

ISSUE BRIEF

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U.S. Should Seek Release of Detainees in North Korea— Without Policy Concessions

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North Korea has sentenced Matthew Miller, a 20-year-old American tourist, to six years of hard labor for attempted espionage. Miller reportedly ripped up his tourist visa and declared he wanted asylum but Pyongyang accused him of intending to “experience prison life so that he could investigate the human rights situation” in North Korea. The regime is also holding Jeffrey Fowle, a 56-year-old American tourist, for allegedly leaving a Bible in a hotel in May. Another American, Christian missionary Kenneth Bae, was sentenced in 2013 to 15 years of hard labor for “hostile acts against the republic.”

Earlier this month, Pyongyang allowed CNN to film highly choreographed “confessions” by the three detainees and their appeals to Washington to send a senior-level envoy to secure their release. While the United States should continue energetic diplomatic efforts through normal channels, it should not send a special envoy nor acquiesce to North Korean demands for policy changes. Washington should instead highlight North Korean human rights abuses against its citizens as well as foreigners, including at the upcoming U.N. General Assembly meeting.

North Korea has arrested Americans before—mostly missionaries or journalists attempting to sneak into the country. Despite North Korea’s claim

of religious freedom, a right supposedly guaranteed by its constitution, foreigners have been arrested for even the slightest appearance of religious proselytizing, which is considered a grave threat to the regime.

The United States does not ban Americans from visiting North Korea, but the State Department has issued a travel advisory “strongly recommend[ing] against all travel by U.S. citizens,” warning that “U.S. citizen tourists have been subject to arbitrary arrest and long-term detention.”

Advocates of engagement with North Korea assert that increased social interaction (such as tourism, student exchanges, and sports and cultural events) will enhance mutual understanding, reduce mutual distrust, and lead to diplomatic breakthroughs. Instead, North Korea’s treatment of foreigners underscores how repressive and resistant to reform its regime is. Nor has such unofficial engagement brought about political or economic reform, nor moderated the regime’s threatening foreign policy stance.

Pyongyang is again using the detained Americans as pawns to pressure Washington to send a senior envoy for their release, provide economic benefits, reduce conditions for resumption of nuclear negotiations, and initiate a peace treaty to formally end the Korean War.

Barely four months after North Korea violated U.N. resolutions by testing a long-range missile and exploding a nuclear device in 2009, the U.S. acquiesced to Pyongyang’s demand to send former President Bill Clinton to meet with Kim Jong-Il in order to secure the release of two American journalists. Former President Jimmy Carter and former New Mexico Governor Bill Richardson have also traveled to North Korea to bring Americans home.

This paper, in its entirety, can be found at <http://report.heritage.org/ib4274>

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What Washington Should Do

U.S. citizens should heed the State Department advisory and not travel to North Korea. If Americans do travel there, they should realize that, while the U.S. government will seek their release, Washington will not alter its foreign policy to accommodate their personal risk-taking.

The Obama Administration should, of course, continue its ongoing diplomatic efforts to obtain the release of its citizens through all channels. U.S. Ambassador for North Korean Human Rights Robert King, or newly appointed U.S. Representative to the Six Party Talks Sydney Seilor, would be appropriate diplomatic envoys.

The U.S. should not send a senior-level envoy to negotiate the Americans' release since it would be perceived as tacit acceptance of North Korea's belligerent behavior and reinforce Pyongyang's perceptions that its strategy of alternating brinkmanship with seemingly conciliatory gestures remains effective.

Nor should Washington agree to make any policy concessions on unrelated issues, including nuclear negotiations, enforcing U.S. laws against North Korean illicit activities, and maintaining U.N. punitive measures for violations of U.N. resolutions. The U.S. should continue to insist on North Korea's complete compliance with U.N. resolutions as well as its commitment to its Six-Party Talks pledges to completely and verifiably abandon its nuclear weapons programs.

The U.S. government should remain relentless in publicly highlighting North Korean human rights abuses not only against foreigners it detains

on trumped-up charges, but also against its own citizens. In February, a U.N. Commission of Inquiry (COI) accused Pyongyang of human rights violations so egregious as to qualify as crimes against humanity, including extermination, murder, enslavement, torture, imprisonment, rape, and forced starvation.

During this month's U.N. General Assembly meeting and a scheduled side event on North Korean human rights, Washington should press for a General Assembly resolution endorsing the findings of the COI and its recommendation for targeted sanctions against those responsible for crimes against humanity.

Balancing Compassion and Principles

It is heart-wrenching to see Americans held in captivity by a dictatorial society with little respect for human rights, even more so with the grisly images of U.S. citizens brutalized by the Islamic State fresh in mind. As such, the U.S. should pursue all diplomatic means, both directly with North Korea and in the international community, to secure their release.

However, Washington cannot give in to Pyongyang's ransom demands by sending a special envoy to negotiate their release or by making concessions on U.S. policy toward North Korea. The U.S. should use the detentions to underscore Pyongyang's aberrant behavior.

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