

# **“It’s Human Rights, Stupid!”—The Missing Component in UN Sanctions on the DPRK’s Nuclear and Ballistic Missile Programs**

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Just as the title above paraphrases presidential candidate Bill Clinton’s blunt criticism in 1992 of sitting President George H.W. Bush’s failure to focus on the sluggish American economy, I would argue that the international community needs a similar wake-up call in dealing with North Korea’s ruthless and mercurial young leader, Kim Jong Un. As countless breaking news alerts in the past 12 months have reminded us, the DPRK has clearly shifted into high gear to upgrade its nuclear arsenal as well as weaponizing that capability to sit atop its improved long-range ICBM’s. Describing this knotty problem, however, has proven far easier than finding a solution.

The history of negotiations with North Korea, with the goal of forcing the rogue state into abandoning its nuclear and ballistic missile programs, is hardly illustrious. In fact, for decades diplomatic efforts that have focused strictly on security issues by both Democratic and Republican US administrations, as well as UN efforts, to convince the Kim regime to denuclearize—or even slow—its weapons programs have resulted in abject failure. The familiar zig-zag trail of talks (including dead-end 6 Party Talks)—military ultimatums—then sanctions is reminiscent of the tongue-in-cheek definition of insanity: the continued repetition of the same behavior with the expectation that the outcome will be different the next time. Among the familiar components of the West’s sanction strategy is the tactic of relying on China to turn

the screws on the DPRK, with the apparent underlying assumption that the West and China have overlapping geopolitical goals pertaining to North Korea. But do the facts on the ground support this assumption?

For a full two decades or more, China has forcibly repatriated North Korean refugees to the DPRK with full awareness that refolement will result in certain incarceration, torture in some cases, and even forced abortion of some refugee women who, as human traffic victims in the PRC, have been impregnated by Chinese men. This policy of forced repatriation flies in the face of the 1951 Convention on the Protection of Refugees. Despite countless protestations from the West, Beijing has unapologetically continued this ruthless policy.

China's President Xi's recent straight-faced declaration to President Trump that the Korean Peninsula had been an integral part of China for over a thousand years is not an obscure message hidden in tea leaves. The Korean Peninsula, in the eyes of Chinese leadership, is clearly within its sphere of influence. If that is not enough, the PRC's belligerence about the 'islands' it's building in the South China Sea should provide another splash of cold water in the West's face about how China views territory on its periphery—international conventions and maritime law be damned!. Michael Pillsbury's *The 100 Year Marathon* lays out ample and unsettling evidence that China's and the West's geopolitical interests overlap very little indeed in 2017. Bottom line: China is not about to do the West's dirty work in reining in North Korea, unless there is some direct benefit to Beijing.

Human rights abuses within the DPRK have been documented at an increasing rate in the past decade by various organizations and agencies. The UN's own Commission of Inquiry Report on Human

Rights in the Democratic People's Republic of Korea (2014) chaired by Justice Michael Kirby set the high water mark for impartiality and professionalism in its data collection and recommendations. Justice Kirby startled the UN community by raising the distinct possibility that crimes against humanity have been and are being committed by the Kim regime in North Korea and that referral of Kim Jong Un to the International Criminal Court (ICC) may well be in order. Conditions inside the far-reaching archipelago of concentration camps and high security political prisons of North Korea are near the top of human rights concerns of UN human rights. UN sanctions that deal with North Korea's nuclear and ballistic missile programs could and should be linked to gaining access to the DPRK's prison system to determine the full extent maltreatment of an estimated 200,000 inmates.

The human rights of roughly 70,000 North Korean foreign laborers are violated daily across the globe by the confiscation of 80-90% of their wages by on-site DPRK labor overseers, effectively turning those laborers into slaves of the state. Addressing these widespread abuses could easily be incorporated into and linked with UN sanctions aimed at longstanding security issues of the DPRK government. Perhaps taking as a template the Helsinki Accords in which President Ronald Reagan linked security issues with human rights concerns in the former Soviet Union, progress could move forward on both tracks. As Wilberforce Prize recipient Michael Horowitz has said, "a Helsinki focus on the human rights records of dictatorships is a means of making them more willing to make bargaining concessions in all policy areas." This approach could dovetail well with the new UN Strategic Framework (2017–2021), one of the overarching themes of which is to employ a "human rights-based approach" throughout UN programs, including the DPRK.

Finally, the work of our NGO for the past two decades of assisting North Koreans in crisis, refugees, orphans and the famine-stricken inside the DPRK has more than convinced me that the plight of its entire enslaved population is the greatest North Korean emergency. In the words of former Prime Minister Tony Blair: “The biggest scandal in progressive politics is that you do not have people out in the streets in North Korea....The people are kept in a form of slavery, twenty-three million of them, and no one protests!”