

HUMAN RIGHTS, DEMOCRACY AND RULE OF LAW IN NORTH KOREA: MAKING THE CASE
*BY THE DEMOCRACY & HUMAN RIGHTS WORKING GROUP**

By nearly all measures, North Korea is the most repressive country on earth. The United Nation's Commission of Inquiry (COI) on Human Rights in the Democratic People's Republic of Korea (DPRK) found in its 2014 report that "systematic, widespread and gross human rights violations have been and are being committed by the [DPRK]." It is a totalitarian state that prohibits any freedom of expression, association, or religion. The media is tightly controlled, with only a small number of people in government and academia having access to the global internet. Three generations of the Kim family have ruled the country since 1948 with no transparency or accountability; opposition is dealt with brutally. In 2015, North Korea tied for last place out of 168 countries in Transparency International's Corruptions Perception Index. State control of the economy and the public rationing system of food leave many suffering from hunger and malnutrition, while security forces use arbitrary detention, executions, disappearances, and torture to control the population through fear. NGO studies estimate that between 130,000-200,000 North Koreans are held in political prisons and detention facilities under extremely harsh and even life-threatening conditions.

At the same time, North Korea continues to work on developing a nuclear program. Since 1994, there have been two denuclearization agreements with the United States, the 1994 Agreed Framework and the 2005 Six-Party agreement, both of which North Korea promptly violated. The last round of Six-Party talks took place in 2009. Despite North Korea's outstanding obligations to take steps toward denuclearization, it has continued to conduct tests, including over 60 missile and nuclear tests over the past eight years and 20 ballistic missile launches and two nuclear tests in 2016 alone.¹ The most recent ballistic missile test took place on February 11, 2017. In 2016, the United States issued sanctions for the first time against North Korea's leader, Kim Jong-un, as well as 14 other senior officials linked to the human rights abuses of the regime. In March 2016, the UN Security Council, also for the first time, imposed sanctions on economic activities that support the regime broadly, required mandatory inspections of cargo to and from North Korea, and called for ending banking relationships with North Korean financial institutions. The sanctions also restrict the export of specific items including coal, iron, and titanium, which are large sources of revenue, especially from China. In January 2017, the U.S. government sanctioned seven additional individuals, including Kim Jong-un's younger sister, for continued serious human rights abuses and censorship.

The issue of revenue is key as North Korea would have a much harder time advancing its nuclear program if its revenue sources were reduced. New data indicates that the regime's human rights abuses, including the export of slave labor and revenue from trading companies that engage in such practices, are likely funding its nuclear activities. Therefore, it is imperative that engagement with North Korea on denuclearization also addresses human rights issues.

¹ "North Korea's Five Nuclear Tests," Beyond Parallel, September 9, 2016 available at <http://beyondparallel.csis.org/fifth-nuclear-test-snapshot/>

Indeed, given the way the North Korean regime treats its own people, it poses a serious threat to other countries, including the United States, as well. A country that flouts basic standards of human rights is not likely to respect international treaties or norms on nuclear weapons and non-proliferation. Unless and until those human rights practices can be verifiably improved, negotiating with Pyongyang solely on security issues will prove fruitless, even counterproductive.

North Korea's most recent demonstration of force, made early in the Trump administration, has propelled North Korea to the top of the foreign policy agenda. It is possible that North Korea will continue to test how far it can challenge the new administration. Recommendations for the U.S. administration for working with North Korea on denuclearization and human rights include:

- Issuing an early and strong public statement by the president criticizing both North Korea's nuclear program and gross human rights abuses.
- Linking human rights and denuclearization in all future U.S. discussions with North Korea, especially now that the international community has branded the regime as gross human rights abusers, and since there is evidence that the use of slave labor is likely funding the regime's nuclear program.
- Making clear that any future negotiations with North Korea will be comprehensive, addressing the nuclear issue, human rights, and peace with South Korea.
- Demanding the release of Americans and other foreigners held captive in North Korea.
- Encouraging Congress to reauthorize and strengthen the North Korean Human Rights Act in 2017, and enhance funding for information dissemination.
- Using the tools provided in the North Korea Sanctions and Policy Enhancement Act of 2016 and working with U.S. allies to increase financial pressure on Pyongyang.
- Quickly appointing and confirming a Special Representative for North Korea Policy and a Special Envoy for North Korean Human Rights Issues.
- Pressing the UN Security Council to refer North Korea's leaders to the International Criminal Court for crimes against humanity, in accordance with the UN COI report's recommendation.
- Taking advantage of the regime's sensitivity to being publicly shamed by the UN COI report by continuing to talk about its findings, collecting information on war crimes committed by the regime, and making clear that the perpetrators will be held accountable.
- Pressing for family reunifications dating back to the Korean War.
- Maintaining the enforcement of sanctions on the regime, while also working to gather documentation of human rights abuses. Encourage the government of South Korea to cooperate and share data with the new United Nations Human Rights office in Seoul that is responsible for gathering evidence of abuses.
- Coordinating efforts to pressure North Korea on denuclearization and human rights with U.S. allies in the region, especially Japan and South Korea, as well as with countries in

the region who have their own relationship with North Korea, such as Indonesia, Burma, Malaysia, and Mongolia.

- Encouraging China to help pressure North Korea by complying with the coal import limits set by the UN, as well as by providing the United Nations High Commissioner for Refugees access to the Sino-North Korean border and living up to its treaty commitments by ending the repatriation of North Korean refugees to their country.
- Considering asking European allies to reach out to North Korean diplomatic missions in their countries as a means of either identifying possible defectors, or rooting out potential criminal activity.

** The Democracy & Human Rights Working Group is a nonpartisan initiative bringing together academic and think tank experts and practitioners from NGOs and previous Democratic and Republican administrations, seeking to elevate the importance of democracy and human rights issues in U.S. foreign policy. It is convened by Arizona State University's McCain Institute for International Leadership. The views expressed here do not necessarily represent the positions of individual members of the group or of their organizations.*