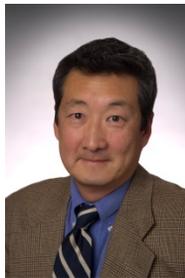


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Testimony of Victor Cha before the UN Commission of Inquiry
on North Korean Human Rights

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Washington, D.C.

Commissioners Donald Kirby (Australia), Sonja Biserko (Serbia) and Marzuki Darusman (Indonesia)



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Thank you to the Commission of Inquiry for their work thus far on an important topic. For too long, human rights abuses in North Korea have been cast aside for so-called higher priorities in policy with North Korea. Yet when unification comes one day, and all is revealed, we will be witness to one of the worst human rights abuses in modern world history.

I will organize my remarks, Mr. Chairman, around three issues this morning: 1) U.S. policy; 2) China's responsibilities; and 3) the potential for hope and change in North Korean society.

U.S. policy

Mr. Chairman, as you are aware, North Korean human rights has not traditionally been a high priority in U.S. policy to the North. The primary focus has been on the security threat in two respects: 1) conventional deterrence of a second North Korean invasion; and 2) denuclearization. On the first of these objectives, we have been quite successful in the sense that there has not been a second attempt by the North to invade the South since June 1950. Conventional deterrence has worked. On the second, however, we have not been very successful. Despite two agreements in 1994 and in 2005, North Korea has not been denuclearized. Indeed, its arsenal has only grown over time.

Human rights have not played a large role in U.S. negotiations. It was never an explicit part of the U.S. negotiating strategy for the Six-Party talks. The only place it had a role was in our bilateral working group. As a result of the Six-Party Joint Statement of September 2005, five working groups were set up – denuclearization, energy assistance, Japan, U.S., and a regional security group. The U.S.-North Korea bilateral working group was tasked with discussing the issues that needed to be resolved in order for there to be a normalization of political relations

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between the two countries. On the North Korean “to-do” list was the numerous economic sanctions levied by the U.S. against the country. On the U.S. “to-do” list were North Korean missiles, the forward deployment of their conventional military forces, and human rights.

But we never really had the opportunity to have an explicit discussion about human rights. The primary vehicle for bringing North Korean human rights abuses on the policy radar screen was the U.S. Congress. On March 23, 2004, Congress passed the North Korean Human Rights Act of 2004 (H.R.4011) that called for the appointment of a special envoy for North Korean human rights issues. But initially that envoy did not have a real role in U.S. policy to North Korea. When the United States was in negotiations on the nuclear issue, policymakers did not want to raise the human rights issue for fear of crippling the negotiations. It was only when the U.S. was not engaged in negotiations that there was less opposition to some stumping by the human rights envoy.

The effectiveness of the envoy was also complicated by the politics of our ally in Seoul. At the time, there was a progressive government in the South under President Roh Moo-hyun that was less welcoming of pushing hard on the human rights issues.

The one voice on human rights in the U.S. government who tried to make an impact was the president himself. His metric was not to free all North Koreans because this was not a practical goal. Instead, the idea was to make some sort of measureable improvement in the lives of North Koreans and to spread knowledge about the problems to the broader international community.

There was not greater soapbox for this than the Oval Office. President George W. Bush met with Kang Chol-hwan, the North Korean defector and author of *Aquariums of Pyongyang* (2001). This was the first meeting of its kind and because the U.S. did not want to negatively impact nuclear negotiations or upset our ally in the South, the White House only released a photo of the meeting with a simple caption saying that the U.S. president met with a North Korean defector. But once the picture was released, it spread like wildfire across the international media.

The president also met with the parents of Megumi Yokota and with the family of Kim Han-mi in the Oval Office. These were terribly emotional meetings in which the U.S. president knew every detail of their stories. This time, he could not hold his tongue and held small press availability after the meetings.

When the president of the United States takes up an issue, it becomes international at a level unlike what any NGO or other group could possibly match. The president told the stories of these people to other world leaders at the G-8 and at the UN General Assembly. Soon, North Korean human rights abuses became a well-known issue among all of the world leaders.

The United States since has taken other specific measures, including starting the first refugee resettlement program outside of South Korea; food assistance programs; children’s vaccination programs, increased funding for radio broadcasting into the country, among other things. But

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most importantly, I think these efforts gave those inside the country and outside the hope that someone was listening and trying to help. As one defector stated, “If America does not stand up for the abused people in North Korea, then what other country in the world would even care?”

I think this hope is also what the Commission of Inquiry can provide with its work.

I believe U.S. policy could do a better job of integrating human rights into our overall policy. We certainly cannot give up on denuclearization, but there is not necessarily a zero-sum relationship between these two issues. On the contrary, pushing for human rights reforms in North Korea could actually help with our denuclearization negotiations.

What I mean by this is that there are many obstacles to implementing a denuclearization deal with North Korea, but perhaps the most important one is the lack of credibility with regard to North Korean actions and statements. Pyongyang has violated past agreements so many times that no one really believes their commitments any more. Even if they were to freeze their nuclear tests and offer to dismantle their facilities, no one believes the commitment is real and long-term. There is a basic problem of credibility. However, if North Korea were to take the same actions in the context of an improvement in the human rights situation, then the same moves might look much more credible. Performing denuclearization against the backdrop of substantive moves to address the international community’s concerns about human rights abuses would convey a real sense that Pyongyang has made a strategic decision. I am not saying here that human rights is the golden key, but merely that human rights and denuclearization can work for the same purposes rather than at cross-purposes.

China and Refoulement

I firmly believe that any U.S. government policy and recommendations of this commission must include reference to ending China’s practice of refoulement. China has been actively engaged in the forcible repatriation of North Korean refugees. As a signatory to the 1951 UN Refugee Convention and the 1967 Protocol to the convention, China is obligated to recognize a political refugee who flees his country because of fear of political persecution. Accordingly they are to allow the UNHCR to interview these individuals to determine whether they qualify as political refugees, and are accorded certain rights, resources, and protections. Most North Korean refugees are economic migrants looking for food and money to return to North Korea. But from about 2001, China started to crack down harshly on these refugees in broad sweeps of towns. Rewards are given to those who help and fines to those who aid and abet these individuals. The refugees are rounded up on buses and sent back with the curtains drawn so that no one can see their faces.

This is a horrible practice that both the North Koreans and Chinese collude to keep quiet. The victims in this regard are nameless and faceless. They are not humans. They are statistics.

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In March 2006, the United States released a White House statement on Kim Chun-hee:

“The United States is gravely concerned about China’s treatment of Kim Chun-hee. Despite US, South Korean, and UNHCR attempts to raise this case with the Chinese, Ms. Kim, an asylum seeker in her thirties, was deported to North Korea after being arrested in December for seeking refuge at two Korean schools in China. We are deeply concerned about Ms. Kim’s well-being. The United States notes China’s obligations as party to the UN Convention relating to the Status of Refugees and its 1967 Protocol and believes that China must take those obligations seriously. We also call upon the government of China not to return North Korean asylum seekers without allowing UNHCR access to those vulnerable individuals.”

At the time, Ms. Kim was a 31-year old woman with family members who defected to South Korea. She tried and was caught twice in China. Her family publicized her case and the U.S. and ROK formally demarched China about the case. The UNHCR commissioner also asked China about the case. But the Chinese gave no response. One day after the UNHCR left Beijing, the government announced that she was deported back to North Korea.

The significance of the White House statement was that it was the first of its kind on the practice of refoulement. But even more important the statement puts names and faces to a practice that was otherwise nameless and faceless. If the public does not know who these people are, then they are just statistics. That was why it was important to name individuals and put faces to their cases. It gives real data points to the world around which to rally for a change.

The Future

The natural question that arises is what is the future of human rights in North Korea? Is there a solution?

Unification is the simple and yet at the same time the most complex answer, given all the uncertainties attached to unification and the concerns about the ability of North Koreans to assimilate successfully into the world after a life of hyperisolation.

In this regard, the best hope for North Korea is its society.

I would contend that North Korean society today under the leadership transition to Kim Jong-un is very different from the North Korean society when Kim Il-sung died in 1994. There are two reasons for this: 1) markets; and 2) information.

North Korean society today has an ingrained market mentality that is now two decades old. This grew out of the Great Famine of the 1990s. The public distribution system (PDS) broke down and the government basically lifted price controls and told everyone to fend for themselves. This led to buying, selling, and bartering by the population to survive. Once the famine ended, the government reinstated the PDS, but the floodgates had already been opened. Defectors note

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that they got nearly half of their livelihood from the markets. Markets create an independence of mind from the government. It makes a population more critical of its government, and most importantly it creates a desire to make one's own life better.

Whenever I talk to high-level policymakers in Washington DC about North Korea, two numbers intrigue them. The first is two million, which refers to the number of cellphone registrations in the country. The other is 15,000, which refers to the number of people with access to the internet. Admittedly, these numbers are small and the use of these information technologies is still highly circumscribed, but this is a new variable in the North Korea equation.

Moreover, these numbers will only grow because it is in the interests of the government to allow them to grow. The internet for example is tailored-made for North Korea given that it allows free access to information around the world without having to leave the country. Cell phones, moreover, are a money-maker for the government. Sheena Chestnut Greitens, a young scholar at Harvard, calculates that the government makes about \$60 million per year on one million cellphone registrations. It took 2.5 years to go from 0 to one million phones but then it only took one year to go from one million to two million. The point is that once you introduce these instruments into society, you cannot get rid of them.

One of the greatest abuses of the DPRK regime has been its control of information, its monopoly of citizens' time and its suffocation of the people with ideology. These new instruments of modernity will make it harder and harder for such abuses to continue.

Thank you commissioners for the opportunity to testify, and I wish the Commission the best in its work.

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