

# PURSUING PEACE WHILE ADVANCING RIGHTS:

## *The Untried Approach to North Korea*

“The promotion of human rights cannot be about exhortation alone. At times, it must be coupled with painstaking diplomacy. I know that engagement with repressive regimes lacks the satisfying purity of indignation. But I also know that sanctions without outreach—condemnation without discussion—can carry forward only a crippling status quo. No repressive regime can move down a new path unless it has the choice of an open door.”

President Barack Obama  
Nobel Peace Prize Acceptance Remarks  
December 10, 2009

**David Hawk**  
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## ABOUT THE AUTHOR

**DAVID HAWK** directed the Cambodia Office of the UN High Commissioner for Human Rights in the mid-to-late 1990s. In the 1980s, Hawk documented the Khmer Rouge atrocities in Cambodia under the auspices of the Institute for the Study of Human Rights, Columbia University. In August 1994 and again in 1995, Hawk went on missions to Rwanda for the U.S. Committee for Refugees and Amnesty International respectively. Hawk is a former executive director of the United States section of Amnesty International and has served on the board of directors of AIUSA and Human Rights Watch/Asia.

His research and writing on North Korea include:

- *Hidden Gulag: Exposing North Korea's Prison Camps—Prisoner Testimonies and Satellite Photographs*, The Committee for Human Rights in North Korea
- *Thank You Father Kim Il Sung: Eyewitness Accounts of Violations of Freedom of Thought Conscience and Belief in North Korea*, U.S. Commission on International Religious Freedom
- *Concentrations of Inhumanity: An Analysis of the Phenomena of Repression Associated with North Korea's Kwan-li-so Political Penal Labor Camps According the Terms and Provisions of Article 7 of the Rome Statutes of the International Criminal Court*, Freedom House
- “Human Rights and the Crisis in North Korea” in *North Korea: 2005 and Beyond*, eds. Philip Yun and Gi-Wook Shin, APARC/Stanford University, Brookings Institution Press
- “Factoring Human Rights in the Resolution of Cold War Conflict on the Korean Peninsula” in *Human Rights in North Korea: Toward a Comprehensive Understanding*, eds. Kie-Duck Park and Sang-Jin Han, The Sejong Institute
- “Human Rights Issues During Phase Three of the Six Party Talks” in *Failure to Protect: The Ongoing Challenge of North Korea*, Havel, Bondevik, and Wiesel, DLA Piper and the Committee for Human Rights in North Korea

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## EXECUTIVE SUMMARY

*Pursuing Peace While Advancing Rights: The Untried Approach to North Korea* argues that the reigning paradigm—the idea that either centrally involved nation-states seek to reconcile, engage, and negotiate with the DPRK, in which case raising human rights issues is taboo, or another government raises human rights issues but forgoes engagement and negotiations—is all wrong. This report seeks to make the case that the two should go hand in hand, and outlines an alternative paradigm, which combines the search for peace with the promotion of human rights, and suggests some ways that this alternative, as yet untried, approach might be pursued.

The report begins by briefly noting how the search for peace and the advancement of rights have long been associated. A human rights component has been included in the resolution of Cold War conflicts everywhere else in the world—in Central Europe, Southeast Asia, and Central America—except, so far, Northeast Asia. Human rights considerations are also routinely factored into conflict resolution in the post-Cold War world. As such, the report reviews three different policy settings over the course of nearly two decades in which human rights and conflict resolution with North Korea have been deliberately and assiduously delinked and critically examines the rationales put forward for doing so.

The rationale posited in the “Perry Report” during the Clinton administration for keeping economic or political reform out of negotiations, lest it interfere with arms control, has not stood the test of time. Nor have the three main reasons for keeping human rights concerns off the engagement agenda with North Korea during the South Korean administrations of Kim Dae-jung and Roh Moo-hyun. Their supporters urged the international community to wait until peace had been achieved, until malnutrition had been banished and until economic development was well underway, before raising human rights issues. However, after nearly two decades of negotiations and engagement without a human rights component, peace, food security, and sustainable development are still nowhere in sight. Where the Bush administration went wrong was not in its raising of human rights concerns, but in its refusal to talk directly with the North Koreans about this, or anything else, for the first six years of President Bush’s two terms. The result was an enormous setback for the nonproliferation regime and left human rights conflated with “regime change,” an association from which policy has yet to recover.

This report proposes an alternative paradigm in approaching North Korea: engagement and negotiation with human rights components. If the Six Party Talks can be revived, human rights concerns and human rights-related issues should be allowed to arise organically in most of the “working groups” and subsidiary negotiations that have been built into the forum, particularly with respect to economic and energy cooperation, the creation of a Northeast Asian peace and security mechanism, and the envisioned negotiations to replace the 1953 Korean War armistice with a “peace regime” on the Korean peninsula.

In retrospect, both the implementation of the 1994 Agreed Framework and the 2007-2008 Six Party Talks agreements were too narrowly focused on arms-control issues and did not devote enough effort to the possibility (and it is only a possibility) of working out a less antagonistic relationship between the United States and North Korea. The DPRK asserts that it is the hostile intent of the United States that both requires the North to possess a nuclear deterrent and is the major impediment to the promotion and protection of human rights in the country. As the DPRK has conjoined both nuclear weapons and the state of human rights in North Korea to the state of its relations with the United States, there is a potential role for human rights dialogue in efforts to forge a less hostile relationship between the two countries.

Arguing that a human rights dialogue is doable, three potential lead-ins to such a dialogue are outlined: North Korea's backhanded invitation for such a dialogue in the DPRK report to the United Nations as part of the Universal Periodic Review; a process of seeking to clear human rights-related sanctions and aid conditions that Congress has imposed on the U.S. relationship with North Korea; and a thorough exploration of what exactly are the security assurances the DPRK says are required before it will denuclearize, as some of the assurances, as delineated by former negotiators with North Korea, have profound human rights implications.

A proposed dialogue should be based on the approach prescribed in UN General Assembly Resolution 60/251 ("on principles of cooperation and genuine dialogue and aimed at the strengthening of the capacity of Member States to comply with their obligations for the benefit of all human beings"). It should also establish from the outset that it is not promoting regime change. It is also not promoting politicized slander or vilification. Most importantly, noting the discrepancy between international standards and national practice is neither an infringement of sovereignty nor interference in internal affairs.

On the positive side, this report details the normative and analytical basis for a human rights dialogue with North Korea: the recommendations made to the DPRK by the treaty implementation review committees at the United Nations, which are based on the reports submitted to these "treaty bodies" by the DPRK pursuant to the core human rights conventions to which North Korea has acceded. The UN's expert recommendations outline what measures the DPRK should take to better fulfill its obligations under those conventions. These recommendations constitute a veritable UN roadmap for human rights improvements in North Korea, and North Korea claims to be implementing these recommendations. The substance of a sustained dialogue, which preferably should be multilateral as well as bilateral, should focus on those recommendations and the means of their implementation.

The report concludes by outlining several areas for specific dialogue and discussion, including tackling trafficking and violence against women, and how to talk to the North Koreans about the political prison camps.



**U.S.-KOREA INSTITUTE AT SAIS**  
JOHNS HOPKINS UNIVERSITY  
1740 MASSACHUSETTS AVENUE, NW  
WASHINGTON, DC 20036  
[WWW.USKOREAINSTITUTE.ORG](http://WWW.USKOREAINSTITUTE.ORG)