



Statement Before the

Tom Lantos Human Rights Commission

***“North Korea: Denuclearization Talks and
Human Rights”***

A Testimony by:

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September 13, 2018

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Chairman McGovern, Chairman Hultgren, and distinguished members of the Commission, it is a distinct honor to appear before this commission to discuss denuclearization talks and human rights in North Korea.

An Agenda for Human Rights and U.S. Diplomacy toward North Korea

What is both amazing and depressing about the diplomacy following the Singapore Summit meeting between President Donald Trump and North Korean leader Kim Jong-un are the constants that have re-emerged following a period of arguably the most dramatic change we have witnessed on the peninsula in decades. 2017 saw Trump's penchant for a military strike on North Korea and Kim's talk of turning Washington, D.C. into a sea of fire as he tested ICBMs that could reach the U.S. homeland.ⁱ I had never heard more talk about military options inside the Beltway in over 20 years than I did in 2017. This path to war was abruptly altered in early 2018 with the PyeongChang Winter Olympics and deft diplomacy by the South Koreans to facilitate two inter-Korean summits and the meeting between Trump and Kim. And yet three months after Trump and Kim's unprecedented summit, the same dynamics repeat. The more things change, the more they stay the same.

First, despite the Panmunjeom (inter-Korean) and Singapore (U.S.-North Korea) summits' proclamations about a nuclear-free Korean peninsula, North Korea still pursues its strategy of Byungjin – the pursuit of nuclear weapons status and economic development.ⁱⁱ The media's focus since the Singapore Summit on Kim Jong-un's expressed desire to improve the economic conditions in the country misses the fact that these aspirations are not held in lieu of nuclear weapons, but in conjunction with the November 2017 announcement that the regime had completed its nuclear weapons and ballistic missile testing.ⁱⁱⁱ It's called having your cake and eating it too.

Second, despite President Trump's impulsive decision to meet the North Korean leader and seek reconciliation, the United States still pursues the complete and irreversible abandonment of all nuclear weapons, missiles, and WMD programs from the country. In a nod to diplomacy, Secretary of State Mike Pompeo has stopped using the term "CVID" (complete, verifiable, and irreversible dismantlement) because the North Koreans hate it (it was coined by John Bolton during the George W. Bush administration), and replaced it with "final and fully verifiable" denuclearization.^{iv} But there has been no change in U.S. goals to rid this threat permanently to homeland security.

The third constant in the diplomacy that has not changed is the problem of "sequencing." The impasse in negotiations after the Singapore Summit is one familiar to anyone who has been close to these discussions about denuclearization and peace treaty in the past. As the visit by ROK special envoys to North Korea in early September 2018 made clear, the North Korean complaint is that it wants the United States to sign up to a peace declaration ending the state of hostilities on the peninsula before it is ready to consider any steps toward denuclearization.^v Pyongyang points to its testing freeze, and decommissioning of the Punggye-ri nuclear test site and the missile engine testing site as evidence of its intention to denuclearize.^{vi} The United States, on the other hand, is unwilling to take such a step unless North Korea commits to denuclearization in the form of: 1) commitment to a full declaration; 2) commitment to outside verification of the declaration and a

denuclearization process; and 3) commitment to a timeline. Washington does not trust the initial steps taken by North Korea and wants outside verification by international inspectors. In short, each side wants the other to go first.

Human Rights

The fourth constant relates to human rights. As in the past, the summits have privileged the nuclear negotiations above all else, including the human rights abuses inside the country, despite UN resolutions and UN Commission of Inquiry Report condemning the regime for its gulags, control of information, and other human rights violations.^{vii} Let me take the remainder of my time to focus on this issue.

In my opinion, the United States has been consistently incapable of walking and chewing gum at the same time. As discussed in a George W. Bush Institute report on integrating North Korea human rights into the mainstream of our national security policies and diplomatic strategy – it is possible and indeed desirable to integrate a demand for the respect of human dignity consistent with the UN Charter as a tangible metric of the North Korean government’s commitment to reform and good standing in the community of nations.^{viii}

The tendency that has emerged in past administrations’ negotiations with North Korea is the same one that is emerging today. When there is no diplomacy on denuclearization taking place with North Korea, we amp up the volume on human rights, support defector testimonies castigating the regime, and support efforts to get outside information into the country. But once the negotiations begin, the human rights issue becomes too uncomfortable, and too inconvenient to talk about. Negotiators do not want to raise it for fear that it will create a distraction from the main issue (denuclearization), or even worse it might “offend” the regime and submarine the negotiations.

We see the same dynamic thus far in the Trump administration. At the President’s State of the Union speech this January and during Vice President Mike Pence’s attendance at the Winter Olympics this February, the administration rightly pointed out the human rights abuses of the regime, the detainment of Americans, and the death of UVA student Otto Warmbier.^{ix} As the spring transformed into a series of inter-Korean, North Korea-Chinese, and U.S.-North Korea summit meetings, the administration has grown conspicuously quiet regarding these abuses.

Yet, there is no zero-sum relationship between human rights and denuclearization. To this commission’s credit, there seems to be an understanding of this fact. Congress has a record of consistency on the human rights issue and has been bipartisan in its statements and legislation.

To assume a zero-sum relationship between talking about human rights abuses and talking about denuclearization plays right into North Korea’s hands in dictating the terms of what is negotiable and non-negotiable. The United States’ approach to North Korea cannot be one-dimensional, focusing only on security. The threat posed by North Korea stems not just from the nuclear and missile threats, but from a government in possession of such weapons, which is capable of a level of abuse of its own citizens unprecedented in modern human history. This administration and future ones would be well-served to consider the following principles and tasks:

- **Demand human rights improvements as part of a denuclearization agenda.** A North Korea that is improving its human rights record would signal more of a commitment to reform and joining the community of nations than almost any other measure. This could make more credible any actions they take on the denuclearization front (with outside verification).
- **View human rights sanctions as part of stemming proliferation.** Revenues from North Korean human rights abuses, including the export of slave labor as well as from trading companies engaged in such abuses, are suspected to be used to fund nuclear proliferation activities. In addition, well-established North Korean practices with regard to food distribution, mass labor mobilization, and prison camp labor all favor the regime and its proliferation practices over the rights of the citizens of the country.
- **View the human rights issue not as a U.S.-North Korea bilateral one, but as one supported by the international community.** The international community's galvanized attention on the human rights abuses has permanently changed the playing field for future U.S. diplomatic action with the North, making accountability for human rights abuses a requisite element of any new U.S. strategy.
- **Declare that true peace cannot come without improving the welfare of all Koreans on the Korean peninsula.** An integral part of tension-reduction and reconciliation on the peninsula requires greater transparency and cooperation in improving the human condition in the North.
- **Prioritize information flows.** The Trump administration should increase the volume of information to the North Korean people as access to outside information is a basic human right.
- **Sanction entities facilitating "slave labor" exports.** New and existing authorities for sanctions should target entities and individuals facilitating North Korea's exploitation of overseas labor and coal exports as sources of revenue that could be diverted to the nuclear and missile program.
- **Create opportunities for the next generation.** I have been involved with efforts by the Bush Institute to embrace the chance to empower North Korean refugees in the United States, many of whom send money and information to their families back home. These could be future leaders of the country.^x
- **Consider humanitarian assistance.** We should remain open to incorporating humanitarian assistance in a way that helps North Korea's most vulnerable citizens. As Ambassador Bob King, the previous administration's envoy for North Korean human rights issues, wrote in a recent CSIS commentary: "One important benefit of humanitarian assistance is that North Koreans—from senior government officials to individual aid recipients in remote villages—have contact with U.S. citizens and with citizens of other countries. This helps increase the flow of information about the outside world in one of the world's most isolated places."^{xi}

There are no clear answers regarding the path forward. But neglecting human rights abuses in North Korea and not using the current talk of summits as an opportunity to integrate this into U.S. diplomacy has been proven, based on the past three decades, to not getting us any closer to denuclearization.

The task is to find the sweet spot between denuclearization, peace, and the promotion of human rights in the country. These are not as diametrically opposed objectives as we may have been led to believe.

ⁱ Victor Cha, "Victor Cha: Giving North Korea a 'bloody nose' carries a huge risk to Americans," *The Washington Post*, January 30, 2018, https://www.washingtonpost.com/opinions/victor-cha-giving-north-korea-a-bloody-nose-carries-a-huge-risk-to-americans/2018/01/30/43981c94-05f7-11e8-8777-2a059f168dd2_story.html?utm_term=.57787cd68469

ⁱⁱ "Panmunjeom Declaration for Peace, Prosperity and Unification of the Korean Peninsula," *Korea.net*, April 27, 2018, <http://www.korea.net/Government/Current-Affairs/National-Affairs/view?subId=641&affairId=656&pageIndex=1&articleId=3354>; "Joint Statement of President Donald J. Trump of the United States of America and Chairman Kim Jong Un of the Democratic People's Republic of Korea at the Singapore Summit," *The White House*, June 12, 2018, <https://www.whitehouse.gov/briefings-statements/joint-statement-president-donald-j-trump-united-states-america-chairman-kim-jong-un-democratic-peoples-republic-korea-singapore-summit/>; on byungjin policy, see when it was first announced in KCNA, "Report on Plenary Meeting of WPK Central Committee," March 31, 2013, www.kcna.co.jp/item/2013/201303/news31/20130331-24ee.html; and byungjin in Kim Jong-un's 2018 New Year Address, KCNA, "Kim Jong Un Makes New Year Address," January 1, 2018, <https://kcnawatch.co/newstream/284839/kim-jong-un-makes-new-year-address/>

ⁱⁱⁱ "Kim Jong Un declared with pride that now we have finally realized the great historic cause of completing the state nuclear force, the cause of building a rocket power..." in Rodong Sinmun, "DPRK Gov't Statement on Successful Test-fire of New-Type ICBM," November 29, 2017, http://rodong.rep.kp/en/index.php?strPageID=SF01_02_01&newsID=2017-11-29-0002

^{iv} John Walcott and Hyonhee Shin, "Pompeo hopes to 'fill in' details on denuclearization on North Korea trip," *Reuters*, July 5, 2018, <https://www.reuters.com/article/us-northkorea-usa-pompeo/pompeo-hopes-to-fill-in-details-on-denuclearization-on-north-korea-trip-idUSKBN1JW0A0>

^v "Briefing by Director of National Security Chung Eui-yong on the Outcome of the Visit to Pyeongyang," *Cheong Wa Dae*, September 6, 2018, <https://english1.president.go.kr/BriefingSpeeches/Briefings/310>

^{vi} On suspension of nuclear and missile testing, see Anna Fifield, "North Korea says it will suspend nuclear and missile tests, shut down test site," *The Washington Post*, April 20, 2018, https://www.washingtonpost.com/world/north-korean-leader-suspends-nuclear-and-missile-tests-shuts-down-test-site/2018/04/20/71ff2eea-44e7-11e8-baaf-8b3c5a3da888_story.html?utm_term=.9221bba13215; on Punggye-ri, see Eric Talmadge, "N. Korea demolishes nuclear test site as journalists watch," *The Associated Press*, May 25, 2018, <https://www.apnews.com/b3d007a341db451abc74d45279f0d5c7>; on missile engine test site, see Choe Sang-Hun, "North Korea Starts Dismantling Key Missile Facilities, Report Says," *The New York Times*, July 23, 2018, <https://www.nytimes.com/2018/07/23/world/asia/north-korea-dismantling-missile-facilities.html>

^{vii} "North Korea: UN Commission documents wide-ranging and ongoing crimes against humanity, urges referral to ICC," *United Nations Human Rights Council*, February 17, 2014, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=14255&LangID=E>; for full UN COI report, see "Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea," *United Nations Human Rights Council*, February 7, 2014, <https://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/ReportoftheCommissionofInquiryDPRK.aspx>

^{viii} Victor Cha and Robert L. Gallucci, "Toward A New Policy And Strategy For North Korea," *George W. Bush Institute*, November 2016, <http://gwbcenter.imgix.net/Resources/gwbi-toward-a-new-policy-for-north-korea.pdf>

^{ix} “President Donald J. Trump’s State of the Union Address,” *The White House*, January 30, 2018, <https://www.whitehouse.gov/briefings-statements/president-donald-j-trumps-state-union-address/>; “Remarks by Vice President Pence in Press Gaggle at Cheonan Memorial,” *The White House*, February 9, 2018, <https://www.whitehouse.gov/briefings-statements/remarks-vice-president-pence-press-gaggle-cheonan-memorial/>

^x “Bush Institute Announces First Recipients of North Korea Freedom Scholarship,” *George W. Bush Institute*, July 26, 2017, <https://www.bushcenter.org/about-the-center/newsroom/press-releases/2017/07/north-korea-scholarship-recipients.html>

^{xi} Robert R. King, “Humanitarian Engagement with North Korea—Great Need but Increasingly Difficult,” *CSIS*, September 4, 2018, <https://www.csis.org/analysis/humanitarian-engagement-north-korea-great-need-increasingly-difficult>