of as a mediator or attempting to be a mediator, if you can call it that. How would you describe their position and their efforts?

Mr. KELLY. They are not using the mediator word, and haven't been using it officially, although it appeared in a few leaks, I think, or stories attributed to unnamed officials.

South Korean is in a conflicted position with respect to their near neighbor. They have been threatened by military force for all of these years. At the same time, South Korean's own economic devel-

opment and growth has been just stunning, and no country has made a better recovery from the Asian economic crisis.

So there is a desire perhaps, at least by some, to give North Korea something to make them either go away or sit down and be quiet.

But the fact is, as most South Koreans know, this is a very difficult problem, and have a huge stake in its proper resolution.

Mr. FLAKE. Thank you, Mr. Secretary.

Mr. LEACH. Thank you, Mr. Flake.

Mr. Sherman.

Mr. SHERMAN. There are some unpleasant realities. The first is that North Korea poses a much greater threat than Saddam, at least a Saddam subject to inspections. The second is that we will not be able to deal with that threat merely by offering cash or economic benefits to North Korea as long as North Korea can maintain its present relationship with China.

Its present relationship allows it to feed its leadership and that leadership is not terribly concerned about whether it feeds its people. The subsistence or sub-subsistence economic level that North Korea enjoys combined with the power of having dozens of nuclear weapons, is what the leadership in North Korea area would embrace as opposed to being a prosperous nonnuclear state. The third unpleasant reality is that we will get nothing from China other than a communications role. They will save us 37 cents, or I guess the international rate on postage is a little higher than that. They may be saving us 55 cents. And as Mr. Ackerman points out, it might be good to invest the 55 cents, then we at least have, you know, we could get the little green card on the back of the mail and make sure that the message actually got through. China will not do more than that unless we pressure China.

Now, we could. They are sending us about \$100 billion a year in their exports in the most lopsided trading relationship in the history of mammalian life. But we won't pressure China because of the huge corporate profits accrued by importing goods made for pennies and sold for dollars in the United States. And so we are in a circumstance in which we could pressure China. We are willing to spend blood in Iraq to defend our national security, but are we willing to spend dollars, corporate dollars, in at least the possibility of interrupting our trade with China as that would be necessary, and I don't think it would be, to persuade China that they have to be more than a letter carrier, that they have got to understand that they cannot trade with North Korea and do business as usual with the United States? And of course when I say trade with North Korea, their trade with North Korea is highly subsidized. They cannot subsidize that regime and do business with us. That would be a good policy, but it would not be the policy that would provide for immediate corporate profits.

So we are in a circumstance in which I would feel more secure if we had Hans Blix in both Iraq and North Korea. Instead we are going to have the 101st Airborne in Iraq and if we are lucky, if Mr. Ackerman is wrong, we will at least have an accumulation of perhaps unopened letters sent at no postage cost to North Korea by our friends in Beijing.

Let me ask our witness, can the North Korean government survive if China stops all trade?

Mr. KELLY. If China stopped all trade with North Korea?

Mr. SHERMAN. All trade, all subsidies, all loans, everything.

Mr. KELLY. It would unquestionably, Mr. Sherman, put North Korea in an extremely difficult position, but whether they could survive or not is hard to judge.

Mr. SHERMAN. Is there anything else you can imagine that would put them in a more difficult position than a total end of all economic relationships with China? Anything else?

Mr. KELLY. I don't think there is any other economic relations with any other country that are more significant than those with China. There may be other ways of isolation that would put pressure on North Korea or on its leaders in some way.

Mr. SHERMAN. But we are probably—other than a U.S. invasion, there is nothing that could inconvenience the North Korean leadership to the same degree as an end to their economic relationship with China.

Mr. KELLY. I don't think we know, Mr. Sherman, just how far China is willing to go.

Mr. SHERMAN. Well, we do know that if we are going to do business as usual with China they are—that they have little reason, or at least a lot less reason, to do very much more than what we hope to be the faithful letter carrier that they may have done heretofore. We have given China little reason to do more than the very limited amount they have done heretofore.

Mr. KELLY. I think China's interests are more broad than the trade with the USA. The statistics you cite are powerful and true.

Mr. SHERMAN. Oh, it is true that China has many other reasons on the side of the scale for them to put pressure on North Korea to, shall we use the term, "disarm." but in their own calculation of what they would do independent of American input, they have decided to continue their ongoing economic relationship and subsidies to the North Korean regime. So unless we add something to the scale they will continue to do what they have done, and we have been unwilling to even risk for a day the high profits of American import corporations in order to deal with the greatest national security threat that we are going to face in the second half of this decade. It is a shame that the 101st Airborne is a tool we are willing to use and our trading relationships are not.

Yes, I believe my time has expired. I thank the Chairman for his indulgence.

Mr. LEACH. Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman. Although a review of historical facts is sometimes painful for many Members, it is also sometimes helpful for us in order to know exactly where we should be going from here, and I reflect upon the fact that in 1994, when the agreement was signed, Mr. Blix stated that in referencing some concern that everybody had as a result of the knowledge that we gained that there had been—there was a discrepancy in the amount of material that had been processed or that the information that we got regarding the amount of material that was reprocessed in the plutonium plant, and Mr. Blix said that there is a commitment by the DPRK that will at a subsequent date go along

with this clarification of the past through the acceptance of our inspections. The clarification will come through inspections of two nuclear waste sites in North Korea to determine whether or not nuclear material may have been diverted to weapons programs instead.

Emphasizing that North Korea clearly will not get a number of things they want from the agreement unless it follows through, Secretary of State Christopher told reporters it was a step by step, quote, you do something, then we do something, carefully calculated approach. Well, what we did from that point on was give them 500 tons, metric tons, of oil every year. Each year we delivered that. That is what we did each year. I don't know if we have ever—in fact, I do know that what they did was nothing, of course along the lines that were identified in the original hoped for series of events. Probably still to this day, I have no doubt, we would still be delivering the oil had not the peculiar situation that was identified by Mr. Flake and you referred to occurred, that they actually owned up to this.

At any rate, what is going to be important, you know, future opportunities that might present themselves to us. What is it exactly, now that this thing has been moved to the Security Council, what is it exactly that we would be asking the Security Council to do? What actions are we going to ask them to take? What do we expect to occur as a result of this elevated series of discussions?

Mr. KELLY. Mr. Tancredo, the IAEA has reserved the right for further offerings of resolutions to the Security Council, particularly if the full period for the North Korean withdrawal from the NPT takes place. So I don't see this as the only occasion, assuming that there is no improvement in the situation, in which the Security Council will deal with this issue. So that, I think, at this particular time the Security Council is going to do more in identifying it as a problem rather than in prescribing some particular action or sanctions that North Korea would have to do. But I don't know that. We will just have to see how it unrolls at the Security Council.

Mr. TANCREDO. Well, but we will have some role to play in that I would imagine.

Mr. KELLY. Indeed we will, sir.

Mr. TANCREDO. And so what would be the framework around which we would be working?

Mr. KELLY. My understanding, sir, is that we do not intend to press for sanctions for this initial consideration of the measure in the Security Council, so that the object will be to identify and really counter the notion that the nuclear problem in North Korea is just something between the USA and DPRK.

Mr. TANCREDO. So it is mostly just for show essentially, just to show the world—

Mr. KELLY. It is important because the gradual isolation of North Korea and the world has got to be a very important part of this. Our allies really are important and multilateral process really is important in terms of convincing North Korea that it has a better way to go than the one it is traveling.

Mr. TANCREDO. Thank you, Mr. Secretary.

Mr. LEACH. Thank you, Mr. Tancredo.

Mr. Bereuter.

Mr. BEREUTER. Thank you very much, Mr. Chairman. Secretary Kelly, thank you very much for your testimony. You have intimate responsibilities for what I think is the most difficult security issue that faces our country. I urge my colleagues to remember that Secretary Kelly is one of those people who represents the best in our diplomatic service and people that are essential to the country and that we need to proceed with the most difficult foreign and security policy issue that we have with a minimum of partisan rancor. I think some facts need to be laid out on the table, and others are there that are not capable of being laid out at the moment.

I think the Clinton Administration did some things that worked very well. I am critical of them in some respects for perpetuating a cycle of extortion. The Agreed Framework we applauded. I supported it. Japan and South Korea after all were picking up most of the costs of KEDO and the two lightwater reactors that were a part of it. We think the North Koreans violated it by their highly enriched uranium program. But a careful reading of the Agreed Framework suggests, they argue, perhaps successfully, that it did not cover highly enriched uranium programs. Thus, there was perhaps a significant fault in the Agreed Framework. Today we have no good options.

Many comments were made about Iraq in the past and outside this chamber. If there is one thing to be learned from the situation we face in North Korea, it is that sometimes you need to act when you still have a choice. That is not to suggest that North Korea isn't the most dangerous spot on Earth. It is. I felt that when I had the privilege to Chair this Subcommittee beginning in 1995. It is yet today. I think we have disclosed, just unclassified just yesterday, information about a missile which North Korea has which is capable of delivering a nuclear weapon to western parts of this country. The American people, my colleagues, should not expect that the missile development program has ended. You should expect that it is ongoing and that we haven't heard the worst of their missile development program yet.

The U.S. is a country that has done one thing better than any other country on Earth, and that is move things underground into tunnels and underground chambers. We have some idea of how many undisclosed, underground facilities are in North Korea. Just let me say that they number in the five digits. And so there is practically no hope for finding a highly enriched uranium program and I think my colleagues should remember that there is every reason to believe that the highly enriched uranium program for the development of nuclear weapons began before the Agreed Framework, began before the Sunshine Policy.

I think practically every American that understands anything about former President Kim Dae Jung is amazed at his accomplishment and the kind of person he was. The U.S. saved his life twice. I have very positive things to say about his Sunshine Policy, but I think you can also suggest that part of it was naive—hopeful but naive. I think one should not expect to put any blame on some reluctance to accept the Sunshine Policy.

One of the most disappointing things of all is to see that the South Korean people do not seem to grasp as much as the Amer-

ican people do the danger in which they find themselves today. Indeed, over one-third of the South Korean population lives within 50 kilometers of those tens of thousands of artillery tubes in hardened locations—one-third of the population—and the 37,000 American military personnel in South Korea are also, of course, vulnerable.

We have no good options today. That is the hard, unhappy fact that are before us. We can end, we hope, probably not without much realism, the Yongbyong situation and the reprocessing of spent fuel tubes for plutonium. But I think we probably have to conclude that Kim Jong Il, the North Korean leader, wants to move his country out of box B, as I have heard it described, to box A, a nuclear power. They will be happy to continue to take money from us. But if we have the expectation that they are going to eliminate their nuclear development programs, I think that is not a realistic hope.

These are the unfortunate choices that face us today, and because this is truly the most evil regime on Earth as demonstrated by its willingness to starve its people, willingness to put millions of them in enslavement—literally millions of them in enslavement, a huge proportion of their population in virtual enslavement or actual enslavement. What my colleague from California hopes—that China will be the effective tool to bring about an end to their nuclear development program—I am afraid is not realistic. Secretary Kelly cannot give you any answer on that question except to say there is more Chinese leverage on economics than anyone else. This is a country, remember, led by a leader who is willing to starve his people, and all he has going for him is a nuclear development program and the ability to proliferate weapons of mass destruction, including chemical and biological weapons and missiles, across the world for money.

I have to give you this perspective as my own. If you care to comment at all, Secretary Kelly, about it you are most welcome and encouraged, but I have exhausted my time. Thank you.

Mr. SHERMAN. Mr. Chairman, if I could interject just a little bit in response to Mr. Bereuter's allusion to my comment.

Mr. LEACH. I would be happy to allow a second round, but I would rather go to Mr. Delahunt if that is—let me go to Mr. Delahunt and he can yield to you, please.

Mr. DELAHUNT. Yes, and I want to thank you for allowing me to participate because I don't serve on this Committee; I will yield to my colleague.

Mr. SHERMAN. Just I think China is in a position to apply the most effective pressure, and whether that pressure would be sufficient to get North Korea to go down to two nuclear weapons or zero nuclear weapons is something that we can talk about later. But I think the most effective pressure will come from Beijing.

Mr. BEREUTER. Mr. Delahunt, if you would yield, I would just say I have no disagreement with the gentleman's comment.

Mr. DELAHUNT. Thank you. Then let me ask the question, Secretary Kelly. I have great respect for the gentleman from Nebraska and I do value his opinion. I hope he is wrong. He paints a rather bleak and gloomy prospect. Would you care to comment on the statement by Mr. Bereuter?

Mr. KELLY. Mr. Delahunt, I have heard a lot of bleak and gloomy prospects today. But the facts don't permit very convincing arguments that the situation will get better. And I can't say that. I think there are a lot of opportunities that were not the case a number of years ago. There is a lot more involvement in the world by North Korea. Its economic situation is worse than it was earlier. Its internal politics are as inscrutable as ever, but the kind of whimsy that we have seen in decisions in the past may suggest some kind of instability.

So I think if we work carefully with our allies, make sure that our message is steadfast and clear and that we are not trying to paint North Korea into some kind of a corner, that maybe we have a chance to come out with better scenarios.

Mr. DELAHUNT. Well, I don't know whether that is a dollop of optimism or not, but your response seems to be somewhat more hopeful. Much has been said here today about anti-Americanism and the expression by many Members in terms of their disappointment with what they perceive to be the sentiment in South Korea. I just want to comment on a point that I think Mr. Blumenauer was making. The reality is that many democracies which we have supported, encouraged and nurtured have disagreements with American policy, and I think that is reflected in elections, if you will, whether it be Brazil, Germany, even in Pakistan, which is our ally in the war against terrorism, where the Islamist segment of their National Assembly went from two seats to some 50. So whether it is anti-Americanism, I think maybe we should exercise some restraint in terms of reaching the conclusion that it is a feeling as opposed to opposition to what is perceived to be American foreign policy.

Having said that, when you responded to a question regarding the relationship between the policy of South Korea and our government in terms of North Korea, you said there was some overlap and some differences. Could you quickly just articulate one or two of the differences?

Mr. KELLY. I am not sure that I can identify the differences. It would be more a matter of perspective. When you have lived all your life within a range of that artillery, when you have fought and scrapped, as South Koreans have, from a very abject poverty to a rather favorable economic situation, but still only maybe half the per capita income, or less than that, of their neighbor Japan, there is a necessary preoccupation. And we have had a generational change. We have an Internet community. There is a higher percentage of wired South Koreans than there is of wired Americans.

Mr. DELAHUNT. Let me interrupt you a second, Mr. Secretary. Does the proximity, does the fact that there is a certain cultural heritage that both of these states share, provide them with better insights? It would appear, again in contrast to Mr. Bereuter's analysis, my reading, and I am certainly not as erudite or as familiar with the topic as Mr. Bereuter is, that there appears to be some optimism on the part of South Koreans that diplomacy can work and negotiations can work. I think we have to give them some credit in terms of their insights, their relationship, their on-the-ground familiarity and contact with the people in North Korea—with the government, rather, in North Korea.

Mr. KELLY. I think, Mr. Delahunt, we do give them that credit. The stake of every South Korean on the peace and security of that peninsula is absolutely crucial.

Mr. DELAHUNT. They are feeling it. They know.

Mr. KELLY. They are all deeply involved in this issue. On the other hand, North Korea is a very closed society and the degree of awareness of the conditions there may be less than many of us believe. It is a case of explaining what our situation is, and that is what we are looking at.

Mr. DELAHUNT. But I find it difficult, Mr. Secretary, not to think that the South Koreans that live in such proximity, that do have some contact are not aware of the magnitude of the depravity of that regime, but look toward reunification, not in terms of governments but in terms of people, and that is the wellspring, if you will, of their opposition.

Let me just conclude with this if I may, Mr. Chairman. When asked about Iraq and North Korea, you seem to focus on the recent use of weapons of mass destruction as some sort of evidence in terms of defining why Iraq has to be considered more of a threat or as much of a threat and requires a difference in response. The fact is, that the last time Saddam Hussein utilized a weapon of mass destruction was in 1988. Is that a fair statement? And you, sir, served on the National Security Council in 1988.

Mr. KELLY. I am not aware of any use of weapons of mass destruction since 1988. They did fire ballistic missiles during the Gulf War in the direction of Israel and certainly toward Saudi Arabia.

Mr. DELAHUNT. Right. But we are talking about weapons of mass destruction. We were aware of it.

Mr. KELLY. You mean chemical weapons?

Mr. DELAHUNT. Chemical weapons. We were aware that they used them against the Kurds in northern Iraq, and, in fact, we continued to support them in the war against Iran.

Mr. KELLY. I believe they used them against Iranians in that war as well as the Kurds in northern Iraq.

Mr. DELAHUNT. Right.

Mr. KELLY. And I simply am not knowledgeable of that circumstance.

Mr. DELAHUNT. I would even go so far as to refer you to a Congressional Research Service publication of June 1992 which states clearly not only were we aware, but when the Congress of the United States acted to put forth proposals that would have imposed sanctions and restrictions on Iraq for the use of chemical weapons, it was the then Administration that used its political capital and its leverage to block Congressional action.

And I yield back.

Mr. LEACH. Thank you. Well, let me not quite conclude because I think there are several people that have further questions, and so let me just raise a little bit an issue of perspective. What has been made public very clearly in the last several weeks and what has been privately known for some time is that North Korea is not only a country that is attempting to develop weapons of mass destruction, but has them. It is a nuclear power. That creates a setting that has to be understood. And one of the issues is whether this is a totally untenable circumstance? And the answer is, it is

an unhappy one, but not totally untenable, except as what happens to the weapons of mass destruction and any additional nuclear weapons they may be attempting to develop. That is, are they going to be used, or are they simply a psychological existence for deterrence, or other purposes that relate to leverage with the South? And given the fact that the question is use as well as existence, what is our strategy?

And here it strikes me we have no alternative but a kind of a vigilant and attentive engagement, because, A, we don't want them to be used against us or anyone else and, B, we don't want them to be sold. I mean the last thing on Earth we want is for this country to become the world's foremost merchant of death. And so in terms of engagement I think we have to recognize that to some degree Pandora's box has been opened, and that all of the effort that goes to stopping development isn't the principal issue of the time. These weapons have been developed. The question becomes will they be transferred? The question becomes will they be used? And what kind of strategy does the United States have in that regard?

And here it is quite clear from what you have indicated publicly in other settings, that in terms of your mission the great trade-off—which has the implications of ransom or extortion from North Korea's perspective, that is, that we will give them a little better lifestyle if they stop developing these weapons—appears to have failed. That is, the North Koreans have made it very clear that they are going to continue to maintain and develop further nuclear weapons, and therefore I think we must pay—continue to pay attention to that issue. But the real question is what kind of relations we are going to develop that will make it less likely that these instruments will be used and sold. And I raise in particular the merchant issue, because I think it is a very credible question about what discussions the United States and other elements of the international community have had with Iraq on the transfer of these weapons as being perhaps the more important issue than the development issue as time goes on.

Would you care to comment on that?

Mr. KELLY. Well, sir, I would certainly agree with it. We will take your concerns extremely seriously. I think I agree with you that obviously if the weapons are used, whether it be against the USA or Japan or South Korea, or who knows, China or Russia, that would be a terrible, a terrible event. But there may be a higher risk, as you suggest, of the sale of fissionable material to state or nonstate actors that might choose to use them in any dangerous way, and I think this is the heart of the reason why the President characterized North Korea as he did in the State of the Union Address of more than a year ago.

That is all I can say.

Mr. LEACH. Fair enough.

Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I just have one question that hopefully Secretary Kelly could help me out with. I think in an effort to prevent the proliferation of nuclear weapons at the height of the Cold War, and then the problems with superpowers between our country and the former Soviet Union, that it was inevitable that it resulted in our signing on, or establishing,

the Treaty of Nonproliferation of nuclear weapons, which I believe we signed on in 1968. And I believe you mentioned earlier, too, that some 195 nations have now signed on to the NPT, the Nonproliferation Treaty.

Mr. KELLY. One hundred ninety, is my understanding.

Mr. FALEOMAVAEGA. One hundred ninety. And then even North Korea had become a signatory to the NPT in 1985. Somewhat of a historical perspective I wanted to share with you—in 1974 India exploded its nuclear device, and I believe all without the assistance of any of the nuclear powers then as they are now, and that is the Soviet Union, United States, France, United Kingdom and China. As I recall, also at that time when India exploded its one nuclear weapon in 1974, then the Prime Minister Gandhi of India made a personal plea and an appeal in an address before the United Nations General Assembly, making a special plea before all the nations of the world of the dangers underlying the nuclear proliferation of nuclear weapons. And apparently there is a provision in the NPT which supposedly has a commitment from the five nuclear nations that have nuclear weapons that they should be in the process of total disarmament of nuclear weapons and, for that matter, also banning nuclear testing. But guess what? Nothing happened. India appealed and felt that it was a very serious matter and that those nations that currently had nuclear weapons—it sounded more like a policy of hypocrisy if I could use that way to describe this issue. And I think one of the concerns that India had was that as a non-nuclear nation and the fact that the border is right with China, who happens to have in their possession nuclear weapons, if I were an Indian I would be very uncomfortable that my security is at risk because I don't have possession of nuclear weapons.

So, now we are at the stage where India and Pakistan do possess nuclear weapons. It is also, if it is accurate, that Israel possesses nuclear weapons? Now North Korea is in that same light and, if it is accurate to say, that even Iraq may possess nuclear weapons.

The point that I wanted to make here, Mr. Secretary, is where are we now? It seems that the Nonproliferation Treaty is becoming more and more irrelevant given the fact that the nations that do possess nuclear weapons are not making any effort to ban or totally get rid of nuclear weapons. I would like to hear your response in terms of what our national policy is. I know the purpose of having nuclear weapons is deterrence and I think the Chairman also did give an indication earlier about this "MAD" (mutually assured destruction) as a way to counterbalance. The problem that I have right now with this whole problem of nonproliferation of nuclear weapons, Mr. Secretary, is still there. And I just wanted to ask what is the Administration's policy? I know we can continue saying, well, let's make sure that these countries conform to the provisions of the NPT. But now that Korea doesn't want to do so, isn't the next option now for us that we have to take this matter seriously before the Security Council of the United Nations for decision?

The point that was made earlier by my friend from California about China's ability, and I recall we were in China with the Chairman a couple of weeks ago, and Chairman Hyde asked President Jemin directly, please consult with the North Koreans about

this nuclear problem that we have. And President Jemin just said, well, you know, it is almost like saying, hey, don't talk to us. You go talk to the North Koreans. Why do we have to be the messenger boy in doing this? I suspect that perhaps it may be in respecting the sovereignty of the North Korean government as a nation, as bad as we know it to be, but a member of the United Nations.

I just wanted to ask your opinion where are we now with the NPT, given all the seriousness of the issues that now we are confronted with, with countries that are no longer—that are not members of this nuclear club, if you will.

Mr. KELLY. You are certainly right, Mr. Faleomavaega, to make clear that this is a crucial time in the history of nonproliferation and in the history of the Nuclear Nonproliferation Treaty. It is true that Israel and Pakistan and India never joined the treaty, so that is what makes it all the more stark, that for the first time a country that did join, that made this pledge, has said that it wants to withdraw from it and that it seeks to make nuclear weapons. I think this means that U.S. policy, which unquestionably is to work with other countries in the strongest possible way to counter proliferation not only of nuclear weapons but of other dangerous weapons of mass destruction, is being tested, and this is exactly why North Korea's withdrawal is such a broad international concern and it is going to have to be dealt with in various ways by the United Nations Security Council.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. Thank you, and again, Mr. Secretary, I want to commend you personally as well for the great job that you are doing in the capacity as serving as our point leader there in this region. I might add also, Mr. Chairman, I think we have also added a South Asian portion of that region as part of our jurisdiction.

So at any rate, Mr. Secretary, thank you.

Mr. KELLY. I haven't yet had that good fortune, so I envy you.

Mr. FALEOMAVAEGA. Anyway, thank you, Mr. Chairman.

Mr. LEACH. Mr. Sherman.

Mr. SHERMAN. The interesting comments of our colleagues have provoked me with a few comments. First, I would like to defend the original five nuclear powers. They have not abandoned their nuclear weapons, but Russia and the United States have, together, decommissioned more nuclear weapons in the last decade than are possessed or aspired to by every other country on the planet. Yet the Nuclear Nonproliferation Treaty calls for a nonnuclear world and, while neither Russia or the United States has reached that point, they have made far more progress than I would have thought a decade ago.

Second, I don't think we need China, as I pointed out, as a messenger. I wouldn't mind if China didn't speak another word to North Korea. All they need to do is halt all trade, aid and loans to North Korea until such time as the Assistant Secretary reaches an agreement with the North Korean regime, and I think he would be more likely to be successful than if China continues business as usual. I agree with the gentleman from Massachusetts that our friends in South Korea are in a much better position to understand what is really going on in North Korea than we are. But what disturbs me, at least in the press, is that there are elements inside

South Korea that have taken the view that they are confident that North Korea won't use nuclear weapons against them and at that point they can close the book.

South Korea is now, I believe, the 10th leading economy in the world, and its history includes the entire world under a UN flag defending South Korea's very existence. Given its current reality and given its history, I would hope that all elements in South Korea would be as concerned with whether a nuclear weapon is acquired by bin Laden as we are. It is not enough to have a "no nukes against our fellow Koreans" policy out of North Korea, but a "no nukes" policy. I think that with inspectors, if as part of an agreement we got them, we could either agree to freeze the North Korean nuclear program where it is at roughly two nuclear weapons, or perhaps negotiate for a more ambitious inspection program that eliminated them. If we do nothing, North Korea will develop and build another nuclear weapon every month. And as anyone who has visited the 99-cent store understands, when something is in larger supply the price comes down. And if North Korea develops and builds another nuclear weapon every month, within a few years they will perhaps be willing to sell them at a price bin Laden or his successors can pay.

So we live in a dangerous world. We ought to be talking to China about doing more than serving as our messenger, and I am confident that upon reflection the people and government of the South Korea will be as concerned as we are, not only about North Korean use of nuclear weapons but North Korean sale of nuclear weapons.

I yield back.

Mr. LEACH. Thank you, Mr. Sherman.

Mr. Delahunt.

Mr. DELAHUNT. Yes, just one final question, and again I appreciate the Chair allowing me to participate.

Mr. LEACH. Well, you are very welcome to join the Subcommittee, sir.

Mr. DELAHUNT. Well, thank you, Mr. Chairman.

Much has been talked about in terms of the Agreed Framework. I recently read a newspaper article, and I just asked staff if they could locate it and they were unable to. But my memory is that Secretary Powell made public statements relative to the benefits that were realized as a result of the Agreed Framework. Now, do I have—is this a memory lapse or is it wishful thinking? Maybe we could have your assessment, Mr. Secretary, because I think it is an issue that if we can get off the table in terms of, how shall I say, partisan differences, it would help us to move on.

Mr. KELLY. Mr. Delahunt, I am not sure that we are going to be able to be successful in that. The Agreed Framework did freeze the nuclear facilities, including the reactor and the reprocessing plant at Yongbyong for some 8 years. That is not inconsequential and if that reactor had been operating all this time, some sizable number of additional nuclear weapons would have been produced. But the object of the Agreed Framework was the overall resolution of the nuclear issue on the Korean Peninsula. The Agreed Framework makes direct reference to the Joint Denuclearization Agreement made between North Korea and South Korea in 1992, which spe-

cifically prohibited either the reprocessing of spent fuel into plutonium or the enrichment of uranium.

Mr. DELAHUNT. I am familiar with that and I will take your answer, but I also would point out that, as Mr. Bereuter observed, one could read or interpret the Agreed Framework as allowing the highly enriched uranium program to continue. I am not suggesting that. I appreciate the behavior of the North Korean government because I think clearly the spirit of the Agreed Framework with its references to other treaties and conventions was violated. I don't think we have any doubt of that.

Mr. KELLY. That, sir, is why they had that inspection of Kumchang-ri facility in 1998. So clearly its intent was to do that. So I think any impartial observer would at least say that the results of the Agreed Framework have been mixed over the years. And it all depends on how much emphasis to one provision or another an individual would want to put.

Mr. DELAHUNT. Mr. Kelly, you referenced earlier as this being a dangerous problem. Given the announcement yesterday by the Director of the CIA relative to the ability or the potential of a missile reaching the West Coast—have we upgraded? Are we in a different code level now? Have we attained a crisis?

Mr. KELLY. Mr. Delahunt, the C word, the "crisis" word, you suggest is one that some have applied and I don't favor and the Administration doesn't favor. My own view is that when you call a situation a crisis that suggests that something needs to be done and almost immediately about it, even if it is in effective or insufficient. In this case we really need to deal systematically with something that is a problem that has been going on for a long time. North Korea has been interested in nuclear weapons for 20 or 25 years. But it only withdrew from the NPT a month ago, and I don't think we need to declare a crisis yet. And if we did, I don't think it would necessarily help us solve the problem.

Mr. DELAHUNT. Thank you.

Mr. LEACH. One final question from Mr. Faleomavaega.

Mr. FALEOMAVAEGA. I am sorry, Mr. Chairman. I hate to belabor this but just one quick question, Mr. Secretary. If at some point where there are continuous breakdowns and IAEA inability to work with North Korea with these nuclear issues, is the Administration intent to take this matter then before the UN Security Council.

Mr. KELLY. I think the IAEA would be the one that would take this, put this to the Security Council, as in fact they did yesterday. And the IAEA is completely out of North Korea now, but they are still technically involved with them and trying to see if their position can be recovered, and we strongly support that position.

Mr. FALEOMAVAEGA. Thank you. Thank you, Mr. Chairman.

Mr. LEACH. Well, Mr. Secretary, thank you. This is an incredibly awkward circumstance for the world community and I think on behalf of the Committee we want to express our appreciation for your involvement and your judgment and the thoughtfulness with which you have made your presentation today. Thank you very much.

The Subcommittee is adjourned.

[Whereupon, at 12:20 p.m., the Subcommittee was adjourned.]



## A P P E N D I X

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### MATERIAL SUBMITTED FOR THE HEARING RECORD

UNITED STATES DEPARTMENT OF STATE,  
*Washington, DC, March 12, 2003.*

Hon. Jim Leach, *Chairman,*  
*Subcommittee on Asia and the Pacific,*  
*Committee on International Relations,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Following the February 13, 2003 hearing at which Assistant Secretary James A. Kelly testified, additional questions were submitted for the record. Please find enclosed the responses to those questions.

If we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,

PAUL V. KELLY, *Assistant Secretary,*  
*Legislative Affairs.*

Enclosure: As stated.

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QUESTIONS FOR THE RECORD SUBMITTED TO ASSISTANT SECRETARY JAMES A. KELLY  
BY THE SUBCOMMITTEE ON ASIA AND THE PACIFIC, COMMITTEE ON INTERNATIONAL  
RELATIONS, U.S. HOUSE OF REPRESENTATIVES, AND THE RESPONSES

#### NORTH KOREA: OVERVIEW

*Question:*

*To what extent would North Korea's acquisition of additional nuclear weapons, particularly in combination with long-range ballistic missiles, undermine deterrence and strategic stability on the Korean peninsula?*

*Answer:*

We consider any nuclear capability by North Korea to be a serious threat to the region and the global nonproliferation regime. The international community has voiced strong support for a denuclearized Korean peninsula as the only option for lasting peace and stability in the region. North Korea's continued development and export of missiles and related material, equipment and technology also threaten security beyond the region as rogue nations and terrorist groups seek to obtain access to weapons of mass destruction and their delivery systems.

North Korea's conventional forces, including its million-man army, continue to have the capability to cause tremendous damage and casualties in South Korea, including in the Seoul region, in the event of an attack across the DMZ. Despite this capability, however, there is no room for doubt that the combined forces of the U.S. and the ROK would eventually prevail decisively in the event of hostilities. The North's nuclear weapons program will not alter this equation.

*Question:*

*More broadly, to what extent would North Korea's acquisition of additional nuclear weapons cause Japan and perhaps South Korea to question whether or not they may need their own nuclear deterrent?*

*Answer:*

There has been, and continues to be, a very strong international consensus against nuclear proliferation. Japan and the Republic of Korea are a part of this consensus, and both countries are on record as stating that they have no intention of responding to North Korea's nuclear weapons program with a weapons program

of their own. Recent North Korean actions have caused all North Korea's neighbors—including China and Russia—to focus on finding ways to ensure North Korea's return to the Nuclear Non-Proliferation Treaty and the denuclearization of the Korean Peninsula. There is a risk that a successful DPRK nuclear program could reopen this question to public debate in both Japan and the Republic of Korea. However, both countries are fully compliant parties to the Nuclear Nonproliferation Treaty and we do not believe that either nation will seek to obtain a nuclear deterrent as long as their alliance with the United States remains.

#### NORTH KOREA'S GOALS

##### *Question:*

*North Korea says the cure for the present standoff is bilateral talks with the U.S. that produce our recognition of DPRK sovereignty, a non-aggression treaty, and a promise not to obstruct North Korea's economic development. In that case, they say, they will satisfy all U.S. security concerns. Recognizing North Korea's history of dishonesty, is there any reason to believe that these are its real concerns? What is our best estimate as to their motives and goals?*

##### *Answer:*

North Korea's broader goals are difficult to assess due to the opaque nature of the totalitarian system there. The U.S. Government provided North Korea with several security assurances in the past decade, but during that time North Korea nevertheless began its pursuit of a covert nuclear arms program based on uranium enrichment technology. Also, North Korea raised its demand for a non-aggression treaty in a significant way only after the U.S. confronted it in October 2002 with our knowledge of its covert nuclear arms program. Similarly, it is not U.S. interference that is responsible for the extremely backward state of the North Korean economy, but its own failed command economic system and international self-isolation. We therefore believe that the North Korean demands to "respect its sovereignty," sign a non-aggression treaty and not to obstruct its economic development are intended to deflect international attention from its violations of numerous international obligations by pursuing a covert nuclear arms program and now its restart of nuclear facilities at Yongbyon.

#### U.S. POLICY ISSUES

##### *Question:*

*What is the downside of the U.S. sharing with Pyongyang the contents of its "bold approach" toward improving relations, even while making it clear that it can only act on it once the nuclear issue has been satisfactorily dealt with? Wouldn't sharing our vision show North Korea that it has much to gain if it meets the urgent concerns of the world community?*

##### *Answer:*

Assistant Secretary Kelly and his delegation described our bold approach in general terms when he traveled to Pyongyang in early October, 2002. He explained that under this approach, the U.S. had been prepared to offer economic and political steps to improve the lives of the North Korean people, provided the North dramatically improved its behavior across a range of issues, including its WMD programs, development and export of ballistic missiles, and the deplorable treatment of the North Korean people. However, in light of our concerns about North Korea's nuclear weapons program, we were unable to pursue this approach.

##### *Question:*

*Although the Agreed Framework appears to be effectively dead, the Administration recently requested an additional \$3.5 million for KEDO, the Framework's implementing body. What future role does the Administration see KEDO playing in the resolution of the nuclear issue? Is KEDO still engaged in the construction of the light water nuclear reactors inside North Korea, notwithstanding North Korea's violation of the Framework? In the Administration's view, what is the future of the Agreed Framework?*

##### *Answer:*

KEDO is an international consortium. The United States, South Korea, Japan and the EU comprise its executive board. The United States is consulting with our KEDO allies about the future of the organization, including the future of the light water reactor project. We are not prejudging any decisions in this regard. We will keep in close touch with Congress as we proceed. The Republic of Korea and Japan are providing most of the funding for construction of the light water reactor. The

U.S. provides none of its funding. Work on that project is ongoing, pending a decision by the KEDO Executive Board about the project's future. Board decisions are made by consensus. However, the U.S. continues to make clear to other Board members the lack of support in the United States for the LWR project, a position the other partners understand.

Congress appropriated \$5 million for KEDO in FY03, provided the President determines that such a contribution is vital to the national security interests of the United States. Preserving our ability to contribute to KEDO gives us important flexibility to work with our allies to achieve our shared non-proliferation goals. No part of this funding would go to fund heavy fuel oil shipments or light water reactor construction.

We do not know now what role, if any, KEDO will play next year, so the Administration did not request FY04 funding for KEDO. If we find it is in our interest to fund KEDO's administrative or other needs, an additional funding request can be made at a later time.

By pursuing its covert enriched uranium program, announcing its withdrawal from the Nuclear Non-Proliferation Treaty, expelling the IAEA, and unfreezing facilities at its Yongbyon nuclear complex, North Korea has clearly violated the Agreed Framework and has said it considers that agreement nullified.

*Question:*

*Has North Korea given us any indication that it is willing to consent to early removal of the 8,000 spent fuel rods?*

*Answer:*

No.

*Question:*

*Does the Administration regard North Korea's announced withdrawal from the NPT (Nuclear Non-Proliferation Treaty) as being effective? How do the other permanent members of the UN Security Council regard the status of North Korea's withdrawal?*

*Answer:*

Under article X of the NPT, a withdrawal becomes effective after a three-month notice period. In 1993, North Korea suspended the effect of its withdrawal shortly before the required three-month period expired. The NPT does not provide for suspending and subsequently restarting the process of withdrawal. Hence, the three-month notice period for North Korea's withdrawal began no earlier than January 10, 2003, the date on which it declared its intention to withdraw.

On February 19, the UNSC took up the report of the DPRK's non-compliance with its IAEA Safeguards Agreement pursuant to the NPT as transmitted by IAEA Director General ElBaradei. The IAEA report to the UNSC confirms that the Agency's Safeguards Agreement with the DPRK pursuant to the NPT remains binding and in force. The Security Council will review the matter at the experts level, and we will continue to consult with the P5 and other members on next steps.

#### INFLUENCE OF CHINA AND RUSSIA

*Question:*

*Given their historic and economic ties to North Korea, China and Russia have the most leverage with Pyongyang. Has either of these countries made any concrete commitments as to how they will use that leverage to help defuse the nuclear situation? Do you believe that their willingness to consider forms of direct pressure against North Korea would change if North Korea began reprocessing its spent fuel rods?*

*Answer:*

We have been working actively and constructively with China and Russia to address North Korea's nuclear weapons program. Both agree with us that the Korean Peninsula should be free of nuclear weapons and that North Korea should rejoin the NPT and live up to its international obligations. China and Russia have made this clear to Pyongyang in their public statements and private communications.

Both have also called on North Korea to refrain from further provocative and escalatory measures, which would include reprocessing.

*Question:*

*Under the terms of the 1961 Treaty of Friendship, Cooperation, and Mutual Assistance between the PRC and DPRK, is China obligated to provide military assistance to North Korea? Does the US government believe the mutual security obligations of the treaty remain in force?*

*Answer:*

Under the 1961 Treaty, the PRC and the DPRK are obliged to “render military and other assistance” in the event that either one is subject to armed attack by another state or group of states. In July 2001, the two sides commemorated the 40th anniversary of the treaty, with a Chinese Politburo member traveling to Pyongyang for a celebratory ceremony. We have seen no evidence that it had been revoked by either side since that time. I would be happy to brief you further on this in a closed session.

#### REFUGEE POLICY

*Question:*

*Has the Administration approached China recently regarding the humanitarian crisis on the North Korea border? In particular, has the United States urged China to conduct high level talks with the UN High Commissioner for refugees, to allow aid groups access to the border region, or to provide North Korean refugees indefinite humanitarian status to remain in China?*

*Answer:*

This Administration is concerned about reports that China continues to forcibly repatriate North Koreans in China back to the DPRK, where they may face severe persecution, and we have urged China to treat those who flee from hunger and repression in North Korea in a humanitarian way. Over the past several months, we have repeatedly pressed the PRC to live up to its commitments as a signatory to the 1967 Protocol Relating to the Status of Refugees and allow the UNHCR access to North Koreans in China in order to assess their status. This Administration has also worked to increase basic humanitarian aid being provided to this vulnerable population and has successfully called on the PRC to allow individual North Koreans to depart China for South Korea.

*Question:*

*I understand the State Department has been reconsidering US policy towards North Korean refugees for over a year now. Is that policy review complete? If so, what were the conclusions? If no, what is holding it up?*

*Answer:*

This is a sensitive and complicated question that requires the cooperation of several nations, as well as the UN High Commissioner for Refugees (UNHCR) to address.

We have been consulting and coordinating with countries in the region and interested groups regarding the conditions for North Koreans in China. We have also provided for humanitarian assistance to this vulnerable population and I can offer details on this in a closed session.

#### FOOD ASSISTANCE

*Question:*

*There appears to have been some confusion about U.S. policy toward providing North Korea with food aid. The Administration has said it will donate food aid to North Korea but has also said that aid will be contingent upon North Korea granting improved monitoring and access rights to humanitarian relief groups. What is the current thinking within the Administration about the future of U.S. food aid to North Korea? When do you expect a decision will be made?*

*Answer:*

As President Bush has often stated, the United States is prepared to help feed the North Korean people without regard to our concerns about North Korea's policies. On February 25, 2003, Secretary Powell announced that the United States will provide an initial donation of 40,000 metric tons of agricultural commodities and is prepared to contribute as much as 60,000 metric tons more of such aid to North Korea in response to the World Food Program's appeal for its 2003 emergency feeding operation. The decision to provide the additional food aid will be based on demonstrated need in North Korea, competing needs elsewhere, and the ability to access all vulnerable groups and monitor distribution.

With regard to monitoring and access, we have said we have serious concerns about North Korea's restrictions on both, and that we will work with the World Food Program to resolve our common concerns. We also encourage other donor governments to support this effort.

## U.S.-ROK PUBLIC DIPLOMACY

*Question:*

*As highlighted by the large-scale anti-American demonstrations last December, the United States faces serious public relations problems in South Korea, which are particularly acute among the younger generation. What creative efforts are we considering to meet this challenge? Has the Department considered the reallocation of our public diplomacy resources to meet these new demands (For example, by expanding exchange programs with South Korea, developing a more effective internet strategy, or reassessing why we maintain five American Center facilities in Japan, but only a single U.S. Information Resource Center in South Korea)?*

*Answer:*

To address the changing dynamic within Korean society, and to speak to a younger generation in South Korea, who do not remember the Korean War and have a different historical context than their parents' generation, the Embassy and the Department are engaged in various new projects and outreach programs. These initiatives increase the accessibility of the Embassy to the Korean public and add to the established programs, which include the exchange program hosted by the American Council for Young Political Leaders.

Key elements of a planned increase in the number of speaking engagements and seminars are increased programs and seminars directed at younger, broader audiences. Seminars and discussions on anti-Americanism have been arranged at various Korean universities. Further, the Ambassador has utilized public appearances and media interviews to discuss alliance issues.

In addition, the Embassy's Public Diplomacy unit has increased efforts at public outreach using new forms of media. Building upon the influence of the internet to engage influential groups within South Korean society, the Public Diplomacy unit has also established good relations with internet news services, while maintaining communications with local NGO's. This comes in addition to Embassy Seoul's recently reconfigured webpage that incorporates materials in Korean explaining USG positions, including the June 13 traffic fatalities.

Due to budget and personnel cuts made by the United States Information Agency, the U.S. currently maintains a single American Center Facility in Korea. To compensate for those cuts, Seoul public diplomacy officers and staff regularly visit other cities to carry out program with local institutions.

Broadly speaking, the ongoing Korean public questioning of the alliance is the first priority of every Embassy officer. We try to refine the many messages the public hears, and to concretely address concerns through appeals to common assumptions, logical discussion of the issues, and practical policy adjustments. As such, we are always looking for new and innovative ways to increase the dialogue with the public.

## US-ROK ALLIANCE

*Question:*

*Recent South Korean and American press reports indicate that some form of review regarding U.S. forces in South Korea is presently underway, presumably to look at ways in which we could improve and maintain our deterrent force on the peninsula while restructuring the U.S. presence to reduce public frictions within South Korea. Can you comment on the extent and aims of any such review?*

*Answer:*

The Department of Defense and ROK Ministry of National Defense agreed last December to conduct a Future of the Alliance Policy Initiative. This is a comprehensive review that will look at the entire spectrum of our military alliance—roles and missions, command relationships, force structure, and basing. The purpose of this review is to devise policy recommendations for both governments that will realign and modernize the alliance in a way that answers Korea's desire for a more equal relationship and the United States' need for greater flexibility in its forces. The ultimate objective is to lay the foundation for the alliance for the next fifty years. At no time will we allow a weakening of our combined deterrent capability or in any way compromise the security of our ally, the Republic of Korea.

U.S. Deputy Assistant Secretary of Defense Richard Lawless and Department of State Senior Advisor Christopher J. LaFleur met with the ROK Ministry of National Defense Deputy Minister for Policy LTG Cha Young Koo on Feb. 27, 2003. They agreed to accelerate the dialogue.

*Question:*

*In your recent speech to the World Affairs Council, you criticize China for executing a Tibetan last month, and said "the PRC knows that its human rights record is a stumbling block to a better relationship." How can the U.S. signal its concern to Beijing about human rights? Will we sponsor a resolution on China at the U.N. Commission on Human Rights later this March?*

*Answer:*

The United States and the international community were deeply concerned by the execution of an ethnic Tibetan in January. This event, along with the recent arrests of democracy activists throughout China, the repeated failure of Chinese security and judicial authorities to respect due process rights of those accused of political crimes, the lack of access for U.S. diplomats or family members to trials of those detained for political or religious activities, and an inability or unwillingness of official interlocutors to provide meaningful information on individual cases all raise concerns about China's stated willingness to engage constructively with the United States on the issue of human rights. After seeing progress on human rights earlier in 2002, the events of the last few months are troubling and risk turning the issue of human rights into a negative factor in our bilateral relationship. The United States has signaled these concerns to the People's Republic of China at the highest levels, and the Secretary has discussed this issue in detail with his counterpart Foreign Minister Tang in several recent meetings in the last six weeks. We will continue to make our concerns known at the highest levels, and to urge that China immediately takes steps to improve its human rights record.

The United States has not yet decided whether it will sponsor a resolution on China at the U.N. Commission on Human Rights.

*Question:*

*What is your assessment of the current situation in Xinjiang? Is there evidence of increasing repression of ethnic Uighurs since the post 9/11 anti-terrorism campaign? Is the U.S. making progress in securing the release of imprisoned businesswoman Rebiya Kadeer?*

*Answer:*

Security remains tight in Xinjiang, and in some areas human rights abuses intensified. The "Strike Hard" campaign has been carried out with increasing severity in the region and courts have meted out death sentences or long prison terms to those accused of separatist activity, which is often not clearly distinguished from non-violent political or religious expression. Restrictions on places of worship remain in place, and officials deal harshly with Moslems who engage in political speech or activities deemed to be separatist. We have repeatedly, and at the highest levels, told the Chinese government not to use the war on terror as justification for cracking down on independent Muslim leaders or those who express peaceful political dissent. President Bush has made this point publicly and privately in his meetings with China's leadership and Assistant Secretary of State for Democracy, Human Rights and Labor Lorne W. Craner traveled to the region in December together with Assistant Attorney General for Civil Rights Ralph Boyd to underscore this message.

Although U.S. officials at all levels continue to press for the release of imprisoned Uighur businesswoman Rebiya Kadeer, she remains in detention. We have called publicly and privately for her release and will continue to do so.

*Question:*

*Has the U.S. raised the cases of two workers, Yao Fuxin and Xiao Yunliang, who were put on trial for subversion on January 15 for their role in organizing protests last year in Northeastern China?*

*Answer:*

We have raised the cases of Mr. Yao Fuxin and Mr. Xiao Yunliang repeatedly and will continue to do so. Assistant Secretary of State for Democracy, Human Rights and Labor Lorne W. Craner discussed their cases at length in the U.S.-China human rights dialogue in December in Beijing, and U.S. Ambassador to China Clark T. Randt and other State Department officers have raised our concerns on multiple occasions since then. In addition, China Mission officers requested access to the trials of the two men. When denied access to that proceeding, Consulate Shenyang officials traveled to the court to again seek access and to gather information about the proceedings. To date, no verdict has been returned in these trials. This case is

a priority for the State Department and we will continue to be vigilant in seeking the release of these two labor leaders.

HONG KONG

*Question:*

*The Hong Kong government has said it plans to present to LEGCO its draft Article 23 by the last week of February, with adoption expected by the summer. Though some positive changes have been made to the government's original consultation document, some legislators and NGOs have criticized the plans to adopt laws on subversion, state secrets, and secession. What is the position of the US government on the substance of the Article 23 laws and its potential impact on US interests in Hong Kong?*

*Answer:*

We have been carefully following the debate on Article 23 of the Basic Law. The Hong Kong people and the international community raised serious concerns about the original consultation document, and we are encouraged that the Hong Kong Government has taken into consideration some of their proposals and has paid particular attention to crafting language so as to offer assurances that international standards of human rights will be fully protected. Public discussion in Hong Kong identified some key areas requiring clarification or review, and the HKG has taken steps to address these, including:

- additional safeguards on freedom of the press and the free flow of information;
- more precise definitions of key terms;
- reduced scope for laws on proscribed organizations;
- not applying the offense of treason to foreigners;
- and limiting emergency police investigative powers.

These are welcome steps, although some concerns remain.

—We join other members of the international community in encouraging a predictable, transparent, and fair system that will allow all in Hong Kong to continue to enjoy long-standing freedoms and civil liberties that have made Hong Kong a success as an international city with its own unique character.

—We note that according to Article 39 of Hong Kong's Basic Law, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights remain in force. Thus other legislation adopted by the Hong Kong government—including Article 23 legislation—cannot legally limit or qualify the liberties enumerated in these Covenants.

