North Korean Human Rights & U.S. National Security

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American Enterprise Institute, Washington, DC
January 17, 2008

Thank you Nick for that introduction. I'm pleased to be back here at the American Enterprise Institute. I would like to thank AEI for holding this conference, and for its ongoing commitment to freedom for people around the world, including, of course, North Koreans.

RECENT EVENTS

Quite a lot has happened in regard to North Korea since I last spoke at AEI nearly two years ago. That was not long after a joint statement had been issued six-party talks in September 2005, in which North Korea promised anew to abandon its nuclear weapons and rejoin the nuclear Non Proliferation Treaty. Talks had begun two years earlier after it became clear that North Korea had not ended its nuclear program as required under the 1994 Agreed Framework. Not long after the speech, I was making plans to visit the Kaesong Industrial Complex inside North Korea to assess human rights conditions, when the regime tested ballistic missiles on July 4, 2006.

I was again considering a trip when the regime conducted a nuclear test that October. Economists teach us that correlation does not prove causality, but I have remained wary of announcing future travel to North Korea for fear of what might happen next!

About this time last year, the North Korean regime and the other five negotiating parties reached the February 13 agreement, under which North Korea promised the abandonment of one of its known nuclear facilities and the full disclosure of all nuclear activities in return for economic and energy assistance and other inducements, including the normalization of relations. An initial requirement that North Korea "discuss" all its nuclear activities within 60 days of the agreement was not met, and it has since missed a December 31 deadline to disclose fully its activities. Recently, the regime said it will strengthen its "war deterrent."

This is rather unfortunate as it signals that North Korea is not serious about disarming in a timely manner. It is a regrettable development for our security, but it is also bad for North Korea. It is unlikely the regime will get from the international community a better deal than the current one.

In other recent developments, the Congressional Research Service noted in a study last month that there are "reports from reputable sources that North Korea has provided arms and possibly training to Hezbollah in Lebanon and the Tamil Tigers in Sri Lanka… two of the most active terrorist groups…" This comes on the heels of widespread reports that North Korea may have been engaging in nuclear proliferation to Syria, which likely prompted the preemptive air strike by Israel four months ago.

Taken together, these developments should remind us that North Korea remains one of the hardest foreign policy problems for the U.S. to solve. Its conduct does not appear to be that of a

government that is willing to come in from the cold. Moreover, it is increasingly clear that North Korea will remain in its present nuclear status when the Administration leaves office in one year.

POLICY GOALS & RATIONALE

Given this reality, it useful to step back and revisit our objectives in regard to North Korea. We have now been engaged in six-party talks for more than four years and it makes sense to take stock and declare our objectives and rationale.

First and foremost, our primary concern with North Korea must be security the security of the U.S. and our allies. As our National Security Strategy says, "Defending our Nation against its enemies is the first and fundamental commitment of the Federal Government." It is for this reason that attention to North Korea usually centers on its nuclear program. North Korea's possession of such weapons unilaterally threatens the security of a strategically important region that includes China, Japan and South Korea—our second, fourth and seventh-largest trading partners respectively. North Korea's long history of proliferating weapons systems and technology is also a major threat to U.S. interests. This history has become much more troubling since this serial proliferator has become nuclear armed. The regime is not suicidal, but it is erratic and refuses to be bound by the norms of the international community. For this reason, simple deterrence may not be sufficient. There is no guarantee that our own military and nuclear strength alone can prevent the regime from proliferating nuclear weapons or technology to Islamists or their backers.

We also have other deep concerns about the conduct of the North Korean regime. Among these are its counterfeiting of U.S. currency and pharmaceuticals, its drug trafficking and money laundering, and of course, it human rights abuses, which are infamous.

The way the North Korean government treats its own people is inhumane and therefore deeply offensive to us. It should also offend free people around the world. Clearly we want to see an improvement in this, just as we want to see an abatement of the threats to our security created by the regime. But are the two unrelated? Certainly, many view the issues as separate. The six-party talks have not involved human rights. However, there is a valid question of whether this continues to make sense. After all, we know from history that improving human rights is not only a worthy end in itself, but it can also be a means to other ends, such as peace and security. Democratic societies, for example, do not attack each other.

But with a government such as North Korea's, an inherently fragile regime desperately clinging to power, the same forces that drive it to mistreat its own people also explain its threatening conduct toward its neighbors. Often, we find that repressive regimes create enemies abroad to justify their authoritarian rule at home. Certainly North Korea does this. If you look at the Korean Central News Agency, its propaganda organ, seldom does a week go by in which it does not allege plotting by forces in the U.S., Japan or South Korea to invade the country and place it under imperial rule. Citizens are warned that they should be ever-watchful. Under such conditions, which the regime's leaders know to be a fiction, extreme security measures are apparently justified at home. And so the state is "justified" in redoubling its defenses against foreign enemies, or so it declares.

The North Korean regime's paranoia prevents it from allowing a liberalization of its statist economy, because it fears any liberalization that would make people less dependent on the government would contribute to its demise. Left destitute by this choice, North Korea must rely on foreign aid to survive and feed its people. But its paranoia about empowering its people at all prohibits its from accepting any of the monitoring and reform requirements that occasionally come with foreign aid. So instead, the regime extorts the aid granted by others. This is a major reason why it has pursued a nuclear program, why it stations thousands of artillery systems in reach of Seoul, and why it occasionally acts out well-planned and public diplomatic and military tantrums.

These are often intended to frighten the international community into giving patronage. Dictatorial regimes almost always threaten other nations, when they perceive it as necessary to their survival. What this shows is that security issues and human rights issues are linked inextricably. They both derive from the nature of the regime, and any long-term effort by the international community to alleviate security concerns in northeast Asia will have to seek to modify the nature of the regime.

Any government that treats its people with so little regard will inevitably challenge regional security, even if it did not have a nuclear weapons program. This is demonstrated clearly by North Korea's non-nuclear affronts, like proliferating conventional weapons, narco-trafficking, counterfeiting U.S. currency and human trafficking. And, of course, how can one ever know with a regime as erratic as Pyonyang's that it will not actually use its nuclear weapons or sell them to a terrorist bidder?

ASSESSING IMPEDIMENTS & ASSUMPTIONS

Having revisited what we want from our policy on North Korea—improved security and human rights—it also makes sense to assess what the impediments to progress have been. And after four years of six-party talks, it makes sense to review the assumptions upon which previous policy was built and make sure they are still valid today.

One key assumption that turned out to be incorrect was that China and South Korea would apply significant pressure to North Korea to abandon its nuclear weapons. Instead, they seem to prefer the status quo to unknown change.

Our original assumption was not irrational when it was made. A multilateral approach was viewed as essential, especially since the two nations that border North Korea—China and South Korea—are the two nations with the most leverage over the Pyongyang regime. Certainly they provide it with the lion's share of its foreign assistance, including food and fuel. They are also North Korea's largest trading partners. But it was further assumed that both countries shared our strong desire that North Korea not be permitted to possess a nuclear program and arsenal. This may have been a misguided assumption.

China probably would prefer that North Korea not have nuclear weapons, but not at the expense of its other national interests. It has not seriously pushed North Korea to abandon its weapons

program and its assistance programs and trade with North Korea have persisted with only brief interruptions. The reasons are that Beijing believes North Korea is unlikely to use nuclear weapons against China; that North Korea's proliferation does not affect China directly; and most importantly—that Beijing does not want a precipitous collapse of the North Korean government, which could cause a refugee influx and instability in its border region. We may not like these views, but they are understandable. Therefore, China has not played the role we had hoped in denuclearizing North Korea, even though it clearly relishes hosting the six-party talks.

Our assumption regarding South Korea's interests may have been equally faulty. South Korea has not applied serious pressure on North Korea, and appears to share China's preference for the status quo over a process of change it may not be able to control. For the last decade, the South Korean government has been very hesitant to criticize North Korean human rights violations. Last fall, Seoul could not even bring itself to vote in favor a UN resolution in the human rights committee that expressed concern about abuses by the regime in Pyongyang.

Moreover, South Korea has provided Pyongyang with copious amount of assistance, like rice and fertilizer, even though this is often diverted from those in need to the regime elite and military. The South Korean government is also believed to have made sizable cash payments to North Korea at times, and has engaged in joint industrial projects that it believes will open the regime. All of this provides considerable support to Pyongyang. We sincerely hope the new South Korean government will drive a harder bargain with Pyongyang and speak more forthrightly about North Korean human rights abuses. But again, without a change in the ROK's policies, we cannot expect too much support from them.

Because the Chinese and South Korean governments have been unwilling to apply significant pressure on Pyongyang, recent talks have, in actuality, become a bilateral negotiation between the U.S. and North Korea. What we had hoped would be a process in which Beijing and Seoul would simultaneously withhold carrots and use their considerable influence over Pyongyang to end its nuclear activities has evolved into a process that provides new carrots without a corresponding cost to Pyongyang.

OPTIONS AND NEXT STEPS

This brings us to next steps and revised policy options. In my view, a realigned approach should take into account three factors:

1. We should now shift our focus from a short to a longer time frame. It is increasingly likely that North Korea will have the same nuclear status one year from now that it has today.
2. Policy should rest on assumptions that correlate with recent facts and events. It is evident that South Korea and China will not exert significant pressure on North Korea if they think it might lead to its collapse.
3. All negotiations with North Korea should firmly link human rights, economic support, and security issues.

In other words, we should consider a new approach to North Korea -- one of "constructive engagement" intended to open up the regime. Offering a new concept of dialogue and taking historically effective steps to interact, perhaps even bilaterally, with North Korea, would constitute an ambitious but potentially feasible diplomatic initiative. This would involve declaring that a candid and ongoing human rights dialogue with Pyongyang is now a permanent part of our engagement policy and a condition for normalizing relations. In this way, talks could evolve to resemble the Organization for Security and Cooperation in Europe (OSCE), which came out of the Helsinki Final Act and its "Helsinki process." This was the mechanism by which the West and the Eastern Bloc engaged in dialogue on political-military, economic, and human rights issues beginning in the 1970s.

A way forward on this would be to link issues of importance to us and convey to the North Korean regime that this is permanently on the new agenda. The working group on normalization of relations would be a good starting point for a discussion on human rights. But linkage is needed to make this useful. Working groups that are irrelevant to the overall process are just that—irrelevant. In Helsinki, real progress in all three baskets was necessary for the overall negotiation to advance. On human rights, progress is not bureaucrats from two governments meeting and reading prepared statements from binders. Progress is something tangible and demonstrated that moves North Korea closer to the norms of the international community.

With this structure, the discussion on nuclear disarmament would continue to be the primary objective, but the incorporation of, and linkage with, human rights in the dialogue, would serve the purpose of encouraging cooperation from the North Korean regime. The key is to make the link between human rights and other issues explicit and non-severable, so that it cannot be discarded in any future rush to 'get to yes' in an agreement. That is because an agreement without human rights progress will not foster regional security over the long term.

North Korea is unlikely to prefer this approach. But it is one that could ultimately serve the interests of all the parties. Economic assistance to North Korea may therefore be a possibility, but it must be given only in return for tangible, verifiable progress on all issues that are a component of the dialogue. This is how it worked with Helsinki. We can also consider using other leverage that we know to be effective on Pyongyang. This might include restricting the regime's access to the U.S. and international banking system—which has at times been necessary before, given the regime's involvement in money laundering.

Constructive engagement can also include expanded foreign assistance, including humanitarian aid, to North Korea—provided it reaches those for whom it is intended. This is one area where the UN could play a constructive role. If aid donors could be syndicated and would agree to offer large amounts of humanitarian assistance to North Korea contingent on full access and monitoring, Pyongyang might feel pressured and impelled to accept, especially if Beijing and Seoul stopped writing checks with no conditions attached. In this way, the misery of the North Korean people could be partially alleviated.

Our engagement also should include subsidiary dialogues and exchanges. When U.S.-Soviet relations evolved after the death of Stalin, we signed a cultural agreement that eventually enabled tens of thousands of Americans and Soviets to visit each others' nations. By so doing, it exposed

millions more to cultural exhibitions hosted by each country. It was a way of reaching behind the Iron Curtain to the Soviet people. The same could be done with North Korea.

Finally, and regardless of the state of our dialogue, we should continue with activities that have proven to be effective in opening up closed societies over time. The real changes in North Korea will likely come from within. We should certainly focus our policy on facilitating such changes. When I spoke here two years ago, I was asked about my principle objectives and I said that "a key way to empower the North Korean people is to force a ray of light through the veil that Kim Jong Il has drawn over North Korea." Since that time, the American taxpayer has provided more resources for the various organizations that broadcast news and information into North Korea by radio, and I have asked that the resources we commit to this be significantly increased. We have also talked to other governments about supporting this effort, and we have asked Japan to permit medium wave broadcasts from its territory for this important purpose—which is also a way of reaching Japanese abductees still living in North Korea.

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Much has been learned in the past four years since we entered the current phase of dialogue with North Korea. North Korea has not kept its word. Indeed, proliferation concerns cast a pall over global security, thanks to Pyongyang. It is appropriate now to reevaluate – to look at what has worked and what has not. We now know what levers work on the North Korean government. We should use them. The best solution may be an evolved dialogue—one that takes a holistic view of the challenges presented by North Korea. This, combined with a strong deterrent capability, missile defenses and effective counter-proliferation tools could form an adjusted and whole policy, reflective of recent developments.