

Testimony of Andrew Natsios

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While the Committee asked me to focus my remarks on US government policy on human rights abuses in North Korea, I should begin with a description of those abuses and the totalitarian nature of the Pyongyang regime. (My views described here are my own and do not necessarily represent the views of Texas A&M or of the Bush School or of the Committee on Human Rights in North Korea). North Korea remains one of the few surviving Communist states in the world, and the only one of these which continues to resist any serious political or economic reform. Cuba, Vietnam, China, and Laos have all taken steps to privatize sectors of their economy, and given individual citizens small amounts of choice in their private lives, even if they remain authoritarian states. North Korea is thus in a unique category of its own, a single totalitarian dinosaur remaining of an otherwise virtually extinct species.

The fundamentally totalitarian nature of the North Korean state, economy, and political culture is the reason that there is no protection for virtually any human right even at the most minimal level. North Korea has no rule of law, no independent court system, no civil society, and no private institutionalized religion. It has no independent news media as a break on the abuses of the state, no independent political parties (other than the single legal party, the Workers or Communist Party), no freedom of expression, and no choice of competing candidates on the ballot for public or party office. Without these check and balances, there is no restraint on the abuses of the state against its own citizens.

North Korea is the most repressive, most brutal, and most severe violator of human rights in the world. While most observers and scholars understand the totalitarian nature of the North Korea state, detailed evidence of these human rights abuses in the country did remain limited in the past because of the closed and insular nature of the country. That changed over the past decade and now we have abundant evidence of the crimes of the North Korean regime against its own people. The cataloguing of this evidence has been made possible by the most cataclysmic event in North Korean history since the Korean War, and that was the Great North Korean Famine between 1993 and 1998 which I estimate killed 2.5 million people.

The systems of control which insulated the country from the outside world collapsed during the chaos of the famine, and have opened up to researchers new sources of information about conditions inside the country. I visited North Korea in 1997 at the peak of the famine, while I

served as vice president of World Vision, the faith-based non-governmental organization. Our North Korean minders tried to hide the devastation of the famine from us during the visit, but evidence of what are called pre-famine indicators were in plain sight everywhere. A year later when I was a fellow at the US Institute of Peace writing a book about the famine, I traveled to the Chinese border with North Korea along the Tumen River and conducted in-depth interviews with refugees escaping starvation. In these interviews I learned first-hand about the North Korean government's treatment of its own citizens, and unimpeachable evidence of the devastation of the famine. One North Korean refugee in China interviewed by the Korean Buddhist Sharing Movement (KBSM) said that his entire country was one giant prison. Other organizations have used these new sources of research to document the crimes against humanity of the North Korean government.

Founded just as the Great Famine was ending, the Committee on Human Rights in North Korea (which I serve as co-chairman of with Roberta Cohen) undertakes in-depth research conducted by recognized experts and publishes carefully documented reports on human rights inside North Korea. The Committee is a non-partisan human rights research center which has produced twenty research reports since its founding in 1998 and launched in October 2001. We noticed a major increase in media and public interest in North Korean human rights when the Committee unveiled at a conference in Washington DC on April 12, 2012 its second report on the political prison camps entitled *Hidden Gulag: Second Edition, The Lives and Voices of "Those Who are Sent to the Mountains"* researched and written by David Hawk for the Committee. This coincided with the publication of the book *Escape from Camp 14* by Blaine Hardin about the life of Shin Dong-hyuk in one of these political prisons. Mr. Shin, who was born in Camp 14, sits beside me at this hearing. The story of his life in the prison, combined with the 20 reports of the Committee on Human Rights in North Korea, has done more to spread the message to the general informed public about the crimes against humanity of North Korean regime.

These crimes include summary, extra-judicial executions for: attempting to leave the country without permission, being returned by Chinese authorities after having escaped, stealing food, cannibalism, eating of draft animals such as oxen, disrespect for photographs of the Kim dynastic leaders, owning a Bible, or attempting to escape the prison camps, among many offenses carrying the death penalty. Torture is widespread in the political prison camps; forced abortions, rape of women prisoners by the guards, and severe beatings even of school children are common. Offenses in North Korea in general are punished differentially by rank within the Songbun caste system; the higher the rank the less likely any punishment will take place. There is evidence (presented in my book, *The Great North Korean Famine*, published in January 2001) that the regime triaged the three Northeast provinces from receiving food aid or any food from the agricultural system outside the region, because the region was regarded as politically dispensable. Such a policy is an egregious violation of human rights as it a slow death sentence for those people who had no way of commanding food, and thus this region of North Korea had much higher death rates than other provinces of the country.

The evolution of US Government policy

The US government's policy on North Korean human rights has evolved over the past two decades. The policy focus of the past three Presidential Administrations has been to use diplomatic negotiations to prevent the North Korean government from developing nuclear weapons and the means to deliver them. This policy has been an abject failure. North Korean has

conducted three nuclear tests (and maybe preparing for a fourth), the latest of which took place in 2013, and is developing missile capability to deliver the weapons to its neighbors. The willingness of the US government to raise North Korean human rights as an issue has increased as the failure of US policy on the nuclear issue has become more apparent even to its strongest advocates. The nuclear talks have now effectively been abandoned, though there are some efforts by the Chinese government to revive them. Despite this reluctance to engage on the human rights issue, both Bush and Obama Administration officials have made public statements about human rights abuses in North Korea.

President George W. Bush spoke out on the human rights issue on North Korea Freedom Week on April 30, 2008:

“I am deeply concerned about the grave human rights conditions in North Korea, especially the denial of universal freedoms of speech, press, religion, assembly, and association, and restrictions on freedom of movement and workers' rights... I am deeply concerned by the stories of divided families, harsh conditions, and suffering. The United States stands with the North Korean people in their call for freedom. We believe it is every person's basic right to live in freedom and dignity. We will continue to support the North Korean people as they strive to achieve the rights and freedoms to which they are entitled as human beings. We look forward to the moment when we can celebrate the blessings of liberty with the North Korean people.”

President Obama spoke out on the human rights issue on March 26, 2012.

“The United States remains deeply concerned about the well-being of the North Korean people, the human rights situation in the DPRK and the plight of North Korean refugees... The United States has led efforts around the globe to call attention to the human rights situation in North Korea. Improving human rights conditions is a top US priority in our North Korea policy and it will have a significant impact on the prospect for closer US-DPRK ties. In the last year, the United States Special Envoy for North Korean Human Rights Issues, Ambassador Robert King, traveled to Pyongyang and for the first time engaged directly with the North Korean government on human rights issues. We emphasized our concerns about North Korean human rights in all three of our recent bilateral meetings with the DPRK.”

The US government has consistently voted for every UN General Assembly Resolution on Human Rights in North Korea since 2005 (except for the ones that were adopted unanimously without a vote in 2012 and 2013).

These annual resolutions consistently:

- express serious concern at various human rights abuses including operation of political prisoner camps, torture, lack of freedom to move freely within the country, freedom of opinion and religion...
- “underscores its very serious concern at unresolved questions of international concern relating to abductions in the form of enforced disappearance...”

- “expresses its very deep concern at the precarious humanitarian situation in the country” including food issues...
- “commends the Special Rapporteur and the commission of inquiry for the activities...despite the denial of access;”
- “strongly urges the Government of the Democratic People’s Republic of Korea to respect fully all human rights and fundamental freedoms...”
- “decides to continue its examination of the situation of human rights in the Democratic People’s Republic of Korea at its sixty-ninth session...”

US Government policy on DPRK Human Rights

While US policy (from informal conversations with State Department) on the UN Commission of Inquiry (COI) on Human Rights in North Korea was initially lukewarm, while later Ambassador Bob King fully endorsed the effort in a statement in March 2013. On March 17, 2014, Ambassador Robert King expressed his and the Obama Administration’s support during a meeting of the Human Rights Council.

“The United States commends the Commission of Inquiry’s excellent and comprehensive report to the Council, which documents the “systematic, widespread, and gross human rights violations” in the DPRK... We strongly support the Commission’s calls for accountability and urge the Office of the High Commissioner to establish a field-based mechanism for continued monitoring and documenting human rights abuses in the DPRK, which will carry on the investigative work of the Commission and support the work of the Special Rapporteur... We urge the DPRK to address the ongoing human rights violations and accept the recommendations that the Commission directed to the government. We urge the DPRK to engage directly with the UN Office of the High Commissioner for Human Rights and thematic special rapporteurs on how to implement its international human rights obligations and commitments... We welcome the Commission’s thoughts on steps the DPRK might take to begin a process of human rights reform, in particular first steps for dismantling the political prison camps.”

Ambassador King has on numerous occasions subsequently endorsed the findings of the Commission of Inquiry.

The UN Commission of Inquiry accused the North Korean government of “crimes against humanity”, a term not used in US government documents (as of the preparation of this testimony). In fact the UN Commission of Inquiry report is a historic document as it uses stark, uncompromising, and undiplomatic language, unlike most other UN documents which must use consensus to get approved, to describe the crimes of the North Korean government against its own people.

While President Obama’s does not appear to have made a direct statement on the establishment of the Commission, the Obama Administration’s support for the Commission is clearly indicated by the statements of Stephen Pomper, Senior Director for Multilateral Affairs and Human Rights on the National Security Council, who advises the President on human rights issues and global engagement with allies. He assesses the COI’s extensive investigation of the human rights issues in North Korea and affirms that “as the United States and the international

community consider these recommendations, we will also continue efforts to focus attention on the horrific human rights situation in the DPRK...”

Pomper also stated that “the US government will continue to work with our partners—including at the U.N. Human Rights Council, where the report will be presented next month—to help ensure the ongoing engagement of the international community.” He concludes his statement that commends and supports the COI: “...we applaud the work of the U.N. Commission for giving survivors of North Korean abuses the opportunity to publicly tell their stories, and for shining a clear, bright light on human rights violations perpetrated by the North Korean regime.”

While the US administration proposed and discussed imposing sanctions and other forms of pressure on the North Korean regime on the UN Security Council level, they were measures taken in response to North Korea’s aggressions and nuclear weapons program, unrelated to human rights issues.

On April 17, 2014, the Arria-formula meeting for the members of the Security Council took place on April 17 on human rights situation in North Korea. It marked the first discussion on the DPRK’s human rights issues among Security Council members. The meeting was co-sponsored by the United States, France and Australia. US Permanent Representative to the UN, Samantha Powers, and Ambassador King were present at the meeting. In addition to the informal meeting among Security Council members, Ambassador King met civil society groups including Association of the Family of Victims Kidnapped by North Korea.

The guidelines dictate that “any member of the Security Council convening an ‘Arria-formula’ meeting is encouraged to carefully organize the meeting, so as to maintain its informal character.” In other words, actual effects of Arria-formula meetings are minimal as they are strictly informal. Yet the fact that discussion of North Korean human rights was held among Security Council members is a significant accomplishment that raises awareness of the DPRK regime’s human rights abuses.

Roberta Cohen, a HRNK Co-Chair, noted that the COI report was discussed at the Arria-formula meeting and assessed that the report has “...thereby become a Security Council document, and governments have begun to raise COI findings in Council consultations on North Korea’s nuclear situation.”

US government food aid and North Korean Human Rights

Food aid issues affect human rights especially during a famine if governments receiving food aid use it as a means of political control. In keeping with its own history the DPRK government attempted to use international food aid as a tool to control population movements and reward those who were important to the survival of the state. The only way to avoid the regime using food as a political tool is for donors and aid agencies to insist on rigorous international standards of accountability. (See Note* below). And thus it fell to the UN and donor government to attempt to resist the misuse of food aid by the North Korea regime. USAID has been at the forefront of providing humanitarian assistance to North Korean since 1997. The program has not

been without controversy as State Department negotiators in 1997 and again in 2011 attempted to use food aid as an incentive to get the North Koreans to the negotiating table on the nuclear issue. This limited the ability of USAID and the UN to insist on high standards of accountability, because the North Koreans saw food aid as a reward for participating in the nuclear talks and thus could use it as it wished.

Since the debate over the use of food aid as a diplomatic tool in 2007, the World Food Program of the United Nations and USAID's Food for Peace Office succeeded in improving the accountability of its food aid programs in North Korea. When USAID shipped food to North Korea it was done on a monthly basis and told Pyongyang that if it violated any of the transparency and accountability agreements the next food aid shipment would be terminated. USAID did stop shipments in 2008 and 2009 because of serious breaches by the North Korean in the accountability systems in place. In March 2009 the North Korean regime ended the food aid program in protest over the US government's aggressive enforcement of the accountability standards Pyongyang had agreed to.

The Role of the US Congress

The U.S. Congress has been at the forefront of pressing the case for more aggressive U.S. government action on human rights.

The North Korea Human Rights Act of 2004 (H.R. 4011) passed the Senate floor in September 2004 and the House of Representatives in October. The act made North Koreans eligible for political asylum in the United States. More importantly, the NKHRA established the office of the Special Envoy to specialize in improving human rights in North Korea.

The Congress extended the initial act by passing North Korea Human Rights Reauthorization Act of 2008 (H.R. 5834), which was signed by the President in October 2008. The authorization elevated the post of the US Special Envoy on North Korean Human Rights to a full ambassador status.

The act was reauthorized again in August 2012 upon President Obama's signing as the North Korea Human Rights Act of 2012 (H.R. 4240), which will be valid until 2017. Revisions of the act include statements urging China to stop repatriating North Koreans back to their country, where they are executed or imprisoned in the political prisoner camps. The Congress observed that the number North Korean refugees resettling in the US has increased since the adoption of the act and the extension of the act would further stabilize the refugee admission process.

Despite minor changes through reauthorizations, the act has consistently regarded the following factors as principle values to focus on when it comes to US government North Korea policy: 1) human rights, 2) humanitarian assistance, and 3) providing support to refugees.

The act of 2012 reports that the US "has resettled 128 North Koreans since passage of the 2004 Act, including 23 North Koreans in fiscal year 2011." Ambassador King has been proactive

in implementing key parts of the act. For example, Ambassador King has helped mobilize radio broadcast system.

In addition, the Congress is in the process of enacting the North Korea Sanctions Enforcement Act of 2013 (H.R. 1771). The act outlines specific measures to impose critical sanctions on the DPRK because of its violation of human rights against its own people, while ensuring that the measure would not harm the North Korean people by reducing humanitarian assistance programs. The act was introduced on April 26, 2013 and recently reported out favorably by committee on May 29, 2014. This act will be the first time the US government actually took action to impose sanctions for human rights violations in the DPRK; as until now the US government has not gone beyond the public condemnation of North Korea's crimes against its own people.

Cracks in totalitarian control in North Korea

Despite the totalitarian nature of the North Korean regime and its resistance to any serious reform, the average North Korean now has more information on the outside world and more choices in their lives than at any time since the founding of the North Korean state by Kim Il Sung in the late 1940's. This is principally because of the rise of markets and cross border trade with China. The old order and organized system of repression is eroding beneath the feet of the Kim dynasty, party elite, secret police and military leadership: no matter how aggressive the old system attempts to reassert the authority of the state most of the changes are irreversible. This process of erosion began with the Great Famine of the 1990s and continues to this day. Five changes have taken place during and since that deadly famine.

- ***Pyongyang's Propaganda Machine is less effective.*** Famines almost universally cause mass population movements as starving people leave their villages in search of food. This happened on a massive scale in North Korea between 1995 and 1998. Hundreds of thousands of North Koreans escaped into China during the famine and its aftermath and then returned to their homes with a radically changed world-view as they realized their government had been lying to them about conditions in the outside world, according to surveys of 1600 refugees conducted by the Korean Buddhist Sharing Movement in the late 1990's. Many told me they returned to their villages in North Korea and told their neighbors of the truth about South Korea and China—that they were well fed and prosperous, not starving and poverty-stricken which North Korean propaganda had claimed.
- ***The truth about the outside world is spreading:*** The widespread use of cell phones, radio broadcasts in Korean from South Korea and the United States, and most surprisingly, South Korean soap operas which are very popular in North Korea and, despite being illegal, widely available. These soap operas indirectly describe middle class life in South Korea which is in stark contrast to the oppressive, impoverished lives lived by most North Koreans.
- ***The North Korean public is more willing to protest and get away with it than ever before.*** On November 30 and December 28, 2009 the central government announced

radical economic measures to eliminate most private savings in banks by devaluing the North Korean currency, prohibiting the holding of foreign currency, and shutting down of private farmers markets that 50% of the population was dependent on to eat. This wiped out people's life-saving, livelihood, and food supply in a matter of a few days, savings they were keeping as a hedge against another food crisis or famine. The demonstrations and violence against government offices around the country amounted to an uprising against the announced reforms. This was the first time since the founding of the DPRK the public had ever reacted with such fury to a policy of the central government. So much so that Pyongyang by January publically apologized for the policy changes, announced the changes were being rescinded—though too late, to restore people's savings, and had the senior official in the Finance Ministry supposed responsible for the fiasco, publically executed.

- ***The Public Distribution System (PDS) for food distribution has effectively collapsed for all but the capital city, communist party elite, key industries, and secret police apparatus.*** For a variety of reasons the public distribution system effectively collapsed, except for the groups described above, during the famine, and efforts to restore it as the principal means through which the populations eats, have failed. The regime had historically used the PDS as both a means of controlling of the population and as mechanism for rewarding the elite populations who received a much higher ration than the common people in industrial or mining jobs. Food rations could only be collected in a person's hometown or neighborhood, effectively limiting population movements around the country. If you moved, you did not eat.
- ***Expanding private markets across North Korea has meant there are alternative private market jobs so the average person is no longer entirely dependent on the state for their family livelihoods, food supply, and jobs.*** The farmers markets had existed before the famine, but never on the scale or with the range, volume, and variety of products they had during and since the famine occurred. The markets have provided an alternative source of jobs, of family income, of food supply, and merchandise for the average citizen which is why the central government has been so hostile to them and sees them as a threat to their complete control of the society. These markets have created a nascent class of middle class traders and the transportation infrastructure to support them, all of which means the state is no longer the sole source of food supply or employment. People traveling around the country can now depend on markets to procure food. Repeated attempts by the central authorities to shut down the private markets have been a failure; they continue to thrive and have eroded the monopoly control the state held over economic decisions in each person's lives. With markets the level of bribery and corruption by government officials has become widespread, a practice which earlier in North Korean history was much more constrained.

While the source of much of the new data on North Korea is from refugees escaping the country or those defecting to South Korea, trends over the past three years has reduced that flow of people out of the country. Between 2011 and 2012 there was a 50% drop in the number of defectors arriving in South Korea from 2800 to about 1500. The trend continued in 2013 with about 1500 defecting to South Korea. Following Kim Jong-il's death in December 2011, his son

and new head of state, Kim Jong-un's, began a relentless crackdown along the China-North Korea border on refugees and defectors trying to escape. This has sharply decreased the overall number of North Korean defectors and refugees since then. The South Korean government acknowledged that "tighter border controls since the death of Kim Jong Il have shrunk the flow of defectors arriving in the South." Even though not all North Korean refugees resettle in South Korea, decline of those who do due to the Kim regime's strict China-North Korean border controls indicate that they would have similar effects on other refugees who leave for China or Southeast Asian countries.

Conclusion

The North Korean totalitarian state is not on the edge of collapse, but its totalitarian edifice is slowly eroding because of the long term consequences of the Great Famine, the collapse of the Soviet economic system of subsidies to its satellite states (such as North Korea), Pyongyang's refusal to initiate any serious economic or political reform, and the spread of information technology has opened window into the outside world which is changing public attitudes and increased public hostility to the Kim dynasty. US policy ought to be to encourage these changes now at work in North Korea, and certainly do nothing to impede the acceleration of these trends, and to press North Korea to end its crimes against its own people.

The United States government should continue to press China to stop repatriating people escaping North Korea which is a violation of international humanitarian law, raise the human rights abuses of the regime in every forum available and in any direct talks with the North Korean government, support UN Security Council efforts to take action against the North Korean government based on the Commission of Inquiry report, press for the shutdown of the political prison camps and the release of prisoners, and failing that regular inspection of the camps by the International Committee of the Red Cross, or other international body.

***Note:**

Listed below are ten policies which would reduce the diversion or manipulation by North Korea of food aid for their own political purposes (taken from Chapter Six, page 136-137, which I wrote in *North Korea's Troubled Transition*, edited by Choe Sang-Hun, Gi-Wook Shin, and David Straub).

- Under no circumstances should food aid be distributed through the public distribution system, a corrupt, politicized tool of state control and repression.
- Under no circumstances should the food most preferred by the North Koreans—rice—be distributed, because it invites diversion by the elites. Maize and bulgar wheat should be distributed instead because their recipients are self-selecting. The poor eat maize now, and we know they will eat bulgar wheat if there are no other options.
- No food aid should be delivered to west coast ports, as the western part of the country is the most food secure. Instead, food aid should be delivered in small amounts to the eastern ports, to as many smaller ports as possible, where it is likely to remain due to the continued paralysis of the transportation system.

- Food aid ought not to be connected to any negotiations over any extraneous issues such as talks over the nuclear or any other issue, as rigorous monitoring will be the first thing the North Koreans insist be abandoned, which the ROK or US government might be tempted to accede to.
- All food aid shipments should be made on a monthly basis, so that should the North Koreans violate the agreed upon aid protocols, future shipments can be cancelled.
- Regular random nutritional surveys must be performed in sentinel surveillance sites to observe malnutrition rates, a drop in which would be one indication that food was actually getting to the poorest and most vulnerable people. If surveys showed no improvement in nutritional conditions, it would show that the food aid program was compromised and in my view should be shut down.
- Food price monitors should be stationed at major markets around the country to report on any spikes in prices that could increase food insecurity. Should these price increases take place, food aid should be auctioned off at the port facilities to moderate the price increases.
- Food should be targeted at unemployed factory workers and miners and their families who are destitute, or to any group the nutritional surveys show is food insecure and malnourished.
- To the extent possible in schools, food should be cooked by NGO workers and distributed in school for children to eat. Food, once cooked, is not marketable and must be eaten quickly or it will spoil.
- Finally, any aid protocol must insist on unlimited, unannounced, and random access and monitoring by international food experts who are Korean speakers. The aid community ought to insist that no limit be placed on the number of these monitors.