International Journal of
Korean Unification Studies

Printed by Dooildesign TEL: (82-2) 2285 0936 FAX: (82-2) 2285 0938

International Journal of
Korean Unification Studies

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Northeast Asia and the Trust-building Process: Neighboring States' Policy Coordination

Ihn-hwi Park

South Korea's policy toward North Korea should embrace the diverse interests of the South Korean society, the North Korean regime and the general population, as well as the neighboring countries such as the United States and China. For the past twenty years, South Korea's diplomatic authorities have experienced difficulties in gaining widespread support. At times, this had led to 'South-South conflict,' and diplomatic conflict between South Korea and the United States or between South Korea and China, regarding their respective policy differences in addressing North Korea issues. Compared to former North Korea policies, the Trust-building Process has its strength in gaining widespread interest from the relatively diverse stakeholders because confidence-building is a verified diplomatic policy in the international community, and also because it aims at more indisputably fundamental values compared to other values such as co-existence, peace, and unification. It has achieved widespread support from the traditional bilateral diplomacy with the U.S. and China, as well as from multilateral diplomacy. In particular, the core principle in the implementation of the Trust-building Process is the 'Alignment policy,' which highlights the balance between the importance of South-North Korean relations and international cooperation.

Key words: Park Geun-hye administration, Trustpolitik, Trust-building Process, North Korea policy, international cooperation

Introduction

North Korea's nuclear problem began with the start of the post-Cold War era and has not been resolved despite various political attempts. North Korea's strategy of promoting nuclear development, which shows its tendency to adopt extreme survival measures, has been the biggest obstacle in developing inter-Korean relations and realizing

peace on the Korean Peninsula. In particular, a series of crisis situations that North Korea incurred during 2012 and 2013 have transformed the dimension and contents of North Korea's nuclear problem. Alongside its nuclear development, North Korea has mentioned that "the denuclearization of the Korean Peninsula was the last command of Kim Il Sung, presenting a somewhat strategic ambiguity on its nuclear issue. However, North Korea's Constitution in April 2012 has shown that it has more or less dropped its strategic ambiguity by proclaiming itself as a nuclear state.

In particular, North Korea's strategy of creating a volatile crisis environment after its third nuclear test in February 2013 has increased the public's level of skepticism regarding North Korea's denuclearization and peace on the Peninsula. In addition, on March 31, at the General Assembly of the Central Committee of the Worker's Party, it was announced that North Korea would pursue 'a parallel policy of economic growth and nuclear development.'[1] North Korea is responsible for its nuclear development and the resulting absence of peace on the Peninsula. Given that North Korea has chosen to pursue nuclear weapons as a survival strategy in the post-Cold War era, and the fact that the threat imposed by nuclear weapons, by its very nature exceeds the regional territory and affects international security issues, and finally North Korea's judgment that conditions of routinized tensions on the Peninsula works in favor of its survival has emphasized the role of South Korea and the United States, along with the international community, in resolving this issue.

The Park Geun-hye administration has expressed its clear intent to promote a new and creative approach termed the 'Trust-building Process on the Korean Peninsula' to move beyond the 'nuclear age.'[2] Although it will not be easy, the policy aims to build trust with North

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1. *Yonhapnews* (in Korean), "North Korea's Adoption of A Parallel Policy of Economic Growth and Nuclear Development," March 31, 2013.
2. Park Geun-hye, "A New Kind of Korea: Building Trust Between Seoul and Pyongyang," *Foreign Affairs*, Sep/Oct 2011; Cheon Seong-Whun, "Trust-the Underlying Philosophy of the Park Geun-hye Administration," *Korea Chair Platform*, CSIS, May 6, 2013.

Korea and promote peace on the Peninsula while simultaneously deter North Korea's roguish behavior. However, given the nature of North Korea's nuclear development briefly explained above, South Korea's North Korea policy will only be successful under the provision that neighboring states and the international community also cooperate together. In this context, this paper will explain the new situation brought forth by North Korea's nuclear pursuit and Northeast Asia's new security environment. Then it will examine the current government's broad foreign policy and the core meaning of the Trust-building Process, and finally it will analyze the importance of policy coordination among South Korea's neighboring countries. Regarding the latter point, President Park Geun-hye's Northeast Asia policy termed Northeast Asia Peace and Cooperation Initiative will be dealt with. Finally, this paper will point out some areas of concern related to the cooperation of neighboring states.

New Dimensions brought forth by North Korea's Nuclear Issue and Northeast Asia's Security Environment

Two observations can be made regarding the security environment on the Peninsula at the time the Park Geun-hye administration took office. The first is that North Korea's nuclear issue has entered a new level of complexities, and the second is that the possibility of conflict between the U.S. and China has increased, making South Korea's unification diplomacy toward the two states more important than ever.

Regarding the first point, in April 2012 North Korea stipulated in its Constitution that it is a nuclear state, and during the following year has devised strategies aimed to heighten tensions in a manner that was never before seen throughout the entire post-Cold War era. In particular, North Korea's third nuclear test that took place on 12 February, just two weeks before the inauguration of President Park Geun-hye and one day prior to President Obama's State of the Union speech, has shifted the dimension of the Korean Peninsula's security

environment. North Korea has invested much of its national power in changing the Northeast Asian security environment to its favor, with the aim of stabilizing the Kim Jong-un regime early in his rule. Unsurprisingly, the U.S., China, Japan and other states with a vested interest in the Northeast Asian region are also working to restructure the security environment to favor their respective national interests.

For twenty years after the end of the Cold War, two arguments have repeatedly surfaced every time North Korea's nuclear issue came into the limelight. The first is the view that the realization of the Korean Peninsula's denuclearization depends on South Korea's efforts and policies. The other is that whether North Korea abandons its nuclear weapon depends entirely on North Korea's will and has little or nothing to do with South Korea's efforts.[3] It can be stated that these two conflicting arguments have coexisted during the past twenty years. When viewing the ideological character of the two arguments, the former is a relatively progressive perspective, and the latter a more conservative one. The position of the former argument emphasizes that the international community led by South Korea and the U.S. can resolve North Korea's nuclear issue through their policies. In the context of the present situation, it means that if South Korea adopts a proactive engagement policy, and the U.S. suggests normalizing relations with North Korea and agrees to discuss a peace system, North Korea will take corresponding steps. Conversely, conservatives claim that North Korea's longtime intention has always been to acquire a nuclear state status, and it is moving step by step according to its set timetable with no regard to the actions taken by the outside world. In a realistic sense, after North Korea's third nuclear test, more and more people in the South Korean society appears to be interpreting North Korea's nuclear issue from the latter's stance.

Next, regarding the increasing role of the United States and China, the so-called Group of 2 (G2), the new order in Asia and the

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3. Park Ihn-hwi, "Alliance Theory and Northeast Asia," *The Korean Journal of Defense Analysis*, Vol. 25, No. 3 (Fall 2013), pp. 322-323; Christoph Bluth, *Crisis on the Korean Peninsula* (Dulles, VA: Potomac Books, 2011), Ch. 6.

international community cannot but be an important variable when it comes to the problem on the Korean Peninsula. Actually, although power politics is not an uncommon characteristic of international politics following the modern international relations, it is clearly distinct from the past 19th century European order, 20th century Cold War order, and the unipolar order in the post-Cold War era.[4] For the G2, more than any other cases of power politics, it is evident that both 'cooperation and conflict' coexist between the two. Given that issues concerning the Korean Peninsula are probably the highest points of contention between the two states, the influence of China and the U.S. on the Korean Peninsula will increase in accordance with China's rise.[5] Therefore, an important point concerning the Korean Peninsula is that as South Korea gains more freedom over the North Korea problem, the influence imposed by China and the U.S. will increase correspondingly. Therefore, a situation arises in which South Korea's ability to prevent the interests of the U.S. and China from clashing, and manage the three states' views on North Korea is becoming a vital task.

Among the various options the U.S. has in its efforts to resolve North Korea's nuclear problem, the prevalent perception that the U.S. is unlikely to resort to using military options is an example that shows the complex nature of the North Korea problem. There was a period during the Clinton administration where military options were seriously considered, but at present, not many people would argue that the U.S. would launch a surgical strike on North Korea. Although there are multiple reasons, the most notable is that there exists a certain trade-off between resolving North Korea's nuclear problem and Northeast Asia's security and order, making it unlikely for the U.S. to resolve North Korea's nuclear problem at the expense

4. Stephen G. Brooks and William C. Wohlforth, *World Out of Balance: International Relations and the Challenge of American Primacy* (Princeton: Princeton University Press, 2008), pp. 40-50.

5. David Kang, "The Security of Northeast Asia," *Pacific Focus*, Vol. 21, No. 1 (Spring 2009), pp. 1-21.

of Northeast Asia's order and security.[6] In other words, in a situation where a military strike on North Korea would trigger an unpredictable response from not only North Korea but also China, the U.S. military option is highly unfavorable, especially in light of China's rise.

In consideration of the security environment on the Korean Peninsula, the Park Geun-hye administration claims that a vicious cycle of 'promise and annulment' that has distinguished inter-Korean relations since the Korean War is due to the lack of a minimum level of trust in each other's actions. Therefore, the Park administration states that amidst continuing inter-Korean tensions and when trust is at an all-time low, the time is ripe to implement the Trust-building Process.[7] Actually, in the post-Cold War era, Northeast Asia's security environment has improved slightly and many attempts have been made to better inter-Korean relations. The Park administration explains that despite such efforts, the reason why inter-Korean tensions persist is because a 'trust' infrastructure had not been established. In particular, it is known that President Park Geun-hye has a firm belief that the South Korean government's previous approaches, both hard-line policies and the engagement policy termed the 'Sunshine Policy' have failed to induce genuine changes in North Korea.[8]

The 'Trust-building Process on the Korean Peninsula' was established in this context. Despite North Korea's roguish behavior and extreme tensions in inter-Korean relations, the majority of people in South Korea wish for an improvement in inter-Korean relations, and prefer South Korea's North Korea policy to be one of peace rather than physical sanctions in order to build a foundation for peace on the Peninsula. Skepticism regarding North Korea's nuclear abandonment has been increasing and some have even called for South Korea's nuclear possession. However, 'the denuclearization of the Korean Peninsula' is the South Korea government's clear objective, and the

6. Park Ihn-hwi, ibid (2013), p.323
7. Park, ibid (2011), p. 14.
8. Park, ibid (2011), pp. 14, 15.

citizen's belief that peace on the Peninsula should be established through a peaceful and mutually beneficial way has not changed.[9]

The Park Geun-hye Administration's Trustpolitik

Trustpolitik: Significance and Context

The Park Geun-hye Administration has presented the 'Trust-building Process' for the Korean Peninsula, the 'Northeast Asian Peace and Cooperation Initiative' for the Northeast Asian region and 'Global middle-power diplomacy' for the international community. These three policies have in common that they place 'trust,' a value oriented principle as its core. On the global diplomatic stage characterized by unlimited competition, the abstract value of trust as a principle of diplomatic policy has been subject to controversies on whether it is realistic or feasible to apply to a country none other than North Korea. The type of 'trust' emphasized by the Park administration does not refer to trust in a general sense, but to a trust in reference to strategic considerations and diplomatic relationships.[10] In particular, trust in inter-Korean relations specifically refers to 'enforcing trust' reflecting the distinct security situation surrounding the Korean Peninsula. According to an article in *Foreign Affairs*, trust is defined as the power to force an agent taking part in diplomatic relations to choose institutionalized relations to seek out more benefits.[11] The context of President Park's philosophical perception lies in her philo-sophical perception of the current situation in the global diplomatic environment. The diplomatic environment in the 21st century is one in which the traditional diplomatic measures such as force, coercion,

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9. Gallup Korea, *Gallup Report* on the "The Korea's Public Opinion after the third North Korean Nuclear Test," Feb 22, 2013.

10. Yun Byung-se, "Park Geun-hye's Trustpolitik?: A New Framework for South Korea's Foreign Policy," *Global Asia*, Vol. 8, No. 3 (Fall 2013), pp. 5-10.

11. Park, ibid (2011), p. 15.

persuasion and appeasement is insufficient to achieve global peace and stability. Instead, new diplomatic measures and principles such as trust, mutual understanding and reciprocal interests contribute to regional and global peace as well as the peace of individual states. For instance, issues regarding the environment, starvation, human rights, climate change, disease, etc. should be solved fundamentally through mutual trust and consideration, as well as a sense of solidarity, not through power or influences.

Thus the trustpolitik envisioned by the Park administration is not a naïve diplomatic principle that calls for blinded trust or mercy towards South Korea's counterparts. Rather, it is based on an increasingly common recognition that a new principle is needed to address diplomatic relations among states in today's complex global diplo-

Figure 1. Park Administration's foreign strategies by regions and means[12]

Policy Levels	Policy Areas	Policy Means
Korean Peninsula	Developing inter-Korean relations	'Trust-building Process on the Korean Peninsula'
Northeast Asia	Traditional bilateral diplomacy	ROK-U.S. alliance, ROK-China, ROK-Japan, and ROK-Russia relations
	North Korea's nuclear issue	Six-Party Talks (acquiring limited independent flexibility)
	Major pending issues	Mini-multilateralism
	Overcoming the Asia Paradox	Northeast Asia Peace and Cooperation Plan
International community	Multilateral diplomacy	Middle-power diplomacy, ODA and Cultural diplomacy
	Economic diplomacy	Respecting existing FTA, "Economic-friendly diplomacy"

12. For more specific discussion regarding this subject, please see Park Ihn-hwi, "Northeast Asian Peace and Cooperation Initiative: Issues and Roadmap," International Conference organized by Sejong Institute, Sep 5, 2013

matic environment, a primary example being the value of 'trust.' Because 'trust' contains strategic implications, the practice of trustpolitik can be applied flexibly depending on how it is applied to certain regions. In other words, trust at the level of the Korean Peninsula, trust at the regional level of Northeast Asia and trust at the global level have different strategic emphasis and characteristics. Figure 1 shows the different policy tools of the Park Geun-hye administration in terms of different regional levels.

Trustpolitik: Theoretical Background

It is highly difficult to explain Trustpolitik with a specific framework for theoretical analysis. One must also be cautious in attempting to identify the theoretical background of trustpolitik. However, the Trust-building Process, which is the application of trustpolitik to the Korean Peninsula, is comparably easy in terms of identifying the framework for theoretical analysis. This is because unlike regional or global diplomacy, there is a single subject, which is North Korea, and because it concerns inter-Korean relations, South Korea's political and theoretical flexibility is somewhat respected. From this perspective, the discussion on the theoretical context of trustpolitik will be limited to an explanation of the theoretical context of the 'Trust-building Process on the Korean Peninsula.'

It can be said that the primary theoretical foundation of the Trust-building Process is the Confidence-building theory. If prior confidence-building theories developed with focused on military aspects, trustpolitik tends to be relatively more relevant in explaining complex and multi-faceted fields so that it can be applied to the Korean Peninsula, Northeast Asia, and the international community.[13]

The core argument of the confidence-building theory that emerged

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13. Theory of confidence-building measures is one of the major theories of international cooperation, which developed in the context of the Cold War. Refer to Robert Axelrod, *The Evolution of Cooperation* (New York; Basic books Inc., 1984); Kenneth A. Oye, "Explaining Cooperation under Anarchy: Hypotheses and Strategies," *World Politics*, Vol. 38, No. 1 (October 1985), pp. 1-24.

in Europe is that among agents who harbor mutual animosity and benefits, cooperative measures in the field of the military can be formed, which will then become the basis to deter military actions. In the long run, such deterrence mechanism will lead to trust among the agents. Therefore, an important policy measure to foster peace, in the confidence-building sense, is to focus on the military aspect of inter-state relations. In particular, because this theory was built up during the Cold War, it is aimed mainly at transforming hostile military operations to predictable situations and thereby weakening or terminating belligerent intentions. Thus, the confidence-building theory states that the prediction mechanism on the counterparts' behavior operates to minimize the expected advantages that might result from military actions, ultimately facilitating trust. As such, the confidence-building theory is one theoretical tool to explain various political efforts to transfer a bipolarized Cold-War system into a cooperative international system.

Given that the confidence-building theory focuses on turning hostile forces to co-existing forces and maintains 'peaceful co-existence' as its ultimate objective, it is necessary to devise more comprehensive and sophisticated theoretical tasks to achieve Korean unification and Northeast Asia's communal trust. Compared to the confidence-building theory, the Trust-building Process has the premise that mechanisms for establishing peace is more multi-faceted. This has two implications. One is that the participants nurturing trust must be more multidimensional to include government, civilian, civil society, individuals, international organizations as well as regions like the Korean Peninsula, Northeast Asia and the international community. Once the development of inter-Korean relations reaches a certain level with the government's initiative, the extent of participants should be broadened to take advantage of the momentum. Additionally, the division of Korea has been influenced indispensably by the external factors, and therefore requires an interactive structure between Korea and Northeast Asia and between Korea and the international community in the course of trust-building.

Significance of Trust and Process

Based on the theoretical background and ideal of trustpolitik, the following will discuss the meaning of 'trust' when it is converted to policy. Individual states and regions have different ways to understand and define peace according to their own historical background, and political and economic features. From the view of European traditions, in a broad sense, peace allows social members to realize their own interests. It embraces the dimension of emancipation as well as political liberty and economic affluence among social members. In the meantime, peace in some regions such as many of the African countries which lack societal security is defined as the minimum conditions of survival and protection from extreme violation of human rights.[14]

In this sense, the realization of peace on the Korean Peninsula should reflect its regional specificity to a full extent. Trust, therefore, is a core factor in constructing the peace of Korea based on specific regional features. In the history of inter-Korean relations, tangled with the numerous promises and declarations between both Koreas, emphasis was placed on 'reciprocal interests,' 'rules of the establishment,' and 'will of the leaders' with the intention to achieve peace. Each of them, however, foundered for various reasons into a vicious cycle which led to the realization that we had been poor at trust-building, the most crucial factor to achieve peace on the Korean Peninsula.[15] It suggests that the Trust-building Process should focus on securing 'trust' than any other components in inter-Korean relations.

Simply speaking, 'process' means gradual and incremental steps to peace. President Park stated in the last presidential election that small components of peace amount to a large peace through gradual

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14. Regarding the various meaning of peace and security see, Alan Collins, *Contemporary Security Studies* (Oxford: Oxford University Press, 2011); David P. Barash and Charles P. Webel, *Peace and Conflict* (London: SAGE Publications, 2009)

15. Choi Jin-wook, "The Trust-building Process on the Korean Peninsula: A Paradigm Shift in Seoul's North Korea Policy," *International Journal of Korean Unification Studies*, Vol. 22, No. 1 (Spring 2013), pp. 23-30.

phases at any levels and the ultimate trust and peace accumulate for the relative process in the long term, unlike some values such as interests or promise which could flicker out by chance.[16] She added that although trust is not as tangible as a specific incident or accomplishment in some task, trust is a stable value that requires a gradual process.

The view that trust and peace between the two Koreas must be obtained gradually is gaining more persuasion as North Korea increases its tension-building behavior. With North Korea's increasing determination to develop its nuclear weapons and corresponding skepticism among the public whether North Korea will abandon its nukes, improvement in inter-Korean relations and peace on the Peninsula will require sophisticated and varying strategies. As stated above, as the significance of the roles of the U.S. and China increases, it will be important to gather the two states' interests in a gradual but progressive manner.

Pluralistic Features of the Trust-building Process

Until now, previous South Korean governments have promoted a variety of different North Korea policies, which, as mentioned earlier, have mostly failed to bring genuine changes to North Korea. One important reason is the existing conflict among various stakeholders. That is, coherent and efficient policies are difficult to implement because there are an excessive number of the stakeholders. The pluralistic characteristic of the Trust-building Process focuses on this point. In general, states establish and implement their policies in various fields such as education, macro-economy, environment and culture, etc. These individual policy fields have their own target audience for policy implementation. However, unlike other policy fields, the target audience of the North Korea policy is greatly diverse.

Thus South Korea's policy toward North Korea should embrace

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16. Ministry of Unification, *Trust-Building Process on the Korean Peninsula* (in Korean), pp. 6-7 (Aug 2013).

the diverse interests of the South Korean society, North Korean regime and the general population, and neighboring countries such as the United States and China, in order to draw their support.[17] South Korea's diplomatic authorities have experienced difficulties in gaining their widespread support for the last twenty years. At times, this had led to 'South-South conflict,' and diplomatic conflict between South Korea and the United States or between South Korea and China, regarding their respective policy differences in addressing North Korea issues.

Compared to former North Korea policies, the Trust-building Process has its strength in gaining widespread interest from the relatively diverse stakeholders because confidence-building is a verified diplomatic policy in the international community, and also because it aims at more indisputably fundamental values compared to other values such as co-existence, peace, unification. As mentioned above, the strength of the Trust-building Process lies in its ability to coordinate various stakeholders, which is important given that a North Korea policy cannot be a short-term plan but instead be based on the premise that it will be continued in the long run.

In conclusion, the Trust-building Process is meaningful in that it aims for 'Peace on the Peninsula and eventual unification' as its ultimate goal, and pursues policy completion that can be promoted and applied at any state of the policy process. It is well-known that inter-Korean relations have been marked by cycles of 'promise and annulment.' An important reason for such breakdown of progress lies in the fact that inter-Korean relations have not been institutionalized. The Trust-building Process is expected to embrace multi-dimensional factors in South Korea's North Korea policy in order to maintain its consistency without retreating from existing agreements.

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17. Victor Cha, *The Impossible State: North Korea, Past and Future* (New York: Harper Collins, 2013), Ch. 8; Bluth, ibid (2011), Ch. 5; Yoichi Funabashi, *The Peninsula Question: A Chronicle of the Second Korean Nuclear Crisis* (Washington, D.C.: Brookings Institute, 2007)

Neighboring States' Policy Coordination

The Importance of the Trust-Building Process and International Coordination

The Trust-building Process has not yet aroused conflict in domestic politics because it is less controversial compared to past governments' North Korea policies. This is probably because there is a general consensus among the public regarding the application of 'trust,' a value-oriented subject, to policies toward North Korea. In addition, the Trust-Building Process has been receiving widespread support from the international community. The Trust-building Process started to gain international support through the ROK-U.S.summit and the ROK-China summit last May and June, respectively. Moreover, the government has been successful in promoting its trust-based policies and has gained support from the international community through the G20 summit in Russia and 2013 APEC summit in Indonesia. The Park Geun-hye administration has gained widespread support from its traditional bilateral diplomacy with the U.S. and China, as well as from multilateral diplomacy.

North Korea's nuclear weapon is at the core of the North Korea problem. The international nature of the nuclear issue makes it difficult for the Korean government to resolve it unilaterally. Thus, policy coordination with the international community, including the U.S. and China is crucial.[18] Past administrations have always been aware of this aspect and still have had difficulties in pushing forward their North Korea policy. However, it should be noted that the Trust-building Process has achieved international support with relative ease, due to its less-controversial nature compared to past governments' policies.

In particular, the core principle in the implementation of the

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18. Bruce Klingner, "The U.S. Should Support New South Korean President's Approach to North Korea," *Backgrounder*, the Heritage Foundation, April 11, 2013.

Trust-building Process is the 'Alignment policy.'[19] The Alignment policy highlights alignment in two aspects. The first is the alignment of 'security' and 'exchange and cooperation.' In the case of North Korea's provocative actions, stronger emphasis should be put on security. Similarly, when North Korea is seeking dialogue and changes, more active support for exchange and cooperation should be promoted. Another aspect of the Alignment policy is the balance between the importance of South-North Korean relations and international cooperation. Whether to put emphasis on either inter-Korean relations between South and North Korea or international cooperation between Korea and the international community should be determined more flexibly, according to current issues and situations.

Policy coordination with neighboring states, including the U.S. and China, is one of the fundamental preconditions to successfully implement the North Korea policy. This is because the Trust-building Process emphasizes the importance of policy coordination in its implementation. However, when it comes to North Korean issues, key states define their national interest according to their own interest structures and all have different views on the desirable development of inter-Korean relations and peace on the Korean Peninsula.[20] Therefore, the Park administration is faced with a difficult task of leading and building an international consensus on policies toward North Korea. How to achieve policy coordination in line with the neighboring states is a tough task. This is because although the Trust-building Process bears desirable political aim and principles, each key state expects to secure a leading position in resolving the North Korean issue and building peace in East Asia.

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19. Ministry of Unification, ibid, p. 12
20. Scott Snyder, "Prospects for Sino-American Policy Coordination toward North Korea," *International Journal of Korean Unification Studies*, Vol. 21, No. 2 (2012), pp. 21-44.

The Korean Peninsula and the ROK-US Alliance

During the process of resolving the North Korea problem and building peace on the Korean Peninsula, the R.O.K-U.S. alliance has been South Korea's most essential diplomatic asset. The core issue of the North Korea problem at present is its nuclear weapons. Thus, policy coordination with the U.S. is a necessary precondition for peace-building on the Korean Peninsula. The two pillars of approaching the North Korea problem include: the nuclear issue and normalization of the North Korean society. The current Korean and the U.S. governments are willing to help out and lift various sanctions in order to encourage changes in North Korea, only if it demonstrates a more genuine attitude toward issues, including denuclearization.[21] This does not mean, however, that denuclearization should be the utmost precondition to develop diplomatic relations with North Korea.

The previous Lee Myung-Bak administration's political stance called for steps to resolve the nuclear issue as a precondition to improving inter-Korean relations. The current Park administration is well aware of the problems of such political stance and tries to avoid the total suspension of inter-Korean relations due to a stalemate on the issue of denuclearization. However, it is clear that at least minimal denuclearization efforts must precede the development of inter-Korean relations and the U.S.' diplomatic contact. North Korea is expected to demonstrate actions which exceed the expectations set forth in the 'February 29 agreement' which was agreed between the U.S. and North Korea in early 2012.[22] Therefore, such situation reflects the current level of policy coordination between South Korea and the U.S.

North Korea has been engaging in an 'offensive dialogue proposal' toward South Korea and the U.S. since last summer, which could be understood as part of its repeated request for immediate 'dialogue

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21. Scott Snyder, "Anniversary of Six Party Talks," CFR Blog, September 19, 2013.
22. Yonhapnews, "It is not right time to resume six-party talks," September 10, 2013.

without preconditions.' An interesting point here is that China is supporting North Korea, whilst its political strategy toward North Korea is yet to be fully understood. In principle, although South Korea and the U.S. support the 'Six-Party Talks,' their current position is that no Six-Party Talks will be held until North Korea clearly expresses its stance on its nuclear problem. The Park administration emphasizes that although it wishes for meaningful and practical discussions in the Six-Party Talks, it will utilize 'mini-multilateralism' among South Korea, the U.S. and China to address urgent issues. The U.S. government agrees with this strategy.

In retrospect, the South Korean and U.S. governments have expressed different views on North Korean issues despite their strong diplomatic relations. Although the two governments share the ultimate goal of resolving North Korean issues and building peace on the Korean Peninsula, they each emphasize different strategic approaches. However, as of yet no such discord has been exposed between the Park and the Obama administrations. On May 8, the two presidents pledged for a mature development of R.O.K-U.S. relations on the 60th anniversary of the R.O.K-U.S. alliance. This includes a 'global partnership,' which aims for a joint resolution of global problems and closer cooperation schemes to tackle problems in Northeast Asia as well as on the Korean Peninsula. Although the two governments may express different opinions on certain issues such as the transfer of wartime operational control (OPCON), atomic energy agreement, R.O.K-U.S. cost sharing, etc., these issues are to be resolved through diplomatic agreements and will work to strengthen the alliance.

The Korean Peninsula and Korea-China Relations

China is South Korea's most important partner in handling North Korean issues, and yet it is also its biggest barrier. As the term G2 implies, China, along with the U.S. has become the most influential state in the international community. With China's rise, it will try to exercise leadership in East Asia. Therefore problems dwelling on the Korean Peninsula is of great importance to China's diplomatic

interests.[23] The biggest change in the 'history of North Korea's nuclear issue,' which has lasted for almost twenty years now, has been the increased importance of the 'China variable.'

Despite the R.O.K-U.S. alliance, South Korea's most fundamental diplomatic asset, it must consider the 'China variable' when dealing with North Korea issues due to its distinctive geographic condition. In particular, the previous Lee Myung-Bak administration was criticized for the unintentional consequences of neglecting R.O.K-China relations. As a result, majority of people expect the Park administration to maintain a diplomatic and strategic balance between the U.S. and China.[24] The Korea-China summit held last June well reflects both citizens' expectations and the administration's diplomatic concerns. Indeed, the Park administration's diplomatic gestures will not induce China to suddenly give up on North Korea and support South Korea's policies toward North Korea. However, the current administration has requested that China prevents North Korea's further aberrations such as provocations or additional nuclear tests, based on their thorough understanding of South Korea's North Korea policy.

Fortunately Xi Jinping, the new leader of China's 5th generation of leadership inaugurated early this year, appears, at least for appearances sake, to take a slightly different political stance in terms of its policy towards North Korea. China has shifted its position from the ambiguous stance of the past to clearly supporting the denuclearization of the Korean Peninsula, actively supporting the Trust-Building Process. However, there are various interpretations of China's change in stance. Some have argued that China's current strategy is only a temporary, rather than a permanent change.

Regardless of such discussions, the South Korean government

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23. NarushigeMichishita, "Playing the Same Game: North Korea's Coercive Attempt at U.S. Reconciliation," *The Washington Quarterly*, Vol. 32, No. 4 (2009), pp. 139-52; Anne Wu, "What China Whispers to North Korea," *The Washington Quarterly*, Vol. 28, No. 2 (2005), pp. 35-48.

24. David Kang, "The North Korean Issue, Park Geun-hye's Presidency, and the Possibility of the Trust-Building on the Korean Peninsula," *International Journal of Korean Unification Studies*, Vol. 22, No. 1 (2013), pp. 10-11.

has requested two things. First, it requested that China shows its 'firm and consistent stance on the Korean Peninsula's denuclearization' and the second is that China commits to 'Korea-China cooperation in order to induce changes in North Korea'. In fact, the denuclearization of North Korea is impossible without China's cooperation. The Trust-building Process designs a close and cooperative scheme aimed for the denuclearization of the Korean Peninsula and a variety of new channels for reaching agreements, including the existing Six-Party Talks. China's political assistance is a prerequisite to achieve tangible results. Furthermore, China's role is significant in terms of promoting an active engagement policy toward North Korea, as it exerts huge economic influence on the North Korean economy. The Trust-building Process suggests a 'South-North-China Trilateral Cooperation,' in which the three nations engage in large development projects in North Korea when a certain level of trust has been nurtured between South and North Korea.[25]

Problems on the Korean Peninsula and the Role of Japan and Russia

Japan's role in resolving problems on the Korean Peninsula has been quite limited over recent years. Japan's capacity to handle North Korea issues and policy coordination has decreased somewhat due to its domestic circumstances including major earthquakes, as well as the diplomatic frictions with South Korea. The restoration of R.O.K-Japan relationship in a positive and cooperative way is an important precondition for peace to settle on the Korean Peninsula. First of all, the U.S.' Northeast Asia strategy is based on the premise that South Korea, the U.S. and Japan have cooperative diplomatic relations. This is well-reflected in the recent actions taken by the U.S., in which it supported Japan's movement toward obtaining the right of collective self-defense regardless of neighboring states' concerns while simultaneously valuing the R.O.K.-U.S. alliance.[26] Therefore, a cooperative

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25. Ministry of Unification, ibid, p. 22.
26. Beina Xu, "The US-Japan Security Alliance," *Backgrounder*, Council on Foreign Relations, September 20, 2013

R.O.K-Japan relation is a necessary condition for South Korea's alliance-centric policy toward North Korea.

Additionally, Japan itself has a keen interest in promoting economic diplomacy with North Korea. In fact, Prime Minister Mr. Koizumi visited North Korea twice during his term and came close to improving Japan-North Korea relations. It is hard to grasp Japan's intent to improve its relations with North Korea, other than economic benefits. However, it is clear that South Korea needs to take advantage of Japan's stance in terms of international cooperation for the opening of North Korea. Japan has been very cooperative during the past Six-Party Talks and has respected the South Korea, U.S. and Japan's policy coordination on North Korea issues. Therefore, improving R.O.K-Japan relations is an urgent task needed to promote the Trust-building Process.

Meanwhile, Russia is no longer the global player that it had been during the Cold War period. Instead, during the past twenty years, it has maintained its identity as a European nation. The interesting point here is that the Putin administration, which successfully returned to power in April 2012, declared its interest in the development of the Russian Far-East. The essence of this strategy is to utilize the underdeveloped region of Far-East Russia as a growth engine, seeking to exercise more powerful diplomatic influence in the Northeast Asian region.[27] The Park administration should make tactical use of Putin's Northeast Asian strategy especially given that the Trust-building Process has already gained Russian support through the Korea-Russia summit.

President Park has mentioned during the Korea-Russia summit that she plans to build a railway connecting the Korean Peninsula and Eurasia while the Korea-Russia pipeline project that passes through North Korea is still a valid policy option. The 'Trans-Korea Railway' development plan and the 'Russian Gas Pipeline Construction Project' are expected to be powerful engagement policies toward North Korea, regardless of the volume of economic benefits they

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27. Fiona Hill and Bobo Lo, "Putin's Pivot: Why Russia Is Looking East," *Foreign Affairs*, September/October 2013.

bring. In particular, one of the core demands from the Park adminis-tration is that North Korea behaves in accordance with the 'global standard'. If North Korea is to join such projects, it would be a great opportunity for them to start accepting the global standard in its international relations.

The Northeast Asia Peace and Cooperation Initiative

Lastly, the Park administration's 'Northeast Asia Peace and Coopera-tion Initiative' needs to be looked at very carefully. In essence, the administration has expressed a keen interest in addressing the con-flicts in Northeast Asia (in a broad sense, East Asia) through diplo-matic means. President Park's regional diplomacy in Northeast Asia is grounded in a 'trust-based diplomacy,' which goes beyond the geo-graphic range of the Korean Peninsula.[28] Specifically, the value-centric, trust-based diplomacy points out the coexistence of two paradoxical situations: increased economic interdependency, and the conflicts and hostility arising from distrust. It highlights that Northeast Asia's paradoxical situation needs to be fixed in order to settle peace and recover trust in the region. In addition, it highlights the need to have the right methodological framework to gradually upgrade the level of institutionalization in the region through the 'Seoul Process,' in which it draws lessons from the development of Europe's regionalism.

At this stage, the 'Northeast Asia Peace and Cooperation Initiative' is a specific policy tool, well reflecting the Park administration's values, views and political stance. The Northeast Asia Peace and Cooperative Initiative corresponds with the 'Northeast Asia Peace and Cooperation Initiative and extended cooperation with Eurasia,' which is the government's 127th project among the 'Thirteen Strategies for Implementation,' published by the '18th Presidential transition committee' last February 22.[29] The Park administration called for

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28. Choi, ibid (2013), pp. 27-28.
29. Choi Kang, "Purpose of Northeast Asia Peace and Cooperation Initiative," International Conference organized by Sejong Institute, Sep 5, 2013.

international understanding and support through an active promotion of the initiative to foreign figures visiting South Korea and through the R.O.K-U.S. summit held on May 8 and the R.O.K-China summit held on June 27. However, detailed information on the initiative's vision, strategies, road-map, principles of implementation, etc. are yet to be known at this point.

Still, a general analysis of the Initiative can be made with respect to three issues. First, in terms of the 'participants,' the new initiative is expected to include all of the states in Northeast Asia, including Mongolia and the participants of the Six-Party Talks. On top of this, states and international organizations that have a stake in Northeast Asia and can contribute to solving Northeast Asian issues, such as India, Australia, Indonesia, Mexico, the EU, UN, etc. are also to receive a certain institutional right to participate.

In terms of agendas, the Northeast Asia Peace and Cooperation Initiative no longer emphasizes the importance of hard security, which includes disarmament or arms-control. Rather, it highlights the overriding cooperation on issues of 'soft security,' including non-traditional security issues such as transnational crimes, environment, climate, energy, natural disasters, nuclear security and cyber-terror, etc. Possible outcomes of the Northeast Asia Peace and Cooperation Initiative in line with the agenda could be considered in terms of the "culture of cooperation." Until a certain level of the cooperation is achieved, a gradual approach needs to be adopted, rather than directly focusing on the contents and outcomes of the initiative, in order to facilitate the accumulation of culture and convention of cooperation.

Last but not least, the Initiative can be analysed in terms of the level of institutionalization. It needs to identify itself as a 'lax institution' in order to prevent participants' from feeling repelled. Framing itself as a 'consultative committee among states that share common interests' can be considered in order to promote cooperation in possible areas based on common interests, instead of having official regulations similar to international organizations or institutions dedicated to security dialogues. Of course, the "Northeast Asia Peace and Cooperation Organization" or "Northeast Asia Peace and Cooperation Summit"

could develop into official organizations for this aim. Another point to be considered is regarding the establishment of relations among already existing institutions. The U.S., China and Japan have different visions and plans on regionalism in order to maximize their own national interests. Thus, the new initiative should not focus on the replacement of the existing institutions. Should there be a renewed setting of relations among those institutions, a strategy that highlights their complementary relationship needs to be adopted.

Lastly, Park administration's Northeast Asia Peace and Cooperation Initiative is presumed to bear two objectives: 'peace and stability in Northeast Asia' and 'addressing the problems on the Korean Peninsula.' Therefore, a concrete strategy that connects these two objectives must be established. Because North Korea's denuclearization is the source of security unstableness on the Korean Peninsula as well as in Northeast Asia, a soft-security centric driving force should be embedded in the Northeast Asia Peace and Cooperation Initiative. However, how the Park administration's efforts, including its desire to resume the Six-Party Talks or discussions via 'mini-multilateralism,' are connected to the Initiative should be assessed from a macro-perspective.

Moreover, during the early stages of the Northeast Asia Peace and Cooperation Initiative which would touch upon various issues such as socio-cultural exchange and human rights issues, there will be conflicts of interest with the North Korean government. The lesson learnt from North Korea's past behaviour is that North Korea has a tendency to relate every relevant issue to security issues in order to build up a crisis situation. Thus, strategic plans need to be prepared in order to address such possible responses. In addition, a more detailed strategy on the revitalization of China's development plan of East-North Three in North-East China Province and Russia's new Far-East development plan needs to be established in order to identify how the Northeast Asia Cooperation initiative will be linked to the international community's engagement policy toward North Korea.

Conclusion

It is often assume that, in most of cases, a political leader who wins the election devises policies and establishes national strategies with the aim of maximizing one's political assets. It can be said that President Park would prefer national policies that reflect, in general, her values of trust, promise, and consistency. It is a natural judgment in a society where national leadership is elected through nation-wide support.

Compared to policies in other fields, the Trust-building Process on the Korean Peninsula has received recognition for having rooted itself successfully. In terms of cooperation with neighboring states in Northeast Asia, the Park administration's trustpolitik which will be implemented in the Northeast region contains three important agendas which must be thoroughly analyzed and approached strategically. First is South Korea's identity as a Northeast Asian state. This distinct nature makes security in the Northeast Asian region a vital interest, and thus presents a task whereby South Korea must accurately identify what its interests are in the region. Second, South Korea must have an accurate understanding of the structural environmental changes which can limit its political autonomy, especially as it takes on the role of forming new power relations with the U.S. and China. Pursuing the U.S. and China's reciprocal interests is, in a general sense, the correct course of action, but will lead South Korea into a much more complex and difficult situation as it executes is policies. The last agenda is whether South Korea should combine its North Korea policy with its Northeast Asia policy. In terms of appropriateness, South Korea is well aware that resolving North Korea issues should be connected to peace and cooperation in Northeast Asia. However, a comprehensive Northeast Asia's engagement policy toward a state that possesses nuclear weapons for survival purposes cannot but be a difficult national task.

On one hand, the creative and strategic aspect of the Trust-building Process is highly commendable, but there are still issues that must be addressed to further improve the Park administration's North Korea policy. In particular, the time is ripe to clearly identify and propose

policies to address the issue of establishing a cooperative system among neighboring states in order to bring the Trust-building Process to fruition. Requesting the voluntary participation of diplomatic parties to nurture trust is a well-intended direction, but will present various problems in the implementation process. In addition, while South Korea requests the neighboring states' cooperation in terms of building trust; it is also necessary to evaluate how South Korea itself can show how it has changed from its past ways. In general, given that the application of a value-oriented matter, trust, into diplomatic policies has been set as a national task, South Korea is now faced with high expectations and corresponding difficulties, requiring demonstrations of strategic sophistication and flawless execution.

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Human Rights in North Korea:
Addressing the Challenges

Roberta Cohen

An international response to North Korea's egregious human rights record has begun to take shape. Building on the work of NGOs and UN human rights experts, the United Nations Human Rights Council in 2013 set up a Commission of Inquiry to investigate whether North Korea's systematic, widespread and grave violations constitute crimes against humanity for which DPRK officials could be held accountable. Although the COI was denied access to North Korea, this article argues that its findings and report are based on persuasive evidence and can have impact if a broad range of actors — governments, international organizations, NGOs and civil society — are mobilized. The author puts forward an array of strategies to more fully engage the world community and argues that the proactive carrying out of such initiatives may work to promote human rights in North Korea.

Key Words: North Korea, Human Rights, Humanitarian, United Nations, Commission of Inquiry

Introduction

Over the past decade, non-governmental organizations (NGOs) and United Nations human rights bodies have brought to world attention egregious human rights violations in the DPRK. The information has largely been based on the testimonies of North Koreans who since the late 1990s have fled to the South, and other countries. Combined with satellite imaging, NGO reports have confirmed the existence of a vast system of prison labor camps as well as many other serious infringements of civil, political, economic and social rights that the North Korean government continues to deny.

The information has made it possible for the international commu-

nity to act. In 2004, the UN Commission on Human Rights appointed a Special Rapporteur on human rights in the DPRK.[1] That same year the United States Congress adopted the North Korean Human Rights Act (NKHRA) which authorized the appointment of a Special Envoy for human rights in North Korea and called for greater attention to human rights in US dealings with North Korea.[2] In 2005, the United Nations General Assembly adopted its first resolution on human rights in North Korea.[3] By 2011, a coalition of more than 40 international and national NGOs was formed to press for stronger action at the United Nations.[4] And in 2013, the UN Human Rights Council established a Commission of Inquiry (COI) to investigate whether North Korea's widespread and systematic violations constitute crimes against humanity for which North Korean officials could be held accountable.[5]

So far, these efforts are said to have produced few tangible results on the ground. In his 2012 memoir, former British Ambassador to North Korea John Everard observed: "I can trace no evidence that international efforts have had any significant effect on DPRK behavior" in the area of human rights.[6] Other scholars and commentators have noted as well that human rights efforts have had little effect in changing North Korea's behavior.[7] Some have even concluded that

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1. UN Commission on Human Rights, Resolution on Situation of human rights in the DPRK, UN Doc. E/CN.4/RES/2004/13, April 15, 2004.
2. North Korean Human Rights Act of 2004, Public Law 108-333, October 18, 2004.
3. UN General Assembly, Resolution 60/173 on Situation of human rights in the DPRK, December 16, 2005.
4. See International Coalition to Stop Crimes against Humanity in North Korea, at http://www.stopnkcrimes.org/about_01.php
5. UN Human Rights Council, Resolution on Situation of human rights in the DPRK, UN Doc. A/HRC/22/L.19, March 21, 2013.
6. John Everard, *Only Beautiful, Please: A British Diplomat in North Korea* (Stanford, CA: Shorenstein APARC, 2012), pp. 222, 234.
7. See, for example, Statement of Marcus Noland at the Asan Washington Forum on US-ROK Relations, Asan Institute for Policy Studies, June 25, 2013; and S. Haggard, "Slave to the Blog: Prison Camp Edition," *North Korea: Witness to Transformation, Peterson Institute for International Economics* (July 19, 2010).

the human rights framework should be set aside in dealing with North Korea and alternative processes identified and developed.[8]

This article argues that the compilation and dissemination of information about the human rights situation is critical to an effective international response and that reliance on international human rights standards to frame that response is essential. North Korea of its own accord has acceded to four international human rights treaties — the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women. This not only binds North Korea to uphold these standards but compels the international community to hold North Korea to account. Continuing to document human rights information and most importantly harnessing that information to effective strategies could lend support over time to those inside the country inclined toward change. This will require the engagement of a broad range of actors — governments, international organizations, NGOs and civil society. A major goal will be to pierce the information wall around North Korea through use of social media and other new technology to make North Koreans fully aware of the world outside and the benefits of political and economic reform.

The article first examines the challenges to compiling information about the human rights situation in North Korea and how these challenges have been addressed. It then looks at the establishment of the UN Commission of Inquiry and the impact its findings could have on supporting change in North Korea. It identifies a range of strategies needed internationally to promote greater impact on the ground.

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8. See, for example, J. Feffer, "Starting Where North Korea Is," *38 North* (May 2, 2010).

Overcoming the Information Challenge

Often characterized as the world's most secretive and inaccessible country, North Korea has not allowed traditional methods of human rights monitoring and reporting. It has denied access to UN human rights experts, most notably the UN Special Rapporteur on human rights in the DPRK and the High Commissioner for Human Rights as well as to NGOs. Amnesty International (AI), the only NGO ever able to gain entry to the country — in 1991 and 1995[9] —found its representatives restricted to the capital, its criteria for human rights visits not met, and its subsequent entry denied. Nor has North Korea provided adequate information to United Nations treaty bodies on its compliance with international human rights agreements to which it has acceded.[10] Only on rare occasions has it provided information to UN rapporteurs, such as on arbitrary detention.[11] The absence of civil society organizations in North Korea with which to collaborate has added substantially to the difficulties.

International humanitarian organizations have been allowed entry, albeit with restrictions, to collect information on food and medical needs, but human rights groups have been forced to devise other methods for collecting information. Most notably, they have turned to those who have managed to escape the country. Since 2000, more than 26,000 North Koreans have made their way to South Korea,

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9. See Amnesty International, "North Korea: Summary of Amnesty International's concerns," October 13, 1993.

10. See UN General Assembly, *Report of the Secretary-General on Situation of Human Rights in the DPRK*, UN Doc. A/66/343, September 7, 2011, paras. 37–38; *Report of the Special Rapporteur on Situation of human rights in the DPRK, MarzukiDarusman*, UN Doc. A/HRC/22/57, February 1, 2013, paras. 17–22; and Roberta Cohen, "The High Commissioner for Human Rights and North Korea," in Felice D. Gaer et. al (eds.),*United Nations High Commissioner for Human Rights: Conscience for the World* (Leiden&Boston: Brill Academic Publishers, Martinus Nijhof, 2014), pp. 303–304.

11. In 2012, North Korea provided information to the UN Working Group on Arbitrary Detention about the imprisoned family of Oh Kil-nam, see "N.Korea Must Prove Its Claims About S.Korean's Death," *ChosunIlbo*, May 9, 2012.

including hundreds of former prisoners and prison guards. Based on their accounts, journalists, think tanks, and NGOs began to compile and publish information.[12] The Korea Institute for National Unification (KINU) launched an annual White Paper based on defector testimony; so too did the North Korean Database Center for Human Rights (NKDB). In the U.S., the Committee for Human Rights in North Korea (HRNK) relied on defector testimony to bring to public attention in 2003 and 2012 North Korea's prison camp system. *Hidden Gulag*, second edition[13] by David Hawk contained biographical summaries and statements of 60 former political prisoners and guards. The accumulated testimonies not only corroborated one another but were reinforced by increasingly clear satellite images provided by Google Earth and Digital Globe and prisoners' drawings. The overall result was a compelling picture of a vast political prison camp system hidden away in the mountains. The evidence challenged the North Korean government's denial of the existence of such camps. Another HRNK report *Lives for Sale*, based on the testimonies of 53 North Korean women hiding in China, disclosed the trafficking and abuse to which North Korean women were subjected in trying to flee the country as well as the punishments they had to undergo if forcibly returned.[14]

At the same time, humanitarian and even human rights NGOs

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12. See, for example, KINU, *White Paper on Human Rights in North Korea*, 1996–; David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps* (Washington, DC: Committee for Human Rights in North Korea, 2003); *Are They Telling Us the Truth?* (Seoul: NKDB, February 26, 2004); Ralph Hassig and Kongdan Oh, *The Hidden People of North Korea* (Lanham, Maryland: Rowman& Littlefield, 2009); Barbara Demick, *Nothing to Envy: Ordinary Lives in North Korea* (New York: Spiegel & Grau, 2010); and Stephan Haggard and Marcus Noland, *Witness to Transformation: Refugee Insights into North Korea* (Washington DC: Peterson Institute for International Economics, January 2011).

13. David Hawk, *The Hidden Gulag Second Edition: The Lives and Voices of 'Those Who are Sent to the Mountains'"* (Washington DC: Committee for Human Rights in North Korea, 2012) [henceforth Hawk, *Hidden Gulag*, 2d edition].

14. *Lives for Sale: Personal Accounts of Women Fleeing North Korea to China* (Washington, DC: Committee for Human Rights in North Korea, 2009).

have on different occasions questioned the testimony of defectors, finding some accounts "inconsistent," "confused" or biased.[15] NKDB even entitled one its reports, *Are They Telling Us the Truth?*[16] Some also have pointed to the time lag between the testimony and the actual violations experienced, since it can take months and sometimes even years for survivors to reach South Korea.[17]

Nonetheless, bringing forward the first-hand experience of defectors has brought about a breakthrough in international understanding of the human rights situation and prompted an international response. Kang Chol-hwan's account of his ten years in a prison labor camp, which was published with the help of Pierre Rigoulet in France in 2000,[18] has been credited with having influenced the French government to press the UN Commission on Human Rights in 2003 to adopt its first resolution on human rights in North Korea. The appointment in 2004 of a UN special rapporteur on human rights in North Korea came about after President George W. Bush read Kang's account and supported stronger action at the UN; he later invited Kang to the White House.[19] The UN Commission of Inquiry (see below) could never have been set up without the documented information provided by NGOs and survivors.

Yet, in 2010, the World Health Organization (WHO) criticized Amnesty International for issuing a report on health conditions in North Korea without actually visiting the country.[20] AI's report,

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15. See Hawk, *The Hidden Gulag*, 2d edition, pp. 15–16.
16. See NKDB, *Are They Telling Us the Truth?*
17. See Hawk, *The Hidden Gulag*, 2d edition, pp. 14–15; and ibid., Foreword by Kim Sang-hun.
18. Kang Chol-hwan and Pierre Rigoulot, *Aquariums of Pyongyang: Ten Years in the North Korean Gulag* (Paris: Editions Robert Laffont, 2000; and New York: Basic Books, 2001).
19. Interview with U.S. Ambassador to the Commission on Human Rights Richard Williamson, February 7, 2012; see also Victor Cha, *The Impossible State: North Korea Past and Future* (New York: Harper Collins, 2012), pp. 168–170.
20. For WHO-Amnesty International debate, see "Doctors or no doctors in North Korea? Healthcare in the hermit state," *The Independent*, July 19, 2010; "Aid Agencies row over North Korea health care system," *BBC News*, July 16, 2010.

which exposed the deteriorating health system in North Korea, was based on defector testimony, which it reinforced with information from anonymous aid workers inside.[21] AI itself acknowledged that it did "not have sufficient access to carry out a comprehensive, 'scientific' study of the country's health care system." But it stood by its information and aptly observed, "We are not aware whether the WHO can monitor the country freely enough to conduct a proper, comprehensive, scientific survey of the country's health care system either."[22]

The WHO's Director General Margaret Chan had spent $2\frac{1}{2}$ days in Pyongyang, including one visit to a facility outside the capital,[23] on the basis of which she characterized North Korea's health care system as one of universal free coverage with abundant medical personnel as "something which most other developing countries would envy."[24] Such findings did not accord with others at the United Nations or with those outside the UN who reported that the health care system in North Korea was in serious decline and that the regime's hierarchical structure worked to ensure that large numbers of North Koreans could not easily access medical help.[25] Clearly, the WHO's

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21. See Amnesty International, *The Crumbling State of Health Care in North Korea* (London: July 15, 2010).

22. "Doctors or no doctors in North Korea?" *The Independent.*

23. Transcript of press briefing at WHO headquarters, Geneva, Dr. Margaret Chan, Director-General, at http://www.who.int/mediacentre/news/releases/2010/20100430_chan_press_transcript.pdf, p.4.

24. Ibid., pp. 6–7.

25. See UN Commission on Human Rights, *Report of the Special Rapporteur on the Situation of human rights in the DPRK, VititMuntarbhorn*, UN Doc. E/CN.4/2005/34, January 10, 2005, paras. 51–53, and para. 54, which states "Health services tend to be more accessible to those close to the authorities…"; UN General Assembly, *Report of the Special Rapporteur on the Situation of human rights in the DPRK, VititMuntarbhorn*, UN Doc. A/HRC/13/47, February 17, 2010, paras. 24–25; UN General Assembly, *Report of the Special Rapporteur on the Situation of human rights in the DPRK, MarzukiDarusman*, UN Doc. A/66/322, August 24, 2011, which finds "a debilitated health system," paras. 34–43; *Report of the UN Secretary-General on the Situation of human rights in the DPRK*, UN Doc. A/66/343, September 7, 2011, paras. 8–9, 67, 72, 73, which finds a deteriorating health system; *U.S. Department of State, 2010Country Reports on Human Rights Practices: DPRK* (Washington, DC: 2011), which asserted that

access to the country failed to guarantee the kind of objective, first hand reporting it insisted was necessary for an accurate report.

Governments have also drawn attention to the uncertainty of information about North Korea. In its annual human rights reports, the State Department has regularly added the disclaimer that: "North Korea does not allow representatives of foreign governments, journalists, or other invited guests the freedom of movement that would enable them to assess fully human rights conditions or confirm reported abuses [emphasis added]."[26] At the same time, the US regularly relies on information from NGOs and defectors for its report on North Korea and cites as sources, among others, HRNK, KINU, NKDB, and the Peterson Institute's *Witness to Transformation.*[27]

To supplement survivor testimony, NGOs in recent years launched an effort to obtain information from North Koreans *inside* the country. By means of cell phones and other new technology, North Koreans have been communicating information about human rights conditions to the outside world.[28] Such information, however, for understandable reasons has had to come in "sound bites" on events that "can be easily observed and quickly communicated," and cannot easily undergo in-depth verification.[29]

Satellite information, as mentioned above, has also been effective in reinforcing former prisoners' testimonies, but it too has its limitations. For example, in looking at new construction at a prison camp, David Hawk asked, how can one know "whether new construction means the prisoner population is expanding or if the new construction

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"access to health care was largely dependent upon loyalty to the government;" and Robert Collins, *Marked for Life: Songbun, North Korea's Social Classification System* (Washington, DC: Committee for Human Rights in North Korea, 2012), pp. 82–83.

26. U.S. Department of State, *2012 Country Reports on Human Rights Practices: DPRK* (Washington, DC: 2013), Endnote: Note on Sourcing.

27. Ibid.

28. See David Hawk, *North Korea's Hidden Gulag: Interpreting Reports of Changes in the Prison Camps* (Washington, DC: Committee for Human Rights in North Korea, August 27, 2013), pp. 14–16.

29. Ibid., pp. 15–16.

is for the prison guards and officials, who are also housed within the sprawling encampments?"[30]

In part because of the information challenge, successive United Nations High Commissioners for Human Rights for many years were reluctant to use their authority to speak out on North Korea.[31] They generally emphasized that the UN itself would have to assess the situation on the ground in order to reach sound conclusions. But North Korea's "closed door" policy, they pointed out, "barred" the UN from forming "its own independent diagnosis of the human rights situation."[32] In 2011, the High Commissioner asserted that "very little information" was available from North Korea "due to the absence of independent media and suppression of the freedom of expression."[33]

This attitude underwent a radical transformation in 2013 after High Commissioner Navi Pillay met for the first time with North Korean prison camp survivors. She was reported to be visibly moved by the experience. And in a public statement devoted exclusively to North Korea, she observed that, "we know so little about these camps, and what we do know comes largely from the relatively few refugees who have managed to escape from the country."[34] But she added, "what we do know should compel the international community to action."[35]

North Korea's longstanding rebuffs of the High Commissioner and her Office contributed to this changed attitude. For nearly ten

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30. Hawk, *The Hidden Gulag*, 2d edition, p. 15.
31. See Cohen, "The High Commissioner for Human Rights and North Korea," pp. 299–303.
32. See "Statement of Ms. Louise Arbour, United Nations High Commissioner for Human Rights, to the Human Rights Council" (UN Human Rights Council, Geneva, June 23, 2006).
33. "Statement of NaviPillay, United Nations High Commissioner for Human Rights, to the Human Rights Council" (UN Human Rights Council, Geneva, May 30, 2011).
34. OHCHR, "Pillay urges more attention to human right abuses in North Korea, calls for international inquiry," news release, January 14, 2013 [henceforth Pillay Statement 2013].
35. Ibid.

years, at the request of the UN General Assembly, the High Commissioner had tried to hold a dialogue with the North Korean government and provide it with human rights "technical assistance" programs. Hope for that dialogue in fact regularly seemed to deter High Commissioners from speaking out about North Korea.[36] In 2012, after Kim Jong-un came into power, High Commissioner Pillay even floated the idea of setting aside country specific mandates and resolutions at the UN in order to gain access to North Korea.[37] But when the new government remained steadfast in refusing to cooperate with her Office, Pillay decided it was time to take a "firmer step." Observing that the international community had allowed its concern over North Korea's nuclear program to overshadow its response to human rights abuse, she said, "I don't think the world should stand by and see this kind of situation, which is not improving at all." She endorsed "an in-depth inquiry" into what she called "one of the worst — but least understood and reported — human rights situations in the world," which she added, was not "only fully justified, but long overdue."[38]

Pillay was also influenced by the publicity about North Korea's prison camps that came to the fore. A book published in 2012, *Escape from Camp 14*,[39] which sold hundreds of thousands of copies, brought to public attention the heartrending story of Shin Dong-hyuk who had been born in the camps and whose interviews about his experiences now flooded the airwaves (Shin was one of the survivors Pillay met with). That same year, HRNK's report *Hidden Gulag* (2nd edition) was published and attracted extensive editorials and news stories around the world. Meanwhile, South Korean parliamentarians and NGO groups in Seoul made headlines when they undertook demonstrations and hunger strikes against the forced repatriation of North

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36. See Cohen, "The High Commissioner for Human Rights and North Korea," pp. 297–299.
37. Discussions at the Conference on the United Nations High Commissioner for Human Rights, Conscience for the World, The Jacob Blaustein Institute for the Advancement of Human Rights, February 7–8, 2012.
38. Pillay Statement 2013.
39. Blaine Harden, *Escape from Camp 14* (New York: Viking Penguin, 2012).

Koreans from China.[40] And the International NGO Coalition to Stop Crimes Against Humanity in North Korea, which Human Rights Watch played a strong role in creating, began a campaign at the UN. The High Commissioner could hardly remain silent.

Reports of both UN Special Rapporteurs on human rights in North Korea contributed mightily to Pillay's change in direction. Vitit Muntarbhorn and Marzuki Darusman, after studying the situation successively since 2004, both came to the conclusion that North Korea's violations might be crimes against humanity — among the most severe human rights crimes[41] — warranting special international action.[42] Darusman's 2013 report to the Human Rights Council called for an "independent and impartial international inquiry" into reported crimes and the establishment of "institutional and personal accountability."[43] Other UN independent experts on torture, arbitrary detention and related issues endorsed the call.[44]

An International Commission of Inquiry

The establishment of the Commission of Inquiry (COI) by the 47-member Human Rights Council in March 2013 was spearheaded in the Human Rights Council by Japan and the European Union, later joined by South Korea and the United States and supported by African, Asian

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40. See for example "Seoul, Parliament urges China to stop the forced repatriation of North Koreans," *AsiaNews.it*, February 28, 2012.
41. Crimes against humanity constitute one of the four core international crimes, the other three being genocide, war crimes, and the crime of aggression. To establish crimes against humanity, See Rome Statute of the International Criminal Court, at http://en.wikipedia.org/wiki/Crimes_against_humanity #International_Criminal_Court
42. See UN General Assembly, *Report of the Special Rapporteur on Situation of human rights in the DPRK, MarzukiDarusman*, UN Doc. A/HRC/22/57, February 1, 2013, paras. 13–16.
43. Ibid.,paras. 30–31.
44. UN Office of the High Commissioner for Human Rights, "UN experts call for an international inquiry into North Korea human rights abuses," News Release, February 27, 2013.

and Latin American states. That the decision was by consensus reflected greater confidence in the information coming out from the country and readiness to go beyond mere expressions of "serious concern." The Council asked the COI to investigate North Korea's "systematic, widespread and grave" violations with a view to "ensuring full accountability, in particular where these violations may amount to crimes against humanity [emphasis added]."[45] It requested the COI "to more fully document" nine areas[46] and report its findings to the Council in March 2014.

The 193-member UN General Assembly welcomed the COI's establishment in a resolution also adopted by consensus in November 2013 (a few governments, among them China and Cuba disassociated themselves from the text after the vote but did not call for votes to oppose the resolution).[47] The consensus clearly reflected growing international solidarity and awareness of the gravity of the situation, in particular of the prison camp system, which it called upon North Korea to dismantle immediately and "release all political prisoners unconditionally and without any delay."[48] Yet in 2005, when the Assembly for the first time adopted a resolution on human rights in the DPRK, only 88 states voted in favor with a large number opposing or abstaining.[49]

Over the past year, the COI has been holding public hearings in major Asian, European and American cities and conducting private

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45. See UN Human Rights Council, Resolution on Situation of human rights in the DPRK, UN Doc. A/HRC/22/L.19, March 21, 2013.

46. These are: the right to food, torture, arbitrary detention, the prison camps, discrimination, freedom of expression, the right to life, freedom of movement, and disappearances/abductions.

47. UN General Assembly, Resolution on Situation of human rights in the DPRK, UN Doc. A/C.3/68/L.56, November 1, 2013, preambular para. 4 and operative para. 4.

48. Ibid., para 1 (ii).

49. By 2012, the General Assembly voted by consensus in favor of the annual resolution on human rights in the DPRK; that same year the Human Rights Council began to adopt its annual resolution on North Korea by consensus. In 2013, the Commission of Inquiry was created without a vote.

interviews with survivors, witnesses and former perpetrators. Its Chair, former Australian Justice Michael Kirby, sought entry to North Korea, pointing out that "The best way for North Korea to respond is with evidence," by speaking before the commission and by letting the commission entry to "inspect sites."[50] But North Korea has denied entry, insisting that the COI's information is "fabricated," made up by those who have betrayed their country and by "hostile forces" led by the United States. Despite the standoff, Kirby concluded, "we are still able to gather numerous first-hand accounts from people who have managed to leave the country in recent years."[51] The testimonies of survivors, he insisted, are "primary evidence," "representative of large-scale patterns that may constitute systematic and gross human rights violations." Their "specificity, detail and shocking character," moreover, should "demand follow-up action by the world community."[52]

The COI's interim oral report made clear that commission members have been rigorous in their investigation. Witnesses are subjected to probing questions with the goal of persuading all three commissioners of the veracity of the testimony.[53] And the commissioners have been discerning in their findings. When it comes to conditions in prison camps and detention facilities, Kirby pointed out the COI has heard "believable, repeated, highly specific" testimony, but that on other issues, such as allegations of medical experiments on people with disabilities, the contention could not be fully established.[54] Kirby also

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50. Giles Hewitt, "North Korea urged to grant access to UN rights panel," *Agence France Presse*, August 27, 2013.

51. "U.N. to look into Pyongyang's abduction of Japanese citizens," *The Korea Herald*, August 24, 2013.

52. UN Office of the High Commissioner for Human Rights (OHCHR), "'Unspeakable atrocities' reported by the UN Inquiry into the Human Rights Situation in North Korea," September 17, 2013, at http://www.ohchr.org/EN/News Events/Pages/UnspeakableatrocitiesreportbyCoIinNorthKorea.aspx

53. In addition to Michael Kirby, the two other commissioners are Marzuki Darusman, UN Special Rapporteur on human rights in the DPRK and former attorney general of Indonesia, and Sonja Biserko, prominent human rights advocate and President of the Helsinki Committee for Human Rights in Serbia.

54. Hewitt, "North Korea urged to grant access." For reports of medical experiments

has raised questions about whether there is sufficient evidence to prove that North Korea wilfully engaged in policies that *deliberately* led to starvation during the great famine of the mid-1990s.[55] As noted by David Hawk, "There is much less jurisprudence and scholarly literature on policy-induced or policy driven famine as a crime against humanity compared with violations such as extrajudicial and summary executions, or rape as an instrument of repression."[56] Nonetheless, UN rapporteurs have found discriminatory state-controlled food distribution policies that affected the right to life.[57] And prominent experts like Marcus Noland and Andrew Natsios have testified that the famine was "a man-made, preventable tragedy." The North Korean government, Noland concluded, "did not and continues not to use the resources available at its disposal to address the lack of food among the populace."[58]

Another issue the COI has had to address is the high rate of deaths in detention that are reported in prison camps. Recent coverage of the closure of Camp22, for example, has shown that the estimated number of prisoners transferred (3 to 7,000) to other camps was much lower than the previously reported total (some 30,000), leading to the question of what happened to all those others.[59] Some sources suggest that a large number could have perished in 2010 from starvation and related diseases. If this is "even remotely accurate," observed Hawk, "this is an atrocity requiring much closer investigation."[60]

The same issue arises over the estimated numbers held in penal

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on disabled children, see "N.K. experiments on disabled children: rights group," *The Korea Herald*, June 30, 2013.

55. Hewitt, ibid.

56. David Hawk, "A United Nations Commission of Inquiry for North Korea," *38 North* (April 1, 2013).

57. See UN General Assembly, *Report of the Special Rapporteur on the Situation of human rights in the DPRK, Marzuki Darusman*, UN Doc. A/HRC/22/57, February 1, 2013, paras. 6, 13 and Annex IA.

58. Rachel Vandenbrink, "Power-Hungry North Korean Leaders Blamed for Famine," *Radio Free Asia*, October 31, 2013.

59. Hawk, *North Korea's Hidden Gulag: Interpreting Reports of Changes*, pp. 16–23.

60. Ibid.,p. 21.

labor camps or the *kwan-li-so.* KINU now reports a total of 80,000–120,000 whereas earlier estimates were 150,000–200,000. Once again, this could be the result of high rates of death in detention.[61] A related question is whether whole families continue to be incarcerated. Kim Il-sung began the practice of incarcerating three generations of families in the 1950s to punish an individual's entire family and extirpate its roots. Although "guilt by association" continued for decades, the extent to which the practice continues today needs to be determined as well as whether all the family members earlier imprisoned continue to be incarcerated.[62] Clearly an accounting is needed of the fate and whereabouts of all of North Korea's political prisoners and their family members.

That North Korea considers information about its human rights violations threatening is reflected in its efforts to stem the flow of North Koreans trying to escape and tell their stories. In 2012, some 1,500 managed to reach the South as compared to close to 2,800 the year before.[63] It is also reported that North Korean authorities have harassed defectors in the South, sometimes by designating them enemies of the state, hacking into their computers or punishing their family members, friends and colleagues left behind.

Impact of the COI

Ultimately it will be up to states in the Human Rights Council to decide what steps to take to hold the North Korean government to

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61. Ibid., pp. 33, 34, 36–37.
62. See NKDB, "Political Prison Camps in North Korea Today," July 2011, p. 102, as cited in Hawk, *North Korea's Hidden Gulag: Interpreting Reports of Changes*, p. 27; see also Hawk, "A United Nations Commission of Inquiry for North Korea;" Andrei Lankov, "How human rights in North Korea are gradually improving," *NKNews.org*, September 12, 2013; and Greg Scarlatoiu, "Are human rights really improving in North Korea?" *NKNews.org*, September 20, 2013.
63. Choe Sang-hun, "Fleeing North Korea Is Becoming Harder," *New York Times*, January 5, 2013; see also U.S. Department of State, *2012 Country Reports on Human Rights Practices: DPRK* (Washington, DC: 2013).

account.

Involving the International Criminal Court (ICC) would be a logical step if crimes against humanity are determined, but there are difficulties. Because North Korea has not ratified the Rome Statute of the ICC, the court has no jurisdiction over the issue. While the Security Council does have the authority to refer the case to the ICC, one of the Permanent Five (P5) such as China or Russia could, on the basis of their relationship with North Korea, use their veto to thwart a referral. It has been suggested that the ICC's Prosecutor, could act on his or her own initiative and request an investigation by the Pre-trial Chamber, which then would decide whether the case fell within the jurisdiction of the Court.[64] However, when a group of North Korean survivors of the prison labor camps wrote the Prosecutor and requested that he exercise this initiative, he responded that in the absence of DPRK's recognition of the ICC or a referral from the Security Council, the "'serious allegations will be beyond the reach of this institution to address'."[65] Perhaps the COI's findings will prove more persuasive in getting the Prosecutor involved. It should be borne in mind, however, that the ICC can address only crimes committed after July 1, 2002, when the court was created.

Another option being put forward by international lawyer Jared Genser would be for one of the P5 to propose placing North Korea's human rights and humanitarian situation on the Security Council's permanent agenda.[66] This would enable the UN's most powerful body to regularly discuss the situation and possibly issue a Presidential statement linking the nature of the regime to regional and international peace and security. Whether this is feasible remains to be seen. Some states may choose not to raise human rights concerns if they are

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64. UN General Assembly, *Report of the Special Rapporteur on the situation of human rights in the DPRK, VititMuntarbhorn*, UN Doc. A/HRC/13/47, February 17, 2010, para. 59.

65. Hawk, *Hidden Gulag*, 2d edition, p. 174, note 175.

66. Interview with Jared Genser, October 14, 2013. The veto would not apply in this case. Nine affirmative votes would be needed. Genser pointed to Security Council involvement with human rights in Burma as a precedent.

concurrently trying to press North Korea to end its nuclear weapons program. Others might want to limit the Security Council's role with human rights issues since this could bring up additional situations they would rather avoid. An alternative way to bring the issue to the Security Council is to hold an 'Arria-formula' meeting, or an *informal* gathering of Council members outside the council chamber to discuss the COI report,[67] although this is much weaker.

Also meriting exploration is whether the International Court of Justice (ICJ) could play a role.[68] Although the ICJ was set up to settle disputes between states, the court can also give *advisory opinions*, at the request of UN bodies, and these could address crimes against humanity in the DPRK.

Another possibility being discussed is for the UN to set up a special office in Seoul or Bangkok to monitor on a daily basis North Korea's human rights practices with a view to ultimately holding individual North Koreans accountable, in the same way UN staff helped prepare for trials of the Khmer Rouge in Cambodia.

Even without such initiatives, the COI's report will no doubt remain on the agenda of the Human Rights Council and General Assembly and give a distinguished imprimatur to the likely finding that crimes against humanity are being committed in North Korea. Should North Korean authorities see that the COI's findings are influencing governments from which it seeks assistance, investment and/or political-strategic talks, they may pause. North Korean officials certainly noticed that the President of Mongolia when visiting Pyongyang in October 2013 to sign economic cooperation agreements, delivered a speech that said "no tyranny lasts forever" and "linked the nature of tyrannous governance to prospects for economic development."[69]

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67. See http://www.un.org/en/sc/about/methods/bgarriaformula.shtm/.
68. See for example Dermot Groome, "Adjudicating Genocide: Is the International Court of Justice Capable of Judging State Criminal Responsibility?" *Fordham International Law Journal*, Vol. 31, Issue, 4, 2007.
69. "From the Office of the President of Mongolia, Public Relations and Communications Division, 2013 10 30," in Chris Green, "Mongolian President's Speech Raises Eyebrows," *Daily NK*, November 25, 2013.

The United States has long separated its human rights concerns from its political and nuclear objectives when it comes to North Korea, but increasingly it too has been taking into account information about human rights atrocities. Glyn Davies, the Special Representative for North Korea Policy told the Senate on March 7, 2013 that "U.S.-DPRK relations cannot fundamentally improve without sustained improvement in inter-Korean relations and <u>human rights</u>" [emphasis added].[70] At his confirmation hearings for secretary of state, John Kerry pointed to "the prisoners of gulags in North Korea" as a life-threatening issue of U.S. concern.[71] Moreover, some 125 members of Congress have been promoting a bill to impose stronger financial sanctions on North Korea not only in response to its nuclear weapons production but to its human rights violations.[72]

Outside the U.S., the Group of 8 (G8), composed of the world's leading industrialized nations, including Russia as well as Canada, West European countries, Japan and the U.S. for the first time in 2013 urged North Korea "to address the concerns of the international community over its human rights violations."[73] And Western nations with diplomatic relations with North Korea have been directly raising the issue of the prison camps in discussions with the North Korean government. Although some of these same governments support humanitarian projects on the ground, they now also feel compelled to raise human rights concerns. Warnings by Pyongyang that "bringing up North Korean human rights issue[s] and creating a fuss" will "break the atmosphere for dialogue"[74] have become less persuasive.

To be sure, in the short term, heightened international scrutiny

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70. Testimony of Glyn Davies, Special Representative for North Korea Policy, before the Senate Committee on Foreign Relations, Washington DC, March 7, 2013.

71. John Kerry, Opening Statement at Nomination Hearing, U.S. Senate Committee on Foreign Relations, January 24, 2013.

72. See H. R. 1771, North Korea Sanctions Enforcement Act of 2013.

73. G8 Final Communique, Lough Erne, 2013, para. 93.

74. Shin Hyon-hee, "U.N rights panel urges N. Korea to grant access," *Korea Herald*, August 27, 2013.

may have little impact in North Korea, and may even lead to more repressive practices, but there are reports of steps being taken or having been taken in response. UN rapporteurs have noted the adoption of better laws to protect children, changes in arrest procedures and night detention, and better practices for disabled people, although actual implementation is known to be limited.[75] North Korea also adopted a Women's Rights Act in 2010 in response to international urging (although the text leaves out some needed protections).[76] And in 2013 it signed (although it has not yet ratified) the UN Convention on the Rights of Persons with Disabilities. Earlier, in 2009, North Korea added new clauses to its Constitution, including the words "respect for human rights," again presumably in response to the international focus on standards.[77] In the area of practice, progress is less certain. KINU analysts, for example, reported a decline in public executions in 2012 partly as a result of international criticism, but recent reports, which KINU has not yet confirmed, speak of public executions in seven North Korean cities.[78] Historian Andrei Lankov believes there have been changes, in particular a decrease in the incarceration of whole families, although this remains to be verified as a *policy* change and also has been contested.[79] Nonetheless it is

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75. See, for example, *UN Human Rights Council, Report of the Special Rapporteur on the Situation of human rights in the DPRK, VititMuntarbhorn*, UN Doc. A/HRC/10/18, February 24, 2009, paras. 3, 18; and UN General Assembly, *Report of the Secretary-General on the Situation of human rights in the DPRK*, A/63/332, August 26, 2008, para. 52; and North Korea Children's Rights Act, 2010.

76. Women's Rights Act, December 22, 2010; see also Citizens' Alliance for North Korean Human Rights, "DPRK's Women's Rights Act with Commentary," Chapter VII, in *Status of Women's Rights in the Context of Socio-Economic Changes in the DPRK*, May 2013.

77. See Choe Sang-Hun, "New Constitution Reinforces Kim Jong-il's Hold on Power," *New York Times*, September 29, 2009; and Kim Yong Hun, "North Passes Showpiece HR Laws," *Daily NK*, June 14, 2011.

78. KINU researchers, at National Endowment for Democracy, KINU and the Henry Jackson Society, International Forum on North Korea, London, November 28, 2012. See also Lee Young-jong, "Public executions seen in 7 North Korea cities," *Korea Joongang Daily*, November 11, 2013.

79. See Lankov, "How human rights in North Korea are gradually improving;"

telling that at one camp, according to a former official who defected, "third and fourth generation of offenders" were released because they were "the grandchildren of offenders" and "in fact, innocent."[80] If accurate, it shows that there are people inside who know when practices are wrong, even criminal (or at least unnecessary), and who might be ready to rectify them. This makes it important for North Korean officials inside the country and travelling abroad to be aware of reports of human rights abuses in their country, no matter the initial lack of response.

The increased focus on accountability could also serve as a deterrent to human rights abuse. Oknam Yi and David Sungjae Hong of KINU argue that border guards, engaged in preventing defections and forcibly turning back North Koreans "would think twice about using deadly force against their own countrymen if it was made clear, in advance, that such actions would be tried as acts of murder once the current regime collapses."[81] NKDB's Chair Kim Sang-hun claims North Koreans forcibly repatriated today are treated less brutally than in the past in part because of fear of eventual accountability.[82] There are reports too that some police officials have refrained from committing forced abortions against North Korean women turned back from China (not only because of bribes).[83] Kirby has announced that if the COI determines crimes against humanity, it will seek to identify "the state institutions and officials" responsible.[84] Others too

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Hawk, *North Korea's Hidden Gulag: Interpreting Reports of Changes*, p. 27; and Scarlatoiu, "Are human rights really improving in North Korea?" See also "Jang's Family Hit with Prison Camp Transfer," DailyNK, December 20, 2013.

80. NKDB, "Political Prison camps in North Korea Today," p.102, as cited in Hawk, *North Korea's Hidden Gulag: Interpreting Reports of Changes*, p. 27.

81. O.Yi and D.S. Hong, "Start Thinking Now About Transitional Justice in a Post-Transition North Korea," PacNet #51, Center for Strategic and International Studies, July 11, 2013.

82. US Korea Institute at SAIS, Transcript of North Korean Human Rights Advocacy: Making the Most of Scarce Data, Washington DC, November 11, 2010; see also Joanna Hosaniak, Citizen's Alliance, International Society's Role in North Korea's Human Rights Situation, NKnet1, August 25, 2013.

83. Interview with David Hawk, October 2013.

have been compiling the names of perpetrators and seeking to identify how best to address the issue of accountability in a unified Korea.[85] Certainly, the COI's report could serve as the basis for holding trials or truth commissions if and when the regime falls.

Improved Strategies

For optimum effectiveness, the COI's information and report should be linked to broader strategies. At the United Nations, the commission's findings should be part of a new system-wide approach led by the Secretary-General and the High Commissioner for Human Rights. It would bring together the UN offices and agencies involved with North Korea, including the World Food Program, the Food and Agriculture Organization, the WHO, the UN High Commissioner for Refugees (UNHCR), UNICEF, the UN Development Program, the International Labor Organization and UNESCO so that the entire system can be tapped to advance a broad range of civil, political, economic and social rights in North Korea.

Although humanitarian organizations on the ground need to maintain their access, they should be expected to share information with human rights bodies and consider how their own mandates to promote access to "the most vulnerable" could be exercised. The most vulnerable in North Korea are after all the 80,000 to 120,000 political prisoners held in camps on starvation rations. The deliberate withholding of food and medicines from prisoners and family members incarcerated with them cannot simply be brushed aside by organiza-

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84. OHCHR, "'Unspeakable atrocities' reported."

85. See the papers from The Asan Institute for Policy Studies – Washington DC, Conference on Transitional Justice in Post-Unification Korea: Peace-building & Reconciliation, Stimson Center, Washington DC, May 23, 2013; NKDB, which is collecting the names of prison camp officials; Ken E. Gause, *Coercion, Control, Surveillance, and Punishment: An Examination of the North Korean Police State* (Washington, DC: Committee for Human Rights in North Korea, 2012), and Andrei Lankov, *The Real North Korea* (Oxford: Oxford University Press, 2013), pp. 248–252.

tions involved with humanitarian aid. At a minimum, people being deliberately starved should be taken into account in reports on food insecurity in the DPRK. The WHO has a Health in Prison Programme, designed to cooperate with governments and encourage the provision of services to prisoners "within the widely recognized international codes of human rights and medical ethics."[86] It should begin to consider how to apply these goals to North Korea. When it comes to children, UNICEF should be expected at least to review information about children born in North Korea's camps or incarcerated there at a young age with their families. These children are severely and intentionally abused and need an advocate. UNHCR for its part should more proactively work to prevent the forced return of North Koreans from China and their persecution in North Korea.[87]

Other parts of the UN also need to be involved. The UN Department of Public Information and UNESCO should be expected to develop ways to teach North Koreans the language of human rights. In particular, they should identify how to promote the dissemination in schools, government offices and institutions of a Korean translation of the Universal Declaration of Human Rights and the texts of human right agreements to which North Korea has acceded. When groups in South Korea send balloons into the North, they sometimes include copies of the Universal Declaration, but the responsibility for disseminating the texts should lie with the United Nations.

UN treaty bodies, which monitor states' compliance with human rights agreements, should become more heavily involved. North Korea has acceded to four human rights treaties, and initially sent in reports to these bodies, although in more recent years its reporting has been delinquent. It has not reported to the Human Rights Committee (which monitors compliance with the International Covenant on Civil and

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86. See WHO Health in Prisons Program, at http://www.euro.who.int/en/health -topics/health-determinants/prisons-and-health/who-health-in-prisons -programme-hipp.

87. See, for example, "China's Repatriation of North Korean Refugees," Hearing before the Congressional–Executive Commission on China, 112th Congress, Second Session, Washington DC, March 5, 2012.

Political Rights) since 2004, to the Committee on the Elimination of All Forms of Discrimination against Women since 2006, and to the Committee on Economic, Social and Cultural Rights since 2008.[88] In the case of the Committee on the Rights of the Child, North Korea has been more forthcoming, although the Committee reported that North Korea has only "insufficiently or only partly addressed" its recommendations.[89] Given the gravity of the violations in North Korea and the setting up of a Commission of Inquiry, it behooves these bodies to take steps to encourage reports. Rather than move on to the next country, they could review DPRK compliance in light of *other* available information, such as the COI findings and call for dialogue with North Korea's representatives. David Hawk has suggested that the treaty body recommendations, which are quite extensive and constructive, should become the basis for *broader* governmental and UN dialogues with North Korea. The North Korean government has shown some cooperation with this process, he argues, so the recommendations could not so easily be set aside in discussions.[90]

In sum, a comprehensive strategy is needed that involves the entirety of the UN system. And that would include Secretary-General Ban Ki-moon, who in addition to reporting each year to the General Assembly on the human rights situation in the country, would be expected to make private intercessions, issue public statements and use his good office initiatives regularly. The resolution creating the COI has called for the transmission of its report to the Secretary-General "for appropriate action."[91] When a country is found to be

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88. UN General Assembly, *Report of the Secretary-General on Situation of human rights in the DPRK*, UN Doc. A/67/362, September 13, 2012, paras. 29–30.

89. UN Committee on the Rights of the Child, "Concluding Observations: DPRK," UN Doc. CRC/C/PRK/CO/4, March 27, 2009, para. 3; and UN General Assembly, *Report of the Secretary-General on Situation of human rights in the DPRK*, UN Doc. A/66/343, September 7, 2011, paras. 42–43.

90. David Hawk, *International Human Rights Law and the DPRK: The 'UN Roadmap' for Human Rights Improvements in North Korea*, Korea Institute for National Unification, 2014 (forthcoming).

91. UN Human Rights Council, Resolution on Situation of human rights in the DPRK, UN Doc. A/HRC/22/L.19, March 21, 2013, operative para. 12.

perpetrating crimes against humanity, the Secretary-General should be expected to give priority to that situation.

Diplomatic Dialogue

Governments also must develop strategies for raising with North Korean authorities the findings of the COI on a systematic basis. Japan has long raised the issue of abductions with Pyongyang and has achieved some results — the return of five abductees plus family members by 2004[92] —although others still remain. Japan could consider broadening its human rights agenda, in particular to extend to North Koreans and their families incarcerated in prison labor camps because of their Japanese heritage.

In the case of Western governments, nuclear and strategic issues have been the main subject of concern. The COI's findings, however, should help facilitate their placing human rights issues on the agenda, both bilaterally and in multilateral fora, on a systematic and sometimes joint basis. These issues should include hunger, starvation and food distribution as well as the prison camps, freedom of movement and expression and other serious well documented abuses. One priority objective should be access for the International Committee of the Red Cross (ICRC) to prisons, especially now that the ICRC President has visited North Korea for the first time and been received by several senior officials. Dialogues undertaken should be designed to impress upon North Korea that human rights concerns are legitimate subjects for discussion, are regularly raised with states, including China, and that improved economic and political relations with the outside world will depend not only on denuclearization but on human rights reforms. Diplomatic intercessions should be accompanied by 'engagement' initiatives such as people to people exchanges, scholarships and training programs, as well as programs to help vulnerable groups and

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92. See Yoshi Yamamoto, *Taken! North Korea's Criminal Abduction of Citizens of Other Countries* (Washington DC: Committee for Human Rights in North Korea, 2011), pp. 91–99, 119–120.

promote food sustainability.[93] The aim would be to show that reforms and dialogue are in North Korea's interest.

Country Strategies

Making information about human rights in North Korea readily available to key audiences in countries like Russia and China could prove useful. North Korea's prison camps were initially modeled after the gulags in the former Soviet Union. Yet Russian human rights officials, parliamentarians and NGOs do not generally receive information about North Korea's gulag or about Russia's positions at the UN when North Korea's human rights record comes up. It would be instructive for Russian NGOs to analyze whether the closing of the gulag in the former Soviet Union and the provision of compensation to former political prisoners could hold lessons for North Korea; and for Russian NGOs and parliamentarians to look into the working and living conditions of the tens of thousands of North Korean laborers in northeastern Russia.[94] The human rights organization Memorial on at least one occasion has urged Russian authorities to grant political asylum to North Korean workers who left their worksite. It would make sense to pursue greater cooperation with interested groups in Russia.

Disseminating information in Chinese to scholars and institutes in China who take a different view from the official line would be another strategy to introduce. Some academics and policy specialists, for example, question whether all North Koreans fleeing into China are 'economic migrants,' as claimed by Chinese authorities.[95] Others

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93. See Mike Gifford, "Engaging with North Korea," *Los Angeles Times*, October 21, 2013.

94. "5 N. Korean workers died early this year in Russia," *The Korea Herald*, September 20, 2013.

95. See, for example, "China May Recognize Some NK Refugees," *NorthKorean Refugees.com*, March 15, 2009, cited in R. Cohen, "Legal Grounds for Protection of North Korean Refugees," *Life & Human Rights in North Korea*, Vol. 57 (Fall 2010), p. 10.

have expressed discomfort at China's forcing back of North Koreans to face persecution in violation of the principle of *non-refoulement*. Still others have questioned China's political and economic policies toward North Korea.[96] Providing information and organizing seminars with analysts and policymakers could help strengthen alternate views in China. Approaching the supporters of China's dismantlement of its reeducation through labor system[97] might also prove useful since there may be a number of Chinese ready to endorse North Korea's taking such steps. Meetings also could be planned in Hong Kong where activists have raised questions about China's policies toward the human rights situation in North Korea.[98]

Meanwhile, EU, North American and Asian governments should include in their diplomatic dialogue with China its policies toward North Korea in light of the findings of the COI. They should enlist China to continue to press North Korea to undertake economic reforms that could lead to better compliance with the right to food, one of the areas investigated by the COI. They also should underscore that North Koreans have a right to political asylum and that this is a multilateral issue affecting many countries and for which multilateral solutions should be found. One must of course bear in mind that China has refused entry to the COI and expressed its opposition to country specific human rights action at the UN without a country's consent. But China's steadfast defense of the Kim regime did not extend to trying to block the COI's establishment or for that matter limiting UN sanctions on North Korea for its nuclear weapons tests.[99] An analysis

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96. See, for example, Deng Yuwen, "China Should abandon North Korea," *Financial Times*, February 27, 2013; and Jane Perlez, "Some Chinese Are Souring on Being North Korea's Best Friend," *New York Times*, February 17, 2013.

97. Congressional-Executive Commission on China, "Prospects for Reforming China's Re-education Through Labor System," at http://www.cecc.gov/publications/issue-papers/prospects-for-reforming-chinas-reeducation-through-labor-system

98. See, for example, Kang Tai-Jun, "Why North Korean defectors matter in Hong Kong," *NK News*, November 26, 2013.

99. Rick Gladstone and David E. Sanger, "New Sanctions on North Korea Pass in Unified U.N. Vote," *New York Times*, March 7, 2013.

of China's position and how best to approach its government, policy institutes, think tanks and 'civil society' with information would be in order.

Finally a strategy should also be developed for South Korea. Numerous private and government supported groups in South Korea have been focusing increasingly on the human rights situation in the North, but a 2013 Asan Institute poll found that some 57 percent of South Koreans interviewed about transitional justice were either not interested or were neutral when it came to North Korean human rights.[100] Political divisions, moreover, within the National Assembly have blocked the adoption of a human rights bill on North Korea comparable to those enacted in the US and Japan. Those in opposition express fears that it could exacerbate inter-Korean relations, but the impact of inaction could be far broader. As scholar Nick Eberstadt observed, "Until [South] Koreans themselves prioritize this ongoing atrocity afflicting their brethren, the resonance of this question internationally will perforce be unduly limited."[101] Parliamentarians and their organizations in Europe, Asia and the U.S. could help generate joint international programs with South Korea's Assembly members to bring greater awareness to human rights issues. Mandatory educational programs in schools have also been proposed.[102] Making human rights and rule of law training available to North Korean defector groups and also to South Korean NGOs could help create a cadre of persons who might influence events in North Korea by serving as a bridge if and when conditions permit.

There are other countries as well where strategies should be introduced to engage members of parliaments, senior officials and civil society with human rights in North Korea. For example, COI

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100. The Asan Institute for Policy Studies, "ASAN POLL: Survey on South Korean Perceptions of Transitional Justice in Post-Unification Korea," Seoul/Washington DC, 2013.

101. Nicholas Eberstadt, American Enterprise Institute, email, September 4, 2013.

102. Greg Scarlatoiu, "The Role of South Korean Society in Improving Human Rights in North Korea," lecture to ROK National Human Rights Commission, July 19, 2013.

findings could be the subject of seminars in Indonesia (the country from where the Special Rapporteur comes), which has a relatively good relationship with North Korea and where local groups have urged the government to raise human rights concerns with visiting North Korean officials.[103] A seminar would also find fertile ground in Mongolia whose President as noted above recently visited Pyongyang, expressed concern about the human rights situation and might be able to mobilize other states.[104] Whether in Asia, Europe or elsewhere, countries which might be able to exert some influence should be identified for initiatives that could promote the COI findings on North Korea together with human rights reform.

Resource Strategies

A joint pool of foundations and individual donors from the West, South Korea and Japan should be set up to ensure that continued human rights research can be undertaken on North Korea. In particular, funds are needed to enable NGOs to: do in-depth interviews of North Koreans who have fled to the South, China and other countries; develop information 'sources' in North Korea; and identify and compile evidence on those North Koreans who should be held accountable. NGOs also need to pay satellite imaging companies to monitor the prison labor camps. And they need to translate their reports into a variety of languages so that they can be effectively disseminated. At present, human rights reports rarely appear simultaneously in English and Korean, not to speak of Chinese, Russian, French and Spanish.

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103. Bagus BT Saragih, "Human rights concerns cloud North Korea's leader visit to RI," *The Jakarta Post*, May 14, 2012.
104. Carl Gershman of the National Endowment for Democracy has suggested that Mongolia become the center point for a Helsinki type process for Northeast Asia, which would promote discussions of human rights as well as political, security and economic issues in the region. See Hearing before the commission on security and cooperation in Europe, "Resolving Crises in East Asia through a New System of Collective Security: The Helsinki Process as Model," Washington DC, December 11, 2013.

Piercing North Korea's Information Wall

Supporting the free flow of information into North Korea is one of the most important steps the international community can take. Resources and strategies are needed to get more radio broadcasts, DVDs, e-books in Korean, and mobile media equipment into the North as well as flash drives and miniature recording devices. North Korea is essentially unable to stop South Korean movies from being watched in the North.[105] Nor has it been able to stop its citizens from using Chinese cell phones in border regions to connect with families and friends outside. Nor from exchanging information in markets. More-over, North Koreans allowed to study in Western countries, although restricted, do become exposed to a different reality. And the many North Koreans who travel legally over the border for business in China see the contrast between the two countries. The more North Koreans become aware of conditions in other countries, the more likely it will be that they will seek reform of their own. To this end, Western coun-tries need to expand radio broadcasts, scholarships, people to people exchanges and training programs, while South Korea should revisit how to help those broadcasting to the North from the South who must use significant portions of their budgets renting frequencies abroad.[106]

Conclusion

The painstaking documentation of information by NGOs and UN experts over the past decade has culminated in the setting up of an international Commission of Inquiry whose interim report provides evidence that serious crimes are being committed in North Korea. Needed now is an action plan that involves governments, interna-tional organizations, NGOs and civil society so that these findings

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105. Sokeel Park, "6 Reasons Why Kim Jong Un is Screwed," *The Atlantic* (June 20, 2013).
106. See Mok Yong Jae, "Frequency for Human Rights!" *Daily NK*, December 17, 2011.

can be integrated into the political, strategic, economic or humanitarian dealings they may have with North Korea.

Sustainable results cannot be achieved if humanitarian or development organization staff look the other way when human rights abuses occur, or fail to know how their money is being spent, or overlook when food and medical aid is unfairly distributed. Similarly, if political and strategic agreements negotiated by governments do not take into account the need for international trust, the free flow of information, freedom of expression and access, they will be built on fragile ground.

The international community now has the opportunity, given the COI's findings, to raise the priority of human rights in its dealings with North Korea and develop a range of actions to carry its goals forward. North Koreans themselves are taking risks by departing their country illegally, by leaving vulnerable family and friends behind, by maintaining contacts with them though having defected, by providing information, by using new technology while still inside to send out messages, and by trying in different ways to introduce small reforms. Surely the outside world should do no less than to mobilize its own energies and resources to reinforce and broaden their efforts.

For too long, conventional wisdom has had it that progress on nuclear, economic and humanitarian issues can be made only if human rights are not raised; and that doing so with the government of North Korea is in any case futile. The longstanding view that nothing can be done has well served — no doubt unintentionally — the Kim regime in maintaining its tight controls over the people of North Korea. What is proposed here and not tried so far is a concerted effort to put North Korea's government and its people on notice that human rights and human dignity are central concerns of the international community and will henceforth be on the agenda.

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Playing Blind-Man's Buff:
Estimating North Korea's Cyber Capabilities

Tobias Feakin

This paper aims to create a clearer understanding of the size and scope of North Korean cyber capabilities. Due to the opaque and secretive nature of the North Korean regime, and the difficulties of attribution in cyberspace, it is problematic to present a complete picture of the North's malicious activities in cyberspace. This paper presents an open source literature based review of this issue. It begins by defining terminology used to describe cyber threats, and whilst seemingly these threats are new, cyberspace has merely facilitated a new method of achieving old ends. North Korean motivations for developing cyber capabilities are examined, followed by an examination of the historical context to their development of such efforts, and a breakdown of the various North Korean military departments involved cyber activities is presented. An analysis of the growing private sector-led evidential trail of North Korean cyber attacks is followed by an assessment of the impacts that these attacks have had on South Korean policymaking, and operational responses. Finally the author examines the potential impacts for national and regional destabilisation that unabated North Korean cyber attacks could have, concluding that severe damage to South Korea's economic, political and international reputation could be a distinctly negative consequence.

Key Words: cyber espionage, cyber attack, intelligence agencies, cyber policy, asymmetry

Introduction

Senator Steve Chabot in his opening remarks to the Subcommittee on Asia and the Pacific of the US House of Representatives' Committee on Foreign Affairs remarked:

> North Korea's growing cyber capabilities present the greatest likeli-
> hood of a cyber conflict in Asia. Earlier this year [2013] it demonstrated
> its capabilities in South Korea, where it crippled the operations of
> banks and news agencies by wiping the hard drives of thousands of
> computers. While McAfee's report on what is now called Operation
> Troy does not attribute these attacks to North Korea, it could not be
> clearer who was responsible. North Korea is not only a nuclear threat,
> but it a serious cyber threat as well.[1]

These stark words illustrate the increasing concern amongst govern-
ment officials and commentators that North Korea has begun to
rapidly accelerate its development of advanced offensive cyber capa-
bilities. However, assessing a nation's ability to project power via
cyber means is problematic, due in large part to the secrecy of those
capabilities within government departments and the diffusion of
responsibilities through those bureaucracies. To accurately understand
the cyber capabilities of the USA is hard enough. However, when
attempting to extract information from a nation as closed and secretive
as North Korea, estimates on what capability is in existence are akin
to playing Blind Man's Buff.[2] Despite the imperfect information in
understanding North Korea's cyber capabilities, there is an increasing
degree of open source information that when collated produces a best
estimation of what capabilities it possesses. During 2013, this process
was aided as more evidence and sources emerged detailing North
Korea's prolonged targeting of its southern neighbours. This paper
examines the motivations and attraction of cyber capabilities for
North Korea and what drivers there might be for an offensive cyber

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1. House of Representatives Subcommittee on Asia and the Pacific, "Committee
   on Foreign Affairs," *Asia the Cyber Security Battleground*, July 23, 2013,
   http://foreignaffairs.house.gov/hearing/subcommittee-hearing-asia-cyber
   -security-battleground.
2. Blindman's Buff, is a children's game played as early as 2,000 years ago in
   Greece. To play the standard game of blindman's buff, one player is blind-
   folded and then disoriented by being spun around several times. The other
   players, who are not blindfolded, amuse themselves by calling out to the
   "blind man" and dodging away from him. Encyclopaedia Britannica,
   http://www.britannica.com/EBchecked/topic/69380/blindmans-buff.

programme within that state. It then unpacks some of the historical context to cyber capability development in the North and examines how the state has begun to build educational programmes aimed at targeting the most gifted students to take into its military units. The paper gives a break down of the elements of the North Korean military which utilise cyber within their operations, and then dissects the growing evidence base of what North Korea is accused of doing in the South. Regardless of the success or not of the attacks, South Korea has been compelled to respond and develop its own cyber capabilities and has matured its relationship with its key ally, the US, on cyber issues. Finally the potential for regional destabilisation is examined through the unabated use of cyber capabilities in the region, and the dangers that offensive cyber usage can have in such a geopolitically sensitive part of the globe.

Defining Cyber Language

Whilst cyber threats are a relatively new concept, the desired ends that cyber means are used to reach are extremely old and well grappled with. But it is true that cyberspace has enabled a new method of achieving these old ends. An interconnected world enables new and increased access to information. This has become a significant problem for nation-states and their governments. As a tool for criminal purposes, to conduct espionage, to enhance war fighting capabilities or cause disruption via "hacktivism," cyberspace enables all these activities to take place on a larger scale than was previously possible. In practice these activities are not mutually exclusive and often by design intentionally overlap one another. In the context of this piece it is useful to define the various different malicious activities that take place online. This has the benefit of not only creating foundational clarity, but there is evidence to demonstrate that North Korean sources are exploiting all of these malicious avenues for their advantage.

Cybercrime

Cybercrime involves the use of computer systems to steal or compromise confidential information for criminal purposes, most frequently for financial gain. Such activities exploit vulnerabilities in the use of the internet and other electronic systems to illicitly access or attack information and services used by citizens, business and the Government. The total costs of this form of crime can have strategic effects over time, and the victims are most frequently individuals, businesses and other organisations.[3]

Cyber Espionage

Cyber espionage involves the use of computer systems to collect intelligence or enable certain covert operations, either in cyberspace or in the physical world. The motivations for such efforts include gaining classified, sensitive, personal or proprietary information to gain military, political, industrial or technological advantages.[4] Spying is nothing new, but conducting spying via electronic means enables a far larger data collection pool to be accessed at far less risk. Currently it is this area that will have the greatest impact on state-on-state relations unless considerable efforts are made to begin to stem the flow of information gathering from all governments.

Cyber War

Cyber war refers to the use of cyberspace by the military to deny an adversary, whether a state or non-state actor, the effective use of information systems and weapons, or systems controlled by information technology, in order to achieve a political end.[5] But the term

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3. Kristin M. Lord and Travis Sharp, *America's Cyber Future: Security & Prosperity in the Information Age*, Center for New American Security, 2011, http://www.cnas.org/cyber.

4. *Ibid.*

5. *Ibid.*

becomes problematic. Whilst cyber attacks can have kinetic effects, they have not yet caused the type of destruction or bloodshed traditionally associated with warfare. It is important to point out that sophisticated cyber attacks, resulting in kinetic effects, by state actors against other states are aggressive and entail extreme political risk and potential for rapid escalation. Therefore, cyber exchanges are unlikely to be used in isolation within a "cyber war" but rather, they are likely to be used in conjunction with, or in advance of, a traditional physical attack.

Hacktivism

Hacktivism is used to define those that use computers or computer systems to promote particular political ends, primarily free speech, human rights and information ethics. It is used as a form of direct action against those that the hacker perceives as a legitimate target to publically expose or embarrass a particular company or government entity. Hacktivism is often associated with groups such as "Anonymous" and "LulzSec."

Why is North Korea attracted to cyber capabilities?

Regardless of what we actually know for certain about what North Korea is or is not doing in cyberspace, it is not difficult to conclude that the country's leadership would find it hard to resist the temptation to develop and invest in offensive cyber capabilities.

Cyber power is attractive to an entire spectrum of actors, be they large nation states, or small non-state actors, primarily because of its low relative cost, high potential impact and the general lack of transparency that surrounds it. There is still a great deal of difficulty in identifying the perpetrator of a cyber attack, so therefore, it becomes easier to avoid retaliation and in North Korea's case, further sanctions from the international community. Powerful actors can combine cyber power with existing military capabilities, and economic assets. Less

powerful actors — states, organisations and individuals, can gain asymmetrically in cyberspace by inflicting extensive damage on vulnerable targets. For a relatively small investment, networks can be bought down and valuable information stolen and interfered with. Cyber attacks rely on malicious code and highly trained code writers which cost a great deal less to train and deploy than purchasing new conventional forces such as aircraft, ships and missiles. With the North's poor economic situation it cannot hope to compete with the South or the US in building conventional forces, therefore cyber capabilities provide it with a means of asymmetrically lowering the military capability divide. The North Korean military have focused on expanding their asymmetric forces, of which cyber capabilities are one of a number of means by which the North perceives it can overcome the technological superiority of the South. This is a point re-enforced by Kim (2011), who explored a hypothetical scenario of warfare between the North and South:

> It is expected that the North Korean regime will first conduct a simultaneous and multifarious cyber offensive on the Republic of Korea's society and basic infrastructure, government agencies, and major military command centers while at the same time suppressing the ROK government and its domestic allies and supporters with nuclear weapons. If the North succeeds in developing and deploying its EMP weapons, it will be able to paralyze electronic functions as well.[6]

Additionally, despite having extensive military strength in terms of soldiers, tanks and jet aircraft, it is extremely rare that North Korea would have the conditions upon which it could actively deploy them. However, this is not the case with the projection of cyber power, which if used skilfully can have multiple strategic benefits for a nation which is still technically at war with the South, not least of all trying to undermine the reputation of the South as one of the most technologically advanced economies in the world, and the reputation

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6. Duk-Ki Kim, "The Republic of Korea's Counter-Asymmetric Strategy," *Naval War College Review*, Vol. 65, No. 1 (Winter 2012), pp. 55-74.

of its politicians to be able to respond effectively to such attacks. This could also weaken confidence in the nation by Alliance partners such as the US. A key motivational factor for North Korea to be developing its cyber capabilities is as an intelligence collection tool. The ability to remotely probe South Korean networks for information that provides insights into the government's thinking on military, security and broader strategic issues is invaluable to North Korean planning. Understanding where vulnerabilities exist in South Korean defences provides valuable intelligence on how the North prepares for potential conflict on the Peninsula.

The benefits of such a capability are magnified considerably when examining the degree to which North and South Korea are dependent upon information technology networks and systems which could be susceptible to attack. South Korea is one of the most connected nations in the world. Following the Asian financial crisis in the late 1990s, South Korea invested heavily in a national broadband infrastructure that provides its citizens with a nation-wide network that carries data at the highest average speeds in the world. Indeed it has led Seoul to be called "the bandwidth capital of the world." In 2010 more than 81 per cent of South Korean citizens had access to the internet and over 16 million of those were subscribed to a broadband service. Over three-quarters of South Koreans use the Internet more than once per day.[7] This unfettered access to a networked society is an enormous enabler for social mobility and economic growth on the one hand, but on the other hand offers malicious actors the ability to penetrate South Korea's networked infrastructure, something that has become increasingly exploited by the North Koreans.

North Korea is the polar opposite to its neighbour, as one of the most unconnected nations in the world, and it does not have access to the same degree of advanced technology as the South. It is unusual for a North Korean citizen to have access to the Internet, and in many respects is the preserve of the elite. It has only three Internet service

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7. Robert Deibert, et al (Eds), *Access Contested: Security, Identity, and Resistance in Asian Cyberspace* (Massachusetts Institute of Technology, 2012).

providers and in terms of Internet access, it ranks as one of the lowest nations in the world. Compounding the issue further, North Korea has an electricity supply that is unreliable and susceptible to regular power cuts.[8] Therefore, whilst a lack of access to the Internet presents many challenges to social and economic development, the advantage of this situation for the North is that there are fewer vulnerabilities that can be exploited by a cyber attack. This means that cyber attacks can provide them with an asymmetric advantage in their confrontations with the South, an advantage that it seems they are increasingly willing to exploit, placing increased focus on developing their cyber capabilities.

These factors have been noted by senior military figures in the region, who have grown ever more concerned at the increasing level of malicious cyber activity emanating from North Korea. In 2012 Army General James Thurman, the commander of US Forces Korea, presenting to the US House Armed Services Committee's annual regional overview of the region, stated that:

> North Korea employs sophisticated computer hackers trained to launch cyber infiltration and cyber attacks…. Such attacks are ideal for North Korea [as they can be done anonymously] … and they have been increasingly employed against a variety of targets including military, governmental, educations and commercial institutions.[9]

Such a statement from a senior US military commander, with such a level of experience of strategic military issues on the Peninsula, provides us with a clear indicator that North Korea is progressing in its development of cyber capabilities, and is willing to use them.

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8. James A Lewis, *Speak Loudly and Carry a Small Stick: The North Korean Cyber Menace*, 2010, http://38north.org/2010/09/speak-loudly-and-carry-a-small-stick-the-north-korean-cyber-menace/.

9. Tony Capaccio, *North Korea Improves Cyber Warfare Capacity, U.S Says*, Bloomberg Businessweek, 2012, http://www.businessweek.com/news/2012-10-22/north-korea-improves-cyber-warfare-capacity-u-dot-s-dot-says.

What is the Historical Context to North Korea's Development of Cyber Capabilities?

Since the 1970s, the North Korean Military has developed and maintained a degree of electronic warfare capability as part of an effort to improve its asymmetric capabilities against the South.[10] However, it is thought that this area of capability was rapidly expanded following strategic reviews that took place in the country following Operation Desert Storm in the early 1990s. Here the US demonstrated not only its vast military superiority to a largely Soviet-equipped military but also its capacity for a new, different kind of warfare. Computers and other high-end technology provided real-time intelligence and enabled its array of smart weaponry. North Korean assessments in this area were not dissimilar to close ally China who was also attempting to understand how to transform its military capabilities in order to counter such threats.[11] This led the North Korean military to establish an information warfare (IW) capability under the concept of "electronic intelligence warfare (EIW)." This included an introduction of more modern electronic intelligence gathering equipment, jammers and radars.[12]

However, North Korea's more modern approach to cyber operations began towards the end of the 1990s when *Unit 121* (which will be discussed below) was reportedly established within the Reconnaissance Bureau of the General Staff Department with the purview to undertake offensive cyber operations.

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10. Kim, *Op. cit.*, p. 57.

11. Tobias Feakin, *Enter the Cyber Dragon: Assessing Chinese Intelligence Agencies' Cyber Capabilities*, ASPI Special Report, June 2013, http://www.aspi.org.au/publications/publication_details.aspx?ContentID=361.

12. International Institute for Strategic Studies, "Chapter Six: Asia," *The Military Balance*, Vol. 113, No. 1 (2013), pp. 245-352.

A Focus on Education

Part of North Korea's focus in developing its cyber capabilities has been to concentrate heavily on the educational process of training its citizens from a young age. It has been reported, largely sourced from those that have defected from the North, that the regime begins looking for talented children whilst they are still in primary education. Since the mid-1990s there have been many elite middle schools established across the country in an attempt to find the most talented students from across the nation, spreading the net wider than just in Pyongyang. Talented students who graduate at the top of their classes at the age of twelve/thirteen and who demonstrate higher levels of ability in science and maths are selected and then enrolled in the elite First and Second Geumseong Senior-Middle Schools in Pyongyang.[13] These children are taken through a six-year program at the school, at which time the most talented are then placed into either Kim Il-sung University, Kim Chaek University of Technology or the Command Automation University (formerly known as Mirim University), all of which are based either in Pyongyang or Hamheung.[14] Training at these institutions which is thought to include lessons in programming, command automation, computerised calculation, technical reconnaissance and cyber warfare, lasts for up to five years. Top graduates are sent to join military units within the General Bureau of Reconnaissance or the General Staff of the Korean People's Army (KPA) or sent abroad for further training to gain increased levels of practical experience.[15]

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13. Kim, *Op. cit.*, p. 67.
14. Sangwon Yoon, "North Korea Recruits Hackers at School," *Al Jazeera*, 2011, http://www.aljazeera.com/indepth/features/2011/06/201162081543573839.html.
15. Kim, *Op. cit.*, p. 67.

Playing the Numbers Game:
Estimating the Size of North Korean Cyber Capabilities

It is difficult to place exact numbers on the number of personnel who are involved in North Korea's cyber activities. Reports vary widely from estimates of a couple of hundred to tens of thousands of personnel directly attached to military efforts to project North Korean cyber power.[16] It is understood that their efforts in this area are concentrated in three different groups. The Central Party Investigative Group is responsible for technical education and training and the 204th Unit of the Operations Department, Unification Bureau, owns cyber-based psychological operations. But the final and most prominent cyber organisation is the General Staff Reconnaissance Bureau, North Korea's key intelligence agency. Lying under its purview is the secretive 121st Unit. The 121st Unit was originally only a specialist unit within the wider Staff Reconnaissance Bureau, but in 2008 was elevated in status, becoming its own department within the Bureau. Known as *Unit 121*, the group has been increasingly named in media sources for its role in alleged attacks on South Korea. Its core missions are to infiltrate computer networks, hack classified information and place viruses into targeted networks.[17] The number of personnel within the organisation varies depending on the source. Kim (2011) estimates that the group has approximately 300 personnel;[18] in 2010 Won Sei-hoon, then chief of South Korea's National Intelligence Service, put the number of professional hackers in North Korea's cyber warfare unit at 1000.[19] However, others have suggested that this group has rapidly swollen in numbers to around 3000 people.[20]

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16. Ward Carrol, "Inside DPRK's Unit 121," *Defensetech*, December 2007, http://defensetech.org/2007/12/24/inside-dprks-unit-121/.

17. Kim, *Op. cit.*, pp. 67-68.

18. Kim, *Op. cit.*, p. 68

19. Youkyung Lee, "North Korea Cyber Warfare: Hacking 'Warriors' Being Trained in Teams, Experts Say," *Huffington Post*, March 24, 2013, http://www.huffingtonpost.com/2013/03/24/north-korea-cyber-warfare-warriors-trained-teams_n_2943907.html.

Regardless of the size of the organisations involved, there is clear intent from the North Korean leadership to exploit this capability increasingly over the coming years. Lieutenant General Bae Deukshin, chief of the Defence Security Command in the South Korea Army, was quoted publicly stating:

> North Korea is strategically nurturing its cyber warfare unit…. This unit has shown the potential for attacks that are larger in scale and more intelligent by pinpointing a specific target…. In the future, North Korea will try to cause social confusion and inflict significant national damage through an intensive cyber attack.[21]

So whilst it is difficult to put exact figures on the number of people involved in North Korea's cyber activities, there is sufficient evidence to illustrate that they possess growing capability, both in terms of size and sophistication. The level of sophistication involved has increasingly been revealed through private sector-led forensic reports released during the course of 2013.

The Growing Evidence of North Korean Attacks on the South

One of the features of any cyber attack is that attributing who was specifically to blame with any certainty can be a challenging process, especially when the ramifications of any public blame can have serious geopolitical impact. However, over the past year we have seen an increasing number of incidences where nations have decided to "call out" those they feel are responsible, most notably at the beginning of the year when senior US politicians publically announced their requests for China to reign in its cyber espionage activities.[22]

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20. Vantage Point, "Developments in North Korea," *Vantage Point*, Vol. 34, No. 8 (August 2011), p. 5

21. *Ibid.*

22. Tobias Feakin, "Cyber Goes Strategic," *The Strategist*, March 19, 2013, http://www.aspistrategist.org.au/cyber-goes-strategic/.

In regards to North Korean attacks in cyberspace, as James Lewis of the Center for Strategic and International Studies stated in testimony given to the US House of Representative Committee on Foreign Relations, North Korea is a source of turbulence and an irritant to both the US and China. Although confirmable intelligence is sparse, so far most North Korean activity seems to have been directed against South Korea.[23]

Supporting this view is a number of detailed investigations that have emerged in the past year from the private sector. These reports have begun to provide a higher granularity of evidence that North Korea is the source of recent attacks on South Korea, which in the past did not exist. The following section examines some of these key attacks that have taken place and explores the evidence that is being provided by companies such as Symantec, Kaspersky Labs and MacAfee. The analysis that they have provided does not give irrefutable evidence that that North Korea is the main source of the attacks, yet they leave little doubt that it is the main culprit, and that its capabilities are being developed rapidly. Perhaps the most interesting aspect of this reporting is the linkage made between North Korea and a barrage of increasingly aggressive attacks on South Korea, carried out over a four-year period, which will now be examined.[24]

Operation Troy - A Four-Year Cyber Espionage Campaign?

South Korea has suffered from a number of high-profile cyber attacks over the past four years that have increased in both frequency and sophistication. At first these were considered separate attacks, emanating from two groups who appeared to have no previous connection, the *New Romantic Cyber Army Team* and the *Who is Hacking Team*.

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23. House of Representatives Subcommittee on Asia and the Pacific, *Op. cit.*

24. Mark Clayton, "In Cyberarms Race, North Korea Emerging as a Power, Not a Pushover," *The Christian Science Monitor*, October 19, 2013, http://www.csmonitor.com/World/Security-Watch/2013/1019/In-cyberarms-race-North-Korea-emerging-as-a-power-not-a-pushover.

However, evidence prepared by Symantec and McAfee began linking the various attacks, and suggested that they were part of a sustained cyber espionage campaign by North Korea. McAfee dubbed the attacks "Operation Troy."[25] [26]

Recent analysis pinpoints the starting point of the campaign at around 2009 when a series of coordinated Distributed Denial of Service (DDoS) attacks were carried out against South Korean and US targets. These attacks clogged up the websites of White House, the Pentagon, the Blue House, the Korean Ministry of Defense, the Ministry of Public Administration and Security, the National Intelligence Service and the National Assembly over a period of six days. Further attacks targeted major South Korean banks, such as the Shinhan bank, Korea Exchange bank plus the New York Stock Exchange and the top internet portal in South Korea, Naver.[27]

Attacks continued through the course of 2010, including attacks routed through Chinese-based servers against South Korean government websites,[28] and these were quickly blamed on North Korea by the South Korean government. In March 2011 a larger-scale DDoS attack began which targeted 40 South Korean websites affiliated with the government, military and critical infrastructures as well as the network of US Forces Korea and the US Air Force Base in Kunsan,

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25. Ryan Sherstobitoff, Itai Liba & James Walter, *Dissecting Operation Troy: Cyberespionage in South Korea*, McAfee White Paper, 2013, http://blogs.mcafee.com/mcafee-labs/dissecting-operation-troy-cyberespionage-in-south-korea.

26. The name "Troy" actually comes from repeated citations of the ancient city found in the compile path strings of the malware. The primary suspect group in these attacks is the New Romanic Cyber Army Team that makes significant use of Roman terms in their code. The McAfee Labs investigation into the Dark Seoul incident uncovered a long term domestic spying operation operating against South Korean targets all based on the same code base.

27. Matthew Weaver, "Cyber attackers target South Korea and US," *The Guardian*, July 8, 2009, http://www.theguardian.com/world/2009/jul/08/south-korea-cyber-attack.

28. Agence France-Presse, "South Korean Government Website Hit by Cyber Attacks," *AFP*, June 9, 2010, http://www.google.com/hostednews/afp/article/ALeqM5j-cLHwEp033Jo3lRnOJSFM9L3z6Q.

South Korea. This attack closely resembled the DDoS attacks of 2009. Analysis conducted by McAfee on the attacks, which became known as "Ten Days of Rain," led them to determine that there was "strong evidence to conclude that both attacks had originated from the same adversary."[29] Their analysis of the malware showed a level of sophistication that they felt was not usually a feature of these types of attack, should it have been written by a criminal group, and lent itself more to an effort of espionage. The malware had clearly defined targets and a ten-day limitation on its operational lifespan. Once this deadline had passed, it wiped the hard drives of the host computer it was resting on, complicating forensic analysis, ensuring the discovery of the attackers would be problematic. The report's conclusions for the potential motivation of the attackers bore a stark warning:

> This may have been a test of South Korea's preparedness to mitigate cyber attacks, possibly by North Korea or their sympathizers. While the code and botnet architecture were advanced, the attack itself was very limited and may have been utilized to test and observe how quickly the attack would be discovered, reverse engineered, and mitigated. Armed with this knowledge, the aggressor could launch cyber attacks, possibly in conjunction with kinetic attacks, with a great understanding of South Korea's incident response capabilities. As such, the attacks could better understand their own requirements for a successful campaign.[30]

Throughout 2012, the attacks continued. The conservative paper *Joong Ang Ilbo* and its sister paper were targeted, their photo and article databases were destroyed, and their websites temporarily shut down. This come only a week after North Korea had threatened the paper and other media outlets in the South over their reporting of the North.[31]

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29. McAfee, *Ten Days of Rain: Expert Analysis of Distributed Denial-of-Service Attacks Targeting South Korea*, 2011, http://blogs.mcafee.com/mcafee-labs/10-days-of-rain-in-korea.

30. *Ibid.*

31. "South Korean Paper Hit by Major Cyber Attack," *The Sydney Morning Herald*,

This year a cyber attack took place on 20th March known as "Dark Seoul." It targeted South Korean banks and three TV stations and caused significant damage as it deleted tens of thousands of computers' Master Boot Record (MBR), leaving the computers disabled.[32] The evidence from this incident led McAfee to conclude that a majority of the attacks from 2009 shared a similar motivation, state-led espionage from the North.[33] Symantec had concluded that these attacks had required "intelligence and coordination" and that they expected the attacks to continue "regardless of whether the gang is working on behalf of North Korea or not, the attacks are both politically motivated and have the necessary financial support to continue acts of cyber sabotage on organizations in South Korea."[34]

It now appeared from the evidence base that a single group was responsible for the attacks from 2009 onwards, not multiple groups as was claimed in the press. This group had "designed a sophisticated encrypted network designed to gather intelligence on military networks."[35]

"Kimsuky" Campaign

In September 2013, the Kaspersky Lab published findings from a six-month investigation they had been conducting into an extensive cyber espionage campaign against 11 South Korean, and two Chinese organisations. Named the "Kimsuky" Campaign after the drop box mail accounts registered in the name of "*kimsukyang*" and "*Kim asdfa*"

June 12, 2012, http://www.smh.com.au/it-pro/security-it/south-korean-paper-hit-by-major-cyber-attack-20120611-206pf.html.

32. The MBR is necessary for a computer to start up or 'boot' up.

33. Ryan Sherstobitoff, Itai Liba & James Walter, *Op. cit.*

34. Symantec, *Four Years of DarkSeoul Cyberattacks Against South Korea Continue on Anniversary of Korean War*, June 26, 2013, http://www.symantec.com/connect/blogs/four-years-darkseoul-cyberattacks-against-south-korea-continue-anniversary-korean-war.

35. Ryan Sherstobitoff, Itai Liba & James Walter, *Op. cit.*

used in the attacks, Kaspersky Lab researchers discovered an unsophisticated but extensive and highly targeted campaign against predominantly South Korean military think tank targets. There were a number of malicious programs involved in the campaign, and there were modules for performing keystroke logging, directory listing collection, document theft, remote control download and remote control access.[36]

The report's writer states that it's difficult to identify with one hundred per cent certainty that the attacks originated in North Korea, but there were a number of indicators that led the researchers to conclude that it was the most likely suspect. Firstly were the targets themselves, which included the Korea Institute for Defense Analyses (KIDA) who research various defence related issues, the Sejong Institute which researches national security strategy as well as other regional security matters, and the Ministry of Unification which is a government department responsible for pursuing inter-Korean cooperation and dialogue.[37] All of these targets would be of direct interest to the North Korean government, as the work they conduct gives a good insight into the direction of South Korean strategic thinking. The second piece of evidence were the IP addresses used for the attacks, all of which rested in the range of the Jilin Province Network and Liaoning Province Network in China, both of which are adjacent to North Korea on the border. As Tarakanov states:

> … the ISPs providing Internet access in these provinces are also believed to maintain lines into North Korea. Finally, this geo-location supports the likely theory that the attackers behind Kimsuky are based in North Korea.[38]

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36. Dimitry Tarakanov, *The 'Kimsuky' Operation: A North Korean APT?*, Securelist, September 11, 2013, http://www.securelist.com/en/analysis/204792305/ The_Kimsuky_Operation_A_North_Korean_APT.

37. *Ibid.*

38. *Ibid.*

What are the Results of these Attacks?

In a speech in the South Korean Parliament in October 2013, Member of Parliament Chung Hee-soo attempted to put a financial cost on this period of attacks on the South. He stated that the financial cost of the 2013 attacks, which he accused North Korea of conducting, had caused 800 billion won (US$750 million) of economic damage. To rectify the damage of the 2009 DDoS attacks had cost 50 billion won (US$47 million) and the 2011 attacks had cost another 10 billion won (US$9.5 million) to clean up.[39] Clearly the economic costs of these attacks are severe, and a continual stream of high-level attacks will lead to these costs increasing, but perhaps of more importance for business and government is the reputational damage that they cause. This is especially the case if it is perceived that they are not doing enough to mitigate against such threats. Regardless of whether North Korea has been directly responsible for the attacks on the South, the high-profile nature of the attacks has forced the South Korean government to take action to reassure the public, its trading partners and allies that they are not a "soft" target.

South Korean Government's Cyber Security Response

All governments experience difficulty in creating comprehensive responses to cyber attacks and creating cyber resilience across all sectors within its borders. Arguably no one country has achieved complete success in this area. However, the most effective responses and policies will harness the capabilities across government, incorporate the private sector address public concerns about privacy and civil liberties, and coordinate them in a way that enables effective response to high-tempo cyber emergencies.

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39. Alex Hern, "North Korean 'Cyberwarfare' Said to have Cost South Korea £500 Million," *The Guardian*, October 16, 2013, http://www.theguardian.com/world/2013/oct/16/north-korean-cyber-warfare-south-korea.

South Korea's mechanisms for responding to cyber incidents have developed a great deal over the past 15 years. In 2000, triggered by a large scale DDoS attack and the global media attention it received, the Cyber Terror Response Center (CTRC) of Korea National Police Agency was established. In the national defense sector, a Cyberspace Command was established in January 2010 to carry out planning, implementation, training, and research and development for its cyberspace operations and it currently serves under the direct control of the Ministry of National Defense.[40]

Following the spate of DDoS attacks in 2011, and in an effort to further coordinate across government efforts, the Korea Communications Commission (KCC) announced in 2011 a national cyber security master plan established with the joint effort of fifteen government agencies. According to KCC, cyberspace will be considered another operational domain like the nation's territories on land, air and sea that needs a state-level defence system.

Under the master plan, the National Cyber Security Centre (NCSC), run by the National Intelligence Service (NIS), the country's intelligence agency, serves as the control tower to coordinate efforts against cyber attacks among government agencies.[41] The NCSC is the centre point of government for identifying, preventing and responding to cyber threats, and looks to coordinate with the private sector in responding to security incidents and protecting critical national infrastructure. Under the Director of the National Intelligence Service, the National Cyber Security Strategy Council oversees the establishment and improvement of the national cyber security infrastructure, the coordination of policy and roles among government, military and private institutions and deliberating measures and policies related to presidential orders.[42] The efforts of the South Korean government to join

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40. Japanese Ministry of Defense, *Defense of Japan 2012 White Paper*, http://www.mod.go.jp/e/publ/w_paper/2012.html.

41. Adrienne Valdez, "South Korea Outlines Cyber Security Strategy," *Asia Pacific Future Gov*, August 13, 2011, http://www.futuregov.asia/articles/2011/aug/13/south-korea-outlines-cyber-security-strategy/.

42. Japanese Ministry of Defense, *Op. cit.*

up its various programmes of work have clearly been substantial, especially over the past four years. However, the test of the new cyber master plan will be how it enables true cooperation across government and the private sector and how it enables links with international partners.

There is already evidence that cyber issues are becoming an increasingly important element of South Korea's discussions with its key strategic ally, the US. Indeed at the 43rd Republic of Korea-United States Security Consultative Meeting (SCM) in 2011, the respective Defence Ministers announced in the official communique:

> The Minister and the Secretary affirmed the need to strengthen cooperation with respect to protection of, and access to, the space and cyberspace domains, and to promote the resilience of critical infrastructure, including the security of information and space systems. The Minister and the Secretary committed themselves to discuss new ways for the ROK and the United States to confront the challenges posed by increasing threats in cyberspace and welcomed the establishment of a bilateral strategic policy dialogue on cyber-security issues. They also acknowledged that effective bilateral cooperation on cyber-security would require a "whole-of-government" approach and coordination with the private sector.[43]

This was further reinforced at the following meeting in Washington DC in 2012 where increasing cooperation on cyber issues was high on the agenda, and it was announced that a number of joint cyber policy consultations between the two nations would take place which would have a whole of government approach, incorporating a wider range of bodies, including the private sector. There is no doubt that South Korea views this increase in cooperation as a response to the threat from North Korea. As was noted by the then Korean Foreign Minister Kim in 2012 at a meeting with his US counterpart: "We also agreed to promote bilateral cooperation regarding North Korea, just as Secretary

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43. United States Forces Korea, *Joint Communique of the 43rd US-ROK Security Consultative Meeting*, 2011, http://www.usfk.mil/usfk/%28S%28c320cgglsyvgh 4twc4estb3v%29%29/article.aspx?id=920.

Clinton mentioned, against cyber security threats, and will in this regard launch a whole-of-government consultative body."[44]

Clearly South Korea has prioritised the international dimensions of cyberspace as a national priority as was demonstrated by the hosting of the third international conference on cyberspace in October 2013. The process was initiated in 2011 by the UK Government to begin a dialogue on internationally shared principles in cyberspace and outline an agenda for a secure, resilient and trusted global digital environment. This major conference process attempts to bring together stakeholders from across the public, private and civil-society to discuss how to create "rules of the road" for the future of cyberspace. President Park Geun-hye gave the opening address of the conference and stated that:

> As the Internet environment develops, threats to cyberspace security such as leakage of personal information, spam and malicious codes are growing…. We need to build together international regulations and principles to prevent such risk while guaranteeing the open nature of cyberspace.[45]

This top-level endorsement and commitment from the South Korean leadership assisted in the formation of a framework document with a set of six agreed outcomes in the areas of economic growth and development, social and cultural benefits, cyber security, international security, cybercrime, and capacity building.[46] This was no easy task due to the difficulties in resolving the polarised opinions between the

44. Hillary Rodham Clinton, Leon Panetta, Kim Sung-Hwan and Kim Kwan-Jin, *Remarks with Secretary of Defense Leon Panetta, Korean Foreign Minister Kim Sung-Hwan and Korean Defense Minister Kim Kwan-Jin After Their Meeting*, June 2012, http://www.state.gov/secretary/rm/2012/06/192400.htm.

45. Seo-Ji-Eun, "Park Speaks at Seoul Cyberspace Conference," *Korea Joongang Daily*, October 18, 2013, http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=2979058&cloc=joongangdaily|home|newslist1.

46. *Seoul Conference on Cyberspace 2013*, "Seoul Framework for and Commitment to Open and Secure Cyberspace," http://www.seoulcyber2013.kr/en/references/references_2013.do.

key nations involved in this debate, and demonstrates that South Korea has a role to play in the international aspects of cyber security. However, it is closer to home within its immediate geographical region where South Korea faces the greatest risks should a cyber attack lead to misinterpretation or miscalculation.

Potential for National and Regional Destabilisation

At present the primary concern for South Korea is not so much the kinetic damage that cyber attacks could directly inflict on the Peninsula, the disruption to services and financial cost of such attacks create reputational damage, but they are not catastrophic. The more pressing concern is that these persistent attacks will act as a further destabilising factor in an already precarious situation, one where nuclear weapons are a factor to consider. This final section will examine the implications of persistent cyber attacks on South Korea, both at the national level and within the region it sits.

South Korea is in a strong economic situation, boasting one of the world's most technologically advanced economies, with a well-developed broadband infrastructure and a strong digital economy across the public and private sectors. However, as discussed in this paper, this highly networked economy brings increased vulnerabilities that are being exploited in cyber attacks. There are various consequences for South Korea. The most important of which is the reputational damage economically, politically and internationally that accompanies appearing vulnerable to cyber attacks. As outlined in the previous section there was a significant cost to the South Korean people suffered by the cyber attacks in 2013, absorbing these kinds of costs on a regular basis is not catastrophic, but the damage it does to potential economic investor perceptions is grave. Given the choice it could mean that investors decide to take their money elsewhere, leading to longer-term damage to the South Korean economy, a trend clearly advantageous to the North. Politically South Korea has responded by having set up extensive policy and operational responses to the

attacks. However, this does not mean that the government will be entirely buffered from political damage from malicious cyber activity and the North will continue to probe South Korea's networks and attempt to embarrass and undermine the government. This situation is not assisted by the current scandal encompassing members of South Korea's Cyberwarfare Command, where four officials were accused of posting political messages online during 2012's general election in support of the now President Park Geun-hye.[47] The mixed public and media perceptions of the agency and its activities could provide an opportunity for the North to exploit the situation and conduct further malicious cyber activity to undermine the credibility of the government.

A final area of reputational damage is in South Korea's international security relationships, especially with larger allies, particularly the US. Persistent cyber attacks on South Korean government networks, especially those which contain intelligence data important to military and security operations, could lead to allies who are unwilling to share sensitive intelligence data with them. If the risk of that data being compromised is perceived to be too high, then allies could be increasingly hesitant to facilitate such arrangements. However, through increased capability support and dialogues with allied partners, these fears can be mitigated. Certainly the North Korean regime's willingness to carry out attacks on the US military systems of the Peninsula and beyond does not assist in undermining intelligence sharing; it acts to strengthen cooperative resolve to counter the threat.

Conclusion

When dealing with a leadership as predictably aggressive as North Korea, there is a concern that Pyongyang does not have the ability to accurately calculate the risk that a cyber attack entails, leading to

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47. Choe Sang-Hun, "Investigators Raid Agency of Military in South Korea," *The New York Times*, October 22, 2013, http://www.nytimes.com/2013/10/23/world/asia/south-korean-military-agencys-headquarters-raided-in-growing-scandal.html?_r=0.

undesired or unexpected escalatory reactions from the South.[48] Its willingness to perpetrate acts of aggression without regard for the consequence has been demonstrated many times. Whether it be the sinking of a South Korean Naval vessel, Cheonan, killing 46 sailors in 2010[49] or the intentional GPS jamming of hundreds of civilian aircraft flights, and navigation systems on South Korean coast guard craft, fishing boats and passenger vessels during 2012.[50] Therefore, if the North can "get away" with other potentially more serious actions they may believe a cyber attack wouldn't warrant much consideration or consequence.

Added to the unpredictability of the North Korean mindset is the unpredictability of actors in cyberspace. Cyberspace allows a great deal of deniability, with absolute proof on who perpetrated acts often difficult to ascertain, this additional layer of complexity is not helpful in easing tensions between two confrontational nation states. With such a politically charged situation existing on the Peninsula, it is of no comfort that so called hacktivists group, *Anonymous* attempted to become embroiled in the situation by trying to hack into North Korean systems in 2013.[51] The effort reportedly failed, but when added to the internal hacktivist activity in South Korea directed both at North and South Korean government websites, it is clearly an unwelcome additional factor to have to manage, and has the potential to initiate an escalation from either side if the attacks are perceived to have originated from respective government sources.[52]

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48. James A. Lewis, "Testimony to the Subcommittee on Asia and the Pacific House Foreign Affairs Committee," *Asia: The Cybersecurity Battleground*, July 23, 2013, http://csis.org/testimony/asia-cybersecurity-battleground.

49. *BBC News*, "North Korea Torpedo' Sank South's Navy Ship," May 20, 2010, http://www.bbc.co.uk/news/10129703.

50. Bruce E. Bechtol, "Developments in the North Korean Asymmetric Threat: Missiles and Electronic Warfare," *International Journal of Korean Studies*, Vol. XVI, No. 2, 2012.

51. Max Fisher, "Hacker Group Anonymous no match for North Korea," *The Washington Post*, June 27, 2013, http://www.washingtonpost.com/blogs/worldviews/wp/2013/06/27/hacker-group-anonymous-is-no-match-for-north-korea/.

Nigel Inkster (2013) has suggested that the actions that North Korea took in its recent nuclear testing activity could have prompted the prospect of China being drawn into direct conflict with the United States as a result of North Korea's "provocative and irresponsible" behaviour. He suggests that this behaviour could equally manifest itself in cyberspace:

> … It is not hard to imagine circumstances in which a South Korean cyber attack or activity by an entity like Anonymous — which North Korea might interpret as ventriloquised by the US government — elicits a response which escalates into a North Korean cyber attack, seemingly emanating from China, against US critical infrastructure. Such escalation would appear to cross a US "red line" — with unpredictable consequences.[53]

This concept of the cascading effects of actions taken by a power such as North Korea, which cares little about the ultimate impact of what it does, demonstrates how seriously the international community should take North Korea's activity in cyberspace. Unchallenged and unmanaged continued malicious activity by North Korea in cyberspace has the very real potential to exacerbate the situation on the Peninsula and lead to kinetic conflict.

Regardless of what we know precisely in terms of the size of North Korean cyber capabilities, recent evidence explored in this paper illustrates a growing North Korean cyber capability, and a willingness to use it alongside its other traditional sabre-rattling tactics of low-level military attacks and strong rhetoric. The ability of South Korea to respond to these incidents as they arise without escalation taking place will be yet another challenge for strategic planners to consider on the Peninsula. The onus is on the South to develop an ever more sophisticated and mature cyber policy architecture and cyber resilience

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52. Soo-Kyung Koo, "Cyber Security in South Korea: The Threat Within," *The Diplomat*, August 19, 2013, http://thediplomat.com/2013/08/19/cyber-security-in-south-korea-the-threat-within/.

53. Nigel Inkster, "Conflict Foretold: America and China," *Survival*, Vol. 55, No. 5, October-November 2013, pp. 7-28.

framework in order that in the face of extreme cyber provocation they can remain resilient in absorbing such attacks and, most difficult of all, remain clearheaded in their responses so it does not become a precursor to large-scale military action.

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Capacity Building at the Kaesong Industrial Complex: Implications for North Korea's Economic Zones

Lim Eul Chul

This article examines the diverse efforts made to improve the capacity of North Korean workers at the Kaesong Industrial Complex (KIC) in order to draw out implications for the development and operation of special economic zones in North Korea. While the autonomy of North Korean workers is still limited, they were nonetheless able to bring about improvements in production through knowledge sharing with South Korean companies. North Korea realizes the importance of strengthening its human resources and legal capacities for the successful operation of special economic zones. North Korea has also displayed an interest and the will to learn about specific fields including legal systems, finances, and insurance. Having passed down new knowledge and experience about market economics to North Korean society, the Kaesong Industrial Complex can advance reforms and opening in the country.

Key Words: Capacity building, Kaesong Industrial Complex, Special Economic Zone, North Korea, reform and opening

Introduction

Special economic zones (SEZ) are generally defined as "designated areas in countries that possess special economic regulations that are different from other areas of the country and that generally implement measures that are aimed at bringing in foreign direct investment."[1]

Originally, special economic zones were operated by developing countries pursuing economic development to secure competitive power in exports and expand foreign trade. However, following

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1. Namgoong Young, *Comparing North Korea's SEZ Investment Environment with China and Vietnam* (Seoul: National Unification Research Institute, 1995), p. 2.

China's establishment and operation of four special economic zones in the country's southeastern region in 1979 as part of the country's economic opening policy, the SEZ was transformed into a way for socialist countries to make the shift to capitalism.[2]

China used its SEZs to open the country's economy and develop the basis for the high degree of economic growth it enjoys today. Similar special economic zones have also been established in Russia, Eastern Europe and Vietnam. North Korea has been no exception. North Korea established its first free economic trade zone in the Rajin-Sonbong (Rason) region in 1991, and this was followed by further zones in Sinuiju (September 2002), Kumgangsan (October 2002), Kaesong (November 2002), and the Hwanggumpyong-Wihwa Islands (2010). In short, the success of Chinese SEZs spurred the establishment of similar zones in North Korea, a country which has been plagued with both a lack of foreign currency and chronic economic difficulties.

North Korea's SEZ strategy is the centerpiece of the country's response to the socialist economic crisis. North Korea is pursuing a "planned and controlled compromise with the market economic system." However, the level of reform and opening of North Korea's domestic economy has been lower and more passive than China's. Nonetheless, for a country that has long maintained a closed economy in the name of "self-reliance," the moves it has taken are a major departure from policies of the past.

Borrowing from the Chinese SEZ model, North Korea established its own SEZs, as the leadership was motivated by the desire to invigorate the North Korean economy through capital brought in from developed western countries. However, the only successful SEZ in operation is the Kaesong Industrial Complex (KIC), which have been heavily invested by South Korean companies. Recently, North Korea has demonstrated a desire to further expand the country's economy by establishing another SEZ in the Hwanggum-Wihwa

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2. United Nations Industrial Development Organization (UNIDO), "Export Processing Zones in Development Countries," *UNIDO Working Papers on Structural Changes*, No.19, UNIDO/ICIS 176, New York, August 18, 1980.

Islands region, but it is unclear whether this SEZ will be successful.

During the early stages of its SEZ strategy, China focused on implementing the "four modernizations," as emphasized by Deng Xiaoping, which aimed at introducing advanced technology, management skill, modern knowledge, open policies and market economy-related laws and institutions. In the North Korean case, the role of the KIC, in contrast, is more restricted than the Chinese SEZs, and is simply focused on using low-paid labor to produce goods that are sold and exported to world markets, including South Korea. However, although it is fundamentally a product production center, the KIC has the potential to develop into a full-scale SEZ replete with distribution infrastructure, technology development, education and training facilities, and financial and commerce infrastructure. The diverse experiences that North Korean workers have had at the Kaesong complex will play a considerable role in expanding North Korea's development of SEZs in the future.

The capacity building of North Korean workers at the Kaesong Industrial Complex, however, has thus far been limited. South Korean workers have generally been in charge of the complex's development and management. While the role of North Korean workers has in fact expanded gradually across different fields, it has still been limited.

The building of capacity did take place relatively systematically in the establishment of a system of law, and improvements in operation and production. The former provided knowledge and know-how to North Korean managers, who were made up of those dealing with North Korean law. This also led to an increase in the development of legal systems and operational ability in the complex. In particular, for the purpose of increasing revenue, North Korean authorities showed a very proactive attitude toward learning about tax, insurance, financial, and other market economic systems. The latter concerned the increase in production ability following the provision of education and training to ordinary North Korean workers.

Out of the wide variety of capacity building cases, this article examines the human resources development of ordinary North Korean workers at the KIC in order to draw out implications for the current

and future development and operation of additional SEZs in North Korea.[3]

The Current State of Operations at the Kaesong Industrial Complex and the Management System of North Korean Workers

The KIC is now the only joint economic cooperation project between North and South Korea that has been able to produce some success in bringing together North Korea's work force and territory, and South Korea's capital and technology. A number of labor-intensive manufacturing companies from South Korea entered the complex and have been utilizing cheap North Korean labor to make profits. The significance of the KIC is a two-fold: first, South Korean companies have been able to employ large numbers of North Korean laborers, and second, North Korea has permitted this inter-Korean industrial complex to be built and for South Korean companies to operate in a militarily sensitive area. During the process of operating the complex, North Korea has learned about market economic mechanisms and know-how concerning the opening of its economy to the international market. However, the North Korean leadership has been considerably wary of its 'ill effects' on the North Korean system; in their view, having such a large number of North Koreans being hired and managed by South Korean companies could pose problems for the maintenance of the current regime in Pyongyang.

Current State of Investment, Production and Employment

A total of 123 South Korean companies hired approximately 53,500 North Korean workers since South Korean companies entered the

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3. Beginning operations in December of 2004, the KIC was closed down and its workers withdrawn by North Korea for a period of several months starting in April 2013. The complex reopened in the fall of 2013, but has yet to rebound to full operating capacity, and still faces an unstable future.

Figure 1. Types of Industries at the Kaesong Industrial Complex
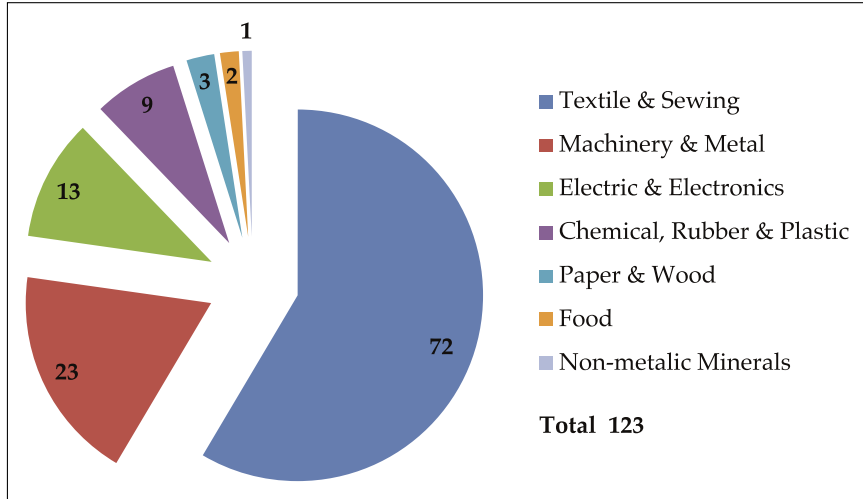
complex in 2004 and before the complex closed in early April 2013. The majority (72) of these South Korean companies are textile manufacturers (58.5%), 23 are machinery companies (18.7%), 13 are electronics companies (10.6%), and the remainingnine are chemical companies (7.3%).

While textile companies largely produce labor-intensive products, machinery companies operate using a production method that combines forms of high technology and intensive labor.[4] More than 80% of the companies in the complex are mid-sized companies engaged in manufacturing activities.

Despite the worsening of inter-Korean relations following the sinking of the South Korean naval corvette (the ROK's *Cheonan*) in March 2010, and sanctions placed on North Korea by South Korea and the international community, the KIC has continued to increase its rates of production. The complex recorded a $66,850,000 increase

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4. Ministry of Unification-Mid-Small Businesses Development Institute, "Ways to Improve the Business Management and Investment Environment for Businesses in the Kaesong Complex," *Research Paper*, October 2012.

Figure 2. Current Number of Businesses Operating in the Kaesong Industrial Complex and Output
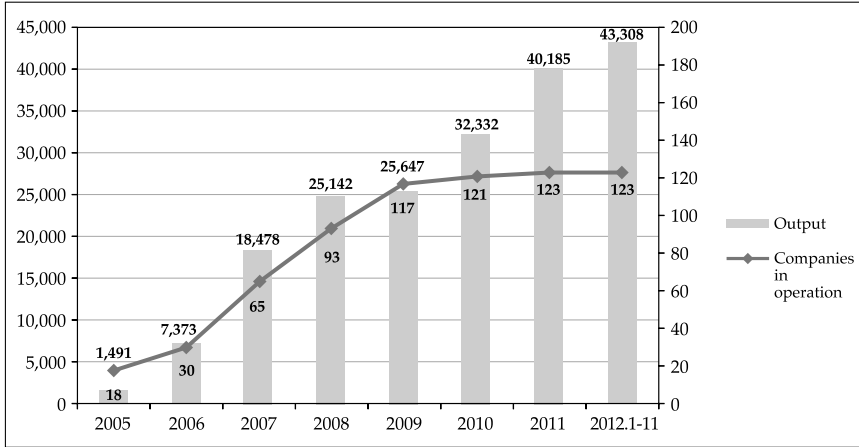
(units: $10,000)

Table 1. Development of the Kaesong Industrial Complex by Year

Changes in the Kaesong Complex by Year						
Year	2006	2007	2008	2009	2010	2011
No. of Businesses Operating	30	65	93	117	121	123
No. of Workers	11,160	22,538	38,931	42,561	46,284	48,242
Output (US $ in million)	89	185	251	256	323	262

in profits from 2009 ($256,470,000) to 2010 ($323,320,000). This increase continued in 2011 by 25.3% ($401,850,000). From January to November 2012, the complex made a profit of $433,080,000.

As of April 2013, South Korean companies at the complex have employed 53,500 North Korean workers. Approximately 4,000 to 5,000 new workers have been added to the workforce each month since 2009. The table below provides information concerning North Korean workers' academic background and age. Most of the workers (81.9%) were high school graduates, while only 9.6% and 8.5% were graduates of universities or vocational schools, respectively. The

Table 2. North Korean Worker's Academic Background/Age/Gender

Academic Background (%)			Average Age			Age Distribution (%)					Gender(%)	
University	Vocational College	High School	Total	Male	Female	10s	20s	30s	40s	50s	Male	Female
9.6	8.5	81.9	36.7	41.2	35.3	0.9	23.6	33.2	35.0	7.3	27.9	72.1

average age of the workers was 41.2 for males and 35.3 for female—higher than in the past. The majority of workers were female (72% of the workforce). A total of 64% of the workforce were employed by textile companies, while 14% were employed by electric companies.

The Management System of North Korean Workers in the Kaesong Industrial Complex

The Kaesong Complex is located very close to South Korea at only five kilometers from the DMZ and 60-70 kilometers from Seoul. However, the complex operates under North Korean laws. While the complex is located within North Korean territory, it is spatially isolated from North Korea's other regions. This situation has directly affected the laws that are applied in the complex.

Isolated from other North Korean regions, the purpose of the KIC is for South Korea-based companies to establish businesses, build factories, hire North Korean workers, and sell what these factories produce in the South Korean market. The North Korean constitution and laws are applied to all areas of the complex, including the establishment of businesses, real estate, construction, labor conditions and safety, health, sanitation, environment, taxes and finances. North Korean law also applies to areas such as vehicular use, foreign currency management, advertising, access, and security. However, North Korean law rarely applies to matters of inheritance and marriage or issues concerning politics, diplomacy, military and other matters with no relation to the economy.[5]

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5. Kaesong Industrial Complex Law and Regulation System Research Group,

The "Kaesong Industrial Complex Labor Regulations" also outlines the process for hiring workers as follows: 1) conclude a contract between the business and employment agency; 2) employment agency finds workers; 3) workers are chosen by business; 4) an employment contract is made between the business and worker; 5) business provides employment agency with fee; 6) labor guidelines are written up through negotiation with the head of the employees' union.[6]

North Korea does not have a labor market because it is a socialist planned economy. In theory, the government guarantees employment for its people by placing them into jobs. This reality has impacted the employment system in place at the complex, and a special system of "employment agencies" had to be established. This system does not allow companies to directly hire workers through advertisements or interviews, but instead requires them to apply to the employment agencies when they seek to hire more workers. These employment agencies first negotiate with administrative organs in other regions for workers and then place them into jobs.

Workers at the KIC must be North Korean. However, in exceptional cases South Korean or other foreign workers may be hired if the proper documents are submitted to the Kaesong Industrial Complex Management Committee and North Korea's Central Special Zone Guidance Development Department.[7] Approximately ten South Korean, Chinese, German and Australian workers have been employed in the complex to manage technology or quality control duties.

In the beginning, cultural differences between North and South Korea caused considerable issues between South Korean companies and their North Korean partners. South Korean companies viewed

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The Evolution and Future of the Law System in the Kaesong Complex (Seoul: Kyungnam University, Institute for Far Eastern Studies, 2012), p. 29.

6. These measures prescribed by the Kaesong Complex Labor Regulations, clauses 9, 10, 11, and 13.

7. Please refer to clause number 3 and 12 of the Kaesong Industrial Complex Labor Regulations. Ministry of Unification, *Collection of Kaesong Complex Laws* (Seoul: Ministry of Unification, 2012), pp. 227, 229.

their relationship with North Korean workers as one between the "employer and the employed," but North Korean workers viewed the relationship as an "equal partnership." Specifically, North Korean workers mentioned that "North Korea manages North Korean workers," or "North Korea was given the right to hire and fire workers when the Kaesong Industrial Complex was first established." In reality, management of North Korean workers is done by the North Koreans.

North Korean managers are divided into managers, general affairs managers, unit leaders, and team leaders. This diverse set of managers has responsibility over regular workers onsite (see diagram below). South Korean business managers have traditionally not been allowed to give direct orders to North Korean workers. However, as time passed, more of the opinions of South Korean businesses began to be reflected in the hiring process, placement, production and technology guidance, and a gradual increase in South Korean managers giving direct orders to North Korean workers was observed.[8] Despite this, however, South Korean managers can only give orders by going through high-ranking North Korean managers. Generally speaking, the South Korean head of the KIC transmits orders to the North Korean managers, which are then transmitted to the ordinary workers by the unit and team leaders. As a result, South Korean businesses could only provide North Korean workers with technological guidance. These points distinguish the Kaesong Complex from all other types of SEZs.

However, the hardline attitude held by North Korean managers gradually softened with time. The desires of South Korean businesses began to be heard during negotiations with North Korean managers, and management of North Korean workers became much more stabilized compared to the past as South Korean companies gained rights to manage workers more directly. For example, while the manager and general manager positions were filled according to pre-established methods, there were cases where South Korean businesses were given the right to participate in the hiring process of a unit and team leaders.

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8. Interview with ChaeDongjin, the head of Daemyong Blue Jeans, May 11, 2012.

Figure 3. The Management Structure of the North and South Korean Workforces in the Kaesong Complex
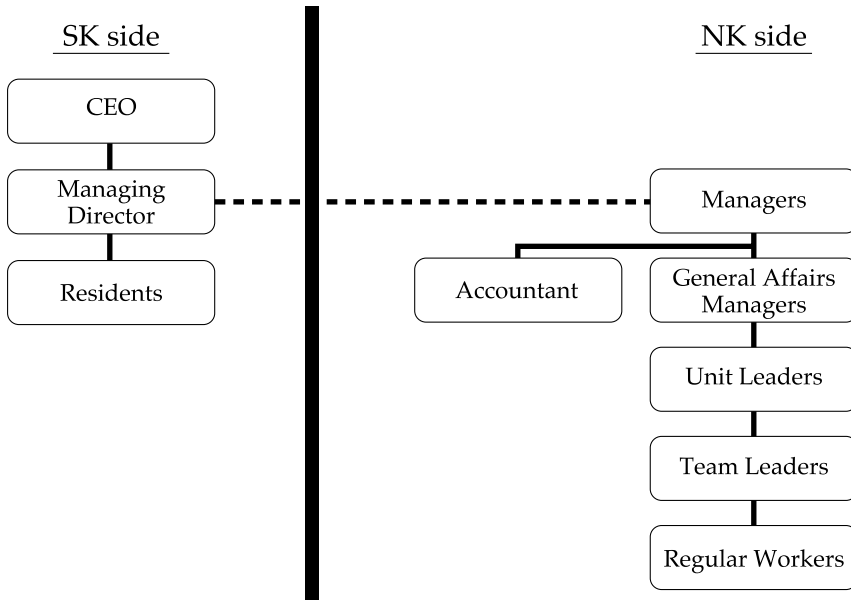
While orders to ordinary workers continued to go through the managers, team and unit leaders, day to day orders were sometimes given directly by South Korean managers. In other words, North Korean managers did not block justified orders made by South Korean managers toward North Korean workers. That being said, if orders made by South Korean managers had no direct relationship with the work at hand or if something unexpected occurred, South Korean managers would have to generally negotiate with North Korean managers first.

North Korean managers would usually prepare hiring plans by department after considering the abilities and background of the workers. There were also cases where a South Korean manager would interview a North Korean worker and then discuss with a North Korean manager about workers who held special skills such as office work or those who may pose problems before separately making the decision to hire. With the accumulation of such experiences, the

process of hiring by the companies became more diverse depending on the needs for production management of a product or the company's own hiring practices.

There were cases in which the introduction of the South Korean human resources management system, strict control over working hours, and work attitudes led to improvements in focus and production rates. There were also cases in which benevolent treatment and improvements in welfare benefits increased the sense of belonging among North Korean workers and led to their own leadership in increasing production. While North Korean managers could ask South Korean businesses to improve the labor conditions of their workers, they refrained from temporarily switching worker's placements and also agreed they should play a cooperative role with South Korean businesses. On the other hand, there were cases in which more authority and responsibility were given to North Korean managers in order for North Korean workers to more quickly familiarize themselves to the complex and maintain stable production rates.

Cases of Capacity Building for North Korean Human Resources at the Kaesong Industrial Complex

General Characteristics in the Development of Human Resources at the Special Economic Zones

Generally speaking, when a business with a relatively high level of technology enters an SEZ they are allowed to conduct research and development (R&D) with more freedom than companies outside the zone, and the zone then becomes a center for spreading and developing technology in the country. This function not only improves the competitive power of the SEZ itself but also improves the overall technological level of the country's economy. The technology, production, human management, marketing and the know-how brought in by companies is spread throughout the country from the SEZ. Companies within the SEZ hire large numbers of workers, and the workforce's

competitive power is improved by them having received education and training. The expansion and development of the SEZ leads to the promotion of not only workforce training but the entrance of more human capital.[9]

However, the impact that an SEZ can have on the development of a country's human resources can vary greatly by country and by policy. In many low-income developing countries, the production occurring in an SEZ is merely simple, low-income manufacturing that does not require a high level of human capital. As a result there are many cases in which workers in an SEZ remain as low-skilled workers. However, in countries like China where overall policies geared toward reform have allowed the free establishment of domestic companies, the business knowledge and technology from foreign companies has spread wide enough to bring about a rise in the quality of workers and overall business management.

There are many cases in which SEZs in developing countries are comprised of low-paying, labor intensive manufacturing companies such as clothing and other light industries, and this type of business structure does not tend to change over long periods of time. In some countries, the passage of time has allowed the transformation to businesses like electric companies that require a higher quality of human capital. However, even in these cases the transformation to a higher level of business structure occurred at a slow rate because the SEZs were mainly composed of labor intensive factories, and thus it took many years for high capital and technology intensive manufacturers to enter the SEZ.

Cases of North Korean Human Resource Capacity Building at the Kaesong Industrial Complex

"Human capital" generally refers to the collective skills, knowledge and other intangible assets held by individuals that can be used to

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9. KOTRA-Business Research Center, "A Strategy to Deepen, Expand and Develop the Inter-Korean Cooperation Districts," *Research Project Commissioned by the Ministry of Unification*, February 2013.

create economic value. Generally speaking, the higher one's education level the higher one's production becomes, which in turn increases one's quality of life. This basic point can also be applied to the Kaesong Industrial Complex. The first task in successfully developing the complex is to develop North Korean human capital and transform it into a productive resource. The development of North Korean human capital at the complex is closely connected with the task of raising production through a wide variety of education and training.

In fact the main reason for South Korean companies to enter the complex in the first place was to raise their competitiveness through cost-reductions, making it all the more important for them to improve the production level of North Korean workers. As a result, the managers of South Korean businesses have promoted efforts to localize operations by improving the capabilities of North Korean workers' production, management technology (quality, production, materials, etc.), and administrative support. Most South Korean businesses agree that such continuous education has positively impacted the improvement of North Korean workers' production. The greater roles North Koreans have played in the KIC's operations has contributed to the increase in the efficiency of operations and has helped to construct a harmonious communication and cooperation system between the North and South Korean workforce.[10]

A. Knowledge Sharing[11]

The knowledge shared by South Korean businesses has ranged from basic computer skills and information on business safety to more advanced topics like education on production technology, sharing of business goals and information concerning overseas business prac-

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10. Mid-Small Business Promotion Institute, "Ways to Improve Production of Businesses in the Kaesong Industrial Complex," *Policy Research Series 2* (2008), p. 64.
11. Please see Park Cheon Jo, "The Actual Study on the Actual Conditions of Labor Management at the Companies in the Kaesong Industrial Complex" (Master's diss., University of North Korean Studies, 2010.).

tices and the international market environment. For example, company A has provided its North Korean employees with computer training, and brought in foreign experts to conduct a higher level training. All new employees are provided with computer training for at least one month and are given practical experience. As a result, line workers, security officers, and even those working in restaurants have become familiar with computers. Line workers in particular have to become familiar with enterprise resource planning (ERP)[12] and as a result must receive computer training.

After the North Korean unit leaders receive practical education they then provided this education to the ordinary workers. In the beginning, education of team and unit leaders was conducted using two types of textbooks covering production and quality control, and the education of new workers was conducted by unit leaders who had already received the education. Higher level education was provided by lecturers brought in from South Korea and documentation was provided to teach them about the new technology.

Company B has provided their workers with not only basic office and production training but also education related to the international market environment and the need to secure international competitive power. In short, this company gave their workers education in sewing, general management, clothes cutting, quality control and theory. The education was provided through PowerPoint presentations and textbooks produced by the company along with videos showing each of the production process.

This company also provided regular education to both new workers and veteran workers in quality and production management. Unit leaders were constantly provided education, and this usually took place during lunch time or after work had finished in the afternoon. Education for the entire workforce took place twice a year during the off season for a period of five days. South Korean resident employees would become lecturers and teach about production management,

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12. ERP systems integrate international and external management information across an entire organization.

quality control, safety guidelines, labor management, and then would hold circle discussions by unit.

Company C had North Korean workers who meet the technology level required by the company, but production issues led South Korean resident employees to provide practical education every Wednesday to North Korean unit leaders. These education sessions focused on understanding production products and their market, along with a wide range of other information concerning their work. The company reported a 10% rise in production rates after the education program began.

In terms of education, South Korean companies place most emphasize on quality management. This is because quality competitiveness is just as important as price competitiveness in order to make profit. As a result, companies made continuous efforts to improve quality. These efforts bore fruit when the company and workers worked together toward the same goals. For example, during the process of moving toward a joint goal of implementing "quality certification," spontaneous efforts by North Korean workers to improve quality can bring about major results and a change in thinking about the importance of quality.

When company D realized early on that a large difference in capabilities among North Korean workers and a low understanding of customer satisfaction led to a significant quantity of defective products, the company successfully used the "quality certification system" to improve the situation. The company's president oversaw a drastic decrease in defective products during his stay there. In addition, because bonuses were not permitted the company provided its workers with special meals for their performance and improved their working conditions by installing exercise equipment. These led to an improvement in work efficiency rates and the quality reform campaign led to the disappearance of defective products, which had reached almost 700 per month during the initial period.

Company E saw results when it provided education to North Korean managers about quality control and the importance of paying on time. The company explained that poor quality and late payments

would lead to the withdrawal of buyers, and that this would lead to the halt of production and the end of the business. Afterwards, North Korean managers understood the importance of quality control and making payments on time, and encouraged improvement among workers by posting the phrase "payments on time equals life, quality is pride." This positively impacted the workers' production levels.

B. Methods of Knowledge Sharing

1) Technology Guidance by Resident South Korean Workers

Knowledge sharing occurred in the form of technology guidance aimed at improving the productivity of North Korean workers. During the initial process of establishing a production line after businesses moved into the complex, long-term resident South Korean engineers conducted technology training for North Korean workers. This training was the most direct method of influencing the companies' production. Differences in productivity varied according to the level of interest displayed by the South Korean engineers toward the training.

Company F conducted sewing training for new employees and held weekly theory classes using the company's textbooks. After the completion of the theory class, students went through a week of practical training. Those employees who showed promise were selected to be unit and team leaders, who in turn taught other employees the skills they learned. The workers' productivity and product quality improved when South Korean managers provided them with daily guidance; however, when this guidance was absent, the opposite occurred. When South Korean managers conducted trainings they first modeled what needed to be done, mindful of the passive attitude held by North Koreans toward the work. This method greatly improved the effects of the training. After receiving proactive training by South Korean managers, North Korean workers were able to improve their productivity due to their high understanding of the product they were making.

Meanwhile, North Korean workers' perceptions of individual South Korean managers influenced the education and training

process. In the beginning, North Korean workers had the tendency to "test" South Korean managers. One example of this was having multiple people ask the same questions to the engineer about the technology in question. When this occurred, if the South Korean engineer was well prepared and provided good explanations the impact of the training improved. However, if this was not the case, the impact of the training was less successful.

During the training process, the area that South Korean engineers particularly showed caution toward was the content of the training textbooks. Due to the ongoing ideological and political confrontation between North and South Korea, North Korean workers refused to continue training sessions if the textbook contained sections that were hostile or negative toward the North Korean government and state. For example, during a computer skills class, the textbook in the course had a picture of a poster of the movie "Double Agent." This became an issue and even led to the halt of the class.

2) Use of North Korean Educators

There were many cases in which members of the North Korean workforce were cultivated to become instructors of education on productivity. Company F selected those who had entered the company first and provided them with education. While the first round of education was done by South Korean engineers, a class leader was selected from among the students and became the teacher's assistant. He or she then went on to teach incoming North Korean workers.

3) The Use of Overseas Engineers

Some companies brought in Chinese engineers for set periods of time to provide training. Chinese engineers had grown up in a similar socialist environment as North Koreans and as a result were able to maintain friendly relations with North Korean workers and held successful training sessions. Company A, which had a factory in China, brought six Chinese unit and team leaders to train North Korean workers for two months. Interpretation between the two groups was handled by a Chinese-Korean worker. The training began

with the fundamentals and later headed into more advanced topics involving production. Some companies sent their North Korean workers abroad for training but after finding that this was ineffective, they brought in foreign engineers to the complex for training instead. In general, South Korean companies have reported that the training provided by Chinese engineers was very effective.

4) Overseas Training

South Korean companies sent North Korean workers abroad for training to either improve their productivity or develop their own human resources. The only place the workers were sent was China, where many of the companies had factories. Such overseas training took place from 2004 to 2006.

Overseas training required South Korean companies to first negotiate with the Central Special Zone Development Guidance Department, the managing body of the complex. As a result, the types of training were initially very restricted. It took three months before a worker was sent for overseas training, from the time when it was first suggested by a company. This was mainly due to the fact that North Korean officials conducted a laborious process of examination for those selected for overseas training.

The North Koreans originally stated that South Korean companies could interview the workers in advance, but this rarely happened. The time spent abroad by the workers was usually two months. The North Koreans also sent managers along with the workers for their protection. Workers' pay was given to these managers during the training period. The pay was usually 60-70% of the basic wages given to ordinary workers and there were other expenses on top of this including food costs, transportation costs, etc. Before sending them abroad, South Korean companies had to consider carefully what role the trainee would have after returning.

C. Achievements and Limitations

1) Achievements

The biggest success of the various training was that workers gained a better understanding of the product they were making and the production process. Training the workers also quickly helped to reduce the number of defective products being produced. Education focused on the products' circulation routes and marketing also improved the workers' understanding of the market economic system. North Korean workers also came to understand that economic activity was maintained through close relations with other countries; that companies require competitiveness in order to survive in the market system; and that unlike in the socialist system, companies cannot receive protection from the state.

A summary of the above cases shows that the reactions of North Korean workers to South Korean managers' orders and education went through three phases of evolution. The first phase was hostility. When a South Korean manager ordered North Korean workers to do something they would respond with hostility about why they are being ordered around. As a result South Korean managers had to give orders through the North Korean managers. The second phase was silent agreement. After one or two years the North Korean workers followed orders without any problems. Sometimes the workers would not even raise objections when South Korean managers gave direct orders. The third phase was proactive attitude. North Korean workers would do their work without having South Korean managers ordering them to do so. In the beginning, the workers would not do something even if they were ordered to; however, in the end, they ended up doing things proactively without having to be ordered to do so.

2) Limitations

The North Korean government has adopted a number of measures aimed at restricting direct contact between North and South Korean workers inside the complex. South Korean managers and resident workers were able to share knowledge with ordinary North Korean

workers through North Korean managers and unit and team leaders. Of course, as explained above, while there was a gradual increase in cases where education was directly given to North Korean workers, direct contact or conversation was difficult between the two groups. For example, if a South Korean manager attempted to talk with a North Korean worker, the worker would not respond and bring a manager to talk to instead. Moreover, North Korean managers did not come alone to meetings with South Korean managers. Individual actions were not permitted and North Korean workers had to meet with South Korean managers in twos or more. These restrictions were the basic cause of the limited effect of education-based knowledge sharing at thecomplex.

Conclusion:
Implications for Future Special Economic Zones in North Korea

It is widely believed that North Korea's planned economic system is the cause of the country's inability to extricate its economy from chronic difficulties. Neither individual tastes nor capabilities can be developed within a system that does not respect dynamic changes in standard or freedom. North Koreans have a low desire to learn in the classroom, and the same is true for laborers learning technology in the factory. In short, this structure lowers the level for people to improve their capabilities. An SEZ like the Kaesong Industrial Complex is somewhat removed from this planned economic system and thus allows a certain level of human resources development. The cases above show that while the freedom of North Korean workers is still restricted, they are capable of improving their productivity through knowledge sharing with South Korean businesses. The large-scale human development experience at the KIC will clearly contribute considerably to the development of other SEZs in the country. In particular, North Korea has become deeply aware that it is important to strengthen human resource capabilities and laws in order to successfully run an SEZ.

Together with South Korean officials, North Korean officials belonging to the General Bureau for the Special Zone Development Guidance observed SEZs in China and Vietnam five times between 2005 and 2009. The common messages these officials heard during these trips were that proactive efforts by the promoting agency and incentives are needed to promote foreign capital; free and quick passage and communication provide the basis for competitiveness; countries running SEZs need to abide by international standards in order to bring in international businesses; and that there is a need to provide proper infrastructure and support for companies. North Korea showed interest and motivation to learn about law, taxes and finances, and insurance systems.[13]

This article has shown that the perception and change in attitude by North Korea toward the building of legal system capabilities is worth examining. The efforts made by the country to learn during the process of establishing laws for the complex and the successes in experimentation with the market economic law system and building independent capabilities in legislation will likely spread to the rest of the country and play a considerable role in changing North Korea's overall system of law. In fact, the experience North Korea has accumulated in the complex has already impacted the development and legislation process for SEZs in other areas. Experts consider the passage of the "Hwanggumpyong-Wihwa Islands Economic Zone Law" on December 3, 2011, and the same day passage of the Rason Economic and Trade Zone Law as having been influenced by the experience the country had in operating the Kaesong Industrial Complex.

The governments in China and Singapore jointly developed the China-Singapore Suzhou Industrial Park. It is viewed as the most successful of the modern complexes in China. While the PRC-Singapore relationship did encounter difficulties, it is well known that the Singapore-run knowledge sharing program for Chinese officials con-

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13. Lee Gangyoo, "The Significance and Implications for the North-South Korean Joint Observation of Overseas SEZs," *Unification Economics* (February 2010), pp. 40-44.

tributed greatly to the project's success. Officials from both sides acquired a great deal of knowledge and experience during the process of working together, and this same phenomenon was put on display at the Kaesong Industrial Complex to some extent as well. Since the KIC's reopening last September after being shut down for several months, the South Korean government should establish a more systematic knowledge sharing program to help construct a modern law system in North Korea and to develop the skills of North Korean administrators and managers.

By transferring new knowledge and experience about the market economy system to North Korean society, the Kaesong Industrial Complex can help speed up the country's reforms and opening. However, North Korean authorities remain concerned that this joint economic project with South Korea will bring about changes that could weaken their regime. South Korea needs to lessen the undesirable factors that could affect the regime during the process of knowledge sharing. The KIC is not there to threaten North Korea with opening and reform but is rather there to show North Korea what is beneficial and what is not, and allow the country to gain the confidence to move toward change.

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Building Trust on the Margins of Inter-Korean Relations: Revitalizing the Role of South Korean NGOs

Dean Ouellette

Even though we are undergoing tough times, I urge all my fellow citizens to place confidence in the Administration so that we will be able to come together to overcome difficulties. As an old saying goes, "Many hands make light work," I hope all of us will be able to pull together especially in times of difficulty so that united efforts will create synergy.[1]

– Park Geun-hye, President of ROK

A major objective of the new Park Geun-hye government's "Trust Building Process on the Korean Peninsula" is to build trust with North Korea. How can South Korea realistically begin to achieve this objective? From a sociological understanding of "trust" as a process and the humanitarian mandate of improving the quality of life for the average North Korean, I argue that Seoul must trust in its own civil society and therefore create greater space for more immediate South Korean non-governmental engagement with North Korea. Empowering South Korean NGOs to (re)engage in select projects that reach ordinary citizens in the DPRK is critical for the long-term inter-Korean reconciliation and trust building. Building trust with North Korea will require multidimensional connectivity and sustained engagement less susceptible to the 'noise' of high-level politics.

Key words: South Korea-North Korea relations, trust-building, non-governmental organizations, civil society, engagement

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1. "Address by President Park Geun-hye on the 68th Anniversary of Liberation," *Joongang Daily*, August 15, 2013, http://koreajoongangdaily.joins.com.

Introduction

In the Republic of Korea (ROK or South Korea), "trust" has become the catchword of the new Park Geun-hye government. Building trust is the core of President Park's foreign, national security, and Korean unification policies. Building trust with the Democratic People's Republic of Korea (DPRK or North Korea)is a major aim of Seoul's "Trust-Building Process on the Korean Peninsula," a process which represents the peninsular fork of a three-pronged *Trustpolitik* to improve inter-Korean relations, supposedly with a greater focus on ordinary people and civil society.[2]

President Park's "trust-building process" has received somewhat favorable reviews; nevertheless, despite being lauded as fundamentally sound, the policy is said to face serious challenges in its operationalization, including domestic challenges.[3] At a glance, the new policy may appear as a paradigm shift compared to past ROK governments' North Korea policy, supposedly putting more emphasis on the impor-

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2. Park Geun-hye, "*Trustpolitik* and the Making of a New Korea," November 15, 2012, at www.piie.com/blogs/nk/?p=8088 (accessed March 23, 2013). As stated in her inaugural address on February 25, 2013: "Through a trust-building process on the Korean Peninsula I intend to lay the groundwork for an era of harmonious unification where all Koreans can lead more prosperous and free lives and where dreams can come true. I will move forward step-by-step on the basis of credible deterrence to build trust between the South and the North. Trust can be built through dialogue and by honoring promises that have already been made." "Full Text of Park's Inauguration Speech," *Yonhap News*, February 25, 2013. For discussion on the policy's regional and global aspects, see Lim Soo-Ho, "Park Geun-Hye's Northeast Asia Policy: Challenges, Responses, and Tasks," SERI Quarterly, April 2013, pp. 15–21.

3. David C. Kang, "The North Korean Issue, Park Geun-hye's Presidency, and the Possibility of Trust-building on the Korean Peninsula," *International Journal of Korean Unification Studies*, Vol. 22, No. 1 (2013), pp. 1–21; Chung Min Lee, "The Park Geun-hye Administration's Foreign and Security Policy Challenges," *Korea Chair Platform*, Center for Strategic and International Studies (CSIS), May 1, 2013, www.csis.org/program/korea-chair; Ihn Hwi Park, "President Park Geun-Hye's North Korea Policy: Trust-building Process on the Korean Peninsula," *Journal of Peace and Unification*, Vol. 3, No. 1 (Spring 2013), p. 138.

tance of the happiness of individuals and their quality of life[4] and on striking a balance between policies of former governments, whose policies and their implementations have been criticized for relying too heavily on either providing unreciprocated largess or applying pressure.[5] Unlike her predecessors' policies, President Park's is heralded as one that combines toughness with flexibility, building "trust" with North Korea in alignment with international efforts to strengthen security and cooperation. The policy advocates a strong posture of deterrence against North Korean provocations, but offers Pyongyang a fresh start through the promise of joint projects of enhanced cooperation (including social overhead capital), continued humanitarian assistance (separate from political issues), and new trade and investment opportunities. Nevertheless, the policy seeks to be transformative, as the incentives are largely dependent on Pyongyang's efforts toward denuclearization and earning Seoul's trust.

Rightfully, however, some scholars have questioned whether the new policy is based on a grave misperception of the nature of the North Korean regime. "Trust can only be built if there is some commonality of norms and values. North Korean leaders only respect power, and have absolutely no respect for norms or values. . . . Moreover, they believe that others act in precisely the same way that they do. From their perspective, international law and institutions have no merit in themselves, but are just used as instruments of power to achieve

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4. Jinwook Choi, "The Trust-building Process on the Korean Peninsula: A Paradigm Shift in Seoul's North Korea Policy," *International Journal of Korean Unification Studies*, Vol. 22, No. 1 (2013), pp. 23–52.

5. That is, the progressive Presidents Kim Dae-jung and Roh Moo-hyun's engagement policies that overlooked the importance of building domestic consensus both in the political arena and in civil society were largely criticized as unreciprocated "appeasement," especially after the engagement policies failed to curb North Korea from conducting a nuclear test. The conservative President Lee Myung-bak's "principled engagement" (i.e., "Vision 3000") — where economic, humanitarian, and political benefits were conditioned on North Korea's progress toward denuclearization and economic reform — led to a freeze in inter-Korean relations.

certain objectives."[6] Likewise, in terms of influencing North Korea to denuclearize and reform, the viability of Park's policy will hinge more on Washington's willingness to negotiate with Pyongyang on the nuclear issue and Beijing's recalibration of its North Korea policy "rather than a sea-change in Pyongyang's grand strategy," and therefore operationalization of the policy may require strategic patience.[7] Furthermore, Iran's recent perceived success at negotiations in Geneva with the United States and major powers on gaining recognition of its right to develop a civilian nuclear program (including a uranium enrichment capability)[8] could embolden Pyongyang to holdout for a deal laden with more immediate, direct, and substantial payoffs.

If we acknowledge these criticisms and current circumstances, then how can South Korea realistically go about building trust with North Korea, especially in the short term?

It is important to remember that North Korea is more than just the Kim-family regime and the elites in Pyongyang. Likewise, South Korea is more than its government but is also its civil society and the synergy effects the two can create together under democracy. In this light, the advent of President Park's new approach leads us to ask two questions: What is "trust"? How can Seoul utilize South Korean civil society through its nongovernmental organizations (NGOs) to go about initiating trust-building with North Korea in the short term?

In this article I argue from a sociological perspective that trust is a social construct in which trust-building should be seen as a process, rather than as a variable, involving multidimensional connectivity and therefore a multiplicity of actors. From that notion, space needs to be made and support provided to allow for South Korean civil

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6. Christoph Bluth, "'Trustpolitik' and 'Alignment': Assessing Park Geun-hye's New Approach to North Korea," CanKor, October 12, 2011, http://vtncankor.wordpress.com (accessed July 15, 2013).

7. Chung Min Lee, "The Park Geun-hye Administration's Foreign and Security Policy Challenges."

8. Michael R. Gordon, "Officials Say Toughest Work on Iran's Nuclear Program Lies Ahead," *New York Times*, November 24, 2013.

society to be involved more actively in the inter-Korean trust-building process sooner rather than later. Specifically, NGOs must be allowed and encouraged to reengage in select projects that increase people-to-people contacts and exchanges as well as projects that try to directly benefit the ordinary people in North Korea. The conservative government in Seoul should look 'outside the box' with a vision to promote and support South Korean NGO (re)engagement with North Korea even while it seeks high-level political solutions to the issue of denuclearizing the Korean Peninsula.

This article proceeds as follows. The next section examines the nature of "trust" and "trust building," followed by an assessment of Seoul's "Trust-Building Process on the Korean Peninsula." The third section considers the experience of NGO engagement with North Korea in attempt to gauge to what extent South Korean NGOs can be engaged to help forward a trust-building process. The section also provides some recommendations for possible areas that such reengagement with the DPRK might entail. The conclusion points out some of the shortcomings of such approach and summarizes the argument.

Inter-Korean Relations and the 'Trust Building Process'

Trust as a Process and the Power of Generosity

Trust is a social construct, built between people and societies. When trust is present, it releases the parties to the relationship to consider a complexity of actions for cooperation otherwise inconceivable. But building trust takes a long-term effort. It involves many things including working with respect, having good communication, foregoing the blame game, moving forward with noble intentions, and getting beyond one's own self-interest.

Trust is treated differently by scholars of different fields. From an international relations' perspective, one might define trust as a belief that the other side is trustworthy, or willing to reciprocate cooperation

(as opposed to preferring to exploit one's cooperation).[9] Sociologists might conceptualize trust as a mental process comprising the elements of expectation, interpretation, and suspension.[10] Scholars of organizational studies may look at trust from a relational standpoint, defining it as one party's willingness to leave itself vulnerable to the actions of another party, with the expectation that the second party will perform a particular action irrespective of the first party's ability to monitor or control the second party.[11]

However, as Khodyakov points out, most social scientists do not view trust as a process. Some regard trust as an independent variable, and therefore are primarily concerned with its benefits; others view it as a dependent variable, looking at what directly impacts the development and maintenance of trust. Yet a few sociologists argue against a "utilitarian usage of trust as a 'medium' or 'glue' that holds relationships and societies together" and instead emphasize "the dynamic foundation of trust, which involves the idea of trust building." In this latter valuation trust is seen as "a social practice and process because it involves the responsibility of both parties, commitment to the relationship, and the possibility of social change: to trust is to anticipate that the other party will exhibit benevolence supported by moral competence in the form of loyalty, generosity, and honesty."[12]

From this understanding, Khodyakov describes trust as composed

9. Andrew H. Kydd, *Trust and Mistrust in International Relations* (Princeton, NJ: Princeton University Press, 2005). For a general and recent discussion on the concept of trust in international relations theory, see Richard Ned Lebow, "The Role of Trust in International Relations," *Global Asia*, Vol. 8, No. 3 (Fall 2013), www.globalasia.org/Issue/ArticleDetail/460/The-Role-of-Trust-in-International-Relations-.html.

10. Guido Mollering, "The Nature of Trust: From Georg Simmel to a Theory of Expectation, Interpretation and Suspension," *Sociology*, Vol. 35, No. 2 (2001), pp. 403–420.

11. Roger C. Mayer, James H. Davis, and F. David Schoorman, "An Integrative Model of Organizational Trust," *Academy of Management Review*, Vol. 20, No. 3 (1995), pp. 709–734.

12. Dmitry Khodyakov, "Trust as a Process: A Three-Dimensional Approach," *Sociology*, Vol. 41, No. 1 (2007), pp. 124–127.

of three distinct dimensions: thick interpersonal trust, thin interpersonal trust, and institutional trust. 'Thick interpersonal trust' can be thought of as originating in relationships of 'strong ties' such as those between family members and close friends. The personalities of the trustor and trustee are crucial because in this type of trust personal familiarity and strong emotional commitment to the relationship are required. On the other hand, 'thin interpersonal trust' emerges between people who do not know each other well and relies on 'weak ties'. Underpinning this type of trust is the assumption that the trustee will reciprocate and comply with the trustor's expectations of the trustee's behavior, and with existing formal and ethical rules. Such trust is associated with high risks but it can provide substantial benefits if reciprocated. Finally, institutional trust differs from the other two in that the impersonal nature of institutions makes its creation difficult; it therefore depends on the perceived legitimacy and technical competence of the institutions, and their ability to perform assigned duties. Nevertheless, in modern society institutional trust is often more important than the other two forms because of the resources institutions can generally deliver to people so that they can achieve some of their goals.[13]

With these dimensions constantly changing, Khodyakov argues that it makes more sense to treat trust "not as a variable with different levels of strength, but rather as a process of its creation, development, and maintenance." Therefore, a definition of trust, viewed as a form of agency,[14] can be defined as follows: "a process of constant imaginative anticipation of the reliability of the other party's actions based on (1) the reputation of the partner and the actors, (2) the elevation of current circumstances of action, (3) assumptions about the partner's

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13. Ibid., pp. 120–124.
14. Here Khodyakov relies on M. Emirbayer and A. Mische's definition of agency as "the temporally constructed engagement by actors of different structural environments . . . which, through the interplay of habit, imagination, and judgment, both reproduces and transforms those structures in interactive response to the problems posed by changing historical situations." Dmitry Khodyakov, op cit., pp. 125–126.

actions, and (4) the belief in the honesty and morality of the other side." Such a definition reflects the idea of temporality and accounts for rational and non-calculative dimensions of human behavior.[15]

In addition to this understanding of trust, I would add that the power of generosity should also be recognized. As Klapwijk and Van Lange assert, generosity plays an underestimated functional role in helping to communicate and build trust in 'noisy' situations — that is, to mitigate the misunderstanding, distrust, or negative reciprocity caused by 'noise,' which are the unintended errors that affect interactions — when the trustee in the relationship behaves less cooperatively than the trustor intended.[16] In this sense, I suggest that generosity need not necessarily mean the provision of physical resources, but can include such intangibles as patience, understanding, and flexibility. This is not to advocate or imply excess and blind openhandedness, or a diminution of reciprocity or verification; on the contrary, reciprocity and verification are equally essential to trust building. However, a trustor should be attuned to the fact that all interactions are affected by 'noise,' and therefore apply generosity in some form and degree when such application can foster the relationship or prevent it from needless setbacks due to 'noise' or a rigidness to strict reciprocity or strict verification.

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15. "The idea that trust is a process of an 'imaginative anticipation' goes beyond the rational choice perspective in that it stresses the notion of imagination, which implies that people cannot accurately predict the future, but are able to hypothesize about it. . . . The above definition of trust also implies the existence of a non-calculable dimension of human behavior. People do not always view each other as being totally driven by the desire to maximize their own profits, as rational choice theorists would argue. People are not able to be completely rational in their decisions because they act in an environment characterized by everlasting uncertainty, fast changes, and risk. The unpredictability of the long-term future often encourages people to rely more on the honesty and morality of their partners than on their ability to act rationally." Dmitry Khodyakov, op cit.

16. Anthon Klapwijk and Paul A. M. Van Lange, "Promoting Cooperation and Trust in 'Noisy' Situations: The Power of Generosity," *Journal of Personality and Social Psychology*, Vol. 96, No. 1 (January 2009), pp. 83–103.

Seoul's 'Trust-Building Process on the Korean Peninsula' and Pyongyang's Response

The leaderships in Seoul and Pyongyang have been in hostile competition for legitimacy since the division of Korea in 1945. North and South Korean societies have been estranged for over half a century, having virtually no contact with each other. In this context of inter-Korean relations, where can the trust building start?

According to the ROK Ministry of Unification (MOU), the Park administration's Trust-building Process calls for "trust between the North and South," "public confidence in the ROK government," and "trust from the international community."[17] The stated priority of the process is "to build confidence on both halves of the peninsula, while ensuring a virtuous cycle that will improve North-South relations, keep the peace in the region, and lay the foundation for Korean unification."[18] The policy calls for increasing dialogue and exchanges to foster trust and reduce tensions between the two Koreas. President Park has said that she will remain resolute in the face of North Korea's threats and provocations yet simultaneously seek dialogue with the nascent Kim Jong-un regime and even include the DPRK in her initiative at the regional level. She has emphasized a "principled" approach, meaning that Pyongyang must first live up to its end of past agreements, and abide by international norms and standards. Promotion of inter-Korean economic, social and cultural exchanges and cooperation (in particular the large-scale social overhead capital envisioned in the 'Vision Korea Project') depend upon North Korea's efforts to denuclearize and to build trust with Seoul.[19] President Park has also said that the actions of the North Korean leadership will not

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17. Ministry of Unification, "The Trust-Building Process on the Korean Peninsula," September 2013.

18. Ministry of Unification, "The Trust-Building Process on the Korean Peninsula," July 2, 2013.

19. Ministry of Unification, "Policy and Initiatives: Administrative Tasks." Also see Ministry of Unification booklet "Trust Building Process on the Korean Peninsula," September 2013, pp. 17 and 31; "Korean Peninsula Trust Process & Inter-Korean Ties," *Vantage Point*, Vol. 36, No. 10 (October 2013), p 7.

impact South Korea's humanitarian policies toward the ordinary citizens of the DPRK, and has pledged to press for greater people-to-people exchanges between North and South Koreans. Thus mutually reinforcing politico-military confidence building measures combined with social and economic exchange and cooperation can lead to the normalization of South-North relations and the forging of a more enduring peace on the Korean Peninsula. In this way, it is believed that "trust" can begin to be built — although the operative word "trust" has not been defined by the Ministry of Unification or the president herself. This indicates that Seoul sees "trust" as a variable, as a means in which improvement in inter-Korean hinges upon.

To date, Pyongyang has not responded favorably to Seoul's new approach. Apart from verbally rejecting President Park's proposal — referring to it as a "confrontation policy" and "anti-reunification theory"[20] — North Korea officially initiated its own policy of simultaneous construction of its nuclear programs and development of its economy — the "*byungjin* line"[21] — despite President Park's proclamation that "We have to get North Korea to realize that the objective of simultaneously pursuing nuclear armament and economic development is an impossible illusion."[22] The North Korean regime does not emphasize "trust" as a condition of inter-Korean relations but rather 'uriminzokkiri' ('by our nation itself'),[23] as clarified in past inter-Korean declarations of June 2000 and October 2007. For Pyongyang, conditions for inter-Korean relations are the Korean people and Korean

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20. "Another Version of Confrontation Policy," *Pyongyang Times*, May 25, 2013; "Sinister Intent," *Pyongyang Times*, June 1, 2013; "It's Time to Reset Relations," *Pyongyang Times*, June 8, 2013; "Rodong Sinmun Blasts S. Korean Authorities' 'Theory of Adhering to Principle'," KCNA, November 18, 2013.

21. "Our Party Line of Economic Construction and Nuclear Weapons Development Is Permanent," *Rodong Sinmun*, May 3, 2013 (in Korean).

22. Quote in "Park's Northeast Asia Peace & Cooperation Initiative," *Vantage Point*, Vol. 36, No. 6 (June 2013), p. 17.

23. For recent examples in the North Korean media, see "Cornerstone of Korean Reunification," *Pyongyang Times*, June 1, 2013; "Key to Peace and Reunification of Korea," *Pyongyang Times*, August 17, 2013; "Rodong Sinmun Blasts S. Korean Authorities' 'Theory of Adhering to Principle'," KCNA, November 18, 2013.

solidarity. Under the Kim Jong-un regime, North Korea appears to be holding fast to this ideal.[24]

Can trust in any of the three dimensions outlined above be found between the high-ranking authorities of North and South Korea, or between or in their government institutions? The virtual absence of interactions between government officials renders this difficult to measure. Establishing political trust will be crucial to the overall improvement of inter-Korean relations. But at this time it is hard to fathom how the political level offers a viable starting point for the two countries to build trust in any of its dimensions.

Rather, South Korean policy toward North Korea, while being adaptive, should seek to enlarge multidimensional connections.[25] That might best begin by employing a two-track approach to trust building, at the political and societal levels, respectively. In the absence of progress on political-military confidence-building measures, it would seem unlikely that Seoul would expand social exchanges and civic groups' engagement in development assistance with the North. But if trust between the two countries is indeed a process, rather than a variable, built upon various and multiple sources of connectedness, then establishing, nurturing, and sustaining those sources of connectedness at different levels would be a more prudent strategy. In the limited experience of South Korean NGOs with the DPRK, building interpersonal relationships between people of the North and South was possible, signifying the significant role civic groups could play in building connectedness, and therefore Seoul's current endeavor to build trust between the two Koreas.

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24. As a former high-level North Korean defector points out, Kim Jong-un's 2013 New Year speech called attention to the "65th Anniversary of the Founding of the DPRK" and "60th Anniversary of Victory in the Homeland Liberation War" as national holidays to be highlighted in the year, signaling his refusal of "trust" as the ideal for inter-Korea relations. Jang Jin-sung, "Kim Jong-un's New Year Speech: What It Really Means (Part 2 of 2)," *NK News*, January 3, 2013, www.nknews.org.

25. Keun-sik Kim, "Concept, Evaluation, Task of Engagement Policy: Focusing on the Evolution of Engagement," *Korea and World Politics* (in Korean), Vol. 24, No. 1 (Spring 2008), pp. 1–34.

Building Trust on the Margins:
Revitalizing the Role of South Korean NGOs

South Korean NGO Experience with the DPRK

South Korean NGOs have been active in providing humanitarian aid and to some degree development assistance to North Korea since the mid-1990s. Faith-based and privately run charities in South Korea began campaigns to collect donations and organized efforts to provide food aid to the North, a response to the devastating famine that hit the country in the mid-1990s. Their programs and experience since then have been well described elsewhere.[26]

In brief, efforts of South Korean civil society to engage North Korea began earnestly during the years of the Kim Dae-jung (1998–2003) and Roh Moo-hyun (2003–2008) administrations, as both presidents championed a policy of engagement with the DPRK. Multiple channels of contact were allowed and the types of exchanges expanded to include not only food aid but also programs in agriculture to enhance food security (i.e., high-yield corn and seed potato planting, provision of fertilizers, goat milk production, innovative greenhouse usage, etc.), health and medical aid to improve living conditions (i.e., provision of vitamins and medicines, repair and refurbishment of hospitals, training in improving hygiene and various medical treatment, pharmaceutical development, etc.), the environment (i.e., reforestation, land use management), and disaster relief and prevention, among others. During this time, monitoring and reporting of these projects were somewhat relaxed.

This situation changed with the advent of the conservative Lee Myung-bak administration (February 2008–February 2013), who took

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26. Edward P. Reed, "From Charity to Partnership: South Korean NGO Engagement with North Korea," in Sung Chull Kim and David C. Kang, eds., *Engagement with North Korea: A Viable Alternative* (Albany, NY: SUNY Press, 2009), pp. 199–223; Chung Oknim, "The Role of South Korean NGOs: The Political Context," in L. Gordon Flake and Scott Snyder, *Paved with Good Intentions: The NGO Experience in North Korea* (Westport, CN: Praeger, 2003), pp. 81–110.

a different attitude toward cooperation with North Korea, for various reasons,[27] emphasizing the importance of normality in inter-Korean cooperation, which meant that programs and projects be set to achieve their original purposes, including the provision of humanitarian assistance. Hence previous policies regarding engagement and humanitarian assistance, *inter alia*, were reversed, essentially bringing South Korean NGO visits to the North and humanitarian assistance projects such as delivery of food aid and fertilizer to a virtual halt. NGO personnel visits to the North became tightly controlled and curtailed by Seoul. In fact, the total number of visitors to the DPRK for inter-Korean social exchanges plummeted — including in areas that North Korea is highly emphasizing domestically, such as science and technology.[28]

Overall, North Korea's military provocations since 2006 and the subsequent political fallout in inter-Korean relations, the ridged nature of the regime in Pyongyang, and North Korea's economic hardships have meant that social and cultural exchange between South Korean NGO personnel and North Koreans was somewhat difficult to promote.[29] In addition, overall past South Korean NGO engagement

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27. It was determined that in some cases past assistance such as food aid had been used to serve other purposes, such as eliciting inter-Korea dialogues, family reunions, etc. Suk Lee, "ROK Policy on North Korea and Inter-Korean Economic Cooperation: Prospects and Analyses," *International Journal of Korean Unification Studies*, Vol. 21, No. 2 (2012), pp. 16–17. Of course, North Korea's provocative and hostile acts — i.e., North Korea's first nuclear test in October 2006, the shooting death of a South Korean tourist at the Geumgangsan tourist resort area in July 2008, second nuclear test in May 2009, sinking of the navy corvette *ROKS Cheonan* in March 2010, and shelling of Yeonpyeong Island in November 2010 — played prominently in the Lee administration's decision to endorse and maintain this policy reversal. In particular, tensions on the Peninsula spiked after North Korea's first nuclear test in October 2006, leading to disputes between progressive and conservative political and social groups in South Korea, and a growing conservative attitude and negative sentiment toward North Korea within South Korean society, including on the issue of humanitarian assistance to the DPRK.

28. For a list of types of and figures on inter-Korean social and cultural exchanges from 1989 to 2010, see MOU website, http://eng.unikorea.go.kr/CmsWeb/viewPage.req?idx=PG0000000534#nohref (retrieved November 16, 2013).

29. EunJeong Soh, "South Korean Civil Society and the Politics of Aid in North Korea," *Journal of Peace and Unification*, Vol. 3, No. 1 (Spring 2013), p. 93.

with North Korea, consisting largely of delivery of humanitarian aid, had mixed results; yet it did yield some positive impact, especially in the area of medical assistance. During the years of the Sunshine policy, a number of South Korean NGOs were actively engaged in cooperative agricultural projects in conjunction with general humanitarian aid efforts, also making rural agricultural cooperation a core practical means to improve inter-Korean relations. As well, as a third-party actor, while South Korean NGOs lacked the power to play a significant role in readjusting the relationship between the authorities of the North and South, they did serve a complementary role in reducing tensions between the two states, gradually penetrating North Korean society.[30]

One South Korean NGO in particular has been able to establish positive relationships with North Korea by sustaining their programs and steering clear of political entanglements. For sixteen years, the Eugene Bell Foundation (EBF) has provided humanitarian assistance to North Korea, focusing particularly on medical aid to help North Koreans suffering from infectious diseases (i.e., tuberculosis). The foundation has worked to continually provide quality medical supplies, education, equipment, and capacity-building training to its North Korean partners and patients through ongoing programs. It has established and sustained partnerships with North Korean medical facilities, helping them become self-supporting. By 2012, the foundation expanded its treatment centers to eight (North Pyeongan and South Pyeongan Provinces, Nampo City and Pyongyang City), allowing it to care for hundreds of North Korean patients every year. In addition, on visits to deliver assistance and supplies, the visiting foundation members specify the names and intentions of its sponsors.[31]

By continuing communication through periodic visits, listening to local partners, providing quality medical assistance in various forms, and staying committed to their mission and relationship building — despite the 'noise' created by the political fallout from

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30. Chung Oknim, op cit., p. 105.
31. See Eugene Bell Foundation website and *2012 Annual Report*.

North Korea's military provocations and difficulties created because of the rigid nature of the political regime — EBF personnel have been able to develop intimate relationships with North Korean professionals and authorities. In addition, even if the North Korean authorities attempt to take credit for such philanthropy by stating the aid and interactions were made possible thanks to the concern and munificence of the North Korean leader, they cannot entirely prevent a positive image of the foundation itself being built in the minds of the numerous patients the treatment centers have served and professionals EBF has engaged, laying the building blocks for trust building on two dimensions: thin interpersonal trust and institutional trust.

Recommendations

In North Korea today, where the state-society relationship has visibly changed over the last ten years,[32] now would seem apropos to lay more of these building blocks. Prior to the high tensions and bellicose rhetoric following North Korea's third nuclear test in February 2013, the Kim Jong-un leadership had sent out some encouraging signs. In

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32. Research reports suggest the existence of a gap between the official discourse promoted by the ruling regime and the actual life goals of the people; hence, the collective mindset has weakened, a sense of autonomy has proliferated, and ordinary citizen's distrust toward the state is emerging. Kim Soo Am et al., *The Quality of Life of North Korean: Current Status and Understanding* (Seoul: KINU, December 2012). "The Double Lives of Ordinary North Koreans," New Focus International, March 5, 2013. Interestingly, other studies nevertheless argue that the recent economic, cultural, and social changes have not produced a significant effect on the political conscience of North Korean citizens, as pride in the *juche* ideology has been maintained, along with support for the Kim regime, due to the low-level political consciousness of the citizens and effective propaganda of the Kim-family regime. Kim Byeong-ro, "Social Changes in North Korea, 2008–2011: Based on North Korean Refugees Survey" (in Korean), *North Korean Studies Review*, Vol. 15, No. 1 (April 2012), pp. 39–84. While citizen's voluntary loyalty to the regime has said to have weakened considerably, their loyalty is still maintained normatively through their over-socialization. Lee Hyun-joo, "A Change in N.K. Citizen's Loyalty to their Regime after the Experience of an Economic Crisis," *Vantage Point*, Vol. 36, No. 6 (June 2013), pp. 48–57.

the first half of 2012, the young Kim Jong-un seemed to have assumed a leadership style characterized by more openness and relaxation. Economic recovery and social stability appear to be major concerns. Considering the changes in North Korean society and this positive attitude and orientation of the young leader, the ground might be fertile to revitalize the role of South Korean NGOs as aid and assistance providers. Of course, as economists have noted, based on the nature of the regime in Pyongyang and the experience of the international community including South Korea with the DPRK, aid and assistance to the North has to be selective.[33] The incumbent Park Geun-hye administration is maintaining a 'principled' approach to inter-Korean relations. Yet it will be important for Seoul to remain flexible and consider innovative and incentive-laden steps that will convince Pyongyang to constructively engage.

As is stated in the October 2007 inter-Korean joint declaration, among other things both Koreas agreed to resolve the issue of unification on their own initiative and according to the spirit of 'by-the-Korean-people-themselves'; boost exchanges and cooperation in the social areas, including education, science and technology, and sports, *inter alia*; and promote humanitarian cooperation projects. All of these suggest the involvement of both societies and of ordinary citizens. While honoring past agreements on the nuclear issue will be harder to achieve, these elements as outlined in the October 2007 Joint Declaration should provide an easier starting point for both sides to honor past promises.

In one respect, points of contact must be found within the spaces where the North Korean leadership feels less threatened and/or willing to allow for positive people-to-people interaction. While the South Korean government concerns itself with the regime in Pyongyang, South Korean NGOs are still the actors that can reach the ordinary citizens of North Korea more directly. Considering North Korea under

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33. Nicholas Eberstadt, "Western Aid: The Missing Link for North Korea's Economic Revival?" in Kyung-Ae Park and Scott Snyder, eds., *North Korea in Transition: Politics, Economy, and Society* (New York: Rowman and Littlefield, 2013), pp. 119–152.

the nascent Kim Jong-un regime, the South Korean NGOs and their experience, and the need for policy innovation, a few recommendations are appropriate.

Humanitarian Aid and the Quality of Life

From its Inter-Korean Cooperation Fund, Seoul recently pledged USD 6.3 million to the United Nations' World Health Organization to be used toward repairing North Korean medical facilities, training healthcare workers, and providing essential medicines to those in need. Seoul has also said it will increase the number of South Korean civic groups allowed to provide aid from five (as of July 2013) to twelve so that they can also send various aid to not only the vulnerable but all citizens in need of assistance.[34] This is a good start, especially if more South Koreans are permitted to visit the North to deliver and monitor such aid, and interact with local intermediaries. The number of qualified civic groups should be expanded as they come forward.

Energy Assistance via Renewables

The old saying 'dynamite comes in small packages' speaks of how small gifts can have a large impact. For the NGO reengagement, Seoul could consider supporting small-scale renewable energy projects directed at improving the quality of life for rural populations of the DPRK. There are several reasons for this recommendation. First, North Korea has shown considerable interest in small-scale renewable energy projects — including methane units and solar energy for heating (in houses, schools, clinics, greenhouses, etc.)[35] and wind power for electricity generation in rural areas.[36] Consistent with the

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34. "S. Korea to Give US$6.3 Mln in Humanitarian Aid to N. Korea," *Yonhap*, 2 September 2013.
35. "Renewable Energy in the DPRK," NCNK Newsletter, Vol. 2, No. 1 (January 13, 2009).
36. "DPRK Makes Efforts to Widely Use Wing Energy," KCNA, November 18, 2013.

'self-reliant' style of North Korea's development policy,[37] these projects have been relatively modest in number, and by no means could they solve the country's total energy needs. Their significance lies, however, in that they respect local needs and choices, can have immediate positive impact on their lives their beneficiaries, address the quality of life mandate, and are suitable to the objectives and initiatives of Seoul's Trust-building Process — including the proposed "Green Détente."[38]

Second, North Korea's rural population as a percent of the total populationis considerable,[39] and needs to be included in North Korea's overall modernization process. Development aid can help create the environment to encourage their participation, so long as it involves internationally acceptable infrastructure development that impacts the quality of life of the people directly and immediately. In this regard, targeting rural communities for collaboration with NGOs in small-scale sustainable energy projects provides a doable small step in that process. And as experts have argued, renewable energy cooperation would be consistent with the current direction of the North Korean government's energy policy; allow for the effects of technology transfers to go beyond one-dimensional transfers or one-time energy deliveries; provide a localized alternative to the North's decrepit energy network and infrastructure; support North Korea's interest and development in the direction of renewables; be a more publically acceptable and safer venue to engage the North, and be more likely to avoid the drawbacks related to technology diversion to the military and its nuclear programs.[40] Likewise, renewable energy cooperation in

37. Virginie Grzelczyk, "Uncovering North Korea's Energy Security Dilemma: Past Policies, Present Choices, Future Opportunities," *Central European Journal of International and Security Studies (CEJISS)*, Vol. 6, No. 1 (January 2012), p. 140.

38. MOU, "Trust-Building Process on the Korean Peninsula," pp. 17, 32.

39. In 2011 it was 39.7%, or more than twice that of South Korea's at 16.8%. See World Bank website, http://search.worldbank.org/data?qterm=Korea%2C+ Dem.+Rep.+rural+population+%25&language=EN&format= (Accessed June 25, 2013).

40. David von Hippel, Scott Bruce, and Peter Hayes, "Transforming the DPRK Through Energy Sector Development," *38 North*, Special Report 11-3, Washington, D.C.: U.S.-Korea Institute at SAIS, Johns Hopkins University, March 4, 2011,

the rural areas would also necessitate for people-to-people exchanges — even if somewhat limited at first — and could form the building blocks for a type of sustained engagement through initial capacity building and training of local recipients by providers on how to operate, maintain, and repair the new technological devices. Instillation of such renewables may also be used to later stimulate private sector engagement with the international community, allowing the exchanges to continue, evolve, and possibly expand.[41] Considering South Korea's technology, the most suitable area for cooperation in renewables would be wind and solar power.[42]

The international community, too, largely through international organizations and NGO involvement, has had some success in its engagement with North Korea in introducing renewable energy.[43] Seoul would be wise to support collaboration between South Korean NGOs and internationally-recognized institutions to deliver similar projects. The government should encourage South Korean civil society to seek partnerships with these successful international NGOs for the purpose of using best practices and use these models to expand projects

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www.38north.org; Grzelczyk, op cit., pp. 132–154; Sul-Ki Yi, Haw-Young Sin, and Eunnyeong Heo, "Selecting Sustainable Renewable Energy Source for Energy Assistance to North Korea," *Renewable and Sustainable Energy Reviews*, Vol. 15, (2011), pp. 554–563.

41. For example, a small-scale company operated by a Korean American man this author met currently works to repair the wind turbines and solar panels in the northern parts of the DPRK.

42. For technical details, see Hwa-Young Sin, Eunnyeong Heo, Sul-Ki Yi, and Jinhyo Kim, "South Korean Citizens' Preferences on Renewable Energy Support and Cooperation Policy for North Korea," *Renewable and Sustainable Energy Reviews*, Vol. 14, (2010), pp. 1383–1384.

43. For World Vision's experience, see "Renewable Energy in the DPRK," NCNK Newsletter, vol. 2, issue 1, January 13, 2009, and "North Korea: The Old People Danced all Night," World Vision International website, October 4, 2011, at www.wvi.org; for details on the Nautilus Institute's experience, see Chris Greacean and Nautilus Team, "Rural Re-electrification in the DPRK," *Asian Perspective*, Vol. 26, No. 1 (Spring 2002), pp. 65–67; for details on the United Nations Development Programme's small wind turbine projects, see Jerome Sauvage, "Small Wind Energy Project Improves Livelihoods in Rural Areas," September 24, 2012, http://kp.one.un.org/energy-in-dprk/.

into other rural regions in North Korea. In this regard, South Korean citizens and Korean diasporas can also be activated.

Capacity Building

Capacity-building has long been noted as a promising area of engagement.[44] Capacity building has involved mainly international academic institutions and NGOs, especially in training programs covering finance, international trade, market economy, and taxation, to name a few. While South Korean NGOs involvement has been problematic because of the political dynamics of the inter-Korean relationship, Seoul has sponsored such projects for North Korean officials and academics in the past, with on-site training taking place in China.[45] Seoul would be wise to open up potential for more such engagement in this realm in the future by supporting civic groups' creativity now in planning new projects that can get the attention of North Korea yet still remain within the parameters of acceptance by the South Korean government and international regulations and norms.

Conclusion

Empowering civil society through its civic groups and NGOs to tackle the goal of trust building with North Korea has its limitations and shortcomings. First, mutual lack of trust also has hindered to some extent the NGO-DPRK relationship,[46] and such engagement cannot

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44. For discussion, see Bernhard Seliger, "North Korea's Economic Development and External Relations — Engagement on the Margins: Capacity Building in North Korea," in *Korea's Economy 2009*, Vol. 25 (Seoul: Korea Economic Institute, 2009), pp. 67–75; Kim Taekyoon, "Possibilities and Prospects for South Korean Engagement with North Korea in Knowledge Sharing/Capacity Building Projects," paper presented at the internation conference on Capacity Building and Knowledge Sharing with North Korea: Past Successes and Future Prospects, Seoul, Korea, June 12, 2013.
45. "Seoul Funds Capitalism 101 for Leading N. Koreans," *Chosun Ilbo*, January 8, 2010.

be expected to lead to immediate, fundamental change in the central government in Pyongyang, as NGOs in the past failed to play a transformative role in adjusting relationships between authorities. But the engagement did act as a buffer which helped reduce inter-Korean tensions and gradually penetrated North Korean society, thus "helping to lead its government in the direction of change."[47]

Second, some NGOs may have their own transformative agendas that may be less than acceptable to Pyongyang. But most can be seen as providing goodwill rather than being exploitive. In the initial stage of Seoul's Trust-building Process, the power of their apolitical nature and generosity should not be underestimated but rather utilized to reengage the societies of South and North Korea.

Third, domestic public support in South Korea for such a policy must be considered. South Korean perceptions of North Korea are becoming quite negative: according to a recent survey, only about 4 percent of South Koreans hold a positive view of the DPRK, against 90 percent which hold negative views.[48] Recent survey data suggests the majority of South Koreans (approximately 77%) believe that there is little chance that North Korea will give up its nuclear development plan if the United States and other countries remove economic sanc-

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46. In the words of a former UN representative to the DPRK, "They [the North Koreans] thought that the humanitarian programme was partly the result of genuine international . . . concern for the Korean people and partly politically motivated by the (foreign) governments . . . . On the other side, no major western donor really trusted the North Koreans to implement genuine rural rehabilitation . . . without trying to divert that particular aid to other places for other purposes. As a result . . . the North Koreans were forced to take in a type of aid that they genuinely abhorred from donors that they deeply distrusted." Matthew McGrath, "North Korea's Famine: A UN Representative Looks Back," NKNews.org, April 29, 2013, at www.nknews.org.

47. Chung, "The Role of South Korean NGOs," p. 105. As Chung mentions, during the late 1990s and early 2000s, North Korea was not completely confident in its economic and political systems, and therefore was highly cautious with regard to South Korean NGOs.

48. BBC, "Country Ratings Poll," May 22, 2013, p. 35, www.globescan.com/images/ images/pressreleases /bbc2013_country_ratings/2013_country_rating_poll _bbc_globescan.pdf (accessed August 27, 2013).

tions and guarantee the North's security; 60% also believe North Korea should dismantle its nuclear programs before sanctions are removed or security guarantees given.[49] This would suggest the majority in South Korean society might not initially favor expanding NGO engagement beyond the humanitarian to involve significant support for development assistance or sponsorship of exchanges unless the nuclear issue is resolved. Something will need to be done to drastically reverse these perceptions. Allowing for more civic groups to get involved in inter-Korean exchanges and projects will be important to reverse this trend.

Fourth, the recommendations for NGO engagement suggested here obviously reside at the event level. When we consider the history of inter-Korean relations, changes at the event level cannot be expected to transfer automatically to the situational level (i.e., improved inter-Korean relations) or structural level (i.e., division of the Korean Peninsula or competition between the two systems).[50]

Increased South Korean civil society engagement with North Korea has no guarantees. But engagement between the two societies must move forward if dimensions of trust are to be built. The experience of international aid providers, especially NGOs, also suggests that local North Korean officials tend to be more accommodating than their government intermediaries,[51] suggesting a more suitable space in which interpersonal ties and thin interpersonal trust can begin to be built. Specifically, for inter-Korean relations to improve, Seoul's political efforts to engage the leadership in Pyongyang need to be complimented by parallel efforts to nurture contacts at the societal level,

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49. For the TSN Korea opinion poll on this, see "South Korean Attitudes toward the North Korean Nuclear Program," North Korea: Witness to Transformation, Peterson Institute for International Economics, October 11, 2013.

50. Kihl-jae Ryoo, "Prospects of the Leadership Structure of North Korea in the Post-Kim Jong-il Era," *Korea and World Affairs*, Vol. 34, No. 1 (Spring 2010), pp. 34–35.

51. Mark Manyin, "Food Crisis and North Korea's Aid Diplomacy," in Kyung-Ae Park, ed., *New Challenges of North Korean Foreign Policy* (New York: Palgrave Macmillan, 2010), p. 85.

contacts that can help alter North Korean citizens' perceptions of South Koreans and South Korean institutions, and vice versa. That can best start — selectively — at the level of nongovernmental engagement.

As Koo points out, "government policy is a determining factor in the ebb and flow of unification movements in South Korea."[52] As the Park administration pursues its inter-Korean policies, advocating and supporting interaction between ordinary South and North Koreans citizens, regardless of movement on the denuclearization issue, would demonstrate the administration's confidence in own system and the country's identity as a democracy. Ultimately, this is the "risk" Seoul will need to take if the Trust-building Process is to seed, germinate, and flourish. Paradoxically, to begin to build trust, Seoul should loosen the reins on civil contact with the North and emphasize a "people first approach" to build trust in the inter-Korean relationship.

For South Korea's policy toward North Korea, complementary approaches that help address North Korea's humanitarian concerns, fall in line with local needs and the North Korean government's directions with its domestic policies, and promote communication between South and North Koreans can have lasting positive impact, working to slowly change mutual negative perceptions, which is a meaningful way to begin to build mutual trust. Considering the North Korean regime's insecurities yet encouraging direction with some of its own policies (such as on renewable energy), South Korea's humanitarian motivations and the Kim Jong-un leadership's announced mandate to improve the quality of life of the North Korean people, the robust democracy that South Korea is, and the past experiences of the South Korean and international NGOs' engagement with the DPRK, revitalizing South Korean nongovernmental engagement could prove to be a valuable step toward improving the quality of life for North Korea's people and over the long term help develop the multidimensional connectivity needed to foster the interpersonal trust between the peo-

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52. Kab-Woo Koo, "Civil Society and the Unification Movement in South Korea: Issues and Challenges," *Journal of Peace and Unification*, Vol. 1, No. 1 (Spring 2011), p. 112.

ples of the two Koreas that will ultimately be needed to move the trust-building process forward.

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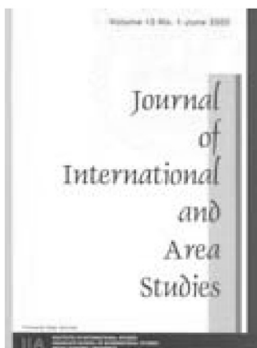
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