

House Foreign Affairs Committee

*Subcommittees on Terrorism, Nonproliferation and Trade and Asia and the Pacific*

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# More than a Nuclear Threat: North Korea's Chemical, Biological, and Conventional Weapons

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## Introduction

Chairman Poe, Chairman Yoho, Ranking Member Sherman, Ranking Member Keating, and distinguished members of these subcommittees, thank you for the opportunity to address you today on this important issue.

My testimony will review the initial results of the president's "maximum pressure" strategy, areas for additional sanctions measures, the inter-Korean talks, and why the U.S. should continue its maximum pressure campaign and diplomacy. I will also focus on North Korea's nuclear, non-nuclear, and missile programs; and where I focus on one over the other, it is with the understanding that Pyongyang's weapons systems are integrated to serve the Kim regime's near-term goal of pressuring Seoul and Washington. Thus, we cannot separate our approaches to these issues, nor should we ignore human rights violations and other troubling aspects of the Kim regime.

Before proceeding, it is important to state plainly North Korean leader Kim Jong Un's overarching long-term goal: namely, the reunification of the Korean peninsula under Kim family rule. While Pyongyang attempts to distract Washington and Seoul from this hostile intention, Kim always has his eyes on dominating the peninsula.

Kim repeatedly mentioned reunification in his New Year's address and hinted at his intention to drive a wedge between the U.S. and South Korea by noting that only the Korean people can avoid war on the Korean peninsula and that a "climate favorable for national reconciliation and reunification should be established."<sup>1</sup> Deceptively, Kim wanted to persuade South Koreans that peace depends on severing ties with the United States, when the opposite is true.

North Korea's weapons, both nuclear and non-nuclear, are a means to an end: extorting concessions from Seoul and using nuclear weapons to limit Washington's ability to defend South Korea from North Korea's military provocations for fear of escalating the situation. As I note later in my testimony, that is why premature inter-Korea talks are dangerous and could feed into Kim's long-term game plan.

Washington's goal is, and should remain, the denuclearization of the Korean peninsula. And the good news is that the United States can still act to counter Pyongyang's weapons programs. A combination of deterrence and coercion should be used against North Korea. The strategy would acknowledge the limits of each of these options, using them in combination to secure a denuclearization agreement or to weaken Pyongyang in order to diminish the threat it poses.

There is no excuse for a fatalistic approach to North Korea that accepts it as a nuclear weapons state. Likewise, there is no justification for pursuing a freeze deal that would put the U.S. on the path toward recognizing North Korea as a nuclear state. The United States must understand that the world – particularly its adversaries in Tehran, Beijing, and Moscow – is watching how it responds to North Korea's challenge to the international order.

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<sup>1</sup> "New Year's Address," *North Korea Leadership Watch*, January 1, 2018. (<http://www.nkleadershipwatch.org/2018/01/01/new-years-address/>)

## 2017 in Review

North Korea conducted 20 missile tests last year, down from 24 in 2016. Nonetheless, Kim Jong Un has dramatically increased the missile testing pace since 2014, launching more missiles than his father and grandfather combined.<sup>2</sup> Pyongyang also tested a thermonuclear weapon in early September, its sixth nuclear test.<sup>3</sup>

North Korea's final test launch of 2017 illustrated an important lesson about its weapons programs: Even in the absence of visible and highly provocative tests, the program's development continues in the background. In 2017, North Korea stopped missile launches after its September 15 test of an intermediate-range ballistic missile. The pause lasted for 74 days, prompting suggestions that Pyongyang was ready for negotiations. The *Washington Post* reported that the U.S. special representative for North Korea policy told an audience at the Council on Foreign Relations that if North Korea halted nuclear and missile tests for 60 days, it would be a signal it was ready to begin discussions with the United States.<sup>4</sup> Secretary of State Rex Tillerson also mentioned the need for a halt in missile tests without putting a required number of days on it.<sup>5</sup>

North Korea rejected such wishful thinking with its third intercontinental ballistic missile (ICBM) test in late November. The results of that test suggest the missile could reach all of the United States, further shortening the timeline for North Korea to be able to deliver a nuclear weapon to the U.S. homeland. We now know that Pyongyang was not telegraphing a desire to negotiate with the United States; it was using those 74 days to put the finishing touches on its most capable ICBM yet. This is a cautionary tale for those who focus solely on the visible portion of North Korea's weapons programs, while ignoring the research and development that often goes on behind the scenes.

Experts have tracked North Korea's steadily advancing biological and chemical weapons programs, which are often overshadowed by the focus on its nuclear weapons and missile programs.<sup>6</sup> North Korea's efforts to equip Syria with chemical warfare equipment took on a new

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<sup>2</sup> Shea Cotton, "The Likely Reason North Korea Has Stopped Its Ballistic Missile Test – For Now," *Forbes*, November 17, 2017. (<https://www.forbes.com/sites/insideasia/2017/11/17/the-likely-reason-north-korea-has-stopped-its-ballistic-missile-tests-for-now/#3839738d7d52>)

<sup>3</sup> Foster Klug, "North Korea conducts 6th nuclear test, says it was H-bomb," *Associated Press*, September 3, 2017. (<https://www.apnews.com/edd942c7344c43a7bf12ce94ddef0cba>)

<sup>4</sup> Josh Rogin, "Inside the drive to 'make a deal' with North Korea," *The Washington Post*, November 9, 2017. ([https://www.washingtonpost.com/news/josh-rogin/wp/2017/11/09/inside-the-drive-to-make-a-deal-with-north-korea/?utm\\_term=.5edadab188d1](https://www.washingtonpost.com/news/josh-rogin/wp/2017/11/09/inside-the-drive-to-make-a-deal-with-north-korea/?utm_term=.5edadab188d1))

<sup>5</sup> U.S. Department of State, "Press Availability in Manila, Philippines," August 7, 2017. (<https://www.state.gov/secretary/remarks/2017/08/273217.htm>)

<sup>6</sup> Joby Warrick, "Microbes by the ton: Officials see weapons threat as North Korea gains biotech expertise," *The Washington Post*, December 10, 2017. ([https://www.washingtonpost.com/world/national-security/microbes-by-the-ton-officials-see-weapons-threat-as-north-korea-gains-biotech-expertise/2017/12/10/9b9d5f9e-d5f0-11e7-95bf-df7c19270879\\_story.html?utm\\_term=.0e38a43b2908](https://www.washingtonpost.com/world/national-security/microbes-by-the-ton-officials-see-weapons-threat-as-north-korea-gains-biotech-expertise/2017/12/10/9b9d5f9e-d5f0-11e7-95bf-df7c19270879_story.html?utm_term=.0e38a43b2908)); Joseph S. Bermudez Jr., "North Korea's Chemical Warfare Capabilities," *38 North*, October 10, 2013. (<http://www.38north.org/2013/10/jbermudez101013/>)

urgency when the Assad regime began gassing their own people, marking a dangerous turn for the North Korea-Syria relationship.<sup>7</sup>

North Korea's chemical weapons program also jumped into the global conversation when Kim Jong Nam, half-brother of Kim Jong Un, was assassinated in a public airport in Malaysia. Agents hired by North Korean assassins used VX, a deadly nerve agent, to kill Jong Nam.<sup>8</sup> The use of a nerve agent was unnecessary, but did send a message to others that want to challenge Jong Un's rule and a not-so-subtle signal to Washington that Pyongyang's weapons programs extend beyond its nuclear weapons and missile programs. It is not a stretch to say Pyongyang was reminding the Trump administration that it is prepared to use chemical weapons in a wartime environment as most have suspected for some time.<sup>9</sup>

In November, we once again saw the brutality of the Kim regime when a North Korean soldier stationed at the demilitarized zone ran for freedom to South Korea. His fellow soldiers shot him five times, and one crossed over the line in an attempt to forcibly return him to North Korea.<sup>10</sup> Fortunately, South Korean soldiers risked their life to rescue a fellow Korean who wanted to choose his own destiny. After the defector received medical attention, he asked to listen to a South Korean song; South Korea sometimes blasts music through loudspeakers at the DMZ.<sup>11</sup> In addition, the soldier had several parasites indicative of malnutrition, suggesting that the regime even has difficulty feeding its most valuable troops, more of whom may be inclined to defect.<sup>12</sup>

North Korea's proliferation activities continue in the shadow of its nuclear and missile tests. Pyongyang's relationships with Syria and Iran are particularly troubling, and each are watching how the Trump administration handles the Kim regime. In Syria, North Korea built a nuclear reactor that Israel destroyed in 2007, and has a robust missile and chemical weapons proliferation relationship.<sup>13</sup> As the war in Syria continues, Pyongyang likely will see an opportunity to sell its military items to a regime shunned by the rest of the international community. With Iran, North Korea has focused on missile proliferation, with the Obama administration sanctioning Iranian missile officials just after implementation day of the Joint Comprehensive Plan of Action.<sup>14</sup>

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<sup>7</sup> Josh Stanton, "If Assad is the murderer of Idlib, Kim Jong-un was an accessory," *One Free Korea*, April 7, 2017. (<http://freekorea.us/2017/04/07/if-assad-is-the-murderer-or-idlib-kim-jong-un-was-an-accessory/comment-page-2/#sthash.QiGYpU9e.dpbs>)

<sup>8</sup> Joshua Berlinger, "Kim Jong Nam: The plot to murder North Korea's exiled son," *CNN*, September 26, 2017. (<http://www.cnn.com/2017/07/26/asia/kim-jong-nam-killing/index.html>)

<sup>9</sup> John Haltiwanger, "North Korea's chemical weapons most overlooked threat from rogue state, experts warn," *Newsweek*, January 10, 2018. (<http://www.newsweek.com/north-koreas-chemical-weapons-most-overlooked-threat-rogue-state-experts-warn-776207>)

<sup>10</sup> Joshua Berlinger, "Dramatic video shows North Korean soldier's escape across border," *CNN*, December 5, 2017. (<http://www.cnn.com/2017/11/21/asia/north-korea-defector/index.html>)

<sup>11</sup> Sofia Lotto Persio, "North Korea defector wakes up with pneumonia and hepatitis, asks for South Korean music," *Newsweek*, November 21, 2017. (<http://www.newsweek.com/north-korea-defector-wakes-pneumonia-hepatitis-asks-south-korean-music-717845>)

<sup>12</sup> Joshua Berlinger, "Dramatic video shows North Korean soldier's escape across border," *CNN*, December 5, 2017. (<http://www.cnn.com/2017/11/21/asia/north-korea-defector/index.html>)

<sup>13</sup> Gregory L. Schulte, "Uncovering Syria's Covert Reactor," *Carnegie Endowment for International Peace*, January 2010. ([http://carnegieendowment.org/files/schulte\\_syria.pdf](http://carnegieendowment.org/files/schulte_syria.pdf))

<sup>14</sup> Anthony Ruggiero, "Gauging the North Korea-Iran Relationship," *Foundation for Defense of Democracies*, March 8, 2017. (<http://www.defenddemocracy.org/media-hit/anthony-ruggiero-gauging-the-north-korea-iran-relationship/>)

Leaders in Tehran are likely watching Pyongyang's missile advancements with interest, especially the intermediate-range ballistic missile and solid-propellant missile advancements.<sup>15</sup>

North Korea-Iran nuclear cooperation remains a concern, with each side offering something to the other. Pyongyang's advanced nuclear weaponization work will be attractive to Iran in a post-JCPOA environment. Both countries use similar uranium enrichment centrifuges and could offer each other advice on those systems. Tehran also has resources to exchange for nuclear technology or knowledge. This remains an urgent issue that must be monitored.<sup>16</sup>

## Deterrence

The first and foremost responsibility of every president is to protect this country's citizens from foreign threats, such as North Korean missile strikes on American cities. Prudently, Washington has focused on military readiness and defense preparations, such as U.S.-South Korea military exercises and bolstering theater and homeland missile defense. Demonstrations of both our offensive and defensive power signal Washington's resolve to resist North Korean aggression and punish those responsible. Nonetheless, it remains unclear whether this will be sufficient to deter Kim Jong Un.

As we already know, American strength has not deterred North Korea from sharing its missile and WMD knowledge with other rogue states, nor has it prevented Pyongyang's race to expand its illegal programs or engage in countless other provocations.

Traditional Cold War models of deterrence should inform U.S. strategy toward North Korea, yet we also must acknowledge their limits. Deterrence helped to prevent an explosive conflict between the U.S. and the Soviet Union and China, but there were extremely dangerous moments such as the Cuban Missile Crisis. American strategists placed their faith in the concept of mutually assured destruction (MAD), in which both sides' second-strike capability ensured the impossibility of a disarming first strike. North Korea's growing nuclear arsenal and emphasis on road mobile missiles complicate the ability of U.S. military planners to ensure that a first strike can eliminate Pyongyang's weapons. Pyongyang's efforts to move from vulnerable liquid-propellant missiles to more reliable and easier to fuel solid propellant is another effort to protect Pyongyang's second-strike capability.

If MAD kept the Cold War from getting hot, why not rely on it to deter a nuclear North Korea? It is important to remember that the Soviet Union still engaged in dangerous provocations despite the balance of terror. In Berlin and Cuba, it pushed the U.S. to the brink. It is also supported insurgents and terrorists across the globe, in part because its nuclear umbrella ensured that the American response would be limited.

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<sup>15</sup> Anthony Ruggiero and Behnam Ben Taleblu, "The danger of North Korea and Iran – and how Trump should tackle it," *The Hill*, July 6, 2017. (<http://thehill.com/blogs/pundits-blog/foreign-policy/340832-the-great-danger-of-north-korea-and-iran-and-what-trump-can>)

<sup>16</sup> Anthony Ruggiero, "Pyongyang's Playbook," *The Weekly Standard*, September 1, 2017. (<http://www.weeklystandard.com/pyongyangs-playbook/article/2009511>)

There is good reason to believe North Korea would also use nuclear weapons as a shield against retaliation for provocations and proliferation. For example, Pyongyang killed over 40 South Korean sailors when it sunk the *Cheonan* in 2010, maintains a robust relationship with Iran, built a nuclear reactor in Syria that Israel destroyed in 2007, and launched a ballistic missile directly over Japan. Unfortunately, this is a short list of the things deterrence cannot prevent.

Ultimately, deterrence is a limited tool that will not itself lead to denuclearization. The premise of the Trump administration's "maximum pressure" policy is that coercion must complement deterrence to limit provocations and create leverage. That coercion should take the form of an aggressive and comprehensive campaign of sanctions.

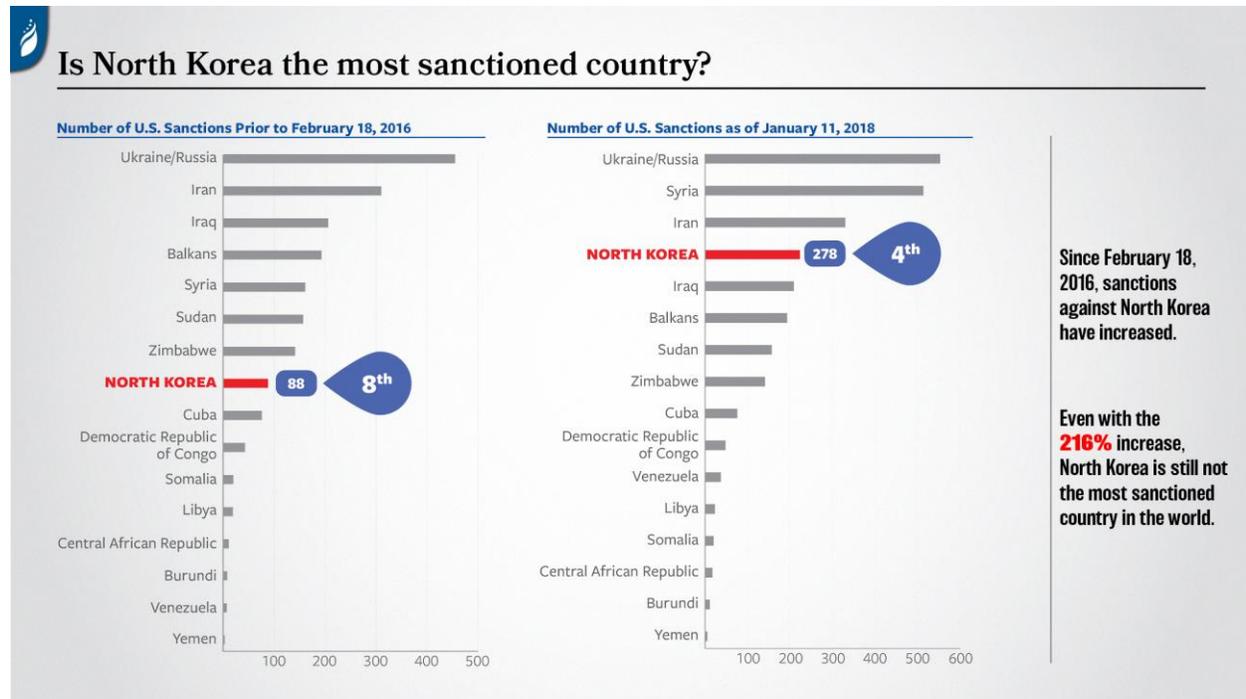
## Sanctions

The UN Security Council adopted four sanctions resolutions in 2017 responding to Pyongyang's continued nuclear and missile tests.<sup>17</sup> The resolutions restricted shipments of commodities to and from North Korea (including coal and oil), imposed limits on North Korea's shipping fleet and the vessels that aid North Korea, and mandated an end by 2019 to Pyongyang's practice of sending laborers overseas who work in slave-like conditions and generate revenue for the regime's weapons programs. While China and Russia supported these resolutions, implementation remains a challenge, as Chinese and Russian nationals facilitate North Korea's sanctions evasion. Washington is uniquely positioned to implement both UN and U.S. sanctions by sanctioning those facilitators and thereby strengthening the restrictions supported in name by Beijing and Moscow.

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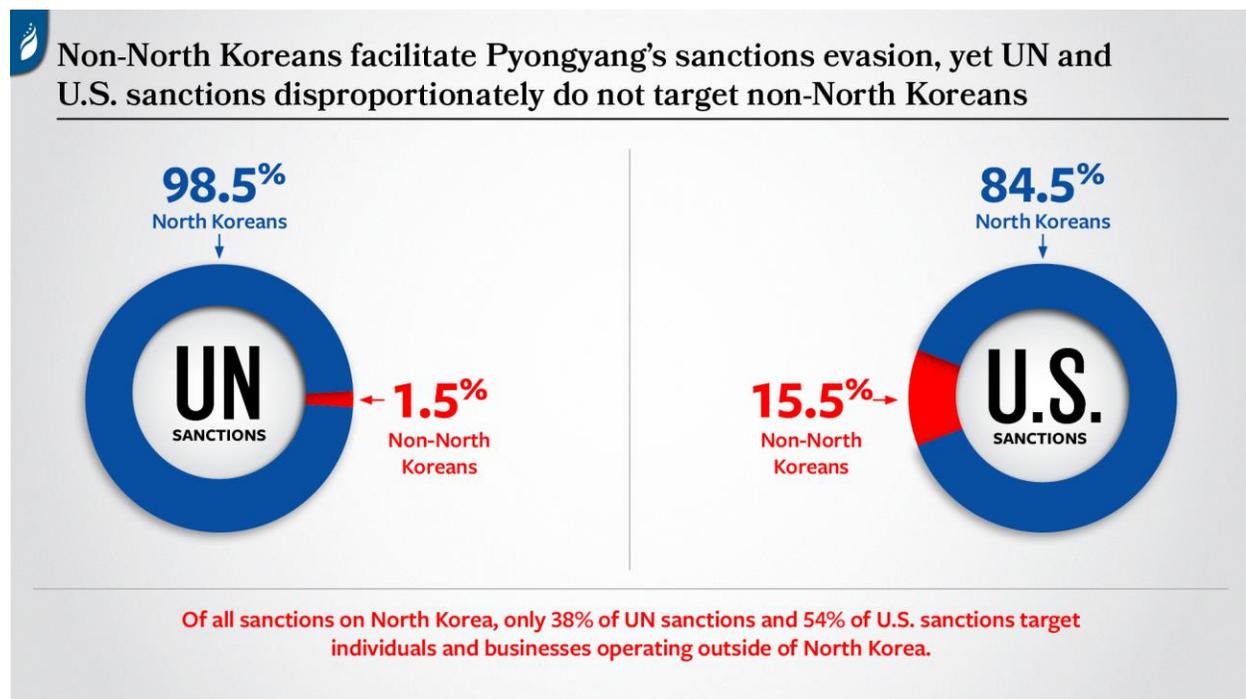
<sup>17</sup> United Nations Security Council, Resolution 2356, June 2, 2017. ([http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2356\(2017\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2356(2017))); United Nations Security Council, Resolution 2371, August 5, 2017. ([http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2371\(2017\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2371(2017))); United Nations Security Council, Resolution 2375, September 11, 2017. ([http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2375\(2017\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2375(2017))); United Nations Security Council, Resolution 2397, December 22, 2017. ([http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2397\(2017\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2397(2017)))

There continues to be a widespread misperception that North Korea has been targeted for years by comprehensive sanctions. In fact, when the North Korea Sanctions and Policy Enhancement Act came into effect almost two years ago, U.S. sanctions against North Korea were deficient and trailing lower priorities like Zimbabwe and the Balkans (see graphic 1).<sup>18</sup> The effect of that legislation is clear: it prompted a serious review of North Korea sanctions and clarified that other countries must join Washington’s effort to squeeze North Korea. U.S. sanctions have more than doubled since February 2016.



<sup>18</sup> The review of sanctions included those entities and individuals listed on the U.S. Department of the Treasury’s Office of Foreign Assets Control Specially Designated Nationals list. The Ukraine/Russia sanctions category includes persons sanctioned under the Sergei Magnitsky Rule of Law Accountability Act and persons subject to the Ukraine-related Directives. U.S. Department of the Treasury, Sanctions List Search, accessed through January 11, 2018. (<https://sanctionssearch.ofac.treas.gov/>)

But the real test of a renewed and effective sanctions program is whether new sanctions are targeting Pyongyang’s overseas business network and the non-North Koreans that facilitate sanctions evasion (see graphic 2). There is good news here, too. The Trump administration has sanctioned 103 persons since March 31, of whom 74 percent operate outside North Korea and 25 percent are non-North Koreans who facilitate North Korea’s sanctions evasion. UN sanctions have begun to target North Korea’s overseas business network, raising the number to 38 percent overall. Unfortunately, the UN sanctions have not targeted non-North Koreans who facilitate sanctions evasion, since Russia and China object to targeting their citizens engaged in these activities. Still, U.S. sanctions on Russian and Chinese individuals and firms can have a substantial impact, since they need access to the U.S. financial system. In the face of Chinese and Russian obstruction at the UN preventing sanctions against its own nationals facilitating Pyongyang’s sanctions evasion, Washington should continue its practice of freezing the assets of, and cutting off access to, the U.S. financial system for these facilitators. Beijing and Moscow face a choice: continue to support Pyongyang’s dangerous weapons development or access to the largest global economy; they should not enjoy both.



The Trump administration's maximum pressure policy has begun to show results, namely countries curtailing or ending diplomatic and commercial relationships with North Korea. A few developments are highlighted below:

- India: Restricted trade with North Korea to only food and medicine, in compliance with UN sanctions. India was previously North Korea's second-largest trading partner.<sup>19</sup>
- Singapore: Suspended commercial trade with North Korea to comply with UN sanctions.<sup>20</sup> Singapore was previously North Korea's seventh-largest trading partner.<sup>21</sup>
- United Arab Emirates: Closed the missions of North Korea's non-resident ambassador and the UAE's own envoy to Pyongyang, and announced it will stop issuing new visas and business licenses to North Koreans.<sup>22</sup>
- Taiwan: Banned all trade activities with North Korea to comply with the UN resolution after North Korea's sixth nuclear test.<sup>23</sup>
- Qatar and Kuwait: Both stopped renewing visas for North Korean forced laborers, which will cut off a source of foreign-generated hard currency income for North Korea.<sup>24</sup>
- Philippines: Suspended trade with North Korea.<sup>25</sup>
- Egypt: Cut military ties after the U.S. threatened to cut aid.<sup>26</sup>

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<sup>19</sup> "Will Reduce Trade, but No Cutting of Diplomatic Ties with North Korea: India to U.S.," *The Wire* (India), October 25, 2017. (<https://thewire.in/190910/mea-india-us-ties-sushma-swaraj-res-tillerson-north-korea-china-iran-rohingya-pakistan/>)

<sup>20</sup> "Singapore suspends trade relations with North Korea," *Reuters*, November 16, 2017.

(<https://www.reuters.com/article/us-singapore-northkorea/singapore-suspends-trade-relations-with-north-korea-idUSKBN1DG00Y>)

<sup>21</sup> Ambassador Nikki Haley, "Remarks at an Emergency UN Security Council meeting on North Korea," *U.S. Mission to the United Nations*, November 29, 2017. (<https://usun.state.gov/remarks/8165>)

<sup>22</sup> "UAE terminates North Korean diplomatic mission, ends visas," *Reuters*, October 12, 2017.

(<https://www.reuters.com/article/us-northkorea-missiles-emirates/uae-terminates-north-korean-diplomatic-mission-ends-visas-idUSKBN1CH247>)

<sup>23</sup> "Taiwan bans all trade with North Korea under UN Sanctions" *Kyodo News* (Japan), September 26, 2017.

(<http://www.scmp.com/news/china/diplomacy-defence/article/2112809/taiwan-bans-all-trade-north-korea-under-un-sanctions>)

<sup>24</sup> Alexander Cornwell and Ahmed Hagagy, "Qatar, Kuwait stop renewing visas for North Korean workers,"

*Reuters*, September 19, 2017. (<https://www.reuters.com/article/us-northkorea-missiles-gulf/qatar-kuwait-stop-renewing-visas-for-north-korean-workers-idUSKCN1BU1WE>)

<sup>25</sup> "Philippines suspends trade with North Korea to comply with UN resolution," *Reuters*, September 8, 2017.

(<https://www.reuters.com/article/uk-philippines-northkorea/philippines-suspends-trade-with-north-korea-to-comply-with-u-n-resolution-idUKKCN1BJ113>)

<sup>26</sup> Samy Magdy, "Egypt cuts military ties with North Korea" *The Star*, September 12, 2017.

(<https://www.thestar.com/news/world/2017/09/12/egypt-cuts-military-ties-with-north-korea-report-says.html>)

- Sudan: Promised to stop buying arms from North Korea in exchange for easing U.S. sanctions.<sup>27</sup>
- Italy: Rejected worker visa applications for four North Korean citizens at the end of September in an effort to comply with UNSC resolution 2375 on North Korean laborers.<sup>28</sup>

Chinese compliance with UN and U.S. sanctions is mixed as Beijing has imposed tighter restrictions on North Koreans in China but is unwilling to target Chinese nationals aiding Pyongyang's sanctions evasion.<sup>29</sup> The Trump administration has publicly targeted China seven times, using the Justice and Treasury Departments' authorities to prompt greater action by Beijing. But the Trump administration continues to pull its punches, possibly because it is fearful of Chinese retaliation.<sup>30</sup> This fear is unwarranted. Beijing does not want to be known as "North Korea's money launderer" and will cooperate, but only after the U.S. acts. It is important that Washington sustain that pressure on Beijing and its nationals, because China has a tendency to implement some sanctions when the spotlight is shining and revert to its old cheating ways when the focus shifts. The United States should continue its actions against Chinese nationals, especially banks, that facilitate North Korea's sanctions evasion. Beijing should be treated like any other country: If it continues illicit business with North Korea, then it will jeopardize its access to the U.S. financial system.

A new area of focus for the maximum pressure campaign must be North Korea's shipping fleet, especially those vessels engaged in ship-to-ship transfers to evade detection. South Korea announced in late December that it had seized a vessel in late November suspected of transferring oil from Japan in violation of UN sanctions via a ship-to-ship transfer.<sup>31</sup> South Korea seized a second vessel for providing oil to North Korea; it is operated by a company linked to Chinese weapons smugglers.<sup>32</sup> As the Trump administration evaluates the effectiveness of its maximum pressure policy, targeting North Korea's shipping fleet should be at the top of the list and should

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<sup>27</sup> Matina Stevis-Gridneff and Ian Talley, "U.S. to Ease Sanctions Against Sudan After It Cuts Ties With North Korea," *The Wall Street Journal*, October 6, 2017. (<https://www.wsj.com/articles/u-s-to-ease-sanctions-against-sudan-1507311816>)

<sup>28</sup> Hamish Macdonald, "Italy rejected visas for N. Koreans seeking cooperation in textiles: report," *NK News* (South Korea), December 21, 2017. (<https://www.nknews.org/2017/12/italy-rejected-visas-for-n-koreans-seeking-cooperation-in-textiles-report/?c=1515598943808>)

<sup>29</sup> Anthony Ruggiero, "Evaluating Sanctions Enforcement and Policy Options on North Korea," *Testimony before Senate Committee on Banking, Housing, and Urban Affairs*, September 7, 2017. ([http://www.defenddemocracy.org/content/uploads/documents/09-07-17\\_AR\\_Senate\\_Banking\\_Testimony-1.pdf](http://www.defenddemocracy.org/content/uploads/documents/09-07-17_AR_Senate_Banking_Testimony-1.pdf))

<sup>30</sup> Anthony Ruggiero, "It's time to ramp up the pressure on North Korea and China after latest missile test," *Fox News*, November 29, 2017. (<http://www.foxnews.com/opinion/2017/11/29/its-time-to-ramp-up-pressure-on-north-korea-and-china-after-latest-missile-test.html>)

<sup>31</sup> Seungmock Oh, "China asked UN not to blacklist six ships for illegally shipping to N. Korea," *NK News* (South Korea), December 29, 2017. (<https://www.nknews.org/2017/12/china-asked-un-not-to-blacklist-six-ships-for-illegally-shipping-to-n-korea/>)

<sup>32</sup> Yuna Park and Hyunjoon Jin, "South Korea seizes second ship suspected of providing oil to North Korea," *Reuters*, December 31, 2017. (<https://www.reuters.com/article/us-northkorea-missiles-southkorea-ship/south-korea-seizes-second-ship-suspected-of-providing-oil-to-north-korea-idUSKBN1EP04P>); Leo Byrne and James Byrne, "Seized oil tanker linked to N. Korean networks, investigation reveals," *NK News* (South Korea), January 3, 2018. (<https://www.nknews.org/2018/01/seized-oil-tanker-linked-to-n-korean-networks-investigation-reveals/?c=1515604563232>)

be combined with efforts to renew emphasis on military exercises that entail practice interdictions, which would increase the risk for vessels operating in this sector.<sup>33</sup>

## Negotiations

As the maximum pressure campaign has begun to show results, Kim Jong Un went back to a well-worn tactic of trying to drive a wedge between Seoul and Washington. In 2017, the only thing the United States and North Korea agreed on was that China's "freeze for freeze" proposal, where Pyongyang would freeze its nuclear and missile tests in exchange for a freeze of U.S.-South Korea military exercises, was a non-starter. In fact, Washington clarified that the military exercises were defensive, so there is no reason to freeze them, whereas Pyongyang's programs entail violations of numerous UN Security Council resolutions. But with one New Year's address preying on South Korean President Moon Jae In's desire for an illusion of peace during the Olympics, Kim changed the narrative from "freeze for freeze" to "delay for nothing." For a mere promise of talks, Pyongyang received a delay of the aforementioned defensive military exercises.

Kim learned in the first few days of 2018 that South Korea is playing from the same playbook, namely a willingness to provide incentives for minimal or delayed North Korean actions. Once South Korea buys into the false promise of engagement, it will begin pressuring the U.S. to do the same. The Trump administration should nip this dynamic in the bud; Congress should be vigilant as well. Washington should remind Seoul that this approach led us down the path of the failed 1994 Agreed Framework and 2005 Joint Statement. Both nuclear deals were negotiated with the expectation that a freeze of North Korea's nuclear program coupled with incentives to ensure compliance would lead to a denuclearized Korean peninsula. The deals also suffered from back-loading North Korean obligations while front-loading the obligations of the other partners. There is good reason for concern that Kim could parlay the inter-Korean talks into bogus nuclear negotiations with the express purpose of sabotaging the maximum pressure campaign that has started to pay dividends.

Another concern is that the drive toward negotiations will relieve the political pressure that has enabled tougher sanctions and tougher enforcement of those sanctions. In theory, the sanctions and enforcement campaign could continue during negotiations. In practice, we have seen that the U.S. and its allies quickly succumb to false hopes that reducing pressure on North Korea will result in successful negotiations.

When it comes to exerting pressure, the U.S. government seems uncertain of the right course. Last year saw a significant increase in sanctions and coercive diplomacy, but the State Department signaled a willingness to talk (and in some cases conducted actual talks) with North Korea. Some of the efforts were derailed by mixed messages from the Trump administration. The question now is whether Seoul, Beijing, and others will continue to support sanctions at a time of renewed diplomacy. Their track record suggests they will not, even though many of these sanctions target illegal activities, including efforts to access the U.S. financial system, and create additional leverage for any negotiations. Thus, the Trump administration should pursue additional sanctions

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<sup>33</sup> Anthony Ruggiero, "Evaluating Sanctions Enforcement and Policy Options on North Korea," *Testimony before Senate Committee on Banking, Housing, and Urban Affairs*, September 7, 2017. ([http://www.defenddemocracy.org/content/uploads/documents/09-07-17\\_AR\\_Senate\\_Banking\\_Testimony-1.pdf](http://www.defenddemocracy.org/content/uploads/documents/09-07-17_AR_Senate_Banking_Testimony-1.pdf))

against North Korea and its facilitators. But even if it decides to withhold new sanctions until after the Olympics, the Trump administration should continue enforcement activities, private coercive diplomacy, and efforts to develop a serious second phase of the maximum pressure campaign that can reinforce the consequences for Pyongyang's continued provocations.

### **Conclusion**

As Seoul moves into a period of negotiations with North Korea on its Olympics participation, Washington's policy should ensure that South Korean engagement in no way undermines the maximum pressure campaign. If there are signs that North Korea is only playing for time, the U.S. should urge an end to talks. Pyongyang and Beijing should not be allowed to violate UN and U.S. sanctions during inter-Korean talks. If at some point in 2018 a substantial improvement in Pyongyang's behavior leads to the prospect of U.S.-North Korea negotiations, Washington should learn from past mistakes and insist that Kim Jong Un commit to denuclearize before the talks begin. The United States must not allow Moon's desire for a deal and Washington's inherent need to move beyond this crisis to get us into another set of flawed negotiations resulting in a dangerous deal that locks in North Korea's weapons programs.

On behalf of the Foundation for Defense of Democracies, I thank you again for inviting me to testify and I look forward to addressing your questions.