Dr. Jae Ku: Welcome ladies and gentlemen. My name is Jae Ku, I’m the director of the U.S.-
Korea Institute here at SAIS. Welcome to a talk by David Hawk of his new report produced by
our institute. The title is, “Pursuing Peace While Advancing Rights: The Untried Approach to
North Korea.” We are very at privilege to have David Hawk here and Ambassador Bob King, the
special envoy for North Korean human rights as well. I will briefly introduce Ambassador King
and he will speak a few words and going to introduce the speaker David Hawk, followed by a
panel discussion with Professor Victor Cha and Dr. Sophie Richardson. Ambassador King, prior
to his appointment worked on Capitol Hill for 25 years. Twenty-four years of those as Chief of
Staff to congressman Tom Lantos. Dr. King has traveled to North Korea, five years ago played a key role in the passage of 2004 North Korean Human Rights Act, and currently holds one of the four ambassador level positions at the Department of State. Ambassador King was heavily involved in the planning and conducting of Congressman Lantos' human rights agenda, including the establishment and supervision of the Congressional Human Rights Caucus, which recently became the Tom Lantos Congressional Human Rights Commission. He was currently a staff director of Foreign Affairs Committee of the U.S. House of Representatives and democratic staff director of the Committee and held very professional staff positions in the Committee since 1993. Ambassador King has also served as a NSC staff as a White House fellow during the Carter Administration and he was Assistant Director of research and analysis at the Radio Free Europe in Munich, Germany, and he also managed to receive Ph.D. from Fletcher School of Law and Diplomacy and has authored five books and over 40 articles on international relations.

Please welcome Ambassador Robert King.

**Ambassador Robert King:** That was probably a lot more introduction than I deserve, particularly since my function today is to introduce David Hawk, who really needs no introduction. But let me make a couple of comments before we begin the session. First of all, the U.S. remains deeply concerned about the human rights situation in North Korea. Human rights are a top priority of the administration of the U.S., and how human rights in North Korea are addressed will be an important element in terms of the prospect for relations between the U.S. and North Korea. We are concerned and we continue to be concerned about how these issues are handled. I spent considerable time in the five or six months I’ve been in this position dealing with the U.S. Human Rights Council. They have debated and discussed North Korean human
rights. I want to emphasize that how we deal with North Korea will be affected by how North Korea deals with its human rights problems. It’s a special treat today to have David Hawk here to talk about some of his research and thinking on North Korea human rights. David has been closely associated with the Columbia Human Rights programs. He was Executive Director of Amnesty International U.S. during the period when Amnesty was getting underway. He was involved in UN human rights office, was heavily involved in issues, as you know, involving Cambodia. It is a special treat to have David focus on some of the issues that deal with North Korea and how we can move our agenda forward in terms of encouraging human rights in North Korea at this particularly tough time in terms of relations with North Korea. I’m not going to take more of your time because David is the person you want to hear today. I appreciate the opportunity to introduce David Hawk and look forward to hear your comments. Thank you very much.

David Hawk: I would like to thank Ambassador King for introducing me. I’m honored that he’s done so. We just met 20 minutes ago and he agreed to introduce someone he hadn’t known, who’s trying to put 101 things on his to-do list including some hard talk with nasty people. But thank you and I’m very honored for your introduction. I would also like to thank Jenny Town for her extraordinary work to get the manuscript of this report up and out into your hands today. There has been a dreadful incident of course in South Korea . . . the Cheonan. But it’s because there are events like this that it’s necessary to pursue the search for peace so that there won’t be another 50 Korean families to mourn their lost ones. I’ve talked to scores and scores of North Koreans, former North Koreans, who have also lost their loved ones and suffered themselves
grievously because of human rights violations they had to undergo. And that’s why we also need to search for improvement in human rights.

Basically the International Human Rights Project seeks to document the discrepancy between international standards and national practices, and then to put those discrepancies on to the agenda of international affairs in inter-state relations and agendas of governments, knowing that in every incident, strategic or commercial consideration are going to triumph human rights, but we try anyway in hopes that some time there will be some progress.

And we have in case of North Korea made some progress in putting the human rights issues and concerns on national and international agendas. They are now resolutions on North Korea human rights and have a dozen parliaments and national assemblies. It’s been on the agenda of UN Human Rights Council and it’s on the agenda of the UN General Assembly. One area where we’ve not made any progress at all really is putting human rights considerations, concerns and issues on the agenda for engagements, negotiations and reconciliations with North Korea. And that's what this paper is about. And one of the oddities of the situation in North Korea is that they don’t, there's not very much discussion with them about human rights issues. Other governments and the UN have been talking to China about human rights for decades. Our government talks to Vietnam about human rights issues and has for years. Not that that’s a magic bullet but that’s one of things that ought to be in the mix. But somehow the clever Koreans in Pyongyang seem to have escaped thus far and that’s what this paper is about. But what you have had the reason there had not been much discussion is there has been a paradigm over the last two decades where in either you in engage and negotiate with North Korea in which case human rights issues are
taboo, or you talk about human rights concerns but in that case then you don’t talk to the North Koreans. And this paradigm has actually carried the days to two U.S. administrations, that of presidents Clinton and of George Bush, and its carried today in the idea of completely separating engagement and reconciliation and raising of human rights issues completely carried today in two different administrations in South Korea. And that’s what this paper’s about. But if you look virtually everywhere else in the world the resolution of cold war conflict factored human rights into the mix of those whether it was a resolution of cold war conflict in Central Europe, resolution of cold war conflict in Central America, or the cold war conflict in Southeast Asia. The only place where this hasn’t been applied is actually in Northeast Asia. So what the paper starts out by doing, the first part of it, is examining the rationales that were put forward by the Perry report. And then by supporters of engagement in South Korea, for keeping human rights off of the engagement and negotiation agenda with North Korea.

Those rationales – it takes too long, it will be misconstrued as undermining, it may interfere with arms control negotiations, that you have to wait until peace, meaning the denuclearization and the replacement of an armistice with a peace regime, have to wait until those are secured and then you raise human rights issues the flawed idea that human rights concern should not be raised until there has been a sustained period of economic development in North Korea and a sizable middle class there, and in addition to the flawed idea of economic development first, there was in South Korea under the eras of DJ and Roh Moo-hyun the idea of fallacy of ‘food first’ that you had to wait until the problems of starvation or malnutrition were solved before resolving other human rights issues. The paper argues that all of those rationales were unworkable and they do not stand the test of time, and the reason there were looking when you
pick up the report is that I believe if engagement or negotiations are resumed you will hear the same rationales presented again for not putting human rights on the agenda for negotiation and engagement. So the first part of the paper reviews the rationales that represented the past for not putting human rights on an engagement or negotiation agenda. And then it goes on to suggest a new approach where human rights issues and concerns would be factored in. I was encouraged by President Obama’s remarks in his Nobel Peace Prize speech to think that there may be some receptivity in the Obama administration toward a new approach.

And the second part of the paper then presents a series of ideas and suggestions, not recommendations really—they are ideas and suggestions and there are some in every other paragraph, all of which need to be fleshed out and refined and embedded, some different ways that human rights issues could be factored into engagement and negotiation agenda with North Korea. And the first ones are mentioned a little bit is what is, how I think human rights issues could come up organically if and when the Six-Party Talks are revived and they don’t against immediately breakdown. Driving human rights issues basically come up in every working group at the Six-Party Talks with an exception of working group on denuclearization. I don’t know if the talks are revived it would be structured exactly the same way, but if they don’t have formal working groups set out before, I’m sure those areas will be covered.

So let me name three of them where I think human rights issues should be inserted. The first of which is the North East Asia Peace and Security Mechanism which is supposed to be a working group or a series of a lot that has been written about it, but its whether a peace and security mechanism should be formed in North East Asia that would be comparable to regional and sub
regional intergovernmental dialogues, that exist in most other area of the world. One model would be the Conference on Security and Co-operation in Europe, and another would be ASEAN, and in most of these international multilateral organizations have a human rights provision in that recognizes that human rights as a part of the relations between the states that are in there. There is a respect for human rights provision in the charter of the OAS, African Union. There wasn’t initially in ASEAN but human rights provisions and mechanisms were added just last year. And so the issue will come up if there are discussions for peace and security mechanism in northeast Asia as to whether or not a respect for human rights principles should be incorporated within the charter. And the usually the way these things work is that there are series of discussions on wide range of topics that take place; the security issues obviously, confidence building measures, the environment, economic development… The issue will come up, should there be an explicit discussion group on human rights issues and human security issues or citizen exchange issues. So that would have to be discussed but that’s one way in which I think human rights concerns would arise organically in that sub-discussion within the Six-Party Talks.

Another one was a host of human rights issues would come up is if they reconstitute the energy and economic cooperation working group. During the Six-Party Talks as far as they got before they broke down 2008, during the second phase of the talks they only dealt with energy cooperation, the provision of heavy fuel oil to North Korea. But if they ever got beyond disablement to dismantlement, virtually everybody who writes about the talk says that the economic aids would have to be turned on in a big way because North Korea won’t proceed to disablement without major compensation. Those, the economic assistance that would be rendered into North Korea will either be payoff to the regime which it can use to maintain itself
as it now is, or it would be economic development assistance that would allow them to enter a period of sustained economic development. So there is no escaping the way that economic aid will be used just to support the regime or to actually proceed with poverty alleviation with human security and with sustained economic development. Within that there are a lot of human rights concerns that are in numerated in the report.

But perhaps the most important of all are the subsidiary discussions envisioned in the talks and not between Six-Party Talks but between relevant parties not known whether three or four them but between other parties to replace the Korean war armistice with a peace regime on the Korean peninsula. The peace regime discussion, if it gets under way, will almost certainly have to revive in one form or another the 1991 basic agreement between North and South Korea and that’s an extraordinary document because it has in it many of the same provisions that were in basket one and basket three of the Helsinki accords. And basket three pertains to exchanges and ability of Koreans to speak with each other. And the basic agreement was never implemented primarily because of 1992 first nuclear crisis, I think. And the North Koreans have said they’ve nullified all of the previous agreements they’ve every made with Seoul so I’m not sure what the status of that is. But a peace regime is basically a legal document that converts an armistice to a peace treaty plus the provisions of 1991 basic agreement. And that base agreement, if it comes back up, is part of those discussions that are full of human rights issues concerns and implications.

There are two other working groups. There is one on Japan and North Korean normalization, which has been seized on human rights issue of abductions. And then there is a final working group on US-North Korea normalization. And actually some people conceive, probably the
North Koreans, that the whole Six-Party Talks is about normalization of the relations with the US and the Six-Party Talks is just a multilateral setting for the discussions they want to have with the US. Now the North Koreans say all the time that they want to talk to the US. I would like to see the US talk to the North Koreans about human rights, so I wondered if this might be somehow alignment in which we are talking to them, but one of the things we talk to them about is human rights. During the Bush administration, the policy announced by Assistant Secretary Hill and by the president was that in the context of human rights issues would be raised with North Koreans in the context of normalization discussion. The problem was they never got to it. The talks broke down before that stage was reached. So those successions never took place.

Then the final part of the paper examines this in more detail, positing that in fact the US-North Korea relationship is really the main event. There are number of sub-theses in the paper. One of which is that the approaches to North Korea thus far have been too narrowly focused on arms control issues. Of course North Korea is a security problem. But it’s not only a security problem. The paper tries to advance a theory that the other issues in the relationship are going to have to be tackled as well, and that there has to be a much more sustained dialogue on many different issues with North Koreans, to be able not to get bogged down in the narrow issues of arms control.

The paper also suggests that strategic patience or hoping the problem will go away or hoping North Korea will go away won’t get you very far and basically won’t work. The best way to deal with this is actually through proactive diplomacy. It’s the only way, I think, to avoid constantly being in a position of rewarding bad behavior. North Koreans are deeply dissatisfied with the
existing state of affairs and they evidence this with nuclear devices with missile tests and torpedoes. So that rather than wait until they stage provocative acts and then reward them for bad behavior, I would hope that a way could be found to address these things proactively.

And another sub-thesis is that if carefully approached human rights dialogue may even have a positive role to play in the descent burial of hostile intent. The North Koreans have actually joined issue—they have been saying for a long time that it is the hostile policy of the US that requires them to have a nuclear deterrent. They also say formally that it’s the hostile policy of the U.S. that is the main problem they face in the promotion and protection of human rights. They’ve said that they’ve joined the issue and I’m sure our government doesn’t want to be a problem for the North Korean in terms of their promoting and protecting human rights. So I’m hoping that very shortly envoy Bosworth will mention this to the North Koreans and suggest that in that case they ought to be talking to Ambassador King so that this could be clarified.

And I don’t think you’d be able to get to peace if human rights issues are avoided and kept off the agenda. The North Koreans say they want a number of things. They made their list and we know what they are. Interestingly, they’ve been given some of the things on the list. They were at one point the largest recipient of USAID in East Asia. They got what people call a negative security assurance. But if you talk to or read the writing of formal negotiators or other interlocutors—the academics, the scholars, the formal policy makers, the analyst, who talk to the North Koreans—they actually want a lot more. They want a lot more than that. And what has been mentioned is a strategic relations and alliance, positive security assurances . . . Basically this boils down to an arrangement with the U.S. so that if North Korea ran into trouble or into instability during an economic reform process or during a transition process the US would
guarantee that North Korea will not get absorbed by South Korea. But it’s absolutely
inconceivable that the US could have anything like that approach to North Korea if human rights
and the other issues that make North Korea a rogue are not tackled in this process.

So what I’d suggest is that, try to conceive of two parabolas between the U.S. and the DPRK.
One of which is arms control and nonproliferation. And the other parabola is discussion on the
relationship. And that parabola has a number of strands. Consular and pre-consular issues,
exchanges . . . One of the issues is human rights. I think to get to those discussions there will
have to be a bit of clearing of the air of talking about talking about human rights before you
actually get to talk about them because of the misconceptions that not only the North Koreans
have, but there certainly a sector of opinions in South Korea that associates raising human rights
issues with regime change, which it’s not the human rights is a matter of regime behavior, not
regime change, it does not challenge the sovereignty of the regime. Human rights are based on
the recognition of state sovereignty and it is not an interference of internal affairs of a member
state. And North Korea claims that human rights does all of these things and I think a way will
have to be found to address those. And there’s an alternate approach, a way of dealing with
human rights. It’s the one that is actually set out in UN General Assembly resolution 6251.
Which says: “promotion and protection of human rights shall be based on principles of
cooperation and genuine dialogue aimed at the strengthening of capacity of member states to
comply with their obligations of benefits of all human beings.” That’s how I think the approach
to human rights in North Korea should be considered and approached.

There are a number of ways to get to human rights discussions, and I’m not suggesting that
human rights issues be raised in a sessions we are having horse trade we are having, how many
barrels of oils they are getting and disconnecting this pipe or that pipe. I’m not suggesting that
human rights issues be raised when there are discussions on the toxic matter verification
protocols. But I believe there can be some other discussions taking place in the relationship
parabola.

Let me describe what I think is the core of one possible approach, because I’m also not
suggesting that the U.S. should sit down with North Korea and accuse them of violations. That
wouldn’t work well but we’ve been there done that. There are human rights committees at that
UN who have done exactly that but they’ve also gone to the next step of making
recommendation to the North Koreans as to how to improve their human rights situation. The
way this has worked is that North Koreans submitted reports to the human rights committees at
the UN that monitored the implementation of the conventions that member states have ratified.
North Korea ratified to these, they submit their reports, officials come in to Pyongyang and
discuss the findings of these committees and then the committees prepare what they call
concluding observation and recommendations. This happened for the international covenant on
civil and political rights and international covenant on economic social and cultural rights. If you
take the reports of these two committees and look at their concluding observation and their
recommendations, what you have is veritable UN roadmap for human rights improvements in
North Korea. And they cover some 60 areas: they basically cover the waterfront. The way I think
human rights dialogue could go would be to sit down and ask them, what is their government’s
opinion of concluding observations X, Y or Z. Furthermore, the North Koreans claim that
they’ve implemented some of these recommendations. So I think it would be perfectly doable to
ask the North Koreans what measures what steps they have taken to implement recommendation
A and B and C. I think that’s the dialogue that you can have with the North Koreans and if that took place, if that could be a number of sessions and cover the 60 areas that are set forth in these two documents for improvements. We’d know a lot more than we do now. And I think you could probably see there, openings for human rights improvements.

Lastly, it’s sometimes suggested that human rights issues with North Korea should start with non-sensitive matters. I’m actually arguing the contrary. That rather than raise what are called less-sensitive or non-sensitive human rights issues with them, that the core issue should be raised with them instead. The reason that raising less-sensitive human rights issues won’t work is that if you start off with that they will negotiate you down from non-sensitive cosmetic. The core issues won’t go away and if you wait to raise them the North Korean response will be yet again the US has moved goal posts. So I think the core, hardest human rights problem should be raised at the outset.

Two are identified in the paper. One of which is violence against women and the other one is prison camps. Some say 80 percent of North Korean refugees are women. The way it works is that the severe punishment including sexual violence that’s perpetrated against these women when they are repatriated from China sets up a situation where they are subject to trafficking while they are still in China. I think that the violence against women should be put on the agenda for discussion with the North Koreans from the outset. I’m not suggesting that they be accused of trafficking: They publicly execute traffickers and brag about it. I think this issue can be raised starting with the trafficking. On China’s southwest border with Burma, Vietnam, Thailand, there is something called Commit (Coordinated Mekong Ministerial Initiative against Trafficking). It
involves governments of six countries, the international organizations (in this case, the UN) and NGOs, state sponsored NGO (All China Woman’s Federation) and non-government sponsored NGOs in some countries in Southeast Asia. I think you can introduce a discussion within North Koreans on the issues of sexual violence against women and trafficking by asking the Chinese and North Koreans if there could be a mechanism in Northeast Asia on China’s northeast border comparable to the mechanism that the intergovernmental, the governmental and non-governmental mechanism that exist on the Southwest Chinese border to combat trafficking. And if you could have discussion about setting up such a procedure the issues of trafficking and violence against women will come up.

Two final points the paper makes on violence against women: the first is that we hear a lot about Resolution 1718. But no one ever hears about UN Security Resolution 1325. Let me read it: This is a Security Council “reaffirming the important role of women in prevention and resolution of conflict and in peace-building, stressing the importance of their participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision making with regard to conflict prevention and resolution, the Security Council urges member states to ensure increased representation of women at all decision making levels in national, regional, and international institutions and mechanisms for the prevention, management and resolution of conflict.” I'd like to see Security Council Resolution 1325 applied to the resolution of conflict with North Korea and I think this could well be part of the discussion I talked about earlier in the peace-regime discussion. In addition to hoping that Ambassador King would get a chance to North Koreans, I’d also like to see his
colleague Ambassador Verveer also have a change to talk to North Koreans about the issues of violence against women because I don’t think that can just be a discussion among the boys.

Lastly, I believe it’s possible to raise the issue of the prisons camps within North Korea. It has to be very carefully done. They’ve recently said the political prisoner doesn’t exist in their language and therefore prison camps do not exist. I believe that if language is carefully used, and if fact one should not get caught in a semantic argument. But you can use the literal translations of the words that the North Koreans use for the camp, which literally translated is “managed places.” I think if it’s carefully done you can talk to the North Koreans about the “managed place” and one of the ways to do that is not as radical as it sounds—to talk to them about the issues about ICRC access to all places of detention including the “managed places.”

Arms controllers and political realists don’t have to fret. If there is a deal to be made on the denuclearization it’s not going to be unmade because human rights issues have been raised. On the other hand, I think even from the view point of political realism, it’s possible to pursue the kinds of things that are discussed in more detail in the report. But the report ends on something of a pessimistic note. Namely that would be the search for may not work. There may not be much of a peace process for human rights to be factored into and the report concludes by suggesting that we should talk to them anyway to keep the door open in case they at some point some configuration of the North Korean regime wants to go through a door that leads to improved relations with other members of the international community and to keep talking to the North Koreans patiently explaining to them in fact the issue that the President Obama raised in
Suntory Hall namely “supporting human rights provides lasting security that cannot be purchased in any other way.” Thank you.

**King**: At this time I would like to welcome our discussant and then have Victor go first and so Sophie and then have David reply. Let me quickly introduce our panelists. I took away a lot of things from David’s report. I remember prior to coming to SAIS I worked at Freedom House handling the North Korean human rights project and on the first day in the office a colleague had a big bumper sticker saying “Regime Change Starts at Home.” The point to take away from David’s report is that we need to find to get the message across, that human rights dialogue is about regime behavior not about regime change.

To talk about David’s report I have Professor Victor Cha, senior advisor and – at CSIS, a newly created position just a year ago. Previously he was a director of Asian studies at Georgetown University. From 2004 to 2007 he was a director for Asian affairs at the White House, served as U.S. Staff Head of Delegation at the Six-Party Talks. It’s terrific to have him hear about what it’s like to talk to North Koreans and whether this kind of engagement is feasible. I don’t think Victor would remember me 20 years ago but when I was a junior at Harvard, Victor was at the town—but I remember him.

**Ku**: On Victor’s left is Dr. Sophie Richardson, Asia and Africa Director for Human Rights Watch, and I’ve worked with her before. She is Advocacy Director of Human Rights Watch Asia division and oversees the organization’s work in China. She has a new book coming out, coming out of Columbia University Press on Chinese foreign policy and she published on domestic
Chinese political reform, democratization human rights in countries such as Cambodia, China, Hong Kong and Philippines. She is a graduate of UVA and she is also a fluent speaker of Chinese Mandarin. Without any further delay if I can get you to speak 10-15 minutes, then we’ll get to the Q&As.

Victor Cha: Thank you it’s a pleasure to be here. Let me first thank the institution for hosting the event. I think it’s an important event on important topic. I want to compliment the author for the very well written and very well done report. The other report you have done on gulag I actually used it in class. I’m still at Georgetown and a current director of Asia Studies. It’s a real privilege to have Ambassador King with us today. While I was in the government and afterwards there has been only one individual in the U.S. that ever had a credible dialogue on human rights with North Korea and that was Tom Lantos and Ambassador King was with him when he went on his trips. In that sense there could not be a better person than Ambassador King to play the role today. To me there is nothing that I really disagree with in the report. The one thing I would say is I think it sets out this dichotomy of human rights and engagement/negotiation. Basically we’ve seen two models: engagement without human rights and that was sort of the Sunshine Policy. The other side of the spectrum is human rights without engagement – that was largely a reference to the Bush administration. Again, I think that those are fair characterization with regard to the Bush administration. I think it’s a fair characterization of the first term of the Bush administration, but not necessarily the second term. But more important than that, while it’s a good dichotomy it misses some of the stuff in the middle and some of the most interesting stuff with regard to human rights engagement/negotiation is actually in the middle ground and is very current.
The first place I would start would be not DJ or RMH administration, but the Lee administration. On the surface of the very hard line and not-willing-to-talk, Korean version of Bush, except he doesn’t call Kim Jong-il names. But if you look more carefully at their inter-Korean policy it is the first time in terms of South Korean policy really tries to weave together discussion on inter-Korean economic assistance and human rights. Lee Myung-bak on the contrary to what many people thing is committed to major both economic interaction and reconciliation with North Korea. For the first time, he pegged specifically to both human rights and denuclearization. The way it was explained to me, and I’ve told the unification minister that he should come here and explain this which is essentially a three part model to thinking about engagement in human rights.

The first is under what conditions does [___] regime provide unconditional human rights assistance. And this was largely described to be me as what is reserved for food for children, basically populations that are vulnerable and are completely without any sort of protection. Then beyond that, economic interaction related to things like the maintenance of Kaesong, Geumgang Mountain and other projects are specifically pegged to human rights issues in South Korea, that is the return of POWs, the return of abductees, the accounting for abductions of South Koreans, and family reunions. This is not something we’ve seen in South Korean, inter-Korean policies. Finally for the big tickets, things like what Roh promised with KJI—that goes way beyond Kaesong and Geumgang Mountain. These things would be on the table available to North if we see real denuclearization.
So, the first point I would like to make is that that is another area of looking at human rights and engagement relationship that doesn’t fall neatly into the dichotomy that is laid out in the paper. The second point: The other dichotomy is Bush administration talking about human rights and not wanting to engage. But I think that it is right to explain the first term but what is interesting about the second term is that it had both of these things moving at the same time. Clearly not in the way that you recommended in the paper, but in the second term the Bush administration did see progress in at least putting the North Korean human rights issue on the agenda and at the same time progress in Six-Party Talks and denuclearization. The point on human rights envoy, the North Korean human rights act, the resettlement program in U.S. for North Korean defector, the Oval Office meetings with Kang Chul-hwan, and with Kim Seung-man, the little girl who tried to escape with the family. They were incredible meetings with the President. He was deeply moved by both of those meetings and raised the profile of North Korean defectors of North Korean human rights, not so much because they had a picture with the president but because the President after these meetings, being moved by them, would go to G8 and other meetings around the country and talk about these people; to Blair, Koizumi and others about these things. That was something we had never seen before. I think we saw at least a movement in that sense (putting it on the agenda) and at the same time in the second term we saw the largest movements we’ve ever seen with denuclearization with North Korea – compensation formula, etc. at the end of the second term they past freeze, actually disabling and in some cases dismantling pieces of Yongbyon program. So, I would describe this as two things that were moving in parallel and so that would be slightly different characterization rather than lumping all of the Bush administration into the view about “talk about human rights but don’t engage.”
Final point I would make is, I think increasingly what we’re seeing is that the answer in terms of the human rights problems in North Korea, denuclearization, conventional aggression as we see now raised to front and center by Cheonan-ham sinking . . . I think increasingly it is we see bubbling up now in Korea of view that the only real way of dealing with these is through a final solution. And that final solution is unification. I think the debate on unification in Korea is changing. During the fifty years during the cold war it was very simple. Many viewed it as unification by force—that was basically it! That was the paradigm for unification. And then we saw at the end of the cold war the view that somehow with the German unification that the Koreans would be able to absorb North Korea. That was the view for unification for a few years. Then we saw the lessons of Germany starting to trickle down coupled with the Asian financial crisis. The predominant view for the next ten years was that we cannot afford unification—it is too difficult, too dangerous. Unification was something you wanted but not something you wanted in your lifetime. It was a resource-constraint driven view. And the Sunshine Policy in part grew out of the core calculation that unification is simply too dangerous and too expensive. I think what we are seeing the beginning of now in today’s South Korea is that the views are starting to change. The KJI’s stroke – the fact that it looks increasingly unlikely that we’ll get denuclearization under KJI regime, the fact that the succession process looks uncertain and the fact that they are aggressing in the way they are interims of the Cheonan incident… the views on unification are changing. One of the things interesting to me was that clearly the efforts that past unification ministries placed on inter-Korean assistance and economic engagement, this unification ministry is focusing on the younger generation in Korea and the world. In terms of younger generation in Korea, it’s trying to say, “you grew up thinking unification is something
that should never happen in your lifetime because it’s too expensive.” They are trying to change the way people think.

With the regard to reaching out to the world it’s an effort to try get the world to socialize to the view that how unification should look particularly in hands of South Korean leadership. So this is to me very interesting, very different. It’s something that is changing now on the ground as we speak, in real time. And that to me it’s not the immediate answer tomorrow for Ambassador King, for David Hawk or others who look at the human rights problem in North Korea. It’s increasingly going to be a view that the (this is not to say we should negotiate with North Korea on human rights) final solution in terms of both denuclearization and human rights is really the final solution, which is unification.

Sophie Richardson: Thank you very much for inviting me here with you. I echo much of what has been said, particularly about David and his work, and the spirit of reminding people that they’ve been following longer than they realize. I’ve been reading David since Cambodia. I think the papers we’re talking about this afternoon are a great reminder especially for organizations like ours that we have to keep trying to be creative and think what other vehicles and mechanisms are available to us. I wanted to thank David for making us sit up and think again, which is always good.

I’d also like to say that we have an extraordinary opportunity at the moment with Ambassador King, who brought great energy and insight to move the North Korea ball further down the field. Before I turn to my assigned task which is to assess how realistic David’s proposed strategies
are, from a sort of a human rights trenches view. I think most people think that our view on North Korea is that it is among the worst of the worst with respect to human rights abuses. We don’t rank countries but if we did this would be a fairly easy call. I will read to you briefly the core sentences of our assessment of DPRK’s performance at the UPR and Geneva earlier this year (March 2010). We wrote, “based on the review of DPRK’s submission to the UNHRC and its response to recommendation to other member states, it’s clear the DPRK demonstrated neither the political commitment nor the requisite understanding of what it means to comply with international human rights standard.”

So first let me throw a little bit of cold water to some extent on the discussion about what we might be able to expect out of North Koreans. That said David has made a number of proposals which we wholly agree. Not least that any kind of discussions should not be held hostage to whether nuclear talks progress or don’t. In a perfect world of chorus we would all like to see some sort of incentivization. But I think we also realize that this is one of the worst of the worst, and we should be opportunistic and spot and make the best use of opportunities to improve the situation a little bit. We also certainly share the view and I would agree with Victor added just a minute ago. I think the description of the two approaches . . . either nuclear talks or no human rights or human rights but no engagement. I think actually there is a fair amount in the middle and I think we probably shouldn’t ignore. But often we try to talk about human rights and security as two sides of the same coin, partly it’s one way of breaking down what seems to us like a false distinction between the two realms. And to some extent the paper addresses that when it talks about humanitarian aids as appeasing security and freeing opportunity to raise human rights issues.
One of the other great contributions of the paper is literally the phrasing of the section about the different types of dialogues and how particular questions could be asked to North Korean officials. These are questions like how you interpret your own laws, and what justifications do you find in your own legal system for certain kinds of treatments? That’s arguably one of the best ways from our perspective of asking questions like this of particularly in-transition regimes. There are governments out there with whom you can have much more frank and direct conversation, and say, “you practice is widely in tension with international law—what is going on?” But having never spoken with North Korea, I suspect they are at a rather different end of the spectrum and the questions should be asked in a different way.

On some of the specific proposals that are made in the paper, I want to offer up a couple of caveats. The first of which is, with respect to the ASEAN intergovernmental human rights mechanism, I can see David laughing already. It’s better than nothing, but it hasn’t proven to be much else yet. That’s not to say they couldn’t, but, there are number of countries within ASEAN like Burma, which has an appalling human rights record . . . That organization seems to be heading in the direction of tolerating a policy of non-interference, which is largely in tension with the idea of protecting and promoting international and universal human rights standards . . . it’s not very encouraging to us. We haven’t really come out criticizing on public with this, with hopes that it may turn into a more effective vehicle. They are ways of making the comparison, but also it’s important to explain what pitfalls to avoid.
A similar point about relying on the World Bank or any other IFI to be really a solid interlocutor in terms of good governance. These are organizations themselves have enormous problems with good government. While they can in some instances run good projects on these issues, again you would want to be pretty clear about what your expectations are. We are talking about transparency, state revenues or . . . issues like that. We would expect the U.S.’ role as a major shareholder in the World Bank to make sure the very specific standards are set out so that IFI itself becomes not much a part of the problem but be a solution.

Third on the subject of HR dialogues, you’ve caught me at a moment when I was feeling particularly crotchety on this topic having just sat through the UN HR dialogue last week and having spent talking to eighteen different European embassies about EU-China human rights dialogue. These are . . . they are great ideas on paper. They really fall apart in reality partly because Chinese government has been successful in keeping these from being meaningful, actionable dialogue. There are no benchmarks. It’s hard to know exactly what got discussed. The other downside of the human rights dialogue is that NK will not necessarily be susceptible to this problem. One of the downsides particularly with the U.S.-China dialogue is that to some extent it really ghettoizes human rights issues to that particular dialogue. It can be very difficult to get agencies or individuals outside the State Department or Department of Labor to take up the HR issue with the Chinese government. I think it’s a thankless task, I think people in other departments are happy to relegate this issues back to the State Department, when it’s our view that it is the most useful opportunities for raising rights issues may come up in trade or security discussions. I really don’t want to see that with North Korea.
I’m just going to offer up a couple ideas at the gentler end of the spectrum. I always wondered why there hasn’t been an attempt for Six-Party Talks that specifically look at human rights issues. I can’t see who would exactly participate in it though. There are couple of examples out there – NGOs, governments . . . But that might be one way of trying to incorporate or build up the discussion a little bit. And as disappointed as we all were when the DPRK’s performance the universal periodical review . . . but at least they came. They came, sat there, and sort of engaged in the discussion. I still don’t know if they felt it was a form that they felt more comfortable, or thought they couldn’t avoid or skip. Some very fragile relationship has been established, encouraging DPRK officials to talk in Geneva. I’m intrigued by the prospects of the discussion of attaching hr to remittances or family reunions. I think that kind of interaction offers opportunity should be explored more.

At the harder end of the spectrum, we need to keep re-reading North Korea Human Rights Act and making sure that we follow through with all of the options created there, especially the issues with the refugees. One of the ideas we’ve been talking about more lately is pursuing a committee of inquiry, which would be a UN Mechanism to look into whether North Korean government committed crimes against humanity. These are the kinds of mechanisms you can establish through couple different parts in UN it’s never easy to do. The idea is to raise the price for governments that are side stepping the issues with North Korea, to identify who are helping rogue regimes. I will stop there to entertain some questions.

**Hawk:** For Professor Cha, I agree with what you said about Lee Myung-bak administration. I think their instincts as I think the instincts of the Obama administration were for LMB and are,
much more in line with the approach I’m advocating rather than the old dichotomy. And I think they would have done those things if they could have. Unfortunately, their relationship deteriorated so dramatically they haven’t been able to and I don’t know how much longer it will be. I don’t know how much more time they have, and they are going downhill so dramatically. I doubt that their administration would have time and opportunity to follow the instincts they outlined in the beginning as you described, which would have been much more in line with what I tried to recommend.

I probably overstated the thesis and there is more in the middle. I tried to differentiate the difference between the first five years of the Bush administration and the last three. So I don’t really disagree with what you are saying there. It did get further on denuclearization than the agreed framework did. Some of the issues though they wouldn’t have been able to make so much progress.

Sophie, I agree with your caveats on the ASEAN, except, if you could get to that stage with North Korea, it would be an enormous progress because then they’d just be all you other difficult countries’ situations instead of the exceptional one they are now. You are rights about your caveats but I’d like to get to that stage anyway.

Your point about encouraging DPRK to talk with special rapporteur is terrific. It’s a good idea and there might be some progress with the rapporteur who are not named in the resolution. I don’t know whether they’d have the same attitude toward all others they did, but it’s worth
trying. On your last point I have a lot of ideas—that’s not the subject here today so I won’t get started on that.

**Q&A**

**Guest 1 (DailyNK):** With regards to Cheonan incident, recently there has been a lot of talk about responses in form of economic responses like stopping sand purchases from the North, perhaps retreating from Kaesong complex, do you think these policies will have effects on human security in North Korea? *(to Victor Cha)*

**Cha:** Well, Yes. Report will be released sometime this week, including countermeasures such as stopping import of various things from North Korea. I don’t know whether that’s right or not. If I were still doing this the main, whatever countermeasures were undertaken the main objective for me to re-establish conventional deterrence with North Korea. So whatever countermeasures one is considering, it will be do whatever you could do to re-establish deterrence. What is the most frightening about the incident presuming it was done by NK, is that we thought they were deterred—that they would not undertake such a large conventional action. This even shows otherwise. The main thing is to establish some of conventional deterrence, and if its stopping the import of sand or fish products or other sorts of things, if that’s what it takes, then I think it’s worth doing it, because there is a lot more stake here than simply retribution for one single incident.

**Guest 2 (Foreign Policy Analysis):** I wonder if we’ve seen any evidence of HR movement in North Korea. I’m thinking of **Lancloss** article from Foreign Policy Analysis November-
December where he is talking about subverting transforming North Korean society and so forth then also maybe the currency revaluation protest . . . Do we see anything in the cage that North Korean are realizing their situation and to a greater degree than the past?

**Richardson:** I think we know that more people are disenchanted and little bit better informed than they have been in the past, whether that’s translating into any sort of organized opposition or resistance or objections the signs are not particularly good. The forthcoming book from Marcus Noland and Stephan Haggard looks at interviews that were done with North Korean refugees in China and collaborated with similar interviews that were down with North Koreans in South Korea. Part of the study looks at what sort of information people have access to and how they have responded to it. One of the conclusions was that is that a considerably more people are listening to different sources of news broadcasted into NK and they are consuming the information, they are aware of it. There is no indication that they are more likely to actually act on it. We are still a long way off from having a nascent civil society.

**Cha:** I agree with the point Sophie made—nobody is against the idea. Should we broadcast more to NK to get them to see that? Absolutely. There is not one U.S. government representative who would disagree with that. The problem is that they may know a little bit more, but there is near civil society around which you can organize. The only organized institution with instruments of force in North Korea is the military. It’s certainly good that they have more information but the strength of the regime has been the weakness of the people and it’s very difficult to empower them.
Hawk: Just one comment. I thought there might be social space or civil space which was for civil society to start to develop from, which is in the markets. Everything else is surveyed so completely, but in the market places the police would be on the periphery. But you had a lot of people buying and selling and talking among each other the way people do outside of the surveillance and control of the authority. Unfortunately, it’s hard to tell the extent to which the regime has been successful in its ongoing attempt to close down the markets, which they may be doing for economic reasons to force that activity back into the state store or something. But to the extent they are successfully doing that, they are actually eliminating places where there was a civil space.

Guest 3 (Ben Rogers, Christian Solidarity): I wondered, first of all, you think that individuals with long records in human rights or have established dialogues in North Korea. What role can they play in the new approach? How can the commission of inquiry link with the dialogue and lead into a dialogue?

Hawk: I don’t think that fuels a dialogue—what that aims to do is put the discrepancies between international standards and national practice higher up. It is either to get the Security Council under the rubric to protect—thus far SC dealt only with conventional attacks, but they have not taken up humanitarian or human security components of North Korean human rights at all. It’s about notching things up a bit more. I will strongly support but I don’t see that as leading to a dialogue. Lord Barron is doing terrific work and I wish to see more of the work among other EU representatives. Commission of inquiry would make North Korean human rights issues harder to ignore.
Guest 4 (Steve Wiskham, No affiliation): What is Human Rights Watch is doing in terms of creating more awareness about what human rights in North Korea?

Hawk: I see more of the idea that there are rules regarding this issues—there are some standards and little bit of understanding about how they should be treated.

Guest 5 (Assistant Professor, Catholic University): I’m skeptical about where the human rights advocacy would take us. What incentives does North Korea have to alleviate their human rights abuse practices?

Hawk: North Korea’s reputation as a rogue nation will be downgraded and their international standing will be upgraded. The constant stream of criticism that they get is perhaps an incentive.

Guest 6: You are talking about unification under LMB. South Korea has not had human rights record either . . . Does South Korea have a certain policy to reform North Korea human rights practice? Does North Korea have interest in opening to IFI? (to Cha)

Cha: This administration for the first time tried to integrate specific matrix in human rights, with specific matrix of inter-Korean relationship. It’s a standing policy of South Korean policy and will be written about in future as a new attempt. Verification issues are the most difficult part in inter-Korean relationship. The overall public discussion will change if the confidence and prospects with the regime grow with nuclear verification and improving human rights. While we
are in the midst of the verification process, I wonder if human rights improvements could have been made also.

**Ku:** Does North Korea have interest in opening to IFI? How do we work with these IFIs to get better transparency or better governance through their programs?

**Richardson:** Often it can be quite idiosyncratic. On paper most of these organizations have very good standards about consultation and compensation for environmental safeguards and population shifts, etc. I think the question is whether those get upheld. But even the kinds of the projects chosen at the moment, matter. There are a number of problems in raising demand for good governance. In Cambodia, election results were not upheld, etc. there is no discussion about the supply of good governance. The problem is not the lack of demand . . . the problem is lack of supply. That said, I’ve seen some very small kinds of IFI projects you will never read about in newspaper . . . these vary from institution to institution. From ADB is quite unfriendly to our views.

**Guest 7** (Yosh Yamamoto, North Korea Food Network): All the human rights abuses are justified based on North Korean social class structure. Can we expand the human rights dialogue in South Korea, Japan, and the U.S. to deal with the discriminatory *sinbun* system in North?

**Hawk:** If that would be one way to engage North Korea into a dialogue, I’m all for it. But I think it’s going to be very difficult.
Ku: With that, I want to thank our panelists Sophie Richardson who has to run to our next meeting, Professor Victor Cha and our speaker David Hawk, and a special thanks to Ambassador Robert King.