Exploring the Nexus
Between Human Rights and
Denuclearisation in North Korea

Cristina Varriale
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Published in 2020 by the Royal United Services Institute for Defence and Security Studies.

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December 2020. ISSN 2397-0286 (Online).
Contents

Acknowledgements v

Exploring the Nexus Between Human Rights and Denuclearisation in North Korea 1
  Workshop Methodology 1
  Exploring the Links Between Denuclearisation and Human Rights 2
  Policy Responses and Implementation 5
  Short-Term and Long-Term Goals 7
  Implementation Requirements 8
  Challenges and Limitations 10
  Conclusion 11
Acknowledgements

This project is kindly funded by the Korean Foundation.

Thanks should also go to Marike Woollard for her enormous help in transcribing the workshop discussions.
Exploring the Nexus Between Human Rights and Denuclearisation in North Korea

NUCLEAR PROLIFERATION AND human rights abuses are often considered two of the most challenging North Korean issues governments and the international community face. Since the 1990s, efforts have been made to stop North Korea’s development of a nuclear weapons capability, with multiple rounds of nuclear diplomacy and punitive sanctions used as the primary tools to stem proliferation activities. North Korea is also acknowledged as having one of the world’s worst human rights records, with a 2014 report from the UN Commission of Inquiry on Human Rights providing evidence to support these claims.

Human rights have not historically featured prominently in diplomacy with North Korea. On occasion, these two issues have been linked, for example through the provision of food aid as a concession in exchange for limits on North Korea’s nuclear programme. UN Security Council (UNSC) Resolution 2397 (2017) also links these issues, highlighting that the development of nuclear and missile programmes redirects resources away from the North Korean people. On the one hand, such links are not universally welcomed and some have suggested that the inclusion of human rights issues in nuclear diplomacy politicises human rights. On the other hand, some stakeholders involved in the peace and denuclearisation processes view human rights as an integral part of addressing these issues, and in some circumstances have predicated nuclear diplomacy on an improved human rights situation.

This report is part of a project titled ‘Peace, Denuclearisation and Human Rights in North Korea: Assessing the Nexus’. The project is a year-long effort, funded by the Korea Foundation, which seeks to assess whether human rights and denuclearisation should be addressed as part of the same policy approach to North Korea, and what efforts to address these issues might look like in practice.

Workshop Methodology

The virtual workshop involved two sessions over two days in September 2020, and included 12 experts from across Europe and South Korea. These two geographical areas were selected as the focus of the workshop for three reasons: European countries and the EU have historically lead on engagement efforts to address human rights issues in North Korea; much of the research on human rights and nuclear issues in North Korea focuses on US perspectives, with less attention paid to Europe; and practically, the time-zone differences were more manageable for virtual engagement with Korean interlocutors. Workshop participants included those with current and former governmental experience, as well as non-governmental experts and practitioners,
bringing varied knowledge and expertise to the discussions. The workshop used smaller group discussions as well as plenary discussions with all participants. These discussions allowed the project team to identify key factors, themes and areas of convergence and divergence among participants, which were then presented to US interlocutors in a series of one-to-one consultations for their reaction. Given the prominence of the US as a stakeholder in issues of peace and security, it would have been remiss to not gather perspectives from Washington and gauge reactions to some of the key points that were developed and discussed during the virtual workshop. This report captures both the group discussions in the virtual workshop, as well as the reactions and inputs of US interlocutors that were gathered in follow-up engagements.

All engagements were conducted on a non-attribution basis to allow participants to engage more freely, think creatively, and share ideas and thoughts that would not be affiliated to themselves or their professional organisations.

Exploring the Links Between Denuclearisation and Human Rights

In discussing the links between human rights issues and denuclearisation in the context of North Korea, one participant began by noting that the problems being discussed stem from the nature of the North Korean state. For both human rights and denuclearisation, it was acknowledged that the end goal, whether a punitive response to North Korea’s human rights violations or the dismantling and removal of its nuclear weapons programme, is anathema to the North Korean regime’s perceptions, interests and ambitions. Participants recognised that from the North Korean perspective, participating in any process that may lead to the downfall of the regime would be difficult to accept, and that this is applicable to both human rights and nuclear issues.

Participants recognised that there is a tension in the international community’s approach to tackling North Korea’s human rights abuses. The approach has emphasised both engagement and accountability. The accountability element creates a barrier to successful engagement. This is because the North Korean regime thinks greater accountability could contribute to its own demise. It was noted that similar tensions exist in the approach to denuclearisation. While governments want North Korea to disarm, North Korea sees nuclear weapons as essential to its security.

Participants noted that the lack of information about human rights in North Korea and incomplete details about its nuclear programme are another shared problem. It is difficult to understand what the starting point for responses should be, and how to measure progress, without sufficient initial information. Some participants again linked this back to the nature of the regime.

There was broad acknowledgment that human rights and denuclearisation are linked in theory – or at least face similar challenges because of the nature of the regime. However, many participants noted that response efforts do not need to address these issues together, and highlighted many drawbacks to linking them in policy and implementation.
The first challenge to practical links between human rights and denuclearisation that participants discussed was competing national interests. Many of the prominent approaches to denuclearisation and human rights were recognised as the result of national preferences and priorities, rather than the pursuit of global goods. Discussions highlighted this dichotomy between what North Korea sees as being in its interests and what other stakeholders, such as South Korea, Japan, the US and civil society groups, see as their own interests. This led to an acknowledgement that human rights and denuclearisation share common challenges in developing appropriate responses.

For some participants, this creates a challenge in that developing consensus or common policy among key actors is difficult, and trying to achieve this would likely impede the ability of some stakeholders to address the issues being discussed, especially human rights. Some participants observed that the nuclear issue often appears to be prioritised, and therefore disconnected from human rights. The level of public activity and focus on denuclearisation was noted to likely reflect the perception of governments around the world that North Korea’s nuclear and missile programmes pose more of a direct threat to them (either as a result of hostile relations with North Korea, or as a result of North Korea’s friendly relations with other countries, and thus issues of onward proliferation and arms sales to jurisdictions that are considered a more direct risk). It was argued that this should not be interpreted as an uncaring stance towards human rights on the part of these governments. Instead, an element of realpolitik should be acknowledged as being reflected in governmental approaches to human rights and nuclear issues in North Korea and how these issues are linked, or not, in policy. One participant cited the example of the current South Korean government and their preference for progressing inter-Korean cooperation as a route to peace, which results in a lack of direct effort to address human rights and nuclear issues.

Some participants argued that diverging national equities complicate efforts to link human rights and nuclear issues in practical policy responses. Others noted that these issues are sometimes linked practically, and it is the framing of the approach that is key. Recent US and South Korean diplomatic efforts to engage with North Korea were cited as including some human rights issues, such as reunions of separated families, the return of soldiers’ remains and the release of foreign nationals from detention, but were not explicitly framed as such.

Discussions also highlighted the role of the UNSC and the challenges in developing consensus among the five permanent members (P5) if human rights and nuclear issues are to be addressed together at the international level. Although discussions acknowledged that there was an increase in consensus at the UNSC in 2017 – evidenced by the P5 agreeing to increasingly stringent sanctions against North Korea – this was considered to be an anomaly rather than the norm, with China and Russia characterised as usually taking a different view to the US, the UK and France. This was highlighted as a drawback for any plan to link these issues in practice, as P5 coordination would likely be difficult to achieve and the focus would be on the politics of developing consensus and not the issues at hand. Some participants recognised that it is also important to ensure that North Korea’s views are understood. Without this understanding, it was argued any approach to nuclear or human rights issues will be blinkered and thus less effective.
Most participants perceived the US to be the least amenable to delinking the two issues. However, some acknowledged this to be less constraining than others as a result of the broad range of activities that are considered human rights advancements from the US perspective. One participant noted that the US’s North Korean Human Rights Act would likely act as a benchmark for the inclusion of initial human rights considerations, and what would be perceived as progress from this perspective. This includes human rights considerations that participants identified as ‘low-hanging fruit’, such as family reunions. Others suggested, however, that this flexibility was overstated, and prominent anti-engagement voices in the US Congress would likely limit the extent to which engagement would remain feasible if the more serious human rights issues in North Korea were not also addressed alongside nuclear issues. Many participants argued that despite this, requiring improved human rights as a precondition to any nuclear dialogue was not a constructive approach. Participants recognised that doing so in the past has fuelled Pyongyang’s distrust and creates space for North Korea to interpret human rights-focused initiatives as efforts to induce regime change.

Despite the challenges in linking human rights and denuclearisation across varying governmental approaches to North Korea, sanctions relief and economic engagement were two areas widely acknowledged as likely to be impacted by the lack of practical links. Participants laid out two explanations. First, participants noted the unintended consequences on human rights of the sanctions regime against North Korea. It was argued that this link created a need for an improved understanding of human rights and nuclear issues. Second, it was acknowledged that if sanctions relief were to be provided to North Korea in exchange for denuclearisation steps, the practical benefit of this would not likely be felt as many companies would remain hesitant to engage without some political reforms by North Korea. One participant noted that this has been the case in Iran, where sanctions relief provided by the Joint Comprehensive Plan of Action has not translated into positive economic impact due to enduring concerns over the country’s politics and human rights issues.

Furthermore, it was pointed out by one participant that it is important to understand how North Korea sees any links between these two issues. In this context, the language North Korea uses around the removal of all hostile policies as a condition of denuclearisation might be understood to include discussions and accusations of human rights abuses. This conception of hostile policy might be a way North Korea links these two issues, and this is something about which policymakers, researchers and practitioners should be aware.

In discussions on the practical links and approaches to both human rights and nuclear issues, one participant suggested that rather than explicitly linking efforts to improve human rights and reduce the risks posed by North Korea’s nuclear programme, better responses would be to consider what can practically be done now and how that can be implemented, preferably without hampering the ability of policymakers and practitioners on the other issue. It was argued that this approach recognises that improvements to both issues are desired and necessary, but the value of improvements in one area should not be predicated on improvements in the other.
Another participant noted that the differentiation and de-linking of human rights and denuclearisation is often artificial and for political purposes. It was suggested that this could be harder to change, so approaches and responses to both human rights and denuclearisation should be considered within the framework of artificial separation, and that an approach of what can be done now and how this can be implemented has the opportunity to work within the bounds of politics.

Some participants, however, outlined the challenges of this type of approach, especially with human rights. It was noted that North Korea will be selective in its willingness to discuss and engage with varying human rights issues. This can become problematic when an approach is taken to focus on what is possible in the near term, as this risks reducing efforts to address some of the tougher human rights issues, such as detention camps. Participants thus acknowledged that, while this approach might be a good starting point, it will be important to remember that it may also be problematic as it may play to the regime’s agenda.

There was broad agreement by participants for this more piecemeal approach to progress in the short term on both issues of human rights and denuclearisation. One participant suggested that it seems plausible that quite a lot of progress can be made to limit North Korea’s nuclear weapons programme without the need to address human rights issues. However, others identified that a key risk of this approach could result in a lack of progress in addressing human rights issues, which might then undermine and damage the process of normalising relations that could underpin further efforts on denuclearisation.

Participants also debated what was meant by ‘progress’ on these issues. Strict and agreed definitions of these terms were not considered necessary to achieve improvements and work towards incremental changes. Holding strict definitions was considered counterproductive and could lead stakeholders to miss opportunities because they do not fit neatly into preconceptions of what should be worked towards.

In discussing how both of these issues might link into ‘peace’ with North Korea, the same questions were raised in terms of what is understood as peace – is it a signed peace treaty, a lack of military threats and provocation, or a unified democratic Korea? One participant argued that for this reason laying out how these issues feed into ‘peace’ would not be constructive. Instead, it was suggested that the focus should be on incremental progress that supports and strengthens peaceful activities, rather than on achieving total progress. This, however, raised further questions for some participants about what is ‘enough’ and what the minimum level of acceptance should be. One participant used the example of North Korea offering to close the Yongbyon nuclear complex at the 2019 Hanoi summit, but that this was not considered a significant enough nuclear constraint.

Although participants largely agreed that there is a direct link between human rights and nuclear issues in policy responses and that predating actions on one on changes to the other was not desirable, it was unanimously acknowledged that there should be closer cooperation between different communities working on different issues in relation to North Korea. This was recognised by all participants as an important and necessary way to link the two issues. Although policy and
implementation are sometimes best served by keeping these two issues separate, communities and stakeholders working on both human rights and nuclear issues in North Korea can learn from each other, and at present, cross-community engagements seem rare, if not non-existent. Challenges and poor relations between different thematic communities and groups were, however, also noted, especially between those working in the humanitarian and human rights spaces. Some argue that the provision of humanitarian aid is contradictory to efforts to improve the human rights situation as it indirectly supports the North Korean regime and thus prolongs the existence of the lack of rights and the need for aid. It has been suggested that humanitarian aid has become politicised through its inclusion in US–North Korean diplomacy – food aid and energy become used as mere leverage, rather than offerings that seek to address the material needs of the North Korean people. Discussions highlighted that such engagements would not need to be public, but creating interactions between these different groups was acknowledged as likely being mutually beneficial.

Policy Responses and Implementation

In order to frame discussions around identifying complementary and diverging goals, and thus tools for implementation in responding to both human rights and denuclearisation in North Korea, participants were divided into two breakout groups. One group focused on human rights and the other on nuclear issues and denuclearisation. Participants were asked to discuss the long-term and short-term objectives and goals for denuclearisation and human rights in North Korea, and were encouraged to work backwards to consider what might be the ideal and necessary features of policy responses to achieve these goals. The groups then fed back into a plenary discussion to continue to explore the areas of overlap and divergence in the goals and tools for these two areas, where efforts might be complementary, and where there might be tensions. Table 1 provides a comparative summary of the discussions.
Table 1: Summary of Discussions

<table>
<thead>
<tr>
<th></th>
<th>Nuclear</th>
<th>Human Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Long-Term Goals</strong></td>
<td>• Heavily debated, no consensus. • Arms control. • Civil nuclear capability. • No residual nuclear capability.</td>
<td>• Debatable, no consensus. • End to all human rights violations. • Accountability and acknowledgement of past violations.</td>
</tr>
<tr>
<td><strong>Short-Term Goals</strong></td>
<td>• Limit further growth of capability. • Ensure nuclear weapons are not used.</td>
<td>• High-level visit, either UN or NGO. • North Korean acknowledgement of violations. • Improved information flow.</td>
</tr>
<tr>
<td><strong>Implementation Requirements</strong></td>
<td>• Step by step. • Verification and access. • Trust and confidence. • Corresponding measures. • Engagement. • Pressure.</td>
<td>• Improved understanding. • Access. • Engagement.</td>
</tr>
<tr>
<td><strong>Challenges and Limitations</strong></td>
<td>• Ingrained political narratives. • Access requirements.</td>
<td>• Balance of realistic and utopian goals and efforts. • Severe lack of on-the-ground facts. • Lack of access. • Individual rights approach does not address systemic issues, such as prison camps.</td>
</tr>
</tbody>
</table>

*Source: Author generated.*

Short-Term and Long-Term Goals

In the nuclear-focused discussions, there was no consensus as to what the end state for North Korea’s nuclear programme should be, but options included an arms control agreement, allowing a civil nuclear programme, or no residual nuclear capability whatsoever. However, irrespective of the long-term objective of denuclearisation, participants agreed that this would not likely be achieved in one large step or single agreement with North Korea.

Although participants provided many ideas for how denuclearisation could be progressed – starting with the closure of just the Yongbyon nuclear complex to more creative ideas such as buying North Korea’s uranium ore to provide the regime with a cash injection while also removing the ‘source’ of further nuclear weapons development – it was broadly agreed that processes and progress in this area are slow. Many acknowledged that the real world situation therefore lends itself to a step-by-step process or ‘Cooperative Threat Reduction’ approach, rather than a one-step ‘grand bargain’ agreement. Participants agreed that irrespective of varying
preferences for end points, initial smaller steps that limit North Korea’s nuclear capability contribute to working towards all these broader, long-term goals.

One of the prominent areas of discussion on the long-term goals for human rights issues was around the need to address the past as well as take steps to improve the future. Workshop conversations highlighted that for many participants a long-term process must include an acknowledgement of past violations, and this could be done through criminal prosecutions. However, it was appreciated by participants that the idea of addressing past violations and a process of transitional justice is utopian, and that goals and response efforts need to find an appropriate balance between utopia and reality. However, participants also noted that, in the context of North Korea, it is difficult to delineate between short-term and long-term goals as most of them seem ambitious. Others argued that addressing some issues in the shorter term is easier, because the expectations are not focused on great change, and the long-term view is often idealistic.

When discussing what actions and activities could occur in the short term, but which strike a good balance between utopian and realistic goals, participants presented a range of ideas. For example, some noted that a visit by UN Special Representatives on Human Rights, or a large NGO such as Amnesty International or Human Rights Watch, should be the aim. It was mentioned that such an engagement could build on the 2017 visit by the UN Special Rapporteur on the Rights of Persons with Disabilities. Other participants posited that another short-term goal, taken from the UN Commission of Inquiry on Human Rights in 2014, is for North Korea to acknowledge the existence of human rights violations, as for some this is perceived as a step that is needed before any action or implementation can occur. Programmes that empower women were highlighted as an area that could be followed up, as well as exploring ways in which it might be possible for North Korea to become a member of the International Labour Organization and support North Korea in improving workers’ conditions.

One participant laid out two ways to think about human rights: there are human rights issues that are socioeconomic, and others that are political. Although these were understood to overlap, the discussion raised questions as to whether one area might be more susceptible to external cooperation and engagement. A practical suggestion in this regard was to encourage training and entrepreneurship in North Korea as one possible way of generating motivation for change from within. One participant questioned whether in the short-term it would be sufficient to have improved socioeconomic rights for the North Korea people in support of facilitating a broader peace process. It was acknowledged that for some stakeholders, like South Korea, this might be very welcome, whereas for other stakeholders this might not be considered ‘enough’.

**Implementation Requirements**

In unpacking what considerations and features would be required to implement short-term approaches to denuclearisation, two elements were prioritised in discussions: the building of trust and confidence; and verification, monitoring and access.

Discussions highlighted that, irrespective of the form of denuclearisation, trust- and confidence-building measures will be necessary. It was noted that regardless of whether the goal is to have North
Korea maintain a civil nuclear programme or an arms control agreement, trust will be important to its achievement. One participant also acknowledged that such efforts should be understood as a necessary component that would run throughout the process of denuclearisation – trust and confidence are enabling factors which will help start a process and will also help to maintain progress along the way to the preferred end state or goal.

Two aspects of trust- and confidence-building measures focused on in the discussions were: corresponding measures to denuclearisation steps; and broad diplomatic engagements.

Participants acknowledged that a key element of building trust with North Korea comes from the measures that are offered in return for Pyongyang taking action in line with the broad goals of denuclearisation. Irrespective of how denuclearisation is defined and advanced, those involved in any such efforts will need to provide corresponding measures, also referred to as ‘rewards’ or ‘concessions’, to North Korea. What is offered in this regard was considered by some discussants to be of value for building trust and confidence.

It was also recognised that trust and confidence is best built through ongoing engagement, and that this should be considered a necessary activity underpinning any nuclear diplomacy. For some participants, recent inter-Korean engagements, although they have not included specific nuclear agreements, have been constructive in this regard. The example of the two Koreas signing the ‘Agreement on the Implementation of the Historic Panmunjom Declaration in the Military Domain’ in 2018, aimed at reducing military risk on the Korean peninsula, was given. Although the agreement did not involve other key stakeholders and did not directly contribute to nuclear limitations, it was acknowledged by participants as an effort to improve military confidence and trust between North and South Korea, and as indirectly contributing to denuclearisation efforts.

The second key component that participants identified as a requirement for delivering small, near-term denuclearisation steps was the importance of monitoring, verification and on-the-ground access to implement such steps. Although this was considered hugely important for some participants, others questioned whether this is a necessity, especially in the short term, or whether this perception is instead the result of rigid political demands. From this perspective, the argument was not one of access and verification lacking importance, but whether in the near term it is too contradictory to the North Korean position and insisting on such access would hinder opportunities for engagement.

Similar to the discussions focusing on nuclear issues, the human rights-focused discussion also highlighted themes related to engagement and access. In discussing the priorities for efforts to respond to human rights, and thus what any short-term goals might be, participants discussed the severe lack of information both in the context of knowing what the situation is on the ground in North Korea and in terms of people’s access to information in the country. One participant raised the knowledge gap that exists in relation to different parts of North Korea and the international understanding of life in different parts of the country. As a result, many participants suggested that addressing this lack of information should be a priority in the short term, as this would also help with understanding what might be the most impactful approaches.
Discussions highlighted two avenues for working towards an improvement to the current flow of information. The efforts of NGOs especially to provide North Koreans with information, for example through delivering USB sticks into the country, were recognised as key. Some participants also highlighted ways in which governments can support efforts to improve information flow – for example, through language programmes and academic exchanges. Although it was acknowledged that in recent years this area has been inactive, participants noted that such efforts could be considered as ways to re-initiate activities.

Group discussions recognised that in both denuclearisation and human rights issues, dialogue and engagement were important tools for delivering near-term goals. However, in comparing implementation of this approach, it was observed that in the nuclear context, this is often referred to as governmental or diplomatic engagements, whereas in the human rights context, more diverse actors were mentioned, such as the UN, NGOs and people-to-people engagement. Some participants suggested that it is hard for NGOs to contribute to nuclear-related engagement, whereas others noted that efforts to improve NGO engagements, for example through think tanks and academia, may contribute to building trust and confidence with North Korea, which can support nuclear diplomacy. Although people-to-people or NGO engagements might have a less direct impact on the nuclear issue, a number of participants agreed that they should be included in a broad engagement approach.

In addition to key aspects of engagement with North Korea on denuclearisation, some participants also argued for the need to keep pressure on North Korea and implement engagement opportunities by both carrot and stick. This was recognised as an effort to demonstrate to North Korea that the path they are on is not in their best interests. Sanctions were highlighted as a key part, but it was argued that military threats provide an effective leverage. The example of the military threat from the US in 2017 was given, which raised concerns in both North Korea and China that the probability of this course of action had increased under the Trump administration, resulting in diplomacy being initiated as an off-ramp. It was, however, also noted that the military options against North Korea should never be used, but for some participants the threat of such action should be kept credible to maintain its benefits.

Challenges and Limitations

In discussing challenges and limitations to human rights issues, participants discussed the impact of the language used and how this might affect opportunities to engage. An example was given whereby North Korea was persuaded to participate in the London 2012 Paralympics. This effort was not achieved from a starting point of trying to improve human rights, but it did provide an opportunity to increase awareness of the rights of people with disabilities in North Korea, which helped pave the way for direct engagement between North Korea and the Special Rapporteur on the Rights of Persons with Disabilities. However, another participant noted that while this approach might work well for individual rights, it will likely not work for broader systemic challenges such as prison camps. These conversations will remain extremely difficult to attempt, and as a result, some participants argued that the focus must be on areas where improvements might be possible. However, not all participants agreed, arguing instead that although focusing on the rights of special interest groups,
such as women or persons with disabilities, provides options for human rights advances without the need to use human rights language, it is a problematic approach because it plays to the regime’s agenda and fails to address the overarching denial of political freedoms.

Two major issues were highlight as implementation challenges for human rights issues. The first was dialogue and engagement, and many participants noted that these are essential for improving human rights in North Korea. The second was access. Access was understood to be important for better understanding the situation on the ground and to help tailor responses. It was also considered necessary to ensure delivery and implementation of support efforts. One participant noted that humanitarian assistance is one way of working to improve the human rights situation, but humanitarian donors are not always willing to supply aid if they are not able to monitor the on-ground benefits. Participants also recognised that the coronavirus pandemic will likely make access even more challenging.

The challenge of access was recognised as an issue in both the nuclear and human rights discussions, with in-country verification and access both considered priorities for denuclearisation. Noting this as a shared challenge, one participant questioned whether the expected norm of access might be hindering otherwise valuable and constructive efforts to improve both the nuclear and human rights situations. It was argued that we expect to be able to have access to North Korea for verification and monitoring purposes, especially because of ingrained political expectations around denuclearisation. Yet, as this appeared as a common challenge impeding both human rights and nuclear efforts, expectations of access were understood as something worthy of questioning.

**Conclusion**

Many participants recognised that efforts to address human rights and nuclear issues are challenged in similar ways and both fundamentally seek to modify the behaviour of North Korea’s regime. Furthermore, discussions highlighted similarities in the frameworks for preferred approaches to both human rights and nuclear issues, namely step-by-step efforts that are underpinned by direct engagement.

Despite these commonalities, the majority of participants believe that, at least in the near term, these issues should not be linked so tightly that steps forward in one area are reliant on steps forward in the other.

While there was a broad preference for separating policy implementation efforts, participants highlighted the importance of improving connectivity on these issues, especially through better interactions between the communities working on them. Not only would this help improve understanding of the ways in which activities in one area might impact the other, it would also help to build a broader understanding of North Korea.
About the Author

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