



**Statement before the Senate Foreign Relations
Subcommittee on East Asia, the Pacific and
International Cybersecurity Policy**

***“North Korea Policy, One Year
after Hanoi”***

A Testimony by:

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Chairman Gardner; Ranking Member Markey; Members of the Subcommittee, I appreciate this opportunity to appear before the East Asia, the Pacific, and International Cybersecurity Policy Subcommittee today on the topic of North Korea one year after the Hanoi Summit. Human Rights is a critical part of U.S. policy toward North Korea, and I will focus heavily on human rights. In the context of the aggressive nuclear and missile programs of the North Korean Government and the sanctions that have been imposed unilaterally by the United States as well as multilaterally through the United Nations Security Council with U.S. leadership and support, it is important that we not lose sight of the role and place of human rights in United States policy.

First, I want to thank the East Asia Subcommittee, the Senate Foreign Relations Committee, and you, Chairman Gardner and Ranking Member Markey, for your leadership in the reauthorization of the North Korean Human Rights Act in 2017. This was the third time that this important legislation was extended by Congress since it was first adopted in 2004.

At a time marked by partisanship, it is significant that the reauthorization legislation was approved by unanimous consent in the Senate and by a vote of 415 to 0 in the House of Representatives. This is most appropriate because of our commitment as a nation to the value and respect we hold for human rights.

One of the important provisions of the North Korea Human Rights Act was the creation of the position of Special Envoy for North Korea human rights issues, the position in which I served for over seven years. The reauthorization in 2017 included provisions to continue the requirement for the appointment of this Special Envoy. I very much regret that since I left that position over three years ago, it still has not been filled.

The Congress is correct that it is important to designate an individual with ambassadorial rank to focus attention on the serious deficiencies in human rights in North Korea. I hope that the Congress can convince the President to uphold the law and designate an individual for this important position.

The North Korea Human Rights Act is an important statement of United States principles and policies on the importance of human rights for the people of North Korea. The programs and funding that it authorizes are a significant part of United States policies toward North Korea.

Current Policy on North Korea Human Rights

In the year before the Singapore Summit of June 2018, the President used strong language in criticizing North Korea's nuclear and missile programs—as well as its human rights violations. He did this in his speech to the United Nations General Assembly in September 2017. In the President's first State of the Union Address in January 2018 almost 10 percent of that speech was devoted to North Korea, with a significant focus on human rights. The President told the Congress, "No regime has oppressed its own citizens more totally or brutally than the cruel dictatorship in North Korea."

Fred and Cindy Warmbier, the parents of American Student Otto Warmbier, were with the First Lady in the Gallery for that State of the Union Address. As you know, their son Otto was

arrested in North Korea in January 2016, subsequently tried and found guilty for allegedly placing a framed slogan on the floor in the hallway of a Pyongyang hotel. He was returned to the United States 17 months later in a condition of “unresponsive wakefulness,” and he died just a few days after his return. The Warmbier’s were given a standing ovation by the Members of Congress.

Another highlight of that speech was the President acknowledging the presence of a North Korea defector sitting with the First Lady in the gallery of the House Chamber—Ji Seong-ho. The Congress gave this defector a standing ovation as he held a pair of crutches over his head. Mr. Ji left North Korea in the 1990s during the horrific famine caused by government leaders who focused resources on the military rather than feeding the North Korean people. His legs were run over by a train after he collapsed from exhaustion caused by lack of food and fell from the moving train. He was nursed back to health, but after he crossed the border and went into China to find food, North Korean border guards tortured him and took away his crutches. Mr. Ji eventually succeeded in escaping from North Korea, and he was able to find new opportunities in South Korea.

Later that same week after the State of the Union Speech, the President met with Mr. Ji and 7 other North Korean defectors in the Oval Office where he again praised their courage and pledged to help.

Unfortunately, the Administration has not continued to support human rights for the North Korean people. Just two months after the State of the Union Address in 2018, the President announced that he would meet with North Korean leader Kim Jong-un in Singapore. The summit took place in June 2018 with considerable fanfare, pomp and publicity. But there was no progress on limiting North Korea’s nuclear and missile programs. And as far as we know, nothing of substance said about human rights during the meetings.

One year after the Warmbier Family and Ji Seong-ho were recognized and applauded at the State of the Union, the President delivered his second State of the Union Address to Congress in January 2019. The President devoted only three sentences to North Korea. He announced that his, “relationship with Kim Jong-un is a good one” and said that his next meeting with Kim Jong-un would take place in Hanoi the following month. Nothing was said about nuclear weapons, missiles or human rights.

At the unsuccessful Hanoi Summit, the only human rights issue apparently raised by the President in his meeting with Kim Jong-un was the case of American student Otto Warmbier. At a press event afterward the President said, “really, really bad things happened to Otto,” but Kim Jong-un told the President that, “he didn’t know about it, and I will take him at his word.”

Since the collapse of the Hanoi Summit, there have been sincere efforts by now Deputy Secretary of State Steve Biegun to resume dialogue with the North on denuclearization, but North Korea clearly has shown no interest in moving forward with discussions with the United States. State Department officials have made a sincere and genuine effort, but the North has made no positive response. Abandoning our principles on human rights did not lead to progress on the nuclear issue.

The President and senior Administration officials have not been directly associated with any human rights effort with North Korea for the previous two years. In December 2018, the United States Government imposed unilateral sanctions on three senior North Korean officials for human rights violations, and North Korea was again designated a “country of particular concern” under the International Religious Freedom Act. The Treasury Department issued a press release “quoting” the Secretary of the Treasury, but there was not a word about this from the Oval Office and not even a press release with a quotation from the Secretary of State.

Pressing North Korea on Human Rights in the United Nations

If we are to press North Korea on its egregious human rights record, United States leadership in the United Nations is critically important. Action by the United Nations reflects the views and policies of many countries. The United States can be successful internationally only if we have the support of other countries, and this is most effectively done through the United Nations.

The U.S. was a leading voice in the creation of a special UN Commission of Inquiry into North Korean human rights in 2013. The Commission of Inquiry held widely publicized hearings in Seoul, Tokyo, Bangkok, Washington, and Geneva with North Korean human rights victims and with leading experts and scholars on human rights. The 400-page report of the Commission is the most complete and authoritative discussion of the human rights abuses of the Pyongyang government.

With strong United States support that report was discussed in the United Nations Human Rights Council in Geneva, in the UN General Assembly in New York, and at the UN Security Council. Resolutions commending the Commission of Inquiry and calling for North Korea to improve its human rights record were adopted by large majorities at the Human Rights Council and at the General Assembly. North Korea was put on the defensive for its abysmal human rights record—and the United States played a leading role in making that happen.

I deeply regret that over the last three years we have backed away from our leadership on human rights in the United Nations. In June 2018, the United States withdrew from participation in the United Nations Human Rights Council. Our voice is no longer heard in the Council on human rights issues—not only on in North Korea but on all other human rights issues as well.

I do agree that the Human Rights Council has been unfair in its treatment of Israel and in some criticism of the United States. But the example of the United States and the leadership of the United States on human rights is still important. We were criticized for our treatment of Native Americans—and there is room for criticism in that regard. But previously, the U.S. named a distinguished Native American attorney as our Representative to the UN Human Rights Council, and he played a very positive role in Geneva on a whole range of human rights issues.

Picking up our marbles and going home is not the way to deal with a problem. Our voice should be there; our commitment to human rights needs to be known. When a resolution on North Korea’s human rights was considered in the UN Human Rights Council in the spring, we did not sponsor the resolution. Even though we were not a member of the Council, we could have

sponsored this good document. We have removed ourselves from the discussion of North Korea's human rights abuses in the most important forum.

Also, United States leadership was critical in 2014, 2015, 2016, and 2017 in raising North Korea's human rights abuses at the United Nations Security Council. After the UN Commission of Inquiry report on North Korean human rights, the United States led the effort to place that issue on the agenda of the Security Council. For four years, it was a topic of discussion in the highest United Nations body. North Korea human rights was last discussed in the Security Council in December 2017 when Ambassador Nikki Haley was serving as our ambassador to the United Nations, and she played a key role in getting that issue on the Security Council agenda. We need to resume that effort.

Overseas North Korean Workers

North Korean labor in China, Russia, and other countries is a serious concern for the United States. First, because it is a major source of funding for the North Korean effort to upgrade nuclear weapons and improve long range missiles. Foreign workers are sent abroad with North Korean "minders" who manage their work and monitor their living conditions. The workers are not paid directly, but managers are paid, and a significant chunk of their salaries flow to the regime and to those who manage them. A small proportion of the salary finds its way into the workers pockets when they eventually return to North Korea.

Second, there is a human rights issue with regard to North Korean foreign labor. These North Koreans are not fully compensated for their work. While they may be able to earn more abroad than at home, they are still forced to work long hours under very difficult working conditions. And, they do not receive comparable payment to what local workers receive. Foreign laborers are subject to the same human rights abuses abroad as they face at home in terms of control of their lives. Family members do not accompany them, but the family remains in North Korea, where they are basically held hostage to ensure their husbands and fathers do not defect.

Two of the largest users of North Korean labor are China and Russia. They have a conflict of interest. On one hand, both countries have an interest in limiting DPRK access to nuclear weapons, and the U.S. is in harmony with Beijing and Moscow on that point.

But China and Russia also benefit from North Korean labor. For China, North Koreans are cheaper than Chinese labor, because they are made to work longer and harder for less money. China also has an interest in preventing North Korea economic problems because too many refugees from the North will flee across their border into Northeast China if there are economic or other difficulties in the North. Northeast China is one of China's economic problem areas, and difficulties in North Korea can lead to difficulties in Northeast China.

For Russia, North Korean workers are heavily used in the Russian Far East where there are few Russian citizens. Furthermore, North Koreans earn less than Russian workers. North Korean labor is important for the economy of the Russian Far East.

We need the cooperation and assistance of the Chinese and Russians in the UN Security Council because they have a far greater economic relationship with the North than we do. The vast majority of international trade for North Korea goes through China, and North Korea is an important source of cheap coal for China.

Without the active and positive support of China and Russia, it will be very difficult to enforce economic sanctions against North Korea. North Korean trade with China has dropped because of sanctions. We need to encourage greater effort from China and Russia, but we are limited in how hard we can push.

The Moon Jae-in Government in South Korea and North Korea's Human Rights Abuses

The current South Korean government of President Moon Jae-in has followed a policy toward the North that is similar to what the current U.S. Administration has pursued in the last two years. It has sought to improve relations with the North, and that has meant soft peddling human rights issues. The North clearly would like to see no support from the South for defectors from the North.

For example, in November 2019, the South Korea returned to the North two North Korean sailors who sought to defect, and who were accused of killing sixteen shipmates. The incident including the return of the two sailors was not made public by the South Korean government until journalists discovered and publicized a text message confirming the repatriation. The South Korean National Assembly launched an investigation into the matter.

The decision of the Moon Administration was made without granting the defectors access to an attorney, without a court hearing on the case, and without allowing them to appeal the government's decision to repatriate them. This was the first time ever that North Koreans were repatriated by the South Korean government because of crimes they were alleged to have committed in the North or because their intent to defect may have been dishonest.

That same month, 11 North Korean refugees crossed into Vietnam on their way to South Korea. Vietnam announced that they would be returned to North Korea. The South Korean government was criticized in the domestic news media and European organizations became involved before the South intervened and the defectors were released.

There have been other indications of a change by Seoul. In the March 2018 the Moon government's budget boosted funds for inter-Korean cooperation while aid for South Korean human rights efforts were significantly cut, including a 31 percent reduction in aid for defectors. The Ministry of Unification's Human Rights Foundation saw its funds cut 93 percent, and the budget for the database maintained by the Ministry on human rights abuses by the North was cut by 74 percent.

Furthermore, in November 2019, the South Korean government did not sponsor the annual UN General Assembly resolution critical of North Korea's human rights record. This was in stark contrast with previous practice. The South sponsored every annual UN resolution from 2008 to 2019. A letter to President Moon from Human Rights Watch and 66 other international human rights organizations raised questions about the South Korean government's position on human

rights, in particular its failure to cosponsor the UN General Assembly resolution critical of North Korea's human rights record.

In conclusion, Mr. Chairman, the United States' failure to press aggressively on the North Korean human rights abuses in our bilateral policy with the North and in the United Nations is a great disappointment. The United States should be a shining city on the hill, a beacon of hope on human rights. Unfortunately, we have hidden our light under a bushel. We have been silent on important issues of principle. And still we have made little progress with North Korea on our security concerns. Our foreign policy toward North Korea should reflect our values, our commitment to the human rights ideals on which nation was founded.