

October 26, 2018

The Honorable Donald Trump
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Re: U.S. NGO Humanitarian Assistance to North Korea

Dear President Trump,

As a coalition of U.S. humanitarian, Korean-American, peacebuilding, arms control, veteran, academic, faith-based, and other civil society organizations, we write to you to express our deep concern over U.S. policies exacerbating an already dire humanitarian situation in the Democratic People's Republic of Korea (DPRK/North Korea). These policies will increase the suffering of ordinary North Koreans, restrict people-to-people engagement, and risk undermining high-level diplomacy.

We generally applaud the current high-level engagements and diplomatic efforts underway. However, if the U.S. is truly committed to peace, causing undue suffering among ordinary North Koreans damages U.S. credibility and traumatizes the generation that holds the potential to reset relations.

Earlier this year, the U.N. warned that 60,000 North Korean children are at risk of severe acute malnourishment potentially leading to starvation due to the interruption of aid caused by sanctions. Further, reductions in funding and sanctions measures have interfered with the timely delivery of tuberculosis treatments, potentially paving the way for an epidemic of a drug-resistant form of the disease that would likely spread to South Korea and China if left unchecked.

Despite the above warnings, U.S. nongovernmental organizations (NGOs) that have operated humanitarian programs dedicated to providing tuberculous treatments and improving food security in the DPRK for years and even decades have learned that the Department of State is stopping all U.S. humanitarian actors from traveling to the DPRK. The State Department is now denying all such applications for special validation passports, which are required for U.S. passport holders to travel to the DPRK. U.S. humanitarian delegations have previously received special validation passports under the national interest exemption for "compelling humanitarian considerations." By blocking this access, the State Department is impeding humanitarian actors from providing urgent assistance and monitoring the delivery of aid.

Additionally, new U.S. sanctions on North Korea implemented by the Treasury Department's Office of Foreign Assets Control (OFAC) have had a severe negative impact on humanitarian activities in North Korea. In many cases, organizations must now wait many months for determinations on specific license applications to deliver critical, life-saving aid, or face the risk

of imprisonment or devastating fines. Often our urgent humanitarian work simply cannot wait this long for government approvals, and many organizations are deterred from participating at all because of the possibility of severe criminal penalties for any missteps, the resources required to put together license applications, and the likelihood of having to wait several months at least for a response.

U.S. policies exacerbating the humanitarian situation – particularly those restricting the work of U.S. NGOs - are contrary to U.S. commitments to establish new relations with the DPRK as agreed to in the Joint Statement following the Singapore Summit and will likely undermine the State Department's diplomatic efforts.

These restrictions are also inconsistent with the U.S. government's obligations under international law, including U.N. Security Council Resolution 2397, which reaffirmed that the U.N. sanctions regime is “not intended to have adverse humanitarian consequences for the civilian population of the DPRK or to affect negatively or restrict those activities, including economic activities and cooperation, food aid and humanitarian assistance.”

The programs operated by U.S. NGOs have served as the baseline level of engagement between the U.S. and DPRK for decades. We are concerned that not only will these new restrictions have grave consequences for ordinary North Koreans and potential public health impacts in South Korea and China, but they will also undermine U.S.-led negotiations with North Korea, as these policies could cause misunderstandings and could be interpreted as showing a lack of sincerity on the part of this administration.

Therefore, we urge the State Department, Treasury Department, and other relevant agencies to take the following steps:

1. Decouple humanitarian issues from negotiations over the DPRK's nuclear program;
2. Allow legitimate and experienced humanitarian organizations to continue to send U.S. staff to travel to the DPRK to deliver urgent humanitarian assistance and to continue to monitor the implementation of their aid programs there;
3. Modify OFAC's sanctions regulations to allow the timely delivery of humanitarian aid and other NGO engagement, for example by defining in a reasonable way what constitutes restricted “partnerships and partnership agreements” with the North Korean government under 31 C.F.R. § 510.512(d). OFAC should allow NGO's to be able to use the existing general license for NGO activities and not foreclose this through a broad and undefined restriction on “partnerships and partnership agreements” with the North Korean government; and
4. Publicly commit that this Administration will not use the intentional deprivation of U.S. humanitarian assistance as a “stick” in its diplomatic negotiations, and that the U.S. government will reaffirm its commitment to improving the humanitarian situation in the DPRK to demonstrate the U.S. government's sincere commitment to normalizing relations.

Sincerely,

American Friends Service Committee
Agglobe Services International, Inc.
Campaign for Peace Disarmament and Common Security
Chicago Area Peace Action
Church of the Brethren Office of Peacebuilding and Policy
CODEPINK
Congregation of Our Lady of Charity of the Good Shepherd, US Provinces
Environmentalists Against War
Friends Committee on National Legislation
Good Friends USA
IGNIS Community
JTS America
Korea Peace Network
Love North Korea Ministries
Maryknoll Office for Global Concerns
Massachusetts Peace Action
Mennonite Central Committee U.S. Washington Office
Mid-Missouri Fellowship of Reconciliation
National Advocacy Center of the Sisters of the Good Shepherd
National Council of Churches
Nautilus Institute
Nuclear Age Peace Foundation
Pax Christi USA
Peace Action
Peace Action New York State
Peace Committee of the Korean Association of the United Methodist Church
Peaceworkers
Presbyterian Church (USA)
Pyongyang University of Science and Technology
United Church of Christ, Justice and Witness Ministries
United for Peace and Justice
United Methodist Church, General Board of Church and Society
War Prevention Initiative
Win Without War
Women Cross DMZ

CC: Secretary Pompeo
Secretary Mnuchin
Special Representative for North Korea Policy Stephen Biegun
Senate Foreign Relations Committee
Senate Committee on Appropriations
House Foreign Affairs Committee
House Committee on Appropriations