

S. HRG. 114-814

**THE PERSISTENT NORTH KOREA DENUCLEARIZA-
TION AND HUMAN RIGHTS CHALLENGE**

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS

UNITED STATES SENATE

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

OCTOBER 20, 2015

Printed for the use of the Committee on Foreign Relations



Available via the World Wide Web: <https://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

35-961 PDF

WASHINGTON : 2019

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THE PERSISTENT NORTH KOREA DENUCLE- ARIZATION AND HUMAN RIGHTS CHAL- LENGE

TUESDAY, OCTOBER 20, 2015

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 10:03 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Bob Corker (chairman of the committee) presiding.

Present: Senators Corker, Johnson, Gardner, Perdue, Cardin, Menendez, Murphy, Kaine, and Markey.

OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE

The CHAIRMAN. We will call the meeting to order.

I think Senator Cardin will be here in just one moment. We have a good group here. We thank you for being here.

Over the past decade, the Foreign Relations Committee has convened, every couple of years, at the full committee level to assess the state of U.S. policy toward North Korea. Through successive Republican and Democratic administrations, this committee has received testimony from U.S. Government officials highlighting the seriousness of the North Korean threat. There has been surprisingly little variation in their overall descriptions of the danger and recommended policy prescriptions. Undoubtedly, we will hear similar testimony today from our witnesses on a seemingly intractable nature of the North Korean threat. We thank you again for being here.

Former U.S. officials have all characterized North Korea's nuclear and ballistic missile activities as posing serious and unacceptable risk to United States national interests. These same officials also stress the importance of standing with our close regional allies, South Korea and Japan, in the face of destabilizing North Korean provocations. In addition, they all cited the necessity of cooperating with the international community to deter further North Korean provocations and prevent the spread of sensitive technologies to and from North Korea. They all noted the importance of enforcing U.N. security sanctions on North Korea, specifically the need for China to exercise greater influence. And, in recent years, United States officials have spoken increasingly of the deplorable human rights situation in North Korea, including highlighting North Korea's notorious prison camps.

Of course, there have been some differences in the approaches toward North Korea over the years, particularly with respect to the tactics of engaging North Korea in appropriate balance of carrots and sticks. Yet, in the past several decades of United States policy toward North Korea, it is apparent that has been an abject failure. Through successive administrations, North Korea's nuclear and ballistic missile capabilities have continued to advance while the North Korean people remain impoverished and subject to brutal treatment at the hands of the Kim regime.

I appreciate the complexity of the risk posed by North Korea, and our limited options. However, it certainly seems that more could be done to address this issue. For example, at my request, the GAO recently completed a study examining the implementation and enforcement of U.S. and U.N. sanctions on North Korea. The study found that more than half of U.S. member states have not provided required sanctions implementation reports to the U.N., with many states lacking the technical capacity to prepare such reports and enforce sanctions. I recognize that submitting a required report to the U.N. will not be a game changer. However, with North Korea's proclivity for employing evasive techniques to acquire prohibited nuclear and ballistic missile-related technologies, it is certainly plausible that they are using some of these countries to acquire or transfer illicit materials. What are we doing to encourage or assist member states to submit these reports? Moreover, are we harnessing existing U.S. resources, including our export control programs, to raise awareness of U.N. obligations related to North Korea?

Another area where there is clearly more to be done is forced labor of North Korean workers overseas. We know that the Kim regime sends a large number of workers overseas under contracts with other governments and foreign companies. What is the United States doing to persuade these countries to end the use of North Korean forced labor?

Before turning to our witnesses, I would like to acknowledge the efforts of our chairman on the East Asia Subcommittee, Senator Gardner. In his short time in the Senate, he has demonstrated considerable leadership on the North Korea issue in introducing legislation and convening his subcommittee a few weeks ago to discuss this very issue.

There is no silver-bullet solution to North Korea, and I understand that. But, I am committed to working with Senator Gardner, Senator Kaine, and others on this committee—certainly Senator Cardin, our distinguished ranking member—to see what Congress can do to move the needle on North Korea. I hope we will be able to have a thoughtful discussion today that outlines U.S. interests in maintaining peace and stability on the Korean Peninsula and, more importantly, lays out tangible options to reduce the hazard posed by North Korea's weapons of mass destruction programs and provides hope to the beleaguered North Korean people.

I look forward to hearing from our witnesses.

I want to thank our ranking member for the way he helps lead this committee and, with that, turn to him for his comments.

**OPENING STATEMENT OF HON. BENJAMIN L. CARDIN,
U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Well, thank you, Mr. Chairman.

And I want to thank both of our witnesses for being here.

And thank you for convening this hearing. As you pointed out, Senator Gardner, 2 weeks ago, held a hearing in regards to North Korea, and I thought that was very helpful. North Korea is critically important to our policies in Asia and our global policy. So, I very much appreciate this hearing.

The United States has invested much in the Korean Peninsula, including the military commitments that we have made—the soldiers who gave their lives for that region, as well as our continuing commitment of military strength on the Korean Peninsula.

The Republic of Korea is a close ally of the United States, and obviously their security is very much influenced by the conduct of North Korea. The rebalance to Asia policy that we have talked about frequently very much—involves what happens in North Korea, and we spend a lot of time talking with our allies in the region about the strategic importance of the Korean Peninsula.

I visited Seoul 2 years ago. And when you are standing in Seoul or when you go up to the Demilitarized Zone, you understand how fragile that region is and how vulnerable it is on security issues. Clearly, our policy of a denuclearized peninsula is critically important to the security of the Republic of Korea and is critically important to regional security.

I also recognize that we cannot do this alone, that we have to work with China, we have to work with Japan, we have to work with other countries in the region if we are going to be successful. Proliferation is not the only concern we have in regards to North Korea—their involvement in cyber attacks obviously, is a major threat to our interests and one that we need to deal with.

I could not end my comments without talking about the human rights problems in North Korea. These abuses include large-scale executions, murder, enslavement, torture, imprisonment, rape, forced abortions, and sexual violence. North Korea operates a series of secretive prison camps where perceived opponents of the government are sent to face torture and abuse, starvation, and forced labor. Fear of collective punishment is used to silence dissent. There is no independent media, functioning civil societies, or religious freedom.

So, whatever one's views are on the various U.S. policy efforts in the past two decades, what has worked and what has not worked, and why, there can be little question that these efforts have failed to end North Korea's nuclear or missile programs, failed to reduce threat posed by North Korea to our allies, failed to alleviate the suffering of the North Korean people, and have failed to lead to greater security in the region. Certainly, there are no easy answers when it comes to how to be successful when dealing with a regime like North Korea. But, I am hopeful that today's hearing and the conversations we have today may help us to get to a place where, 20 years from now, we can look back at successfully having ended North Korea's nuclear and missile programs, having addressed the needs of the North Korean people, and having built greater sta-

bility and security on the Peninsula throughout the Asia-Pacific region.

The CHAIRMAN. Thank you, Senator Cardin.

Our first witness is the Honorable Sung Kim, Special Representative for North Korea Policy and Deputy Assistant Secretary for Korea and Japan at the State Department.

Thank you so much for being here, sir.

Our second witness is the Honorable Robert King, Special Envoy for North Korean Human Rights Issues at the Department of State.

Thank you, sir.

I think you understand, if you would, please summarize your comments in about 5 minutes. Without objection, your written comments will be entered into the record. And we look forward to the question period.

Thank you both very much. And if you would begin, Mr. Kim.

STATEMENT OF HON. SUNG KIM, SPECIAL REPRESENTATIVE FOR NORTH KOREA POLICY AND DEPUTY ASSISTANT SECRETARY FOR KOREA AND JAPAN, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Ambassador KIM. Thank you very much, Mr. Chairman.

Chairman Corker, Ranking Member Cardin, and members of the committee, thank you very much for inviting me today, along with my good colleague, Ambassador King, to testify about North Korea. We appreciate the interest and attention you have given to this critical challenge.

This year, as we mark 70 years since the end of World War II and celebrate the tremendous progress the Asia-Pacific region has seen over the past seven decades, we are reminded how sadly different the last 70 years have been for the people of North Korea. North Koreans continue to suffer under a government that makes choices contrary to their interests, choices that pose a threat to North Korea's neighbors and the international community.

The DPRK continues to violate its commitments and international obligations, and continues to pursue nuclear weapons and their means of delivery as a strategic national priority, all at the cost of the well-being of its own people and while perpetrating horrific human rights abuses against them.

Holding North Korea responsible for its own choices does not mean just waiting and hoping the regime will one day come to its senses. We are committed to using the full range of tools—deterrence, diplomacy, and pressure—to make clear that North Korea will not achieve security or prosperity while it continues to pursue nuclear weapons, abuses its own people, and flouts its long-standing obligations and commitments. North Korea's bad behavior has earned no benefits from the United States. Instead, we have tightened sanctions and consistently underscored to the DPRK that the path to a brighter future for North Korea begins with authentic and credible negotiations that produce concrete denuclearization steps.

Part of our effort to change North Korea's strategic calculus means leaving no doubt that the United States stands ready to defend our interests and our allies from the North Korean threat and

have made it a priority to strengthen and modernize our alliances for the 21st century. In this, we could have no better partners than our allies and friends in Seoul and Tokyo. Just last week, President Obama and President Park Guen-hye again reaffirmed this commitment.

As we maintain the strongest possible deterrence capabilities, we have also increased the cost to the DPRK of its destructive policy choices by applying sustained pressure on the regime, both multilaterally and unilaterally. In January, the President issued a new Executive order giving us important, powerful, broad new sanctions tools. And, from the day it was introduced, we used this Executive order to sanction wrongdoings in the DPRK regime, and we will continue to use this new tool along with our other sanctions authorities.

Our financial sanctions are always most effective when supported by our partners. And so, we have also focused on strengthening multilateral sanctions against North Korea. Last year, we led efforts at the United Nations to sanction North Korea's major shipping firm, and we have stepped up coordination with the partners to ensure the sanctions was enforced. Since then, these designated foreign ships have denied port entry, scrapped, impounded, and all confined to their home ports in North Korea. And the shipping firm has lost its contracts with many foreign-owned ships. We will continue to press for robust implementation of U.N. sanctions and enhanced vigilance against the DPRK's proliferation activities worldwide.

Equally important is North Korea's political isolation, driven by the overwhelming international consensus that North Korea cannot fully participate in the international community until it abides by its obligations and commitments. We have built and maintained that consensus through our active and principled diplomacy.

That diplomacy, of course, begins with our partners in the six-party talks—South Korea, Japan, China, and Russia. Our coordination ensures that wherever Pyongyang turns, it hears a strong, unwavering message that it must give up its—it must live up to its obligations and that the path to a brighter future begins with credible negotiations and concrete denuclearization steps.

That principled stance also undergirds the attempts each of the five parties has made to engage North Korea directly. When we offer to meet directly with the North Koreans during my travel to the region, when South Korea strives to improve inter-Korean relations, when Japan seeks an accounting of its abducted citizens, and even in China and Russia's dealings with the North, all five parties have consistently underscored the imperative of denuclearization, and together we continue to call on North Korea to refrain from actions that would raise tensions in the region or threaten international peace and security. We also have made clear, at the same time, to Pyongyang that the path of engagement in credible negotiations remains open.

Ambassador King will brief you on one other very important piece of our active diplomacy in North Korea, our work to amplify victims' voices, to sustain the international community's attention on the suffering of the North Korean people, and to hold the regime to account for its abuses.

Mr. Chairman, sending a strong, clear message holding North Korea accountable for its commitments and obligations requires a sustained and international effort. We and our partners are engaged in that effort every day through our active deterrence, pressure, and diplomacy.

Thank you again for the opportunity to appear today. I look forward to your questions.

[The prepared statement of Ambassador Kim follows:]

PREPARED STATEMENT OF DEPUTY ASSISTANT SECRETARY OF STATE SUNG KIM

INTRODUCTION

Chairman Corker, Ranking Member Cardin, and members of the committee, thank you for inviting me today, along with my colleague Ambassador Bob King, to testify about North Korea. We appreciate the interest and attention you have given to this critical challenge.

DPRK BEHAVIOR

This year, as we mark 70 years since the end of World War II and celebrate the tremendous progress the Asia-Pacific region has seen over the past seven decades, we are reminded how sadly different the last 70 years have been for the people of North Korea. North Koreans continue to suffer under a government that makes choices contrary to their interests—choices that pose a threat to North Korea's neighbors and the international community.

The DPRK continues to violate its commitments and international obligations, and continues to pursue nuclear weapons and their means of delivery as a strategic national priority—all at the cost of the well-being of its own people and while perpetrating horrific human rights abuses against them.

U.S. POLICY

Holding North Korea responsible for its own choices does not mean just waiting and hoping the regime will one day come to its senses. We are committed to using the full range of tools—deterrence, diplomacy, and pressure—to make clear that North Korea will not achieve security or prosperity while it pursues nuclear weapons, abuses its own people, and flouts its long-standing obligations and commitments.

North Korea's bad behavior has earned no benefits from the United States. Instead, we have tightened sanctions and consistently underscored to the DPRK that the path to a brighter future for North Korea begins with authentic and credible negotiations that produce concrete denuclearization steps.

DETERRENCE

Part of our effort to change North Korea's strategic calculus means leaving no doubt that the United States stands ready to defend our interests and our allies from the North Korean threat and have made it a priority to strengthen and modernize our alliances for the 21st century. In this, we could have no better partners than our allies and friends in Seoul and Tokyo.

PRESSURE

As we maintain the strongest possible deterrence capabilities, we have also increased the costs to the DPRK of its destructive policy choices by applying sustained pressure on the regime, both multilaterally and unilaterally.

In January the President issued a new Executive order giving us important, powerful, broad new sanctions tools. From the day it was introduced, we began using this Executive order to sanction wrongdoers in the DPRK regime. And we will continue to use this new tool, along with our other sanctions authorities. In July the Treasury Department announced new sanctions and updated our listings for previous North Korean sanctions targets to make it harder for them to hide behind aliases and front companies.

Our financial sanctions are always more effective when supported by our partners, and so we have also focused on strengthening multilateral sanctions against North Korea. Last year, we led efforts at the U.N. to sanction North Korea's major global shipping firm, and we have stepped up coordination with partners to ensure the sanction was enforced. Since then, this designated firm's ships have been denied

port entry, scrapped, impounded, or confined to their home ports in North Korea, and the shipping firm has lost its contracts with many foreign-owned ships. This means the DPRK pays a real cost for its maritime proliferation.

We will continue to press for robust implementation of U.N. sanctions and enhanced vigilance against the DPRK's proliferation activities worldwide.

DIPLOMACY

Equally important is North Korea's political isolation, driven by the overwhelming international consensus that North Korea cannot fully participate in the international community until it abides by its obligations and commitments. We have built and maintained that consensus through our active, principled diplomacy.

That diplomacy begins with our partners in the six-party talks: South Korea, Japan, China, and Russia. Our coordination ensures that wherever Pyongyang turns, it hears a strong, unwavering message that it must live up to its international obligations, and that the path to a brighter future begins with credible negotiations and concrete denuclearization steps.

That principled stance also undergirds the attempts each of the Five Parties has made to engage North Korea directly: When we offer to meet directly with the North Koreans during my travel to the region . . . when South Korean President Park strives to improve inter-Korean relations . . . when Japan seeks an accounting of its abducted citizens . . . and even in China and Russia's dealings with the North—all Five Parties have consistently underscored the imperative of denuclearization. And, together, we continue to call on North Korea to refrain from any actions that would raise tensions in the region or threaten international peace and security.

We also have made clear to North Korea that the path of engagement and credible negotiations remains open.

HUMAN RIGHTS

Ambassador King will brief you on one other piece of our active diplomacy on North Korea: our work to amplify victim's voices, to sustain the international community's attention on the suffering of the North Korean people, and to hold the regime to account for its abuses.

CONCLUSION

Mr. Chairman, sending a strong, clear message holding North Korea accountable to its commitments and international obligations requires a sustained, international effort. We and our partners are engaged in that effort every day through our active deterrence, pressure, and diplomacy.

I thank the committee for the opportunity to appear today. I am happy to answer your questions.

The CHAIRMAN. Mr. King.

STATEMENT OF HON. ROBERT R. KING, SPECIAL ENVOY FOR NORTH KOREAN HUMAN RIGHTS ISSUES, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Ambassador KING. Thank you, Chairman Corker, members of the committee. I appreciate the invitation to testify on U.S. policy on human rights in North Korea with my colleague, Ambassador Sung Kim. This is an issue on which there is broad consensus, bipartisan agreement. Both Congress and the administration are united in our efforts to press North Korea to improve its deplorable human rights record.

The DPRK remains a totalitarian state, denies freedoms of expression, religion, peaceful assembly, association, and movement, as well as worker rights. Tens of thousands of North Koreans endure deplorable conditions in political prison camps, where government officials commit systematic and widespread human rights violations, including extrajudicial killing, forced labor, torture, prolonged arbitrary detention, rape, forced abortion, and other sexual violence.

Mr. Chairman, since the release of the report of the United Nations Commission of Inquiry on Human Rights in North Korea in February of 2014, we have made significant progress in our efforts to focus international attention and pressure on North Korea. The U.N. Commission of Inquiry report concluded that, "Systematic, widespread, and gross human rights violations have been, and are being, committed by North Korea and its officials." The report found a number of long-standing and ongoing patterns of systematic and widespread violations which meet the high threshold required for proof of "crimes against humanity in international law."

One of the most powerful elements of the report were the detailed testimony of North Korean refugees sharing firsthand accounts of abuse and violence that they suffered in their horrific experience in fleeing their homeland. This report was considered by the U.N. Human Rights Council in Geneva. A year ago September, during the high-level session of the General Assembly, Secretary Kerry hosted a meeting on this issue with the U.N. High Commissioner for Human Rights, the Foreign Ministers of South Korea, Japan, Australia, and other countries. And last fall, the U.N. General Assembly considered a resolution which welcomed the Commission of Inquiry report, criticized North Korea, and referred the report to the Security Council, urging the Council to consider holding to account those North Korean officials responsible for human rights violations, including through consideration of referral to the appropriate international criminal justice mechanism.

In December last year, the Security Council held a serious 3-hour discussion of North Korea's human rights, and placed the issue on the Council's agenda. At the recommendation of the Human Rights Council, the High Commissioner for Human Rights has established a field office to strengthen monitoring and documentation of human rights in the DPRK and to support the work of the Special Rapporteur on North Korea Human Rights. At the request of the High Commissioner's Office, South Korea has agreed to host this field office, and the office was officially opened in June.

In all of these activities over the past year and a half, the United States has played a leading role in gathering support and in putting pressure on North Korea. As I have participated in these activities at various U.N. bodies, two things have struck me. First, North Korea is feeling international pressure for its human rights abuses. North Korean rhetoric decrying what it calls "the human rights racket" has become more frequent and more strident. After the Commission of Inquiry report was released, the North Koreans condemned the Commission and issued its own fictitious reports on human rights in the United States and South Korea. The North sent its Foreign Minister to the high-level session of the U.N. General Assembly in September 2014, the first time in 15 years that the North Korean Foreign Minister attended that session. He was there again this fall. I think this very clearly indicates the North Koreans are feeling the pressure, they are uncomfortable, and they are trying to push back.

Second, with a growing number of countries condemning North Korea's human rights violations, the DPRK has few supporters left. The vote for the General Assembly resolution critical of the North and endorsing the Commission of Inquiry report was adopted by a

vote of 116 countries in favor, 20 opposed, with 53 abstentions. Only a handful of countries supported the DPRK, and those countries were the Who's Who of the world's worst human rights violators.

As I look back over what has taken place over the past year to focus attention on human rights abuses in North Korea, I am reminded of the statement of Commission of Inquiry chair, Michael Kirby, when he presented the Commission report, "With the body of evidence detailing North Korean human rights atrocities that is now available, no country can honestly say, 'We did not know.'"

Mr. Chairman, I would like to add a couple of words about another critical issue related to human rights in North Korea. In the North—our effort to increase access to information to the DPRK is one of the most important things that we are doing. In the North, it is illegal to own a radio that can be tuned. The only radio or television sets that are legal are those that are preset to state-controlled information channels. Despite this obstacle, the latest Broadcasting Board of Governors study of North Korean refugees and travelers found that 30 percent of North Koreans listen to foreign radio broadcasts inside North Korea. Foreign entertainment videos are watched by far larger numbers; 90 percent have seen South Korean dramas—soap operas—inside North Korea. According to published reports, over 2 million cell phones now permit North Koreans to communicate with each other on a domestic network. The system does not permit international telephone calls, but those cell phones do allow people to communicate quickly within the country.

Given the closed nature of North Korean society, radio remains the most important effective means of sharing information from the outside world with the residents of North Korea. The United States is a strong supporter of independent broadcasting to North Korea. Thank you for the congressional support for Radio Free Asia, Voice of America, and other independent broadcasters. These efforts are vital in breaking down the information barriers that the government has placed on its own people.

Thank you, Mr. Chairman, for the opportunity to appear today. [The prepared statement of Ambassador King follows:]

PREPARED STATEMENT OF AMBASSADOR ROBERT KING

Chairman Corker, Senator Cardin, and members of the committee, thank you for inviting me to testify today on U.S. policy on human rights in the Democratic People's Republic of Korea (DPRK). This is an issue on which there is broad bipartisan agreement, and both Congress and the administration are united in our effort to press North Korea to improve its deplorable human rights record.

Today, the DPRK remains a totalitarian state, which seeks to dominate all aspects of its citizens' lives. It is a regime that denies freedoms of expression, religion, peaceful assembly, association, and movement, as well as worker rights. Numbers of North Koreans endure deplorable conditions in political prison camps, where government officials commit systematic and widespread human rights violations including extrajudicial killing, enslavement, torture, prolonged arbitrary detention, as well as those involving rape, forced abortions, and other sexual violence.

Mr. Chairman, since the release of the U.N. Commission of Inquiry report in February 2014, we have made significant progress in our effort to increase international pressure on the DPRK. Our DPRK human rights policy has focused on giving voice to the voiceless by amplifying defector testimony, and increasing pressure on the DPRK to stop these serious violations. And we are committed to seeking ways to advance accountability for those most responsible.

CALLING ATTENTION TO THE RIGHTS ABUSES

In February 2014, upon completing a year-long investigation, the U.N. Commission of Inquiry issued a final report, concluding that “systematic, widespread, and gross human rights violations” have been and are being committed by the DPRK, its institutions, and its officials. The report further concluded “a number of long-standing and ongoing patterns of systematic and widespread violations . . . meet the high threshold required for proof of crimes against humanity in international law.” The Commission’s comprehensive 400-page report is the most detailed and devastating expose of North Korea’s human rights violations to date, and it laid bare a brutal reality that is difficult, if not impossible, to imagine.

One of the most powerful elements of the extensive report was the detailed testimony of North Korean refugees. The Commission held a series of public hearings in Seoul, Tokyo, London, and Washington, where it heard from North Korean refugees sharing firsthand accounts of the abuse and violence they suffered, such as denial of access to food, gender-based violence, and numerous other human rights violations in the prison camps, and their horrific experiences fleeing their homeland. The full proceedings of these hearings have been made available on the U.N. Web site in video and in printed transcript.

Over the past year, we have sought to continue the Commission’s great work giving voice to the voiceless. Shortly after the U.N. Commission of Inquiry’s report was presented, the United States joined Australia and France in convening the U.N. Security Council’s first-ever informal discussion of the human rights situation in North Korea. Thirteen of the fifteen members of the Security Council attended that informal discussion with members of the Commission of Inquiry and with two North Korean refugees.

In September 2014, during the High-Level Session of the U.N. General Assembly in New York, Secretary of State John Kerry hosted a meeting on North Korea’s human rights violations with the U.N. High Commissioner for Human Rights, and the Foreign Ministers of South Korea, Japan, Australia and a number of other countries.

Most recently, our Permanent Representative to the United Nations, Ambassador Samantha Power, hosted a U.N. event in April giving victims of DPRK abuses the opportunity to detail their experiences. Nearly 300 individuals attended the event, including more than 20 North Korean refugees, U.N. Permanent Representatives and diplomats, representatives of nongovernmental organizations representatives, and members of the press. Three North Korean officials attempted to disrupt the proceedings by reading a statement during the defector testimony, which led to a brief confrontation, before they were escorted from the auditorium. The event was widely covered in the press.

We continue to meet with recent defectors on a regular basis and to seek ways to continue amplifying their voices, as they speak on behalf of the millions of North Koreans who are denied enjoyment of human rights and fundamental freedoms.

MONITORING AND DOCUMENTATION

It is important that we listen to these refugee voices, not only to increase our understanding of the ongoing human rights violations, but also to record the violations committed by the regime, in order to hold those perpetrators accountable for their abuses.

Since the release of the Commission of Inquiry report, we continue to engage with civil society and the international community on future accountability measures. One of the most important steps we have taken to date is supporting the creation of a field office under the Office of the High Commissioner for Human Rights to strengthen monitoring and documentation of the human rights situation in the DPRK and to support the work of the U.N. Special Rapporteur on DPRK human rights issues. At the request of the High Commissioner’s office, South Korea agreed to host this field office. The office was formally opened in June when the High Commissioner for Human Rights Zeid was in Seoul. We welcome the decision to open this office, which will play an important role in maintaining visibility and encouraging action on human rights in the DPRK.

We also continue our support to numerous nongovernmental organizations who continue their tireless efforts to document the ongoing human rights abuses in the DPRK.

INCREASING PRESSURE

In addition to increasing our efforts to amplify refugee voices and to document violations, we have been increasing pressure on the DPRK to stop the serious

human rights violations documented in the report. In the immediate aftermath of the release of the Commission of Inquiry's report, we worked with our like-minded partners to adopt a strongly worded resolution at the March 2014 U.N. Human Rights Council session, which welcomed the report and recommended that the General Assembly submit the report to the Security Council for its consideration and appropriate action in order that it consider holding to account those responsible for human rights violations, including through consideration of referral of the situation in the DPRK to the appropriate international criminal justice mechanism. The United States has since supported resolutions addressing the human rights situation in the DPRK in both the U.N. General Assembly and at the March 2015 Human Rights Council session.

In December 2014, the U.N. Security Council formally discussed the issue of DPRK human rights. In the procedural vote to place that issue on the Security Council's agenda, 11 of the Council's 15 members voted in favor of placing the item on the Seizure List, two voted no, and two abstained. Since this was a procedural and not a substantive vote, permanent members of the Security Council do not have a veto. China and Russia voted against putting the issue on the Seizure List. The Council had a serious, thoughtful 3-hour discussion of this issue. We continue to work with other like-minded members of the Security Council with the intention of continuing to raise North Korean violations and seeking opportunities to take action.

Mr. Chairman, as I participated in these activities at various U.N. bodies over the past year, two things have struck me.

First, it is clear that the DPRK is feeling growing international pressure in response to its human rights violations. The mounting criticism of its human rights record has had an effect on Pyongyang. North Korean rhetoric decrying what it calls "the human rights racket" has become more frequent and strident, and, of course, it blames the United States. After the attention given the Commission of Inquiry report, the North condemned the Commission and issued its own so-called "reports" on human rights in the United States and in the Republic of Korea. The North sent its Foreign Minister to the high level session of the U.N. General Assembly in September 2014 for the first time in 15 years, and he was back in New York again this fall. Senior DPRK officials have dramatically increased the number of visits to other U.N. member states to urge other countries to vote against resolutions critical of the DPRK's human rights practices in the U.N. General Assembly and Human Rights Council.

Second, with a growing number of countries condemning North Korea's human rights violations, the DPRK has very few supporters left. At the U.N. Human Rights Council sessions in Geneva and the General Assembly and Security Council sessions in New York, only a handful of countries supported the DPRK. Most of those that voted against the relevant resolution on the DPRK did so because of general objections to country-specific resolutions in those fora, not because they defend North Korea's human rights record. And those countries that voted against the resolutions critical of the DPRK were the "Who's Who" of the world's worst human rights violators.

As I look back over what has taken place in the past year to focus attention on the human rights record of North Korea, I am reminded of Commission of Inquiry Chair Michael Kirby's statement when he presented the Commission's report. With the body of evidence detailing North Korean human rights violations, he said, no one can now say "We did not know." No country can honestly say that they did not know the atrocities taking place in the DPRK.

Mr. Chairman, I would also like to add a few words about another critical issue related to human rights in North Korea—our effort to increase access to information in the DPRK. When the Commission of Inquiry presented its report to the U.N. Human Rights Council, it also released a 20-minute documentary, highlighting particularly critical testimony of North Korean defectors. Because North Korea is one of the most closed societies on this planet—Internet access is reserved for a very tiny elite and it is illegal to listen or watch foreign radio or television broadcasts—ordinary North Koreans had no way to see the documentary, let alone any independent news reports on the abuses taking place inside their own country today.

While this information blockade makes it extremely difficult for North Koreans to read the Commission's report or watch the video, we have recently seen indications that information from the outside is becoming more available in North Korea.

It is still illegal to own a radio that can be tuned, and the only legal radio or television sets are those pre-set to state-controlled information channels. Despite this obstacle, the latest Broadcasting Board of Governors (BBG) study, a survey of North Korean refugees and travelers who were interviewed outside of North Korea, found that:

- As many as 29 percent of North Koreans had listened to foreign radio broadcasts while inside the DPRK.
- Foreign DVDs are now being seen by even larger numbers—approximately 92 percent of those interviewed had seen South Korean dramas (soap operas) while in North Korea.
- According to open source reports, over 2 million cell phones now permit North Koreans to communicate with each other on a domestic network, though the system does not permit international telephone calls. Those cell phones are closely monitored, but they do allow information to circulate.

Given the closed nature of North Korean society, international media are among the most effective means of sharing information about the outside world with residents of the country. The United States is a strong supporter of broadcasting independent information about North Korea and the outside world into North Korea. Thank you for the continuing congressional support for Radio Free Asia (RFA), Voice of America (VOA), and other nongovernmental broadcasters. These efforts are important in breaking down the information barriers that the DPRK Government has imposed on its own people. Because of government policies, radio remains the most important means to get information into the DPRK.

Mr. Chairman, together with our partners in the international community, we must make clear to the DPRK that its egregious human rights violations prevent economic progress and weaken the country. The United States has long made clear that we are open to improved relations with North Korea if it is willing to take concrete actions to live up to its international obligations and commitments, including those relating to human rights.

The world will not, and cannot, close its eyes to what is happening in North Korea. Ultimately, we will judge the North not by its words, but by its actions. It needs to refrain from actions that threaten the peace and stability of the Korean Peninsula and comply with its international obligations under U.N. Security Council resolutions to abandon nuclear weapons and existing nuclear programs, among other things.

We have consistently told the DPRK that while the United States remains open to meaningful engagement, North Korea must take concrete steps to address the core concerns of the international community, from the DPRK's nuclear program to its human rights violations.

North Korea will have to address its egregious human rights violations. North Korea's choice is clear. Investment in its people, respect for human rights, and concrete steps toward denuclearization can lead to a path of peace, prosperity, and improved relations with the international community, including the United States. Absent these measures, North Korea will only continue to face increased isolation—as well as pressure for meaningful human rights progress from the international community.

The CHAIRMAN. Well, we thank you both for your service, and appreciate you being here. And you are likely to hear some frustration today—it is not directed at you individually—because this issue has been around for a long time and, as I mentioned in my opening comments, not much has changed, and we have had different administrations focus on this. I know Senator Gardner has some legislation that he hopes will focus on this in a little bit different way.

But, let me start with you, Mr. Kim. Are we deluding ourselves to think that denuclearization of the Korean Peninsula is even possible?

Ambassador KIM. Thank you very much, Mr. Chairman.

First of all, I completely share your frustration.

The CHAIRMAN. Yes.

Ambassador KIM. As someone who has been working on Korean Peninsula issues for some time, I share your concern and frustration that we have not been able to make more concrete progress.

If you look at what has happened on the nuclear issue, I think it is easy to reach the conclusion that maybe this is just an impossible reach. But, frankly, I do not think we have the option of giving up. I think we have made very clear that we will never accept

North Korea as a nuclear weapon state, and I think there is a very strong consensus view in the international community that North Koreans must live up to their obligations and commitments. And those obligations and commitments are not just U.N. Security Council resolutions, but North Korea itself made commitments, in the six-party process, to abandon its nuclear weapons and existing nuclear programs.

So, I think the task before us, as challenging as it is, is to work with the international community to apply enough pressure, but leaving the diplomatic options open, to persuade North Korea—to lead North Korea to make some smart decisions on the nuclear issue. I agree completely, Mr. Chairman, that it will not be easy, but I also believe that we must continue to try.

The CHAIRMAN. Can you even name some specific steps that cause there to be a different outcome in North Korea than the things that have been occurring for so long?

Ambassador KIM. Sir, I do think, over the past 2 or 3 years, our sanctions enforcement has improved. And that has caused some pain in Pyongyang. I cannot get into too much detail in this setting, but we do know that revenues from North Korea's illicit activities overseas have gone down as a result of stronger international enforcement of sanctions. And this has to do with better enforcement of not just multilateral sanctions, but better cooperation from our partners on unilateral sanctions, as well. And so, that is got to be putting some pressure on North Korea.

I think if you look at relations between China and North Korea, while changes have not been dramatic, I think it is—we can see that there—the relations have been strained, and perhaps that will lead to Beijing applying some more meaningful pressure on North Korea to lead them to make some strategic decisions.

So, I think there are a number of factors that have changed over a period of time, and I think there is—we obviously need to continue to work on both increasing pressure but also intensifying our diplomatic effort with our partners.

The CHAIRMAN. Mr. King just referred to a resolution at the U.N. relative to the human rights abuses that are taking place in North Korea, but China did not support that. Is that correct?

Ambassador KING. That is correct, yes.

The CHAIRMAN. So, I mean, I am sorry, I am not seeing much of a change. I know that having visited—and I know Senator Cardin mentioned having visited as well—South Korea, and China and Japan, all in one trip. It does not appear to me that China's focused on anything but stability and really does not want to deal with the issue of North Korea on their border. So, I am sorry, I am not seeing anything that looks like there has been much change as recently as a vote—an easy vote, when you have a country like North Korea that is abusing human beings the way they are, and you have their neighbor, which will not even support a resolution highlighting that—I am sorry, I just do not see a change. You are not involved in China policy, but I am not seeing any dynamics on the ground that are changing in any way. If you could illuminate, I would be appreciative.

Ambassador KIM. Mr. Chairman, generally speaking, I agree with you that we have not seen the kind of serious, concrete, mean-

ingful changes on the ground in Beijing that would lead us to be optimistic. But, we have seen some evidence that Chinese enforcement of sanctions—border patrols, control of export of dual-use items—have improved. We have also seen that flow of Chinese assistance to North Korea has not increased any in recent years.

I think we need to continue to remind China that it hurts their own interests when they let North Koreans misbehave and take provocative actions in violation of existing obligations and commitments. China cares, as you have mentioned, deeply about stability. Well, at some point, North Korea's irresponsible behavior will undermine China's desire for stability. And I think we need to constantly remind them of that.

As you know, when President Xi Jinping was here a few weeks ago, he made very clearly publicly that China remains fully committed to the common goal of denuclearization and that they would oppose any actions by the North Koreans in violation of Security Council resolutions. And I think we need to hold them to that public commitment.

The CHAIRMAN. Did the administration bring up with President Park when she was here the issue of putting THAAD missile defense system there on the Peninsula? I know they have been resistant to that. Was that part of the discussion?

Ambassador KIM. Sir, the THAAD issue was not specifically addressed, as far as I know, but obviously, in the context of maintaining the strongest possible deterrence capabilities on the peninsula, the need to improve our missile defenses has been discussed with the South Koreans, and I think we will continue to explore how best we can defend ourselves.

The CHAIRMAN. Well, it does not appear they are very receptive to something that would work and certainly protect their interests and ours. So, I am surprised that we had a meeting with President Park and that issue did not come up at the highest level. So, again, it just feels like, to me, we are easing along the same place we have been for a long, long time. I am not criticizing you in any way. I see no change. I see no hope for dealing with this issue. And I do look forward to additional discussions regarding what Congress might do to push this along, although the options are fairly limited.

If I could, Mr. King—I have just got a moment—I think the one issue that gets under their skin is the issue of human rights. And I thank you for the way that you have highlighted that. And it is really pretty amazing what they are doing to their own people. And, while this may be highlighted to a degree, what would you suggest that we might do here to even more fully highlight the incredible abuses that they are wreaking upon the people of their country?

Ambassador KING. As you know, Senator, I have a job because the Congress insisted that there be a position.

The CHAIRMAN. Right.

Ambassador KING. And that continues. The administration is committed and dedicated to moving forward on—pressing the human rights issue.

As I mentioned, information is one of the most important things. Continued support for Radio Free Asia, Voice of America, is extremely important, in terms of breaking down the information mo-

nopoly in North Korea. We need to continue our efforts, in terms of pressing North Korea, which we have done very effectively through the United Nations. And I am not sure that there is something new that is needed, but we need to continue that effort, we need to continue that pressure. And the North Koreans are feeling uncomfortable. We need to make them feel more uncomfortable, and we will continue to do that. Thank you for the support that the Congress has given on the human rights issue.

The CHAIRMAN. And I hope at some point—my time is up—but I hope at some point someone will ask you the question, or you will slip in the answer regardless of whether they do or not, relative to what we are doing. They are using forced labor, sending out forced labor around the world. Unanimously, this committee passed a modern slavery bill to address the fact that there are 27 million people around the world today enslaved. Obviously, North Korea is doing that today, sending people out around the world. I hope at some point you will highlight that.

Thank you both.

And I will turn to the ranking member.

Senator CARDIN. Well, let me join the chairman in thanking both of you not only for being here but for the public service that you both provide.

I want to follow up on the human rights issue. Obviously, the primary focus on North Korea is going to be its nuclear program. There are those who believe that North Korea has developed a nuclear program so that we cannot use other tools in our toolbox to get them to change their behavior, due to our fear that they could utilize a nuclear response. And that is a genuine concern. So, a denuclearized Korean Peninsula is absolutely essential, and we must do everything we can to make that a reality.

But, I want to get to the human rights issues. I do not know that there is another country in the world that is worse to its people than North Korea. And that is not a great honor to have. Mr. King, in your testimony you have been very clear about the world condemnation of North Korea in international bodies. There is no question about that. But, despite all of the world condemnation of what North Korea does to its own citizens, it continues to do that. And, yes, information can make a difference. And the means of communications have changed. So, North Korea will open up, people will get information. But, with the regime's oppression, people are afraid to even talk among themselves about what is going on in North Korea, due to the fear that someone will inform the government, and they will be arrested, be sent to camps, and be tortured, and their families will be tortured.

So, I am looking for new ideas. What can the United States do, working with the international community on behalf of the people of North Korea, to protect the citizens of North Korea? What new ideas can we explore?

Ambassador KING. Thank you very much for your interest in the human rights questions. You always ask the tough questions.

No easy answers, no silver bullets. Part of what we need to do—and, in some ways, the most difficult thing to do—is persist. We are looking for a quick solution. We want an answer before the next news cycle. And, unfortunately, with North Korea, it is going

to take us longer. We are beginning to have an effect in North Korea. There is more information available in North Korea than there has been in the past. The fact that 90 percent of North Koreans have seen these South Korean soap operas—they are great soap operas. I am not a particular fan of soap operas. But, the one thing that is interesting, as in the 1950s, when American movies and American television was first shown in the Soviet Union, people were interested in the plot, but they were really interested in what the kitchen looked like. And the same kind of information is now affecting people in North Korea. People in North Korea know a lot more now about what South Korea is like. People know a lot more now about what is going on in the world, because people are listening to information. It is difficult. It is not easy.

When we look back over where we have had progress, in terms of dealing with similar kinds of issues—in Central Europe, in the 1950s and 1960s and 1970s, and suddenly in the 1980s there was change—we need to continue to persist in what we are doing, and continue to press the North Koreans.

We are looking at options, in terms of information, but, unfortunately, in spite of the fact that the rest of the world is using the Internet, it is virtually nonexistent in North Korea. The best source of information in North Korea is radio. And that is how information comes in. It continues to be a most important element. People have cell phones, but, unlike in Iran, where people can use their cell phones to access the rest of the world—there are radio programs where people will call in from Iran on their cell phones to make comments on a radio broadcast that is being produced in the United States—in North Korea, that does not happen. People do not have access to the Internet, they do not have access to international phone lines.

We need to continue what we are doing. We need to persist in what we are doing. We need to continue what we have been doing in the United Nations to raise this issue and raise the profile of the issue. And I think eventually we will succeed. But, it is persistence more than new ideas, I think, that are going to bring about change.

Senator CARDIN. Well, I thank you for your commitment there.

Secretary Kim, it seems to me, to get a change in behavior in North Korea, it is going to require greater support from China. China could bring about change in North Korea. There is a question as to whether they really want to, or not. Having North Korea as a buffer on the peninsula protects against Western influence, and therefore some believe that it is not unhealthy for China to maintain a North Korea presence on the peninsula—as there is today.

What can we do in our relationship with China to get them more engaged on denuclearizing North Korea as well as dealing with the welfare of the people of North Korea? Mr. King mentioned their challenge to get information. One of the things we could do is work with China to find ways to open up North Korea to a little more modern way of communication so that we can get information to them. In China, people have access to information. Admittedly, the government censors it and it is not complete and they have their

own propaganda, but at least the people of China do get access, at least limited access, much more than the people of North Korea.

So, what we can do in our relationship with China to start a transformation process in North Korea?

Ambassador KIM. Thank you very much, Senator.

We can do a lot more. More importantly, I think the Chinese can do a lot more. I mean, it is clear that the Chinese have a considerable amount of leverage on North Korea. And we are just not seeing that they are exercising that leverage effectively. And this is related to the chairman's question earlier, as well.

I think this notion that North Korea serves as a useful buffer for China is badly outdated. And I certainly hope that leaders in Beijing are not subscribing to that notion anymore. In fact, if you look at the development of Beijing's—

Senator CARDIN. Then why are they not more aggressive in North Korea?

Ambassador KIM. Well, I mean, I think they are, as you mentioned, constantly concerned about stability, and they are worried that if they push too hard, too fast, that they will face instability along their borders.

But, I was going to say that—I mean, I think if you look at how Beijing's relations with Seoul has evolved and improved, it is easy to see that the future of China's relations on the Peninsula is with the Republic of Korea, not with North Korea. And I think we need to remind China that China's constant defense of North Korean misbehavior will hurt China's own interests, and it will undermine China's pursuit of strong relations with South Korea, with which it has a very robust trade relationship, economic relationship, people-to-people ties. It is growing every day. So, I think we need to constantly remind the Chinese that, first of all, they need to use their considerable leverage more effectively. They have a responsibility, as the chair of the six-party process, to find some way back to credible and authentic negotiations on the nuclear issue. They have that responsibility.

Senator, with regards to your question about working with the Chinese on facilitating information flow—and I think this is something that we should explore. I mean, I am not optimistic that they will be very forthcoming about it, but it is certainly worth considering.

Senator CARDIN. Well, I will just point out that we are pursuing a cyber policy with China and we are trying to get a level playing field there, consistent with our objectives. Seems to me we may have a chance in regards to the ability of people to understand what is happening in the world and could make progress in North Korea.

The CHAIRMAN. Thank you.

Senator Johnson.

Senator JOHNSON. Thank you, Mr. Chairman.

I would like to pick up where Senator Cardin left off, in terms of China. Mr. King, you said that China does not want to use North Korea as a useful buffer. But, then you said they are concerned about instability along their border. Is it your view, is it the administration's view, that if they pressed North Korea to

denuclearize, to open up their society, that it would create a refugee flow out of North Korea into China?

Ambassador KIM. No, sir, I do not necessarily agree with that perspective. I was just relaying what I understood to be China's concerns.

Senator JOHNSON. Okay, I do not understand it. Why does China continue to support this regime? What is in it for China? I mean, if North Korea is not that buffer against the West, then why would they continue to do this? It does not seem like it is particularly stable to me. A nuclearized North Korea with ballistic missile technology, firing these things over their neighbors' heads seems pretty unstable. So, what is in it for China? I am really trying to understand that.

Ambassador KIM. Well, China has a long-standing special relationship with North Korea. And our sense is that Beijing is simply not ready to give up on—or abandon that relationship. But, I agree completely with you that the actions that the North Koreans are taking are destabilizing for China's own interests. And if China really strives to be a leading nation in the international community, I think they would want a neighborhood that is stable and peaceful.

Senator JOHNSON. But, I am looking for a rational explanation of why China would continue to support North Korea. Considering every action I have looked at shows that North Korea just destabilizes the region.

You know, Mr. King, maybe you can answer that for me or provide some measure of rationale for this.

Ambassador KING. I do not have any insights. It is very clear that the Chinese have been pushing the North Koreans in a more positive direction. But, I think North Korea is not an easy ally to deal with. And my guess is, North Koreans are not being terribly cooperative—

Senator JOHNSON. Does China fear North Korea because they have nuclear weapons, by any chance?

Mr. Kim.

Ambassador KIM. I would—may I—I am obviously not speaking on behalf of the Chinese Government, but my sense is that they have reached the conclusion that in order to make some positive changes in North Korea it will require enormous pressure. And I think their concern is that enormous pressure on Pyongyang, on the regime, will lead to instability. And I believe that is—

Senator JOHNSON. So, define "instability." I understand the word, but define it. What would become less stable than it currently is? In other words, are they willing to, basically, put up with North Korea because they repress their population to the point that the people will stay in North Korea and then China does not have worry about a refugee flow from North Korea?

Ambassador KIM. Sir, I mean, again, I am at—you know, I do not want to be a spokesperson for other Chinese Government—

Senator JOHNSON. No, I understand. I am just asking for your theory—

Ambassador KIM. Well—

Senator JOHNSON [continuing]. Of the case.

Ambassador KIM. Yes. My understanding is that the Chinese are worried that if there is too much pressure, too fast, on the regime in Pyongyang, that it will lead to instability in Pyongyang that spreads over throughout the country, and that there will, in fact, be refugee flows into China. I believe that is one of their concerns.

Senator JOHNSON. Let us talk about sanctions. Mr. King said that information is key. And I agree with him. Earlier, when you were answering questions from our chairman, you said that you cannot describe some of these sanctions in this setting. I just want to ask, first of all, why?

First, let me ask about the history of sanctions. News reports and analysis from the Bush administration showed that the United States sanctioning of individuals, seemed to be working pretty well. And then, those were relaxed and obviously did not really affect North Korea's behavior past that point. Can you just give me a sense of what sanctions have worked, what has the history been, where are we now versus where we were during the Bush administration? And the final question is: What is classified about that? What is sensitive about that? If we wanted to get information out there, I would think an overt policy, an overt strategy of sanctioning North Korea, would be something we would want to publicize.

Ambassador KIM. Senator, I would—maybe I was not clear enough earlier. I was not suggesting that I could not talk about sanctions in general. I was suggesting that some of the specific effects we have had with certain sanctions involves classified information and, therefore, I could not get into those.

Senator JOHNSON. Okay.

But not—okay. So, give me the history of sanctions. What have we found that has worked? Again, analysis I have read in open source news showed that when we were sanctioning individual North Korean leaders, that was effective. And then we relaxed those sanctions. Is there reluctance to put those back in place? What is happening?

Ambassador KIM. Well, first, North Korea remains one of the most heavily sanctioned countries anywhere. We have North Korea-specific Executive orders that give us a lot authority to designate North Korean entities—personnel, officials, and entities that support the regime. We also have general Executive orders—topic-based nonproliferation Executive orders that we can apply to the North Korea context. Obviously, export controls are another way that we control—try to sanction North Korea.

I believe, Senator, you are referring to the Banco Delta Asia—

Senator JOHNSON. Correct.

Ambassador KIM [continuing]. Sanctions that were in place during the Bush administration. I agree with you, that had a very effective role—that played an effective role. But, again, I mean, I should probably defer to my colleagues in the Treasury Department, but the difficulty of replicating financial sanctions like that is that, because we were so successful, the North Koreans are basically operating outside of the international financial system. Therefore, it is very difficult to come up with similar sanctions targeting banks that have dealings with North Korea, because North Korean are basically operating outside of the international banking—

Senator JOHNSON. Okay.

Ambassador KIM [continuing]. System. But, I agree with you, I think we need to continue to explore all possible opportunities to strengthen our sanctions regime against North Korea, both in terms of coming out with new unilateral sanctions, but also making sure that our partners in the international community are cooperating better in enforcing Security Council resolution sanctions.

Senator JOHNSON. So, bottom line, they learned from those, and they have circumvented those types of sanctions so they are not as effective anymore.

In your testimony, you said that North Korea continues to violate its commitments and international obligations. With the few seconds we have remaining, can you specifically tell us what are the commitments and international obligations that they are violating?

Ambassador KIM. Well, sir, I mean, multiple Security Council resolutions call for North Korea to abandon its nuclear ambitions—programs, also calls on North Korea to stop using ballistic missile technology. So, every time North Koreans take an action, whether it is a nuclear test or, frankly, even continued pursuit of their nuclear ambitions, it is a violation of Security Council resolutions. In their own commitment to the six-party process and the joint statement of 2005, they agreed to abandon their existing nuclear programs and nuclear weapons programs. So, clearly they are not living up to their obligations and commitments.

Senator JOHNSON. Okay, thank you. I just wanted that on the record.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

It sounds like that China would rather a country of 25 million people be tortured, raped, imprisoned, beat down on their border than doing anything about it.

Senator JOHNSON. And apparently they view that as “stable situation.”

The CHAIRMAN. That is right.

Senator MENENDEZ.

Senator MENENDEZ. Thank you, Mr. Chairman.

Let me, first, say, Ambassador Kim, I really appreciate the service you gave to our country, and continue to do, particularly the time that you were Ambassador to South Korea. I think you did an extraordinary job in advancing our interests, and I want to salute you, as well as Mr. King, who has for many years worked on the question of human rights with the incredible Tom Lantos in the House of Representatives, where we had opportunities to work together. And I must say, I do not know what you are drinking or eating, but nothing has changed about you, so, Bob, I will tell you, it is pretty good.

I am glad that the committee remains vigilant with respect to the threat that North Korea presents to our national security interests and the security interests of our friends and allies, whether that threat is conventional, nuclear, or cyber. And that is exactly what I had in mind when I introduced bipartisan legislation with several of my Democratic and Republican colleagues, the North Korea Sanctions and Policy Enhancement Act of 2015 last session

and again this session when Congress failed to take steps on it. And I believed then, and I believe now, in two guiding principles:

First, that effective deterrence needs leadership. Nuclear and missile tests, cyber attacks, highlight the continuing threat that North Korea poses to the United States and our friends and allies in the region. We need to see more action to energize a strategy, decisive U.S. leadership, and a broad international coalition to keep pressure on the regime.

And second, it seems to me that the United States needs strategic focus, not strategic patience. A strategic approach to security and stability on the Korean Peninsula should include effective sanctions, military countermeasures, diplomatic pressure, the full range of American instruments of power to keep the world focused on the threat that North Korea presents.

That is why the 2015 North Korea Sanctions and Policy Enhancement Act that I wrote expands the ability of the administration to sanction property and seize funds of the people or organizations that provide support to the regime. It expands the ability of the administration to sanction support for cyber attacks or cyber vandalism, and it enhances the ability of humanitarian organizations to provide life-saving assistance to reduce the suffering of the North Korean people.

So, I know several colleagues have joined us. We welcome others to join us, as well. I shared our draft, before we introduced it, with Senator Gardner, as the chairman of the subcommittee, and I think that the legislation you have introduced has a lot of similarities. I would look forward to, hopefully, working with you in that regard.

And, Mr. Chairman, when the time comes to move or mark up a piece of legislation, I certainly would like the consideration of some of the elements that we will be pursuing, and hopefully we can work with Senator Gardner to have a joint, unified, powerful message to the North Koreans.

The CHAIRMAN. If I could, that would be our goal. And I should have mentioned your efforts, also, in regards to producing legislation to deal with this. And we thank you for that.

Senator MENENDEZ. No, problem.

Ambassador Kim, have you had an opportunity to look at the two pieces of legislation that are being considered?

Ambassador KIM. Thank you very much, Senator.

First of all, I remember very well your visit to Seoul while I was still serving as Ambassador, and it was a wonderful visit.

We are continuing to look at the legislation that you mentioned. I do not have any specific comments to make on the two draft bills. But, we have—obviously appreciate the attention you and Senator Gardner are giving to this very important issue.

Senator MENENDEZ. Well, let me just pursue, since we have the—your expertise here, some of the—there is a lot of similarity between our legislation, but there are some differences. The major difference between the two bills comes—is whether an administration will be required to impose sanctions in certain cases or be left with discretionary authority and a flexibility to do so. What considerations would you urge us to be mindful of when we are addressing that issue?

Ambassador KIM. Sir, in general, I think, you know, it is important to have some discretion, because I think the goal is to maximize our effect. And sometimes maximizing that effect means coordination diplomacy with our partners. And that can be difficult to achieve if, in fact, there is absolutely no discretion in how these measures are applied.

Senator MENENDEZ. Legislation that I drafted permits some discretion. And there is a reticence here, I must say, after the Iran situation, on the question of what degree of flexibility an administration will be given, understanding that, whether it is this one or a future one, there are concerns about that. So, that is one of the realities. But, I understand that—the difficulty of the blunt instrument of something that is automatic even when you do not want it to be automatic, because you may be having a goal. So, it is finding the right balance there.

Also, our legislation actually funds the efforts that we want to do through 5 million of the Assets Forfeiture Funds to enforce sanctions as well as applying fines and penalties derived from sanctions enforcement for enforcing the North Korea Human Rights Act, which I think is important.

Ambassador King, let me ask you, humanitarian exceptions or hard lines for those who suffer? The two versions differ substantially on the exceptions it would provide; in the case of my bill, carving out strong protections from sanctions for humanitarian organizations that provide important lifesaving aid to civilian populations facing humanitarian crises. President Reagan reminded us that a hungry child knows no politics. Do we want to encourage humanitarian organizations to continue to do this work? Are these organizations effective in the North Korea context?

Ambassador KING. One of the things that is involved, in terms of humanitarian exceptions, we have had that, traditionally, in most programs that have been adopted, have been enacted into law—there is benefit, in terms of being able to do that, because providing humanitarian assistance, as President Reagan says, is something that we should be able to do. At the same time, when we provide humanitarian aid, we have to take into consideration the amount of money that is available overall. And we also have to take into account our ability to monitor the delivery of the aid to make sure it is reaching those that are most in need. And, to the extent that we are able to take those factors into consideration, I think there is benefit to an exception. I think it is also important—and certainly that was the case when we, at one point, were talking about North Korea and humanitarian assistance—that we keep the Congress fully informed of what is going on, what our intentions are, and what our progress is, in terms of dealing with those issues.

In terms of private humanitarian groups, I think that is something we ought to encourage. There are a number of American organizations that are currently involved in providing some assistance to North Korea. This is done with private funds that they have raised on their own. They provide a nice counterpoint to what the official North Korean propaganda is saying when Americans are providing assistance for multi-drug-resistant tuberculosis or when they are providing medical equipment that would not other-

wise be available, I think it is helpful and important. And we have tried to be helpful to organizations that are providing that kind of aid.

Senator MENENDEZ. One final quick question. Ambassador Kim, it is a little off topic, but it is about the topic, in the end of the day. President Park, I see she is in China, Russia. What does—what is that all about, from your perspective? And how should we see that, in light of the efforts that we are making—trying to make as it relates to North Korea and the security of the Korean Peninsula?

Ambassador KIM. Thank you, Senator.

I think, first, it is important to remember that, for the Republic of Korean Government leadership and its people, the U.S.–ROK alliance is fundamental and is the foundation for all of their international relations. And I think we should view her efforts with China and Russia in that context.

Starting with the need for Chinese cooperation on the challenge posed by North Korea, I think there are many reasons why South Korea wants to improve relations with China. And we are not troubled by it. I mean, I think it is, in fact, useful for China to deal with responsible democratic countries like South Korea that believes in rule of law, respects human rights, et cetera. They have a huge trade relationship. I mean, China is South Korea's number one trading partner by a big margin, and we expect that that will continue. So, there are many reasons why South Korea would want to engage China and to work with them on North Korea and other issues.

I think, similarly, with Russia, Russia is a member of the six-party process, and they have been somewhat constructive in making clear their commitment to the shared goal of the six-party process, the shared goal of denuclearization. And I think President Park probably wants to make sure that the Russians remain in that position and work with us as we look for a way back to some credible and authentic negotiations.

Senator GARDNER [presiding]. Thank you.

And, Chairman Corker is heading to the floor to vote, and we will just change in and out here.

And I believe the only way that we will have a successful sanctions package of legislation is through bipartisan, bicameral approach. I look forward to working with you on legislation, and Senator Cardin, of course, who is been at the first hearing, as well. And so, thank you very much for that. And look forward to continuing to work with you.

Ambassador Kim, you do not mention the widely used descriptor of strategic patience in your testimony to describe the policy toward North Korea. Is strategic patience no longer the policy the administration is pursuing toward North Korea?

Ambassador KIM. Thank you, Senator.

I am not sure strategic patience was ever our policy, per se. I think it was to describe the approach we were taking to negotiations and that we would not rush back to negotiations just for the sake of talking to the North Koreans.

I think, in terms of policy, it has always been a combination of making sure that we maintain a very strong deterrence capability

on the peninsula and in the region, making sure that we continue to work on our sanctions and pressure, and also making sure that we have closest possible diplomatic coordination. That was our policy. I think strategic patience was just to describe the sense that we were not going to rush into anything—

Senator GARDNER. So, strategic patience is not the policy of the administration. That is what you are saying.

Ambassador KIM. That is—yes.

Senator GARDNER. Okay. The previous Secretary of State believed that it was the policy of the administration.

Ambassador KIM. I believe the Secretary was—then Secretary was referring to the approach we were taking, that, given all of the mistakes that we had made on the North Korean issue, dating back to the agreed framework days in the 1990s, that we wanted to be cautious and deliberative about resuming any negotiations. We wanted to make sure that we gave ourselves the best possible chance to make some lasting and concrete progress on the nuclear issue.

Senator GARDNER. All right, if that is not the policy, then we are being cautious and avoiding the mistakes that were made, what are the key differences today, in today's policy, from strategic patience?

Ambassador KIM. No, I think we have continued to exercise discipline, in terms of sort of the possibility of resuming negotiations. We have also continued to work on our sanctions and pressure. I think our alliances with Japan and Korea have never been stronger, because we have continued to work at strengthening those deterrence capabilities. And I think we have also continued to work on tightening our diplomatic coordination, not just among the five parties in the six-party process, but more internationally.

Senator GARDNER. So, what would you describe our policy toward North Korea to be, then?

Ambassador KIM. Well, and I do not have a catchy phrase for you, Senator, but, I mean, I would say it is a robust combination of working on deterrence, diplomacy, and pressure.

Senator GARDNER. But, nothing really has changed. There is no new thought toward North Korea. It is just continuing what has been taking place.

Ambassador KIM. But, I think intensifying our efforts on all three fronts increases pressure on North Korea. And, as we mentioned earlier, stronger sanctions enforcement has had some effect. Now, obviously, short of what we would like to see, which is complete denuclearization and improvement in the human rights situation, et cetera. But, we are making it more difficult for North Korea to continue to pursue their dangerous capabilities. We are making it more difficult for them to proliferate, to engage in other illicit activities.

Senator GARDNER. Ambassador Kim, while it has not been significant in terms of a comparable economy, they have seen economic growth recently. Is that correct?

Ambassador KIM. I think it is always hard to tell their exact economic state in North Korea, because the information is so limited. We have seen anecdotal accounts that perhaps life in Pyongyang

may be improving, but that is a far cry from suggesting that the economy of North Korea is improving.

Senator GARDNER. So, you are starting to see some anecdotal evidence of that. Their nuclear arsenal is growing. Is that correct?

Ambassador KIM. We know that they have continued to work on their capabilities, and we believe they are making advances, yes.

Senator GARDNER. And so, it is difficult for me to hear how the sanctions are effective and that the more pressure we are bearing is actually working, when they are starting to see some economic anecdotal evidence of directions—positive direction, and the nuclear arsenal is growing.

In your testimony, you do not mention cybersecurity as a concern with regard to North Korea. Do you believe that cybersecurity or cyber—the cyber threat from North Korea is a real and growing threat?

Ambassador KIM. Yes. We are very concerned about it. In fact, I think we saw, with these cyber attack on Sony Pictures Entertainment, the North Koreans are capable of carrying out a very destructive cyber attack.

Senator GARDNER. And you believe they are a threat to—asymmetric threat to South Korea as well as United States, from a military perspective?

Ambassador KIM. They pose a very serious threat to our ally in South Korea as well as the homeland, yes.

Senator GARDNER. How can we counter these threats?

Ambassador KIM. I think we have to continue to make sure that we maintain the strongest possible deterrence capability on the peninsula and beyond. I have to say, I mean, as someone who has worked on U.S.–ROK alliance, I mean, I think we can honestly confidently say that the alliance has never been stronger. And that gives me confidence that we can deal with whatever provocative actions North Koreans may choose to take.

Senator GARDNER. On October 18, following the summit between President Obama and President Park here in Washington, North Korea's Foreign Ministry has stated that, while it is not willing to resume talks regarding its nuclear program, it is willing to sign a peace treaty with the United States to formally end the Korean war. Is the administration contemplating any negotiations with North Korea without preconditions regarding its nuclear program and human rights abuses?

Ambassador KIM. First of all, with regards to the North Korean statement suggesting that we enter into peace treaty discussions, I mean, we have no interest in entering into any such discussions. I mean, for us, the priority focus has to be the nuclear issue. And, as they often do, I am afraid North Koreans have their priorities wrong by suggesting that we sort of jump some steps, some very important steps, and start peace treaty negotiations.

Senator GARDNER. So, they are—you would—there are preconditions before you enter into the conversations. Those preconditions still remain.

Ambassador KIM. Sir, what we have been discussing with our partners is that we want to make sure that, if and when we resume negotiations, we do it with the right amount of focus and commitment from the North Koreans that the goal is

denuclearization. And, frankly, at the moment, we cannot even get the North Koreans—as you mentioned, the Foreign Ministry statement—we cannot even get the North Koreans to focus on denuclearization as a goal. So, that is why we have not resumed any negotiations.

Senator GARDNER. But, would you resume negotiations on conversations—the six talks—six-party talks even if they agreed that nuclearization—denuclearization would not be a part of those conversations?

Ambassador KIM. No, I think North Koreans would have to agree very clearly that denuclearization is the common goal, and that they will work with us sincerely in the six-party talks.

Senator GARDNER. As a precondition.

Ambassador KIM. Yes.

Senator GARDNER. As a precondition. Thank you.

In April this year, going back to the issue of nuclear warheads, Admiral Bill Gortney, the Commander of NORAD, said that North Korea has developed the ability to launch a nuclear payload in its very own KN-08 intercontinental ballistic missile that is capable of reaching the United States. As Admiral Gortney stated, Pyongyang has the ability to put a weapon on a KN-08 and shoot it at the homeland. What is your assessment of North Korea's missile capabilities? Can they reach the United States? How much more testing do you anticipate? And are they preparing right now for additional tests?

Ambassador KIM. We are obviously very concerned, because we know that they are continuing to work on their missile capabilities. I cannot comment specifically on the Admiral's comments in this setting, but we are obviously very concerned about the advances the North Koreans have made.

Senator GARDNER. Do you have any disagreement with his assessment of the amount of warheads that North Korea has, their capability in the next 5 years?

Ambassador KIM. Sir, I mean, I do not think I should be commenting specifically in this setting.

Senator GARDNER. Okay.

Ambassador KIM. I mean, I would be happy to provide additional details in a classified setting.

Senator GARDNER. I would appreciate that. And I think we are trying to work that through right now, in addition to other questions that we have.

But, I think it is—Senator Murphy, I believe you are next in line.

Senator MURPHY. Thank you very much, Mr. Chairman.

Thank you, to both of our witnesses, for all of your work.

I think we can all agree that we are stuck, and that we have effectively been stuck since the failure of the “Leap Day” agreement and the North Korean scuttling of it. And I think it is natural for us to explore what new policy alternatives may be available to us to try to change the calculus inside North Korea.

But, I appreciate, Ambassador King, your emphasis on the importance of persistence. Sometimes continuing a strategy, and sticking with it, is just as effective, if not more effective, than constantly changing it when you do not get the results you want. In the 1980s, we stuck to a policy of, in every possible forum, calling

out Russia's terrible human rights and open society record. It did not work for a long time, and then all of a sudden it worked. Over the course of the last 8 years, we focused like a laser beam on building international sanctions against Iran to bring them to the table on their nuclear program. It did not work for a long time, and then all of a sudden it worked. And so, I think it is important that we take steps to give some new authorities to the administration, and I look forward to working with Senator Gardner. But, I also think it is important for us to recognize that sometimes consistent pressure does bear fruit. And history certainly has proven that.

Ambassador Kim, sir, we have had these fits and starts of negotiations, fruitful talks, and then ultimately the North Koreans backing away. What have we—I know we are dealing with a new leader, here, and we are certainly not confident of what motivates him, but what have we learned, in the past, about what has brought the North Koreans to the table that should educate us about the levers that we should be pressing to try to restart the six-party talks, going forward?

Ambassador KIM. Thank you very much, Senator.

I agree completely that persistence and consistency are very important. And, in fact, that is the approach that the administration has tried to take over the past several years. We are not going to see immediate success on any of these issues, but I think, through coordinated, sustained pressure, diplomatic coordination, we are giving ourselves a much better shot, and making some progress.

I agree, also, that we have learned some very painful lessons from our past efforts at negotiating with the North Koreans, starting with the Agreed Framework, there is a much more bilateral effort, and then, of course, in the six-party process, the multilateral effort. I think we have learned some very important lessons. And I would just highlight a couple.

One is that, as you suggested, I think sustained pressure is important. And that requires coordination and cooperation from the international community.

I also think it is important for us to be coordinated diplomatically, as well, so that we are sending a single clear message to the North Koreans, so that we are not giving the North Koreans an opportunity to run to Seoul and get some benefits, run to Tokyo and get some benefits. And I think, through very close cooperation, we have managed to remain disciplined together. And I think that is an approach that should help us position better for any resumed negotiations.

Senator MURPHY. We were talking, before, about China's fear of instability on their border. And we talk a lot about our desire to get rid of autocrats and despots, but our failure to talk about what comes next—and so, it actually should be a conversation that we should be having, as well, if we were to ratchet up pressure on the regime of Kim Jong-un.

So, can you talk a little bit about what we know or what we surmise might be a post-Kim Jong-un future in North Korea? I mean, let us say we were successful in ultimately putting so much pressure on the regime that there was revolution, that there was change. Are we confident that what would come in its place? China seems confident that what would follow on would be bad for China.

It is hard to imagine what could be worse, right? I mean, it is hard to imagine anything that could be worse for the North Korean people, that could be worse for the interests of the United States. But, have we thought through what comes next?

Ambassador KIM. I mean, I personally agree with you that it is hard to imagine that whatever follows would be worse. But, I think it is very difficult to speculate, based on the limited information we have about the leadership dynamics in Pyongyang. Plus the fact that the young leader has a habit of getting rid of some of his most senior advisors on a whim. I think it is just very difficult to speculate and calculate, assess what the post-Kim Jong-un political leadership may look like.

Senator MURPHY. Ambassador King, just an additional question. You have talked about the need for international pressure on human rights. But, you know, we know that the U.N. vote was not unanimous. Are there pivotal countries that have not stepped up and implemented the level of sanction or pressure that we would like to see to try to change the reality inside the DPRK? Are there countries that we should be talking to from—at a congressional level, about increasing their pressure that would be determinative, potentially, ultimately, on what happens inside North Korea? I mean, let us set China aside for a second. I mean, we know China, right?

Ambassador KING. There are a number of countries that I think I would like to see more positive on the human rights situation in North Korea. Many of these are countries that have a relationship with North Korea that extends back many years. And some of these are countries which have gone through their own democratic transition and, hence, ought to be pushing more. One of the things that we do, both in Geneva, in New York, and also in terms of meetings that I have here in Washington, is try to encourage other countries that we think are likely to go in the right direction to move that way. We have had some progress, and we are going to continue to do that.

Senator MURPHY. Well, to the extent you do not want to call them out publicly in an open hearing—

Ambassador KING. No, not really.

Senator MURPHY [continuing]. I think it would be helpful, through the chair and ranking member, to maybe point us in the right direction.

Ambassador KING. If I see you heading in the right direction with one country or another, I might come up and talk to you about it.

Senator MURPHY. Thank you, Mr. Chairman.

THE CHAIRMAN [presiding]. Senator Perdue.

Senator PERDUE. Thank you, Mr. Chairman.

And thank you both for your career of service.

Obviously, North Korea is a rogue regime. Admiral Harris, the PACOM commander—I had the privilege of meeting with him, back in August—talked about the seriousness of the North Korean situation and how unpredictable it is. They are definitely a rogue regime. They are developing programs of weapons of mass destruction in nuclear, biological, chemical weaponry. Their cyber warfare efforts are certainly known to us now after the Sony incident just

last year. I am worried about their nuclear proliferation efforts with Iran, but also the human rights violations are untenable. Solzhenitsyn wrote a book a long time ago about his experience in the gulags of the Soviet Union, and yet what we have going on in Korea today in the 21st century, in 2015, is just unconscionable.

Ambassador Kim, I would like to talk to you about North Korea's efforts with Iran and the proliferation. They have—we know that Iran has had people at each of the three tests, and North Korea is now talking about their fourth test. And yet, we had, just recently, a senior American official said, "It is very possible that North Korea is now testing for two countries," implying that they are in direct cooperation with Iran. After the Iran deal—nuclear deal—I am very concerned about that proliferation effort. Can you speak to that and what we are doing about that as an administration?

Ambassador KIM. Thank you very much, Senator.

We have long been very concerned about North Korea's relations with Iran. We know that they have cooperated on various projects. And this is something that we monitor very closely. Obviously, we need to stay vigilant and make sure that such dealings are terminated.

Senator PERDUE. Well, how do we do that? I mean, we have got these sanction programs now that are being released. Iran has a lot of cash. With our sanctions on North Korea, North Korea needs cash. Are we monitoring that situation more closely now that we have signed the Iran deal?

Ambassador KIM. Senator, our experts are monitoring that situation very, very closely, yes.

Senator PERDUE. Okay. Monitoring. Do you expect any change in current behavior?

Ambassador KIM. Sir, I am—you know, I was not involved in the Iran deal, so I am not an expert, but I—my understanding is that Iran obviously has an interest in living up to the deal and following through in order for them to reap the benefits of any sanctions waiver.

Senator PERDUE. But, our sanctions on North Korea, of which I was speaking, are really not having much of an impact on their ability to ship technology. I mean, we just had North Korea expert, Bruce Bechtol, wrote, just earlier this year, "North Korea continues to supply technology, components, and even raw materials for Iran's highly enriched uranium weaponization program." So, it just—it baffles me that we are quite happy with the status quo, in terms of the effectiveness, or lack thereof, of our sanctions, relative to this proliferation—the partnership they seem to have with Iran.

Ambassador KIM. Sir, I mean, I do not think anybody is happy with the state of—the situation with North Korea. Sanctions enforcement has improved, and we have had some successes, in terms of ship interdictions, which have made it more difficult for the North Koreans to proliferate. And I believe that applies to the Iran situation, as well.

Senator PERDUE. Thank you, Ambassador.

Ambassador King, on this forced labor issue, you know, today it is hard to—you know, we have had hearings here about human slavery in the 21st century, with 27 million people enslaved around

the world. The Database Center of North Korean Human Rights, NKDB, recently released a new report about North Korea's overseas efforts. This report paints an abysmal picture of the state of forced labor sent to work overseas by the Kim regime. Some 60,000 laborers overseas have been sent, earning somewhere between a billion and 2-and-a-half billion dollars on behalf of the state, in terms of hard currency, for North Korea. Can you speak to this policy? This is a policy that I am not sure many Americans are aware of, and what we are—as an administration, what are we doing?

I mean, North Korea is a Tier 3—one of 23, I guess, Tier 3 countries out there, probably the worst participant in this forced labor movement around the world. But, for hard currency, I continue to come back to the money flow. You know, we have got all these sanctions on North Korea, and yet they are seeking ways to get hard currency, and here is one way they are being very successful. Can you speak to that, please?

Ambassador KING. The NKDB data is somewhat suspect. And I can send you some information—

Senator PERDUE. Please.

Ambassador KING [continuing]. That suggests that \$1 to \$1.5 billion is way too high.

Senator PERDUE. Okay.

Ambassador KING. There is concern about North Korean laborers who are working. There are indications—we do not have numbers—there are indications there are significant numbers of them in Russia, where they work in the lumber industry. There are workers in China, where they work in the textile industry.

Senator PERDUE. Are they forced? These are forced—are they prisoners or—

Ambassador KING. You know, forced, yes and no. I mean, this is not a situation where people are rounded up and told, “You are going to work in the lumber camps in Russia.” It is—individuals are told they have an opportunity to go. Quite frankly, for most North Koreans, working abroad provides better living conditions than staying in North Korea. They are better fed. They are not paid as much as they would be if they were hired locally. They are not—but, they are better paid than if they stayed in North Korea. So, I mean, it is one of these kinds of things that—it is a signal of—an indication of the problems in North Korea that these kinds of things go on.

We have raised the issue, and we are monitoring the issue, where countries that are allies of ours have North Korean laborers. We are very concerned about making sure they realize what they are doing. But, most of the laborers tend to be in places like Russia and China. Very few of them in Western countries.

Senator PERDUE. Do many of those workers ever make it back to North Korea?

Ambassador KING. From what we know, yes. They usually spend 2 or 3 years abroad, and then they return.

Senator PERDUE. Is there any correlation between those workers and the camps, the detention camps inside North Korea?

Ambassador KING. Does not seem to be. People who are sent to the prison camps are not being sent abroad.

Senator PERDUE. Okay.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Thank you very much.

Senator Kaine, I know, is returning in a just a moment from a vote. And, while we are waiting on him to get back—

Have we—I know with Iran, obviously, we developed bunker-busting capacity to deal with underground facilities they had—have we, at any case—at any point, have we identified sites that we would be willing to militarily deal with if certain—if North Korea got to a certain point in their development? Have we publicly discussed that? Have we stated a policy, relative to us dealing with that?

Ambassador KIM. Sir, I am not sure if I can really comment on this in this setting. Obviously, we are looking very closely at all of their nuclear facilities.

The CHAIRMAN. Do we think we have a good understanding of where all those facilities are located?

Ambassador KIM. I think we have a fair degree of confidence about all of their facilities.

The CHAIRMAN. Do we know if any of them are in places like we found Fordow, for instance, to be, where it was under a mountain? Are these easily accessible with detonations, munitions?

Ambassador KIM. It is a little difficult for me to comment on that in this setting, sir. I would be happy to have a more detailed discussion in a classified setting.

The CHAIRMAN. Have we made any public pronouncements, though, or given any indications that if North Korea got to a point in their development, if we felt like they were miniaturizing, that we would take military actions against what they are doing there within the country?

Ambassador KIM. Sir, I believe our senior officials have made clear that all options, including military options—

The CHAIRMAN. Yes.

Ambassador KIM [continuing]. Remain on the table.

The CHAIRMAN. Yes.

Ambassador KIM. But, I am not aware of any specific comments.

The CHAIRMAN. Is it your sense that the administration would be committed to taking those types of activities if they felt like North Korea was getting to a point where they were becoming a threat?

Ambassador KIM. Well, I think, as we discussed, they are already threat, but, I mean, I can only repeat what our senior officials have said, which is that all options do remain on the table.

The CHAIRMAN. Well, when you say “they are already a threat,” I mean, one of the issues would be, Have they developed the ability to miniaturize? Are you saying that you think they have?

Ambassador KIM. Well, sir, I cannot really comment on that in this setting. We do know that they have made advances.

The CHAIRMAN. Yes.

Ambassador KIM. But, beyond that, I would have to brief you in a classified setting.

The CHAIRMAN. Well, I think we ought to set that up in the next short period of time. Thank you for that.

As I said in my opening comments, we have had both sides of the aisle administrations who have made no progress on this issue, relative to their nuclear weaponry. Has there been any pushback,

from your perspective within the administration, on policies going forward that might have an effect on them and cause them to slow the program that is underway? Have you sensed any pushback within the administration?

Ambassador KIM. Sir, I mean, I think we are constantly looking for a stronger effort, in terms of both pressure and diplomatic coordination, to try to change the calculus in Pyongyang. And that really—that is an ongoing effort. I mean, for example, on sanctions, we will continue to look at all possible avenues on how we can increase pressure by both coming out with new unilateral sanctions, but also improving coordination on U.N. Security Council resolution sanctions. That is an ongoing effort. And this applies to the human rights area, as well. If we can make it more difficult for the North Koreans to earn foreign currency, put—conduct illicit activities, improve their capabilities, I think we should obviously pursue all such opportunities.

I think, on the diplomatic front, as well, we want to make sure that at least the five parties are united so that the North Koreans are not able to play their familiar game of going to Beijing to get some concessions, going to Seoul to get some concessions, while they make no progress on the nuclear issue, missile issue, or human rights. And I think, on both fronts, this is a constant effort that we obviously need to intensify, because we are not seeing the kind of progress that we would like to see.

The CHAIRMAN. Yes. So, there is not an issue of the administration having an unwillingness to deal with this issue, relative to sanctions. At this moment, there has been a lack of ability to identify those things that you think might have a greater effect than what is already occurring. Is that—

Ambassador KIM. Definitely, there is no reluctance—

The CHAIRMAN. Yes.

Ambassador KIM [continuing]. On the part of the administration to explore—

The CHAIRMAN. Yes.

Ambassador KIM [continuing]. New sanctions, stronger sanctions, and better enforcement of sanctions—

The CHAIRMAN. So, it would appear to me that all five parties are really not on the same page, and that China obviously does not appear to be on the same page that we are on and the other—South Korea and other countries are on, relative to these discussions.

Ambassador KIM. Well, clearly, as we discussed, Mr. Chairman, China can do more, and—

The CHAIRMAN. Yes.

Ambassador KIM [continuing]. We are going to push them to do more, in terms of exercising their leverage on North Korea. But, I would say there is very strong five-party unity on the common goal of complete and irreversible denuclearization of the North Korean nuclear program. There is also very strong unity that North Korea needs to refrain from any actions that provoke—that destabilize the region and its neighbors.

I think the coordination among the three parties—that is with our allies, Japan and South Korea—really has been very robust. I do not see any daylight between us and Seoul, and us and Tokyo. Even as they pursue their own channels of communication—in the

case of South Korea, obviously they have an interest in dealing with inter-Korean—

The CHAIRMAN. Yes.

Ambassador KIM [continuing]. Issues. For example, this week they are conducting these family reunions that bring long lost families together from North and South.

The CHAIRMAN. Yes.

Ambassador KIM. Obviously, very important humanitarian initiative, and we support that, and we do not see that as undermining our common effort on the nuclear issue, on human rights, et cetera.

In the case of Japan, they have a very strong interest in pursuing an—full accounting of the Japanese abducted citizens. So—

The CHAIRMAN. Yes.

Ambassador KIM [continuing]. Important human rights and humanitarian issue for the Japanese. And we support their efforts. And we do not see that as undermining our common goal or common stance on the nuclear issue.

The CHAIRMAN. Yes.

Ambassador KIM. I have to say, even with the Russians, you know, they have been very clear, publicly and privately, that they remain committed to the goals of the six-party process, and they do very strongly oppose any actions by the North Koreans in violation of U.N. Security Council resolutions.

The CHAIRMAN. Is there a line that North Korea would cross, where you think China might want to intervene in a more kinetic way to keep them from getting nuclear weapons? Have you had any discussions with counterparts there? Is there a line that they might cross that would cause China to want to, in a forceful way, ensure they do not have the ability to deliver nuclear weapons inside China? I know that China does not perceive them, probably, as a threat in that way, but is there a line that they would cross that would cause China to act?

Ambassador KIM. Sir, I think it is difficult to speculate. All I can say is that I do think it is important for us to remind the Chinese that their approach, their policies on North Korea will continue to hurt China's own interests. It will undermine China's efforts to grow its economy, which can be possible only if they live in a stable environment. And I think if the North Koreans continue to pursue dangerous capabilities and continue to conduct provocative actions, it works against China's own goals.

The CHAIRMAN. My guess is that that advice is being heard about as much as them advising us on what we ought to do with Mexico and Canada.

But, anyway, with that, Senator Kaine.

Senator KAINE. Thank you, Mr. Chair. And thanks for calling this hearing. It is a very important one.

And I came with many questions. And my colleagues have actually asked the questions I had when I walked in the room. I appreciate your testimony and your discussion. But, a question that came up as a result, Ambassador King, of your written testimony that you elaborated on a little bit in your, kind of, oral presentation—and I do not think the question was asked; forgive me if it was asked when I was gone—I want to go back to the U.N. ac-

tion on the resolution that you discussed. So, let me just make sure I understand this.

There was a resolution put before the U.N. to condemn North Korean human rights abuses. And I was trying to take notes quickly as you testified. The resolution received 100-and—about 150 yes votes, 20 no votes, and there were 73 abstentions. Now, are those—first, let me get—are those numbers right?

Ambassador KING. The numbers were 116 yes, 20 noes, 53 abstentions.

Senator KAINE. Okay, so it is 116 yes, 20 no, and 53 abstentions. What exactly was the resolution?

Ambassador KING. This was a resolution that welcomed the report of the Commission of Inquiry which was very damning, in terms of North Korea's human rights situation. It called for referring the resolution to the Security Council for possible—where the Security Council is asked to consider referring it to international judicial mechanisms. And very tough, very critical, on the North Koreans. North Koreans denounced the resolution. They spoke strongly against it.

Senator KAINE. Was the report that was issued about North Korean human rights abuses—I mean, there is human rights challenges all around the world, but it was an unusually tough report against—

Ambassador KING. Yes.

Senator KAINE [continuing]. The situation in North Korea. Are you aware of any other U.N. report that has been written about the activities of a sovereign nation that has been tougher on their human rights record than this recent U.N. report?

Ambassador KING. There are a lot of tough reports on human rights that have been written on individual countries. There are tough reports that have been written on more generic practices that involve more than one country.

Senator KAINE. Let me ask you it a different way. And actually, I would like to ask you both this question. Are you aware of a sovereign nation, as opposed to a nonstate organization like ISIL or Boko Haram—are you aware of a sovereign nation in the world right now that has a worse documented human rights record than North Korea?

Ambassador KING. The Economist Intelligence Unit put together a system for ranking countries according to their human rights record. They ranked 167 countries from best to worst. North Korea came out number 167. We put them in the category of Countries of Particular Concern with religious freedom. They are Tier 3 countries with regard to trafficking. In all of the rankings—and we do not rank countries from top—

Senator KAINE. Right.

Ambassador KING [continuing]. To bottom—but, all of the categories that we put bad actors in, the North Koreans appear there.

Senator KAINE. And, Ambassador Kim, just from your professional experience in the State Department, a distinguished career, are you aware of a sovereign nation in the world right now that has a worse human rights record than North Korea?

Ambassador KIM. Thank you, Senator.

No, I am not aware of a sovereign country that has a worse human rights record, from my professional perspective.

If I may add, from my personal perspective, as well, as someone who was born on the Korean Peninsula, and having benefited from South Korea's tremendous rise, not just economically, but its impressive democratic transformation, I have always felt a great deal of sadness and sorrow whenever I travel to North Korea, because it is very easy to see—even though we are operating in a very controlled environment when U.S. delegations travel to North Korea, it is very easy to see that North Koreans are suffering. So, if we, foreign delegations, can see that easily, I can only imagine just how much worse the situation must be for North Koreans living in North Korea outside of Pyongyang. So, and I feel very, you know, personal about this issue, and this is why I applaud Ambassador King's efforts to maintain pressure and momentum on this issue.

Senator KAINE. My questions are really, in some ways, more about the character of the United Nations than they are—you know, hearing you describe—and, obviously, with this personal connection, the—the fact that, across so many different, you know, spectrums, whether you are talking about forced labor, whether you are talking about sexual violence, whether you are talking about repression of any freedom of information—North Korea, such a violator of basic principles of human rights. So, how are we to understand, after a very tough U.N. report—this is not a U.S. allegation, this is a U.N. significant investigation that is a report about the human rights situation in North Korea—that 20 nations would vote against a basic referral to the Security Council and 53 nations would abstain? What, 73 nations are unwilling to offer simple support for the notion of a referral of a human rights report that is as damaging as this—how are we to understand that in the context of the U.N. as a voice for the values that are the basic values of the charter under which it was established?

Ambassador KING. Defending the U.N. is not my normal portfolio, but let me say that one of the things I have spent a lot of time doing is dealing with U.N. organizations in the 6 years that I have been in this position. I have been impressed with the commitment and willingness of countries to step forward on North Korea and to make the kind of comments and to vote the way they have. Most of the countries that have abstained—and there is a larger number than we would like to see—are countries that feel human rights should not be dealt with by focusing on an individual country. We ought to look at issues like gender rights, we ought to look at education opportunities, we ought to look at rights of children. Most of the countries that have problems like that have come through experiences that suggest that they are making progress, but they are not there yet. Overall, the fact that the United Nations condemned North Korea by a significant majority of its members puts North Korea in a very awkward situation. And it is the kind of situation—you do not like to vote against your colleagues when you have got a vote on the floor. If you have got a colleague who has got a bill you do not like, but happens to be a good friend, you know the problems you face. [Laughter.]

Senator KAINE. Yes, but I tell you, I do know the problems that we all face, but the U.N. was formed around a set of principles.

And I guess it is one thing to vote no. You indicated some of those who voted no were among the Who's Who of the worst human rights abusers—

Ambassador KING. Yes.

Senator KAINE [continuing]. In the world. But, the notion that you would abstain, like, "I am indifferent. I cannot make my mind up. I do not know whether any action is warranted"—I mean, that just seems like such an amazingly—

Ambassador KING. There are several of those countries that we are working on.

Senator KAINE. Yes. Yes.

And, Ambassador Kim, do you have a thought about that? I am not—because I am not an expert of the U.N. and what would be the norm in a situation like this, but I am—it just strikes me that if we cannot think of a worse example in the world, in terms of a human rights violator, a violator of the basic tenets of the U.N. Charter, if we cannot think of a worse example, but, even for the worst example, 73 nations out of, let us see, out of 189 that vote, are—refuse to condemn—or refuse to suggest a referral of a U.N. study cataloging human rights abuses, refuse to condemn it or suggest a referral to the Security Council—I mean, what—tell me—help me understand the U.N. dynamic.

Ambassador KIM. Sir, I mean, I agree that it is unfortunate that we could not get all of the member states to vote for this resolution. I assume, for some of those countries, it is just a matter of indifference. I assume, for some of those countries, it is because they have their own human rights issues that they felt uncomfortable about condemning North Korea's human rights record.

I think it is important to remember, however, that with the publication of the Commission of Inquiry report, and with all of the efforts that we made in the U.N. context, that we were able to raise awareness about the North Korean human rights issue, much more so last year than we had done—we were able to do in previous years. And I think this is an ongoing effort. We are going to continue to push this issue as an important agenda for the Security Council, and we are going to continue to work on—as Bob suggested—continue to work on those countries that really should be working with us on efforts against North Korean human rights violations, much more vigorously, so that when the vote takes place later this year, next year, et cetera, that we will begin to have much better numbers.

Senator KAINE. Mr. Chair, I will conclude, and I appreciate you letting me have a little extra time. This is a little unusual, but I would like to ask that the Commission of Inquiry report be added—

The CHAIRMAN. Entered into the—

Senator KAINE [continuing]. To the record of this committee hearing, as well as the vote tally on the motion to refer to the Security Council.

The CHAIRMAN. Without objection.

[EDITOR'S NOTE.—The two reports mentioned above was too voluminous to include in the printed hearing. They will be retained in the permanent record of the committee.]

The CHAIRMAN. And I certainly appreciate the line of questioning. And thank you for signing the letter last week. I think we are also going to be able to see the nature of the U.N. when Iran violated, for the sixth time, the U.N. Security Council Resolution 1929. I will predict that the U.N. Security Council will take no action.

So, I am glad that someone of your sensibilities is raising the kinds of questions you are asking. And hopefully the committee, in general, will focus a little bit on this entire issue, relative to the U.N., itself. And thank you for your testimony in that regard.

Senator Cardin, I know, has a question.

Senator CARDIN. Thank you again for your testimony.

Senator CARDIN. Just follow up quickly on Senator Kaine's point. I have been involved in human rights issues for a long time in the Helsinki Commission. And I must tell you, if you do not name specific countries, you are not going to get anywhere. To say that almost the majority of countries in the United Nations believe we can handle human rights advancements in a generic sense by saying, "We are for gender equality," or "We are for stopping trafficking," or "We are for giving people the right to express themselves," but then you do not address the individual circumstances of states by naming them. Without that you are not going to get anywhere.

So, I appreciate the fact that, in the last decade, we have made progress in the United Nations. But, there is still a long, long, long way to go.

And I would just observe that I have been very impressed by your testimonies today, both of your testimonies, because you have linked the security issue with human rights continuously as we deal with North Korea. And I think that you really do understand the importance of both of those issues and how they are inter-related to the United States objectives in North Korea and that we need to continue to make it clear that there can be no normalization, as it relates to North Korea, until they deal with both the security issues and human rights issues, which are very much interwoven.

I did want to ask one additional question, if I might. And that is, Ambassador Kim, you were engaged, in the 1990s, when we had the Framework Agreement with North Korea, and implementation of the Framework Agreement. Well, today we are implementing another Framework Agreement. We have passed the adoption date of the Iranian agreement, and we are now in that period where that agreement is being implemented. And I would just ask if you could share with us some of the lessons learned from North Korea as to how we can be more effective, particularly in the United States role, but also the congressional role, in how we implement the Iranian agreement, using the lessons learned by the Framework implementation for North Korea.

Ambassador KIM. Thank you, Senator.

Just to clarify, I was not directly involved in the Agreed Framework days—Agreed Framework effort. I am not that old. [Laughs.]

Ambassador KIM. I was a very junior political officer assigned to our embassy in Kuala Lumpur. But, I was able to observe the im-

plementation talks, which took place in Kuala Lumpur, Malaysia, so I have some experience.

I think, more generally, one very important lesson that we took away from both the Agreed Framework effort and the six-party process is the critical importance of verification. We should not trust the North Koreans to follow through on their commitments. And so, I think whatever effort we enter into next with North Korea, we need to focus very heavily on making sure that we have the most robust, most intrusive verification process possible with the North Korean nuclear program. And I think this is why my colleagues who worked on the Iran effort focused heavily on verification. And my understanding is that the Iran deal includes a very robust, unprecedented, verification process.

Senator CARDIN. Any other observations you would make? Verification, we understand, is critically important. And it was not—I take it, from way that you were describing it, it was not as specific as it needed to be in the North Korea framework of the 1990s. Any other lessons? Because, obviously, I agree with Senator Corker, and I said in my opening statement—this is not a reflection on any one administration; it goes back many administrations—we have not succeeded in our policies in North Korea.

Ambassador KIM. Sir, one other sort of general observation I would make, based on my experiences dealing with North Korea, is that it is important to be comprehensive in scope, because if we are not very tight, in terms of making sure that we cover the entirety of their nuclear program, they will find ways to create loopholes. And so, I think we need to make sure—when we get started with any renewed negotiations, we need to make sure that the scope covers their whole nuclear program.

Senator CARDIN. And with Iran, we were focused only on the nuclear side. North Korea, the human rights issues are so interwoven. As I understand it, the regional partners want to make sure that we engage on more than just the nuclear aspects of North Korea. Is that a fair assessment?

Ambassador KIM. Sir, I think that there is consensus that the human rights issue needs to be addressed. I think there is still sort of thinking going on about how best to do that. I mean, I think that we all agree that it should be addressed. But, whether it should be addressed within the framework of the six-party talks or not, I think is an open question, because the agreement in the six-party process is to focus on the nuclear issue.

But, I agree with you completely that if and when we resume any serious engagement with North Korea, whether it is bilateral or multilateral, we need to make sure to focus on the human rights issue. I do not think we have the luxury, and frankly it would be irresponsible for us, to sort of cast aside human rights issues to focus only on other issues. I think we will have to address all of our concerns somewhat simultaneously.

Senator CARDIN. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Before I turn to Senator Gardner, just to follow up, you have no sense that there is some forcing event that is going to cause the six-party talks to start again and some agreement be

reached with North Korea. I mean, there is no thinking that that is on the horizon, is there?

Ambassador KIM. No, sir.

The CHAIRMAN. Okay.

Senator Gardner.

Senator GARDNER. Thank you, Mr. Chairman. And again, thank you for holding this hearing. Thank you for your persistence today, as well.

Does it—following up on the Chairman's question right there, moving away from six-party talks, since they have not—we have not moved forward the six-party talks since, basically, 2008—does it make sense to have five-party talks, without—to have five-party talks, without North Korea at the table, to talk about what we would be willing to do and how we can move forward without North Korea at the table if they are not willing to join?

Ambassador KIM. Senator, thank you very much. That is a terrific question, and it is something that we have been very interested in pursuing.

I think it would make a lot of sense for us to have a five-party gathering in which all five of us at one time share notes and try to come up with a common strategy. I mean, I have to say, I think, as I mentioned earlier, we do have fairly strong unity among the five parties that was built through, sort of, more individual consultations, us with the other members of the six-party process. But, I do think it would be useful for us to try to organize a five-party gathering to coordinate our efforts.

But, some of the parties have been cautious about, sort of, the signal that a five-party gathering would send. But, I sincerely believe that it would be quite useful.

Senator GARDNER. Now, the cautious parties, China in particular, or others?

Ambassador KIM. I believe China and Russia have been cautious.

Senator GARDNER. Was this a conversation point during the summit with President Park here?

Ambassador KIM. President Park and President Obama had an extensive discussion on North Korea-related issues, but I am not aware that that specifically mentioned the five-party talks.

Senator GARDNER. You mentioned the whole scope of the nuclear program and how, to be effective for a sanction regime, it has to be effective against the whole scope of the North Korean nuclear program. Do you believe that means that a more aggressive implementation of sanctions is required?

Ambassador KIM. Oh, I do believe that we can improve. Sanctions enforcement can improve, both in terms of what our international partners do, but also for us to look at some new ways to strengthen the sanctions regime.

Senator GARDNER. Okay. How many sanctions have—how many entities have been sanctioned in the last 10 months by the United States in North Korea?

Ambassador KIM. Well, when the President announced the new Executive order in January, following the Sony cyber attack, we designated about 13 entities and North Korean personnel. In July, the Treasury Department issued some more designations. I do not remember the exact number. But, it is an ongoing effort. We are

continuing to review all available information to find targets, entities that are involved in illicit activities, personnel supporting North Korean regimes, dangerous activities, looking at various organizations to see whether they merit being on our designations list.

Senator GARDNER. So, 13 in January, about that number maybe in July.

Ambassador KIM. Something like that.

Senator GARDNER. And what does that represent of the pool of sanctionable entities? What percentage does that represent?

Ambassador KIM. Well, but many, many North Korean entities are already sanctioned. As you know, Senator, I mean, we have a whole range of sanctions against North Korea—various Executive orders, export control-related legislation. So, I mean, I do not have the exact number, but many, many North Korean entities are already—

Senator GARDNER. But, there are a number of others that could be action taken against, is that correct?

Ambassador KIM. I am sorry?

Senator GARDNER. There could be others that action is taken against by the United States.

Ambassador KIM. Yes. I think we are constantly reviewing all available information so that we can—when they meet the evidentiary requirement, as much as we would like to, I mean, I do not think we can just, you know, sanction anyone we do not like. I think they have to—our evidence needs to meet the requirements. But, when they do, we will not hesitate to make additional designations.

Senator GARDNER. Thank you.

Mr. King, following up on the end of Senator Kaine's comments, you—I cannot remember—I apologize if it was Ambassador Kim or perhaps you who had said taking actions that, “makes them feel more uncomfortable in North Korea.” And perhaps it was Ambassador Kim that had said that, as well. But, you did say persistence more than new ideas is important when it comes to, I believe, the human rights actions that we are pursuing. So, why have we not—and is it a good idea, perhaps, that we do—take this report, this Commission of Inquiry report 2014, identify these actors, name them publicly, take sanctions actions against individuals that we name, in an effort to, indeed, make them feel more uncomfortable?

Ambassador KING. The President's Executive order that was issued, I think January 1 or 2, specified that sanctions could be imposed for human rights reasons. One of the things that we are looking at is, Can we identify individuals? One of the things that we have to do under our sanctions legislation is identify the individuals that are involved, for example. One of the things the North Koreans do is make a very careful point of not identifying those individuals. On the only trip I made to North Korea since I have been in this position, we had some discussions about the possibility of humanitarian assistance that did not go anywhere. But, at the end of the visit that I made, there was an American citizen who had been held there for 7 months in prison and was given to me as a going away present. The one thing that was interesting was the process they went through as they handed him over to me. He

was being held in a hospital. I went to the hospital. I was met by a man from the “relevant agency.” And that is all the identification that we had—that he was from the relevant agency. He did not introduce himself. He was wearing a uniform, but the uniform had no insignia. Most uniforms have a name strip. No name strip. We completed this little kabuki exercise, where he made comments, I made comments, the prisoner made comments, we all shook hands. I never found out who the guy was, where he was from. And that is the way the agencies work over there. When you are involved in these kind of things, it is very hard to find out who the people are that are involved. We try. And we are looking at ways that we can get that information so that we can look at carrying out human rights sanctions.

Senator GARDNER. So, has—so, no one has been named under the executive order from January.

Ambassador KING. In terms of—named for human rights—

Senator GARDNER. Yes.

Ambassador KING [continuing]. Sanctions, no.

Senator GARDNER. And so, do we know of anyone—we certainly know at least some, correct?—that are responsible? Have they—

Ambassador KING. We are looking at what we can do and how we might be able to implement that, yes.

Senator GARDNER. And we know the United Nations has individual names. Is that correct?

Ambassador KING. No. The United Nations—

Senator GARDNER. They have no one—

Ambassador KING [continuing]. Does not.

Senator GARDNER. The United Nations has no one.

Ambassador KING. The U.N. Commission of Inquiry had largely the same kind of information that we have.

Senator GARDNER. Okay. So, have we—of those individuals that we have identified, whether it is 1, whether it is 10, whether it is 100—none of them have been acted upon.

Ambassador KING. It is a process that we have to go through, and we are going through it.

Senator GARDNER. How long will that process take?

Ambassador KING. I do not make the decisions. This is one that has—

Senator GARDNER. Who makes—

Ambassador KING [continuing]. To be worked through—

Senator GARDNER. Who makes the—

Ambassador KING [continuing]. Treasury.

Senator GARDNER. Treasury makes—

Ambassador KING. It is basically a question of working through Treasury. It is also a question of working through the intelligence agencies, as well.

Senator GARDNER. What about—I mean, what—Kim Jung-un himself? Has he been named under the executive order?

Ambassador KING. I do not know that he has been named—no.

Senator GARDNER. Mr. Chairman, thank you.

The CHAIRMAN. Well, I think it has been a very good hearing, and it is a result of your efforts and Senator Menendez’s efforts and others, relative to this issue. And I think, if it is okay with you, Senator Cardin, I know that Mr. Kim referenced some things

that he would like to talk about in a different kind of setting. Seems to me it might be useful to us to have a classified briefing and bring in others, also, just to identify exactly where the North Korean nuclear development activity is, and how far along it is. And so, if it is okay, we will set that up and then look forward to further discussions about legislation.

We thank you both for your professional leadership and for serving our country in the way that you do. And we look forward to working with you more closely on this issue. Thank you both for being here.

Without objection, the record will remain open until the close of business Monday. And if you guys would promptly respond to questions asked, we would appreciate it.

And again, thank you.

And the meeting is adjourned.

[Whereupon, at 11:58 a.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

[From the United Nations Press Release, Feb. 17, 2014]

NORTH KOREA: U.N. COMMISSION DOCUMENTS WIDE-RANGING AND ONGOING CRIMES AGAINST HUMANITY, URGES REFERRAL TO ICC

GENEVA (17 February 2014)—A wide array of crimes against humanity, arising from “policies established at the highest level of State,” have been committed and continue to take place in the Democratic People’s Republic of Korea, according to a U.N. report released Monday, which also calls for urgent action by the international community to address the human rights situation in the country, including referral to the International Criminal Court.

In a 400-page set of linked reports and supporting documents, based on first-hand testimony from victims and witnesses, the U.N. Commission of Inquiry on human rights in the DPRK has documented in great detail the “unspeakable atrocities” committed in the country.

“The gravity, scale and nature of these violations reveal a State that does not have any parallel in the contemporary world,” the Commission—established by the Human Rights Council in March 2013—says in a report that is unprecedented in scope.

“These crimes against humanity entail extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation,” the report says, adding that “Crimes against humanity are ongoing in the Democratic People’s Republic of Korea because the policies, institutions and patterns of impunity that lie at their heart remain in place.”

The second more detailed section of the report cites evidence provided by individual victims and witnesses, including the harrowing treatment meted out to political prisoners, some of whom said they would catch snakes and mice to feed malnourished babies. Others told of watching family members being murdered in prison camps, and of defenceless inmates being used for martial arts practice.

“The fact that the Democratic People’s Republic of Korea . . . has for decades pursued policies involving crimes that shock the conscience of humanity raises questions about the inadequacy of the response of the international community,” the report stated. “The international community must accept its responsibility to protect the people of the Democratic People’s Republic of Korea from crimes against humanity, because the Government of the DPRK has manifestly failed to do so.”

The Commission found that the DPRK “displays many attributes of a totalitarian State.”

“There is an almost complete denial of the right to freedom of thought, conscience and religion, as well as of the rights to freedom of opinion, expression, information and association,” the report says, adding that propaganda is used by the State to manufacture absolute obedience to the Supreme Leader and to incite nationalistic hatred toward some other States and their nationals.

State surveillance permeates private lives and virtually no expression critical of the political system goes undetected—or unpunished.

“The key to the political system is the vast political and security apparatus that strategically uses surveillance, coercion, fear and punishment to preclude the expression of any dissent. Public executions and enforced disappearance to political prison camps serve as the ultimate means to terrorise the population into submission,” the report states.

“The unspeakable atrocities that are being committed against inmates of the kwanliso political prison camps resemble the horrors of camps that totalitarian States established during the twentieth century. The institutions and officials involved are not held accountable. Impunity reigns.”

It is estimated that between 80,000 and 120,000 political prisoners are currently detained in four large political prison camps, where deliberate starvation has been used as a means of control and punishment. Gross violations are also being committed in the ordinary prison system, according to the Commission’s findings.

The report noted that the DPRK consists of a rigidly stratified society with entrenched patterns of discrimination. Discrimination is rooted in the songbun system, which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion, and determines where they live, work, study and even whom they may marry.

Violations of the freedom of movement and residence are also heavily driven by discrimination based on songbun. Those considered politically loyal to the leadership can live and work in favourable locations, such as Pyongyang. Others are relegated to a lower status. For example, the distribution of food has prioritised those deemed useful to the survival of the current political system at the expense of others who are “expendable.”

“Confiscation and dispossession of food from those in need, and the provision of food to other groups, follow this logic,” the report notes, adding that “the State has consistently failed in its obligation to use the maximum of its available resources to feed those who are hungry.”

Military spending—predominantly on hardware and the development of weapons systems and the nuclear programme—has always been prioritised, even during periods of mass starvation, the report says. The State also maintains a system of inefficient economic production and discriminatory resource allocation that inevitably produces more avoidable starvation among its citizens.

Violations of the rights to food and to freedom of movement have resulted in women and girls becoming vulnerable to trafficking and forced sex work outside the DPRK. Many take the risk of fleeing, mainly to China, despite the high chance that they will be apprehended and forcibly repatriated, then subjected to persecution, torture, prolonged arbitrary detention and, in some cases sexual violence. “Repatriated women who are pregnant are regularly subjected to forced abortions, and babies born to repatriated women are often killed,” the report states.

The Commission urged all States to respect the principle of non-refoulement (i.e. not to forcibly return refugees to their home country) and to adopt a victim-centric and human rights-based approach to trafficking, including by providing victims with the right to stay in the country and access to legal protection and basic services.

“Crimes against humanity have been, and are being, committed against starving populations. These crimes are sourced in decisions and policies violating the universal human right to food. They were taken for purposes of sustaining the present political system, in full awareness that they would exacerbate starvation and contribute to related deaths.”

The Commission also found that, since 1950, the “State’s violence has been externalized through State-sponsored abductions and enforced disappearances of people from other nations. These international enforced disappearances are unique in their intensity, scale and nature.”

While the Government did not respond to the Commission’s requests for access to DPRK and for information, the Commission obtained first-hand testimony through public hearings with about 80 witnesses in Seoul, Tokyo, London, and Washington, DC, and more than 240 confidential interviews with victims and other witnesses, including in Bangkok. Eighty formal submissions were also received from different entities.

The report includes a letter sent by the Commissioners to the Supreme Leader, Kim Jong-un, containing a summary of their most serious findings, in particular the fact that “in many instances” the systematic, widespread and gross human rights violations “entail crimes against humanity,” and drawing attention to the principles of command and superior responsibility under international criminal law according to which military commanders and civilian superiors can incur personal criminal

responsibility for failing to prevent and repress crimes against humanity committed by persons under their effective control.

In the letter to Kim Jong-un, the Commissioners stated that it would recommend referral of the situation in the DPRK to the International Criminal Court “to render accountable all those, including possibly yourself, who may be responsible for the crimes against humanity referred to in this letter and in the Commission’s report.”

Among wide-ranging recommendations to the DPRK, to China and other States, and to the international community, the Commission calls on the Security Council to adopt targeted sanctions against those who appear to be most responsible for crimes against humanity, stressing that sanctions should not be targeted against the population or the economy as a whole.

WRITTEN STATEMENT OF MICHAEL KIRBY, CHAIR OF THE COMMISSION OF INQUIRY ON HUMAN RIGHTS IN THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA TO THE 25TH SESSION OF THE HUMAN RIGHTS COUNCIL, GENEVA, 17 MARCH 2014

President, High Commissioner, distinguished members of the Human Rights Council, Excellencies, ladies and gentlemen, last century, the world was faced with the Nazi ideology that sought to relegate people to the condition of lesser beings. It used terror, discrimination, and extermination in concentration camps to achieve its ends. It deployed totalitarian control to silence its critics.

The world said “never again.” It proclaimed the Charter of the United Nations. It declared universal human rights as our shared destiny.

Thereafter for almost 50 years, another terrible scourge of humanity reigned in South Africa: apartheid, the system of racial segregation under which the rights of the majority were curtailed and those of the minority maintained. When it fell, the world said never again.

In the 20th century, the conscience of the world was shocked again by the cruelty of the Khmer Rouge. They arbitrarily executed and tortured those perceived as subversive elements. They starved their population in the name of self-sufficiency. Virtually no one was untouched. When the killing fields were discovered, the world said never again.

Here we are in the 21st century. And yet we are faced with a remaining and shameful scourge that afflicts the world today. We can no longer afford to remain oblivious to it, nor impotent to act against it.

The Commission of Inquiry has found systematic, widespread and grave human rights violations occurring in the Democratic People’s Republic of Korea. It has also found a disturbing array of crimes against humanity. These crimes are committed against inmates of political and other prison camps; against starving populations; against religious believers; against persons who try to flee the country—including those forcibly repatriated by China.

These crimes arise from policies established at the highest level of the State. They have been committed, and continue to take place in the Democratic People’s Republic of Korea, because the policies, institutions and patterns of impunity that lie at their heart remain in place.

The gravity, scale, duration and nature of the unspeakable atrocities committed in the country reveal a totalitarian State that does not have any parallel in the contemporary world.

These are the ongoing crimes against humanity happening in the Democratic People’s Republic of Korea, which our generation must tackle urgently and collectively. The rest of the world has ignored the evidence for too long. Now there is no excuse, because now we know. In today’s world, billions of people have direct access to the horrifying evidence.

Last month—when the report was made available online—it received broad media coverage. But the findings of the Commission were not available to the people in the Democratic People’s Republic of Korea.

What is important is how the international community now acts on the report. What is most important is immediate action to improve the lives, and fulfill the human rights, of the ordinary citizens of the DPRK. A compelling report and wide media coverage are good. But they are woefully insufficient.

Satellite images show the Democratic People’s Republic of Korea, at night, immersed in darkness in stark contrast to the blazing lights of its neighbours. This visual impression epitomises the accounts conveyed to the Commission by the brave witnesses who came before it. Their country is a dark abyss where the human rights, the dignity and the humanity of the people are controlled, denied, and ultimately annihilated.

The DPRK called the resolution this Council passed without vote to establish the Commission “a political chicanery which does not deserve even a passing note.” The Commission’s findings have been characterized by the DPRK as “sheer lies and fabrications deliberately cooked up.” We have been accused of “politicising human rights.” We are labelled as “marionettes of the string pullers.” The release of the report has been described as a “politically motivated provocation aimed to tarnish the image of the dignified DPRK and ramp up pressure on it in a bid to bring down its social system.”

The Commission does not ask anyone to believe blindly what we say.

Read for yourself the words from the testimony of hundreds of witnesses who spoke to the Commission of extermination, murder, enslavement, torture, imprisonment, rape, forced abortions, and other sexual violence. Their testimony is not only in the documents before you. The authentic voices of victims, families and experts who participated in the Commission’s public hearings are on the Internet—the same Internet that billions on our planet now use, but access to which is denied to the ordinary people of the DPRK. Ask yourself, why this regime forbids such access? Why does it punish its citizens for watching harmless soap operas from abroad? Why does it restrict radio and television sets to government controlled stations?

Listen and watch for yourself the public hearing witnesses who spoke about the state sponsored discrimination and classification of people; persecution on political, religious, racial and gender grounds; the forcible transfer of populations; the enforced disappearance of persons; human trafficking, forced abortion and the murder of children; and the denial of food and needless death by starvation.

Make up your own mind on what could be the truth and what could be fabrication. Freedoms of thought and conscience are rights that many of us take for granted. But they are forbidden in the Democratic People’s Republic of Korea.

If letting victims raise their voices is politicising human rights, how then can we help these victims?

If the Human Rights Council is not the place to speak up about the atrocities that we have been told of, or to speak about accountability, then where is the venue? Is there any venue? Or is the world to continue to look the other way?

If the International Criminal Court is not the place where crimes against humanity are to be addressed, then where do we seek accountability for these wrongdoings?

We have been told to use dialogue, to avoid confrontation, and to employ cooperation. We have even been criticised for failing to go to the DPRK and engage with its people. All of our efforts to initiate dialogue and to offer cooperation have been spurned by the Democratic People’s Republic of Korea, even up to this month when we reached out yet again to the DPRK and offered to come without preconditions and brief their Geneva Mission. Our offer to go to Pyongyang and answer questions has been ignored. All contact has been rebuffed.

The DPRK claims that the establishment of a country-based mechanism is political confrontation. Does the same argument then apply to the Human Rights Council’s Universal Periodic Review, where the DPRK has not accepted a single recommendation? It has been said that country-mandated Special Procedures are a provocation. So can the same then be said of the thematic-mandated Special Procedures that have not been invited, nor permitted to visit, the country in the last 20 years? For a place where human rights are said to be perfect, this is a country that is strangely unwilling to reveal itself to others.

Members of the United Nations: The Commission of Inquiry challenges you to address, with no further delay, the suffering of millions of North Koreans. They have been in the forefront of our minds this past year. Think of them. And act.

Authorities of the Democratic People’s Republic of Korea: The Commission of Inquiry challenges you to respect the human rights of your citizens.

If you claim that only through dialogue and cooperation the crimes that we have uncovered and the gross human rights violations that we have brought to light can be addressed, then start that dialogue now. Commence that cooperation immediately.

Commit yourselves to an open and honest exchange today in this forum, during this session. Dismissal of our report and of its findings by the DPRK should no longer be accepted by the Council as a sufficient response to allegations of such egregious violations and serious crimes. Now you have a comprehensive report. And, through our report, the victims of great wrongs now speak directly to this Council and to the world.

Show good will. Immediately release, without condition, the tens of thousands of your citizens who are convicted of offences that were political in nature. Those who did not receive a fair trial. Those who were tortured. Demonstrate cooperation by

allowing independent monitors to check and verify that no one in detention is harmed or tortured, or kept incommunicado.

Abolish immediately and completely the discriminatory Songbun system, an apartheid of social class.

Prioritize the fight against hunger and malnutrition with all available resources over propaganda and personal glorification. Wind back the gross overspending on the fourth largest army on the planet in favour of food for the people. Allow humanitarian assistance in accordance with humanitarian and human rights principles.

Engage in dialogue by disclosing the whereabouts of those who have been forcibly abducted from Japan, the Republic of Korea, and other countries.

Allow separated families to communicate with each other through mail and telephone and to permanently reunite. Everyday. Any hour. Not just a very few in a year, for just a few hours, won by lottery ballot amongst tearful Koreans grateful for such crumbs. These are human beings—many of them in their twilight years. They are not political pawns to be used for bargaining and negotiation.

The findings of the Commission are hard to hear, but truthful.

Our conclusions are heavy, but inevitable.

The recommendations are challenging, but unavoidable.

These are the only recommendations that we could possibly arrive at following the horrendous but credible accounts that we have heard these past months. They are the recommendations that our conscience requires us to put forth to you, to address the kind of atrocities that we have encountered through the evidence of those who have suffered. Plain speaking of their suffering requires me to say that it has been caused, in part, by the indifference of the international community.

We have not made these recommendations lightly, fully aware of the weight of our words, and the gravity of our assessments. Nothing in our past lives could have prepared us for what we heard. Our duty is to report to the world the evidence we found. If this report does not give rise to action, it is difficult to imagine what will.

The Commission urges the Democratic People's Republic of Korea to immediately and unconditionally accept and implement all of the recommendations contained in this report.

The Commission urges all countries, including China, to respect the principle of nonrefoulement, and, accordingly, to abstain from forcibly repatriating any persons to the Democratic People's Republic of Korea, given the fearful evidence that we have heard and recorded. There should be no forced return to DPRK by any State unless the treatment in DPRK, as verified by international human rights monitors, markedly improves. Asylum and other means of durable protection should be extended to persons fleeing the Democratic People's Republic of Korea who need international protection. The victims of trafficking should be given appropriate remedy.

The Commission urges the members of the United Nations and the international community, to accept their responsibility to protect and to implement all the recommendations contained in our report addressed to them: especially those related to accountability, including the referral of the situation of the Democratic People's Republic of Korea to the International Criminal Court.

The recommendations of the Commission were formulated to be addressed immediately, in the medium and in the long term. Even those recommendations that require more time to be implemented demand attention and action to start now, immediately.

The Commission has completed its work within time and faithfully. We have discharged the mandate given to us by this Council. We have done so with integrity, impartiality, and professionalism. You asked us to identify any human rights abuses and crimes against humanity. We have answered those questions with evidence. You asked us how those responsible might be rendered accountable. We have answered that question with the available options. And with long- and short-term actions to rebuild person-to-person contacts in Korea. We have fulfilled our function. It is now up to the Member States of the United Nations to fulfill theirs. The world is now better informed about Korea. It is watching. It will judge us by our response. This Commission's recommendations should not sit on the shelf. Contending with the scourges of Nazism, apartheid, the Khmer Rouge and other affronts required courage by great nations and ordinary human beings alike. It is now your duty to address the scourge of human rights violations and crimes against humanity in the Democratic People's Republic of Korea.

RESPONSES OF AMBASSADOR SUNG KIM TO QUESTIONS
SUBMITTED BY SENATOR MARCO RUBIO

Question. Will the U.S. Government press in the United Nations Security Council to hold another debate on North Korea's human rights situation this year—for instance, in December, when the United States is President of the council?

Answer. We are deeply concerned about the suffering of North Koreans, and we continue to work closely with the international community to sustain international attention on the deplorable human rights situation in North Korea and seek ways to advance accountability for serious human rights violations in the DPRK.

Last year, we worked hard with our partners to ensure the addition of the situation in North Korea onto the Security Council's agenda and were successful in holding the first-ever formal discussion by the Council, on December 22, 2014, of the grave human rights situation in North Korea. This was a significant step forward and reflected the concern of the international community regarding the appalling human rights violations being committed by the DPRK regime. At the session, in which senior U.N. officials briefed Council members, U.S. Ambassador to the U.N., Samantha Power, noted that the meeting reflected "the growing consensus among Council members and States Members of the United Nations that the widespread and systematic human rights violations being committed by the North Korean Government are not only deplorable in their own right, but also pose a threat to international peace and security." We have made clear our view that the Council must come back regularly to speak about the DPRK. Working with partners, we will press to create future opportunities for such dialogue at the Council.

During such a session we would continue to urge the DPRK to take action to remedy the violations identified in the U.N. Commission of Inquiry report, which was requested through a Human Rights Council resolution, including immediately closing the prison camps and releasing all political prisoners unconditionally, providing for greater freedom for all North Koreans, and allowing independent human rights monitors to observe conditions in the country. As we have done in the past, we would again urge the DPRK to engage directly with the U.N. Office of the High Commissioner for Human Rights, Special Rapporteur Darusman, and thematic special rapporteurs on how to fulfill its international human rights obligations and commitments. And we would call on the Security Council to continue to monitor the situation in the DPRK.

RESPONSES OF AMBASSADOR SUNG KIM TO QUESTIONS
SUBMITTED BY SENATOR DAVID PERDUE

Question. Is this regime, in your view, willing to give up its nuclear capabilities? Do you believe it is possible to achieve complete denuclearization of North Korea without regime change?

Answer. The DPRK committed in the September 2005 Joint Statement of the Six-Party Talks to abandon all its nuclear weapons and existing nuclear programs. The paramount goal of U.S. policy on North Korea has been and remains the complete, verifiable, and irreversible denuclearization of the Korean Peninsula in a peaceful manner. Ultimately, the only practical solution is a diplomatic one. And we believe the most realistic way to go about achieving that is through a policy of changing the regime's thinking by making clear that there is a real alternative available to North Korea and by continuing to implement and enhance our comprehensive policy of diplomacy, pressure, and deterrence.

President Obama has said—and Secretary Kerry has underscored—that North Korea has a choice. North Korea can end its international isolation and will create opportunities for prosperity for its people. But to avail itself of those opportunities, North Korea must first demonstrate its commitment to take steps to come into compliance with international obligations. We remain open to authentic and credible negotiations, but the onus is on North Korea to take meaningful actions toward denuclearization.

Question. How can we more effectively use diplomatic, economic, and nonproliferation tools to deter further North Korean provocations?

Answer. We remain deeply concerned about North Korea's ongoing actions in violation of U.N. Security Council Resolutions and its commission of systematic and widespread human rights violations, and we encourage our allies and partners to continue to work with us to address these provocative, destabilizing, and repressive actions and policies of North Korea.

The State Department shares Congress' focus on enhancing pressure on the DPRK and countering the threat to global security posed by the DPRK's illicit programs and activities. We have important tools to strengthen that effort, particularly the broad and powerful new Executive order the President issued in January. The State Department, along with our U.S. Government and international partners, continually seeks the most effective means to impede the growth of the DPRK's WMD and ballistic missile programs, reduce the resources earned through its proliferation activities, and hold the regime accountable for its provocative, destabilizing, and repressive policies and actions.

For these efforts to be effective, international cooperation is key. We are working closely with the U.N. Security Council's DPRK sanctions committee and its Panel of Experts, like-minded partners, and others around the globe to harmonize our sanctions programs and to ensure the full and transparent implementation of UNSCRs 1718, 1874, 2087, and 2094. As a result, we have seen greater actions taken by member states to prevent illicit North Korea trade in arms, WMD-related material, and luxury goods—most notably with the seizure by Panama of a substantial amount of military gear on the North Korean ship Chong Chon Gang.

We have also expanded outreach to countries that have diplomatic or trade relations with North Korea to press them not to engage in illicit activities banned by U.N. resolutions or targeted by U.S. sanctions. We maintain regular contact and consultations with our allies and partners to counter—whether through persuasion or pressure—the threat to global security posed by the DPRK's nuclear and ballistic missile programs.

In particular we remain actively engaged with partners, including China and Russia, at a variety of levels on the importance of enhancing pressure on Pyongyang. The North Korean nuclear issue, for instance, was a major topic of discussion during President Xi's visit to Washington.

Finally, we remain fully prepared to deter, defend against, and respond to the threat posed by North Korea, and we are steadfast in our commitment to the defense of the American people, our allies, and our interests in the region.

Question. Can you inform me of the State Department's current efforts to halt this sharing of nuclear technology between North Korea and Iran? What more can be done?

Answer. The United States continues to work closely with the international community and our partners to address the global security and proliferation threat posed by the DPRK's nuclear and ballistic missile programs, including the activities outlined in the Director of National Intelligence Clapper's 2015 Worldwide Threat Assessment. The United States constantly monitors all available information on the DPRK's dealings related to its WMD programs and its proliferation activities worldwide. We also continue to monitor closely any efforts by Iran to acquire proliferation sensitive technology.

U.N. Security Council Resolutions 1718, 1874, and 2094 prohibit the transfer to, or from, the DPRK of goods, technology or assistance related to nuclear, ballistic missile, or other weapons of mass destruction-related programs. In addition, UNSCR 2231 (2015) prohibits the sale, supply, or transfer to, or from, Iran of ballistic missiles and related items for up to 8 years and imposes tight restrictions on Iran's ability to acquire nuclear-related items through an UNSC-supervised procurement channel.

The United States continues to take concerted efforts, both nationally and multilaterally, to enhance the full and transparent implementation of sanctions, including the full suite of U.S. unilateral sanctions measures and all relevant U.S. U.N. Security Council resolutions concerning the DPRK and Iran.

Question. As North Korea remains strapped for cash due to sanctions, do you expect to see more efforts to sell nuclear technology and material?

Answer. Strong enforcement of existing sanctions is the key to preventing prohibited North Korean trade in arms and WMD-related material, and limiting North Korea's ability to profit from its prohibited activities. The United States continues to work to strengthen sanctions enforcement, both through national measures and in the U.N. context.

The United States has actively supported efforts by the UNSC DPRK Sanctions Committee and its Panel of Experts to improve implementation of the provisions of U.N. Security Council Resolutions 1718 (2006), 1874 (2009), 2087 (2013), and 2094 (2013). The work of the Sanctions Committee and the Panel of Experts has contributed positively to stronger sanctions enforcement. In recent years, we have seen greater actions taken by member states to enforce U.N. sanctions, most notably with the seizure by Panama of a substantial amount of military materiel on the North

Korean ship *Chong Chon Gang*. The Panel's annual reports have documented these actions in greater detail.

We have engaged countries across Southeast Asia, Africa, and the Middle East that have been targeted by North Korea for proliferation-related transport and sales, reminding them of their obligation to implement U.N. sanctions and working to strengthen their capacity to do so.

As we work to increase sanctions pressure, we continue to emphasize to North Korea that the road to a brighter future remains open. Only by abandoning its nuclear weapons and ballistic missile programs, abiding by its international obligations and commitments, and addressing the concerns of the international community can North Korea achieve the prosperity and security it seeks.

Question. What tools do we have to change China's calculus when it comes to Beijing's approach to Pyongyang?

Answer. China has unique leverage, and we will continue to urge China to do more until we see concrete signs that DPRK leaders have come to the realization that the only viable path is denuclearization. China and the United States agree on the fundamental importance of a denuclearized North Korea; President Obama and President Xi reiterated this publicly during President Xi's visit to Washington in September. In recent years, North Korea's continued bad behavior and refusal to take concrete steps toward denuclearization may be leading China to reassess its North Korea policy. More can be done and more needs to be done, however.

We remain actively engaged with China at a variety of levels on the importance of enhancing pressure on Pyongyang. Both sides agree that pressure must be an important part of our overall approach on North Korea, and China has repeatedly expressed its commitment to implementing U.N. Security Council resolutions. We expect our engagement on these issues to continue.

Question. How can the U.S. improve implementation and enforcement of North Korea sanctions, including U.N. sanctions? Are there loopholes that need to be closed?

Answer. The United States continues to take steps to strengthen and bolster the existing sanctions regime, both through national measures and in the U.N. context.

The United States has actively supported efforts by the U.N. Security Council DPRK Sanctions Committee and its Panel of Experts to improve implementation of the provisions of U.N. Security Council Resolutions 1718 (2006), 1874 (2009), 2087 (2013), and 2094 (2013).

The work of the Sanctions Committee and the Panel of Experts has contributed positively to stronger sanctions enforcement. In recent years, we have seen greater actions taken by member states to prevent prohibited North Korean trade in arms, WMD-related material, and luxury goods—most notably with the seizure by Panama of a substantial amount of military materiel on the North Korean ship *Chong Chon Gang*.

This, in turn, led to the Sanctions Committee's designating the major DPRK shipping company involved in the *Chong Chon Gang* incident for a global asset freeze, strengthening global efforts to combat the DPRK's maritime weapons proliferation.

The Panel's annual reports have documented in further detail the numerous actions that States have taken to enforce U.N. sanctions. U.N. sanctions are limiting North Korea's ability to profit from its prohibited activities and limiting the resources it has to invest in its nuclear and ballistic missile programs.

We have engaged countries across Southeast Asia, Africa, and the Middle East that have been targeted by North Korea for proliferation-related transport and sales, reminding them of their obligation to implement U.N. sanctions and working to strengthen their capacity to do so.

Question. What challenges exist at the United Nations—particularly on the Security Council—to getting stricter enforcement of sanctions on North Korea?

Answer. The United States continues to take steps to strengthen and bolster the existing sanctions regime, both through work in the U.N. context and through our own national measures.

We continue to work actively and intensely with a broad range of partners across the international community to improve implementation of U.N. Security Council sanctions, particularly those that target the proliferation-related activities of the North's diplomatic personnel, its cash couriers, its banking relationships, and smuggling of items for its nuclear and missile programs.

We have also expanded outreach to countries that have, or are exploring, diplomatic or trade relations with North Korea to press them not to engage in military, WMD or other activities prohibited by U.N. resolutions or targeted by U.S. sanctions. Burma's announcement that it would end its military relationship with North

Korea and comply with U.N. resolutions is the best example of the results of these efforts, which will continue.

RESPONSES OF SPECIAL ENVOY ROBERT KING TO QUESTIONS
SUBMITTED BY SENATOR DAVID PERDUE

Question. What is being done by your office—and throughout the State Department—to bring attention to and halt this practice?

Answer. We are deeply concerned by the DPRK's systematic and widespread use of forced labor. The North Korean Government subjects its nationals to forced labor in prison camps, through mass mobilizations, and through government-contracted labor in foreign countries.

The State Department continues to highlight these deplorable practices through our annual reports, work with international organizations and governments that share our concerns, and raising awareness through public events and private meetings.

We are also leveraging different U.N. tools to highlight the issue, including by cosponsoring and lobbying for the passage of the annual DPRK human rights resolutions at the Human Rights Council and the U.N. General Assembly.

Over the past year, we have also increased our efforts to further document and disseminate information on forced labor of DPRK workers in other countries. In June, we hosted a meeting with like-minded governments at which a former North Korean overseas laborer shared information about his experience working at a construction site in Kuwait. This prompted a discussion about possible actions to combat the practice and improve labor conditions for North Korean overseas laborers. We are coordinating closely with our embassies in countries hosting North Korean workers to express our concern regarding the conditions of forced labor these workers experience and to press for the reduction and elimination of such forced labor.

Question. What is being done to encourage host states to investigate practices involving North Korean labor conditions within their borders?

Answer. We have raised our concerns with several host governments, and will continue to work with them and other partners on this issue. As part of these efforts, our Special Representative for International Labor Rights has raised concerns about North Korean laborers on recent trips. In addition, we continue to support nongovernmental organizations conducting international advocacy campaigns to promote the human rights of North Koreans.

Question. Are there ways to punish nations who host North Korean laborers? Is State pursuing punitive measures?

Answer. We are developing targeted strategies to address these issues, with the goal of taking further steps that will have the greatest chance of improving the lives of North Korean citizens. A wide range of countries currently host North Korean contract workers, and our approaches may vary depending on the host country situation. We continue in diplomatic conversations and public discussions to press for reduction and elimination of such forced labor.

Question. How effective are these soft-power measures that draw attention to the failings of the Kim regime, like the U.N. Commission of Inquiry on Human Rights in North Korea, at changing the actions of the Kim regime?

Answer. Since the release of the U.N. Commission of Inquiry (COI) report in February 2014, we have made significant progress in our effort to increase international attention and pressure on the DPRK. Our DPRK human rights policy has focused on giving voice to the voiceless by amplifying defector testimony, and increasing pressure on the DPRK to stop these serious violations. We are actively working to advance accountability for those most responsible.

We have maintained pressure on the DPRK by continuing to cosponsor and lobby for the passage of strongly worded resolutions condemning the human rights situation in North Korea in both the U.N. General Assembly and Human Rights Council. A new tough resolution was adopted at the Human Rights Council in March–April of this year; and a strong resolution is under consideration at the General Assembly with a vote expected later this year. In December 2014, the U.N. Security Council convened its first-ever formal discussion of the human rights situation in North Korea.

Secretary Kerry and U.N. Permanent Representative Samantha Power have both hosted meetings at the U.N. to shine a spotlight on North Korea's gross human rights violations and to give voice to the victims of DPRK abuses. In addition to public events, we have conducted a number of campaigns highlighting North Korea's

atrocities. North Korean political prisoners were highlighted as part of our #Freethe20 social media campaign.

These actions are clearly making an impact. Pyongyang is feeling the mounting international criticism over its human rights violations and has begun to respond.

In what has been described by the media as a North Korean “charm offensive,” North Korea sent its Foreign Minister to the high level session of the U.N. General Assembly in September 2014 for the first time in 15 years, and he was back in New York again this fall. Senior DPRK officials have dramatically increased the number of visits to other U.N. member states to urge other countries to vote against resolutions critical of the DPRK’s human rights practices in the U.N. General Assembly and Human Rights Council. In May 2014, the DPRK, for the first time, agreed to consider recommendations made in the first and second cycles of the Universal Periodic Review process.

North Korea is clearly feeling the pressure. We believe it is imperative to maintain and even increase this pressure, to follow up on the recommendations of the COI report and to continue to call out the DPRK on its human rights violations. Given the nature of the North Korean regime, and the difficulty monitoring human rights conditions in one of the world’s most closed societies, we must have realistic expectations regarding the willingness of the DPRK’s leaders to change their atrocious behavior. Nevertheless, we need to continue to focus the world’s attentions on the DPRK’s widespread human rights violations and remind North Korea’s leaders that the international community will seek accountability for the North’s actions.

Question. What more can and should the U.S. do to draw attention and shed light on the atrocities being committed by the Kim regime on the North Korean people?

Answer. We remain deeply concerned by the systematic and widespread gross human rights violations committed by the North Korean Government and documented in the U.N. Commission of Inquiry report. Our DPRK human rights policy has focused on three objectives: giving voice to the voiceless by amplifying defector testimony, increasing pressure on the DPRK to stop these serious violations, and seeking ways to advance accountability for those most responsible. We have focused significant resources on amplifying defector voices because we believe these witnesses’ stories are one of the most effective tools for shedding light on the ongoing abuses and increasing international awareness.

We speak out frequently at the U.N. Human Rights Council and the U.N. General Assembly on DPRK abuses. Secretary Kerry hosted a meeting during the opening week of the 2014 U.N. General Assembly with the High Commissioner for Human Rights, several Foreign Ministers, and North Korean victims. We led the effort in the U.N. Security Council last December to place DPRK human rights violations on the Council’s agenda, and we spoke against North Korean abuses at that meeting. We will continue to work with other Security Council members to ensure continued attention by the Council.

The U.N. Commission of Inquiry report was instrumental in strengthening the international consensus on DPRK human rights. We supported the COI recommendation to establish a field office in Seoul of the Office of the High Commissioner for Human Rights. This office will be essential in documenting the ongoing abuses and increasing awareness.

We have and will continue to host public events to shed the light on the human rights violations committed by the DPRK Government. In April of this year, Ambassador Power hosted a Victim’s Voices panel, as a U.N. Side Event in New York. Last December, here in Washington, we hosted a panel of defectors for International Human Rights Day. In the coming months, we plan to host additional events to provide forums for defectors to share their stories.

In addition to these and many other public events, we have conducted a number of campaigns highlighting North Korea’s atrocities. North Korean women political prisoners were highlighted as part of our #Freethe20 social media campaign. We have also highlighted North Korea’s human rights abuses through a Voices of North Korea campaign and a Prison Camps of North Korea campaign. We continue to seek out additional opportunities to leverage social media to draw attention to these issues.

We support nongovernmental organizations (NGOs), which conduct both documentation and advocacy programs. Some of our NGO partners have been instrumental in hosting side events on the margins of the U.N. Human Rights Council and at the U.N. General Assembly. They have produced numerous reports focused on DPRK abuses ranging from political prison camps to forced labor. We will continue to support these groups.

Question. The U.N. opened a field office in Seoul to focus on human rights this June. Can you describe your interactions with the U.N. field office, and any joint efforts on improving human rights in North Korea?

Answer. We have fully supported the creation of the Office of the High Commission for Human Rights (OHCHR) field office in Seoul and its mandate to strengthen monitoring and documentation of the human rights situation in the DPRK; to work toward achieving accountability; and to support the work of the U.N. Special Rapporteur on DPRK human rights issues. Since the office's opening in June, Embassy Seoul and various State Department bureaus in Washington, including the Bureau of Democracy, Human Rights, and Labor, have visited the OHCHR office and met with its staff. Special Envoy for North Korean Human Rights Issues Robert King will also visit the office in November. The office was formally opened in June and its director arrived in August. As such, we look forward to increasing our engagement with the office as it becomes fully operational.

The Seoul office and its staff function independently in accordance with its mandate from the OHCHR and the international community. We continue to support the OHCHR office and stand ready to offer our assistance in any way.

Question. What efforts are being made to help North Korean refugees? Is any pressure being placed on China to stop its forced repatriations of North Koreans that illegally migrate to escape the Kim regime?

Answer. The administration has established mechanisms in several countries to process North Koreans seeking refugee resettlement in the United States. In order to avoid jeopardizing the safety of North Korean asylum seekers or disrupting the efforts of North Koreans intending to reach the Republic of Korea, we act with utmost discretion. This also improves our ability to gain the cooperation of governments in the region. We respect the choice of North Korean refugees in determining in which country to pursue resettlement. For many individuals from North Korea, this is one of the first meaningful choices they are able to make. We are committed to ensuring that each North Korean refugee who is interested and eligible gains access to the U.S. Refugee Admissions Program. The Department of State is prepared to share additional details about U.S. Government efforts on behalf of North Korean refugees with interested Members of Congress and their staff in a classified setting.

During the past fiscal year, we have continued efforts to facilitate the admission of refugees from North Korea to the United States. The U.S. Government coordinated with two host governments to process the applications of 23 North Koreans who were seeking admission to the United States as refugees. Fifteen individuals granted refugee status have arrived in the United States. Of the remaining eight individuals, four individuals were pending DHS/USCIS adjudication and four individuals were pending exit permission from the country of first asylum. The 15 arrivals included 3 unaccompanied minors.

The United States communicated to the United Nations High Commissioner for Refugees (UNHCR) that North Korean asylum-seekers are given priority access to the U.S. Refugee Admissions Program and that the United States will consider any North Korean applicant who expresses interest in U.S. resettlement. Throughout the region, UNHCR continues to work closely with us on cases of North Koreans seeking U.S. resettlement. We believe that UNHCR—which holds the international mandate for refugee protection—is often best suited to offer immediate protection to North Korean asylum-seekers while their cases are being processed for third-country resettlement.

Advocates and nongovernmental organizations working in the region report that the Governments of China and North Korea continue to severely restrict the movement of North Koreans to and within China. Despite being a party to the 1951 U.N. Convention on Refugees and its 1967 Protocol, as far as we are able to determine, China continues to enforce its policy of forcefully repatriating North Koreans apprehended in its territory back to North Korea. Despite these restrictions and the risk of forcible repatriation, each year significant numbers of North Koreans are able to flee North Korea, passing through China en route to countries where they may seek protection.

The Department of State continues to raise our concerns about China's treatment of North Korean refugees with Chinese officials on a regular basis and at senior levels. China has unique leverage, and we will continue to urge China to respect the U.N. Convention on Refugees and to pressure DPRK leaders on human rights as well as denuclearization.

More can be done and more needs to be done, however. We remain actively engaged with China at a variety of levels on the importance of enhancing pressure on Pyongyang.

