



Beyond the nuclear issue: North Korea and non-traditional security challenges

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Executive summary

- In September 2008, the international media started to report on the declining health of the North Korean leader, Kim Jong-Il. Since that date, North Korea has undertaken a series of measures to demonstrate the health of Kim Jong-Il, yet at the same time has demonstrated signs that succession plans may be underway.
- Transitions of power in authoritarian states are uncertain affairs. They can be marked by sudden breakdowns in authority and/or a periods of prolonged instability as new structures of power and leadership are established.
- Traditional security issues have remained the primary focus of security planners in considering the Korean peninsula and the region. These include the threat to regional and international security presented by a nuclear North Korea, the proliferation of nuclear material and technology beyond the immediate region, and the possibility of military conflict.
- The potential for a sudden breakdown in authority and/or a period of prolonged instability suggests that non-traditional security issues could become an equally pressing concern in the short to medium-term. Non-traditional security refers to an extended concept of security, which focuses not solely upon threats to the state but also on threats to the individual and their community.
- In the context of North Korea, the central non-traditional security concerns include food security, irregular migration, transnational crime, and human rights. These issues could potentially impact regional stability and ultimately, also prove to be a concern for Australian regional security planners.

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Introduction

In September 2008, the international media started to report on the declining health of the North Korean leader, Kim Jong-II.¹ Since that date, North Korea has undertaken a series of measures, designed to demonstrate the health and absolute control of Kim Jong-II. This includes an increase in staged appearances reported in the domestic media, an increase in photo images released to the international media, the undertaking of major military and political events in the form of the 5 April 2009 rocket test, the 25 May 2009 nuclear test, and a reshuffling of military structures.²

Despite this, the consensus is that speculation regarding the health of Kim Jong-II has challenged the strict control exercised over the structures of power in North Korea.³ More importantly, the declining health of Kim Jong-II may have also encouraged the regime to speed up leadership succession plans, as evidenced by allusion to hereditary succession in the North Korean domestic media.⁴

Kim Jong-II's own succession was carefully prepared over a long period. However, there are indications that the next succession may not benefit from a similar level of preparation.⁵ Transitions of power in authoritarian states can be marked by sudden breakdowns in authority and/or periods of prolonged instability as new structures of power and leadership are established.⁶ This suggests that regional states should be prepared for such an eventuality.

To date, traditional security issues have remained a primary focus of security planners in the region. These include the threat to regional and international security presented by a nuclear North Korea, the proliferation of nuclear material and technology beyond the immediate region, and the possibility of military conflict. This focus on traditional security issues is exemplified by the recent international reaction to the 5 April 2009 rocket launch and the 25

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1. 'Kim Jong ill or Kim Jong well?', *The Economist*, 11 September 2008, p. 7.
 2. A number of the photos released by North Korea clearly demonstrate that Kim Jong-II's health has substantially deteriorated.
 3. K-S Kim, 'Lessons learned from Kim's condition', *IFES Forum*, Institute for Far Eastern Studies, Kyungnam University, Seoul, 19 September 2008.
 4. 'Kim Jong-II visits, Cholima Steel Complex', Pyongyang Korean Central Broadcasting Station radio report, 25 December 2008.
 5. See J Robertson, *Political change in North Korea*, Research brief no. 19, 2007–08, Parliamentary Library.
 6. R Snyder, 'Explaining transitions from neopatrimonial dictatorships', *Comparative Politics*, vol. 24, no. 4, July 1992, p. 395.

May nuclear test. The international reaction focused overwhelmingly on the combined threat of intercontinental ballistic missiles and a nuclear weapons capacity.⁷

However, the potential inability of Kim Jong-Il to maintain strict control over the structures that are used to sustain the stability of the regime and/or the inability of the successor regime to rapidly achieve a similar level of control, means that non-traditional security issues could become an equally pressing concern in the short to medium-term.⁸

Non-traditional security refers to an extended concept of security, which focuses not solely upon threats to the state but also on threats to the individual and their community. Traditional security is primarily concerned with issues that directly threaten the state—its territorial integrity, sovereignty, economic viability and social cohesion.⁹ Non-traditional security is primarily concerned with issues that directly threaten the individual—their health and well-being, freedom, economic viability and community.¹⁰ Non-traditional security issues do threaten the state, but only indirectly through their effect on its constituent components, such as economic viability or social cohesion. Further, non-traditional security threats often exert an impact beyond the immediate region.

In the context of North Korea, there is an abundance of non-traditional security issues that impact individuals, the state and the region. This includes a wide variety of specific issues, including environmental degradation, infectious disease, forced labour, terrorism, natural disaster preparedness, the multiple impacts of climate change, resource scarcity and personal freedom. Some of the most commonly cited non-traditional security threats are food security, irregular migration, transnational crime, and human rights abuses.¹¹ These issues are further explored in this Research Paper.

Food security

Food security has always been a challenge to North Korea. Cultivable land covers only about 20 per cent of the total land mass. The agricultural sector faces notoriously difficult seasonal variations, which have been exacerbated by a misdirected agricultural policy that has

7. M Sieff, 'N. Korean ICBM test highlights need for missile defence', United Press International, 6 April 2008.

8. This study defines 'short-term' as zero to five years, 'medium-term' as five to 15 years and 'long-term' as 15 to 25 years.

9. A Dupont, *East Asia imperilled: Transnational challenges to security*, Cambridge University Press, Cambridge, 2001, pp.7–11.

10. Canadian Council on Social Development, *Personal Security Index 2002*, Canadian Council on Social Development, Ottawa, 2002, p. 13.

11. Amnesty International, *North Korea: Amnesty International submission to the United Nations Universal Periodic Review*, Human Rights Council, United Nations, December 2009.

increased vulnerability to floods, landslides and drought.¹² According to the World Food Program (WFP), the national agricultural base declined dramatically during the 1990s after the withdrawal of Soviet aid at the end of the Cold War. While it has since improved, the annual production of rice and maize fell from 8 million metric tons in the 1980s to 2.9 million metric tons in 2000.¹³

North Korea suffered a devastating famine in the mid to late 1990s. Widespread malnutrition and famine devastated the country in 1994, resulting in an appeal to the WFP in 1995. A 1998 nutrition survey conducted by the WFP found 16 per cent of children were acutely malnourished and 62 per cent were chronically malnourished.¹⁴ Estimates of famine-related deaths during the period range from 220 000 by the North Korean Government to 2.5 million by the United States Agency for International Development (USAID).¹⁵

The impact of continued poor agricultural and economic management has been exacerbated by the high cost of petroleum-based inputs to agriculture, high grain prices and the deteriorating relationship between North Korea and its key aid donor, South Korea. A three week assessment, conducted by the WFP and the Food and Agricultural Organization (FAO) in June 2008 found that food production in North Korea had dropped alongside declining food imports.¹⁶ In December 2008, the WFP issued a press release stating that around 40 per cent of the population of North Korea (approximately 8.7 million people) would require urgent food assistance over the winter months.¹⁷

Despite the apparently dire situation faced by the population, North Korean authorities do not appear to share a commensurate level of concern. The North Korean state actually impedes the donation and distribution of humanitarian and food aid.¹⁸

At the political level, North Korean authorities use control over food as an instrument to achieve diplomatic aims. North Korea relies upon a number of key donors, including China,

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12. W-K Kim, *The agricultural situation in North Korea*, Center for North Korea Agriculture, Korea Rural Economic Institute, September 1999, p. 9.
 13. United Nations World Food Program (WFP), *North Korea Country Brief*, WFP, Rome, 2003.
 14. United Nations World Food Program, *Nutrition Survey of the Democratic People's Republic of Korea*, WFP, Rome, November 1998.
 15. 'North Korea famine at a glance', *Reuters AlertNet Foundation*, viewed 25 November 2008, <http://www.alertnet.org/>.
 16. United Nations World Food Program (WFP), *Rapid food security assessment: Democratic People's Republic of Korea*, WFP Rome, June/July 2008.
 17. United Nations World Food Program (WFP), *8.7 million North Koreans need food assistance*, press release, Rome, 8 December 2008.
 18. F Terry, 'Feeding the dictator', *The guardian*, 6 August 2001, p. 16.

the United States and South Korea.¹⁹ Diplomatically, North Korea seeks to ensure that no single donor is in a position to exert influence through the provision or non-provision of food and/or economic aid. At times, this includes refusing to accept food aid.

In a recent example, on 17 March 2009, North Korean authorities ordered international food aid workers to leave the country and rejected further food aid shipments from the United States in response to deteriorating relations between the two countries. This decision was made despite a food situation in which the WFP expected high levels of malnutrition to appear.²⁰

Potential donors also face a moral dilemma as to whether aid should be provided to a state that dedicates its limited resources to the maintenance of the world's fourth largest standing army; pursues nuclear and missile programs in violation of the international community; and disregards human rights. The South Korean Government has estimated that the recent rocket launch by North Korea on 5 April 2009 cost US\$300 million, which is estimated to be more than enough to resolve the annual food shortage.²¹ This moral dilemma impedes the ability of the WFP and non-governmental organizations to attract international donors.

At the level of implementation, North Korea utilises a series of measures which impede, and ultimately deter, food aid providers. There are limitations on equipment, including the use of satellite phones, Global Positioning System (GPS) devices and radio equipment. There are restrictions on the number of staff deployed, as well as restrictions on their ethnicity and linguistic capacity.²²

Finally, there are also restrictions on the monitoring and distribution of food aid. There are restrictions on the capacity of food aid providers to undertake unannounced, on-site inspections of distribution operations and there are restrictions on access to certain counties for security reasons. While these restrictions have varied according to political conditions, at any one time, approximately 15 per cent of the population is not accessible. The WFP currently has controlled access to 128 counties out of 203.²³

Such restrictions inevitably lead to accusations of fraud. Aid agencies that have operated in North Korea allege that the regime actively manipulates and fabricates evidence to deceive

19. Prior to the 1990s, Russia also played an important role as a provider of aid, trade at 'friendship prices' and development assistance.

20. T L Win, 'Pyongyang tells US aid groups to close N. Korea aid program', *Reuters Alert Net*, 20 March 2009, viewed 12 May 2009
<http://www.alertnet.org/thenews/newsdesk/123757468386.htm>.

21. 'Rocket flop cost N.Korea up to \$500 million', *Chosun Ilbo*, 6 April 2009.

22. F Terry, 'Feeding the dictator', *The guardian*, 6 August 2001, p. 16.

23. United Nations World Food Program (WFP), *Agreement reached as first US ship arrives in DPRK with food aid*, press release, 30 June 2008.

those seeking to monitor aid distribution.²⁴ Defector testimony corroborates these allegations.²⁵ Such restrictions have also led some analysts to question the reliability of conventional thought on the North Korean food situation. In considering the December 2008 WFP call for urgent food aid assistance to North Korea, and the subsequent North Korean announcement of an annual grain harvest that exceeded expectations, Professor Andrei Lankov of Kookmin University in Seoul, notes:

It cannot be ruled out that international observers were deliberately misled by their North Korean minders. Perhaps foreign observers were shown the worst fields because the North wanted more food aid than would otherwise be available?... The false alarms of a disastrous famine in North Korea are a sober reminder that when dealing with the world's most secretive society, predictions should be treated with the greatest caution.²⁶

Regardless of the veracity of the current food security situation, political change in North Korea could have a substantial impact. Both a breakdown in authority and prolonged instability would be likely to lead to the common first-order effects of food insecurity. These include coping strategies such as reductions in food intake, reversion to non-typical foods, including seeds and/or wild foods, and a greater use of market activity as family units sell livestock, jewellery and household items to supplement state sanctioned food distribution.²⁷

As conditions worsen, coping strategies will evolve. Irregular migration occurs as family members are sent elsewhere both to reduce the burden on core members and to seek food, beg and/or work in other regions.²⁸ Standard practices, such as attendance at state-sanctioned work or school, are increasingly neglected as a greater amount of time is devoted to seeking food, begging and/or seeking alternative means of subsistence. Ultimately, wide-scale irregular migration, communal violence and/or crime can ensue, bringing with them an associated humanitarian impact. As noted by Marcus Noland and Stephen Haggard, during the famine of 1994–97 in North Korea:

The state's failure to provide during the famine and its insistence on practices that degraded the effectiveness of the aid program forced families to pursue a variety of coping strategies, including foraging and eating inferior foods. Markets began to develop as families engaged

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24. F Terry, 'Feeding the dictator', *The guardian*, 6 August 2001, p. 16.
 25. M Noland and S Haggard, *Hunger and human rights: The politics of famine*, US Committee for Human Rights in North Korea, Washington DC, 2005, pp. 23–29.
 26. A Lankov, 'North Korea reaps a rich harvest', *Asia Times Online*, 16 January 2009, viewed 29 April 2009 <http://www.atimes.com/atimes/Korea/KA16Dg01.html>.
 27. C Chaumont, 'How do you measure hunger?', *World Food Program News*, 3 January 2009.
 28. D Maxwell, B Watkins, R Wheeler, and G Collins, 'The coping strategies index: A tool for rapidly measuring food security and the impact of food aid programmes in emergencies', *FAO international workshop on food security in complex emergencies*, Tivoli, 23–25 September 2003.

in income-earning activities, sold assets, bartered and traded for food. Work units also engaged in similar activities, even stripping assets to barter for food in China.²⁹

As the famine progressed, the percentage of the population that relied upon the state sanctioned Public Distribution System (PDS) as the main source of food declined substantially. At the height of the crisis, North Korean authorities are said to have completely shut down the PDS in the northeast of the country.³⁰ This coincided with a commensurate rise in the number of North Korean migrants seeking employment and food in China.

Estimates of population movements from North Korea to China during the famine period range from 100 000 to 400 000.³¹ Based on interviews with defectors in China, studies have estimated that the number of people relying on the PDS as their main source of food declined from 61 per cent in 1994 to 6 per cent in 1997, at the height of the famine.³²

North Korea sought to reconstitute the PDS in October 2005. The WFP currently considers the PDS as the main source of food for around 70 per cent of the population.³³ While coping strategies, such as the use of farmers' markets, increased corruption (allowing limited travel, markets and trade) are today much more widespread, the high level of reliance on the PDS as estimated by the WFP, indicates that its breakdown could once again result in commensurate levels of irregular migration.

A breakdown in authority in North Korea could also potentially expose a much wider degree of food scarcity than is currently known. In recent years there has been no complete, detailed assessment of North Korean food requirements. As noted, at any one time approximately 15 per cent of the population is not accessible due to government restrictions on access. Reflecting this, it is possible that a breakdown in authority could reveal a hitherto unknown food situation, which could potentially be much more serious than current assessments indicate.

In the event of a more severe breakdown in authority reaching the point of internal conflict, the food situation would become much worse. Understandably, conflict greatly complicates food security. It decreases the capacity of aid agencies to conduct relief operations and opens the potential for further political manipulation of affected populations. In certain

29. S Haggard and M Noland, 'Famine in North Korea: markets, aid and reform', *Policy Forum Online Nautilus Institute*, 26 April 2007, viewed 11 June 2009
<http://www.nautilus.org/fora/security/07033HaggardNoland.html>.

30. A Natsios, 'The politics of famine in North Korea', *Special Report*, United States Institute of Peace (USIP), no. 51, August 1999, p. 1.

31. A Natsios, 'The politics of famine in North Korea', p. 11.

32. A Natsios, 'The politics of famine in North Korea', p. 4.

33. United Nations World Food Program (WFP), *8.7 million North Koreans need food assistance*.

circumstances, food insecurity is not merely a consequence of conflict but also an objective or tactic of war.³⁴

The re-establishment of political control could provide immediate relief to food security threats, which result from a sudden breakdown in authority and ensuing prolonged instability. Regardless of whether the re-established authority is pre-disposed to medium-term economic reform or not, regional countries and major donors are likely to be more than willing to promote a return to stability through the provision of immediate relief. However, solving the underlying problems will require more substantial long-term economic, political and agricultural reform.

Irregular migration

Since the famine of 1994–97, North Korean migration has become a sensitive political issue in the East Asian region. This is due to the fact that neighbouring countries have sought to stem the flow of irregular migrants to reduce instability along their borders and within North Korea. At the same, these states have come under criticism for using tactics that could result in genuine refugees being mistreated and not accorded their rights under international conventions.³⁵

The number of North Korean irregular migrants in third countries is unknown due to the difficulty of collecting accurate data on a population that fears persecution, exploitation and severe punishment if forcibly repatriated to North Korea. The vast majority of North Korean migrants live in difficult conditions in the Chinese provinces of Heilongjiang, Liaoning, or Qilin, with estimates of numbers varying widely from 30 000 to 300 000.³⁶ North Koreans in China are divided between those who seek to reside in China and those who travel through China to neighbouring Southeast Asian countries Laos, Cambodia and Thailand, in order to seek entry to third-party consulates and missions. Smaller numbers of North Korean irregular migrants are also known to exist in Mongolia, the Russian Maritime Provinces and outer Siberia.

The situation in China is a ‘hidden’ crisis. Chinese policy considers North Koreans within its territory as economic migrants rather than refugees under the 1951 UN Convention Relating to the Status of Refugees, and the Protocol Relating to the Status of Refugees. Indeed, the majority of those leaving North Korea are economic migrants, seeking food and medicine or

34. United Nations World Food Program (WFP), ‘Le droit à la nourriture dans les situations d’urgence’, *Le droit à la nourriture en théorie et en pratique*, Groupe des publications, Division de l’information de la FAO, Rome, 2000, p. 6.

35. R Margesson, E Chanlett-Avery and A Bruno, *North Korean refugees in China and human rights issues: International response and US policy options*, CRS Report for Congress, Congressional Research Service, September 2007.

36. R Cohen, *Human rights and North Korea refugee crisis*, Brookings Institution, speech at the Fall Symposium at the University of Pennsylvania School of Law, 25 October 2007.

simply escaping difficult living conditions. However, it is also true that a great number will face threats to their lives and/or severe punishment if forcibly repatriated to North Korea.³⁷ Reflecting this, North Korean irregular migrants in China are in a precarious position. The threat of forced repatriation increases their vulnerability to forms of exploitation, such as unpaid or forced labour, violence and crime. Female irregular migrants are particularly at risk, with a large number of reported incidents of forced marriages, prostitution and sexual assault.³⁸

Reports highlighting the potential for irregular migration as a result of instability in North Korea invariably focus on the land borders of China and South Korea. Concerns are focused on the ability of contiguous states to control ‘human columns’ as they seek to escape North Korea. There is also a tendency to discredit the potential for irregular migration via sea.

North Korea has a significant maritime capacity.³⁹ However, sources of information on the North Korean maritime capacity are limited and invariably focus on the naval and merchant marine fleets. Historical evidence (and Australia’s own experience) suggests that irregular migration via sea is not reliant on these type of vessels. Rather, coastal vessels, fishing vessels and even improvised vessels or rafts, such as those which were used in Indochina during the 1970s, are much more likely.

On 2 June 2007, Japanese authorities sighted a vessel containing four refugees off Fukaura in north west Japan. They had drifted for five days across the Japanese Sea from Chongjin, in a seven metre wooden vessel. The vessel had an adequate supply of fuel and a spare motor purchased on the black market. It was feared at the time that the vessel marked the beginning of a new wave of North Korean irregular migrants who would ultimately seek asylum in Japan.⁴⁰ There are a significant number of North Koreans with ties to Japan, including those who, with their families, were repatriated to North Korea during the 1960s.⁴¹

In addition, there is a tendency to assume that strict regime control over coastal regions will continue. There is little recognition that during a breakdown in regime authority, far from enforcing strict control, local maritime security authorities would be just as likely to accept monetary incentives to tow improvised vessels into international waters. Collusion between

37. Korea Institute for National Unification (KINU), *2002 White Paper on Human Rights in North Korea*, KINU, Seoul, 2003, p. 214.

38. Korea Institute for National Unification (KINU), 2003, p. 213.

39. J Bermudez, *Shield of the Great Leader*, Allen and Unwin, Sydney, 2001, pp. 92–122.

40. ‘A North Korean family defects to Japan’, *Dong-A Ilbo*, 4 June 2007.

41. See T Morris-Suzuki, *Exodus to North Korea: Shadows from Japan’s Cold War*, Rowman and Littlefield, Plymouth, 2007.

people smugglers and authorities regularly occurs in regions with inadequate or lax security.⁴²

Irregular migration via the Sea of Japan is inherently risky due to the climatic conditions. The sea is dominated by two strong currents. The warm Tsushima current enters the sea from the south heading north and splits into two sub-currents along the Korean and Japanese coasts. At its maximum strength in summer, it influences the coastal waters of the northernmost North Korean province of Hamgyeongbuk-do. The North Korea cold current flows southwards along the North Korean coast with its maximum strength in winter affecting the entire northern half of the Korean peninsula from Hamgyeongbuk-do to Gangwon-do in northern South Korea.⁴³ The coastal waters of North Korea have a wide surface temperature range, from 18–20 degrees in summer to 2–4 degrees in winter.⁴⁴ These conditions are not particularly ideal for small inadequately prepared vessels.

However, the high volume of maritime traffic in the Sea of Japan (East Sea) increases the potential for migrants to ultimately reach their desired destination. Maritime traffic includes commercial fishing in the north and southeast; bulk raw material transportation between the Russian Far East and Japan, South Korea and China—via the Korea Strait—and passenger ferries between regional states, as well as a substantially high volume of state naval, coastal and research patrols.

In the event of a breakdown of authority or continued instability in North Korea, it is likely that irregular migration in all its forms will increase substantially. States that are contiguous to North Korea and those accessible by sea are currently under-prepared to handle a substantial increase. This could potentially result in a greater humanitarian impact on irregular migrants and greater stress on regional relations.

Transnational crime

The North Korean Government, or elements within the government, have been involved in criminal activity that has attracted international attention.⁴⁵ This includes illicit drug production and trafficking, counterfeiting of currency, pharmaceuticals, cigarettes and other

42. See C Ribando, *Trafficking in persons: U.S. policy and issues for congress*, Congressional Research Service, Washington DC, 20 June 2007.

43. National Atlas of Korea, 'Oceanic currents', National Geographic Information Institute, viewed 21 April 2009, http://atlas.ngii.go.kr/english/explanation/natural_10_2.jsp

44. National Atlas of Korea, 'Oceanic currents', National Geographic Information Institute, viewed 21 April 2009, http://atlas.ngii.go.kr/english/explanation/natural_10_4.jsp

45. L Wyler and D Nanto, *North Korean crime for profit activities*, CRS Report for Congress, Congressional Research Service, Washington DC, 25 August 2008.

commercial products, human trafficking and labour exploitation, protected wildlife trafficking; and insurance fraud and money laundering.⁴⁶

North Korean state involvement in crime was highlighted in Australia by the dramatic chase, boarding and seizure of the Tuvalu-registered, North Korean freighter, *Pong Su*, off Australia's east coast on 16 April 2003. The *Pong Su* was involved in the illegal importation of 150 kilograms of heroin, brought ashore from the freighter off Lorne in Victoria. Australian police arrested the 27-member crew of the vessel, four officers of the vessel, as well as four other suspects with connections to the offence. The crew were later discharged and deported, the officers found not guilty and deported.⁴⁷ Four other suspects, believed to be part of a Malaysian crime syndicate, pleaded guilty, and were convicted of aiding and abetting the importation of a commercial quantity of heroin.⁴⁸

State ownership of assets utilised in drug trafficking, such as state trading houses and shipping companies, points to government involvement. It must be noted, however, that there remains considerable debate regarding the extent of government involvement.⁴⁹ Reports of government involvement in transnational crime began in the mid-1970s, and there have been more than 50 arrests or drug seizures in 20 countries since 1976.⁵⁰ But only in the 1990s with the onset of the severe economic crisis in North Korea, did the significance of the problem and the extent of alleged government involvement become more prominent.

North Korea has been implicated in drug production as well as trafficking. American experts believe that approximately 35 per cent of the methamphetamines seized in Japan between 1998 and 2002 originated in North Korea.⁵¹ In addition, some believe that the sharp increase in methamphetamine seizures in Japan is linked to earlier indications of North Korean efforts to import the main ingredient, ephedrine, suggesting state involvement in the manufacture and trafficking of the drug.⁵²

A breakdown of authority or continued instability in North Korea would provide ripe conditions for the growth of transnational crime. In authoritarian societies, the high level of

46. For further details see L Wyler and D Nanto, *North Korean crime for profit activities*.

47. K Moor, 'Drug Ship Officers Set Free', *Herald sun*, 6 March, 2006, p. 10.

48. C Ellison (Minister for Justice and Customs), *24 year sentence for final Pong Su member*, media release, 3 May 2006.

49. B Sovacool, 'North Korea and illegal narcotics: Smoke but no fire?', *Asia Policy*, No. 7, pp. 89–111.

50. W Bach, 'Drugs, counterfeiting and arms trade: the North Korean connection', testimony *United States Senate Sub-committee on Financial Management, the Budget and International Security*, Washington, 20 May 2003.

51. W Bach, 'Drugs, counterfeiting and arms trade: the North Korean connection'.

52. W Bach, 'Drugs, counterfeiting and arms trade: the North Korean connection'.

state control and intervention in people's daily lives limits organised criminal enterprise. A proportion of the population in any authoritarian state derives material and/or societal benefit through the maintenance of an institutionalised repressive apparatus of state control. When these benefits are no longer provided by the state, a proportion of the population will seek to derive benefit from other sources—through increased corruption and/or seamless integration into the more profitable realm of organised crime.⁵³ Given conditions of poverty, desperation, an historical absence of the rule of law and weak judicial systems, organised crime can flourish. This occurred in authoritarian societies undergoing transition and transformation as in post-Communist Eastern and South-eastern Europe and Russia.⁵⁴

Conditions amenable to organised crime are present in North Korea. North Korea maintains very large military forces. Typical service members serve for an unusually lengthy period and have few civilian qualifications. They are well-trained in small arms, hand-to-hand combat, and survival skills, and are obedient. Arguably, adaptation to civil society would be difficult. Adaptation to an organised criminal network would come much more naturally.

North Korean criminal enterprise already has substantial international linkages, as evidenced by the case of the *Pong Su*. Further, the existence of a larger, richer and linguistically similar state such as South Korea, could provide the means for North Korean criminal enterprise to rapidly affect the wider region.

However, the combination of North Korea's state-sponsored criminal enterprise and its nuclear capability could result in the provision of nuclear material, technology and even devices to cash-ready terrorist organisations. A breakdown of authority or continued instability in North Korea would substantially increase the risk of nuclear material and/or technology proliferation. This represents a direct causal link between non-traditional security and traditional national security concerns.

Civil and political liberties

The current regime in North Korea is responsible for significant civil and political abuses. The very nature of the regime means that the basic freedoms associated with civic and political liberties, such as freedom of religion, information, expression, assembly, movement and association, are absent.

Due to the opaque nature of the regime, and its unwillingness of the regime to allow external bodies to review the civil and political situation, defector testimony is the primary source of information available. Defector testimony often comes under question due to the inability to verify claims. However, the unwillingness of North Korea to allow an independent body such

53. M Los, 'Crime in transition: The post-communist state, markets and crime', *Crime, Law and Social Change*, Vol. 40, No. 2–3, pp. 152–4.

54. E Trimcev, 'Organized crime in Albania: An unconventional security threat', *The Quarterly Journal*, Vol. 2, October 2004, pp. 61–8.

as the United Nations Human Rights Council, to undertake in-country research raises a much more pertinent question.

In 2004, the United Nations Human Rights Council commissioned a Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. The Special Rapporteur has repeatedly been refused entry to North Korea and has relied upon evidence obtained through defector testimony, information obtained through third country authorities and non-governmental organisations. In a recent report to the Human Rights Council, the Special Rapporteur stated:

The miasma ensuing from the broad range of egregious human rights violations in the Democratic People's Republic of Korea requires urgent attention at all levels, from national to international.⁵⁵

There exists a large volume of consistent and detailed evidence gathered from defector testimony over the past 50 years, which notes abuses, such as the arbitrary and unlawful deprivation of life, arbitrary and unlawful detention, and the abysmal treatment of detainees.

North Korean law officially prohibits arbitrary and unlawful deprivation of life. Under the revised Penal Code of 29 April 2004, North Korea has five death penalty crimes, including conspiracy to overturn the state, treason against the state, treason against the people, terrorism and premeditated murder. However, defector testimony points to routine and systematic abuses, including the arbitrary imposition of the death penalty for relatively minor crimes, such as theft and corruption, and the routine imposition of public executions, to deter and instil fear in local communities.⁵⁶

North Korean law also officially prohibits arbitrary and unlawful detention. However, defector testimony again points to routine and systematic abuses. It is widely understood that legal procedures are dependent upon the individual's class and connections. Those in the 'hostile' class, considered to be opposed to the revolutionary movement that brought the Kim family to power (see below) have little recourse to law.

In fact, children can grow up as prisoners due to their family association with anti-state activities. One defector who has over recent years sought to publicise the human rights abuses in North Korea states that he was born in a political prison camp and had never realised that life existed beyond the camp fences until learning about it from a prisoner who

55. United Nations General Assembly, *Human rights situations that require the council's attention: Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Vitit Muntarbhorn*, Human Rights Council Tenth Session, Agenda Item 4, 24 February 2009, p. 2.

56. Korea Institute for National Unification (KINU), *2008 White Paper on Human Rights in North Korea*, Seoul, 2009, pp. 48–71.

had escaped to China, been recaptured, and returned to the prison.⁵⁷ As the nephew of uncles who had escaped to South Korea during the Korean War, Shin Dong-Hyuk was deemed guilty before he was even born.⁵⁸

There are also international detention issues that remain unresolved. This includes the return of South Koreans taken prisoner of war during the Korean War (1950–53) and those since abducted, the clarification of the fate of Japanese repatriated during the 1960s and the return and/or explanation of those abducted during the 1970s and 1980s, and the resolution of the cases of South Korean and United States citizens detained by North Korean authorities during 2009.

North Korean law officially prohibits torture and inhumane treatment of detainees. However, defector testimony points to routine and systematic abuses. There are several types of detention facilities in North Korea. Those convicted of non-political crimes typically undergo re-education through labour. Those convicted of crimes against the state or who are associated with those convicted of crimes against the state, as well as those considered hostile to the regime, undergo indefinite detention in much larger political prison camps. Defector testimony suggests inmates at both types of facilities face severe human rights abuses. According to the US Department of State:

Methods of torture and other abuse reportedly included severe beatings; electric shock; prolonged periods of exposure to the elements; humiliations such as public nakedness; confinement for up to several weeks in small ‘punishment cells’ in which prisoners were unable to stand upright or lie down; being forced to kneel or sit immobilized for long periods; being hung by the wrists; being forced to stand up and sit down to the point of collapse; and forcing mothers recently repatriated from China to watch the infanticide of their newborn infants. Defectors continued to report that many prisoners died from torture, disease, starvation, exposure to the elements, or a combination of these causes.⁵⁹

These abuses are routinely detailed in reports from various sources, including third-country governments and NGOs. As noted, judgement on the veracity of such reporting must balance the potentially biased claims of defectors with the opaque nature and unwillingness of the regime to allow external bodies to investigate their claims.

57. D-H Shin, ‘Testimony’ *9th International Conference on North Korean Human Rights and Refugees*, Hyatt Hotel, Melbourne, 20 March 2009.

58. D-H Shin, *Sesang pak ũro naoda: Pukhan chŏngch’ibŏm suyongso wanjŏn t’ongje kuyŏk* [Escape to the outside world: From North Korean total-control prison camp fourteen], North Korea Human Rights Information Centre, Seoul, 2007, p. 326.

59. United States Department of State, *2008 Human rights report: North Korea*, Bureau of Democracy, Human Rights and Labor, 25 February 2009, viewed 12 May 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119043.htm>.

The human rights situation in North Korea is intricately connected to the state-designed and implemented societal structure, which underpins authoritarian control. This structure divides citizens between three social classes:

- the **core class** comprises approximately 28 per cent of the population and includes those with historical association to the revolutionary movement that brought the Kim family to power.⁶⁰ The core class consists of high level cadres, which account for one per cent of the population, and mid-level cadres, which account for 26–27 per cent of the population. They are essentially ‘a feudal hereditary class entitled to benefits in education, promotions, better food rations, housing, and medical services’.⁶¹ Importantly, the core class comprises the bulk of upper level positions in the Korean Workers Party (KWP) and the military. The KWP, the military and the wider family of Kim Jong-Il are the three power centres of the current regime
- the **middle class** comprises approximately 45 per cent of the population. It consists of a wide range of people with an historical association to social groups not fully supportive of the revolutionary movement that brought the Kim family to power. This includes former capitalist middle classes, those with connections to South Korea, China or Japan, those that held positions of influence in former administrations and those convicted of economic offences, and
- the **hostile class** comprises approximately 27 per cent of the population. It consists of a wide range of people with an historical association to social groups opposed to the revolutionary movement that brought the Kim family to power. This includes former capitalist upper classes; those who have had property nationalised; those connected to non-state sponsored religious groups; those connected to political parties other than the KWP; those connected to, or who have been convicted of crimes against the state and those connected to, or those who have been released from state detention.

Within each class there exist further sub-divisions that determine an individual’s access not only to the basic necessities of life, but also to the most basic human rights. According to defectors, the structure ‘has an important impact on the daily lives of the people in terms of political and social status, education, opportunities, jobs, and marriage’.⁶²

60. These figures are indicative only. They are sourced from the Korea Institute for National Unification (KINU), *2008 White Paper on Human Rights in North Korea*, Seoul, 2009, pp. 163–5, which is an annual statement on human rights in North Korea. In any sociological study, determining membership of a social class is difficult. Determining membership and then extrapolating this to arrive at percentages of an entire population in the context of North Korea would conceivably be extremely difficult.

61. Korea Institute for National Unification (KINU), *2008 White Paper on Human Rights in North Korea*, Seoul, 2009, p. 164.

62. Korea Institute for National Unification (KINU), *2008 White Paper on Human Rights in North Korea*, p. 163.

There are indications that the pervasive nature of the class structure has diminished in recent years as a result of both corruption and less intensive implementation.⁶³ A breakdown of authority or continued instability in North Korea could lead to the class system diminishing further as the political and social status, education, opportunities, jobs, and marriage preferences derived from membership to a particular class become less distinct.

Further, as has occurred in other authoritarian transitions of power, restraints on behaviour which impact a certain social class can impede their ability to adapt. In the context of North Korea, the upper middle class and lower core class, which already participates in capitalist activity may be in a better position to adapt than other classes with less exposure to capitalist activity. A breakdown of authority or continued instability could rapidly rupture existing social structures. This could increase the potential for the emergence of food insecurity, migrant flows and transnational crime.

A breakdown of authority or continued instability in North Korea is also likely to result in greater information flows from North Korea. In the interest of reconciliation certain sectors of the South Korean population push damning evidence of abysmal human rights abuses to the media fringe. Increased information flows exposing human rights abuses could reduce this.

Much of the wider population in South Korea has long become desensitised to the human rights situation in North Korea, both as a result of the long-term and continuing nature of information detailing these abuses and the deliberate and sensationalist use of human rights abuses in propaganda during the Cold War. Indeed, under the Roh Moo-Hyun administration, interest in the human rights situation in North Korea declined to the point where the South Korean Government did not support successive United Nations resolutions condemning human rights abuses.

An increased flow of information exposing human rights abuses would lead to a rapid and politically awkward awakening in South Korea. As noted by the US Director of National Intelligence Dennis Blair:

... when that regime finally cracks and the books are finally written on North Korea, it is going to be one of saddest episodes in human history and recent times.⁶⁴

An increased flow of information exposing abysmal human rights abuses could also result in substantial political pressure to address the situation. There are large and potentially politically active, ethnic Korean populations in the United States, Canada, Australia and Japan. Increased information flows exposing human rights abuses could lead to increased political pressure in these countries for a coordinated international response.

63. Korea Institute for National Unification (KINU), *2008 White Paper on Human Rights in North Korea*, p. 172.

64. D Blair, 'Media roundtable with Mr Dennis Blair, Director of National Intelligence', Office of the Director of National Intelligence, McClean, Virginia, 26 March 2009.

The exposition of human rights abuses can have a particularly strong impact on the international media and could be considered to have played a key role in rallying support for international interventions in Kosovo, Afghanistan and more controversially, Iraq. Conversely, the exposition of human rights abuses did not prompt international intervention in Rwanda, Sudan or Somalia. If any distinguishing factor could be derived from these examples of intervention, it would be the importance of a major power having specific national interests that coincide with resolving the human rights situation. Given the historic degree of major power interest in the Korean peninsula, information confirming and detailing human rights abuses could be used to justify intervention.

Conclusion

Traditional security issues, such as the threat presented to regional and international security by a nuclear North Korea, the proliferation of nuclear material and technology beyond the immediate region, and the possibility of military conflict, remain an important consideration in policy options regarding North Korea.

However, beyond these traditional security issues, a plethora of non-traditional security issues exist. Food security, irregular migration, transnational crime and inadequate civil and political liberties could impact regional stability and ultimately, also prove to be a concern for Australian regional security planners.

Regional states should prepare for these non-traditional security issues, which could be exacerbated in the short to medium-term, as a result of a sudden breakdown in authority and/or a period of prolonged instability as new structures of power and leadership are established.

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