

Final Report of Jay Lefkowitz  
*U.S. Special Envoy for Human Rights  
in North Korea*



January 17, 2009

## **Introduction**

The North Korean regime is one of the worst abusers of human rights in the world today. Its infamous treatment of its own citizens typifies its broader misconduct, which also includes activities that threaten the security of the U.S. and our allies. President Bush and successive U.S. Congresses have expressed deep concern over this issue. Since August 19, 2005, when I was appointed Special Envoy for Human Rights in North Korea by President Bush, I have sought to identify and encourage methods to improve this situation. The nature of North Korea and other factors have posed considerable challenges to my mission as special envoy. While the U.S. and other governments, as well as many non-governmental organizations, have taken practical steps to promote human rights for the North Korean people, numerous additional steps can and should be taken to achieve progress. This report, submitted pursuant to Section 107(d) of the North Korean Human Rights Act of 2004, as amended, assesses the current situation in North Korea as it pertains to human rights, recounts progress and impediments to achieving the mandate given to me, and makes suggestions for future policies and programs.

## **Mandate**

The position of Special Envoy was created by the North Korean Human Rights Act, which was signed by President Bush on October 18, 2004.<sup>1</sup> The law stated that the central objective of the Special Envoy was to coordinate and promote efforts to improve respect for the fundamental human rights of the people of North Korea. The reauthorization of the Act, which passed Congress without a dissenting vote, was signed by President Bush on October 7, 2008.<sup>2</sup>

Specifically, the law established that the Special Envoy shall:

1. Engage in discussions with North Korean officials regarding human rights;
2. Support international efforts to promote human rights and political freedoms in North Korea, including coordination and dialogue between the United States and the United Nations, the European Union, North Korea, and the other countries in Northeast Asia;
3. Consult with non-governmental organizations who have attempted to address human rights in North Korea;
4. Make recommendations regarding the funding of activities authorized in [the Act];
5. Review strategies for improving protection of human rights in North Korea, including technical training and exchange programs; and
6. Develop an action plan for supporting implementation of the United Nations Commission on Human Rights Resolution [pertaining to North Korean human rights violations].<sup>3</sup>

---

<sup>1</sup> PL 108-333.

<sup>2</sup> PL 110-346, which broadened the Special Envoy's portfolio and elevated the position to the ambassador level.

<sup>3</sup> At the time of the bill's enactment, the White House stated that "Section 107 of the Act purports to direct negotiations with foreign governments and international organizations. The executive branch shall implement section 107 in a manner consistent with the Constitution's grant to the President of the authority to conduct the foreign affairs of the United States."

## Background

North Korea remains an intensely repressive police state. Fear is pervasive. Hundreds of thousands of North Korean citizens are incarcerated unjustly in a large network of political concentration camps. The regime governs without the consent of the citizens it purports to represent. The cult of personality surrounding the regime's dictator, Kim Jong-il, is without parallel to date in the 21<sup>st</sup> century. The rights of free speech, assembly, worship, and emigration are consistently and comprehensively deprived. Protections recognized in free nations against arbitrary arrest, detention, and execution are ignored in North Korea.<sup>4</sup>

The regime allows no free press. Reporters Without Borders cites Kim Jong-il as a 'predator of press freedom' and documents the regime's extensive efforts to maintain control over virtually all information and maintain a cult of personality around the dictator.<sup>5</sup>

The North Korean regime's misconduct continues to cause a humanitarian catastrophe that affects not only the people within its borders, but also other nations in East Asia. A large diaspora of refugees that began fleeing North Korea in the mid-1990s due to famine remains in danger, with many members living in a perilous, stateless existence in China. The precise size of this population is difficult to assess. Estimates range from as few as 50,000 refugees to more than 300,000. Recently uncovered Chinese official documents estimated the number at hundreds of thousands.<sup>6</sup> These North Koreans have fled and continue to leave their homeland (at great peril to their lives) due to ongoing privation, intermittent starvation, and political repression. Some have been resettled to South Korea, the United States, and other countries, but a large, unknown number remain in China and other East Asian nations.

During the past three years, there has been no discernable improvement in the regime's disposition toward the inalienable rights of its citizens. The regime continues to reject that human rights violations exist in the country. In late 2008, its official news agency stated "There can be no 'human rights issue' under the popular masses-centered Korean-style socialist system and it has never existed in the DPRK."<sup>7</sup>

Despite the absence of human rights progress or an open dissent movement, there are some faint indications of change in North Korea, which over time, may result in a more favorable human rights situation. These include the presence of a black market, smuggling, and uneven enforcement of some laws. Information about the outside world remains extremely limited inside North Korea, but refugees cite some limited and growing awareness among select North Koreans that their plight is among the world's worst, and that the regime is not above questioning. Taken together, these changes indicate that North Korea might be entering the final

---

<sup>4</sup> "Country Reports on Human Rights." U.S. Department of State March 1, 2008, See <http://www.state.gov/g/drl/rls/hrrpt/2007/100524.htm>

<sup>5</sup> "The Predators of Press Freedom." Reporters Without Borders See [http://www.rsf.org/article.php3?id\\_article=1073](http://www.rsf.org/article.php3?id_article=1073)

<sup>6</sup> Eberstadt, Nicholas and Christopher Griffin. "Saving North Korea's Refugees." The International Herald Tribune February 19, 2007.

<sup>7</sup> "Lee Myung Bak Group's Anti-DPRK Human Rights Racket Assailed." KCNA September 29, 2008. See <http://www.kcna.co.jp/item/2008/200809/news09/30.htm>

stages of its Stalinist era, after which the government is no longer able or willing to control all elements of daily life. However, it should be noted that daily life in North Korea is still marked by pervasive fear of the state, absolutely no open or perceived dissent is tolerated, and the regime still has confidence in itself to the degree that it will use force against its citizens, even when they act peacefully.

## **Objectives**

Throughout my tenure as Special Envoy, I had regular consultations with the President, the Secretary of State, and other senior government officials to determine the priorities for implementing this mandate and to work toward their achievement. From these consultations, I derived a plan of work divided into the following areas:

1. Highlighting the plight of the North Korean people, by raising awareness of the abuse of North Koreans to government officials and the general public around the world, and engaging in multilateral and bilateral diplomacy;
2. Assisting North Korean refugees attempting to reach freedom; and
3. Taking other practical steps to support programs, especially in the area of broadcasting, that over time may contribute to a dissent movement and the seeds of civil society in North Korea.

### *Raising Awareness*

My office has engaged in dozens of bilateral appeals to other governments to focus their attention on the plight of the North Korean people, and what I see as practical steps that can make a difference over time. These have included not only East Asian nations, but governments around the world, with a sub-focus on European nations, due to their histories in promoting democracy and human rights. I have spoken in public about the issue dozens of times, including speeches, press interview, and numerous op-eds.

Beginning in 2005 and continuing each November, the European Union has sponsored resolutions at the UN General Assembly's Third Committee condemning North Korea for its human rights violations. Each year, we cooperated closely with the EU in designing and promoting this resolution. I worked to encourage a large number of votes in favor of these measures as a signal to North Korea that its human rights-related behavior was unacceptable to a broad group of nations. I also sought for South Korea to vote in favor, as it had abstained on the initial 2005 resolution. South Korea first supported the resolution in 2006, abstained in 2007, and again joined the majority of nations in supporting this in 2008.<sup>8</sup> Regrettably, North Korea has been dismissive of the serious issues raised by these resolutions. In March 2008, the regime announced that "[t]he DPRK sternly refutes the 'resolution' as it is a product of the anti-DPRK political plot hatched by the EU and Japan at the prodding of the U.S."<sup>9</sup>

---

<sup>8</sup> The vote on these resolutions was 84-22 with 62 abstentions in 2005; 91-21 with 60 abstentions in 2006; 97-23 with 60 abstentions in 2007; and 95-24 with 62 abstentions in 2008.

<sup>9</sup> "DPRK Foreign Ministry Spokesman Blasts Anti-DPRK 'Resolution'." *KCNA* March 29, 2008. See <http://www.kcna.co.jp/item/2008/200803/news03/31.htm>

My office also has supported and encouraged an NGO-led donors' group centered in Europe to support North Korea-related programs. This effort has sought to link free media groups, including independent broadcasters, with donor governments and foundations. Participants have typically included 5-10 governments from Western and Central Europe.

### *Refugees*

One of my office's priorities was to establish a procedure by which North Korean refugees could permanently and safely be settled in the U.S.—a key goal articulated both by the President and the Congress in its legislation authorizing my position. Although this required considerable cooperation with Asian governments as well as balancing the interests of various Departments within the U.S. government, we achieved our objective and established an interagency screening process to assess North Korean refugees seeking to come to the U.S.

Despite the initial breakthrough of helping refugees reach the U.S., only 67 refugees were resettled here through the end of 2008. This began with 9 admissions in fiscal year 2006, rising to 33 in fiscal year 2008. At the same time, it was heartening to see the South Korean government increase its number of annual admissions to approximately 2,500 per year.<sup>10</sup>

There are several impediments to increasing the number of North Korean refugees who resettle in the U.S. The Department of Homeland Security is responsible for key steps in the assessment of individual refugees for admission to the U.S. Its review process is lengthy and cumbersome. Many refugees who wish to be considered for admission to the U.S. opt instead to go to South Korea, given the length of time and uncertain outcome of an application to the U.S. In addition, our diplomatic posts throughout East Asia still lack clear instructions regarding the need to receive, advise and, if necessary, shelter North Korean refugees in crisis situations. After passage of the North Korean Human Rights Act, the organizations and individuals aiding the refugees in transit were hopeful of assistance from U.S. missions. Now, regrettably, they seldom approach U.S. posts, believing they will be turned away or referred to the UN High Commissioner for Refugees, which has been marginalized, especially in China, where most of the refugees are in hiding.

### *Access To Information*

Methods and tools commonly used by Western governments and NGOs to promote democracy and civil society often are not applicable to the situation in North Korea. For example, it is not presently feasible to conduct a rule of law, political party building or journalist training program in Pyongyang. Likewise, there is no open dissent movement to support, such as Solidarity or the Refuseniks, behind which we rallied during the latter decades of the Cold War. In the absence of what would ordinarily be logical starting points for U.S. human rights-related support, I have examined and recommended alternative methods to encourage long-term change. The chief among these has been increasing access to information in North Korea. Activities like this have

---

<sup>10</sup> When I began my tenure, this number was considerably smaller and some NGOs aiding refugees believed Seoul was tamping the arrival of refugees in order not to anger Pyongyang. After the election of President Lee in South Korea, refugee admissions increased substantially and these claims ceased.

been transformational over the long term in past situations involving human rights abuses and repressive government.<sup>11</sup>

While it is a crime to own a radio in North Korea other than one fixed to a state propaganda channel, there are widespread reports of North Koreans owning “illicit” radios capable of receiving foreign broadcasts.<sup>12</sup> Furthermore, the regime’s dexterity at jamming foreign broadcasts is imperfect. Given these factors and the demonstrated usefulness of access to information by repressed populations, I sought increased resources for radio broadcasting into North Korea, as well as cultural exchanges that might expose North Koreans to the outside world.

The Broadcasting Board of Governors’ (BBG) financial support for the Korean services of Radio Free Asia (RFA) and Voice of America (VOA) was doubled, from \$4 million in fiscal year 2006 to \$8.1 million in fiscal year 2008. This allowed BBG to reach its goal of 10 hours per day of total broadcasts in Korean. This includes 3.5 hours of original RFA content, and 1.5 hours of repeat content. VOA has 4 hours of original and 1 hour of repeat programming with news updates each day. Both services achieved efficiencies that result in increased impact per dollar expended. Shortwave broadcasts were supplemented by medium wave transmissions, which can be received by smaller radios that are easier to conceal from North Korean authorities. VOA broadcasts from BBG-owned stations in Tinian, Thailand and the Philippines, and from leased stations in Russia and Mongolia. RFA currently broadcasts from BBG-owned stations in Tinian and Saipan and leased stations in Russia and Mongolia.<sup>13</sup> Despite this increase in funding, there is still room for significant expansion of these efforts, especially in medium wave signal quality and broadcast flexibility, which are helpful in overcoming attempts by the regime to jam foreign broadcasts.

Funds appropriated by the U.S. Congress have also supported independent radio broadcasters, including groups based in Seoul. These Koreans, some of whom came to South Korea as refugees from the North, can empathize and speak concisely to those still suffering under the Pyongyang regime. Unfortunately, funds available for this purpose have been limited and remain well below the total amount authorized by the North Korean Human Rights Act. Last year, the State Department’s financial assistance to independent radio broadcasting targeted at North Korea reached \$1.63 million.<sup>14</sup> Previously, most support for the independent radios with Congressionally appropriated funds came from the National Endowment for Democracy.

The U.S. has not sought formal cultural exchanges with North Korea, even though some have occurred, such as the visit by the New York Philharmonic Orchestra to Pyongyang on February 25, 2008. Under the right circumstances, it might be appropriate for the U.S. to seek such exchanges, especially if the North Koreans reciprocated. I have encouraged other nations,

---

<sup>11</sup> For example, see “Address by the President of the Czech Republic Václav Havel on the Occasion of the 50th Anniversary celebration of Radio Free Europe.” Prague, May 4, 2001.

<sup>12</sup> “International Broadcasting in North Korea: Survey of North Korean Refugees in China and Vietnam.” *InterMedia* October, 2007.

<sup>13</sup> “Implementation of Section 104 of Public Law 108-333, Actions to Promote Freedom of Information in North Korea.” *U.S. Department of State* July 2008.

<sup>14</sup> These were funds from the State Department’s Human Rights and Democracy Fund, which made this expenditure in 2008 with unspent fiscal year 2007 funds for East Asia Pacific programs.

especially European governments with relations with North Korea, to resume or expand exchanges of professionals, students, athletes and artists. Nearly a dozen nations have had some type of cultural or educational exchange involving North Koreans. Many of these were suspended after North Korea's 2006 nuclear test, but are expected to resume gradually. Over time, such exchange programs may help to weaken the grip the regime holds on the minds of its elite, who are most often the beneficiaries of such exchanges.

Overall, much more could be done in these areas were increased resources to be provided by the U.S. and other democratic governments. The North Korean Human Rights Act of 2004 authorized \$24 million in spending, but few of these funds were ever appropriated. This caused confusion among allies and resulted in missed opportunities. Independent radio broadcasting, in particular, could be increased dramatically, as could other efforts to get information into and out of North Korea.

### **Impediments**

Compared to other human rights crises around the world, there is only a moderate level of interest in the plight of the North Korean people. This stems largely from the scarcity of information about current conditions in North Korea, especially about the individuals who are most abused. The names and stories of most of the approximately 200,000 political prisoners in North Korea are unknown outside of the country. The paucity of images, in particular, has caused less attention paid to this human rights crisis than the recent situations in Sudan and Rwanda, where the free world has been able to receive substantial information about human rights abuses. The suppression of any internal dissent, the rarity of travel to and from North Korea, the comparatively small number of North Korean defectors with significant following in the free world, and the total seclusion in which political prisoners are kept, all contribute to this lack of information about North Korea. This has impeded efforts to rally governments and private groups to confront the Pyongyang regime about its misconduct, or apply pressure to the regime to modify its behavior.

Exceptions include non-governmental organizations in the U.S. and Europe that focus attention on North Korea. In addition, the U.S. and Japan have passed North Korea-related human rights legislation. Each fall, the UN General Assembly's Third Committee, which includes human rights in its purview, has condemned North Korea. Officials and private groups in Japan continue to focus attention on the Japanese citizens abducted by the North Korean government. There are a number of groups in South Korea that seek to highlight human rights violations committed against their northern brethren. But in general, these efforts are limited, and they are not integrated into the national policy of any nation that has significant interaction with North Korea. Funds that could be used by groups engaged in information dissemination, humanitarian assistance, exchanges and research have not been appropriated by democratic governments in significant amounts. The Six Party Talks that have involved North Korea since 2003 have not included human rights issues in a substantial manner.

Of course, the key impediment to greater progress on human rights has been the North Korean regime itself, which continues to dismiss flippantly the human rights concerns of the U.S., our allies in Asia and the broader international community.

For example, on August 17, 2007, the regime issued an editorial imploring readers: “Let Us Decisively Smash the Imperialists’ ‘Human Rights’ Offensive.”<sup>15</sup> It routinely disparages what it calls the international “human rights racket.” Clearly, the regime has not come to a point where it is ready to recognize the importance of improving human rights, and engage with the U.S. in a dialogue on this issue. Steps to encourage this appreciation are therefore a necessary component of U.S. policy toward North Korea if the U.S. desires to see progress on this issue.

In addition to an inability to access officials in Pyongyang or citizens throughout North Korea, I have been unable to visit the Kaesong Industrial Complex, a joint industrial project between North and South Korea located just north of the border between the two countries. I last requested permission to visit in August 2008, but was told by South Korean officials who handled the request that permission was denied by their North Korean counterparts at Kaesong, who had received instructions from Pyongyang. Appeals to North Korea’s UN mission in New York to reverse the decision were unsuccessful. It was unfortunate that even the primary investor in Kaesong, South Korea, was unable to secure visitation by a U.S official. During my tenure as Special Envoy, I have expressed concerns about Kaesong and suggested steps that could ensure it lives up to one of its intended purposes—opening North Korea.<sup>16</sup>

Other challenges have been presented by the government of China. In violation of the 1967 Protocol to the 1951 Convention Relating to the Status of Refugees, the Chinese government refuses to allow the UN High Commissioner for Refugees to access and protect these refugees, which Beijing unreasonably labels “economic migrants.” North Korean refugees detected by the Chinese government are forcibly repatriated to North Korea, where there is high probability of severe punishment, which may even include death in certain circumstances. Most if not all of the North Koreans in China have a prima facie claim to refugee status under the 1967 Protocol China has ratified.<sup>17</sup> China has further exacerbated the plight of North Koreans by forcibly repatriating North Korean refugees found in China, and by cooperating with North Korean security officials. This situation caused one human rights group to report that “Successful escape from North Korea...can mean that the refugee may merely be trading one prison for another...”<sup>18</sup>

Nor has China, which is North Korea’s largest trading partner and is estimated to provide North Korea with 70% of its food and fuel, brought serious and sustained pressure to bear on the Pyongyang at any time in the last three years.<sup>19</sup> China’s enforcement of the trade regulation provisions of UN Security Council resolutions 1695 and 1718, enacted after North Korea’s 2006 ballistic missile and nuclear tests respectively, is not thorough.<sup>20</sup>

Previous South Korean governments also have been of limited assistance to the human rights cause. The former Roh administration was openly hostile to pressing Pyongyang on human rights issues, believing it was unhelpful to its “Sunshine Policy” approach of unilateral

---

<sup>15</sup> Editorial, Rodong Sinmun August 17, 2007.

<sup>16</sup> Lefkowitz, Jay. “For a Few Dollars More.” The Wall Street Journal January 10, 2007.

<sup>17</sup> Haggard, Noland et al. “The North Korean Refugee Crisis: Human Rights and International Response,” U.S. Committee for Human Rights in North Korea 2006.

<sup>18</sup> Haggard, Noland et al.

<sup>19</sup> “China’s Policy toward North Korea Remains Unchanged.” Power and Interest News Report October 11, 2006.

<sup>20</sup> “North Korean Border Trade Continues Despite UN Resolution.” Wen Wei Po October 17, 2006.



engagement. On my inaugural trip to Seoul as Special Envoy in 2005, several senior officials of Blue House, the Ministry of Foreign Affairs and Trade, and the Unification Ministry refused to see me. South Korea has not allowed independent radio broadcasters to transmit medium wave signals to North Korea from its territory. A growing number of private broadcasters based in Seoul have received little assistance from the South Korean government and must transmit the broadcast material they generate from other locations, as does the U.S. Broadcasting Board of Governors.

The election of Lee Myung-bak in South Korea has brought to power a government that is not afraid to press North Korea on its human rights abuses. This allowed President Bush and President Lee to address the issue during their August, 2008 summit, stating that they “reaffirmed their commitment to improving the human rights situation in North Korea and shared the view that in the process of normalizing relations, meaningful progress should be made on improving North Korea’s human rights record.”<sup>21</sup>

However, some important practical steps by the South Korean government to change the situation have yet to be taken. These could include allowing and supporting radio broadcasts to North Korea by independent groups and the passage of legislation guiding human rights policies.

Japan has been more open to policies and programs meant to encourage change in North Korea. Unlike the governments of China and South Korea, at no time has the Japanese government deprecated or attempted to undermine efforts to advance democracy and human rights in North Korea. However, its focus on human rights in North Korea has been limited to the abductee issue.

The whereabouts of Japanese citizens kidnapped by the North Korean regime, and the full details of their abductions, remains unresolved. This, along with the nuclear threat posed by North Korea, has been of paramount concern to Tokyo. However, like South Korea, the government of Japan has refused to facilitate independent medium wave radio transmissions from its territory to North Korea, despite repeated requests by the U.S. government.

In 2008, the State Department removed North Korea from its list of state sponsors of terror in return for a promised, unrelated concession by the North Korean regime. This was met by strong disapproval from Japan’s public and government, which view abduction as an instance of state-sponsored terrorism, for which there had been insufficient remedial action by North Korea. The abduction of Japan’s citizens, which has only gained mass attention during this decade, appears to have tapped a larger current of thought in Japan related to issues of sovereignty and defense that has been suppressed for much of the post-war era. North Korea’s insistence on continued penance from Japan for its conduct in World War II and the preceding colonial era, despite Pyongyang’s more recent serious and manifold misconduct against its neighbor, appears to have caused a breaking point to be passed for a portion of the Japanese public. However, this has yet to translate into a comprehensive effort by the government in Japan to pressure North Korea broadly on human rights. Moreover, to the extent Japan engages with North Korea on the human rights issue, it remains focused on getting a full accounting of abductees, and the return of survivors from that group as well as ethnically Japanese “returnees” who re-entered North Korea

---

<sup>21</sup> “Statement of the ROK-U.S. Summit.” August 6, 2008.

with Korean spouses before the nature of the dictatorship there was fully apparent. Nonetheless, at this juncture, Japan remains the East Asian democracy most inclined to partner with the U.S. in any major push for human rights improvements in North Korea. Finally, it should be noted that the U.S. has sent mixed signals to all East Asian nations regarding human rights given the fact that the Six Party Talks have not included any meaningful discussion of human rights, despite the strong mandate explicit in the North Korean Human Rights Act, which Congress recently re-authorized.

### **Policy Assessment and Recommendations**

As Special Envoy, I have written and spoken often of the need to recognize the linkage between the way a regime treats its own people and the way it treats its neighbors. In this way, human rights and security issues are inextricably related.

Anyone who has examined atrocities like the Holocaust, the killing fields of Cambodia, and massacres like Katyn Forest and Srebrenica and vowed that this should never happen again, necessarily rejects the notion that a dictator is free to do what he likes with the people under his control. Many people reject this for good reason: nations that respect the rights of their citizens are less likely to turn to belligerence as a first resort—and vice versa. Indeed, it is inconceivable that a country whose leaders are chosen by its people, and who respect the dignity of the individual would treat its own citizens the way the North Korean regime does. Government conduct at home naturally influences its conduct toward other nations. The 20<sup>th</sup> century shows us numerous examples of this correlation. With Hitler, Stalin, Mao and others, the march of tyranny at home was an antecedent to international aggression. On the other hand, no two democracies with universal suffrage have ever gone to war with each other.

Often, we find that repressive regimes create enemies abroad to justify their authoritarian rule at home and distract from the misery they create. Certainly North Korea does this. Pronouncements from Pyongyang frequently 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 of threats from the outside. Under such conditions, which the regime's leaders know to be a fiction, extreme security measures are presumptively justified at home.

In reality, it is the North Korean regime that threatens the security of the region. It maintains an inordinately large military despite its state of economic ruin. The 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 often prohibits it from accepting any of the monitoring and reform requirements that occasionally come with foreign aid. An example is Pyongyang's November 2005 decision ordering European aid groups to depart the country. That same fall, North Korea expelled foreign workers employed by the World Food Program, thus preventing effective monitoring and causing the suspension of food aid. Rather than comply with minimal international standards of monitoring in order to receive aid, the regime extorts the aid granted by others. This is one of several goals of regime's military posture and misconduct: obtaining attention and bargaining power to entice greater foreign assistance.

### *Human Rights Imperative*

Throughout my tenure as Special Envoy, I have heard arguments from those who do not believe that the U.S. should focus on human rights in North Korea. Some argue that our concern about human freedom amounts to interference in internal affairs of another state. Others do not protest raising the human rights issue, but believe this is a matter solely to be worked out between North and South Korea. Finally, some recognize that human rights is a legitimate area of concern, but argue that raising it will prevent us from making progress on more immediate security concerns like North Korea's nuclear arsenal.

First, as to the claim that we are improperly interfering in the internal matters of another state, it should be noted that in founding the United Nations, and certainly in adopting of the Universal Declaration of Human Rights, the international community discarded any notion that a country is above reproach for what happens within its borders. If we do not call human rights abusers to account when we identify them, does our silence not invite further atrocities? With North Korea, we cannot afford inaction that will allow millions more to suffer and even die.

The second critique accepts that discussion of human rights issues is legitimate, but asserts that this is an issue to be worked out exclusively by North and South Korea. Yet it is clear that events in Korea have an impact on the U.S. and our partners in Asia. Our interests there run deep. South Korea is a strategic ally of the United States and our 7<sup>th</sup>-largest trading partner. Furthermore, we have agreed to work together on security issues pertaining to the whole peninsula, and we are committed to South Korea's defense. We cannot simply turn the oversight of our interests over to another nation, and neither can the other countries of northeast Asia.

Finally, there is the argument that focusing on human rights will forestall an agreement that alleviates more immediate security concerns. 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. But the facts prove just the opposite. Indeed, after a significant lapse in the Six Party Talks, the North Koreans announced that they were willing to resume discussions only four days after President Bush met in June of 2005 with Kang Chul-Hwan, a prominent North Korean defector. Rather than stopping the progression of security talks, this reinforced for the North Koreans the United States' commitment to continuing to spotlight the regime's abuses, and made clear that only by returning to the table would the North Koreans have a chance at international legitimacy.

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. Speaking with clarity on this issue does not prevent or even discourage progress on immediate security concerns.

### *Helsinki Model*

The connection between human rights and security was a key bipartisan tenet of superpower engagement in the latter half of the Cold War. The linkage was also the partial basis for Congress's action in passing the North Korean Human Rights Act. A provision of the law

expressed the sense of Congress that “the United States should explore the possibility of a regional human rights dialogue with North Korea that is modeled on the Helsinki process, engaging all countries in the region in a common commitment to respect human rights and fundamental freedoms.” Indeed, this approach is worth examining and adapting to the situation facing us with North Korea.

In a manner similar to Helsinki, the U.S., South Korea, Japan, and our other partners now have the opportunity to expand our approach to one of “constructive engagement”—an effort that is intended to open up the North Korean regime. This may consist of a new framework for dialogue and effective steps to interact more deeply with North Korea. This should involve a candid and ongoing human rights dialogue with Pyongyang as a condition for the future normalization of relations. As these talks evolve, they could resemble the Organization for Security and Cooperation in Europe (OSCE), which came out of the Helsinki Final Act. 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 begin linking these three issues and convey to the North Korean regime that we insist human rights be on the agenda permanently. The working group on normalization of relations established by the February 2007 agreement in Six Party Talks would be a good starting point for this discussion. 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—security, economics, and human rights — was necessary for the overall negotiation to advance.

Significant economic assistance to North Korea could well be offered, including development assistance, World Bank loans, trade access and food aid, but it must be given only in return for tangible, verifiable progress on all issues on the agenda. And human-rights progress should not be measured by bureaucrats meeting and reading prepared statements, but by tangible steps that move North Korea closer to the norms of the international community.

Providing humanitarian assistance is one area where the UN could play a constructive role. When countries provide unilateral aid to North Korea, it is easier for Pyongyang to resist monitoring. 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 impelled to accept. Were this to happen, the misery of the North Korean people could be partially alleviated in a way that does not strengthen the regime.

## **Conclusion**

Focusing on human rights goes far beyond being a moral imperative. It is a critical means to a broader end: America’s effort to provide for our security and that of our allies. Helping North Koreans achieve freedom is not only a policy consistent with our moral values as a nation—it is also a pragmatic security necessity.

## BASIC REPORT INFORMATION

1. Name, title, address, and telephone number of person to be contacted with questions about the report.

*Christian Whiton  
Department of State  
Deputy Special Envoy  
Office of the Special Envoy for  
North Korean Human Rights Issues (G/SENK)  
2201 C St. NW Rm. 7250  
Washington D.C. 20520-7250  
(202) 647-6240*

2. Electronic address for report.

<http://www.state.gov/g/senk>

3. How to obtain a copy of the report in paper form.

*Write to the above address.*