

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 decriminalization 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.