

NORTH KOREA: DENUCLEARIZATION TALKS AND HUMAN RIGHTS

HEARING BEFORE THE **TOM LANTOS HUMAN RIGHTS COMMISSION** **HOUSE OF REPRESENTATIVES**

ONE HUNDRED AND FIFTEENTH CONGRESS
SECOND SESSION

THURSDAY, SEPTEMBER 13, 2018

Available via the World Wide Web: humanrightscommission.house.gov

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NORTH KOREA: DENUCLEARIZATION TALKS AND HUMAN RIGHTS

THURSDAY, SEPTEMBER 13, 2018

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION,
Washington, D.C.

The Commission met, pursuant to call, at 2:00 p.m., in Room 2255, Rayburn House Office Building, Hon. James P. McGovern [co chairman of the Commission] presiding.

Mr. McGOVERN: Okay. So my colleague Congressman Hultgren is on the floor right now and is a little bit delayed, so he will be here shortly. But we are going to kick the hearing off and begin because we are going to have votes in not too long, so I want to be respectful of everybody's time here.

So good afternoon. I want to welcome our witnesses and those of you in the audience to the Commission's hearing on Human Rights and Denuclearization in North Korea.

You know, these days, there are not many issues that inspire near universal agreement in the international community, but recognition of the horrendous human rights situation in North Korea is one of them.

In 2013, the U.N. Human Rights Council established a Commission of Inquiry to investigate the systematic, widespread, and grave violations of human rights in the Democratic People's Republic of Korea, with a view to ensuring full accountability. The Commission's final report found that the North Korean regime had committed crimes against humanity and called for a U.N. Security Council referral to the International Criminal Court. In 2014, the U.N. General Assembly approved a resolution echoing that call with an overwhelming vote.

In March 2017, the U.N. Human Rights Council resolved to establish a repository to archive evidence detailing the country's human rights violations.

These uncommon U.N. actions reflect the severity of the abuses in North Korea, which include a total denial of civil, political, and religious liberties; mass imprisonment, with severe physical abuse, torture, and executions; food shortages, leading to starvation and lack of access to medical care; and lack of freedom of movement. Essentially, every single right that should be guaranteed is not.

Meanwhile, North Korea has active nuclear weapons and ballistic missile programs and is also believed to have chemical and biological weapons capacity.

On the nuclear front, North Korea is unconstrained by international agreements. They unilaterally withdrew from the Treaty on the Non Proliferation of Nuclear Weapons in 2013. It is not a party to the Comprehensive Nuclear Test Ban Treaty and has conducted six increasingly sophisticated nuclear tests since 2006.

I think it is fair to say that Kim Jong Un makes most of us very, very nervous, and for that reason alone, most people welcome the deescalation of tension between the U.S. and North Korea that accompanied President Trump's summit with the North Korean leader last June.

But it is also clear that the summit marked the beginning of a process, not the end. No agreement is in place, and negotiations seem to be ongoing. So it is a good moment to ask how the human rights situation interacts with the nuclear problem and whether the two can or should be addressed simultaneously.

I strongly support denuclearization, not just in North Korea but throughout the world. Ridding the world of the threat of nuclear destruction would be one of the greatest gifts we could give to our children and generations to come. I also believe that the way to achieve that goal is through direct, strong, persistent, multilateral diplomatic engagement.

I have not taken the position that human rights must be part of the nuclear negotiations, and I would not want a failure to improve human rights to preclude a nuclear deal. But although we know that Kim Jong Un believes nuclear weapons are necessary to secure his regime's existence, the risks to the regime are not only, or perhaps even mainly, external. In the long run, I expect the biggest and most important threats are internal.

The Commission of Inquiry described the human rights violations in North Korea not as mere excesses of the state but as essential components of a political system that seeks to dominate every aspect of its citizens' lives and terrorizes them from within. Certainly, fear can be deployed to sustain a barbarous regime for a while, but not forever. And as Western media and others begin to have at least some limited access to the country, we are also seeing how decades of near isolation have consolidated the state's hold over how its citizens think, believe, and interpret the outside world.

Perhaps we can need to rethink the role human rights could play in denuclearization talks. Instead of dropping discussion of human rights once the regime comes to the table, maybe we should approach measures to improve human rights as strategic steps to ease internal sources of pressure and instability, as well as ways to increase the confidence of the international community.

The reunification and communication between family members living in the North and the South are other ways tensions might ease not just in the political sphere but in the human rights landscape as well. A nuclear North Korea is not in anyone's interest, but neither is a North Korea that collapses due to internal unrest.

Our witnesses will be discussing ideas along these lines today, and I look forward to hearing their views and their recommendations.

Our panel includes Greg Scarlatoiu. I want to make sure I pronounce these. I am from Massachusetts; sometimes we don't pronounce anything very well. He is the executive director of the Committee for Human Rights in North Korea, and prior to that he was with the Korea Economic Institute. We welcome him here.

Victor Cha is a professor of government at Georgetown University, a senior adviser and Korea chair at the Center for Strategic and International Studies, and a fellow in human rights at the George W. Bush Institute. He served as the deputy head of delegation for the United States at the Six Party Talks during the Bush administration. And we see you on TV all the time too. So it is great to have you here.

Roberta Cohen has served as senior adviser to the Representative of the U.N. Secretary General on Internally Displaced Persons, Deputy Assistant Secretary in the State Department's first Human Rights Bureau, and senior adviser to the U.S. delegation to the U.N. General Assembly and Commission on Human Rights. Currently, she is co-chair emeritus of the Committee for Human Rights in North Korea.

So I welcome you all here. We look forward to your testimony. And your complete statements will be made part of the record, so you can read them, or you can summarize them, whatever you want to do.

And we will begin with you. Thank you.

[The prepared statement of Co-Chair McGovern follows]

PREPARED STATEMENT OF THE HONORABLE JAMES P. McGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS AND CO-CHAIRMAN OF THE TOM LANTOS HUMAN RIGHTS COMMISSION



Tom Lantos Human Rights Commission Hearing

North Korea: Denuclearization Talks and Human Rights

Thursday, September 13, 2018

2:00 – 3:30 p.m.

2255 Rayburn House Office Building

Opening Remarks as prepared for delivery

Good afternoon. I join my colleague and co-chair Rep. Hultgren in welcoming the witnesses and those of you in the audience to the Commission’s hearing on human rights and denuclearization in North Korea.

These days there are not many issues that inspire near universal agreement in the international community. But recognition of the horrendous human rights situation in North Korea is one of them.

In 2013, the UN Human Rights Council established a Commission of Inquiry to investigate “the systematic, widespread and grave violations of human rights in the Democratic People’s Republic of Korea ... with a view to ensuring full accountability.”

The Commission’s final report found that the North Korean regime had committed crimes against humanity and called for a UN Security Council referral to the International Criminal Court. In 2014 the UN General Assembly approved a resolution echoing that call with an overwhelming vote.

In March 2017 the UN Human Rights Council resolved to establish a repository to archive evidence detailing the country's human rights violations.

These uncommon UN actions reflect the severity of the abuses in North Korea, which include a total denial of civil, political and religious liberties; mass imprisonment with severe physical abuse; torture and executions; food shortages leading to starvation and lack of access to medical care; and lack of freedom of movement.

Essentially every single right that **should** be guaranteed is not.

Meanwhile, North Korea has active nuclear weapons and ballistic missile programs, and is also believed to have chemical and biological weapons capacities.

On the nuclear front, North Korea is unconstrained by international agreements. It unilaterally withdrew from the Treaty on the Non-Proliferation of Nuclear Weapons in 2003, is not a party to the Comprehensive Nuclear-Test-Ban Treaty, and has conducted six increasingly sophisticated nuclear tests since 2006.

I think it's fair to say that Kim Jung-un makes most of us very, very nervous. And for that reason alone, most people welcomed the de-escalation of tension between the U.S. and North Korea that accompanied President Trump's summit with the North Korean leader last June.

But it is also clear that the summit marked the beginning of a process, not the end. No agreement is in place, and negotiations seem to be on-going.

So it is a good moment to ask how the human rights situation interacts with the nuclear problem, and whether the two can or should be addressed simultaneously.

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I also believe that the way to achieve that goal is through direct, strong, persistent, multilateral diplomatic engagement. I have not taken the position that human rights must be part of nuclear negotiations, and I would not want a failure to improve human rights to preclude a nuclear deal.

But although we know that Kim Jung-un believes nuclear weapons are necessary to secure his regime's existence, the risks to the regime are not only – or perhaps even mainly – external. In the long run, I expect the biggest and most important threats are internal.

The Commission of Inquiry described the human rights violations in North Korea not as mere excesses of the state, but as “essential components” of a political system that seeks to dominate every aspect of its citizens’ lives and terrorizes them from within.

Certainly fear can be deployed to sustain a barbarous regime for a while – but not forever.

And as western media and others begin to have at least some limited access to the country, we are also seeing how decades of near-isolation have consolidated the state’s hold over how its citizens think, believe, and interpret the outside world.

Perhaps we need to rethink the role human rights could play in denuclearization talks.

Instead of dropping discussion of human rights once the regime comes to the table, maybe we should approach measures to improve human rights as strategic steps to ease internal sources of pressure and instability – as well as ways to increase the confidence of the international community.

The reunification and communication between family members living in the North and the South are other ways tensions might ease not just in the political sphere, but in the human rights landscape as well.

A nuclear North Korea is not in anyone’s interest. But neither is a North Korea that collapses due to internal unrest.

Our witnesses will be discussing ideas along these lines today, and I look forward to hearing their views and recommendations.

Thank you.

**STATEMENTS OF GREG SCARLATOIU, EXECUTIVE DIRECTOR,
COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA; VICTOR CHA,
SENIOR ADVISER AND KOREA CHAIR, CENTER FOR STRATEGIC AND
INTERNATIONAL STUDIES; AND ROBERTA COHEN, HUMAN RIGHTS
SPECIALIST AND FORMER DEPUTY ASSISTANT SECRETARY FOR
HUMAN RIGHTS AT THE U.S. DEPARTMENT OF STATE**

**STATEMENT OF GREG SCARLATOIU, EXECUTIVE DIRECTOR,
COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA**

Mr. SCARLATOIU: Thank you, sir. Congressman McGovern, I wish to begin by thanking you for inviting me, thanking you and Congressman Hultgren for inviting me to testify before you today.

In diplomatic interaction with North Korea, for over a quarter century, human rights have been separated from and outcompeted by denuclearization talks. The track record indicates that North Korea's diplomatic credibility is low. Improving North Korea's human rights record could be the litmus test of North Korea's credibility to engage on other issues.

After all, if a government has no regard for the lives of its own people, what regard does it have for the lives of others? What deters it from provoking a war or proliferating missile technology and weapons of mass destruction to terrorists?

In the case of North Korea, human rights can be an indicator of good faith and add clear and achievable benchmarks that increase credibility as part of a larger agreement.

For instance, although North Korea released 3 American detainees earlier this year, it still holds an estimated 80,000 to 120,000 political prisoners inside its gulags, whose existence it denies. North Korea could confirm the locations of its prison camps and grant access to the International Committee of the Red Cross and U.N. agencies to provide humanitarian assistance to North Korea's most vulnerable, which should include prisoners.

In addition to addressing the camps, the regime could allow more access to outside information, thus signaling willingness to respect fundamental human rights. The North Korean criminal code could be revised to no longer prohibit listening to allegedly hostile broadcasting.

The regime could decouple or slow relations with regimes hostile to the United States, regimes also engaged in severe human rights abuses and international terrorism, such as Syria and Iran. This would signal that the Kim regime is more focused on its relationship with the United States and perhaps on its own people rather than economic and trade activities with fellow perpetrators.

While these are merely suggestions, the responses by the Kim regime could be gauged and, therefore, serve as indicators or even benchmarks to assess the credibility of North Korea's commitment to any larger agreement with the United States.

Several key human rights issues could be included in larger discussions with North Korea. Such issues should include political imprisonment, loyalty based social discrimination, modern day slavery, human trafficking, and the reunification of separated families.

The most pressing human rights concern is North Korea's system of political imprisonment, where crimes against humanity are being committed.

Most of North Korea's human rights violations stem from its songbun system, which is North Korea's loyalty based, discriminatory social classification system. Any promise of change or abolishment of the songbun system would be a significant step toward improving the lives of millions of North Koreans.

A 2018 Global Slavery Index study found that North Korea has an estimated 2,640,000 people living in modern slavery, making North Korea the country with the highest prevalence of modern day slavery in the world. North Korea officially dispatches about 100,000 workers to over 30 countries in Asia, Africa, Europe, and the Middle East. The Kim family regime confiscates much of the \$200 million earned by these workers annually.

Despite North Korea's being a party to the U.N. Convention on the Rights of the Child, children are also exploited to generate the resources needed to maintain the regime in power. They are forced to participate in mass games and public mobilization campaigns and perform forced labor ranging from road cleaning to railway construction. Many women and children fleeing North Korea are trafficked in China. If apprehended, they face forcible repatriation and subsequent punishment.

Reunions of separated families, including 100,000 Korean Americans with relatives in North Korea, would be possible only if North Korea allowed continuous, sustainable, unsupervised family reunions or if it allowed its citizens to travel to third countries for such reunions.

Two examples where human rights have been a part of U.S. foreign policy in the past may provide a worthy precedent. They were part of multilateral and bilateral talks with the Soviet Union.

The Helsinki Accords were a multilateral approach to political, economic, and human rights issues in Europe as well as to collective security. If a similar model were applied to North Korea, the intent here would be setting up a vehicle for discussion about

a range of subjects, including human rights, rather than limiting talks with North Korea to denuclearization.

Certainly, the downside of a Helsinki process type approach to North Korea is that North Korea could exploit and abuse diplomatic interaction to pay only lip service to its human rights obligations while gaining recognition as a nuclear power. Under such circumstances, failure to comply with human rights obligations would again provide a litmus test of North Korea's commitment to resolving security issues.

In addition to a multilateral setting, the United States has put forward human rights issues bilaterally. While negotiating nuclear agreements with the Soviet Union, both the Carter and the Reagan administrations rejected and disproved the argument that raising human rights concerns could risk good U.S. Soviet relations and arms control.

President Ronald Reagan and Secretary of State George Shultz relentlessly pressed Soviet leaders on the issue of Soviet Jewry and made the issue a priority until Soviet Jews were allowed to emigrate freely. To President Reagan and Secretary Shultz, the Soviets' addressing this human rights issue was indication that they were ready for arms talks.

As diplomatic interaction with North Korea continues, perhaps the Reagan Shultz approach to human rights in the Soviet Union could provide a relevant precedent and serve as the litmus test of North Korean commitment to a negotiated settlement of security issues.

Thank you very much.

[The prepared statement of Mr. Scarlatoiu follows]

PREPARED STATEMENT OF GREG SCARLATOIU

Congressional Testimony of Greg Scarlatoiu
Executive Director of the Committee for Human Rights in North Korea
“North Korea: Denuclearization Talks and Human Rights”
Tom Lantos Human Rights Commission
September 13, 2018

Congressman Randy Hultgren, Congressman Jim McGovern, distinguished members of the Tom Lantos Human Rights Commission, I wish to begin by thanking you for inviting me to testify before you today. For several months now, through the summit diplomacy initiated by the Trump Administration and the Moon Jae-in Government in the Republic of Korea, we have witnessed movement on Korean peninsula issues. The challenge will be to channel that movement. We all want reconciliation, peace, security, freedom, democracy, development, prosperity, and unification for all Korean people. The ultimate measure of inter-Korean reconciliation and eventual unification will be the impact it has

on Korean people living in the south and in the north. Human rights have often been sacrificed on the altar of the North Korean political, military, and security challenges. But human rights must be addressed. If diplomatic approaches to North Korea that have discounted human rights have not worked for three decades, why not include human rights in the equation for a change?

During the time of the “maximum pressure campaign,” the Trump Administration effectively applied the economic element of national power, through the strengthening of the economic sanctions regime aimed to prevent the development and proliferation of North Korean nuclear weapons and missiles and to punish those officials responsible for that development and proliferation by severing their access to sources of funding and luxury goods imported from the outside world. This sanctions regime is grounded in 21 UN Security Council Resolutions and the US North Korea Sanctions and Policy Enforcement Act of 2016. The administration effectively applied the military element of national power, by deploying assets to the region and underlining unwavering American commitment to key allies Republic of Korea and Japan. Despite media frenzy and Korea watcher-driven panic at the height of such efforts, these were not measures aimed to start a second Korean War, but to prevent it. Human rights also became part of the maximum pressure campaign. The UN Secretary General noted that human rights pressure worked to get North Korea to take certain steps, in particular on the rights of people with disabilities.

Since the Pyongchang Winter Olympic Games hosted by the Republic of Korea, the Trump Administration has been testing the diplomatic element of national power, by employing a tool never used before, summit diplomacy. North Korea has released three American hostages, handed over 55 sets of remains of US servicemen, blew up the entrances to tunnels at the Pungyeri nuclear facility, and destroyed a ballistic missile test facility. At the recent September 9 national day parade in Pyongyang, North Korea did not display ballistic missiles, as it had done on previous occasions.

As a student and occasional practitioner of diplomacy, I will never argue against diplomacy. North Korea diplomacy must never stop, diplomacy grounded in a firm understanding of the nature of North Korea’s regime and its strategic objectives. The question will remain as to whether the Kim regime can be trusted, whether the North Korean leader is truly looking to chart a new path for his country, or whether this is déjà vu, a North Korean “charm offensive” and deception campaign.

North Korea has breached just about each and every international obligation it has had. It joined the Non Proliferation Treaty (NPT) in 1985 just to pull out of the NPT and develop its plutonium-based nuclear program. It joined the Geneva Agreed Framework of 1994 just to breach its terms by developing a clandestine uranium enrichment-based nuclear weapons program. North Korea’s failure to comply doomed the Six Party Talks. And North Korea announced a “satellite” launch just two and a half weeks after the February 2012 “Leap Day Agreement. North Korea is in violation of just about each and every provision of each and every international human rights instrument it has acceded

to, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child, although it has reportedly made modest progress in the implementation of the Convention on the Rights of Persons with Disabilities and has taken some steps in its laws on women.

The track record indicates that North Korea's diplomatic credibility is low. However, North Korea's willingness to agree to the resolution of key human rights issues arising from its international obligations may provide the litmus test of whether it is truly ready and willing to proceed with steps toward final, fully verified denuclearization. Concrete steps such as granting humanitarian access to its vast system of unlawful imprisonment and its eventual closure and relocation of prisoners, or allowing unrestricted reunions of separated families constitute critical components of that litmus test.

The year 2018 exemplifies the human rights and security paradox the world faces with the North Korean regime.¹ This year not only marks the 70th anniversary of the Universal Declaration of Human Rights (UDHR) (10 December) but also the 70th anniversary of the founding of North Korea (9 September). The UDHR “for the first time in human history spell[ed] out basic civil, political, economic, social and cultural rights that all human beings should enjoy.”²

In contrast, North Korea was founded 70 years ago on communist totalitarian principles and ideology, which we know to be generally contrary to what now are considered universal human rights enshrined in the UDHR. In fact, North Korea fundamentally denies these basic and universal human rights, despite being a signatory to core international human rights treaties. Former United Nations Commission of Inquiry Chair, The Honorable Michael Kirby, stated:

“Peace and security [are] reinforced by universal human rights and the rule of law: both at home and in the international sphere. Without these reinforcements of stability, predictability, and mutual respect, security would be an illusory pipedream. The human mind had to struggle to retain paradoxical thoughts together at the one time.”³

¹ The Honorable Michael Kirby AC CMG, in the inaugural Fred Iklé Memorial Lecture, February 19, 2016, outlined 10 paradoxical strategies for dealing with North Korean human rights and security issues. See The Hon. Michael Kirby, “Security and Human Rights in North Korea – and the Power of Paradoxical Thinking,” *HRNK Insider* (blog), March 23, 2016, <https://www.hrnkinsider.org/2016/03/security-and-human-rights-in-north.html>.

² OHCHR, *International Human Rights Law*, <http://www.ohchr.org/en/professionalinterest/pages/internationalallaw.aspx>.

³ The Honorable Michael Kirby AC CMG, in the inaugural Fred Iklé Memorial Lecture, February 19, 2016, outlined 10 paradoxical strategies for dealing with North Korean human rights and security issues. See The Hon. Michael Kirby, “Security and Human Rights in North Korea – and the Power of Paradoxical Thinking,” *HRNK Insider* (blog), March 23, 2016, <https://www.hrnkinsider.org/2016/03/security-and-human-rights-in-north.html>.

It is with this 70th anniversary of two consequential but divergent ideologies in mind—(1) a universal ideal that now strengthens the rule of law and democratic principles, and (2) a totalitarian state found to be committing crimes against humanity—that I wish to outline *why human rights are strategic for a deal on the Korean peninsula*.

To begin, we must remind ourselves about the *Kim regime's perspective on human rights* because it is in sharp contrast to the UDHR and American values-based human rights policies. From North Korea's standpoint, human rights are not inherent in individuals but are granted by the Kim regime.

In 2014, the United Nations Commission of Inquiry on Human Rights in the DPRK found that “systematic, widespread and gross human rights violations” perpetrated against the people of North Korea, pursuant to policies established at the highest level of the state, amount to crimes against humanity in many instances. Crimes include murder, enslavement, deliberate starvation, rape, forced abortions and other sexual violence, torture, and enforced disappearances, among other hardships.

1. In what ways do human rights add clear and achievable benchmarks that add credibility to a larger agreement?

[I]mproving North Korea's human rights record should be the litmus test of North Korea's credibility to engage on other issues. After all, if a government has no regard for the lives of its own people, what regard does it have for the lives of others? What deters it from provoking a war, or proliferating missile technology and weapons of mass destruction to terrorists?⁴

While a human rights policy cannot take priority over every other interest, consistently employing human rights in diplomacy allows the United States a way to promote its values and determine which countries are favorable to improving their own human rights situation if it means a stronger, more advantageous relationship with the United States. Typically, this has meant enhanced aid or greater security cooperation in exchange for certain human rights concessions.

Under the Carter Administration, the release of political prisoners was viewed as an indicator of a country's efforts to improve human rights as part of a good faith effort to improve relations with the United States. While the fundamental motivation for actually improving human rights was sometimes based on other interests, the end state was still a positive development for human rights. A 1977 CIA memorandum entitled “Impact of the US Stand on Human Rights” outlined political prisoner releases in Paraguay, Peru,

⁴ Daniel Aum, Greg Scarlatoiu, & Amanda Mortwedt Oh, *Crimes against Humanity in North Korea: The Case for U.S. Leadership and Action*, 4-5, Robert F. Kennedy Center for Justice and Human Rights (November 2014), available at <https://www.icasinc.org/2014/2014I/2014Iidxa.pdf>.

Mexico, and Togo as a result of U.S. human rights pressure in foreign policy discussions with those countries.⁵

In the case of North Korea, human rights can be an indicator of good faith and add clear and achievable benchmarks that increase credibility as part of a larger agreement. For instance, the release of political prisoners could indicate the regime's willingness to reform or at least make a political gesture to improve its relationship with the United States. Although North Korea released three American detainees earlier this year, it still holds an estimated 80,000-120,000 political prisoners inside its gulags, whose existence it denies. Were the regime to provide amnesty to *political* prisoners—it plans to release select prisoners for the 70th anniversary of its founding on September 9, 2018, but not political prisoners—this would be significant in that it may (1) implicitly acknowledge political prisons (*kwan-li-so*); (2) highlight a shift in policies of power and control, perhaps, by the Kim regime; and (3) serve as an indicator that the regime was either more confident in its abilities to suppress resistance or that internal resistance was less of a threat.

Similarly, North Korea could release the locations of its detention facilities to allow for further monitoring of these sites as well as grant access to the International Committee of the Red Cross or UN agencies working in the field to provide humanitarian assistance to North Korea's most vulnerable, which should include prisoners.⁶ HRNK currently monitors the locations of prisons it either has confirmed or suspects of being a detention facility holding political prisoners.

Additionally, the regime could allow more access to outside information, also highlighting a willingness to reform and respect fundamental human rights. The regime, for example, could allow select television channels or shows to be broadcast and received into North Korea without severely penalizing North Korean audiences. In conjunction, the DPRK Criminal Code could be revised (*de jure* and *de facto*) to no longer prohibit listening to "hostile" broadcasting, for example.⁷

The regime could also decouple or slow relations with regimes hostile to the United States engaged in severe human rights abuses and international terrorism, such as Syria and Iran, and/or known to be the worst human rights violators in the world, such as Syria. This would signal that the Kim regime was more focused on its relationship with the United States and, perhaps, on its own people rather than economic and trade activities with fellow perpetrators.

⁵ Memorandum: "Impact of the US Stand on Human Rights," CIA Directorate of Intelligence, 1977, <https://www.cia.gov/library/readingroom/document/cia-rdp80r01362a000200100001-6>.

⁶ Roberta Cohen, "UN Humanitarian Actors and North Korea's Prison Camps," *International Journal of Korean Studies* XIX: 1 (2017), 1-4.

⁷ Article 185 of the 2012 DPRK Criminal Code. See David Hawk with Amanda Mortwedt Oh, "The Parallel Gulag: North Korea's 'An-jeon-bu' Prison Camps," 108, (Washington, DC: Committee for Human Rights in North Korea, 2017), https://www.hrnk.org/uploads/pdfs/Hawk_The_Parallel_Gulag_Web.pdf.

Larger or more numerous markets could be established to allow people the ability to sell and purchase goods and food for personal consumption. Under Kim Jong-un, reports that the *jangmadang* have grown are fairly well known. Satellite imagery, for example, could help show the existence of these markets, which now substitute for the once towering Public Distribution System.

These informal markets represent a catch-22 for the government. While weakening the regime's control over its people, they provide alternative sources of food and other goods that the regime knows it cannot shut down. The regime has previously tried to replace these markets through minor economic measures—such as increasing individual farming plots, currency reform, or even forcible shutdowns—but these were unsuccessful. Though high levels of starvation and malnourishment persist, access to food has reportedly improved overall thanks to the informal market system.⁸

While these are merely suggestions, the response by the Kim regime could be measured and therefore serve as indicators or even benchmarks to add credibility to any larger agreement between the United States and North Korea.

2. What are the key human rights issues that should be included?

Several key human rights issues should be included as part of a strategy that incorporates human rights issues into larger discussions with North Korea. As mentioned, human rights improvements can serve as benchmarks for broader security negotiations with the Kim regime.

- A. ***Songbun* (social classification system).** Most of North Korea's human rights violations stem from its *songbun* system, which is North Korea's discriminatory social classification system. Based on perceived loyalty to the *Suryong* (Supreme Leader),⁹ *songbun* ensures all North Koreans are identified, classified, and controlled throughout their lives and determines the (denial of) opportunities they have as North Korean citizens.¹⁰ The Kim regime's use of *songbun* suppresses

⁸ Dan Aum and Michelle Cho, "The Narrow Path: Pursuing Human Rights and National Security Objectives in North Korea," *The National Bureau of Asian Research*, 2, July 17, 2018, <http://www.nbr.org/research/activity.aspx?id=883>.

⁹ See Robert Collins, *Marked For Life: Songbun, North Korea's Social Classification System*, 90-91 (Washington, DC: Committee for Human Rights in North Korea, 2012), https://www.hrnk.org/uploads/pdfs/HRNK_Songbun_Web.pdf.

¹⁰ See Robert Collins, "Pyongyang Republic: North Korea's Capital of Human Rights Denial," (Washington, DC: Committee for Human Rights in North Korea, 2016), https://www.hrnk.org/uploads/pdfs/Collins_PyongyangRepublic_FINAL_WEB.pdf. *Pyongyang Republic* analyzes the Kim Family Regime's concept of its "*Suryong*" (Supreme Leader) based system, critical to which is the recruitment, control, and development of a core class of elite North Koreans loyal to the regime. To adhere to the *suryong* doctrine, one must sacrifice himself completely to the service of the *Suryong* and accept a common destiny that is led in totality by the supreme leader. The report examines the reality of North Korea's purposefully constructed disparity between Pyongyang's elites and ordinary citizens in the provinces, which promotes the common conviction that there are two republics within North

human rights and basic freedoms from birth, such as the ability to choose a school, occupation, place to live, where to travel, and even a partner. In essence, control and human rights denial begin and end with *songbun*, as the vast majority of North Koreans are unable to escape this social marking for their entire lives. Any promise of change or abolishment of the *songbun* system would be an immeasurable step toward improving the lives of millions of North Koreans.

- B. Political prisoners and gulags.** The most pressing human rights concern is North Korea's system of political imprisonment, manifested in modern-day gulags. In February 2014, the United Nations Commission of Inquiry (UN COI) found North Korea's political prison camps to be places where the most egregious crimes against humanity are being committed. Moreover, research by HRNK and other human rights organizations indicates that political prisoners are detained at other types of facilities as well, including North Korea's re-education through forced labor camps (*kyo-hwa-so*). The UN COI called on North Korea to provide its citizens with basic human rights and acknowledge the existence of the political prison camps. As mentioned, the regime should provide locations of its political prisons and an account of its political prisoners. Kim Jong-un should release political prisoners and their families as proof of good faith and intent to reform.
- C. "Modern-day slavery."**¹¹ A 2018 Global Slavery Index study found that North Korea has an estimated 2,640,000 million people living in modern slavery, making North Korea the country with the highest prevalence of modern-day slavery in the world.¹² North Korea's use of detention facilities to control political dissent and of forced labor to ultimately generate hard currency for the regime is a prime example of modern-day slavery for many North Koreans.

North Korea officially dispatches about 100,000 workers to over 30 countries in Asia, Africa, Europe, and the Middle East.¹³ The Kim Family Regime confiscates much of the USD 200 million earned by these workers annually. Despite the known exploitation and hardship, North Koreans continue to covet these positions, which provide rare opportunities to spend time outside the world's most isolated dictatorial regime and send small amounts of money to their families at home. Only those deemed loyal to the regime as measured by North Korea's *songbun* loyalty-based social classification system have access to these jobs. Even

Korea's borders—the "Pyongyang Republic" and the "Republic of Provinces. This report is a unique look into the lives, privileges, and power among North Korean power elites inside the "Pyongyang Republic" and an important resource for understanding North Korea's politics, economy, and society.

¹¹ Forced labor and modern-day slavery may be viewed as a subset of human trafficking.

¹² The Global Slavery Index, "Korea, Democratic People's Republic of," Walk Free Foundation, 2018, <https://www.globalslaveryindex.org/2018/data/country-data/north-korea/>.

¹³ U.S. Department of State, "Democratic People's Republic of Korea 2017 Human Rights Report," Bureau of Democracy, Human Rights and Labor, **Country Reports on Human Rights Practices**, March 2018, 25, <https://www.state.gov/documents/organization/277333.pdf>.

those with “good *songbun*” frequently bribe government officials to secure one of the few positions available. Once overseas, workers labor under harsh and dangerous conditions that border on slavery. North Korea’s pervasive security apparatus continues to survey all activities while spouses and children practically serve as hostages to prevent defections.

Despite the DPRK’s being a party to the UN Convention on the Rights of the Child (UNCRC), children are also exploited to generate the resources needed to maintain the regime in power. They are reportedly forced to participate in public mobilization campaigns and perform forced labor ranging from road cleaning to railway construction. Just a few days ago, tens of thousands of school children participated in North Korea’s Arirang Mass Games, held after a five-year hiatus to observe the 70th anniversary of the founding of the DPRK. Young performers are taken out of school for months and forced to practice while often not being given food or even water, or being allowed enough time to rest.

Human trafficking can also be understood as a part of modern-day slavery. North Korea’s (and China’s) practice of detaining North Korean escapees and forcibly repatriating them to North Korea, where they face torture and, at times, death in detention is abhorrent and compelling and it amounts to an egregious violation of the non-refoulement provisions in the UN Convention and Protocol Relating to the Status of Refugees. As North Koreans attempt to escape their dire circumstances, they often are repatriated by China or punished by North Korea.

According to statistics by the Republic of Korea’s Ministry of Unification (MOU), the number of [North Korean] female refugees in the first half of 2018 amounted to just 430 in comparison to 58 male refugees.¹⁴ 87% are [North Korean] women so far this year, representing the highest percentage of female [North Korean] refugees arriving in the Republic of Korea since 1998 (as far as the MOU’s data show). These statistics for the first half of 2018 also represent a projected decline in the number of North Koreans able to escape their country and find refuge in the Republic of Korea. These numbers may be the lowest since Kim Jong-un took power (end of 2011). 2012 to 2017 also showed a marked decrease in North Koreans arriving in the ROK, often attributed to Kim Jong-un’s policies and practices along the Sino-NK border (in addition to China’s increased security measures as well).¹⁵

Human trafficking in and around North Korea points to fundamental issues regarding freedom of movement, the right to food, and violence against women. Put another way, simply, if North Korea allowed its people the opportunity to

¹⁴ For statistics, see ROK Ministry of Unification, “Policy on North Korean Defectors,” https://www.unikorea.go.kr/eng_unikorea/relations/statistics/defectors/.

¹⁵ United Nations Commission on the Status of Women Submission, Committee for Human Rights in North Korea, August 1, 2018, *publication forthcoming*.

freely travel, trade, and encouraged women's rights and equality, fewer women and girls would fall prey to trafficking. Many women and children fleeing North Korea are trafficked in China, and China does not view these women and children as refugees entitled to seek asylum. Instead, China, in collaboration with North Korea, actively targets these women and children in an effort to send them back to North Korea, likely to appease the Kim regime, prevent any implosion, and ensure greater stability along the Sino-North Korea border. Regardless, these victims should be allowed by China to apply for asylum.

“While the United States Refugee Admissions Program remains the largest in the world, some 220 refugees from North Korea have resettled since the enactment of the North Korea Human Rights Act of 2004.”¹⁶ Should talks between North Korea and the United States continue, the issue of human trafficking must be discussed. In the spirit of *The Jackson-Vanik Amendment*, the United States should demand that North Koreans be allowed to travel freely and emigrate.

D. Separated Families. “There are 100,000 Korean Americans in the United States with possible family ties in North Korea who are seeking reunions.”¹⁷ For many Koreans, the possibility of reuniting with family members is a distant wish, as many struggle to outlive North Korea's cruel policy of separation. However, if North Korea allowed continuous, sustainable, unsupervised family reunions there would be a possibility that this wish could become reality. North Korea, if nothing else, could allow its citizens to travel to third countries for reunions, even to China, as part of a human rights benchmark and indicator of good faith in negotiations.

3. Are there examples from past negotiations with North Korea that are relevant to this?

For almost three decades, human rights have not been regarded as a priority in negotiations with North Korea. Neglecting human rights concerns as a “reward” for North Korea's returning to the negotiating table should no longer be an option. Past negotiations provide some examples relevant to our situation today where discussions over sensitive strategic and nuclear issues with other governments have not precluded reference to human rights concerns. Most notably in the case of the former Soviet Union, the United States raised human rights issues in bilateral discussions and multilateral processes such as the Helsinki Process while negotiations were also underway on nuclear issues. Contemporary discussions with China and other countries have also included

¹⁶ Statement of Greg Scarlatoiu, <https://www.brnk.org/events/congressional-hearings-view.php?id=12>.

¹⁷ Dan Aum and Michelle Cho, “The Narrow Path: Pursuing Human Rights and National Security Objectives in North Korea,” *The National Bureau of Asian Research*, 5, July 17, 2018, <http://www.nbr.org/research/activity.aspx?id=883>.

human rights. Building on such precedents, negotiations with North Korea could include a human rights component.¹⁸

Arguably and to varying degrees, prior administrations acceded their position on human rights to North Korea by pursuing denuclearization and human rights objectives on separate tracks and then never resolving the intractable problem of denuclearization. However, despite repeatedly rejecting criticism about its human rights record as US propaganda, Pyongyang recognizes that it can reap gains by agreeing to some, even if not all, demands. The release of American prisoners and ongoing negotiations on the POW/MIA issue are only recent examples.¹⁹ North Korea would not have come to the negotiating table with the Trump administration if it did not have a clear way to profit or benefit from talks with the United States and South Korea.

4. Is there an example from history where the US has incorporated human rights into a security deal, and what are the lessons that can be applied here?

Two examples where human rights have been a part of U.S. foreign policy in the past may provide a worthy precedent. They were part of multilateral and bilateral talks with the USSR.

A. A Multilateral Approach: Helsinki Process (Basket III)

The Helsinki Accords, or Helsinki Final Act, was the final document produced following the close of the Conference for Security and Co-operation in Europe. The main purpose of the Accords was to reduce existing tensions between the Western and Soviet blocs, primarily by ensuring mutual acceptance of the new world order following the end of World War II. The agreement, signed by the United States, Canada, and 35 European nations, recognized new national borders in Europe and adopted ten major point of diplomacy, including agreement to respect and secure human rights.

The Accords were “a multilateral approach to political, economic and human rights issues in Europe” as well as to collective security; this dual security approach was seen as significant to reducing Cold War tensions and improving co-operation between Western and Eastern Europe. Critics of the Accords claimed the agreement legitimized the Soviet Union’s annexation of the Baltic States while simultaneously allowing it to ignore the human rights provisions laid out in the agreement. However, the Accords were published in each country that was a signatory, and were seen as a catalyst for the sweeping political changes, dissident movements, and calls for increased human rights that took place in Eastern Europe a decade later.

¹⁸ Daniel Aum, Greg Scarlatoiu, & Amanda Mortwedt Oh, *Crimes against Humanity in North Korea: The Case for U.S. Leadership and Action*, 23, Robert F. Kennedy Center for Justice and Human Rights (November 2014), available at <https://www.icasinc.org/2014/2014/2014ldxa.pdf>.

¹⁹ Dan Aum and Michelle Cho, “The Narrow Path: Pursuing Human Rights and National Security Objectives in North Korea,” *The National Bureau of Asian Research*, 2, July 17, 2018, <http://www.nbr.org/research/activity.aspx?id=883>.

Given what ultimately took place in Eastern Europe a decade after the Helsinki Accords were signed, as well as the OSCE's continuing work on human rights, North Korea might view a Helsinki Process as a strategy for regime change. But the intent here would be setting up a vehicle for discussion about a range of subjects rather than limiting talks with North Korea to denuclearization.

Congress could follow the Helsinki process model from the Cold War negotiations with the Soviet Union and analyze what could be applied. A large group of objectives could be divided into smaller sub-categories, and then Congress could begin holding hearings and making plans regarding these sub-categories based on committee jurisdiction. This framework could be established "early in the process" so Congress can have reasonable expectations for what is to occur."²⁰

Certainly, the downside of a Helsinki Process-type approach to North Korea is that North Korea could exploit and abuse Helsinki Process-type diplomatic interaction to pay only lip service to its human rights obligations while gaining *de facto* and perhaps *de jure recognition* as a nuclear power. Naturally, under such circumstances, failure to comply with human rights obligations would, again, provide a litmus test of North Korea's commitment to resolving its security conundrum.

B. Bilateral approaches to getting the Soviet Union to protect its Jewish citizens as a sign of good faith applicable to negotiating security issues.

In addition to a multilateral setting, the United States has put forward human rights issues bilaterally while negotiating nuclear agreements with the USSR. Both the Carter and the Reagan administrations rejected and disproved the argument that raising human rights concerns could risk good U.S.-Soviet relations and arms control. Jewish emigration was featured in the Carter Administration: the signing of the SALT II agreement in 1979 coincided with the highest rate of Jewish emigration ever allowed – 51,320 and the resolution of many family reunification cases.²¹

Secretary of State George Shultz, serving the Reagan administration for six and a half years, was the leading advocate of the Soviet Jewry movement in Washington DC. While in office, Shultz pushed for an increase in the quota for Soviet Jewish immigrants, suggested an increase in the number of staffs in the US Embassy in Moscow, and challenged the Department of Justice's removal of presumption of persecution.²²

²⁰ "Trump-Kim Summit: Outcomes and Oversight," Statement by Michael Green, June 20, 2018, <https://foreignaffairs.house.gov/hearing/subcommittee-hearing-the-trump-kim-summit-outcomes-and-oversight/>.

²¹ Cohen, Roberta. "Human Rights Diplomacy in the Communist Heartland," in *The Diplomacy of Human Rights*, Institute for the Study of Diplomacy, ed. David Newsom, 1986, p176.

²² Altshuler, Stuart. *From Exodus to Freedom: A History of the Soviet Jewry Movement*. Rowman & Littlefield, 2005, pp. 174.

President Reagan and George Shultz's interest in the plight of Soviet Jewry was tremendous and was "close to the first issue on the American agenda," according to the Israeli Prime Minister Yitzhak Shamir.²³ President Reagan had assured the Prime Minister Shamir that "the plight of Soviet Jewry shall remain at the top of my agenda in my discussions with Secretary Gorbachev."²⁴ At the time, special working groups on human rights and humanitarian issues were formed within the Reagan administration. As diplomatic interaction with North Korea continues, the Reagan-Shultz approach to human rights in the Soviet Union and the refusenik issue in particular could provide a worthy precedent and serve as the litmus test of North Korean commitment to a negotiated settlement of security issues.

Thank you.

²³ "President Ronald Reagan and the Jews." *Connecticut Jewish Ledger*, 16 Feb. 2011, www.jewishledger.com/2011/02/president-ronald-reagan-and-the-jews/.

²⁴ "Ronald Reagan Administration: Press Conference With Prime Minister Yitzhak Shamir of Israel (March 16, 1988)." *Jewish Virtual Library*, American-Israeli Cooperative Enterprise, www.jewishvirtuallibrary.org/president-reagan-press-conference-with-prime-minister-yitzhak-shamir-of-israel-march-1988.

Mr. McGOVERN: Thank you very much.

Mr. Cha, welcome.

**STATEMENT OF VICTOR CHA, SENIOR ADVISER AND KOREA CHAIR,
CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES**

Mr. CHA: Thank you, Chairman. It is a pleasure to be here and a distinct honor to be on this particular committee, because I remember, gosh, 14 years ago, briefing Congressman Lantos in his office before his first trip he and Bob King before their first trip to North Korea. So it is a real pleasure to be here with you.

What is both amazing and depressing about the diplomacy following the Singapore summit meeting between President Trump and the North Korean leader are the constants that have reemerged following a period of arguably the most dramatic change we have witnessed on the Peninsula in decades.

First, despite the Panmunjom and Singapore summit declarations about a nuclear free Korean Peninsula, North Korea still pursues its strategy of byungjin, the pursuit of nuclear weapons and economic development.

Second, despite President Trump's decision to meet the North Korean leader and seek some sort of reconciliation, the United States still pursues complete, verifiable, and irreversible dismantlement of all nuclear weapons, missiles, and WMD programs from the country.

The third constant in the diplomacy that has not changed is the problem of sequencing. Basically, the issue here is there is an impasse in the negotiations, and anyone who is familiar with this knows that this impasse is not something we have not seen in the past. North Korea wants a peace agreement and the lifting of sanctions first, and the United States wants a commitment to denuclearization, particularly in the form of a declaration, verification, and a timeline for dismantlement. We want that first. So, in short, each side wants the other to go first. And that is not something new; it is something we have seen in the past. But, in this case, it is despite the two leaders meeting.

The fourth constant relates to human rights. And here I think you are not going to find much disagreement, I think, in this group. But, as in the past, the summit meetings, the negotiations have privileged the nuclear negotiations above all else, including the human rights abuses inside the country, despite the U.N. resolutions that you mentioned, Chairman, as well as the U.N. Commission of Inquiry report that condemn the regime for all of its human rights abuses.

The tendency that has emerged in past administrations' negotiations 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 issues become too uncomfortable and too inconvenient to talk about. Negotiators do not want to raise them for fear that it will create a distraction from the main issue, which is denuclearization, or, even worse, that it might offend the regime and submarine the negotiations.

Yet I think and all of us, I think, are in agreement that there is not a 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 issues and has been bipartisan in its statements and in its legislation.

As Greg said, the threat posed by the North Korean regime stems not just from the nuclear weapons and the 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 as it thinks about how to knit together a denuclearization and a human rights agenda. And these are part of work that we have done at the Bush Institute on trying to bring these two issues together.

The first is, as Greg noted, to demand human rights improvements as part of a denuclearization. A North Korea that is improving its human rights record would signal more of a commitment to reform and joining the community of nations in almost any other measure it could take. This could even possibly make more credible any actions they took on the denuclearization front, with outside verification.

Second, we must 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.

Third, we should declare that true peace cannot come without improving the welfare of all Koreans on the Peninsula. An integral part of tension reduction and reconciliation requires greater transparency and cooperation in improving the human condition in the North.

Fourth, we need to prioritize information flows. The administration should increase the volume of information to the North Korean people, as access to outside information is a basic human right and, indeed, is greatly demanded by North Koreans that have become more conversant with the outside world through the proliferation of markets in the country.

Fifth, we need to create opportunities for the next generation. I, Roberta, Greg have all been involved with efforts, in my case with the Bush Institute, to embrace the chance to empower North Korean refugees in the United States, many of whom send money and information back to their families at home. These people could be future leaders of the country.

And, finally, sixth, we need to consider humanitarian assistance. We have to remain open to incorporating humanitarian assistance in a way that helps the North Koreans' most vulnerable citizens.

As Ambassador Bob King, the previous administration's envoy for North Korean human rights, has written in a recent CSIS commentary, one important benefit of humanitarian assistance is that North Koreans, from senior government officials to individual 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 most isolated places in the world.

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 have been led to believe through the past 20 years of negotiations. Thank you.

[The prepared statement of Mr. Cha follows]

PREPARED STATEMENT OF VICTOR CHA



**Statement Before the
Tom Lantos Human Rights Commission**

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

A Testimony by:

Victor Cha, Ph.D.

Professor of Government, Georgetown University,
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September 13, 2018

2255 Rayburn House Office Building

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.²⁵ 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.²⁶ 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.²⁷ 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

²⁵ 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

²⁶ "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://kcnewatch.co/newstream/284839/kim-jong-un-makes-new-year-address/>

²⁷ "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

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.²⁸ 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.²⁹ 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.³⁰ 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.³¹ Let me take the remainder of my time to focus on this issue.

²⁸ 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>

²⁹ “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>

³⁰ 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>

³¹ “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

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.³²

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.³³ 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:

Republic of Korea,” United Nations Human Rights Council, February 7, 2014, <https://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/ReportoftheCommissionofInquiryDPRK.aspx>

³² 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>

³³ “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/>

- **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.³⁴
- **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

³⁴ "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>

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.”³⁵

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.

Mr. McGOVERN: Thank you very much.

Ms. Cohen?

³⁵ 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>

STATEMENT OF ROBERTA COHEN, HUMAN RIGHTS SPECIALIST AND FORMER DEPUTY ASSISTANT SECRETARY FOR HUMAN RIGHTS AT THE U.S. DEPARTMENT OF STATE

Ms. COHEN: Thank you. My appreciation to the Tom Lantos Human Rights Commission and its co-chairs for holding this hearing to highlight the importance of incorporating human rights and humanitarian concerns into negotiations with North Korea.

The Singapore joint statement of 2018 omitted any mention of human rights or humanitarian objectives even though these issues are linked to peace and prosperity and will necessarily come up if there is normalization of relations between the United States and North Korea.

A comprehensive policy is needed to encompass nuclear security, a political settlement, economic aid and investment, and the promotion of human rights and humanitarian objectives. Human rights would be put forward not as a weapon or a periodic denunciation but as a set of important issues on which improved relations would depend and which need to be negotiated.

The priority issues for U.S. policy would begin first with those specific to America's own interests most notably, the protection of Americans who visit North Korea. The United States must negotiate a halt to what has become routine political detentions of its citizens 15 over the past 9 years and make clear that if Americans are to travel, teach, and do business in North Korea, as well as conduct humanitarian operations and agricultural programs, North Korea must assure their protection in accordance with international norms and practices. Without such basic understandings, normalization cannot progress.

A second issue should be the hundreds, possibly thousands, of Korean Americans who may wish to visit their relatives in the North, from whom they have been separated since the Korean War. A negotiation is needed to avoid some of the pitfalls of inter-Korean reunions. For example, the meetings with relatives should be held not only in North Korea under surveillance, in addition, and most importantly, relatives must be able to remain in contact after the reunion.

A third issue should be compliance with international standards for humanitarian aid. Before the U.S. resumes funding for large scale shipments, it must seek firmer assurances than in the past, both from the authorities and from the U.N. agencies and NGOs that deliver the aid, that the aid reaches those for whom it is intended and is not diverted to the military, elite, or other favored groups.

The aid workers need full access for monitoring, data collection, and contact with beneficiaries as set forth in U.S. law and also must be allowed to reach the most

vulnerable people, a basic humanitarian principle. The most vulnerable include the tens of thousands of men, women, and children in the political prisons and reeducation through labor camps. They constitute the most acute cases of hunger and disease in the country. They should not be ignored when humanitarian aid goes forward.

The North Korea Human Rights Act makes better conditions in the camps a priority concern. So does the North Korea Sanctions and Policy Enhancement Act, which also makes the release of all political prisoners a condition for the lifting of sanctions.

Fourth, the protection of North Korean refugees should be part of negotiations with North Korea, China, and other states. While the North Korean refugee numbers are small compared with other refugee movements, those who manage to escape across the border are routinely arrested and pushed back by China and then brutally punished by North Korea acts seen by the U.N. Commission of Inquiry to constitute crimes against humanity. A multilateral approach needs to be initiated, and one in which the U.N. Secretary General, who was formerly the High Commissioner for Refugees, should play a strong role.

Finally, the U.S. should do all it can to expand the availability of information to the North Korean people through radio broadcasts and other messaging. It can help erode the information blockade to which they are subject, offer a fuller range of views, and provide useful ways to address the problems they face in business, private markets, agriculture, and other fields.

Further, the U.S. should encourage efforts to disseminate human rights information in the country in ways that could resonate with workers, with women's groups, and others. After all, the freer movement of people and ideas should accompany normalization.

To oversee the human rights and humanitarian parts of a comprehensive policy, Congress must insist on the appointment of a special envoy for human rights in North Korea, as provided for in the law. In addition to other responsibilities, the envoy can help translate into concrete actions the statements made by the President and other senior officials. For example, President Trump raised the release of imprisoned Christians at the summit. A strategy is needed.

Human rights negotiations with North Korea may or may not succeed, but there may be political and economic benefits North Korea seeks in exchange for concessions. The human rights agenda is not one for North Korea to decide alone. Indeed, it might be helpful for congressional staff to bring together all the disparate elements of U.S. law pertinent to human rights in North Korea together with executive branch orders, Treasury regulations, and other provisions so that they are summarized and bulleted, easy to access, and can make North Korean officials better aware of the breadth of human rights

concerns on Capitol Hill and the human rights progress required for the lifting of sanctions.

Above all, it must be emphasized to North Korea broad across that human rights are not a cloak that the U.S. can readily remove in deference to North Korean's sensitivity. Human rights are our history and heritage and what we stand for. Human rights are who we are and our strength as a Nation. It must be addressed in order for relations between North Korea and the United States to develop.

Thank you.

[The prepared statement of Ms. Cohen follows]

PREPARED STATEMENT OF ROBERTA COHEN

A COMPREHENSIVE POLICY FOR NORTH KOREA

STATEMENT OF ROBERTA COHEN BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION, HOUSE FOREIGN AFFAIRS COMMITTEE, SEPTEMBER 13, 2018

My appreciation to the Tom Lantos Human Rights Commission and to its co-chairs, Congresspersons Randy Hultgren and Jim McGovern for holding this hearing to highlight the importance of incorporating human rights and humanitarian concerns into negotiations with North Korea. The Singapore Joint Statement of 2018 omitted any mention of human rights or humanitarian objectives even though these issues are linked to peace and prosperity and will necessarily come up if there is to be normalization of relations between the United States and North Korea.

Denuclearization requires trustworthiness, verification, access, information exchange, and free movement whereas economic investment requires the rule of law, safeguards for consumers, labor standards, and protection of property. Were North Korea to modify any of its human rights practices, it would undoubtedly increase international confidence and trust in a potential denuclearization agreement and in the extension of development assistance. It would also enable the United States to more easily lift some its sanctions and be more receptive to extending food and fuel aid.

In the past, North Korea has shown itself willing to take some steps in the human rights and humanitarian areas when it believed this would bring political or economic benefit. It also has some awareness of international human rights standards. Of its own volition, it acceded to five international human rights treaties and like other states should be held accountable to them. Exempting it from human rights responsibility would undermine the development of relations with the United States, bring added harm to North Korea's people and jeopardize the workings of the international human rights system.

A Comprehensive Policy

The United States needs a comprehensive policy for North Korea that encompasses nuclear security, a political settlement, economic aid and investment, and the promotion of human rights and humanitarian objectives. Human rights objectives would be put forward – not as a weapon -- but as a set of important issues on which improved relations would depend and which need to be negotiated. The priority issues for US policy should begin first with those specific to America’s own interests.

- Most notably, the protection of Americans who visit North Korea. Over the past nine years, fifteen Americans have been arbitrarily detained in North Korea, requiring high level political and economic intercessions to gain their release. A former University of Virginia student Otto Warmbier was returned to the United States in a coma from which he did not recover. While a US travel ban has been extended, the United States must negotiate a halt to what has become routine political detentions of its citizens and make clear that if Americans are to travel, teach and do business in North Korea as well as conduct humanitarian operations or agricultural programs, North Korea must assure their protection in accordance with international norms and practices. In addition, an honest accounting of what happened to Otto Warmbier should be pressed for with full compensation paid to the family. Progress in this area could establish trust and help open the way for Americans to resume travel to North Korea, and for North Koreans to come to the United States. Without such basic understandings, normalization cannot progress.
- A second issue specific to America’s interests should be family reunions for the hundreds, possibly thousands of Korean Americans who may wish to visit their relatives in the North from whom they’ve been separated since the Korean War. Congress approved a resolution in 2016 calling upon the North Korean authorities to allow such reunions. In negotiations on this issue, the United States should seek to avoid some of the pitfalls of the inter-Korean reunions. For example, the meetings with relatives should be held not only in North Korea under surveillance but in third countries. Relatives should also be allowed to spend more than 12 hours together if they choose and most importantly, they must be able to remain in contact *after* the reunions by mail, skype, and additional visits. North Korean family members should be allowed to keep the gifts given to them. Clearly, a negotiation is needed to achieve meaningful terms.
- Third should be compliance with international standards for humanitarian aid. The United States in the past has been a major contributor of humanitarian aid to North Korea to help its food insecure and medically deprived population. Before the US resumes funding for large scale shipments, it must seek firmer assurances than in the past, both from the authorities and from the UN agencies and NGOs that deliver the aid, that the aid reaches those for whom it is intended, and not diverted to the military, elite or other favored groups or purposes. Aid workers must be in a position to make credible assessments, identify who are most at risk, and effectively monitor aid distribution. The United Nations Secretary-General reports, however, that humanitarian workers continue to face significant

constraints on their movement and on access to beneficiaries. If the United States and other donors are to expend the resources, provide the expertise, and fund the bringing in of material aid and supplies, North Korea must be expected to provide full access, invest more of its own resources in food security and health care, and undertake reforms to make the aid sustainable.

The aid workers must also be allowed to reach the most vulnerable people in North Korea – a fundamental humanitarian principle. The most vulnerable include the tens of thousands of men, women and children held in political prisons and reeducation through labor camps. By all accounts, they constitute the most acute cases of hunger and disease in the country and should not be ignored when humanitarian aid goes forward. UN General Assembly resolutions specify them as among the most vulnerable, and the UN Special Rapporteur on human rights in the DPRK has called on humanitarian agencies to seek to reach prisoners deprived of food and medicine. Any normalization of relations must be accompanied by human rights progress in the camps. The North Korea Human Rights Act makes better conditions in the camps a priority concern; so does the North Korea Sanctions and Policy Enhancement Act of 2016 which makes the release of all political prisoners a condition for the lifting of sanctions.

- Fourth, the protection of North Korean refugees, as promoted in US law, should be part of negotiations with North Korea, China and other states. While the North Korean refugee numbers are small compared with other refugee movements, those who manage to escape across the border are routinely arrested and pushed back by China and then brutally punished by North Korea -- acts deemed by the UN Commission of Inquiry to constitute crimes against humanity. Clearly a multilateral approach is needed and one in which the UN Secretary-General Antonio Guterres-- formerly the High Commissioner for Refugees -- should play a strong role. The approach should include a moratorium by China on forced returns, special arrangements with South Korea where most North Koreans can be expected to go, international burden sharing with other states, and access for UNHCR -- until such time as North Korea agrees to decriminalize freedom of movement.
- Fifth, the US should expand the availability of information to the North Korean people -- as called for in US law -- through radio broadcasts and other messaging to help erode the information blockade to which they are subject and provide them with useful ways to address the problems they face in business, private markets, agriculture or other fields. The US should also strongly support efforts to disseminate human rights information in the country. High ranking defector Thae Yong-ho has pointed to the importance of disseminating information on workers' rights, in particular the right to remuneration, since the North Korean people are subject to mass mobilization campaigns, in addition to forced labor in prison. Information about women's rights will also resonate, given the important role

women have come to play in the private markets and the exploitation they daily endure.

To oversee human rights issues, Congress must insist on the appointment of a Special Envoy for Human Rights in North Korea, provided by the North Korea Human Rights Act. The position has been empty for more than a year. The envoy is needed to help advocate for human rights in policy decisions and translate into concrete actions the statements on human rights made by the President and other senior officials. At the June summit, for example, President Trump reportedly raised the persecution of Christians in North Korea. Working with the US Ambassador at Large for International Religious Freedom and others in the administration, the envoy could develop a strategy focused on the release of imprisoned Christians and the de-criminalization of reading a Bible or holding a religious service -- practices that affect not only North Koreans but also American visitors.

Human rights negotiations with North Korea may or may not succeed but the agenda is not for North Korea to decide alone. In fact, it might be helpful for Congressional staff to bring together all the disparate elements of US law pertinent to human rights in North Korea together with Executive Branch orders, Treasury regulations and other provisions so that they are aptly summarized and formatted, easy to access and can make North Korean officials better aware of the breadth of human rights concerns on Capitol Hill and the human rights progress required for the lifting of sanctions.

Above all, what must be conveyed to North Korea is that human rights are not a cloak that the US can readily remove in deference to North Korea's sensitivities. Human rights are our history and heritage and what we stand for. Human rights are who we are, and our strength as a nation. It is an issue that has to be addressed if relations between North Korea and the United States are to develop.

Mr. McGOVERN: Well, let me, I am going to yield to my colleague, who we are happy he is here, Mr. Hultgren, for his opening statement.

Mr. HULTGREN: Thank you to my good friend and co-chair, Mr. McGovern, for covering for me. Sorry. Busy day, markup and floor speech. So I apologize that I am running late, but thank you so much. And thank you for starting things and for the great teamwork that we continue to enjoy.

I do again want to thank you all and especially want to thank our expert witnesses for taking time out of their busy schedules to come and testify today. I am grateful for the important work that you are doing on this topic.

North Korea's regime's unchanging pattern of systemic, egregious human rights violations is well documented over the course of many years. The people of North Korea continue to suffer under the government's policies of arbitrary detention, torture, extrajudicial killings, human trafficking, and forced abortion.

Freedom of speech, religion, the press, and assembly do not exist in North Korea. There is no independent judiciary, and the citizens do not have the right to choose their own government.

The United States Commission on International Religious Freedom, or USCIRF, 2018 annual report states that the North Korean Government treats all religions as a threat and often arrests, tortures, imprisons, and even executes those who practice their faith. All religious activity in the country is banned except for a small number of houses of worship that are fully controlled by the state.

Multiple reports describe a system of prison camps in North Korea, often portrayed as concentration camps, which currently detain roughly 100,000 political prisoners. Reports from survivors and escapees cite that starvation, disease, executions, and torture of prisoners is common to everyday life in these camps. According to the United Nations Commission of Inquiry, close to 400,000 prisoners perished while in captivity between 1982 and 2013. It is difficult to comprehend the magnitude of these numbers.

I and my staff have met with several refugees and survivors who were able to escape the horrors of North Korea, flee to the United States, and to be able to share their stories with us. I found their endurance and suffering and their unquenchable desire for basic universal freedoms to be both inspiring and heartbreaking.

We met with one woman who, as a Christian, told us about how she often worshipped in potato cellars and prayed secretly under blankets to avoid detection. She escaped from North Korea three times. She was twice sold into sexual slavery and twice repatriated by China back to North Korea, where she was brutally tortured. Today, she is

working tirelessly to advocate on behalf of those who are still suffering in similar situations.

Along with North Korea's oppression of their own people, its threats of armed conflict against the United States and the development of its nuclear program are also well documented.

As both the security and human rights situations in North Korea become increasingly urgent, policymakers debate whether raising human rights in a security dialogue will threaten progress on reducing a direct military threat to the United States or if the two tracks can be complementary. I wanted to make sure that we had today's hearing to discuss how human rights can be strategic for obtaining a credible, verifiable denuclearization deal with North Korea.

Incorporating human rights considerations into denuclearization talks is critically important, both as a measure of good faith from a regime that has proven impossible to trust and because a country that perpetrates crimes against humanity will only continue to breed global instability. The security of the United States is our priority, but we can perhaps achieve this best by considering the interests and aspirations of the people of North Korea, and not only those of the regime.

So, again, I want to thank the witnesses here today. I want to thank my co chairman. And already I have learned so much and want to know, again, how we can encourage proper next steps for our government and, ultimately, the hope of real change in North Korea.

So, with that, I will yield to my co chairman for any questions you might have.

[The prepared statement of Co-Chair Hultgren follows]

**PREPARED STATEMENT OF THE HONORABLE RANDY HULTGREN, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS AND
CO-CHAIRMAN OF THE TOM LANTOS HUMAN RIGHTS COMMISSION**



Tom Lantos Human Rights Commission Hearing

North Korea: Denuclearization Talks and Human Rights

**Thursday, September 13, 2018
2:00 – 3:30 p.m.
2255 Rayburn House Office Building**

Opening Remarks as prepared for delivery

Good afternoon, and welcome to the Tom Lantos Human Rights Commission's hearing on North Korea: Denuclearization Talks and Human Rights. I would like to thank our expert witnesses for taking the time out of their busy schedules to come testify today. I am grateful for the important work you are doing on this topic.

The North Korean regime's unchanging pattern of systematic, egregious human rights violations is well-documented over the course of many years. The people of North Korea continue to suffer under the government's policies of arbitrary detention, torture, extrajudicial killings, human trafficking, and forced abortion. Freedom of speech, religion, the press, and assembly do not exist in North Korea. There is no independent judiciary, and citizens do not have the right choose their own government.

The United States Commission on International Religious Freedom's (USCIRF) 2018 Annual Report states that the North Korean government treats all religions as a threat and often arrests, tortures, imprisons, and even executes those who practice their faith. All religious activity in the country is banned except for a small number of houses of worship that are fully controlled by the state.

Multiple reports describe a system of prison camps in North Korea, often portrayed as concentration camps, which currently detain roughly 100,000 political prisoners. Reports

from survivors and escapees cite that starvation, disease, executions, and torture of prisoners is common to everyday life in these camps. According to the United Nations Commission of Inquiry, close to 400,000 prisoners perished while in captivity between 1982 and 2013. It is difficult to comprehend the magnitude of these numbers.

I and my staff have met with several refugees and survivors who were able to escape these horrors in North Korea, flee to the United States, and share their stories with us. I have found their endurance in suffering, and their unquenchable desire for basic universal freedoms to be both inspiring and heartbreaking.

We met with one woman who as a Christian, told us about how she often worshiped in potato cellars and prayed secretly under blankets to avoid detection. She escaped from North Korea three times. She was twice sold into sexual slavery, and twice repatriated by China back to North Korea where she was brutally tortured. Today, she is working tirelessly to advocate on behalf of those who are still suffering in similar situations.

Along with North Korea's oppression of their own people, its threats of armed conflict against the United States, and the development of its nuclear program are also well-documented. As both the security and human rights situations with North Korea become increasingly urgent, policymakers debate whether raising human rights in a security dialogue will threaten progress on reducing a direct military threat to the United States, or if the two tracks can be complimentary.

I called today's hearing to discuss how human rights can be strategic for obtaining a credible, verifiable denuclearization deal with North Korea. Incorporating human rights considerations into denuclearization talks is critically important both as a measure of good faith from a regime that has proven impossible to trust, and because a country that perpetrates crimes against humanity will only continue to breed global instability.

The security of the United States is our priority, but we can perhaps achieve this best by considering the interests and aspirations of the people of North Korea as whole, and not only those of the regime. I look forward to hearing analysis from our witnesses on this topic, and recommendations for how Congress can continue to be involved.

Mr. McGOVERN: Well, thank you very much.

And, again, I appreciate all the testimonies here today.

I have just a few questions. The first is, how would you go about linking human rights with denuclearization if you were designing the next set of negotiations? You know, where would you start? And why would North Korea accept?

Mr. CHA: It is a great question. So let me start by saying where I think they fit in in past negotiations, at least in theory.

In theory, a discussion of human rights would have been in one of the bilateral working groups that were a part of the Six Party Talks. So I was involved in the—

Mr. McGOVERN: Right.

Mr. CHA: ---Six Party Talks the last time. And out of that Six Party agreement, there was a denuclearization working group, there was an economic and energy working group, there were a number of others, and then there was one on U.S. DPRK normalization.

So I think that is where it would have fit in past negotiations. Frankly, it wasn't an issue that came up at that point. That working group was very much in its infancy, and it was largely about sanctions. That is what the North Koreans were interested in. In current and future negotiations, I think the situation has changed a little bit. For one, we don't have bilateral working groups nested in some broader multilateral organization. So this would have to be something that would be directly in a U.S. – DPRK, whether it is at the Presidential level or it is at a working level, that is where I think one of the places that is where it would have to take place.

The other thing that is different is, unlike in the past, there are now sanctions that this body as well as executive orders have put on North Korea for human rights violations, as Roberta said. And so, in that sense, there is you asked, like, why would the North Koreans be interested in this. In a sense now, there is a very clean line of negotiation. If they take steps in terms of addressing the human rights situations, then sanctions will be lifted.

My personal view is the same thing on denuclearization. We should not be talking about denuclearization in exchange for a peace treaty or these other things. It should be for a lifting of sanctions. Because that is the way these two issues have evolved.

Having said that, I think it is also important, as Greg noted, as well, and as you noted in our opening statement, as well, Chairman, that it must be impressed upon the

North Koreans that steps in positive directions on human rights would have a broader meaning and a broader impact on the way the outside world viewed the regime.

I mean, again, that to me would be a much more credible symbol of an interest in really reforming and opening up than another decommissioning of a nuclear test site that is not verified by anybody except journalists who are sitting too far away to see anything.

Mr. McGOVERN: Are there other comments?

Ms. Cohen?

Ms. COHEN: Yes. I would say that there is often the view that human rights are supposed to be raised right in the middle of the nuclear agreements, and then everything it is often argued and then everything is going to go awry. That is not the way I would see it at all.

I think that Victor is, and Greg, when they spoke, Greg mentioned the Helsinki process, Victor mentioned the Six Party Talks. In other words, a forum or arrangements were necessary for the discussion of certain issues.

Most important is that I think the United States has to make clear that this is a set of important issues that they would like to negotiate with North Korea. North Korea could well have the impression that the United States regards human rights as some sort of bully pulpit and denunciation of them as depraved and a tool that they use to maximize pressure at different times and then drop it, as Victor mentioned.

They must have the idea that it is important for the United States, in any relationship with them, a normalization of relations, to address some of these human rights issues, that this is a part of the relationship that must be maintained. And I don't think that has been conveyed.

Then, I think you need a forum for it, arrangements to do this.

And I would say that they can be parallel, they can be thereafter, but denuclearization is a process, as was pointed out earlier, I think by Congressman McGovern. So are human rights. And it needs to be given that definite discussion going into and working out agreements.

When I mentioned the first issue that I thought was important, and that was the protection for Americans, you cannot have denuclearization, you cannot have travel and information and Americans going in and then have follow-ups with exchanges and other kinds of teaching and humanitarian aid without a basic protection for the Americans going in.

So I think so many of the human rights issues are related to the other steps that will be taken.

And North Korea would probably like normalization of relations for their own reasons, would like exchanges, would like the lifting of sanctions. And probably Kim Jong Un and his sister would like to get off the list of sanctioned individuals in the United States, which is in the law, or in the Treasury regulations. These have to be negotiated. And the same thing for economic development aid; the same thing for humanitarian aid. So I think it has to be part of a lot of the subsequent the denuclearization leads into all of these other areas. And human rights is very much a part of it, but you have to have a forum, and you also have to have a special envoy or somebody that is following this very closely.

Mr. McGOVERN: Mr. Scarlatoiu?

Mr. SCARLATOIU: Mr. Chairman, Kim Jong Un is keen on his policy, the byungjin policy, the policy of simultaneous development of the nuclear weapons and economic development. He seems to be indicating interest in economic development. President Trump showed him a trailer featuring a future denuclearized North Korea. Of course, denuclearization is extraordinarily important; it is an absolute precondition prior to taking any steps on North Korea's economic development. And that said, it will take much more than just denuclearization for North Korea to develop. And we must convey this message to the North Korean regime.

It will be impossible for the U.S. Agency for International Development or the World Bank to be running---

Mr. McGOVERN: Right.

Mr. SCARLATOIU: ---a water and sanitation project next to a political prison camp. It will be impossible to develop North Korea without any property rights. It will be impossible to develop North Korea without observance of human rights, labor rights. It will practically impossible for any investor to step in without assuming significant risks.

In addition to human rights compliance, naturally, in order to join, for example, the World Bank, they would need to collect their national statistical data, reduce their military expenditure, learn how to work with foreign technical assistance. And these are all quite normal and logical steps that a country such as North Korea would have to take in order to achieve a certain level of economic development.

Mr. McGOVERN: Let me just ask this last series of questions, and then unfortunately I have to go to another meeting. But does existing U.S. law provide a sufficient framework or sufficient guidance for strategically linking human rights and denuclearization? Number one.

And then the final thing is, like, you know, why do you think it seems difficult for one administration to learn from another? You know, why do we seem to start from scratch each time rather than having a unified state policy on this issue? At least, that is my impression. Maybe you have a different one.

But I throw those out as my final questions here.

Mr. CHA: I will let the true experts speak to the first question. Let me try the second one.

So, of the two parties, there is clearly more consistency on the other side of the table. The North Koreans that are involved in negotiations today are the same ones that we dealt with 15 years ago and they are the same ones that were dealt with 11 years prior to that. There is a consistency there.

I mean, part of it is the nature of our system. We have new administrations that come in and go out. I think the other is that we have unfortunately to say, this is an issue that has been very politicized in the past, whether it was the transition from Clinton to Bush, in particular, where each administration that comes in, particularly if they are a change of parties, thinks that the other administration didn't do things correctly.

In my book, I show that over the past 25 years there is actually remarkable consistency in U.S. policy, in terms of the offer of statements of peaceful intent, communications that took place between letters that were sent by our President to the North Korean leader. There was actually surprising consistency.

I think the reason we end up reinventing the wheel each time is that we always think we are the problem. We didn't talk to them enough, we didn't talk to them at a high enough level. But, in the end, that is really not the problem, right? But I think that is why the wheel always gets reinvented.

Mr. McGOVERN: Thank you.

Ms. COHEN: In addition to the North Korea Human Rights Act was the North Korea Sanctions and Policy Enforcement Act, and that was the first time that human rights was actually placed together with other issues when it came to sanctions. So this was very helpful to those interested in the human rights cause, to actually have it linked to specific calibrated sanctions about releases of prisoners and abductions and other major human rights issues.

The North Korea Human Rights Act called for the appointment of the special envoy on human rights in North Korea. I think, one, a lot of attention should be paid to implementing the act. The position of special envoy has been empty for more than a

year. So I think, in Congress' looking at this, they should looking at having a special person to look at this issue.

Very often you hear that the position could be dual hatted. I don't think that is what was intended when the North Korea Human Rights Act was put forward and adopted.

Mr. McGOVERN: Right.

Ms. COHEN: I think it was recognized that you need somebody to advocate specifically on these issues and see how to incorporate.

Mr. McGOVERN: Any of you guys available?

Ms. COHEN: I have been trying to retire for 10 years.

The other point is that Greg raised the importance of economic development to North Korea and how human rights ties into that. It might be interesting for Congress to look at what is necessary in the way of human rights in order to achieve humanitarian aid, in order to achieve development aid, in order to achieve a political settlement, and try to find realistic ways that would be necessary but that North Korea would understand are steps they have to take, so that it is not all within a punitive framework in terms of sanctions but in one about how you can achieve and reach a certain point where you have a normalization of relations.

Mr. McGOVERN: Okay.

Mr. SCARLATOIU: Certainly what was remarkable, from our viewpoint as North Korean human rights defenders, what was remarkable about the North Korea Sanctions and Policy Enforcement Act was that it did include human rights violations in the set of behavior subjected to sanctions. Prior to that, sanctions grounded in U.N. Security Council resolutions had absolutely nothing to do with a human rights rationale; after that, as well.

Arguably, one issue has been included relatively recently: workers sent overseas in order to obtain hard currency. However, the rationale behind that issue is a rationale that has to do with severing the regime's sources of hard currency rather than the human rights rationale, the abysmal working conditions where these workers are dispatched.

That said, there is this linkage between the sanctions regime and human rights violations. I am not sure that there is enough in U.S. legislation to establish clear linkages between human rights and denuclearization.

Mr. McGOVERN: Thank you.

Thank you very much. This has been incredibly informative for me. And I apologize that I have to leave, but I really appreciate you being here. Thank you.

Mr. HULTGREN: [Presiding.] Thanks for coming, Co Chairman McGovern. I again thank you all for being here. I have a couple questions for each of you and then maybe a final question for all of you, if that is all right.

But, Mr. Scarlatoiu, first to you. And maybe you have talked a little bit about this, and if so, I apologize, but I want to just get a little bit more specific.

Observers, I think, have noted that the current U.N. special rapporteur on human rights appears to have toned down some of the language describing North Korea's human rights situation in an effort to secure visitation privileges and increase dialogue. Do you agree with these observations, first? And, if so, what is your opinion of this approach?

Mr. SCARLATOIU: Well, I think that Special Rapporteur Quintana has continued to stay committed to the mandate of his office.

As an insider, one inside the human rights movement, I know that media have not always been fair to him. He took a lot of blame for a particular issue. The 12 North Korean waitresses who defected from China to South Korea, he made some statements along the lines that this issue needs further investigation, perhaps it was not exactly a defection, perhaps they were abducted by the South Koreans, by South Korean intelligence. That was clearly not the case. The previous South Korean administration stated very clearly that this was a defection. The current government of President Moon Jae in, the Minister of Unification, has clearly stated that, that this was not an abduction, it was a defection.

However, Special Rapporteur Quintana addresses a lot of issues at his hearings and at his press briefings. Unfortunately, representatives of the press tend to focus exclusively on this issue. And I believe it is quite upsetting to the special rapporteur, but it is part of life.

Mr. HULTGREN: I know how he feels, some days. But thank you.

One more question. North Korea has engaged with the United Nations on improving human rights of the disabled, including ratifying the U.N. Convention on the Rights of Persons With Disabilities.

I wonder if you believe that progress on issues like these can lead to more dialogue on other human rights issues or abuses. What would be the connection, I guess? And would you agree that there has been some progress there?

Mr. SCARLATOIU: Well, there are organizations we have not conducted us, as the Committee for Human Rights in North Korea we have not conducted specific research on this particular issue. But other human rights organizations seem to agree that there has been some progress on the rights of people with disabilities.

Of course, North Korea ratified the Convention, but there is more to that than just ratifying. It is important to include the respective provisions in the municipal law, in the domestic law of North Korea. It is very important to have the capacity to implement those laws. It is very important to have effective implementation of those laws.

Unfortunately, one problem that we face well, that the people of North Korea face is that they do not read their own constitution. They are not allowed to read their own legislation.

I was speaking to a friend in the North Korean escapee community in South Korea who was arrested and, of course, roughed up, beat, and tortured by the Minister of Public Security. He recalled that there was a criminal code of North Korea hanging by a chain on the wall at the police station stamped "Top Secret."

All North Korean people have access to is the TPMI, the Ten Principles of Monolithic Guidance, basically the 10 principles cementing the regime's grip on power, this dynastic grip on power.

That said, any semblance of development on compliance with internationally accepted human rights standards is always welcome. And why not? It might provide an opportunity.

The U.N. special rapporteur for the rights of people with disabilities, Mrs. Aguilar, visited North Korea last year. She was not overly optimistic about future prospects. She was fully aware of the circumstances of the visit, of the fact that everything is tightly controlled in North Korea. But, nevertheless, it is a small step but perhaps a small step forward.

Mr. HULTGREN: Let's hope.

Mr. Cha, if I can address a couple to you. You talked about how there is not a zero sum relationship between discussing both human rights and denuclearization at the negotiating table. How can the U.S. go about breaking this false dichotomy? Does such criticism make North Korea less likely to offer concessions on its nuclear and missile programs?

Mr. CHA: So I do believe that there isn't a zero sum relationship. By default, that is what has emerged as a practice.

To me, the way and, clearly, legislation that requires the appointment of a special envoy has not seen that either. I mean, what it requires is a political decision and the political will of not the negotiator but the Commander in Chief, the President, to say that these issues are going to be taken as a whole and not separately.

That, I think, is something that we haven't tried yet. And we do have a channel to do that now because, you know, this President has opted for very high level communications directly with the North Korean leadership. And are starting to put into place underneath Secretary Pompeo a negotiating framework, a negotiating team and a negotiating framework.

So, you know, that is something, I think, that would have to be agreed to within the U.S. interagency first, a consensus that would be developed. I am sure there would be support from this body for that. And then it would have to be then dictated down by the President.

Mr. HULTGREN: Mr. Cha, you shared several clear ways that human rights are directly connect to U.N. security concerns when it comes to North Korea.

I wonder if you could discuss in more detail how North Korea uses revenue from exported slave labor and human trafficking to fund nuclear proliferation activities. And what does this practice entail? And how do you imagine that it could be successfully incorporated in the negotiations to impact that?

Mr. CHA: So I would also refer to some of the really great work that the Committee for Human Rights has done on this.

But, as you know well, I mean, North Korea is a country that is starved for hard currency. And they have devoted a good portion of their national resources for well over two and a half decades towards development of the nuclear weapons programs and missile programs and other related WMD programs.

In that sense, much of the commerce that takes place dictated by the state has enveloped within it all sorts of human rights violations, whether it is in the form of coal exports to China that include all sorts of human rights violations and the revenues from that, we believe, go to financing at least some or part of the nuclear weapons programs.

When I was in government, the other big measure that we were taking on unfortunately was not on human rights, but it was on illicit activities the counterfeiting, the drug smuggling, the counterfeiting of U.S. currency, and other things. This was all operated out of a particular office in North Korea that is not just responsible for those activities but has been responsible for proliferation, for terrorism, for all these.

So it is difficult. While, and I think Greg has done some good work on that. While we cannot point to every single definitive line of commerce and revenues related

to proliferation, the bodies that do this work are all very much smushed together. That is a technical term. They are all kind of pushed together. And that makes it very difficult to not assume that there is some connection between these revenues and proliferation financing.

Mr. HULTGREN: Do either of the two of you have any more on that?

Mr. SCARLATOIU: Well, what we know about this operation of dispatching North Korean workers overseas is that currently there are about 100,000 of them dispatched to 30 countries on several continents.

We assess the total amount of hard currency earned by these workers to be around \$200 million a year. Up to 90 percent of their revenue is confiscated by the North Korean regime, as was the case with other hard currency earning operations. Of course, the Kaesong industrial complex comes to mind. This is yielding about \$120 million a year. How many percent of those funds go to the North Korean regime? One hundred percent. This is hard currency.

How does the regime channel its resources, first and foremost, toward those areas that it regards as critical to executing its fundamental strategic objectives? The fundamental strategic objective is, of course, survival. It regards nuclear weapons, ballistic missiles, and keeping the elites happy by maintaining their access to luxury goods from the outside world as being three critical areas. That is where most of the hard currency goes.

Mr. HULTGREN: If I can switch to you, Ms. Cohen. Thank you again for your work, and thanks for not retiring yet. We need you.

You provide several concrete human rights benchmarks that the U.S. should require of North Korea. I wonder how the Trump administration most effectively could link these benchmarks to the peace regime that was discussed by the two sides in Singapore? How can the U.S. go about this in a way that won't be flatly rejected? And at what point should North Korea's human rights record be a sticking point for negotiations moving forward?

Ms. COHEN: It is often asked about human rights, if that is a sticking point, do we then drop it? And that is where I would like to begin.

I think the United States has to make it very clear to North Korea that this is an issue that breaks down into different questions for us that are important. And I don't know that that has been conveyed to North Korea yet.

We are not going to drop the issue. It is a process. It is something that matters and that connects to all follow-up to denuclearization. And even denuclearization requires access and requires verification and requires information exchange, so that

human rights, basically, is part of every part of what will be agreed with North Korea. But it is not an issue that can be dropped.

At the same time, it should be presented not as a tool that we use on occasion and then walk away from or as a constant denunciation and public humiliation. I think that it ought to get down to a negotiating phase, very carefully worked out, of what we are looking for and how that can be achieved here.

So I think that this is one way where we don't come in and say, "Oh, human rights. There have to be human rights, and you have to open your prisons right now," and that will be flatly rejected. So I think it has to be a businesslike approach.

And I think the important thing is that the administration has its priorities of what are the issues important to it to raise and what do they hope to achieve on each issue.

Mr. HULTGREN: Ms. Cohen, you identified five different key human rights issues that the United States should address in negotiations. And maybe you have kind of hinted towards this, but, more directly, is there one issue that you believe is more important to address in talks with North Korea? And what steps should we, as Congress, or the administration take to reach a deal with North Korea that solves that specific issue?

Ms. COHEN: I don't think I am going to choose. I did indicate there were some that were part of American interests, very closely tied with them. So, obviously, that would have some priority.

But what I would say is most important from this is to establish a forum or some kind of political discussion arrangement where it is known that human rights and humanitarian issues are going to be discussed between North Korea and the United States and worked out.

This is not a public forum. This is not even a dialogue about human rights. It is, really, you need some kind of conclusion to all the knowledge and information that we have about human rights that needs to be boiled down now into: What can we achieve? And North Korea has to know that, in order to move forward with the United States, this will be something they will have to participate in.

And I would say that North Korea, at different times, when they have wanted something, they have known how to do it. They knew they wouldn't get a summit with President Trump unless they released the three Americans. I mean, there are times or with the Japanese, as well, at a different point in time. They acknowledged abductions. They allowed some of the abductees to return to Japan. They got a lot of financial aid with that.

But they have and at the U.N., where you mentioned, they do take some steps, but there is a lot of pressure there, and there are resolutions. And they have taken some steps

to cooperate. They are small. We don't consider them very significant, but they are there.

And so I think that that would be the most important thing to get a real negotiation going.

Mr. CHA: Could I just add one point to what Roberta said?

The first is that I would echo something she said in her testimony, which is that North Koreans are not going to like to hear a discussion about human rights, but if this process rolls forward and there is actually talk about normalization, as Roberta said, they will have to understand that human rights is part of who we are, and if you want a relationship with this country, then this is part of that relationship.

The second thing I would say is much more down in the weeds, and that is, should this process roll forward you asked, Congressman, you know, which issue. But should this process roll forward, it may present, itself, the issues that we have to deal with first.

So, for example, it is difficult to have any discussion with them on human rights right now because our main channel of dialogue is about denuclearization. But if at some point in the future and I am not advocating that we should, but, at some point in the future, if we do open liaison offices in the two countries, then, naturally, one of the first issues is going to be protection of Americans that are in North Korea.

So my point is that there could be a process that rolls forward that would present opportunities in which we could start talking about some of these things, initially for very practical reasons.

Ms. COHEN: Could I add, please---

Mr. HULTGREN: Sure.

Ms. COHEN: ---that the non-appointment to date of the special envoy is really a signal that human rights does not have the priority. And if that is the case, it is going to undermine, in North Korea's view, the issues that are raised.

The appointment of that envoy, with a full name and somebody specifically on that issue, who also can show up at different meetings, even to sit on the side, will be a signal. But you are getting a reverse signal now, and I think it is not going to work in U.S. favor.

Mr. HULTGREN: I wonder if you could talk just briefly on, from your perspective, is there a reason why it hasn't happened yet and what we, as Members of Congress, can do to say, this is important, this is something that really needs to happen and needs to happen soon.

Ms. COHEN: I would not advise you how to make that known to the State Department and executive branch, but I think you know better than I do what your best lines of communication are there.

But it is important to point out that the non-appointment is acting like a green light and North Korea will be less inclined to take seriously any human rights issues that are raised. And there are some that the Trump administration has said are very important to it. They just held a ministerial, sort of, conference on religious freedom, and President Trump says he raised persecution of Christians at the summit.

So that issue will be undermined by the fact that there is nobody to be really trying to carry it out or promote it within the building. They should be working with the adviser, former Senator Brownback, on religious freedom. And so, there, the Trump administration indicated a strong interest. And if that is so, then here would be a way to signal that this is really important to us.

Mr. HULTGREN: I agree. Thank you.

One last question, if any of you have any thoughts on this. I wonder if you could just talk briefly how you evaluate the efficacy of the Commission of Inquiry in exposing North Korean abuses. Does the crimes against humanity determination strengthen international resolve to confront the regime? And how should this influence U.S. strategy in negotiations?

Mr. SCARLATOIU: There is no doubt that the February 2014 report of the U.N. Commission of Inquiry was a seminal moment. This is a Commission of Inquiry that found that many of the egregious human rights violations being perpetrated, in particular at North Korea's unlawful detention fatalities, amounted to crimes against humanity.

The U.N. Commission of Inquiry and the report of the U.N. Commission of Inquiry continues to be a great source of legitimacy for this movement, the North Korean human rights moment. And, as Roberta was mentioning earlier, as our co chair of the board Roberta was mentioning earlier, indeed, the North Korean Government does react to human rights initiatives. Prior to the UNCOI report, they knew that this issue would come and go away, disappear off the radar screen. However, post UNCOI, they have come to the understanding that this issue is here to stay.

Now, of course, it will take commitment on our side, as well, to ensure that we remain committed to this issue. We had a coalition of the like minded supporting post UNCOI initiatives for example, U.N. General Assembly resolutions passed in Third Committee addressing North Korean human rights. There was a paragraph on crimes against humanity included in each and every one of these resolutions. Since 2014, every year, the North Korean human rights issue has been placed on the agenda of the U.N. Security Council.

Behind these efforts, we had this informal coalition — the United States, the European Union, Japan, the Republic of Korea, and others. If even one member of this coalition withdraws and no longer participates as an active member of this coalition, we might be in danger of losing momentum. It will be very important to continue to talk to our staunch friends, allies, and partners in South Korea and remind them that this is an important issue, this is an issue that we have addressed together for quite a few years now.

Mr. CHA: Just one I think Greg explained it very well. The only thing I would add is that one of the things that the COI really did was demonstrate to North Korea that this is not just an issue that the United States believes in, that the entire world by the vote, the entire world does.

Having said that, it requires the United States to lead on it, because all the other parties, frankly, right now who are involved in this negotiation are not putting this at the top of their list. Like, I don't see the Chinese putting this at the top of the list, and unfortunately I don't see the South Koreans putting this at the top of the list.

So, you know, on the one hand, I think you are absolutely right, it draws attention to how this is a broader issue. As broad as it is, still, the United States has to lead on it.

Ms. COHEN: It is very important that the United States, at the General Assembly, maintain and affirm their very strong support of the annual resolution. And the annual resolution also involves Security Council consideration of North Korea. And North Korea's human rights situation is on the Security Council agenda, with a view to accountability. The U.S. will have to work out its own policy toward accountability, but it must make sure that the item is again on the Security Council agenda, it takes a vote each time, and that there is leadership, as Victor and Greg have said.

The Security Council is an important part of this. And then, in the General Assembly, it is amazing how things can just disintegrate unless there is some strong heft behind it. And if the U.S. is in the middle of negotiations with North Korea, the one thing North Korea would like very much would be to weaken the General Assembly resolution and to remove from it paragraphs on crimes against humanity and accountability. They, in the past, have tried to do that.

It would be a real, I would say, it would be a very low point if the U.S. were to basically to agree with that or just ignore the role they have played in the past and allowed a weaker resolution to come forward. So I think here Congress can play a very strong role in making sure that the U.S. is behind the strong resolution.

Mr. HULTGREN: Great.

Thank you. I appreciate each and every one of you for your work, for your testimony, for helping us understand this.

I would hope you see that there is strong interest here in Congress, bipartisan interest, certainly for every person in North Korea. And we certainly want to make sure that our country is safe and secure, but we also want to do everything that we can to be proactive and encouraging and pushing and putting pressure where appropriate to get other countries to change what they have been doing to the detriment of their own people.

And so, if there are suggestions you have for us I have taken many notes from today. And one reality of this place is it is busy and there are a lot of things going on. But that is part of our role here on the Commission, is just to make sure that we are getting information from you and getting it to our colleagues. And so that is co-chairman's and my commitment to you, is we will do that. And if we can be of further help or suggestions you have of things that we can do in Congress to continue to encourage the administration or other efforts to be focused on this in appropriate ways, please let us know.

But, again, thank you for your work, thank you for your time.

And, with that, we will adjourn the Commission. Thank you.

[Whereupon, at 3:15 p.m., the Commission was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD



Tom Lantos Human Rights Commission Hearing

Hearing Notice

North Korea: Denuclearization Talks and Human Rights

Thursday, September 13, 2018

2:00 – 3:30 p.m.

2255 Rayburn House Office Building

Please join the Tom Lantos Human Rights Commission (TLHRC) for a **hearing** on the importance of incorporating human rights into a credible, verifiable denuclearization deal with North Korea.

North Korea's systematic, egregious human rights violations are well-documented. The people of North Korea continue to suffer under the government's policies of arbitrary detention, torture, extrajudicial killings, human trafficking, and forced abortion, and due to the regime's complete disregard for freedom of speech, religion, assembly, or movement.

While speaking out against North Korea's oppression of its own people, the United States has long prioritized efforts to curb North Korea's nuclear aspirations. At the Singapore Summit in June 2018, President Trump and North Korean leader Kim Jong-un engaged in negotiations towards a broad agreement that would protect the security interests of both countries and create sustainable peace in the region.

As negotiations continue, what role should human rights play in these talks? Rights advocates argue that incorporating human rights indicators into a deal between the two countries is critically important both as a measure of good faith from a regime that has proven impossible to trust, and because a country that perpetrates crimes against humanity will continue to breed global instability. Witnesses will discuss why human rights are strategic for ongoing engagement, how they are linked to international security, and will offer recommendations to Congress on what integrating human rights into the security discussion could look like in practicality.

Panel I

- **Greg Scarlatoiu**, Executive Director, Committee for Human Rights in North Korea
- **Victor Cha**, Senior Adviser and Korea Chair, Center for Strategic and International Studies
- **Roberta Cohen**, Human Rights Specialist and former Deputy Assistant Secretary for Human Rights at the Department of State

The hearing is open to Members of Congress, congressional staff, the interested public, and the media. The hearing will be livestreamed via the Commission website, <https://humanrightscommission.house.gov/news/watch-live> and will also be available for viewing on the House Digital Channel service. For any questions, please contact Jamie Staley (for Mr. Hultgren) at 202-226-1516 or Jamie.Staley@mail.house.gov or Kimberly Stanton (for Mr. McGovern) at 202-225-3599 or Kimberly.Stanton@mail.house.gov.

Sincerely,

Randy Hultgren, M.C.
Co-Chair, TLHRC

James P. McGovern, M.C.
Co-Chair, TLHRC
