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NORTH KOREA



*DENUCLEARIZATION IS NOT
POSSIBLE WITHOUT AN
IMPROVEMENT IN HUMAN RIGHTS*



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NORTH KOREA: DENUCLEARIZATION IS NOT POSSIBLE WITHOUT AN IMPROVEMENT IN HUMAN RIGHTS

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North Korea remains one of America's thorniest foreign policy challenges, just as it was during the last presidential transition. North Korea's ongoing drive to develop weapons of mass destruction and the means to deploy them has advanced considerably over the last four years. Its nuclear arsenal is larger and far more potent today. Despite unprecedented engagement with the United States and a South Korean government eager to reduce tensions, North Korea has maintained its belligerent posture toward its adversaries. And although it has not been a focus for U.S. policymakers, the human rights situation in North Korea remains abysmal.

Our recommendations:

- INTEGRATE HUMAN RIGHTS INTO U.S. STRATEGY AND POLICY
- INCORPORATE HUMAN RIGHTS INTO ANY FUTURE NEGOTIATIONS
- NOMINATE AND CONFIRM KEY PERSONNEL
- OPEN THE DOOR FOR MORE NORTH KOREAN REFUGEES TO RESETTLE IN THE UNITED STATES

Seven years ago, the world witnessed a groundswell of activity and support after the release of the historic United Nations Commission of Inquiry (COI) report on North Korean human rights. One of the primary recommendations of this authoritative report is to bring the North Korean leader, other senior government officials, and the ruling Workers' Party of Korea before the International Criminal Court for crimes against humanity. The report was widely praised as the most comprehensive account of human rights abuses in North Korea. Both the Human Rights Council and the U.N. General Assembly passed resolutions commending the COI report and its contents. Since then, the United Nations and its agencies have continued to document abuses and maintain a record of accountability for future actions against the North Korean regime.

These developments led many experts and activists inside and outside of governments to believe that the abuse of human rights in North Korea — an issue that had floundered in the darkness for decades — was finally gaining the attention of the international community. North Korea today remains one of the worst human rights disasters of the modern era. The North Korean people continue to be subject to a system of control, surveillance, and punishment. The government suppresses all freedoms, including the right to organize and to travel. The only political expressions that are permitted are ones that demonstrate complete fidelity to the state and its leader. Over 120,000 citizens sit in gulags that remain outside of international supervision. Access to food, lack of sanitation, and inadequate health care persist, aggravated to an unknown degree by the COVID-19 pandemic.

For those who choose to defect in search of better living conditions, many, particularly women, become vulnerable to smuggling, forced marriage, and sex trafficking. Others risk being repatriated to North Korea to face torture and ill treatment under arbitrary detention and imprisonment. Chinese authorities continue to violate the principle of non-refoulement specified in international human rights and refugee agreements to which China is a signatory. Another worrisome trend is the steady decline in the number of North Korean defectors who enter South Korea. According to data published by the Ministry of Unification of the Republic of Korea (ROK), the number of North Koreans defecting to South Korea has decreased in the past four years, to an estimated 1,047 in 2019 from 1,418 in 2016. The current engagement-oriented South Korean government also has reduced support for human rights non-governmental organizations (NGOs) in the past year, responding to North Korean complaints about their activities aimed to delegitimize the dictatorial regime.

The transition to the Biden Administration gives the United States the opportunity to reverse the policy of the Trump Administration and renew efforts to stop the regime's weapons programs and restore human rights. Abandoning years of precedent and long-held assumptions, the Trump Administration delivered a long-sought prize to the North Korean regime — direct engagement with the president of the United States. In his three meetings with dictator Kim Jong-Un in 2018 and 2019, President Donald Trump failed to achieve anything of substance beyond some made-for-television optics. Despite the "bromance" that developed between Trump and Kim, Pyongyang's weapons programs continued to grow unrestrainedly, the regime remained just as belligerent as it was before, and, most tragically, the regime got a pass from Trump on its wretched record of human rights abuses. It is time to change diplomatic course, maintaining pressure and building coalitions with the international community to stop North Korea's weapons programs and restore human rights as a key element of U.S. policy toward North Korea.

Despite the groundbreaking meetings between the North Korean leader and the American president, North Korea has made significant advancements in its nuclear weapons arsenal and its capability to deliver them to targets in East Asia and the United States. These new weapons include a submarine-launched ballistic missile and a massive

intercontinental ballistic missile, displayed during a military parade in October 2020, that may be equipped with advanced multiple re-entry vehicle nuclear warheads. North Korea's nuclear progress has continued unabated, despite unprecedented international economic sanctions.

U.S. policymakers need to act to regain the ground lost over the past four years and push for verifiable controls on North Korea's nuclear arsenal, with an ultimate goal of its elimination. Simultaneously, the United States must make progress on improving human rights in North Korea.

INTEGRATE HUMAN RIGHTS INTO U.S. STRATEGY AND POLICY

The United States has a moral obligation to place human rights at the top of its agenda with all partners. In the North Korean case, the denuclearization and human rights agendas are inextricably intertwined. Insisting on human rights improvements strengthens U.S. leverage in negotiations and fosters a stronger international consensus.

INCORPORATE HUMAN RIGHTS INTO ANY FUTURE NEGOTIATIONS

Any future negotiations must incorporate human rights into the discussions with Pyongyang. It is inconceivable that the United States could achieve normalized political relations absent human rights improvement. Congress has repeatedly insisted on and tied sanctions to human rights progress. Any verification protocol for a security agreement requires a more open and transparent North Korea. And economic development, assistance, investment, and trade for North Korea in exchange for denuclearization cannot proceed under U.S. law unless human rights abuses in the supply chain are addressed.

OPEN THE DOOR FOR MORE NORTH KOREAN REFUGEES TO RESETTLE IN THE UNITED STATES

Under the North Korean Human Rights Act of 2004, a pathway was established for North Korean escapees to be granted refugee status in the United States. Since its enactment, more than 200 individuals have been resettled as refugees. The flow of refugees has slowed to a trickle since 2017, in keeping with a broader hostility toward immigration. Escapees overwhelmingly choose to resettle in South Korea, but the United States should welcome those few who seek to come here. Congress and the State Department must work to reopen the pathway.

NOMINATE AND CONFIRM KEY PERSONNEL

The failure to appoint key personnel during the Trump Administration led to deemphasizing human rights globally and in North Korea in particular. The post of Assistant Secretary of State for Democracy, Human Rights, and Labor sat vacant for

more than two and a half years, until September 2019. The key position of the Special Envoy for Human Rights in North Korea was never filled. Having a confirmed assistant secretary is critical to ensuring democracy and human rights are a consistent element in U.S. foreign policy generally and on North Korea in particular. And the congressionally mandated special envoy is the primary advocate on the issue inside the U.S. government and will play a vital role in reopening the pathway for North Korean escapees to resettle in the United States. The Biden Administration should nominate individuals to fill these positions and Congress should confirm them if they are appropriately qualified.

As the last four years have shown us, a deal with North Korea is not possible without an improvement in the human condition. In the past, the United States prioritized nuclear negotiations above all else. It became a policy truism to accept that the delicate negotiations would fail by raising human rights issues with Pyongyang. Many negotiators feared that human rights discussions would distract from the main issue of denuclearization or even offend the regime and scuttle the talks. The United States followed this playbook in the three summits with Kim Jong-un, but there is zero evidence that avoiding human rights helped the negotiations in any way. Indeed, despite these summits, the United States is no closer to a denuclearization agreement. The United States has lost ground in the past four years, but that ground is recoverable.

A new administration and Congress have an opportunity to refocus their attention on human rights in North Korea. The history of negotiations show that denuclearization and human rights improvement are mutually sustainable policy objectives. True denuclearization cannot happen without a transformation of political relations between Washington and Pyongyang. And such a transformation in relations cannot happen without an improvement in human rights. The start of a new administration offers the opening for a reset in the diplomacy. The United States needs to capitalize on that opportunity and make sure that human rights are on the agenda moving forward.



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