

[ADRN Issue Briefing]

**No Better Way to Promote Human Rights and Peace on the Korean Peninsula? Propaganda Leaflet Dropping and the South Korean Government's Leafleting Ban**

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**1. An old problem in a new context**

Late last year, the South Korean National Assembly passed a bill prohibiting the act of flying anti-North Korea leaflets across the inter-Korean border. The legislation, which came amid months of domestic controversy over seeking peace through “disgraceful submission” to the North, now brought strong criticism from the international community that the ban could undermine the right to freedom of expression in South Korea and the North Korean people's right to know.

Propaganda leaflet dropping, together with loudspeaker and radio broadcasts, has been used by both South and North Korea since the Korean War as a means of psychological warfare. In the past, particularly during the Cold War, the two Koreas put considerable effort into propaganda activities toward each other for the purpose of advocating the superiority of their own system and even overthrowing the opposing regime.

In 2000, when the first, historic inter-Korean summit took place, loudspeaker broadcasts ceased and it was agreed at the subsequent lower-level negotiations to stop the exchange of antagonistic words. Hence, propaganda leaflet dropping by the South Korean government ended and the magnitude and frequency of North Korean leafleting was seriously reduced. Loudspeaker broadcasts have repeatedly stopped and resumed since 2000.

Propaganda leaflets, however, continued to be sent toward North Korea. Civic groups including North Korean defector organizations and Christian activist organizations began to send not only propaganda leaflets but also rice, dollar bills, movies and TV shows on USB drives, and Bibles. According to the statistics provided by the Ministry of Unification, from 2008 to mid-2020 leaflet balloons were sent more than 100 times by civic groups, attempting to drop about 20,000,000

leaflets in total.

The North Korean authorities are extremely sensitive about propaganda leaflets because the leaflets contain criticism of their leader and information that they want to withhold from their people. The North Korean authorities have demanded that the ROK government keep civic groups from sending leaflets if it wants to improve inter-Korean relations.

Sending leaflets has led to clashes between the two Koreas. In October 2014, North Korean border troops fired at balloons from South Korea prompting the South Koreans to return fire, which was enough to startle border residents into applying for a court injunction to halt leafleting. In June 2020, Kim Yo-Jong, the sister of North Korean leader Kim Jong-Un, threatened military action over the leaflets and subsequently carried out her threat by blowing up the inter-Korean liaison office.

The responses of the South Korean public diverged: one side asserted that peace and safety should be prioritized, while the other argued that North Korea's deed was egregious and it was the North that had ruined the peace. What was worse, safety concerns, human rights issues, and anti-North Korea sentiment were all mixed up.

## **2. What did the ROK government do wrong exactly?**

First, the ROK government has not done as much as it could to avoid violating the principles and values shared by the international community. As an advanced democracy, South Korea, both the government and the people, should have appreciated how much effort and sacrifice have been made for humanity to achieve the current level of respect and protection of fundamental human rights, including the right to freedom of expression, and carefully considered the concerns of the international community.

A government cannot be too careful when attempting to restrict the right to freedom of expression, including for reasons of protection of national security and respect of the rights or reputations of others. The ROK government should not have decided to halt the leafleting based solely on its own judgment. It should have consulted with the international community, that is, international organizations, domestic and external human rights experts, and other governments if necessary in the spirit of international human rights cooperation.

Second, the ROK government can hardly escape the accusation that it has switched its human rights policies for political purposes. Whereas it had once made clear that “there were no legal grounds for stopping the launches (of leaflets), out of respect for the Constitutional value of freedom of expression,” the ROK government, now only six years later, defends the leaflet ban on

the grounds that “freedom of expression is not absolute and can be limited.”

How could a constitutional democratic government reverse its decision on the Constitutional value of the freedom to leaflet so easily? The earlier decision may have turned out to be wrong, or circumstances may have changed, of course. But nonetheless, the ROK government, as a continuous constitutional government, should have provided a persuasive explanation as to why it had to reconsider and overturn the previous decision and articulated principles and standards to guide future decisions.

Third, the ROK government has not taken steady steps to promote human rights in North Korea. This has caused misgivings among the international community, misunderstanding among its own people, and disregard from Pyongyang about its commitment to human rights promotion in North Korea, including the North Korean people’s right to know. In 2019 and 2020, the ROK government declined to co-sponsor the North Korea Human Rights Resolution submitted to the United Nations General Assembly’s Third Committee despite putting its name on the list of co-sponsoring countries for 11 years from 2008 to 2018. Earlier in 2003, 2005, and 2007 the ROK government abstained or did not participate in votes at the United Nations Commission on Human Rights and the Assembly’s Third Committee.

When looking at the inconsistent behavior of the ROK government, foreign observers feel that it is ignoring human rights violations committed by the North Korean authorities, while some South Korean people believe that their human rights policies toward the North ought invariably to be subject to political considerations, and North Korean authorities may have the impression that they have the ROK government in their palm.

### **3. What does the ROK government intend to do?**

With all the criticism, the ROK government wants to ban leafleting by civic groups. Why? The safety of border residents is not the only reason. The ROK government is anxious to attract Pyongyang to the negotiation table and ultimately bind North Korea to a path of engagement in the hope that human rights in North Korea will improve as the two Koreas build peace and prosperity on the basis of reconciliation and cooperation. Once North Korea opens up, there will be comprehensive development projects in North Korea pursued by the South, neighboring countries and more. In addition, human rights projects as well as humanitarian assistance for the North Korean people will be made easier while peace will be strengthened within North Korea as well as between the two Koreas. All of these will contribute to the promotion of civil and political rights in

North Korea.

This idea of making progress through increasing contact and cooperation and creating appropriate conditions was briefly but clearly introduced in the “Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea” submitted to the United Nations Human Rights Council. The Commission Of Inquiry report recommends that “people-to-people dialogue and contact” should be increased and strengthened in as many sectors and ways as possible, specifically highlighting culture, science, sports, and business. The report further lists exchanges of young people, women’s groups, professional organizations, and development of sister city relationships. Favorable conditions for planning overall development, including in the realm of human rights, will follow the “re-establishment of transport and communication links” between the Koreas and increased opportunities for North Korean people “to exchange information and be exposed to experiences outside their home country.” According to the logic of the ROK government, this will lead to improvements in not only the North Korean people’s right to know but their other rights as well.

Academic research adds value to the grand design of the ROK government. Studies conducted over the last twenty years suggest that political changes for human rights improvement, or socialization of international human rights norms into domestic practices, can be achieved through the work of transnational human rights networks of both domestic and international actors who promote shared values, principled ideas, and norms. North Korean domestic groups who are well aware of international norms and standards and able to envision and pursue political, social, and economic development of their own country, and are willing to work with the international community, can play a crucial role in the sustainable long-term advancement of human rights. Thus, it is essential to help create and develop such domestic groups in North Korea through engagement and cooperation.

#### **4. What should be done going forward?**

As the ROK government itself emphasizes, it is the North Korean authorities and people who can make a change. It is important to help them understand the values, ideas and norms shared by international society. It is not force but rather persuasion that will guide them to where human rights are respected and protected. Without South Korea’s commitment to international human rights norms, however, its bright ideas and plans may collapse like a house built on sand. There can be no concessions or compromise on basic principles because North Korea must be guided to follow the

principles. Thus, the ROK government has to make its commitment clear and strong, formulate and implement consistent human rights policies in inter-Korean relations as well as in international society, and work with the international community to advance human rights in North Korea.

States, international organizations, and civil society organizations in the international community should engage in opening up the country in a more practical manner. They are responsible for not only addressing human rights violations but also assisting states in building their own capacity to protect the human rights of their own people. They also share the task of providing opportunities for North Koreans to know about the outer world and for more people to know about the human rights situation in North Korea. In doing so, the international community will come to clearly understand the situations, problems, and remedies for North Korean human rights and be ready to work out a comprehensive plan for development, peace, and human rights on the Korean Peninsula.

It is not the time to continue the controversy over the old-fashioned propaganda leaflets and the undue criminalization of leafleting. Rather, we must now discuss and articulate strategies for engaging North Korea anew. All of the stakeholders have to go back to fundamentals. South Korean civic groups should work with the international community to cleverly promote the right of North Koreans to know. The ROK government should try to persuade civic groups and domestic constituencies and reach a consensus. The international community needs to pay more attention to the actual life of North Koreans, help them overcome the present difficulties, and move forward for a better future. ■

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