

Furthering North Korean Human Rights Through U.S.-ROK Cooperation



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Introduction

After a decade of political discord and turbulence in U.S.-ROK relations, the alliance and the overall bilateral relationship are experiencing an unprecedented level of consensus, cooperation, and coordination. In spite of, or perhaps due to, heightened tensions in the region arising from North Korean provocations since 2009, the alliance has emerged with a renewed sense of its original purpose—to ensure peace and stability on the peninsula—but also a broader vision that encompasses a regional and even global role. This transformation, while initiated under the often contentious administrations of Presidents George Bush and Roh Moo Hyun, has gained strong momentum under the Obama and Lee Myung-bak administrations. South Korea in particular, has acted boldly in the last year by pursuing activities that it has traditionally shied away from, including: Peacekeeping Operations (PKO) and Provincial Reconstruction Teams (PRTs) in Iraq and Afghanistan; the Proliferation Security Initiative (PSI); and anti-piracy actions.

South Korean participation in these arenas is a reflection of not just a growing national confidence in its capabilities but an increased desire to actively promote and pursue the common interests, shared values, and principles that have long served as the rhetorical basis for the alliance. But of all the myriad global challenges that can be met through enhanced cooperation as identified in the June 2009 Joint Vision Statement for the alliance¹—terrorism, proliferation, piracy, organized crime and narcotics, climate change, development assistance, energy security and epidemic diseases—one particular issue, improving North Korean human rights, stands out as a stark embodiment of the most fundamental shared values, interests, and principles between the two allies. To date, however, cooperation on human rights policies has been a sadly neglected aspect of the alliance relationship throughout the decades, and has all too often suffered as a policy priority, even becoming victim to the politicization of the alliance.

Improving the human rights of North Koreans has remained a vexing problem ever since the international community first became aware of the horror of widespread famine in the early 1990s. Since then, however, while the North's atrocious human rights record is universally condemned, the question of how to address it remains one of the most polarized, politically sensitive, and intractable issues that characterize North Korea. The human rights issue has consistently been supplanted as a policy priority by other security issues. Ironically, however, the

¹ *Joint Vision for the Alliance of the United States of America and the Republic of Korea*, June 16, 2009, Washington, DC, available at: <http://www.whitehouse.gov/the-press-office/joint-vision-alliance-united-states-america-and-republic-korea>.

heightened level of tensions on the Korean peninsula in the aftermath of two crises in 2010—the sinking of the Cheonan and bombing of Yeonpyeong Island—as well as increased concern over an active North Korean uranium enrichment facility, has strengthened the U.S.-ROK alliance and created a fresh opportunity to embark on a comprehensive approach to North Korean human rights problem.

Constraints on Cooperation: Prioritization of Security Issues

The deplorable state of human rights in the DPRK (Democratic People’s Republic of Korea, or North Korea) is so well recognized that the phrase itself should more aptly be identified as North Korea’s “human wrongs” problem. Even with little outside access to the country, testimonials about serious abuses by the regime against its own citizens are numerous. Those abuses include: rigid control over the daily lives of citizens; extrajudicial killings and arbitrary detention; maintenance of vast political prisons and labor camps (estimated to hold 100,000 to 200,000 prisoners) and torture of prisoners; and use of food as a political tool resulting in widespread malnutrition and famine.² Former UN Envoy Vitit Muntarbhorn has described “the overall picture of human rights implementation in [North Korea as] grim” and “North Koreans are facing dire and desperate conditions . . . [with] an oppressive regime bent on personal survival, under which the ordinary people undergo intolerable and interminable sufferings.”³

Despite widespread international acknowledgement of the grave human conditions in the country, policy priorities towards the DPRK focused almost exclusively on the nuclear issue.⁴ In addition, the North’s tolerance for high-risk actions, including threats and the actual conduct of a series of missile launches and two nuclear tests—as well as military clashes with South Korea—has elevated the prioritization of security issues over human rights issues.

The necessity of prioritizing security issues was reinforced in the aftermath of the September 11, 2001 attacks, which brought to the fore the risk of proliferating weapons of mass destruction (WMD) materials to terrorist groups or states. Indeed, the unexpected 9/11 attacks and ensuing adoption of a new national security paradigm by the United States contributed to a fundamental shift in the prioritization of these issues under the George W. Bush administration. Initially, the human rights issue was at the forefront of the Bush administration’s North Korea policy, at least ideologically and rhetorically.

But the Bush administration found itself unable to maintain its tough stance on North Korean human rights in the face of strong opposition from both allies and others in the region who

² Details can be found in the annual U.S. State Department’s *Human Rights Report*; latest Report published February 25, 2009, available at: <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119043.htm>.

³ Interview with Paul Tighe, “North Korean Human Rights ‘Dire and Desperate,’ Un Envoy Says,” *Bloomberg News*, March 17, 2009. Vitit Muntarbhorn, the United Nations’ Rapporteur on the Situation of Human Rights in the Democratic People’s Republic of Korea, was nominated to the position in 2004.

⁴ For details on the unfolding of the North Korean nuclear issue in the 1990s, see: Mitchell Reiss, *Bridled Ambition*, Baltimore, MD: Johns Hopkins University Press, 1995; and for a detailed account of the more recent issues, see: Yoichi Funabashi, *The Peninsula Question: A Chronicle of the Second Korean Nuclear Crisis*, Washington, DC: Brookings University Press, 2007, and Mike Chinoy, *Meltdown: The Inside Story of the North Korean Nuclear Crisis*, New York: St. Martin’s Press, 2008.

criticized the hard-line rhetoric as “destabilizing” amidst mounting tensions created by the nuclear standoff with the North. Eventually, the Bush administration first grudgingly accepted, then embraced the understanding that multilateral cooperation was the only acceptable means of resolving the nuclear issue; as a result the human rights issue was deprioritized. When a formal nuclear negotiation process was finally established in 2003 within the Six-Party Talks, five “Working Groups” were created in 2007 to compartmentalize the myriad issues involving the six countries (the United States, North Korea, South Korea, Japan, China, and Russia).⁵ Although the intent was to maintain momentum and focus on the primacy of resolving the nuclear issue and prevent other issues from inhibiting progress in that arena, segregating human rights for discussion only in the bilateral Working Groups effectively removed it as an issue. While conducive for maintaining talks on disarmament, this structure diminished the policy significance of the human rights issue by undermining its universality, the very principle upon which the concept of human rights is fundamentally based and from which it derives its power.

Thus, the lower priority given to human rights in the Bush administration was not without cost. Nevertheless, at the time a logical case could be made for delinking human rights issues from the Six-Party process. North Korea had made clear its refusal to engage in dialogue on any issue if human rights was on the agenda, effectively precluding further progress on negotiations over the nuclear issue. And removing the nuclear threat from North Korea clearly seemed to be a more imminent national security priority than furthering human rights in that country. As Assistant Secretary of State Christopher Hill, lead envoy for the Talks articulated when asked about the wisdom of such an approach: “Are you trying to get something accomplished, or are you just trying to feel good? Can you find a way forward and engage [the North Koreans] in this and not use human rights as a weapon? . . . Human rights is a serious means to a serious end. It should not be used to humiliate people or beat them on the head with, but to restore some dignity to the people in those countries. But most of those pushing for human rights have no patience.”⁶

Indeed, by removing human rights from the multilateral agenda, the Six-Party Talks were able to convene six rounds of discussions between 2003 and 2008, resulting in some progress on dismantling part of North Korea’s aging nuclear production facility at Yongbyon. But the Obama administration has chosen to essentially pick up the process where the Bush administration left off. It is clear that national security interests continue to trump human rights as a priority issue for the United States.⁷

⁵ Three of the five Working Groups include all the member countries: Denuclearization; Energy and Economic assistance; and a “Northeast Asia Peace and Security Mechanism.” The other two Working Groups—U.S.-DPRK and Japan-DPRK—were dedicated to the normalization of diplomatic relations with North Korea and were intended to provide a separate forum to discuss “sensitive” issues such as human rights.

⁶ Nora Boustany, “Musical Diplomacy Resonates With North Korea as Official Efforts Stall,” *Washington Post*, December 13, 2008.

⁷ Ironically, during his own election campaign for the presidency in May 2008, then-candidate Obama urged the Bush administration “to push for an end to the forced deportation by China of North Korean defectors. They should not be forcibly returned into persecution; they should have the protection to which asylum seekers and refugees are entitled under international law...[and] these issues should be on the table when we talk to countries in the region, including China.” Obama, however, did not specify whether that issue or human rights in general should be part of the Six-Party Talks (Ibid).

Divergent Alliance Interests

Although human rights issues have often played a secondary role in consideration of national security objectives, it has more often than not been a critical component in U.S. foreign policy formulation. As the historian Arthur Schlesinger Jr. noted, “the United States was founded on the proclamation of ‘inalienable’ rights, and human rights ever since have had a peculiar resonance in the American tradition.”⁸ Indeed, choosing to prioritize national security interests over human rights issues has been a moral dilemma for every modern U.S. president, given the difficulty of balancing complex regional dynamics that cloud moral clarity. In Northeast Asia and North Korea in particular, differing national priorities regarding the Korean peninsula are the fundamental cause of the security stalemate that has endured for over half a century.

In an odd twist of fate, for the last twenty years during both the first nuclear crisis (1993-1994) and the current one (2002-present), U.S. presidents have found themselves consistently at odds with the leaders of the ROK (Republic of Korea, or South Korea) regarding policies toward North Korea’s nuclear weapons development. Ironically, this is despite the fact that the alliance was borne and has been maintained for over six decades out of the need to help defend South Korea against a common threat: North Korea. But perhaps because South Korea has lived for the entirety of its sixty-two years as an independent Republic in the shadow of imminent military attack by the North, the ROK’s national priority has unequivocally been to prevent another outbreak of armed conflict and to ultimately reunify with the North through peaceful means.⁹

The DPRK’s progress toward attaining nuclear weapons has fundamentally altered the threat calculus for the ROK by making the South more vulnerable not only to an entirely new level of North Korean attack, but also to the direct repercussions of any regional or international attempts to alter the DPRK’s nuclear status. Regardless of whether military force is used, any precipitous change in the status of the North Korean regime—either its disintegration or its strengthening—would have grave and overwhelmingly negative consequences for the South.

Thus, President Bill Clinton found himself at odds with then-South Korean President Kim Young-Sam (1993-1998), who publicly criticized the United States for its decision to negotiate the bilateral Agreed Framework with the DPRK. President Kim feared that this arrangement would diminish South Korea’s alliance relationship with the United States and reduce the ROK’s security while elevating North Korea’s status in the international community. Even worse, Seoul was skeptical that the deal would be able to accomplish the stated goal of removing North Korea’s nuclear and missile programs.

When the second nuclear crisis erupted, South Korea had undergone a major political shift with the election of former dissident leader Kim Dae Jung (1998-2003), who ushered in a new era of reconciliation with the North through his “Sunshine Policy.” One aspect of the Sunshine Policy involved self-censorship of any discussion of human rights violations in the DPRK so as to

⁸ Arthur Schlesinger, Jr., “Human Rights and the American Tradition,” *Foreign Affairs*, Vol. 57 (1978), pp. 503-526.

⁹ Note that the Korean War which began on June 25, 1950, with the North’s invasion of the South, has not been officially concluded; the cease-fire that has prevailed since July 27, 1953, has been under an armistice agreement and has yet to be replaced with a permanent peace treaty ending hostilities between the two countries.

prevent North Korean objections and keep engagement between the two countries alive. Kim chose to narrow the focus of South Korean human rights concerns to the singular priority of promoting family reunions of divided families, calling this the most pressing item on the ROK's human rights agenda.

Unfortunately, Kim Dae Jung's administration, as well as that of his successor Roh Moo Hyun (2003-2008) who carried on the Sunshine Policy, coincided with a major political shift in Washington with the election in 2000 of President George Bush, who was openly skeptical of not only the Clinton administration's Agreed Framework approach, but also South Korea's policy of openness towards the North. During the period that ensued, many South Koreans became openly hostile to the Bush administration for taking such a strong stance against North Korea, even blaming the United States for "antagonizing" the DPRK with oblique threats of regime change and use of harsh rhetoric criticizing the Kim Jong Il regime. The general sentiment among the South Korean public, even those sympathetic to Washington's standpoint, was fear that the Bush administration's strong condemnation of North Korean activities would trigger a conflict that no matter how justified, would directly harm South Korea and its citizens.¹⁰

The majority of South Koreans favored a negotiated settlement to end North Korea's nuclear ambitions, precluding for all practical purposes any possible pre-emptive use of force by the United States. There is no doubt that intense and growing pressure from South Korea was a major factor causing the Bush administration to attenuate its strongly negative tone and rhetoric against North Korea, not only to accommodate its ally—whose support the United States needed to further other missions around the world, including ROK operations in Iraq and Afghanistan—but also because the Bush administration began to realize the futility of its uncompromising stance in the face of South Korean opposition.

Today, domestic political power has reversed positions in South Korea, where the election of the conservative Lee Myung-bak as president in late 2008 produced an administration that has seemed to mimic in tone the Bush administration's North Korea policy. Although initially less "hard-line" in practice than popularly perceived, following North Korean aggressions in 2010, Lee's stance has significantly hardened, reinstating active defense and deterrence policies to meet North Korean threats. In great part, Lee has been able to implement tougher policies due to the significant shift in popular opinion among South Korean citizens towards North Korea; there

¹⁰ Elsewhere, the author has argued in greater detail that an important and powerful legacy of the Sunshine Policy was to reinforce a profound shift in South Korean threat perceptions about North Korea that began in the aftermath of the famines that occurred in the North in the mid-1990s. Images of a starving and desperately poor population fundamentally altered the *source* of the threat to be feared, from one that emanates from strength to one from weakness. During the Sunshine Policy years, most South Koreans felt a greater threat from the possibility of a sudden collapse of the weak regime and the instability that would ensue, rather than from the increasingly diminished possibility of a North Korean attack on the South. Meanwhile, most Americans and certainly the Bush administration continued to fear the greatest threat from North Korea as emanating from the regime's strength, and not its weakness. Thus, the policy prescriptions of the two allies were not only divergent but worked at cross-purposes; Seoul wanted to pursue policies that would shore up and strengthen the North Korean regime in order to prevent a regime collapse, while Washington's intent was to weaken and isolate the North Korean regime further. This gap in threat perceptions was an important contributing factor to the rise of so-called "anti-Americanism" that flared up in South Korea during this period, but was often misperceived and misinterpreted. For the full discussion, see: Balbina Hwang, "The Implications of Anti-Americanism in Korea for the Future of the U.S.-ROK Alliance," *East Asia International Quarterly* (Summer 2003).

is no doubt that the 2010 attacks were a shock to the South Korean collective psyche which had become inoculated against North Korean threats under a decade of “sunshine.” But to assume that all South Koreans now favor a uniformly hard-line policy towards the North would be as superficially incorrect as the conclusion that all South Koreans had favored reconciliation and engagement of the North under Presidents Kim Dae Jung and Roh Moo Hyun.

South Korea’s vibrant democracy is also deeply polarized and dominated by ideological battles (notably, not unlike in America). South Koreans have lost their patience with North Korean intransigence and requests for seemingly endless handouts in the guise of aid and assistance, the human rights issue remains a lightning rod in South Korea’s domestic politics. One example is the politicization of the National Human Rights Commission (NHRC). Created on November 25, 2001, under the National Human Rights Commission Act as an independent governmental body that does not belong to any legislative, judiciary, or executive branch of the Korean government, it fulfilled an election pledge of then-President Kim Dae Jung to prioritize human rights. But until recently, the NHRC focused almost exclusively on South Korean human rights issues, arguably playing a critical role in the passage of laws to protect the rights of the disabled, migrant workers, and others facing discrimination. Under the Lee Myung-bak administration, however, the NHRC has actively focused on North Korea-related issues, recently recommending that the government resume anti-North Korean propaganda in the aftermath of the Cheonan sinking and Yeonpyeong Island attack.¹¹

Perhaps more significantly, the NHRC publicly endorsed the passage of a North Korean Human Rights Bill which has been stalled in the National Assembly since 2010 due to vehement opposition from liberal opposition parties, who view the illumination of human rights issues as antagonizing North Korea.¹² The Bill would authorize the creation of an independent body to monitor North Korean human rights and would support activists in the South. Although some proponents criticize the Bill for being more symbolic than effective, the importance for the ROK to pass a North Korean human rights act would finally put South Korea on equal footing with the United States and Japan, which passed their own versions in 2006. Such legal equivalency has value beyond mere symbolism and moral weight by establishing an institutional basis for greater future coordination and cooperation among the three allies.

Nevertheless, the ongoing controversy surrounding passage of the Bill in South Korea signifies that despite the profound shift in overall public opinion towards greater skepticism towards North Korea, there is no more political or ideological consensus on North Korean human rights than existed during the years of Sunshine Policy. As such, there are still many obstacles to formulating and implementing a coherent and effective policy to address the human rights problem in North Korea.

¹¹ “Human Rights Panel Recommends Resuming Anti-Pyongyang Propaganda,” *Vantage Point*, Yonhap News Agency, Vol. 34, No. 1 (January 2011).

¹² For a typical example of the liberal/progressive opposition to the establishment of the Human Rights Bill, see: “Is This a North Korea Human Rights Commission,” editorial in the *Kyunghyung Shinmun*, November 22, 2010, available at: http://english.khan.co.kr/khan_art_view.html?code=790101&artid=201011221557417&m.

Defining the Human Rights Issues

One factor that has created inertia in efforts to address the North Korean human rights issue is the tendency to conflate many distinct facets of North Korean human rights issues into one overarching problem. While the root cause of these problems is singularly attributable to the nature of the North Korean regime itself, properly defining and differentiating the range of issues will go far in devising and implementing practical policies to address them.

The most important distinction is between the human rights conditions that North Korean citizens endure within the country itself and those that they encounter after they leave the DPRK. Because the DPRK remains one of the most isolated and closed societies in the world today and the regime purposefully restricts foreign penetration into that country, the international community has limited access. Moreover, the complete lack of diplomatic channels between Pyongyang and the United States—and Seoul and Tokyo—means that all official communications are entrenched within the political dialogue, which is dominated by security issues. This observation is not meant to support the argument for opening diplomatic relations as an immediate policy objective—such moves should follow improvement in political conditions, not precede them—but highlights the reality that the international community's ability to improve conditions for North Koreans is far greater for those individuals who have fled their country.

The inability to acknowledge this important distinction between these two groups has had negative consequences for policy. For example, when the Special Envoy for North Korean Issues (SENK) to promote human rights was appointed in September 2005 with the passage of the 2004 North Korea Human Rights Act, the office had no real power as its mandate was to try to improve human rights within a country that would not allow any access. Moreover, the SENK office's other mission, to assist North Korean refugees, was a responsibility that was already managed by the Office of Population, Refugees and Migration (located in the Bureau of Democracy, Rights, and Labor within the State Department), while the issues related to the resettlement of North Korean refugees in the United States was under the control of the Department of Homeland Security. Finally, because the SENK's office was in a different Bureau than East Asian and Pacific Affairs, its ability to raise these issues effectively with the destination countries of refugees—such as China and other Southeast Asian nations—was seriously hampered due to the broader political concerns and sensitivities that often dominated bilateral U.S. relations with those countries. Ultimately, coordination problems caused by the creation of this office during a time when the entire U.S. North Korea policy was under siege not only within the U.S. government but by foreign governments in the region, was an unwelcome and unnecessary bureaucratic and political complication.

The Obama administration has taken laudable steps to address much of the bureaucratic dysfunction of the previous administration. Relocating the SENK's office within the East Asia Bureau and placing the envoy in the same office as the Special Envoys for North Korea affairs and the Six-Party Talks allows for coordination and synchronization of human rights with security priorities. Overall, the administration seems to have eliminated many of the ideological and bureaucratic battles that dominated previous North Korean policy, offering an opportunity for some real progress on furthering the human rights agenda. Nevertheless, the Obama

administration must contend with a skeptical and often-times contentious Congress, which has in the past used human rights issues to criticize, pressure, and even hinder North Korea policies.

To date, however, there is no indication that the human rights agenda is ranking any higher as a policy priority than it did under the previous administration. Arguably, the stakes facing the United States today are even greater than even a few years ago: Pyongyang's recent conventional attacks against the ROK as well as its display of uranium enrichment facilities have certainly raised the level of security tensions, exacerbated further by growing uncertainty over North Korean leadership succession issues. But worse, Washington's relations with Beijing today are perhaps the most precarious in a decade, with a wide range of issues in contention between the two powers. U.S.-China cooperation is necessary to address North Korea broadly, but the quality of U.S.-China cooperation has a particular significance for human rights issues.

The Role of China

China's role as it relates to North Korean human rights issues presents a particular challenge. This is due in part to a failure to differentiate the problem into categories that are essential for effective policy prescriptions. China's own human rights issues continue to be a major issue of contention between Beijing and Washington. China's treatment of North Korean refugees – whose numbers over the past two decades are estimated to exceed several hundred thousand – has also been a target of special scrutiny by the international community. Because China shares a minimally securitized land border of 1,415 kilometers with the DPRK, China has been almost exclusively the conduit through which North Koreans access their escape from the DPRK. Unauthorized departure from the DPRK is considered a high offense by the North Korean state, and violators are subject to the harshest punishment, including at times the death penalty.

China, however, despite being a signatory to the 1951 UN Convention Relating to the Status of Refugees and the 1967 Protocol intended to ensure protection for displaced persons in a foreign country, does not recognize North Koreans as “refugees,” deeming them instead as “economic migrants,” and has consistently followed a policy of “refoulement” or forcible return of North Koreans to the DPRK.¹³ Over the years, enforcement of refoulement has waxed and waned, presumably responding to the state of political relations between Beijing and Pyongyang or specific domestic developments in China. For example, in the months preceding the Beijing Olympics in 2008, Chinese patrols along the border and the number of forced repatriations to North Korea increased.

The plight of North Koreans able to make the border crossing into China (usually through bribing border or patrol guards) is grim and harrowing because they must live in hiding and in constant fear of being discovered by authorities. A loose “underground railroad” has developed to provide shelter and safe passage to a third country for resettlement, funded and manned largely by nongovernmental organizations (NGOs) and missionaries who operate at great risk, but their limited resources are inadequate compared to the numbers of refugees.¹⁴ And because the majority of North Koreans crossing the border in recent years are women, these refugees are

¹³ See: UN Convention Relating to the Status of Refugees (1951) and Protocol (1967).

¹⁴ “North Korea Human Rights Act Does Little to Help Refugees in China,” *Korea Herald*, December 30, 2005.

particularly vulnerable to being trafficked as indentured servants or sex slaves, or to being sold into marriage on rural Chinese farms.

Although the United Nations High Commission on Refugees (UNHCR, the agency charged with maintaining and enforcing the Convention and Protocol on Refugees) has a small presence in Beijing, its access to the border region is limited, and its remote location from the border means that for North Koreans to gain physical access to the office is a dangerous and daunting endeavor. Over the years, the UN as well as the international community has urged China to grant greater access and rights to UNHCR and to reconsider its refoulement policy, but Beijing has consistently rejected these pleas.

China's unwavering position is based on practical and political calculations that can be argued as justifiable, even if it is morally indefensible. It is true that many North Koreans fleeing into China do so not because they necessarily want to abandon their home country permanently, but because desperate circumstances including lack of food resources compel them to seek economic opportunities unavailable at home. Thus, Beijing's defense of classifying North Koreans as "economic migrants" rather than "refugees" may have some technical merit, although there are certainly those who qualify as the latter because they seek political asylum and protection from a repressive government at home. Furthermore, dire and economically repressive conditions at home arguably motivate North Koreans to risk their lives by crossing the border in search of an economic livelihood and food.

China's reluctance to accept the status of North Koreans as refugees is also due to fears that any formal acceptance of North Korean refugees not only risks upsetting its delicate political relationship with Pyongyang, but perhaps more significantly, may serve as a magnet that would unleash a flood of North Korean asylum seekers. This would not only weaken the North Korean regime to the point of instability, but also would establish a dangerous precedent that could potentially create a tsunami of displaced refugees from China's myriad neighbors along its southern borders: for instance, Bhutan, Laos, Burma, and Vietnam, where ethnic strife at home has created their own refugee populations.¹⁵

However, regardless of the clear political costs to China of ending its refoulement policy, the practice remains objectionable both morally and within the parameters of international standards and practices. The international community's inability to effect change has in part been hampered by the tendency to sweep all challenges facing North Koreans into the singular issue of North Korea's "human rights problems" and to demand broad improvement across the board. But the precise differentiation between the abuses and violation of the rights suffered by North Koreans *outside* the DPRK's borders, and those that remain *inside* the DPRK, is critical if the objective is to realize tangible and meaningful improvement of conditions rather than merely establish a platform for moral outrage and criticism.

¹⁵ Note that many of these countries, in particular Thailand and Laos, have their own internal refugee problems related to their ethnic minorities. As such, policies to alleviate conditions for North Koreans languishing in refugee detention centers in these countries become even more complex as they must navigate their domestic and sometimes even more sensitive cross-border politics.

U.S. and South Korean Responses

While the U.S. government has been criticized and tarred by a sweeping brush for not doing anything about North Korean human rights, the reality is that aside from calling attention to the problem and urging improvements, there is very little that the government can do *inside* such a closed society as the DPRK. However, the government can do more to assist North Koreans *outside* the country, and in this regard has actually done far more than it is given credit for, by quietly working with third countries to improve protection of refugees and provide safe passage for resettlement in South Korea. In part, this is because the government cannot publicly acknowledge its actions, for drawing publicity to certain programs would only jeopardize their implementation and undermine their success.

Similarly, the South Korean government too has also done more to assist North Korean refugees than it is given credit for. While the Lee Myung-bak administration has been widely criticized for cutting off food aid and other economic assistance to the North, the government has quietly expanded its programs in South Korea, including its resettlement facility, Hanawon, to accommodate the growing number of North Korean refugees. The government has also mandated its bureaucracies to streamline their processes for facilitating the safe entry of North Koreans into the South by working with the third countries in which many North Koreans often languish for months, if not years. The evidence is clear in the stark increase in refugees resettling in the ROK in recent years; while it took more than half a century for the number of North Koreans seeking refuge to settle in South Korea to reach 10,000 in 2007, by 2010 the total number of refugees doubled to 20,000.¹⁶

While many incorrectly inferred that the significant rise in refugees entering the ROK in 2009 and 2010 meant that conditions in North Korea were dramatically declining, in fact there is little correlation between the number of refugees exiting North Korea and those entering the South due to the significant time lag between their exit and their ability to enter South Korea; most North Koreans spend an average of 12 to 24 months hiding in a third country before they are able to apply for and receive safe passage to the South.¹⁷ Thus, the significant increase in refugee inflows into the South is a direct consequence of concerted actions taken by the ROK government to accommodate North Koreans. And in another indication that the Lee Myung-bak administration is advancing a strategy to integrate North Koreans into South Korean society, the government announced a one percent quota for North Korean defectors in administrative assistant jobs at public agencies.¹⁸

Conclusion: Strengthening Alliance Cooperation on North Korean Human Rights

The prospects for the United States and South Korea to work together to achieve tangible improvements in North Korean human rights are not as hopeless as it may seem at first glance,

¹⁶ Ministry of Unification of the Republic of Korea, www.unikorea.go.kr.

¹⁷ Ibid; "North Korean Defectors: No Paradise but Better than Hell," *The Economist*, November 18, 2010.

¹⁸ "1% of Public-Sector Jobs to Go to N. Korean Defectors," *Chosun Ilbo*, January 28, 2011, available at: http://english.chosun.com/site/data/html_dir/2011/01/2011012800489.html.

but they will require stepping outside the ideological box, targeting realistic goals, and focusing on areas of U.S.-ROK cooperation that can produce practical solutions. As such, building upon the positive dynamic created by unprecedented cooperation in the alliance relationship is critical, not only to maintain closeness but also to exploit new opportunities for coordination. Most importantly, policies should focus singularly on improving the lives of North Korean people, rather than any other objectives. This is not to say that morality and politics are unimportant or that they should not play a role; indeed, quite the opposite: all nations should unequivocally pledge their moral commitment to universal standards for all humanity, and insist on full compliance. Moreover, the political arena is the primary forum where these standards and objectives should be established.

U.S.-ROK alliance cooperation can be leveraged to further policies that target the most urgent needs of North Korean refugees, in places where the most good can be achieved most quickly, such as on those North Koreans outside the DPRK who are most vulnerable and face immediate risk. To date, diplomatic pressure and entreaties on Beijing, from Washington, Seoul, Tokyo, and the international community, to alter its harsh treatment of North Koreans found in Chinese territory has largely fallen on deaf ears except on a small minority of case-by-case episodes. In part, Beijing has been able to leverage the often public splits and disagreements among the three allies over their stances on human rights issues, as well as their respective domestic political differences. But a highly coordinated stance based on close alliance cooperation and backed by an international community that also shares the same principles and values, is likely to provide a much stronger basis for pressure on Beijing.

The greater challenge has been and will continue to be how to affect change to conditions *within* North Korea. But this does not mean that North Korean citizens in the DPRK should be ignored. Demands placed on the DPRK regime have proven to be ineffectual and often counterproductive. Instead, efforts in this regard should be redirected towards working with the regime on non-punitive assistance targeted exclusively on improving conditions for North Korean citizens. The North Korean regime has absolutely no incentive to improve conditions if the result is self-jeopardizing; indeed, it has every reason to resist such improvements for the very reason of self-preservation. As a result, demands that the regime open its political concentration camps to international inspections and insistence on their immediate elimination, for example, may be morally justified but have zero percent chance of succeeding. Rather, the United States and ROK, with the support of the international community, should consistently call for the regime to reconsider its policy of imprisoning extended families of political prisoners, and urge the release of young children and the old or infirmed prisoners; doing so poses no real direct threat to the regime or political stability and would actually benefit the regime by allowing it to score points with the international community at very little cost.

But in order for these types of strategies to be implemented, one difficult and even distasteful prerequisite exists: the U.S. and ROK governments will have to set aside moral objections to working with, instead of against, a repugnant regime. And there will have to be a common understanding and acceptance that such strategies not only legitimize despicable regimes to some extent, but may actually prolong their existence at least in the short term. This will be a difficult challenge to overcome and requires a loosening of the ideological grip that has so long dominated the North Korean human rights debate.

A hurdle to delivery of humanitarian assistance in North Korea has been lack of monitoring. Historically, outside efforts at humanitarian projects in North Korea have been frustrated by the fear that assistance will be diverted for the regime's own use rather than reaching the intended targets. But as small programs have recently proven,¹⁹ it is possible to insist on and achieve satisfactory monitoring standards through patience and resolve by proving to the recipients that no ulterior political motives exist. An additional component of this strategy is a long-term commitment; failure to stay committed with the programs for the long haul will tragically have greater adverse consequences in the long term.

Rather than attempting to initiate direct government aid programs which are by definition politicized, the U.S. and ROK governments should consider launching substantial government assistance programs that will be delivered through proven NGOs who have a successful track record in delivering aid in maximally effective and transparent fashion. These efforts can be unilateral, but should be closely coordinated between the two governments to maximize effectiveness and efficiency. Moreover, they should be implemented in a fashion that minimizes if not reduces bureaucratic red tape and inertia, which can be done by anchoring the management of the programs in the SENK's office in Washington, and the equivalent in Seoul, once the South's North Korean Human Rights Act is passed. Assistance should prioritize not just food and nutrition-based aid, but other humanitarian supplies and equipment such as medicines and those related to basic sheltering such as insulation materials. And, priority must be placed on implementing these programs with maximum speed.

Finally, the international public—governments, NGOs, and individual activists—should pause for a period of sober and objective self-reflection and re-evaluation of the effect of their policies, actions, and campaigns regarding North Korea. Public attention and focus on the horrors of North Korean human rights abuses is critical; for too long these crimes of humanity have been ignored. All member states of the international community have the responsibility to hold the North Korean regime accountable and to provide the necessary pressure bilaterally and in international arenas. But the international community should realize that excessive attention can be counter-productive and even lead to worse conditions, if these efforts are allowed to become hostages to ideological or political goals.

Civil-government cooperation and trust is critical in this regard, for too often, energies have been wasted by NGOs and governments ostensibly from the same side battling each other. It is naïve to argue that politics can be divorced from the human rights issue, as the humanitarian environment on the Korean peninsula is ultimately derived from the political division of the Korean people into North and South. Thus, while individual countries have often taken vastly different positions concerning the human rights issue and clashed publically in a politically-charged environment, ultimately one must not lose sight of what matters the most: improving conditions for the people of North Korea. As such, if the United States and ROK can address these issues as “universal” based on the “shared global values” under the alliance, then the close cooperation that has served the bilateral relationship so well may finally begin to show concrete results in the human rights agenda.

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¹⁹ These include food aid programs, as well some medical assistance and agricultural enhancement programs.