



LIGHT THROUGH THE DARKNESS

IMPROVING THE HUMAN CONDITION IN
NORTH KOREA. DEFINING A NEW PATH FORWARD.

A CALL TO ACTION PAPER - JANUARY 2015

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INTRODUCTION

The last two decades have witnessed growing attention to the plight of the people in the Democratic People's Republic of Korea (DPRK or North Korea), after years of neglect by the international community. The North Korean famine in the mid-1990s, in which nearly two million people reportedly died, led to a global response through the World Food Programme's annual appeals. Since then, the North Korean Human Rights Act (NKHRA) enacted in the United States Congress in 2004, in conjunction with the work of NGOs and international media, has further exposed the inhuman suffering inside of the country.

On March 21, 2013, the United Nations took its first formal action to address this issue when the Human Rights Council commissioned an investigation into human rights abuses in North Korea. On February 17, 2014, the Commission of Inquiry (COI) on Human Rights in the DPRK produced a landmark document, authored by Judge Michael Kirby (Former Justice of the High Court of Australia and COI chair), Ms. Sonja Biserko (Founder of the Helsinki Committee for Human Rights in Serbia), and Mr. Marzuki Darusman (Special Rapporteur on the situation of human rights in the DPRK and former Prosecutor General of Indonesia), that has galvanized world opinion on the dire human condition inside of North Korea.

The Commission's findings offered a straightforward indictment of the regime and its negligence of the human condition in the country.¹ It investigated nine areas of abuses entailing violations of the right to food, violations associated with prison camps, torture and inhuman treatment, arbitrary arrest and detention, discrimination, violations of the freedom of expression, violations of the right to life, violations of the freedom of individual movement, and enforced disappearances.² The Commission judged that human rights violations in each of these areas are systematic and widespread,³ and that in many instances they constitute crimes against humanity.⁴

The COI is a manifestation of the growing global awareness of the magnitude of human injustice in North Korea. The September 2014 side-meeting on North Korean human rights abuses at the UN General Assembly, attended by U.S. Secretary of State John Kerry, attests to this trend. However, much more needs to be done. The COI points to the inadequacy of the international response—by both governments and society—in addressing one of the worst humanitarian tragedies of our time.

1 Report of the UN Commission of Inquiry on Human Rights in Democratic People's Republic of Korea. (2014, Feb). VII, paras. 1211-1214, pp. 365-366.

2 Report of the UN Commission of Inquiry on Human Rights in Democratic People's Republic of Korea. (2014, Feb)., II, para. 13, pp. 6-7.

3 Report of the UN Commission of Inquiry on Human Rights in Democratic People's Republic of Korea. (2014, Feb)., VII, para. 1211, p. 365; Report, VII, para. 1213, p. 366.

4 Report of the UN Commission of Inquiry on Human Rights in Democratic People's Republic of Korea. (2014, Feb)., VII, para. 1211, p. 365.

CALL TO ACTION

In 2014, the George W. Bush Institute's Human Freedom Initiative set its sights on how to improve the human condition in North Korea. The Initiative generally seeks to advance the development of free societies rooted in individual liberty, civil society, and democratic institutions and practices.

The timing of this effort is meant to mark the tenth anniversary of the North Korean Human Rights Act in the U.S. Congress, which President Bush signed into law in October 2004. The Act earmarked \$24 million to the North Korean people by providing humanitarian assistance, supporting NGO efforts to develop markets, promoting access to information, and providing support for escapees. In addition, the Act authorized the appointment of a presidential envoy for human rights abuses in North Korea and the creation of the first escapee resettlement program outside of South Korea. President Bush was the first American president in history to invite North Korean escapees into the Oval Office (twice) and spoke openly of the need for world attention to the issue. He reauthorized the Act in 2008, as did President Barack Obama in 2012, both with bipartisan support.

In contributing to a mandate for change called for by the COI to the indifference exhibited by the world to the problem, the Bush Institute undertook the first non-partisan effort in the United States involving the government, industry, NGO, academic, and entertainment sectors in the pursuit of three broad goals:

- *To expose the suffering of the North Korean people.*
- *To put the gulags and other human rights issues on the radar screen of opinion leaders and the general public.*
- *To develop policies with public and private sector to help the North Korean people.*

The Bush Institute has pursued these goals through three sets of initiatives that break new ground in our understanding of the North Korean human rights issue. First, the Bush Institute has commissioned new and innovative formats for releasing information that spotlight the gulags, refugees, and barriers to information that afflict North Korean society. Second, it has sponsored original research to record life testimonies of North Korean escapees and to provide concrete metrics on the level of public understanding of the issue. Third, the Bush Institute has convened a series of unprecedented awareness and consensus-building working group meetings involving stakeholders from government, NGO, academia, corporate, and media sectors.

This Call to Action paper offers concrete ideas for the NGO community and government on how to improve the human condition in North Korea. It prioritizes and elevates the best of the ideas culled from the COI, stakeholder working group meetings in Washington, D.C., and Dallas, Texas, involving the NGO community and U.S. government, and individual academic experts. The paper supports the work of the United Nations COI by amplifying its message to opinion leaders and policy makers, as well as enhancing the general public's attention and understanding of the issue.

DEFINING A NEW APPROACH

Human rights abuses have not been a high priority in the international community's policies toward North Korea. Governments and NGOs have been largely ineffective in their efforts to improve the human condition in the country. The failures on the human rights front are magnified by the inability of governments to make progress to end North Korea's nuclear and missile proliferation despite over two decades of diplomacy. A new approach is needed, and yet North Korea remains the most impenetrable state in the world today, with a leadership inattentive to, and unmoved by international entreaties.

- *A new approach must recognize that North Korean human rights abuses constitute a core threat not just to the people of North Korea but also to East Asia's stability and prosperity. A regime that prosecutes such abuses is a threat to the region. This threat is as severe as that posed by the regime's weapons programs.*
- *A new approach must acknowledge that the current character of the regime and its cult of personality leadership lie at the core of the human rights abuses. Thus, a strategy to address human rights necessarily must be in the context of a broader framework and policy that seeks reform in the DPRK and ultimately prepares for a future Korea that is whole and free.*
- *A new approach must operate on the assumption that helping the people of North Korea is neither a partisan nor ideological issue in capitals on and around the peninsula. This is not an issue championed only by conservatives or liberals. It should rise above politics.*
- *A new approach must call on governments, NGOs, international institutions, media, corporations, and the general public to be educated on this issue and to internalize the value that every North Korean should be allowed to enjoy the universal rights accorded to him or her as a human being. This value should inform all who interact with the North at any level.*
- *A new approach must acknowledge that there is no one "golden key" to helping the people. There are multiple tracks as advocated by governments and the NGO community including UN sanctions, humanitarian assistance, information penetration, and appeals to regional governments, each addressing unique or overlapping aspects of the problem. Thus, it is not a question of choice – a new approach to North Korean human rights must operate on all tracks simultaneously to have the most effect.*
- *A new approach must view the human rights issues and the nuclear issues as symbiotic in national security policy. The latter has always taken priority in the Six-Party talks, in Washington, Seoul, Beijing, Tokyo, and Moscow, but complete, verifiable, and irreversible denuclearization can only be credible if it is accompanied by concrete evidence of human rights reform and human rights accountability.*
- *A new approach welcomes steps by the DPRK, like the release of American detainees, but recognizes them as token engagement. The United States and other free societies must remain undeterred in keeping the DPRK's human rights abuses firmly imprinted on the international agenda as an issue of urgent concern.*

The remainder of this paper outlines six issue areas and concrete actions that government and society can take immediately. Together they constitute a new approach to improving the human condition in North Korea.

RAISING GLOBAL AWARENESS

In the United States there is a degree of public awareness about North Korean human rights abuses, but it is not very deep. This is not an aberrant trend in U.S. public opinion as the knowledge of South Korea tends to be generally positive but also substantively thin (i.e., Americans “like” South Korea, but know little about it). Survey work commissioned by the Bush Institute shows that **most Americans (71 percent) agree North Korea does not respect the human rights of its people**. At the same time, only 13 percent of respondents have heard of the COI.⁵ Fewer than three in 10 Americans have heard about the famine in North Korea from 1994-1998.⁶ And only slightly more than half (53 percent) have ever heard of the country’s political prison camps, which have been compared to the concentration camps of Nazi Germany and the gulags of the Soviet Union.⁷

Moreover, the images that permeate American thinking about North Korea relate to the Korean War, or for the younger generation to one of two extremes, neither of which has to do with human suffering: CNN B-roll of North Korea’s nuclear programs, or “Team America” caricatures of Kim Jong-il and Dennis Rodman’s basketball antics with Kim Jong-un. An independent media review commissioned by the Institute of major U.S. publications found that only 16 percent of stories on North Korea make mention of human rights.⁸

Nevertheless, our survey work suggests that a consciousness-raising campaign about North Korean human rights abuses would not fall on deaf ears. Ninety-five percent of those Americans surveyed believe that every human being should enjoy the same protection of human rights no matter what country she lives in.⁹ **Americans agree (72 percent) that “the United States has a responsibility to investigate or possibly act upon international violations of human rights when brought to the attention of the USG.”**¹⁰ When asked “if the United States were to get more involved in addressing the situation in North Korea,” a slight plurality of those supporting engagement (27 percent) favored focusing more on human rights violations (as opposed to 24 percent favoring focusing more on North Korea’s aggressive behavior toward other countries).¹¹

A consciousness-raising campaign might have as its ideal objective a popular movement across public and private sectors akin to the anti-Apartheid movements of the 1980s that forced a sea change in the South African government’s policies, but this is a challenge given the North’s hyper-isolation from the world community, which reduces the available pressure points on the regime. Nevertheless, a public awareness “Stand Up” campaign that generates the same level of enthusiasm in the American and international community as the anti-Apartheid movement is possible given our survey results, the non-partisan nature of the issue, and the magnitude of the problem.

Determining the “landing point” of such a campaign would be important. Is it a fundraising campaign for the escapee community’s empowerment, a grassroots e-signature campaign for UN Security Council referral to the ICC, or demonstrating consciousness-raising by clicking on five other links to substance on human rights? At a minimum, public and private sectors must be committed to not allowing the DPRK human rights issue to fall into the abyss of inattention in the aftermath of the COI, and to put the issue in the spotlight of international attention.

5 George W. Bush Institute, North Korea: U.S. Attitudes and Awareness, October 2014, n= 1,002.

6 George W. Bush Institute, North Korea: U.S. Attitudes and Awareness, July-August 2014, n=1,029.

7 North Korea: U.S. Attitudes and Awareness, October 2014.

8 George W. Bush Institute, Human Rights in North Korea: A Survey of U.S. News Coverage 2012 – 2014, p. 7.

9 North Korea: U.S. Attitudes and Awareness, July-August 2014. Ninety-four percent of self-identified Republicans, 97 percent of self-identified Democrats and 96 percent of self-identified independents agreed with this statement.

10 North Korea: U.S. Attitudes and Awareness, July-August 2014. Seventy-one percent of self-identified Republicans, 78 percent of self-identified Democrats, and 68 percent of self-identified independents agreed with this statement.

11 North Korea: U.S. Attitudes and Awareness, July-August 2014.

In this spirit, the NGO community must consider several priorities to raise awareness about North Korean human rights abuses for Americans:

- **Use Social Media.** Consider a social media campaign to “Stand Up” for the North Korean people, including:
 - A “two-minute video” challenge for the best product informing the world about the problem.
 - Partnerships with the technology sector to push media content out.
 - Media information products that contextualize the issue in relation to other crimes against humanity (the Holocaust, genocide) including satellite photos of labor camps and burial sites.
 - The topics of these “Stand Up” campaigns would be gulags, trafficking, hunger and malnutrition, refugees, children, and women.
 - The target audiences would be the United States, South Korea, the United Kingdom, France, Japan, Germany, and China. The effort should also seek to draw in other Asian countries with ties to North Korea including Malaysia, Thailand, Singapore, Indonesia, Philippines, and Mongolia, so as not to appear like a cabal of large powers arrayed against the North.
- **Find Champions.** Locate “champions” for North Korean human rights abuses, including:
 - A celebrity “Goodwill ambassador” for the North Korean people, tied to the UN High Commissioner for Refugees (UNHCR) or the U.S. or South Korean special envoys.
 - Willing parliamentarians or legislators in the United States or other UN member states.
 - Active participation and advocacy by entertainment and sports celebrities including attendance at North Korean human rights events, human rights documentary screenings, expert testimonials on Capitol Hill, and participation in social media campaigns.
- **Broaden the Base.** Invite and promote new actors who broaden the “base” on the issue, including Korean-American and other Korean diaspora communities, but also non-Korean communities with an interest in the issue:
 - Religious freedom advocates
 - Women’s rights groups
 - Labor rights groups
 - Environmental advocates
- **Transnationalize It.** Create transnational networks among stakeholder organizations in the U.S., Europe, South Korea, but also in countries seen as friendly to North Korea broadly including:
 - Seeking partnerships with South Korean media, entertainment, and NGOs
 - Pooling grassroots efforts at major local and national Asian-American gatherings to educate the general public on key manifestations of North Korean human rights abuses, such as trafficking, stunting, and starvation.
 - Seeking public-private sector partnerships to fund work of North Korean human rights awareness groups on college campuses.

- **Disseminate Literature.** Promote broader understanding through greater public access to written media on human rights abuses, including:
 - Commercial publication of the Commission of Inquiry Report on North Korean human rights abuses with a dissemination plan to reach a broader readership than could be had with a UN report.
 - Publication of UN reports and NGO documents on the issue signed by the DPRK, including the International Covenant on Civil and Political Rights and other conventions, that obligate adherence to international human rights standards in all major languages, including Korean and especially, Chinese.

- **Highlight the Role of Women in DPRK Society.** Women have quietly become one of the key agents of reform and resistance in North Korea. This has largely happened through the roles they play as buyers and sellers in the underground and official markets in North Korea. These individuals do not necessarily have a political agenda. Indeed, they expressly resist such an agenda as it would inhibit their entrepreneurial activities. Nevertheless, they constitute one of the most prominent generators of positive change inside of North Korean society. The NGO community should:
 - Spotlight the role of women in North Korea’s emerging entrepreneurial activity, as both market actors and agents of resistance to government efforts to curtail market activity.
 - Spotlight trafficking of women and children in China.

- **Research and Cultural Exchange.** The NGO community should foster more research that helps shed light on how to improve the human condition in North Korea. Activities in this regard should include:
 - Promoting research on the growth of civil society in North Korea that has quietly emerged with the growth of markets.
 - Creating opportunities for North Koreans to study abroad and engage in cultural exchanges, which the regime in North Korea remains open to.

BREAKING NORTH KOREA’S INFORMATION BARRIERS

The most important change in the North Korean state over the past decade has been the growing internal demand for information from the outside world. There is evidence to show that the regime’s control of information is weakening. The task now is to widen the openings and make the content getting in as useful and practical as possible for the North Korean people.

As a 2012 report by the research firm InterMedia suggests (*A Quiet Opening: North Koreans in a Changing Media Environment*), DVDs, thumbdrives, CDs, and cell phones are making their way across the Sino-North Korean border. The 2010 BBG North Korea Refugee and Traveler Survey reported that 98 percent of North Koreans surveyed have encountered information from outside government-supported domestic media.¹² It is well-known that there are over two million cellphone subscribers in the North now, all of whom have an ability to text/communicate with each other outside of government supervision, and some of whom can communicate with those outside of North Korea (in violation of North Korean law). Almost 40 percent of North Koreans cited DVDs as a source of outside information, and though only 16 percent of those surveyed disclosed access to a computer, the numbers are growing.¹³

¹² *A Quiet Opening: North Koreans in a Changing Media Environment*, p. 10.

¹³ *A Quiet Opening: North Koreans in a Changing Media Environment*, pp. 57-8.

The North Korean demand for information is directly a function of the growing market mentality inside of the country. These two developments are creating an independence of thinking from the suffocating ideology of the regime.

The regime's control of information and efforts to monopolize the thought of ordinary citizens is among the regime's worst abuses of human rights. It is difficult to provide metrics for how important outside information is. Does knowledge about the South, for example, gained through South Korean television dramas, affect the North Korean people's views of the government in Seoul (or Washington), or is it just leisure consumption? Does Pyongyang's expressed outrage at Western movies like the "The Interview" reflect extant concerns about the way foreign depictions of the leadership may impact North Korean society (as well as the permeability of the border to outside information)?

We do not know the answers to these questions. In some cases, outside information had a direct impact on changing beliefs about the world. As one U.S.-based escapee said, "I thought [South Koreans] were evil. I thought South Koreans were bad people....But when I saw movies, my perception started to change and thought they were lovely and friendly. Even the way they spoke. And especially the men were so handsome and attractive. It made me fall into a fantasy."¹⁴

But we do know that breaking the information monopoly of the government is intrinsically good. Citizens in North Korean society crave shortwave radios as a channel to outside information. Bits of new information are treated like commodities. Holders of outside information enjoy status and the sharing of such information generates social organization outside of the crushing ideological indoctrination sessions. The more injections of information, the more empowered the North Korean people will be, even though there is no easily defined metric for success. Moreover, the opportunities for broadcasting into the country have increased. North Koreans have greater access to radios; meanwhile, the country's energy shortages have reduced the government's capacity to jam radio signals, resulting in higher levels of permeability.

The NGO community (as well as governments) must accelerate this trend through two types of initiatives:

- **Improve the Means.** Engaging the technology sector to find and implement innovative ways to pierce the regime's information monopoly, such as:
 - Advancing the "balloon drop"¹⁵ injections of information into North Korea, perhaps through use of drones.
 - Providing satellite-based internet service to North Korea in ways that cannot be blocked by the government.
 - Sponsoring "hackathon"-type events and social media challenges in the United States and South Korea.
 - Securing funding to increase broadcasting into the country from large entities (Radio Free Asia, Voice of America), as well as small independent broadcasters (Daily NK, Radio Free Choson, NK Reform Radio).

¹⁴ George W. Bush Institute, "U.S.-based North Korean Defector Qualitative Survey," October 3, 2014, p. 6.

¹⁵ Balloon drops refers to South Korean NGO efforts to fly giant helium balloons into the North filled with newspapers, thumbdrives, cash, and other outside information and materiel.

- **Improve the Content.** Editing the content of broadcasting to incorporate news stories with a subtle human rights angle;
 - For example, programming content might incorporate more education about corruption of the North Korean leadership.
 - It is important that programming not be solely negative and critical as this could prompt adverse reactions among listeners. Instead, positive programming should be encouraged that incorporates stories about the success of markets in the North, the role of women entrepreneurs in society, the virtues of new information technology in the North; and occasional stories about social resistance to government efforts to curb markets.

Considering other forms of mainstream information broadcasting into the country, including:

 - The introduction of British Broadcasting World Service (BBC) for Korea.
 - Encouraging stories by Western news media inside of North Korea about market successes and entrepreneurial endeavors of the North Korean people, despite the risks.
 - Programming about basic postwar history (e.g. World War II, Lunar mission) to fill the vacuum of basic knowledge about outside world propagated by the regime.

ENGAGING AND SUPPORTING U.S. BASED ESCAPEES

The people of North Korea can flourish only in the context of genuine reform of their country. Enabling, empowering, and encouraging the people who seek such internal reform is critical to the mandate of any plan to improve the human condition. For those who choose to escape the country, however, the international community retains an obligation to help these escapees because their success will reverberate positively with those inside the regime seeking reform.

The decision to defect by a North Korean is a very personal one. Defection does not occur when social order breaks down or when travel controls are suddenly lifted. Instead, it is a “social” decision that is most often determined by the personal knowledge of those who have exited and have fared better on the outside. Otherwise, it is very difficult for citizens to leave a place called “home,” even if this place is in dire straits.¹⁶ The main inference of this phenomenon is that the stories of those who leave are very important for influencing the minds and decisions of those on the inside.

China has colluded with the North Korean regime to clamp down on the number of migrants coming across the border. A substantive decline has been evident in numbers since 2012, which coincides with an increase in the cost to each individual who tries to escape using brokers. Chinese actions violate the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. A campaign among UN member states must call out China’s responsibility for the horrible situation of refugees within its borders.

Escapees who have resettled in the United States have a unique role to play in the future of Korea. This group is small, relatively young, and given the extensive screening process that brought them to the United States, they are determined and capable. A 2014 George W. Bush Institute study of U.S.-based asylum seekers prepared by InterMedia found overall satisfaction with the decision to live in the United States, but five areas of concern:

16 Victor Cha and David Kang, “Challenges for Korean Unification Planning,” Center for Strategic and International Studies, Washington, D.C., December 2011.

- *An opaque and protracted asylum application process;*
- *Uneven transition experiences once in-country;*
- *A lack of formal English-language training;*
- *Difficulties with basic survival logistics like transportation and medical insurance; and*
- *A five-year-plus waiting time for legal status and citizenship.*

Given the impenetrability of the regime, the most direct way to improve the human condition of North Koreans is to support this group.

Finally, the United States is the only country outside of South Korea to have a North Korean refugee resettlement program. The United States needs to open the pipeline to admit far more than the 171 resettlement cases thus far. Other countries in North America, Europe, and especially in Asia should be encouraged to create such programs. The NGO community and governments should:

- **Educate.** Seek public-private sector partnerships to fund through scholarships the English-language training, vocational and/or college-level education, and temporary housing and transportation of those resettled in the United States as they will be the future generation of North Korean leaders when unification happens¹⁷; consider similar programs in other countries outside of South Korea and the United States.
- **Resettle.** Increase the U.S. capacity to resettle more refugees including 1) better advertising of the U.S. program in radio broadcasts (which many North Koreans do not know about), 2) better facilities in third countries (e.g. Thailand), 3) better interim services to the escapee community (legal services, language skills, updates of application process) during protracted one-year processing times for applications for asylum to the United States, 4) systematizing the “welcome experience and survival skills-training” for newly arrived escapees.
- **Mobilize.** Mobilize the Korean-American communities in the United States to provide pro bono legal, medical, language, and other transition services to the escapee community. Encourage U.S.-based Korean companies to hire escapees to facilitate the training and transition to U.S. society.
- **Publicize.** Publicize the successful cases of resettlers in the United States, South Korea, and elsewhere as an inspiration to others inside the country (“*chak han* escapee”)¹⁸.
- **Synergize.** Create links that empower refugees as leaders, learning from experience of other diaspora communities that have been effective in advocating for change—i.e., Soviet Jewry movement.
 - For South Korea, reduce the relative deprivation gap in South Korea between escapees and the general populace (North Korean escapees sense a glass ceiling once integrated into ROK society, which does not reflect well on the stories of escapees that reverberate back into the North.).
- **Support Remittances.** Encourage escapee remittances to flush cash and knowledge into market-based systems inside North Korea.

¹⁷ Unlike North Koreans who choose to resettle in the South, U.S.-based asylum seekers receive no formal transition training, nor an initial stipend or housing allowance.

¹⁸ “Chak han” is the Korean word for “kind.”

MAKING HUMAN RIGHTS A PRIORITY AT THE UN

The COI's main recommendation is for the UN Security Council (UNSC) to refer the issue to the International Criminal Court (ICC), or for the United Nations to establish an ad hoc tribunal. There are obstacles to this, not least of which is Chinese (and possibly Russian) opposition as a permanent Security Council member.

While these impediments are real, they should not discourage an aggressive effort in the UN on North Korean human rights. Such an effort would have multiple purposes:

- Create “Accountability Anxiety” in the DPRK and China.
 - By accountability anxiety, we mean a realization that the international community will no longer give the North or its neighbor a free pass on the mistreatment of North Korean people.
 - Short of a referral to the ICC, such anxiety could be created by:
 - Forming a “Contact Group” on North Korean human rights abuses.
 - Formally voting to put DPRK human rights on the continuing agenda of the Security Council for briefings, discussion, presidential statements (requires nine votes, no veto applies).
 - Utilizing the “Arria Formula” to facilitate informal, confidential gatherings which enable Security Council members to discuss the issue proactively.
 - Mobilizing efforts for a UN General Assembly resolution on DPRK human rights that would isolate and pressure China to abstain or veto.
- Keep the International Focus on the issue after the COI by:
 - Holding side-events tagged to major multilateral gatherings like the UN General Assembly (UNGA), Asia Pacific Economic Cooperation (APEC), East Asia Summit (EAS), G20, and G8 in which leaders gather to assess progress on the North Korean human rights issue and pledge the cooperation of their governments (e.g., September 2014 UNGA).
 - Naming and shaming countries to abandon the use of North Korean slave labor¹⁹.
- Put Rights Up-Front in the international arena and hold all agencies and policies accountable for human rights in their interaction with DPRK.
- Find Alternative Routes to ICC Referral by:
 - Taking up the case of inhuman acts against North Korean citizens outside of DPRK (slave labor, kidnappings of foreigners); or
 - Pressing for international normative or legal accountability for the persecution of faith-based individuals (e.g., Christians in North Korea).
 - Creating a special tribunal on DPRK by a General Assembly or Security Council resolution
- Document the Atrocities by:
 - Ensuring sufficient resources, staffing, and political independence for the new UN office in South Korea under the High Commissioner for Human Rights to create an evidentiary basis for future accountability.

¹⁹ These countries include Russia, China, Mongolia, Kuwait, UAE, Qatar, Angola, Poland, Malaysia, Oman, Libya, Myanmar, Nigeria, Algeria, Equatorial Guinea, and Ethiopia.

MAKING HUMAN RIGHTS A PRIORITY IN U.S. POLICY

Human rights have traditionally been a secondary aspect of U.S. policy toward DPRK. The presumption always has been that denuclearization is the priority, and that human rights is, at best, a distraction, or at worst, a detriment to denuclearization negotiations. Two decades of diplomacy on the nuclear issue, whether in the context of U.S.-DPRK bilateral negotiations or the multilateral Six-Party talks, have reinforced a precedent in need of correction.

Denuclearization and human rights are not a zero-sum game. First, at a tactical level, pressing on human rights may actually elicit cooperation from the North on the nuclear issue as a way for Pyongyang to deflect pressure. Second, at a strategic level, the COI Report provides an appropriate platform from which the United States should consider a Rights Up-Front approach in its negotiations with North Korea, as well as a broader, long-term strategy addressing the welfare of the North Korean people upon unification of the country.

The overriding need is to better integrate human rights issues with the mainstream strategy for the Korean peninsula. One of the most important effects of the COI Report is that it deters negotiators from making the “Devil’s Deal” – i.e., trading denuclearization for political normalization and a peace treaty in a way that abandons the people of North Korea to the regime’s mistreatment. The creation of an ambassador-level position in 2004 in the U.S. government dedicated solely to the human rights issues constituted an appropriate platform to raise dramatically the profile of the issue. However, consciousness-raising should be an important mandate of this office and out-of-the box methods must be considered.

- **Integrate Human Rights** into mainstream diplomacy in Six-Party or the bilateral agenda with the DPRK by:
 - Calling for demonstrated improvements in the human condition in DPRK as a metric for credibility of the regime’s “strategic decision” to take a new path.
 - Seeking specific metrics that are realistic, such as food distribution transparency; access to labor camps; environmental clean-up; support for handicapped and challenged populations; and prompt return of abducted and/or detained persons, including foreign nationals.

- **Use Strategic Pressure** by integrating human rights with the sanctions regime by:
 - Cataloging and enumerating ties between human rights abuses and proliferation financing activity.
 - Implementing sanctions specific to human rights abuses, targeting individuals, overseas assets, and travel restrictions as part of a ramp up to Iran-level sanctioning of the regime.
 - Considering returning North Korea to the state sponsor of terrorism list if there is evidence that they support terror in a way that justifies re-listing.
 - Implementing financial sanctions against known individuals involved in human rights abuses.
 - Building the case through deep consultations with Asian and European governments and business communities for undertaking secondary sanctions against third parties who do business with North Korean institutions or individuals known to be involved in human rights abuses.

- **Create a Helsinki-Type Process** that integrates human rights into a broader strategic framework for thinking about future unification of the Korean peninsula, including:
 - Signaling that a transitional justice system would be aimed at reconciliation rather than punishment of all.
 - Providing opportunities for reformers and young elite to contemplate a better path beyond the current regime.
 - Addressing education, health, economy, social security, public safety of general public.
 - Considering housing this process in a neutral site (e.g., Mongolia).

- **Eradicate Indifference** by the public to the issue by:
 - Considering direct outreach by the Special Envoy with mainstream sports, entertainment, and media figures; or
 - Considering the appointment of such an individual as a “goodwill ambassador” to the North Korean people (separate from but attached to the Special Envoy bureaucratic position).

- **Streamline** the process of asylum application by:
 - Publicizing the program (many North Koreans do not know).
 - Reducing wait times from one year to six months and working with NGOs to improve status updates of asylum process.
 - Working with third countries (like Thailand) to improve living conditions (i.e., not prisons) for asylum applicants.
 - Considering an expedited process for citizenship or residence status.

ENLISTING CHINA

Changing China's practice of the forced repatriation of North Koreans who cross its border, as well as the poor treatment of refugees inside of China is critical to improving the human condition of North Koreans. Concerted and persistent pressure on the Chinese government by neighboring states and the NGO community is necessary. Beijing will strongly resist such pressure, but it cannot afford to be insensitive to international criticism that is steady and highlights Beijing's lack of responsibility. UN member states must employ both incentives and disincentives going forward:

- **Use High-Level Channels** to decipher Beijing's perceived vulnerabilities behind its collusion with its neighbor on human rights abuses. See if the international community can address any legitimate concerns as a way of gaining Chinese cooperation.
- **Form a Contact Group** on North Korea that should hold side meetings tagged to major multilateral gatherings like UNGA, APEC, East Asia Summit, G20, and G8.
- **Press on Multiple Fronts of Accountability** including refoulement, treatment of North Koreans in China, access for UNHCR, citizenship for offspring of North Korea women in China, and slave labor.
- **Name and Shame** the agencies and individuals, if possible, on the Chinese side involved in refoulement, creating accountability for this practice.
- **Link Nonproliferation and Human Rights** that holds China accountable for its extractive industry contracts with North Korean mining and development sectors, which use slave and political prison camp labor and/or which include companies (e.g., KOMID) that finance proliferation in violation of standing UN Security Council resolutions.
- **Make the Issue Bilateral** in that the United States, South Korea, and Mongolia must raise Chinese treatment of North Korean escapees as a regular item in bilateral strategic dialogues. Washington in particular, must not focus solely on the nuclear issue in soliciting Beijing's cooperation.

CONCLUSION

In the end, the North Korean regime under the current leadership faces an inescapable dilemma. The politics of the country has demonstrated no change; indeed, it has grown even more attracted to its hardline instruments of control and deceit. At the same time, however, North Korean society is changing and growing more independent of the government through the operation of markets and the inflow of information. This is an unmanageable combination in the long-term. A broad strategy that helps the North Korean people, and at the same time assures them of a future that is secure and safe, will be the only way ultimately to improve the human condition in the country.

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