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North Korean Human Rights After the Six-Party Talks

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It is a great honor to be here at the Heritage Foundation, and I thank you for this opportunity to discuss North Korea issues with you today. Heritage has long stood for individual liberty and a strong national defense. The organization here and its scholars are committed to the success and the spread of liberty, and properly understand that this is the defining element of our national identity—and indeed, of our national security.

The Human Rights Imperative

Human rights and security are clearly linked. There is a strong correlation between governments that do not respect the rights of their own citizens and governments that do not respect the rights of their neighbors. Dictators often are deeply and necessarily invested in a confrontational posture toward the outside world, typically to justify their own strong-arm rule at home. Conversely, democracies with the rule of law are invested in peaceful interaction among nations. Empirical proof of this claim is that no two democracies with universal suffrage have ever gone to war against each other.

This bedrock assumption of President George W. Bush's foreign policy was reiterated in his second inaugural address when he said, "The best hope for peace in our world is the expansion of freedom in all the world. America's vital interests and our deepest beliefs are now one."¹ He made it very clear that human rights are not only an end in themselves, and indeed a noble end, but also clearly a means to a strategic

Talking Points

- Achieving human rights for the North Korean people is not only the humane thing to do, it is necessary for the long-term peace and security in the region.
- The February 13, 2007, Six-Party Talks agreement has established a framework broad enough for North Korea to make progress on human rights if it so desires. Through this process, Pyongyang can come clean on its abduction of Japanese citizens.
- The North Korean government regrettably has taken no steps to improve its abysmal human rights record.
- Progress on North Korean human rights is a prerequisite to the establishment of formal relations with the United States.
- China has prohibited the U.N. High Commissioner for Refugees from accessing and protecting North Korean refugees in northeast China. Beijing's conduct is unacceptable and untenable as a matter of international law.

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national security end. Around the world, in our effort to promote our interests and deal with problems, we vary our tactics and tools depending on the circumstances. But our overall strategy and belief of what is necessary to secure peace in the long term remains constant: We want to expand freedom.

Life in North Korea

For most of us, spring is a time of renewal and rebirth. Alas, in North Korea, spring is the season of death. Hunger and starvation, never far removed from most North Koreans—especially those not among the Pyongyang elite—take their highest toll in the spring, when winter stores of food are exhausted and the first harvest has yet to come. A refugee who escaped North Korea recently told CNN that she had seen starving people resort to eating the dead.² Life is particularly hard for those in North Korea's massive network of political concentration camps. We believe these hold somewhere between 150,000 to 200,000 North Koreans, many of whom are guilty of nothing more than being related to a North Korean who has been judged as disloyal to the regime.

Those outside the camps, and even the elite of North Korea, still live in a prison of sorts. The most basic rights are denied to North Koreans by their unelected government. So intense is the repression and privation that many refugees who escape to northern China are stunned by the relative freedom and prosperity that they encounter. Imagine that. Many find it difficult to believe there are places still freer and more secure than northeast China.

In North Korea, there is no right to speech, assembly, press, or worship—other than participating in the cult of personality surrounding Kim Jong Il and his father. The government's control of information is really Orwellian. And the regime violates the human rights of citizens of other countries as well. It has abducted hundreds of people from surrounding nations—in something that really reminds of the fiction of Nelson DeMille: "The

Charm School." It is absolutely unreal that today, in the 21st century, we have a nation led by a dictator who still believes that he does not have to be held accountable for abducting foreigners from their own homes, their own schools—young Japanese girls on their way to school. This is simply an intolerable situation.

The world needs to see reform by those who run North Korea. And this has been made evident and clear by dozens of governments and the U.N., in the form of two Security Council resolutions and action on human rights in the General Assembly last fall. If the North Korean government ever wants to be seen as legitimate, it will have to make progress on human rights. If it ever wants to progress beyond a prison state and a terrorist regime that subsists upon criminal enterprise and extorting aid from others, it will have to make progress on human rights. We see this as a prerequisite to the establishment of formal relations between our two countries.

To date, our human rights efforts, some of which I will describe in greater detail, have run on a different track than the Six-Party Talks, which have been focused primarily on the nuclear issue. That dialogue, through the February 13 agreement, has established a framework broad enough for North Korea to make progress on other issues—including human rights issues—if it so desires. It can, through this process, come clean on abductees in its working group on the normalization of relations with Japan. It could certainly indicate a willingness to talk about human rights issues in its normalization working group with us. Regrettably, this has not happened yet, and we have yet to discern any real change in behavior by North Koreans in the talks that would indicate progress on human rights.

Signs of Transition?

So what can we hope to accomplish? During the last several years of the Bush Administration, the North Korean government regrettably has taken no steps to improve its abysmal human rights record. However, history teaches us that the recognition of

1. The White House, "President Bush Sworn-In to Second Term," January 20, 2005, at www.whitehouse.gov/inaugural (April 23, 2007).

2. See, for example, Doug Struck, "Opening a Window on North Korea's Horrors," *The Washington Post*, October 4, 2003, at www.washingtonpost.com/ac2/wp-dyn/A41966-2003Oct3?language=printer (April 24, 2007).

rights can come quickly, at the end of a process of transformation—one that is often very difficult to discern from the outside. What was the difference between Joseph Stalin's and Mikhail Gorbachev's Soviet Union from the outside? What was the difference between a Budapest in 1956 or a Prague in 1968, where freedom movements failed, and a Poland in 1989, where it succeeded? The difference was that a transformation occurred, caused by a combination of activities taking place within—often shielded from sight outside—and indeed from pressure from abroad. In those cases, an ideology evolved from something that happened, and which appeared irresistible, to a cynical joke that was plainly a cover for official corruption and dictatorship. Soviet Communism eroded from within while being buffeted from without, and then one day it was just a memory.

As President Bush has remarked, no tyranny lasts forever. Dictatorships are inherently unstable. The natural inclination of all people throughout history is to seek freedom. And our challenge is to spot this process of inevitable erosion and then to help it along.

A professor of history who has studied and written about Korea extensively, Andrei Lankov, believes that signs of an erosion of control are clear in North Korea today. He has called for people to realize that a quiet revolution is under way inside the Hermit Kingdom. Lankov has first-hand experience with this: He saw the demise of Soviet tyranny from within.

Lankov believes the government is gradually losing any control over the daily lives of its citizens, despite its continued brutality. Regulations on internal travel are enforced less consistently and almost any exception can be purchased for a pack of cigarettes or a bottle of scotch. With such payments, indoctrination meetings can be skipped without consequence and products once forbidden can be purchased on the roadsides or in the alleyways of Pyongyang. These two features—official corruption and the expansion of the black market—were prominent in the latter days of the Soviet Union.

Of course, this hardly amounts to freedom, and none of these factors will improve dramatically the daily lives of normal North Koreans. But there

appear to be trends that we should encourage and indeed support, along with efforts to alleviate the humanitarian tragedy that has beset the North Korean people—a tragedy that has left the average North Korean some seven inches shorter than the average South Korean. These efforts comprise our strategy for affecting and improving human rights.

What the Free World Is Doing

Let me highlight a few of our efforts. One of the most basic and important factors we should consider is the increasing flow of information into and out of North Korea. This can be done via electronic means, such as radio transmissions. Physical interaction is also increasing, such as the underground transit of recorded and printed media, and the movement back and forth across the Chinese border of literally thousands of people. While all of these are crimes in North Korea, and getting caught could subject the offender to extreme forms of punishment, the long-term trend has been a steady increase in the porosity of the country. People are getting in and out. There is a growing black market trade with China.

I met last year with President Bush when we were visited by a North Korean defector who told us that listening to a foreign radio in North Korea at a time when he had been a privileged member of the elite, in the military, is what first disillusioned him to the regime's lies, and motivated him to seek freedom. Those who lived behind the Iron Curtain have also told how transformational and inspiring information from the free world was to them.

I remember some twenty years ago traveling to the then-Soviet Union to meet with refuseniks, and the appetite that they had for information from the West—the appetite that they had so they could share in their underground network information that gave the lie to what *Pravda* was reporting—inspired hope and helped to foster a dissident community in the Soviet Union. And slowly but surely, this is what needs to develop and transpire in North Korea.

Today, Voice of America, Radio Free Asia, and a small number of independent broadcasters send their programs across the North Korean border. Listening to a foreign broadcast is a crime punishable

by imprisonment and hard labor. However, based on reports that I get from refugees, not only are North Koreans listening in, but in the border regions, smuggled videos, DVDs and CDs are growing in popularity, with one group of dissidents referring to it as their “mental bread.” This is their sustenance; this is now what they are surviving on. Radios acquired in North Korea come fixed to a state propaganda channel and cannot be tuned. But there are numerous reports of North Koreans who have learned how to modify their radios or to acquire illicit ones smuggled in from China.

We need to ensure that there is ample content in the correct North Korean dialect for potential listeners to receive, which in turn will drive demand for more black market radios. The President has requested a significant increase for the Korean services of Voice of America and Radio Free Asia, a near doubling from \$4.6 million to \$8 million. Along with many other improvements, this increase will allow Radio Free Asia to begin transmitting in medium wave, which I believe will be a highly effective supplement to the current shortwave broadcasting.

Appropriated funds have also contributed partially to broadcasts by independent groups, although their creation and the bulk of their funding is the product of concerned private citizens—who are important partners, along with all of the NGOs (non-governmental organizations) in the activities that we are trying to promote. Some of the most persuasive voices are not those of U.S. government employees, but private individuals who can sympathize with those living under repression, and articulate a clear message for them. These include the voices of Korean democracy activists, Korean-Americans, and defectors from North Korea. And there is also broadcasting from Japan.

A number of European and Asian countries have exchange programs with North Korea. These can serve a good long-term purpose, provided they do not impart participants with knowledge that can enhance the regime’s oppression or misconduct. While we currently have no such exchange program, this is something we are willing to consider—perhaps exchanges of athletes, musicians, artists, and potentially even officials. It is highly likely that the people North Korea sends abroad are chosen

from the elite and have family back home so as to discourage defection. Nonetheless, even the most pro-regime participant will undoubtedly have his assumptions jarred by seeing the outside world. It will demonstrate to participants that North Korea is not a socialist paradise, as the regime claims. Today’s exchange participants, even if they come from the ranks of the elite, may well serve as tomorrow’s reformers.

Helping North Korean Refugees

Finding ways to help North Korean refugees is also important. And this was one of the primary areas of focus from the humanitarian perspective that the President charged me with when he appointed me. Many of these individuals are in China, where they live in hiding and desperation. If caught, they are often returned forcibly to North Korea, where they face severe punishment or death. China prohibits the U.N. High Commissioner for Refugees from accessing and protecting these individuals, despite its accession to a binding refugee protocol that calls for such protections. The North Korean regime caused this problem, but China’s conduct is unacceptable and untenable as a matter of international law. As the world’s attention turns to China for the 2008 Olympics, does anyone seriously believe a massive, abused, and imperiled refugee population will go unnoticed? I certainly hope not, and this is an area where the international media can play a big role by exposing what’s going on. Hopefully there will be human interest stories that will spotlight the oppression and repression of the North Korean people—both in North Korea and indeed, even those who are fortunate enough to escape, but then languish in hiding in northeastern China. This will be an enduring black mark not only for North Korea, but for China too—unless China takes action.

China should begin to permit humanitarian organizations to help the hundreds of thousands of North Korean refugees in its border area with North Korea. The United States is eager to help if China allows us to do so. Last year, we began admitting North Korean refugees to the United States, and we impose no quota and no limit on the number we are willing to accept.

In addition to helping refugees, we can help alleviate the humanitarian tragedy facing North Koreans at home, and even encourage openness in the process. This comes down to the provision of humanitarian aid, such as food and medicine, even joint industrial projects when they are conducted in a proper manner.

Over the past fifteen years, the United States has donated considerable assistance to North Korea, as have China, Japan, South Korea, and others. The problem—and it is a serious problem—has to do with the distribution of this aid in North Korea. We insist that it be done in a way that does not allow the regime to divert the aid to the military and elite. This is a considerable challenge, given the regime's history of doing precisely that. Defectors have told us with near uniformity that they never saw any food aid, except that which illegally was sold on the black market.

For humanitarian aid to work, and to ensure that it does not do more harm than good, it needs to come with basic monitoring requirements. As an example, those who distribute the aid need to have access to all of those in need, regardless of where they live in North Korea. The North Korean Human Rights Act includes these stipulations. However, it is difficult for us to insist successfully on these standards when China and South Korea provide unmonitored humanitarian and economic assistance. One thing we are considering is asking the U.N. to syndicate all of the donors, and then require in advance that North Korea allow full access to those in need and monitoring of distribution.

Joint Industrial Projects

Veterans of the Eastern Bloc, especially Germans, often speak of the importance of joint industrial projects in presaging freedom and integration. The two Koreas currently operate such a project just north of the DMZ (demilitarized zone) called the Kaesong Industrial Complex. The idea was to allow South Korean companies to avail themselves of inexpensive North Korean labor. It is occasionally likened to the Special Economic Zones that commenced the economic liberalization of China in the early 1980s. But the key is to look at what was at work in these situations, and how it led to genuine reform in China.

In the Special Economic Zones of China, domestic companies could operate under relatively free market conditions. The enterprises drew on local labor, and before long they were permitted to recruit workers from outside the zones. Foreign companies and capital were allowed in via joint ventures. Perhaps most importantly, Chinese workers got their pay slips directly from factory owners. All of these factors, and the implicit and explicit property rights, have sparked an economic renaissance.

At Kaesong, workers are not paid directly, and no one has been able to state convincingly how much of his salary a worker is allowed to keep. Domestic North Korean companies are not permitted in Kaesong. And much of the capital involved in Kaesong appears to be directed by the South Korean government, rather than the free market. Perhaps most troubling, though, is the lack of overall transparency. Thus, this does not necessarily foretell liberalization.

This is not to say that Kaesong cannot be improved or demonstrated to be a productive tool in opening the North. Certainly, the government of South Korea has considerable influence in this matter. But I think it is safe to say today that at a minimum the jury is still out on Kaesong. The onus of proof lies with those who contend Kaesong will help open North Korea and benefit its people, rather than provide the regime with another source of revenue. Until there is transparency, other countries should not import goods made in Kaesong.

Conclusion

Achieving human rights for the North Korean people needs to be a key goal of the free world. It is not only the humane thing to do—it is necessary for the long-term peace and security in the region. The promotion of human rights, as I have said, is certainly an end in and of itself, and it is also a clear objective of U.S. policy.

In the case of North Korea, some urge us to focus only on the nuclear issue, and that any serious mention of human rights will distract the parties involved from reaching an agreement. History has shown that there is nothing contradictory or incoherent with an approach that has as one of its components a discussion of human

rights. In the past, speaking with clarity on this issue did not prevent or even discourage progress on the more immediate nuclear concerns. Consider the Helsinki Agreement, which included human rights in one of its three “baskets.” Initially the third basket did not receive much attention. But it would play a decisive role in opening up the Soviet Union and its client regimes. And it helped—perhaps most importantly—create and drive the dissident movement.

In the struggle for human rights in North Korea, we not only can help try to save the lives of the North Korean people, most immediately, but we can also try to help make the region and the world safer by assisting in bringing about a similar transformation. In this way, human rights can be a means to a greater end.

—Jay Lefkowitz is U.S. Special Envoy for Human Rights in North Korea.