

# The Amateur Computerist

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Forces Working for Peaceful Conflict Resolution

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## Introduction

The previous issue of the *Amateur Computerist*, Volume 28 No. 1, documented how the last Secretary-General, Ban Ki-moon failed to fulfill on his promise to “encourage and facilitate the continued work for peace, security and reunification in the Korean Peninsula.” This issue, Volume 28 No. 2, explores how forces other than the Secretary-General worked to contribute to this goal.

This issue includes articles published either in *OhmyNews International* (OMNI) or on the netizen blog at <http://blogs.taz.de/netizenblog/>. These articles are part of an effort to create a more accurate form of journalism, a journalism which can be called netizen journalism. Such a journalism when it covers the developments related to the Korean Peninsula strives to encourage the peaceful resolution of conflict rather than engaging in demonizing any party. An objective of netizen journalism is to lessen the tension and seek to uncover the actual forces at play. This is in contrast to the objective of much of the mainstream U.S. and Western media to heighten the tension and distort the actual forces involved.

Several articles which appear in this issue describe those forces other than Ban Ki-moon whose activities were focused on lessening the tension on the

Korean Peninsula. Articles such as “Netizens Question Cause of Cheonan Tragedy” explore the role of netizens and bloggers in distinguishing the falsifications from the accurate details leading to the Cheonan sinking. The articles “Questioning Cheonan Investigation Stirs Controversy” and “In Cheonan Dispute UN Security Council Acts in Accord with UN Charter” demonstrate how peace activists in South Korea and UN Security Council members like Ambassador Claude Heller acting in a neutral way in the Mexican presidency of the Security Council in June 2010, along with some other UN member nations and UN officials helped to support the means to encourage a peaceful resolution of the conflict over the Cheonan tragedy. The articles “Two Precedents for UN Security Council Action to Calm Tension in the Korean Peninsula,” “Out of the Box Diplomacy to Build a Dialogue with North Korea” and “Women Peace Activists Ask Ban Ki-moon to Initiate a Process for a Peace Treaty to End Korean War” demonstrate other examples of UN member nations, peace activists and diplomats supporting “out-of-the-box” forms of diplomacy to encourage peaceful ways to lessen conflict. The article about why netizen journalism matters puts some of these events into the broader context of netizen journalism being part of a media war that is going on at the UN. The final article contrasting Ban Ki-moon’s view of leadership with that of citizens and netizens in South Korea who are trying to root out corruption and provide for a more participatory democracy in South Korea demonstrates how the struggle for a peaceful resolution of the problems in South Korea continues even as Ban Ki-moon is replaced as UN Secretary-General.

Also demonstrated in this issue is the fact that there are processes within the UN procedures which could help to bring a broader view of the nature of a conflict into the heart of the UN and UNSC deliberations.

One such procedure is mandated in the UN Charter. This is Chapter V, Article 32. This article provides for the discussion of a conflict situation by the members of the Security Council inside the Council itself and with the parties to the conflict as part of the discussion. What the Mexican presidency of the Security Council provided for in June 2010, was a variation on this obligation of the UN Charter. It did give the parties to the conflict an equal chance to present their view of the conflict.

A second useful procedure is provided for in the Appendix to the Provisional Rules of Procedure of the Security Council, referred to by the notation S/NC. This procedure provides a means for individuals and non-governmental entities to send communication to the Security Council, a procedure which has been in force since 1946. It provides a means for those wanting to send correspondence to the Security Council to have a channel to do so, and at one time provided a means for a monthly or periodic list of the communications to the Security Council from individuals or NGOs to be published by the UN Secretariat. Security Council members could review this list and ask for copies of correspondence which would be provided to them by the Secretariat.

Recently, however, these two procedures have been weakened. For example, the address where to send correspondence to the Security Council has not been clearly provided, and only a partial list of what has been received is published and only one time a year. Similarly the UN Charter provision in Chapter V, Article 32 is often ignored by the Security Council which makes its decisions to punish one party in a conflict without hearing from all sides. Thus the procedures that were created within the UN itself to provide for the peaceful resolution of conflicts are often ignored by member nations, especially the most powerful member nations. Similarly, at least two examples of open letters to the Secretary-General are referred to in this issue but in both cases Ban Ki-moon did not provide any response to these letters. And there has been no indication that the new Secretary-General will assume that obligation.

The articles in this issue of the *Amateur Computerist* can help to demonstrate that there are forces working within conflict situations which are making important contributions toward the peaceful resolution of conflicts. A Secretary-General working for the peaceful resolution of conflicts would do well to pay attention to such forces and find the means to

give them the much needed support.

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[Editor's note: The following article first appeared in *OhmyNews International* on June 8, 2010, at: [http://english.ohmynews.com/articleview/article\\_view.asp?no=386108&rel\\_no=1](http://english.ohmynews.com/articleview/article_view.asp?no=386108&rel_no=1)]

## **Netizens Question Cause of Cheonan Tragedy Online Media Challenge Claims that North Korea is Responsible for Sinking the Cheonan**

by Ronda Hauben  
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The South Korean government headed by Lee Myung-bak is trying to dispel criticism that its accusation that North Korea is responsible for the sinking on March 26 of the Cheonan warship is politically motivated and a cover-up or possible false flag operation.

On May 20, the South Korean government presented as incontestable fact its conclusion that the warship Cheonan split in two and sank because of hostile action by North Korea. Online discussion seriously challenged that presentation. Perhaps not coincidentally, May 20, the day of the presentation coincided with the date when campaigning for the June 2 provincial and local elections was to officially begin.

The military communication logs show that the first message from the Cheonan of trouble said "aground on rocks." The ship was in shallow waters. Similarly, numerous early statements by both South Korean and U.S. officials assured the public that North Korea was not involved with the incident.

The rescue operation saved 58 of the crew members. Forty-six of the 104 members of the ship's crew died as a result of the ship's breaking in two and sinking. Relatives of the sailors who died complained that the rescue effort was inadequate and too late. Public criticism of the Lee government grew regarding how it was handling the ship disaster. A so called international group was charged with the task of assessing blame for the disaster. That Joint Investigation Group (JIG) was under the Korean military.

## The Investigation

When the five page investigation statement<sup>1</sup> was presented on May 20, however, North Korea was accused of being the cause of the disaster. The accusation was based on a part of a torpedo allegedly dredged up from the sea which bore a supposed pen marked number on a rusted surface.

The sinking of the Cheonan occurred during a period when the U.S. military and the South Korean military were conducting joint military exercises named Key Resolve/Foal Eagle. The joint South Korean-U.S. naval action involved several Aegis class warships which have the most advanced computer and radar systems to track and guide weapons to find and destroy enemy targets. The Cheonan was a patrol combat corvette (PCC) specializing in anti-submarine warfare.

The investigation statement claims that somehow an undetected North Korean submarine pierced a highly protected arena of U.S.-South Korean military maneuvers and released a torpedo in shallow waters, and then escaped totally undetected.

An article in the Korean newspaper *Hankyoreh*<sup>2</sup> points out the unlikely scenario that “a North Korean submarine [would be able] to infiltrate the maritime cordon at a time when security reached its tightest level and without detection by the Cheonan.”

No evidence was presented as to the actual firing of the torpedo or the actual presence of a North Korean submarine in the vicinity of the Cheonan. There is no actual observation of a North Korean submarine in the area of the Cheonan, despite the fact that there was sophisticated surveillance equipment used for the military exercises. Also, the shallowness of the sea where the Cheonan sunk, about 40 to 50 m. and the rocky bottom would make submarine travel near there almost impossible

The statement of the investigation is unsigned. The parties who allegedly conducted the investigation are unnamed. Instead of facts to document a basis for the accusations which might lead to war, a number of allegations are followed by the statement that “There is no other plausible explanation.”

## Blogs and other online media

The accusations made by the conservative media in South Korea about North Korea have taken on a James Bond quality given the mismatch between the reality of North Korean capability and the claims

being made of how it has been able to perform amazing deeds. Blogs and other online media in both the U.S. and South Korea have presented facts and discussion challenging the claims in the investigation statement, and proposing other alternative explanations of the cause of the sinking of the Cheonan. These online discussions and questions have begun not only to supplement newspaper accounts but also to become the subject of newspaper articles in South Korea.

Questions discussed on blogs included whether there was a North Korean or German made torpedo involved in the sinking of the Cheonan, or whether there was any involvement of a torpedo at all.<sup>3</sup> An online letter<sup>4</sup> addressed to Hillary Clinton by one of the members of the investigation, questions whether the marks on the ship came from being run aground or a collision with some other vessel or both.

## The whole story as a false account?

The nature of the pen mark on the torpedo part offered by South Korea as its main evidence that the torpedo was fired by North Korea was challenged<sup>5</sup> as not being a reliable piece of evidence of North Korean involvement because there was rust under the pen mark. Also, the blades of the offered evidence show a degree of corrosion that would usually require far more time than the two months in the water as claimed.

Another blog<sup>6</sup> challenges the whole story of the South Korean government as a false account like the Gulf of Tonkin incident. Some of the Korean netizens and political activists who challenged the South Korean government about the cause of the Cheonan sinking have been referred to the prosecutor for charges.<sup>7</sup>

The South Korean government has been cited<sup>8</sup> by both Frank La Rue, UN Special Rapporteur for the Promotion and Protection of Freedom of Opinion and Expression and Amnesty International for interfering with the rights of South Korean citizens and netizens.

## They need teeth

Given the growing set of questions about the South Korean government account of the sinking of the Cheonan, the government has invited<sup>9</sup> some chosen bloggers and twitter users to a session “to dispel any doubts among the young that North Korea was behind the deadly attack,”

A Yonhap News Agency press release explains that it will select 20 twitter users, 10 defense bloggers and 30 college reporters “to take a trip to Pyeongtaek naval port south of Seoul where the salvaged parts of Cheonan are being kept.” The article explains that “The event is aimed at removing skepticism among young Internet users who have raised doubts in online communities about the results of a multinational investigation that concluded North Korea downed the ship in a torpedo attack.”

Like in the case of 9/11, careful fact checking and examination of the evidence by netizens has shown the South Korean government’s case for the involvement of North Korea in the sinking of the Cheonan to be unsustainable. Netizens are more and more able to act as watchdogs. But they need teeth.

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#### Notes

1. [http://news.bbc.co.uk/nol/shared/bsp/hi/pdfs/20\\_05\\_10\\_jigreport.pdf](http://news.bbc.co.uk/nol/shared/bsp/hi/pdfs/20_05_10_jigreport.pdf)
2. [http://english.hani.co.kr/arti/english\\_edition/e\\_national/421856.html](http://english.hani.co.kr/arti/english_edition/e_national/421856.html)
3. See the comments at the end of the Scott Creighton’s blog entry, “The Sinking of the Cheonan: We are being lied to” May 24, 2010, <http://willyloman.wordpress.com/2010/05/24/the-sinking-of-the-cheonan-we-are-being-lied-to/>. Some selected comments are in the Appendix just below.
4. [http://cafe419.daum.net/c21/bbs\\_search\\_read?grpId=11Ypb&mgrpid=&fId=JFBW&content=P&contentval=0001qzzzzzzzzzzzzzzzzzzzzzzzzzzzz&page=1&prev\\_page=&firstbbsdepth=&lastbbsdepth=&datanum=114&regdt=&favorRegdate=&favorMode=&listSortType=&listnum=](http://cafe419.daum.net/c21/bbs_search_read?grpId=11Ypb&mgrpid=&fId=JFBW&content=P&contentval=0001qzzzzzzzzzzzzzzzzzzzzzzzzzzzz&page=1&prev_page=&firstbbsdepth=&lastbbsdepth=&datanum=114&regdt=&favorRegdate=&favorMode=&listSortType=&listnum=)
5. <http://willyloman.wordpress.com/2010/05/29/pcc-772-cheonan-photographic-evidence-that-no-1-written-on-top-of-rust/>
6. <http://gowans.wordpress.com/2010/05/20/the-sinking-of-the-cheonan-another-gulf-of-tonkin-incident/>
7. <http://joongangdaily.joins.com/article/view.asp?aid=2921120>
8. <http://www2.ohchr.org/english/issues/opinion/docs/ROK-Pressstatement17052010.pdf>
9. <http://english.yonhapnews.co.kr/national/2010/05/31/3/0301000000AEN20100531003100315F.HTML>

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#### Appendix

Some comments from Scott Creighton’s blog entry, “The Sinking of the Cheonan: We are being lied to,” May 24, 2010 <http://willyloman.wordpress.com/2010/05/24/the-sinking-of-the-cheonan-we-are-being-lied-to/>

6. Tim, on May 24, 2010 at 1:55 p.m. said: ‘The markings in Hangul, which reads “1?(or No. 1 in English),” found inside the end of the propulsion section, is consistent with the marking of

a previously obtained North Korean torpedo.’ Now, just hang on a minute ? a previously obtained NK torpedo? A previously obtained NK torpedo?? How many do they have? Is it not beyond the realms of possibility that this ‘evidence’ did not originate from NK at all. We really ought to demand the same level of ballistic forensics that apply to crime scenes where ordinary firearms have been discharged. After all many more lives could be at stake here.

57. Mika, on May 27, 2010 at 5:34 a.m. said: You may want to have a look at this:

<http://www.atimes.com/atimes/Korea/LE26Dg01.html> I’ve not tried verifying any of the claims made there yet, but the comments about the Korean handwritten writings are damning if true, and if there was indeed still a large scale exercise going on, that makes it completely unthinkable a NK sub would have penetrated that deep, sank the Cheonan and got away again. OTOH, it does provide a rather credible alternative scenario: a friendly fire incident blamed on the North Koreans. Kursk anyone?

145. willyloman, on May 28, 2010 at 3:38 p.m. said: the following comment was left by a reader and it did not go through so I am posting it here so that others may read it. Mr. Serandos: WordPress sometimes has problems with comments... it should work fine but if posting again presents a problem, just me know. thank you

scott creighton, willyloman  
Tom Serandos left the following comment: I tried to leave the following message on Mr. Creighton’s site but I don’t think it went through.

PCC-772 report: I agree with the contents of the report. Examine the photographs of the PCC-772 props. The deformation on each fluke is evidence of grounding while making turns. If there was an explosion it occurred after the ship ran aground or only the lower flukes would have been damaged when it settled to the bottom. The damage to the shaft alleys would have locked up the props.

If there was an explosion perhaps it was an unexploded bomb from the Korean war or a mine the S. Koreans have not retrieved (reportedly there are over 100 of those still out there). It could have been in the vessels path when it grounded.

Also, the degree of corrosion on the torpedo parts indicates they have been in the sea for a very long time (months). It was long enough for the active alloy in the props to set up a galvanic cell with the other parts. I am a degreed metallurgist with 25 years of experience and seven years of service in the U.S. Nuclear Navy. Tom Serandos

166. Han Kim, on May 29, 2010 at 7:30 a.m. said: I’m Korean and many Korean ppl know the govt is making things up. As you might know, the only reason the govt manipulated the truth is to get more votes on the upcoming election from the old generations. :) Keep up the good work! We really appreciate the voices from outside Korea

203. ??, on May 29, 2010 at 2:22 p.m. said:

Dear Scott,  
have you seen this article, “Did an American Mine Sink South Korean Ship?” by one Yoichi Shimatsu: <http://newamericamedia.org/2010/05/did-an-american-mine-sink-the-south-korean->

[ship.php](#)

He makes many good points, what I'd like to highlight is what he says about the type of torpedo submitted as evidence on May 20: "Since torpedoes travel between 40-50 knots per hour (which is faster than collision tests for cars), a drive shaft would crumble upon impacting the hull and its bearing and struts would be shattered or bent by the high-powered blast..."

My point is that even more bewildering than the various torpedo schema we've seen is the very implausible situation that such a relatively intact remnant of the alleged weapon exists as foisted onto us.

North Korea is also now vigorously bringing forth their defense, which is comprehensively exposing the various contradictions in the "JIG" case. See my link of "Military Commentator on Truth behind 'Story of Attack by North' (Part 1)" <http://tinyurl.com/29eh9zj>. The KCNA site won't link directly, so I'm linking to the article on my own blog.

People are going to cry about giving North Korea a hearing but they are certainly innocent until proven guilty and their exclusion from the investigation process indicates weakness and fear of exposure in the South Korean position, which has been relying so far on a kind of international kangaroo court or media lynching. I'd very much like to see what evidence they presented at their own press briefing recently to contrast with the "JIG" press event of May 20. Again people will virulently impugn and dismiss them, but you can be sure both Russia and China were paying close attention to all the details of their nearer neighbor's case.

It's also important for your morale to know that South Korean citizens groups and progressive media are banding together as we speak to get to the bottom of this particular Big Lie. Also Mr. Shin is saying he'll use the suppressive court proceedings initiated against him to expose the whole phony deal.

Don't lose sight of the big picture, you've taken some "below-the-belt" hits? hang in there man!

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211. hankyul moon, on May 30, 2010 at 11:16 a.m. said:  
The kr.gov will keep trying to paint with dirty mentions in order to wrap this page.

In addition of that, the kr.gove will keep change their story and evidence, which is a traditional judgment of suspicion. Many people focused on the torpedo; however, a single evidence is not correlated to the explosion. The torpedo that kr.gov presented is not proven evidence of explosion scientifically. For example, there are no proofs of thermal effects, mechanical damages by explosion, corrosion effects by salty water, and corrosion effects by heat and salty water. Only one evidence is letter "1?", written by bright blue permanent marker. Nevertheless, North kr.gov denied using "1?" on machinery.

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[Editor's note: The following article first appeared in *OhmyNews International* in June 2010 at:

[http://english.ohmynews.com/ArticleView/article\\_sangview.asp?menu=c10400&no=386133&rel\\_no=1](http://english.ohmynews.com/ArticleView/article_sangview.asp?menu=c10400&no=386133&rel_no=1)]

## **Questioning Cheonan Investigation Stirs Controversy**

### **South Korean Government Threatens to Penalize NGO for Utilizing UN Security Council Procedure**

by Ronda Hauben  
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South Korean government officials have denounced an NGO for writing to the Security Council. The NGO is one of the most prominent civil society organizations in South Korea, People's Solidarity for Participatory Democracy (PSPD). Such action disregards the long tradition and established procedure at the United Nations for an NGO or private individual to send communication to the Security Council on matters it is considering.

PSPD is a watchdog NGO that was founded in 1994. Since then it has monitored the actions of the South Korean government, supporting the efforts of South Korean citizens to participate in political affairs.

In a letter asking for support, PSPD writes:<sup>1</sup> PSPD believes that diplomacy and security policy should be under the citizenry's watch and democratic control. National Security and diplomatic policy should not be monopolized by military and diplomatic authorities.

On June 11, 2010, the Center for Peace and Disarmament of PSPD sent a letter to UN Security Council President Claude Heller, the Mexican Ambassador to the UN. Mexico holds the rotating presidency of the Security Council for the month of June. With its letter, PSPD included its report, "The PSPD's Stance on the Naval Vessel Cheonan Sinking."<sup>2</sup>

The letter and report were also sent to the other fourteen member states of the United Nations Security Council, to the United Nations Secretary-General and to the Permanent Mission of the Republic of Korea (South Korea).

The PSPD report raised a number of questions

and problems with the findings presented by the South Korean government of its investigation of the Cheonan sinking.

## Background

The South Korean government, unable to win support domestically for its allegations that North Korea was responsible for the sinking of the Cheonan, turned to the UN Security Council for action against North Korea.<sup>3</sup> On June 4 the South Korean Ambassador at the UN submitted a letter to the UN Security Council requesting it to take up the matter of the sinking of the Cheonan.<sup>4</sup>

On June 8, North Korea submitted a letter to the Security Council denying any involvement in the sinking of the Cheonan.<sup>5</sup>

The Security Council scheduled an informal meeting for South Korea to present its case against North Korea on Monday, June 14. Initially there was no plan for the Security Council to meet with the North Korean delegation on the Cheonan issue. On Sunday evening, however, news reports from South Korea announced that on June 14, the Security Council would also hold an informal meeting with North Korea.

According to some of the South Korean news media who cover the UN, the big story in South Korea on Monday, June 14, was not that South Korea was making its presentation to the Security Council. Instead the media described denunciations by South Korean government officials against PSPD for sending its report to the UN. The reporters claimed the South Korean government believed that the PSPD report influenced the North Korean UN delegation to request a presentation at the UN Security Council on the subject of the Cheonan. There was no proof presented for such allegations. This did not, however, stop South Korean government officials from making accusations against PSPD, nor the South Korean conservative media from supporting the denunciations with articles accusing the NGO of unpatriotic behavior.<sup>6</sup>

In Seoul, on June 14, the spokesman for the Blue House, for the President of South Korea, Lee Myung bak, publicly denounced PSPD.

Also on June 14, during the Question and Answer time at the National Assembly, the South Korean Prime Minister, Un-Chan Chung, denouncing PSPD for sending its letter and report to the UN Security Council, said, “ Such actions are against

national interest. It (PSPD’s action) dishonored and shamed our country.”

Back at UN headquarters in New York on Monday, June 14, two separate informal meetings of the Security Council were held in the North Lawn Building. A large number of reporters waited in the cafe outside the area where the Security Council was meeting because the meetings were closed to the press.

After the two informal Security Council meetings, the Mexican Ambassador spoke briefly to the press. He said, “the Security Council issued a call to the parties to refrain from any act that could escalate tensions in the region, and makes an appeal to preserve peace and stability in the region.” He also indicated that the Security Council would continue its consultations after the meetings it had with the delegations of both nations. Heller said that it was very important to have received the very detailed presentation by South Korea and also to know and learn from the arguments of North Korea. He commented that it was “very important that North Korea has approached the Security Council.” In response to a question about his view on the issues presented, he responded, “I am not a judge. I think we will go on with the consultations to deal in a proper manner on the issue.”<sup>7</sup>

The North Korean UN delegation scheduled a press conference for the following day, Tuesday, June 15. During the press conference, the North Korean Ambassador presented North Korea’s refutation of the allegations made by South Korea. Also he explained North Korea’s request to be able to send an investigation team to go to the site where the sinking of the Cheonan occurred. South Korea had denied the request. During the press conference, a reporter with a South Korean newspaper asked the North Korean Ambassador if he had received a copy of the PSPD document from PSPD. The Ambassador responded that not to his knowledge.<sup>8</sup>

In a press release, the Asian Human Rights Commission writes that following the denunciation of PSPD by South Korean government officials, “the country’s Prosecutor’s office reportedly leaked to newspapers that there was a possibility that the staff of the PSPD might be prosecuted under the National Security Act, if a case were to be filed....”<sup>9</sup>

“In response,” the press release explains, “conservative groups filed a complaint with the Prosecutor’s Office.” On June 15, the Vice Minister

of Foreign Affairs and Trade, Mr. Chun Yeong-U said that, "A legal examination is currently going on."

Following the accusatory remarks by South Korean government officials against PSPD, "people belonging to conservative groups attempted to raid the offices of PSPD." There are reports that members of PSPD were assaulted verbally and physically, and threatening phone calls were made to the PSPD offices.

In one incident, a van containing flammable material was driven up to the building where PSPD offices are located. The police did not arrest the perpetrators of these deeds. The Prosecutor, instead, opened an investigation of PSPD.

On June 17, according to the Asian Human Rights Commission, the case against PSPD was allocated to the Public Security Bureau 1, which announced its intention to summon PSPD officials.

The Asian Human Rights Commission also reported that the Prosecutor's office "approached one of the experts who worked on the government-led report in order for this expert to submit a complaint concerning alleged criminal defamation by the NGO."

South Korean government officials, supported by some of the South Korean media, allege that it is an unusual practice for an NGO to send a letter or report to the UN Security Council. Recently, a reporter asked a government official, "Are there any cases that a NGO sends a contrast position paper against a government on the security issue." Chun, Yung-woo, the 2<sup>nd</sup> Vice Minister of Foreign Affairs and Trade responded, "I have never heard that there are such NGOs, and document sent by a NGO cannot be a UNSC document."

## NGO Communication to Security Council

Such an interchange demonstrates a serious lack of knowledge of UN and particularly Security Council procedures. There is a long established practice at the UN of NGO's or private individuals sending letters and documents to the Security Council on questions before the Security Council. Most if not all of the matters before the Security Council have to do with security issues.

Records at the UN show that the practice of sending such correspondence to the Security Council dates back to 1946. This is the date when the symbol S/NC/ was introduced as the symbol for "Communications received from private individuals and non-governmental bodies relating to matters of which the

Security Council is seized."<sup>10</sup> The Security Council has the practice of periodically publishing a list of the documents it receives, the name and organization of the sender, and the date they are received. The Provisional Rules of Procedure of the Security Council states that the list is to be circulated to all representatives on the Security Council. A copy of any communication on the list is to be given to any nation on the Security Council that requests it.

There are over 450 such lists indicated in the UN records. As each list can contain several or a large number of documents the Security Council has received, the number of such documents is likely to be in the thousands.

Under Rule 39 of the Council procedures, the Security Council may invite any person it deems competent for the purpose to supply it with information on a given subject. Thus the two procedures in the Security Council's provisional rules give it the basis to find assistance on issues it is considering from others outside the Council and to consider the contribution as part of its deliberation.

## Appeals to End Witch Hunt Against PSPD

Initiating a criminal investigation against a South Korean NGO or citizen for what is a long existing practice and tradition with respect to the UN Security Council, is a South Korean government action that is being compared to the kind of "witch-hunts" that occurred during the period of the 1950s in the U.S. which has come to be known as McCarthyism.

In contrast to the attack on PSPD by the South Korean government and the conservative media, many NGOs and citizens in South Korea have expressed their support for PSPD.

A group of 200 professors and other intellectuals in South Korea has issued a statement calling for the end of the "witch hunt" against PSPD. The statement explains that "PSPD had performed its innate duty and right as a civic group." The group calls for conservative groups to end their irrational backward attacks on PSPD.<sup>11</sup>

Also, the Asian Forum for Human Rights and Development, an organization of 46 groups in Asia which includes PSPD, sent a petition to Frank La Rue, the UN Special Rapporteur on the Promotion and Protection of the Right of Opinion and Expression.<sup>12</sup> It asked the UN to "advise the South Korean government to end the prosecutorial investigation of

PSPD.”

La Rue had visited South Korea on May 6-17, 2010. He issued a press statement on May 17 documenting other examples of the abuse by the South Korean government of the human rights of its citizens. He referred to the obligation of South Korea to adhere to the provisions of the International Covenant on Civil and Political Rights protecting the right to freedom of expression.<sup>13</sup>

While La Rue’s comments were made prior to the current South Korean government attack on PSPD, Amnesty International has issued a statement regarding the current situation.<sup>14</sup> It writes:

Amnesty International is deeply concerned about the Seoul Central Prosecutor’s Office’s decision on Wednesday to investigate the People’s Solidarity for Participatory Democracy (PSPD) for sending a letter to the UN Security Council questioning the results of the international investigation into the sinking of the South Korean navy vessel the Cheonan. The civic group is accused of ‘benefitting’ North Korea, in violation of the National Security Law, interfering with state’s acts and defamation.

The statement concludes, “Amnesty International is also concerned that the National Security Law continues to be used to arbitrarily target individuals or groups peacefully exercising their basic rights to freedom of expression and association. Simply put, this law is used as a tool to silence dissent.”

On Friday, June 18, the UN Secretary-General Ban Ki-moon was asked for his view of the current action by the prosecutor in South Korea against an NGO for sending a letter to the Security Council. He responded, “I will have to check. I’m not aware of that.... I don’t have a comment at this time, but I may have to check and will get back to you later.”<sup>15</sup> He did not get back to the journalist as of the publication date of this article.

## Open Letter to Ban Ki-moon

The Asian Human Rights Commission (AHRC) appealed to Ban Ki-moon. On June 24, it sent an Open Letter to Sec-Gen Ban Ki-moon about the situation. In the letter it asks him:<sup>16</sup>

...to take all necessary steps to ensure that the reprisals, directly or indirectly attributable to the Republic of Korea, are imme-

diately halted against civil society groups that have communicated with the UN. The AHRC appreciates the work of the Secretary-General concerning reprisals and urges his offices to include this case as part of efforts to protect civil society members from facing attacks based on their participation in the UN’s work.

The AHRC has also asked the High Commissioner for Human Rights to intervene to “ensure that these reprisals are halted” and that the recommendations of the Special Rapporteur on freedom of expression be implemented in full and without delay. It also calls upon South Korea as a member of the Human Rights Council to act to “uphold the highest standards.”

## PSPD as Political Watchdog

PSPD reports that the organization has increased its membership by 15% with 1600 new members joining since the attack by the South Korean government. Also, numerous individuals and organizations in Korea and outside have sent letters and made statements in support of PSPD.

As a member of the international society, PSPD explains, “PSPD will continuously make every effort to advance the universal goals of democracy and peace through its activities as a political watchdog.”<sup>17</sup>

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## In Cheonan Dispute UN Security Council Acts in Accord with UN Charter

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The challenge of Security Council reform has been on the agenda at the United Nations for decades with little obvious effect on the workings of the Security Council itself.<sup>1</sup>

But what happens when an action of the Security Council is an improvement over past Security Council practices and presents an important model for conflict resolution in line with the obligations of the Charter? Will there be recognition of the peaceful direction that the action points in or will it be ignored and members of the Security Council revert back to the practice of the past?

The situation I am referring to is the consideration by the Security Council of the sinking of the South Korean naval warship, the Cheonan. The dispute over the sinking of the Cheonan was brought to the Security Council in June and a Presidential Statement was agreed to in July.

An account of some of what happened in the Security Council during an important part of this process is described in an article in Spanish that has appeared in several different Spanish language publications. The article, "Heller mediacion de Mexico en conflicto de Peninsula de Corea" by Maurizio Guerrero, the UN Correspondent for Notimex (the Mexican News Agency), was published on July 5.<sup>2</sup> The article describes the experience of the Mexican Ambassador to the UN, Claude Heller in his position as president of the Security Council for the month of June.

In a letter to the Security Council dated June 4, the Republic of Korea (ROK) more commonly known as South Korea, asked the Council to take up the Cheonan dispute. Park Im-kook, the South Korean Ambassador to the UN requested that the Security Council consider the matter of the Cheonan and respond in an appropriate manner.<sup>3</sup> The letter de-

scribed an investigation into the sinking of the Cheonan carried out by South Korean government and military officials. The conclusion was to accuse North Korea of sinking the South Korean ship.

Sin Son Ho is the UN Ambassador from the Democratic People's Republic of Korea (DPRK), which is more commonly known as North Korea. He sent a letter dated June 8 to the Security Council, which denied the allegation that his country was to blame.<sup>4</sup> His letter urged the Security Council not to be the victim of deceptive claims, as had happened with Iraq in 2003. It asked the Security Council to support its call to be able to examine the evidence and to be involved in a new and more independent investigation on the sinking of the Cheonan.

How would the Mexican Ambassador as President of the Security Council during the month of June handle this dispute? (The presidency rotates each month to a different Security Council member.) This was a serious issue facing Heller as he began his presidency in June 2010.

Heller adopted what he refers to as a "balanced" approach to treat both governments on the Korean peninsula in a fair and objective manner. He held bilateral meetings with each member of the Security Council which led to support for a process of informal presentations by both of the Koreas to the members of the Security Council.

What Heller calls "interactive informal meetings" were held on June 14 with the South Koreans and the North Koreans in separate sessions attended by the Security Council members, along with a time to ask questions and then to discuss the presentations.

At a media stakeout on June 14, after the day's presentations ended, Heller said that it was important to have received the detailed presentation by South Korea and also to know and learn the arguments of North Korea. He commented that "it was very important that North Korea approached the Security Council." In response to a question about his view on the issues presented, he replied, "I am not a judge. I think we will go on with the consultations to deal in a proper manner on the issue."<sup>5</sup>

During June, Heller held meetings with the UN Ambassadors from each of the two Koreas and then with Security Council members about the Cheonan issue. On the last day of his presidency, on June 30, he was asked by the media what was happening about the Cheonan dispute. He responded that the issue of contention was over the evaluation of the South

Korean government's investigation.

Heller describes how he introduced what he refers to as "an innovation" into the Security Council process. As the month of June ended, the issue was not yet resolved, but the "innovation" set a basis to build on the progress that was achieved during the month of his presidency.

The "innovation" Heller refers to, is a summary of the positions of each of the two Koreas on the issue, taking care to present each objectively. Heller explains that this summary was not an official document, so it did not have to be approved by the other members of the Council. This summary provided the basis for further negotiations. He believed that it had a positive impact on the process of consideration in the Council, making possible the agreement that was later to be expressed in the Presidential statement on the Cheonan that was issued by the Security Council on July 9.

Heller's goal, he explains, was to "at all times be as objective as possible" so as to avoid increasing the conflict on the Korean peninsula. Such a goal is the Security Council's obligation under the UN charter.

In the Security Council's Presidential Statement on the Cheonan, what stands out is that the statement follows the pattern that Heller described of presenting the views of each of the Koreas and urging that the dispute be settled in a peaceful manner.<sup>6</sup>

In the statement, the members of the Security Council do not blame North Korea. Instead they refer to the South Korean investigation and its conclusion, expressing their "deep concern" about the "findings" of the investigation.

Analyzing the Presidential Statement, the Korean newspaper *Hankyoreh* noted that the statement "allows for a double interpretation and does not blame or place consequences on North Korea."<sup>7</sup> Such a possibility of a "double interpretation" allows different interpretations.

Some of the articles that have appeared in the English language media about the Cheonan, however, appear to be oblivious to the effort to accommodate the different viewpoints in the Presidential Statement. For example, an editorial in the *New York Times* about the Presidential Statement complained that the statement contained "weasel wording about blame."<sup>8</sup>

An AP article reported that the U.S. Ambassador to the UN, Susan Rice, and the South Korean Ambassador, Park Im-kook said the Presidential

Statement “made clear who to blame” for the attack on the Cheonan.<sup>9</sup> Instead of directly pointing out this is contrary to the wording of the statement, however, the AP article notes that in private some diplomats and analysts expressed concern that the statement didn’t blame Pyongyang.

Another article in the *New York Times*, however, referred to a statement of Li Baodong, China’s Ambassador to the UN, that the Presidential statement moved matters in “the right direction” because it urged “the parties concerned” to avoid escalating tensions.<sup>10</sup>

Russia had sent a team of experts to South Korea to do its own evaluation on the South Korean findings. Though the Russian evaluation has not been released publicly, a leaked copy was the subject of articles in *Hankyoreh*. These describe how the Russian team of experts disagreed with the South Korean government’s conclusions about the sinking of the Cheonan. The Russian experts observed the ship’s propeller had become entangled in a fishing net and subsequently a possible cause of the sinking could have been that the ship had hit the antennae of a mine which then exploded.<sup>11</sup>

The Presidential Statement explains that “The Security Council takes note of the responses from other relevant parties, including the DPRK, which has stated that it had nothing to do with the incident.”<sup>12</sup>

With the exception of the DPRK, it is not indicated who “the other relevant parties” are. It does suggest, however, that it is likely some Security Council members, not just Russia and China, did not agree with the conclusions of the South Korean investigation.

The Security Council action on the Cheonan took place in a situation where there has been a wide ranging international critique, especially in the online media, about the problems of the South Korean investigation, and of the ROK government’s failure to make public any substantial documentation of its investigation, along with its practice of harassing critics of the ROK claims.

The U.S. media, however, for the most part has chosen to ignore the many critiques which have appeared. These critiques of the South Korean government’s investigation of the Cheonan sinking have appeared not only in Korean, but also in English, in Japanese, and in other languages. They present a wide ranging challenge of the veracity and integrity of the South Korean investigation and its conclusions.

An article in the Los Angeles Times on July 28 noted the fact that the media in the U.S. has ignored the critique of the South Korean government investigation that is being discussed and spread around the world.<sup>13</sup> More recently, on August 31, an Op Ed by Donald Gregg, a former U.S. Ambassador to South Korea, appeared in the *New York Times*, titled “Testing North Korean Waters.” The article noted that “not everyone agrees that the Cheonan was sunk by North Korea. Pyongyang has consistently denied responsibility, and both China and Russia opposed a UN Security Council resolution laying blame on North Korea.”<sup>14</sup>

In a subsequent interview with the Washington correspondent for *Hankyoreh*, Gregg adds that the Russian team’s conclusions could only be tentative because they were not given access to all the materials they needed for their investigation. The Russian team recommended that the Chinese not make an effort to review the South Korean investigation. They would likely not have access to all the materials needed to be able to do an adequate review.

In his Op Ed in the *New York Times*, Gregg maintains that, “The disputed interpretations of the sinking of the Cheonan remain central to any effort to reverse course and to get on track toward dealing effectively with North Korea on critical issues such as the denuclearization of the Korean Peninsula.” Therefore, he urges the South Korean government to make public the study it has done.

Gregg’s public statements are just one example of the disagreement around the world, along with the Chinese and Russian governments, with the South Korean government’s conclusions about the sinking of the Cheonan and about the process of the investigation itself.

North Korea referred to this widespread international sentiment in its June 8 letter to the Security Council. The UN Ambassador from North Korea wrote:<sup>15</sup>

It would be very useful to remind ourselves of the ever-increasing international doubts and criticisms, going beyond the internal boundary of south Korea, over the ‘investigation result’ from the very moment of its release....

The situation that the North Korean Ambassador is referring to is one marked by actions on the part of the South Korean netizens and civil society who challenged the process and results of the South

Korean government's investigation. There is support for the South Korean critics by bloggers, scientists and journalists around the world, writing in a multitude of languages and from many perspectives. A number of the non-governmental organizations and scientists in South Korea sent the results of their investigations and research to members of the Security Council to provide them with the background and facts needed to make an informed decision.<sup>16</sup>

The result of such efforts is something that is unusual in the process of recent Security Council activity. Most often decisions are made according to the degree of power and self interest in the issue being considered, rather than according to an impartial analysis of the problem and an effort to hear from all those with an interest in the issue. But an impartial analysis is what is required by the obligations of the UN Charter.

In its June 8 letter to the Security Council, North Korea referred to the earlier experience of the Security Council, to the February 5, 2003 Security Council meeting when U.S. Secretary of State Colin Powell made his presentation of his "evidence" that weapons of mass destruction existed in Iraq. The U.S. then used these claims as the pretext for its invasion of Iraq in March 2003.<sup>17</sup>

The June 8 letter from North Korea urges: It is imperative for the Security Council not to step into the same situation in which it was once misused as a tool of high-handedness and hegemony of the United States by giving legitimacy to its armed invasion into Iraq, based on a single word of lies of Powell, United States Secretary of State, in February 2003.

The Security Council is duty bound to adhere strictly to the principles of respect for the sovereignty and impartiality of United Nations Member States, as enshrined in the Charter of the United Nations.

The process of how the Security Council took up and determined its response to the dispute on the Cheonan is an important example of a different process than that which occurred in the Iraq situation. The effort in the Security Council described by the Mexican Ambassador, to uphold the principles of impartiality and respectful treatment of all members involved in a problem.

The process instituted by the Mexican presi-

dency of the Security Council in June with respect to the Cheonan dispute has the potential of providing for a significant precedent in the process of Security Council reform. It represents an important example of the Security Council acting in conformity with its obligations as set out in the UN charter.

In the July 9 Presidential Statement, the Security Council urges that the parties to the dispute over the sinking of the Cheonan find a means to peacefully settle the dispute. The statement says:

The Security Council calls for full adherence to the Korean Armistice Agreement and encourages the settlement of outstanding issues on the Korean peninsula by peaceful means to resume direct dialogue and negotiation through appropriate channels as early as possible, with a view to avoiding conflicts and averting escalation.

Ambassador Gregg is only one of many around the world who have expressed their concern with the course of action of the U.S. and South Korea which is contrary to the direction of the UN Security Council Presidential Statement. Gregg explained his fear that the truth of the Cheonan sinking "may elude us, as it did after the infamous Tonkin Bay incident of 1964, that was used to drag us (the U.S.) into the abyss of the Vietnam War."<sup>18</sup>

The Security Council Action on the Cheonan dispute, if it is recognized and supported, has set the basis instead for a peaceful resolution of the conflict.<sup>19</sup>

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[Editor’s note: The following article first appeared on the netizenblog on April 4, 2013 at: <http://blogs.taz.de/netizenblog/2013/03/04/two-precedents-unsc-korean-peninsula/>]

## Two Precedents for UN Security Council Action to Calm Tension in the Korean Peninsula

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### I – Introduction

In his opening presentation to a hearing on U.S. policy toward North Korea in March 2011, then U.S. Senator John Kerry, referring to the events of the past year observed that the year 2010 “was the most dangerous on the Korean Peninsula since the end of the Korean War in 1953.”<sup>1</sup>

He was referring to several serious crises in the region in 2010. What was surprising, but yet attracted little media attention, was the role played by the United Nations Security Council in calming tension in two of these crises. In these two situations, there were members of the Security Council who demonstrated a commitment to serious consideration and an impartial exploration of the problem leading to the crises. This is a role notably different from how the Security Council has approached most situations involving the Korean Peninsula. For example, this role was remarkably different from the historic example of the Security Council supporting the U.S. intervention in the Korean War, and more recently, in imposing sanctions on North Korea for launching a satellite, or for its effort to build a defensive capacity against what it deemed U.S. aggressive actions toward it.

In this article I consider the Security Council emergency meeting held on December 19, 2010 to

discuss the escalating tension over live fire military exercises held from Yeongpyeong Island into the surrounding waters claimed by both South Korea and North Korea. Then I refer back to how the Cheonan situation was taken up at the Security Council a few months earlier, in June and July 2010.

In the concluding section of this article I explore the significance of these examples toward developing an analysis of the potential of the Security Council to provide a countervailing force to the actions by those who appear to be trying to provoke a new Cold War in the Northeast Asian region.

## II – Yeonpyeong Island

One of the most perilous times in the recent past was in December 2010 when North and South Korea almost went to war. The conflict was brought to the UN Security Council in what was the last week of its 2010 session.<sup>2</sup>

The role played by the Security Council in this situation is worthy of attention. Through the more than 60 years of UN involvement in the Korean Peninsula, the role of the UN, particularly the Security Council, has often been to increase tension rather than seeking peaceful diplomatic and political solutions to conflict situations. This situation in December 2010 was different.

On November 23, 2010, the ROK (Republic of Korea commonly known as South Korea) and the DPRK (Democratic People's Republic of Korea commonly known as North Korea) exchanged artillery fire after South Korea began live fire military drills from Yeonpyeong Island 8 miles off the coast of North Korea. This military encounter ended with the death of four South Koreans, and perhaps an unknown number of North Koreans. Shortly afterwards, South Korea announced it planned a next round of similar artillery firing for some time between December 17 and December 21. North Korea responded it would consider such fire a grave provocation and would respond appropriately.

On Saturday, December 18, Vitaly Churkin, the Ambassador to the UN for the Russian Federation, requested an emergency meeting of the UN Security Council to be held that day. In what Ambassador Churkin later called “a departure from the practice of the Council,” the U.S. Ambassador to the UN, Susan Rice, as President of the Security Council for the month of December, declined to hold a meeting until the following day.<sup>3</sup> Instead of a Saturday meeting as

requested, she scheduled consultations to start at 11:00 a.m. on Sunday, December 19, with a view to the possibility of holding a formal meeting later in the day.

On that Sunday, 50 or more journalists gathered at the press stakeout area outside the UN Security Council. Ambassadors and other representatives of the 15 nations on the council gradually filtered into the Security Council chambers. Also arriving were representatives of the DPRK, of the ROK, and B. Lynn Pasco, then the Under Secretary-General for Political Affairs, who also had been invited to attend the emergency session. U.S. Ambassador Rice, acting as the President of the Council for December, arrived at around 11:20 a.m.

It is reported that the Security Council members held bilateral meetings and closed consultations. They took a short lunch break. A closed meeting of the Security Council was held toward the end of the emergency session. During the emergency meeting, the representatives of the ROK and DPRK each presented their view of the conflict.

Little actual information was provided to journalists waiting in the press stakeout area about what was happening. The emergency meeting came to a close, approximately eight hours after it had begun. Then Ambassador Churkin came to the press stakeout to report to journalists. He said the draft press statement the Russian Federation had proposed had been revised at least twice, but still did not achieve the unanimous agreement needed to issue it as a document from the Council.

In its proposed draft press statement, the Russian Federation urged the two Koreas to show restraint in their actions. Also the draft proposed that Secretary-General Ban Ki-moon appoint an envoy to help the two Koreas peacefully resolve the problems causing the current crisis. The blog “Turtle Bay” reported obtaining a copy of the original Russian Federation draft statement. The following is a quote from the posted statement which urged the parties to deescalate the tension:<sup>4</sup>

The Members of the Security Council called upon all parties concerned to exercise maximum restraint and to avoid any steps which could cause a further escalation of tension in the Korean peninsula and the entire region.

The Members of the Security Council stressed the need to undertake efforts to

ensure a de-escalation of tension in the relations between the Republic of Korea and the Democratic People's Republic of Korea, resumption of dialogue and resolution of all problems dividing them exclusively through peaceful diplomatic means.

In response to objections raised by some of the Council members to his draft press statement, Ambassador Churkin told journalists he had revised the statement. The Inner City Press blog reported that in one of the revised drafts, Ambassador Churkin, the Chinese representative, and others on the Security Council had agreed to wording that said that the members of the Security Council "condemned the shelling" of November 23, 2010.<sup>5</sup> The draft did not attribute blame for the shelling, reflecting the fact that both sides had done shelling.

The Council, however, was not able to come to an agreement on the text. Ambassador Churkin expressed his regret that the emergency meeting had not been called on Saturday afternoon as he had requested. He felt that would have provided more time for Council members to work out wording they could all agree on.

In response to a question to him from a journalist about the danger of what was happening on the Korean Peninsula, Ambassador Churkin responded:<sup>6</sup>

As you know, I don't even want to go into the general subject.... I know it's very complicated. This area has very complicated geography, very complicated geopolitical history if you will.

Stressing the particular assessment of the situation, Ambassador Churkin told journalists: I don't even want to go into the general issue of whether or not it is prudent to conduct military exercises in a disputed area, but we know it is better to refrain from doing this exercise at this time. That is why we asked the Republic of Korea to refrain from conducting this exercise at this particular time.

Also Ambassador Churkin explained that there appeared to have been general agreement among council members for his proposal that the Secretary-General appoint an envoy to work with the two Koreas and other concerned countries to negotiate a means to settle the disputes causing the crisis situation. He stressed the importance of appointing an envoy, especially since some of the parties were not

willing to go back to the six party talks. There was, he felt, no other means for a diplomatic process to be implemented, "no game plan."

Despite the fact that the Council had not been able to agree on a press statement, which also would have made it possible to support the appointment of an envoy, Ambassador Churkin expressed his hope that the Secretary-General would go ahead and appoint such an envoy.

Also he expressed his hope that the effect of the Security Council consultations and meeting, even though they hadn't made it possible to reach an agreement on a press statement, would help to lessen the tension in the region.

A little while later, Ambassador Rice came to the stakeout. Though she held the rotating presidency of the Security Council for December 2010, she spoke only in her national capacity presenting the views of the U.S. on the issue. She supported South Korea's planned military exercise firing into the contested waters off Yeonpyeong Island as "South Korea's legal right to self-defense."<sup>7</sup> She said that the U.S. insisted on a "clear-cut condemnation of the November 23 attack by DPRK on the ROK," but she acknowledged that there was no "unanimity on that point" among members of the Security Council.

When Ambassador Rice was asked about the proposal to ask the Secretary-General to appoint an envoy, she responded:

I think there would have been probably room for agreement in some form of recommendation that the Secretary-General consider what he might be able to do in his good offices capacity.<sup>8</sup>

The next day, Monday, December 20, Wang Min, the Chinese Deputy Permanent Representative spoke to the press at a stakeout. He said, "Yesterday, China supported Russia's proposal to call for an urgent meeting of the Security Council (on) the situation in the Korean Peninsula."

He characterized the meeting as, "positive and of great importance."<sup>9</sup>

Also on Monday, South Korea held a short military exercise near the Northern Limit Line (NLL). Though the Russian Ambassador had requested that South Korea refrain from holding this exercise at this tense time, South Korea went ahead and again fired shells into the contested waters off of Yeonpyeong Island. But it appeared that South Korean shelling was more moderate than had been expected. They

only fired for 90 minutes.

North Korea refrained from responding militarily.<sup>10</sup>

On Tuesday, December 21 at an informal meeting of the Security Council, Deputy Permanent Representative Wang expressed his assessment of the dangerous nature of the situation that had developed on the Korean Peninsula. He said that the tension on the Korean Peninsula between the North and South had been very high one “especially in the past two days, it came close to fighting a war.”<sup>11</sup>

Despite the fact that the Security Council did not issue a press statement, or a request that the Secretary-General appoint an envoy, the actions by Ambassador Churkin on behalf of the Russian Federation and of the Security Council succeeded in bringing international public attention to the nature of the dispute and the need for a peaceful resolution of the crisis situation on the Korean Peninsula.

Ambassador Churkin had taken the initiative to request an emergency meeting of the Security Council and to ask South Korea to refrain from its planned firing drill in the contested waters surrounding Yeonpyeong Island, and to ask North Korea to refrain from responding militarily.

Both the Chinese and Russian foreign ministries had sent representatives to both North Korea and South Korea to urge them to settle their disputes peacefully via dialogue. Also some of the Chinese news media commentary on the crisis situation, even some which appeared in English language publications, were critical of the provocative actions taken by South Korea. They also criticized the U.S. government for undertaking and encouraging military exercises in that tense area.<sup>12</sup>

As Ambassador Churkin told journalists after the December 19 Security Council meeting, “I would like to think that this meeting of the Council will have an impact on the situation.”

Looking at the subsequent events, it appears that the December 19 Security Council emergency session helped to calm the escalating tension on the Korean Peninsula, at least temporarily.

What is significant in the treatment of the Yeonpyeong situation by the Security Council, is that an emergency meeting was held which both North Korea and South Korea were invited to participate in and to present their views. Also they were able to hear the views of the members of the Security Council on the situation.

Also, after the session, the Russian Ambassador made a statement to the press condemning the actions in contested waters at a time of great tension. His remarks to the press helped to bring international attention to the inappropriate nature of the planned drills by South Korea at a time marked by great tension.

### III – Cheonan Incident Brought to the Security Council

In order to be able to put the December 19, 2010 meeting of the Security Council into a broader perspective, it is helpful to look back at how the Security Council handled the Cheonan incident, when it was brought to the Security Council in June 2010.

On March 26, 2010, the ROK warship Cheonan broke in two and sank with the loss of 46 sailors in the West Sea off the coast of North Korea. In early June, South Korea brought its claim that North Korea was responsible for the sinking to the UN Security Council.

Though unusual for the Security Council, a process was used that made it possible for Council member states to consider the claim of South Korea, but also to hear North Korea’s response.<sup>13</sup> Mexico’s Ambassador to the UN, Claude Heller, as the President of the Security Council for the month of June in 2010, invited both North Korea and South Korea to present their positions in two separate informal sessions held with the 15 members on the Security Council. These sessions, called “interactive sessions,” were off the record, but provided a means for Security Council members to hear two different sets of views on the issue.

After the two interactive sessions, a journalist asked Ambassador Heller for his view on which of the two presentations appeared more convincing.<sup>14</sup> Ambassador Heller responded, “I’m not a judge. I think we will go on with the consultations to deal in a proper manner on the issue.” What was surprising was that the Ambassador did not rush to make a judgment, but instead saw himself as responsible for providing a fair and impartial process for each of the two parties to be heard and for their views to be considered. In his treatment of the Cheonan issue, Ambassador Heller continued with what he called a “balanced process.” By the end of the month, however, no decision had been reached by council members on the wording for a presidential statement on



the issue.

The stumbling block, Ambassador Heller told reporters at a stakeout at the end of his month-long presidency, was the disagreement over how Council members viewed the findings of the investigation of the Cheonan incident by the Joint Civilian-Military Investigation Group (JIG) established by the South Korean government. Also the Russian Federation had sent a team of experts to South Korea to examine the evidence cited in the JIG's report. The team did not accept the JIG's conclusions.<sup>15</sup>

The Security Council was faced with different views among the permanent members of the Security Council. The U.S. backed the findings of the JIG's investigation, in which it participated. The Russian Federation and China did not accept the findings. How was this disagreement to be handled? An article by the Mexican news service (Notimex) explains that at the end of his month long Security Council presidency, Ambassador Heller prepared a summary of the two sets of views in an unofficial document.<sup>16</sup>

This document set the basis for a presidential statement to be issued in July after the rotating Security Council presidency passed from the Mexican Ambassador to the Nigerian Ambassador.

The Security Council Presidential statement on the Cheonan issued on July 9, 2010 was different from other recent Security Council statements.<sup>17</sup> It presented both sides of the controversy, South Korea's accusation and North Korea's denial of the accusation. Then it urged the two Koreas to settle their disputes peacefully by negotiation. That is in sharp contrast with the almost universal condemnation of North Korea in several previous and subsequent Security Council actions.

#### IV – Security Council as a Countervailing Force

The Security Council's treatment of the Cheonan incident and the December 19 Security Council Emergency meeting on the increased tension over the Yeonpyeong situation demonstrate that nations other than the two Koreas, were able to play a constructive role in determining how the situation would be handled.

In the Yeonpyeong situation, the Russian Federation played a prominent role acting to intervene by calling for an emergency Security Council meeting to help to calm the tension. Much of the mainstream

western media, however, focused on other framings of the situation despite the effectiveness of the Security Council activity. The narrative in the media was not that Russia and China were seeking to diminish the tension in the conflict, but instead that they were protecting their 'ally' or 'client.'

In the Cheonan situation, Mexico which held the rotating presidency of the Security Council for the month of June 2010, played a prominent role in encouraging the Security Council to create an inclusive process to hear the different views on the conflict and act on the dispute. Much of the western media, however, framed its coverage as a dispute between the U.S. and China.<sup>18</sup>

The actions of the UN Security Council in these two situations provided a countervailing force to the escalating tension resulting from the increase in military exercises by the U.S., and South Korea in the region. But if one reads almost all western media coverage of the Security Council actions on the Korean Peninsula incidents in 2010, the impression given is that the U.S. succeeded in reigniting another Cold War.

Sixty years earlier, in June 1950, the U.S. was able to use the Security Council, and later the General Assembly to legitimate its military intervention in the Korean War. In June 2010 and several months later in December 2010, the UN Security Council demonstrated that it was possible to play a moderating role to defuse tension on the Korean Peninsula. Even when the U.S. held the presidency of the Security Council in December 2010, the Russian Ambassador and others in the Security Council were able to urge North Korea and South Korea to defuse the tension.

Even though the Dec 19 meeting did not issue an official press statement, Ambassador Churkin's statement to the press at the stakeout at the end of the daylong emergency session made clear there were legitimate reasons for North Korea's concern over South Korea's planned live firing into disputed waters. The result of both the emergency meeting and the draft press statement Churkin had proposed earlier was to draw international attention to the dispute over the Northern Limit Line (NLL) which was imposed unilaterally by the U.S. in August 1953.

Though the U.S. and South Korea had increased their military collaboration in 2010 and held an increasing number of military exercises in the region around the Korean Peninsula – the Security Council was able to act in a way that helped to challenge the

escalation of tension and encourage negotiation and the peaceful settlement of disputes.

This is in stark contrast to how the UN was used by the U.S. to help it to foster military action against North Korea and subsequently China, 60 years earlier.

In his book “The Hidden History of the Korean War,” I.F. Stone condemns the hasty Security Council actions in June 1950 siding with Sigmund Rhee in condemning North Korea. Stone writes:<sup>19</sup>

But there was also a vital interest in the maintenance of fair procedure within the United Nations. It was neither honorable nor wise for the United Nations, under pressure from an interested great power, to condemn a country for aggression without investigation and without hearing its side of the case. This was especially true when the ambassador of that power on the scene itself, and the United Nations’ own Commission, were not yet prepared to declare which side was guilty of aggression.

All too often, the absence of a fair procedure within the UN Security Council appears to be the norm. Similarly, yielding to the pressure from an interested great power to condemn another nation, without hearing its side of the case, was the norm for resolutions condemning North Korea’s rocket and nuclear developments. Considering this pattern, it is all the more important to recognize when attention is paid to hearing from the opposing sides of a conflict and providing a means for the Security Council to resist the pressure to support the demands of an interested great power.

Can the UN Security Council be a political body that helps to calm tension in the Korean Peninsula in fulfillment of its charter obligation? We can consider the Security Council’s actions in the Yeongpyeong Island and the Cheonan incident as evidence that under current world conditions this is possible, though an all too rare outcome of Security Council action.

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#### [council korean tension/](#)

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[Editor’s note: The following article first appeared on the netizenblog on July 15, 2013 at:

<http://blogs.taz.de/netizenblog/2013/07/15/out-of-the-box-diplomacy-tobuild-a-dialogue-with-north-korea/>]

## Out of the Box Diplomacy to Build a Dialogue with North Korea

by Ronda Hauben  
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It was an unusual event. On Thursday, July 11, the Asia Society presented a program about the Search for Peace with North Korea. The official title of the program was “Avoiding Apocalypse: Searching for Peace with North Korea.”<sup>1</sup> Such a title is in itself an unusual event for a program about North Korea as it stresses the desire for peace with North Korea, instead of focusing on the all too often claims of the impossibility of progress in improving the U.S.-North Korean relationship.

Former Governor of New Mexico, Bill Richardson and Ambassador Donald Gregg, former U.S.

Ambassador to the Republic of Korea, were the speakers with ABC’s Jon Williams in the role of moderator. The program did indeed stand out in the sense that the speakers made a serious effort to propose both the reasons and the possible means to build a dialogue between North Korea and the U.S.

Governor Richardson opened the program by asking the question, “How do we improve the relationship?” He argued that, “Isolating North Korea doesn’t work.” Instead, he proposed the need for what he called “out of the box diplomacy.”

One such proposal he made was the need for a special UN envoy to help find a peaceful resolution to the Korean peninsula conflicts. He recalled that the UN used to have an envoy, a Canadian, Maurice Strong. Richardson suggested that the current Secretary-General, Ban Ki-moon appoint an envoy. Richardson also considered the potential of a sports diplomacy, or something along the lines of the N.Y. Philharmonic that had been so successful a few years ago.

Richardson gave as an example of the need for serious attention to the problem of the poor relationship with North Korea, the recent experience of shutting down Kaesong, the joint Korean program which provides 50,000 jobs for North Koreans in factories owned by South Koreans. This is the first time in the history of that program that the bad relations led to the shut down of this program, he noted.

“Some creative thinking is needed,” Governor Richardson argued. Whether that be the appointment of a special envoy, or something else to be done by the UN, or something by the media, some kind of thinking has to evolve, Richardson explained. What’s happening now is not good, he concluded.

Ambassador Donald Gregg’s contributions to the program reflected a similar sense that the U.S. needed to do more to engage with the North Koreans. Gregg spoke about how Syracuse University had set up a program more than 10 years ago providing information technology training for North Koreans. Gregg was critical of the U.S. failure to recognize that the U.S. had the potential to influence the situation, instead of handcuffing “themselves” with policies like “strategic patience.”

Ambassador Gregg related how when Kim Jung Un first came on the scene, Gregg had encouraged the U.S. government to invite him to visit the U.S. This proposal, however, like others Gregg made to the U.S.

government, were not accepted by U.S. officials.

Another example described by Gregg recalled an incident in the early 1990s. Recognizing the antagonism of the North Koreans to the U.S.–South Korean military exercises each year, Ambassador Gregg had gotten the Pentagon to cancel the exercises one year. This was welcomed by the North Koreans and provided an opening for talks. Instead, however, without consulting Ambassador Gregg, the then U.S. Secretary of Defense, Dick Cheney got the military exercises put back. The result was that North Korea threw out the IAEA inspectors and a crisis developed. Describing this experience, the U.S. State Department country director for Korea at the time, Charles Kartman commented, “People were looking for clubs not solutions.”

In response to a question about the nuclear umbrella that the U.S. provides to protect South Korea and Japan, Gregg related an incident where North Koreans suggested that they be included under the U.S. nuclear umbrella as a means for them not to feel the need to have their own nuclear program. Ambassador Gregg proposed that there is a need for an understanding to develop between the U.S. and North Korea and that such an understanding can only come as a result of contact.

Governor Richardson proposed that new players were needed who could help develop a relationship between the U.S. and North Korea. He answered positively to a question from the audience about whether ASEAN might be able to play a bigger role. In general, Richardson advocated that the those from the region be a source of help in opening up the relationship with North Korea.

A video of the July 11 program has been put online at the Asia Society. The title is “Searching for Peace with North Korea.”<sup>2</sup>

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[Editor’s note: The following article first appeared on

the netizenblog on Oct 5, 2016 at:

<http://blogs.taz.de/netizenblog/2016/10/05/women-seeking-to-participate-in-peace-treaty-process/>

## Women Peace Activists Ask Ban Ki-moon to Initiate a Process for a Peace Treaty to End Korean War

by Ronda Hauben  
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On Tuesday, September 27, 2016, women peace activists held a press conference at the Interchurch Center across from the United Nations Headquarters building in N.Y.C. They announced that they had delivered a letter signed by more than 100 women asking UN Secretary-General Ban Ki-moon to initiate a peace process which will lead to a peace treaty between the U.S. and the DPRK by 2020.

They explained that with 100 days left before the Secretary-General completes his second five year term at the head of the UN Secretariat, he has an obligation to fulfill on a promise he made in a speech in 2007 where he stated:

Beyond a peaceful resolution of the nuclear issue with North Korea, we should aim to establish a peace mechanism, through transition from armistice to a permanent peace regimen.

In their letter the peace activists reminded the UN Secretary-General, “We look to you to leave behind a legacy of diplomacy for peace in Korea, Northeast Asia and the World.”

In the past few weeks, journalists who are part of the UN press corps have asked the Secretary-General if he has any intention of using his little time left as Secretary-General to do something to work toward a peaceful resolution of the tension on the Korean Peninsula. Secretary-General Ban Ki-moon’s last term in office will expire on December 31, 2016.

In response to the questions posed by these reporters, the Secretary-General replied that he has no special plans.

It is to the credit of these women peace activists that they continue to call on the Secretary-General to fulfill on the obligation of his office to work to lessen the tension on the Korean Peninsula. But whether their efforts will lead to any action on the part of the

Secretary-General or not does not detract from the importance of such efforts on the part of journalists and peace activists.

The peace activists holding the press conference pointed out that currently tensions are especially high on the Korean Peninsula. The combination of military exercises by U.S. and South Korea, the U.S. bringing B1 bombers to South Korea, and the North Korean nuclear tests leave the situation on the Korean Peninsula as one with no obvious means of lessening the tension.

During the press conference, one of the speakers, Suzy Kim, described a meeting held by the peace activists in February 2016 in Bali, Indonesia.

The International peace activists group Women Cross the DMZ (WCDMZ) had invited a South Korean women peace delegation and a North Korean women peace delegation to meet with them to discuss how to work toward the signing of a peace treaty between the U.S. government and the North Korean government that would end the Korean War. In order to make the arrangements for their meeting, there was a need to get permissions from the South Korean government and the North Korean government for the women from their respective countries to meet with each other. While the delegation of WCDMZ peace activists got the needed permission from the North Korean government for the proposed meeting, the South Korean government would not approve such a meeting. Therefore, the international peace activists decided to hold separate meetings with the North Korean women and the South Korean women.

The WOMENCROSSDMZ.org web site includes a summary which describes the Bali meetings and includes a statement of principles created by the North Korean women and the international peace activists. Following is the statement:

#### MEETING AGREEMENT

Bali Indonesia, February 10, 2016

(Between WCDMZ International Delegation and DPRK Delegation)

1. We will make active efforts for public education and awareness raising regarding the situation on the Korean Peninsula, and the need for an end to military action that further aggravates the situation.
2. We will work together as Korean and international women, in efforts to improve inter-Korean relations and achieve peace-

ful reunification of Korea, in the spirit of prior inter – Korean agreements such as the June 15 North and South Joint Declaration, 2000.

3. We will carry out work toward the achievement of lasting peace and stability on the Korean Peninsula. This includes the removal of various political and physical hindrances to peace and reunification, replacement of the Armistice Agreement with a peace treaty, and the eventual denuclearization of the Korean Peninsula and the entire world.

4. We will promote women’s leadership at all levels of peacebuilding, including preventing armed conflict and participating in peace negotiations. International women will actively work to urge each government to support women’s involvement in the Korean peace process, as provided for in UN Security Council Resolution 1325.

Such a statement provides a guide for a transnational peace building campaign. The statement is an expression of the need for peace negotiations toward replacing the Korean War Armistice Agreement with a peace treaty and the eventual denuclearization of the Korean Peninsula and the rest of the world.

The summary of the February Bali meeting offers a demonstration of the value of including women in line with UN Security Council Resolution 1325 in peace negotiations for the Korean Peninsula.

The importance of implementing UN Resolution 1325 in the conflict on the Korean Peninsula was also raised at an October 3, 2016 press conference at the UN marking the Russian Federation assuming the October 2016 rotating presidency of the UN Security Council. On the agenda for the October 2016 schedule is a UN Security Council meeting on October 25 which will be an open debate on UNSC Resolution 1325.

A question raised by a journalist and the response from Ambassador Vitaly Churkin at the October 3 press conference helps to support the need for women peace activists to be part of the peace process in difficult conflict situations like the Korean conflict.

Following is the slightly edited transcript of this question and Ambassador Churkin’s response:

(Journalist): “Yes, I have a question about

(Security Council Resolution-ed) 1325. There are women, international women peace activists who went from North Korea and South Korea, and met with women in both countries. And now they sent a letter to Ban Ki-moon asking him for a process towards a peace treaty (between the U.S. and North Korea-ed) and also to involve women in the process. And here we have the situation with North Korea where the Security Council has not made any progress. And they (the international peace activists-ed) are saying we need women involved in doing this, women working for peace.

Is there any way you see of doing this, any way you see to have 1325 actually implemented so you get some help toward having a peace development?"

Response from Ambassador Churkin:

(Ambassador Churkin): "Well, You know what we believe is that, this is an extremely difficult situation. And the cycle of action and counter action which we have seen in the past few years, actually since 2005 when this deal of September 19 fell through, it is not working.

So we do believe we need to try some creative thinking. We don't have some specific immediate proposals, but certainly, DPRK testing and then U.S. and others conducting some higher level military maneuvers there, you know, beefing up their military presence, that does not help at all.

In that creative thinking, it may well be the greater involvement of women could be one of the elements that might move the situation forward."<sup>1</sup>

By recognizing the need for and importance of contributions for the peace process mandated by UNSC Resolution 1325, Secretary-General Ban Ki-moon would do well to favorably respond to the letter from the international women peace activists.

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#### Note

1. See webcast for Oct 3, 2016 press conference with Ambassador Churkin: <http://webtv.un.org/media/watch/ambassador-vitaly-churkin-of-the-russian-federation-president-of-the-security-council-of-october-2016-press-conference/5153898747001> (at 33:08-33:58, and 33:59-34:42)

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# The Media War at the UN and the DPRK Why Netizen Journalism Matters

## Notes for a Talk\*

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[Author's note: The following are slightly edited Notes prepared for a talk presented at Stony Brook University on December 4, 2013. The talk was part of a series of talks in fall 2013 sponsored by the Center for Korean Studies at Stony Brook focusing on North Korea. The talk was presented with slides which are available at the website given at the end of these Notes. Comments are welcome.]

### I – Preface

I am honored to be here today and to give this talk as part of the series of talks on North Korea.

In October of 2006, I began covering the United Nations first as a journalist for the English edition of the South Korean online newspaper *OhmyNews International*. When *OhmyNews* ended its English edition in 2010, I became a correspondent covering the UN for an English language blog <http://blogs.taz.de/netizenblog> at the website of the German newspaper *Die Tageszeitung*. Both *OhmyNews International* and my blog at the taz.de website are online publications.

With Michael Hauben, I am a coauthor of the book *Netizens: On the History and Impact of Usenet and the Internet*. The book was first published online in January 1994. On May 1, 1997, the print edition of the book *Netizens* was published in English. Later that year, in October, a Japanese translation was published. *Netizens* was the first book to recognize that along with the development of the internet, a new form of citizenship, called netizenship had emerged. This is a form of citizenship that has developed based on the broader forms of political participation made possible by the Net (i.e., the internet).

I want to share some of the background about the origin, use and impact of the netizen concept and its relation to what I call netizen journalism before presenting two case studies of how netizen journalism has affected the media war at the UN.

## II – Introduction

While now many people are interested in the impact of the internet on society, pioneering research was done by my coauthor Michael Hauben in the early 1990s when the internet was first beginning to spread and to connect people around the world.

In his research, Hauben recognized that there were people who appreciated the communication the internet made possible and that these people worked to spread the Net and to do what they felt needed for it to help to create a better world. Taking the common network term, “net.citizen” used online at the time, Hauben proposed that these people who worked to contribute to the Net and the bigger world it was part of were “netizens.”

In an article he wrote on the impact of the Net on journalism, Hauben recognized that many people online were frustrated with the mainstream media and that the netizens would be creating a broader and more widespread media.

Hauben recognized in the early 1990s that “the collective body of people assisted by (the Net)...has grown larger than any individual newspaper...” I want to look at two news events about North Korea and the UN in the context of this prediction. Then I will consider the implication of these case studies for the kind of journalism about North Korea that I propose netizens and the internet are making possible.

## III – Korea

In February of 2003 I was glancing at the front page summaries of the articles in an issue of the *Financial Times*. I saw a surprising headline for an article continued later in the issue. The article said that in 2002 netizens in South Korea had elected the president of the country, Roh Moo-hyun. He had just taken office on February 25, 2003. The new president had even promised that the internet would be influential in the form of government he established. Also I learned that an online Korean newspaper called *OhmyNews* had been important making these developments possible. Colleagues encouraged me to get in contact with *OhmyNews* and to learn more about the netizens activities in South Korea and about *OhmyNews*.

I was able to get in contact with *OhmyNews*. I began to submit articles to it. They would be printed along with a few other English language articles others were submitting. By 2004 *OhmyNews* began an

English language online edition called *OhmyNews International*. I began to write for it. I soon became the first woman columnist for the English edition.

I subsequently learned that both South Korea and China are places where the role of netizens is important in building more democratic structures for society. I began to pay attention to both of these netizen developments. South Korea, for example, has been an advanced model of grassroots efforts to create examples of netizen forms for a more participatory decision making processes. I wrote several research papers documenting the achievements and activities of Korean netizens.

## IV – Reporting on the UN

By October 2006, the second five-year term for Kofi Annan as the Secretary-General of the United Nations was soon to end. One of the main contenders to become the 8<sup>th</sup> Secretary-General of the UN was the Foreign Minister of South Korea, Ban Ki-moon.

I had covered one previous United Nations event which I had found of great interest. That event was the World Summit on the Information Society (WSIS) which encouraged access to the internet for everyone. The event took place in Tunis, Tunisia in November 2005. Also I had watched with interest some of the press reports of the speeches made by heads of state at the 2006 opening of the General Assembly session. These events gave me the sense that it probably would be interesting to go to the UN and cover the activities for *OhmyNews* if the new Secretary-General would be Ban Ki-moon, the Korean candidate.

On October 9, 2006, Ban Ki-moon won the Security Council nomination. This nomination was to be approved by the General Assembly on October 13.

I thought this would be a historic event for South Korea.

By 2006, I was writing regularly as a featured columnist for *OhmyNews International (OMNI)*.

I asked the Editor of *OhmyNews International* if I could get a letter for a press credential to cover the UN for *OMNI*. He agreed and I was able to get my credential in time to go to the General Assembly meeting when the General Assembly voted to accept the Security Council’s nomination of Ban Ki-moon.

I was surprised that some of the speeches welcoming Ban Ki-moon as the Secretary-General elect were meaningful speeches referring to actual problems at the UN such as the need for reform of the

Security Council. Conversely, the U.S. Ambassador to the UN, John Bolton, made no pretense to hide both his welcoming of Ban and his dissatisfaction with Kofi Annan, the outgoing Secretary-General who had condemned the U.S. invasion of Iraq. A significant focus of the comments to the new Secretary-General from member states emphasized the importance of communication at the UN, that it was critical for the incoming Secretary-General to listen to all states and to hear their views.

It was a thrill to be at the UN witnessing the vote for a new Secretary-General who was from South Korea. I wondered if the internet would be able to have any impact on the new Secretary-General and on what happened at the United Nations, since the internet had been able to make it possible for netizens in South Korea to impact politics.

The very next day after Ban Ki-moon's nomination was approved by the General Assembly, the Security Council took up to condemn the recent nuclear test by North Korea. This had been North Korea's first nuclear test. The Security Council imposed sanctions on North Korea, not giving the North Korean Ambassador to the UN, Pak Gil Yon, a chance to respond until after the sanctions had been voted on. When the North Korean Ambassador responded, he referred among other issues, to financial sanctions that the U.S. had imposed on North Korea. No one in the Security Council asked him what he was referring to or how this affected the issues the Security Council had acted on with respect to North Korea.

It impressed me that just as a diplomat from South Korea was being chosen as the new Secretary-General of the UN, at the same time sanctions were being imposed on North Korea. The Security Council acted against North Korea before hearing its views on the issue they were considering. This was in sharp contrast to the emphasis member nations had put on the importance of hearing the views of all members when member nations welcomed Ban Ki-moon to the United Nations in the meeting just one day earlier in the General Assembly.

The article I wrote for *OhmyNews International* described this situation. It explained:

The urgent problem facing the UN at this juncture in history is not whether North Korea has developed and tested a nuclear device. It is the breakdown reflected by the lack of participation and investigation

by the international community into how a crisis will be handled once it develops, and whether the concerns and problems of those involved in the crisis will be considered as part of the process of seeking a solution. It is how the UN functions when tensions reach a point where serious attention is needed to help to understand and solve a problem. (Quoted from "The Problem Facing the UN," *OhmyNews International*, October 17, 2006).<sup>1</sup>

In general when at the UN, I paid attention to Security Council developments, particularly with regard to the meetings imposing sanctions on North Korea and also on Iran. Also, I particularly followed the meetings of the Security Council and the General Assembly when Security Council reform was being discussed.

## V – Some Mainstream Media Created a Story

Soon after Ban Ki-moon took office as Secretary-General at the beginning of January 2007, a story appeared in the *Wall Street Journal (WSJ)* accusing North Korea of using UN funds from the United Nations Development Program (UNDP) for its nuclear program. An editorial in the January 19 issue of the *WSJ* by Melanie Kirkpatrick had the headline: "United Nations Dictators."

No evidence was presented in the *WSJ*, just accusations. This situation was reminiscent of how the *WSJ* and some other mainstream media had accused the former Secretary-General, Kofi Annan, of misusing UN funds in Iraq, and how this had mushroomed into what had come to be known as the "Food for Oil" scandal.

The significance of this story for me, was to see that some of the mainstream media were active creating stories and accusations with no real evidence, while only very few media appeared to be investigating the actual underlying issues that had led the North Korean government to carry out its first nuclear test.

## VI – The Six-Party Talks and the Banco Delta Asia Story

In January 2007 there were reports in the press about a meeting that had taken place in Berlin between Christopher Hill, the Assistant Secretary-of State for the U.S. and Kim Kye-gwan, the Deputy



Foreign Minister of North Korea.

Around this time I learned some of the background behind what had led to North Korea carrying out its first nuclear test. An agreement had been reached on September 19, 2005 between the six parties to talks about the denuclearization of the Korean peninsula. The six parties were North Korea, South Korea, the U.S., Japan, Russia and China. Shortly after the agreement was signed in Sept. 2005, the U.S. Treasury Department announced that it was freezing the assets of the Banco Delta Asia (BDA) a bank in Macao, China, which held \$25 million of North Korean funds.

The result of this action was that North Korea lost access to \$25 million of its bank funds, and also to the use of the international banking system. North Korea's response was to leave the six-party talks to protest this action which it considered hostile and politically motivated.

North Korea was encouraged by some parties to the six-party talks to have bilateral negotiations with the U.S. over the financial sanctions. The U.S., however, refused to negotiate. Unable to find a way to negotiate with the U.S. over this situation, North Korea, in July 2006, tested a missile. The response of the UN Security Council was to condemn North Korea by passing UN Resolution 1695 but not to investigate what the problem was that led North Korea to carry out a missile test.

Then on October 9, 2006, North Korea carried out its first nuclear test. Once again the Security Council failed to investigate what was behind this action. Instead the Security Council passed Resolution 1718 imposing more sanctions on North Korea.

Only after this nuclear test did the U.S. demonstrate a willingness to negotiate with the DPRK over the financial sanctions imposed on Banco Delta Asia.

On January 16 and 17, 2007, Christopher Hill and Kim Kye-gwan held talks in Berlin and came to an agreement. Though not officially announced, it was believed that they agreed that the \$25 million being held in the Macau BDA, along with access to the international banking system would be restored to North Korea. In exchange North Korea would return to the six-party talks. The Berlin meeting appeared to break the deadlock and the six-party talks were held again starting on February 8, 2007. Another agreement was announced five days later on February 13, 2007.

Then on March 5 and 6, Hill and Kim held

bilateral talks in New York City. Despite the agreement reached in Berlin, however, the U.S. Treasury Department issued a finding on March 19 against the BDA under Section 311 of the U.S. Patriot Act. This move again deadlocked the six-party talks, even as the delegates arrived for the talks in Beijing.

The deadlock continued for the next few months, with much of the mainstream U.S. press blaming North Korea for continuing to insist that its \$25 million be returned via a banking transaction, before it would agree to any further steps in the six-party talks. The North Korean delegate said he understood that the agreement in Berlin with Christopher Hill had provided for the return of the \$25 million from the BDA as a money transfer via the international banking system.

The U.S. Treasury Department officials claimed that their decision against the BDA left it up to the bank to return the funds. The decision against the bank, however, meant that it had no means to return the funds as a money transfer as the Section 311 finding against the bank meant that it lost access to the international banking system.

During this period, there were rumors that a bank in China had been asked by the U.S. State Department to make the transfer. The bank allegedly considered the request. Eventually, however, the bank refused based on its fear that it too would be frozen out of the international banking system by the U.S. Treasury Department, as the BDA had been, if it offered to help make the transfer of funds back to North Korea.

The McClatchy Newspaper Company, in a way that is different from much of the rest of the mainstream U.S. media, carried articles which helped to investigate the issues underlying this dispute between the U.S. and North Korea. Other banks in Macau, an article in the McClatchy Newspapers explained, had played a similar role with regard to North Korea, helping North Korea to sell its gold, but only the BDA had been singled out for sanctions. The article suggested that the U.S. Treasury Department's actions were not based on actual criminal activity by the bank or by North Korea, but instead were motivated by a political objective.

One of the McClatchy newspaper articles described some documents that the newspaper had acquired including the BDA's complaint challenging the U.S. Treasury Department decision against the bank. Also, the McClatchy newspaper article referred

to a statement filed by the owner of the BDA to protest the Treasury Department action.

I tried to find a way to get copies of the documents. I tried to contact the law firm and even wrote to the McClatchy reporter, but none of these efforts succeeded.

I did, however, find on the internet a copy of the Patriot Act and read Section 311, the section being used against the bank. I was able to see that the section of the law was such that the U.S. government did not have to present any proof for its actions.

In March 2007, I did a story titled "North Korea's \$25 Million and Banco Delta Asia," documenting how the use of Section 311 of the Patriot Act against the bank was a political act, rather than a criminal determination. The U.S. Treasury Department did not have to provide any evidence and acted as the accuser and judge in the case. Even though there had been an agreement between the U.S. and North Korea to return the \$25 million to North Korea, nothing happened.

The stalemate continued.

In May 2007, I covered the 50<sup>th</sup> Anniversary dinner celebration of the New York City based Korea Society. Chris Hill gave a short talk as part of the program. He indicated that he would persevere until a means was found to break the impasse over the \$25 million so as to make it possible for the six-party talks to continue.

Several journalists covered the event for other South Korean publications. They were particularly interested in what Hill said, but Hill's talk in itself did not seem to represent a newsworthy event.

In the next few days, however, it appeared that an important story was developing. An article by Kevin Hall titled, "Bank Owner Disputes Money-Laundering Allegations," published by the McClatchy Newspaper Company said that the blog "China Matters" had published links to some documents refuting the Treasury Department's charges against the bank.

"China Matters" is a blog about U.S.-China policy. The links that the blog made available included to an appeal submitted by the lawyer for Banco Delta Asia to an administrative hearing at the Treasury Department and to a statement by the owner of the Bank in Macao, Stanley Au.

I now had the documents in the case. The U.S. government's findings were general statements providing no specific evidence of wrongdoing on the part of the bank. The bank's statements and refutation

gave significant documentation refuting charges of illegal activity on the part of the bank. The refutation also made the case that there was political motive for the U.S. government's allegations rather than actual illegal activity on the part of the bank.

Also the blogger at China Matters who uses the pseudonym China Hand or Peter Lee posted some of the Congressional testimony by David Asher, a former U.S. government official who had helped to plan and enforce the U.S. Treasury Department sanctions against the Banco Delta Asia.

Asher explained that the U.S. government had targeted a small Macau bank in order to scare the banks in China. "To kill the chicken to scare the monkeys," the ex-government official explained, quoting an old Chinese proverb in his testimony in a U.S. Congressional hearing.

I wanted to verify the testimony of Asher and understand its implications, so I searched online and found an earlier government document from November 2006. Asher had testified in a similar vein at a Congressional hearing titled "China's Proliferation to North Korea and Iran, and Its Role in Addressing the Nuclear and Missile Situations in Both Countries," on September 14, 2006. The document I found was the transcript of that hearing.

The hearing was held by a special Congressional Commission about the U.S. China relationship which held hearings semi annually.

What was most surprising in this document, however, was the explanation that the Banco Delta Asia sanctions were an issue that was only secondarily aimed at North Korea. The primary issue that was of interest to the U.S. government officials involved in the Commission Hearing was what was China's foreign policy and how closely did China's behavior match the foreign policy goals set out by the U.S.

In the discussion at the September 2006 hearing about the Banco Delta Asia, David Asher described the political objectives of the action. Speaking about China, Asher said:

They get the message on the financial angle...there's an old saying in Chinese, 'You kill the chicken to scare the monkeys.' We didn't go out and cite a multitude of Chinese financial institutions that have been publicly identified as working with North Korea over the years.... We did need to designate one small one

though, and that one small one sent a message to all the others, that they had to get in line, and it was timed to coincide with other information that we were making public.... I think they got the message.... We need to try to align our financial and economic interests. I do think, though the use of some pressure, including veiled pressure is effective. (Hearing before the U.S.-China Economic and Security Review Commission, 2006, p. 115-116.)<sup>2</sup>

The Commission hearing clarified that the purpose of freezing North Korean funds in the Banco Delta Asia was not about stopping criminal activity by that bank or by North Korea, as there was never any evidence presented of any such activity. Instead it was an act with a political objective which was to pressure China to act in conformity with U.S. policy goals in general and in its actions toward North Korea in particular.

At last I had the news peg for an important story. I wrote the article, "Behind the Blacklisting of Banco Delta Asia: Is the Policy Aimed at Targeting China as Well as North Korea?" submitting it around 5:00 a.m. my time to *OhmyNews International*. By noon the next day, my story appeared. That was on May 18.

Also on May 18, the *Wall Street Journal* carried an Op Ed by the former U.S. Ambassador to the UN, John Bolton. The article scolded the U.S. government for negotiating to return the \$25 million to North Korea

In late May I was an invited speaker at the International Communications Association (ICA 2007) conference in San Francisco. I summed up my experience writing for *OhmyNews International*, particularly describing the BDA story and the helpful role of online media in making it possible to present an alternative narrative as opposed to that of the mainstream U.S. media about the situation.

## VII – Voice of America News Service

Little did I realize when I gave my talk in San Francisco, however, that my experience with this story was not ending, but actually a new episode was beginning.

A short time later, on June 11, I received a surprising e-mail message. The message was from a reporter who said she worked for Voice of America

News Korea (VOA News Korean Service). VOA is an official U.S. government news broadcasting service.<sup>3</sup>

She began:

"Hello Ms. Hauben."

She introduced herself as a reporter with the Korean Service of the Voice of America News in Washington, D.C.

Her e-mail continued:

While I was working on a story about BDA issue, I read your report, 'Behind the Blacklisting of Banco Delta Asia.' I thought you made some valuable points about the BDA issue in this report, I was wondering if I could have a conversation with you in this matter. Since I am on a deadline, I'm trying very hard to get a hold of you. So I would really appreciate it if you call or e-mail me back ASAP.

She gave her phone number.

I wondered if it was advisable to speak with her as VOA News has a reputation of being a promoter of U.S. government policy, rather than a news service seeking the facts. I asked my editors at *OhmyNews International* and I also spoke with a Korean journalist I know who covers stories at the UN for another Korean newspaper. They all encouraged me to speak with her.

I called her as she had asked. She said she wanted to interview me by phone. I asked her to let me know what she would want to speak with me about. She sent me an e-mail message elaborating.

Her message explained:

The purpose of this interview is to let our listeners know what is going on regarding the BDA issue and how the BDA issue is developing.

When I read your article, I thought you made valuable and critical points about the BDA issue, and I thought it might be very important to let your idea about the BDA issue be heard by our listeners.

She listed questions she would ask me in the interview. They were:

1. How you came up with the idea of writing this article. How you prepared it. About your sources.
2. Briefly summarize your findings or main points of the article.
3. What you are trying to accomplish by writing this article? What needs to be

done to resolve the BDA issue?

“Finally,” she wrote, “I wanted to ask you if we could do this interview sometime between 9:00 a.m. and 9:30 a.m.... Thanks again,” she ended the e-mail message.

She called at the arranged time.

She told me her listeners were in North Korea. I was surprised that a reporter for a U.S. government media would offer to do a story about the hidden political objectives of U.S. policy against North Korea which were being camouflaged by false criminal accusations against North Korea.

We had a half hour telephone conversation discussing my stories, the sources I had used and the problem represented by the American government freezing the BDA funds. She also asked for the URLs to follow up on the sources I had cited. These were basically material I had found on the internet, including several government documents, and copies of the legal documents submitted by the bank owner to appeal the U.S. Treasury Department ruling against the bank.

The VOA News reporter said she was interested in contacting former U.S. government officials like David Asher who was responsible for crafting the plan to freeze North Korea’s bank account assets. She wanted to ask them to respond to my article.

Just as this contact with the VOA News journalist was happening, there were news stories describing the ongoing efforts to find a solution to the roadblock that the frozen North Korean funds represented.

Soon there were reports that the Federal Reserve Bank of New York had agreed to transfer the funds from the BDA to an account held by a Russian bank for North Korea. In the following weeks, the funds transfer was done.

The VOA News reporter wrote me saying she had other stories to do and was not for now going to pursue this story any longer.

Whether the contact had any impact on the resolution of the stalemate, I can only speculate. Regardless of her motivation, however, the VOA News reporter had contacted me before the situation was resolved. At the very least, an article I had done had caught the attention of someone connected to the Voice of America News. I was given the chance to explain what I had learned about the BDA story and to explain how I understood the controversy surrounding it. So my story did indeed have more of an impact than I had understood when I gave my talk at

the ICA 2007 in San Francisco.

The experience I had with my BDA story and the encounter with the Korean News Service of the VOA News demonstrates that the internet makes it possible not only to spread an accurate narrative among the public, but also to reach officials with an interest in the issues being critiqued.

The reason I have taken the time to tell this story is that it represents for me a taste of the impact that such online journalism makes possible.

## VIII – The Phenomenon of Netizen Journalism

In the research I have been doing and the experiences I have had exploring the potential of what I call netizen journalism, the question has been raised:

What is this new form of news and what are its characteristics?

Is there something different from traditional journalism?

Is there some significant new aspect represented by netizen journalism?

Essentially I have found that there is an important research component of what I call netizen journalism. Netizen journalism, is a socially oriented journalism. As such, at times there is a need to do serious research into the background, context and political significance of conflicts. By revealing the actual forces at work, netizen journalism provides a more accurate grasp of whose interests are being served, and what is at stake in the events that make up the news.

Traditionally, the press can function as a watchdog for society by exposing the use and abuse of power. Or, the press can act to support the abuse of political power.

Netizens, whether journalists or citizens who turn to journalism to challenge problems in their society, have demonstrated in a number of instances that they are able to bring public attention to situations needing change, and exert the needed pressure for the change so that the change gets made.

If netizen journalism can provide a more accurate understanding of conflicts, it can help make more likely the peaceful resolution of these conflicts.

Also as an aside, my stories about the U.S.-BDA-North Korea-UN conflict led to my being short-listed for one of the journalism awards presented each year by the United Nations Correspondence Associa-

tion (UNCA) for the best journalism articles about the UN for 2007. While I did not get the award in 2007, I did get it the following year, in 2008.

## IX – The Cheonan – Some Background

The Cheonan conflict, which was brought to the UN in 2010, provides another interesting example how netizen journalism affected the media war and helped to make a significant contribution to a peaceful resolution of the conflict by the Security Council.

The Cheonan incident concerns a South Korean war ship which broke in two and sank on March 26, 2010. Forty-six of the crew died. At the time, the ship was involved in naval exercises with the U.S. military in an area in the West Sea/Yellow Sea between North Korea and China. This is a situation that had been the subject of much discussion on the internet.

Initially the South Korean government and the U.S. government said there was no indication that North Korea was involved. Then at a press conference on May 20, 2010, the South Korean government claimed that a torpedo fired by a North Korean submarine exploded in the water near the Cheonan, causing a pressure wave that was responsible for the sinking. Many criticisms of this scenario have been raised.

There was no direct evidence of any North Korean submarine in the vicinity of the Cheonan. Nor was there any evidence that a torpedo was actually fired causing a pressure wave phenomenon. Hence the South Korean government had no actual case that could be presented in a court of law to support its claims.

In fact, if this claim of a pressure wave were true even those involved in the investigation of the incident acknowledge that North Korea would be the first to have succeeded at using this kind of a bubble jet torpedo action in actual fighting.<sup>4</sup>

## X – The Cheonan Press Conference and the Local Election

The press conference held by the South Korean government on May 20, 2010, to announce that North Korea was responsible for the sinking of the Cheonan came, it turns out, at the start of the local election period. Many South Koreans were suspicious that the accusation was a ploy to help the ruling party candidates win in the local elections. The widespread suspicions about the government's motives led to the

ruling party losing many of the local election contests. These election results demonstrated the deep distrust among the South Korean population of the motives behind the South Korean government's accusations about North Korea's responsibility for the sinking of the Cheonan.

## XI – The Cheonan and Netizen Journalism

Netizens who live in different countries and speak different languages took up to critique the claims of the South Korean government about the cause of the sinking of the Cheonan. This netizen activity had an important effect. It appears to have acted as a catalyst affecting the actions of the UN Security Council in its treatment of the Cheonan dispute.

There were substantial analyses by non governmental organizations like Spark, PSPD, Peaceboat, and others posted on the internet in English or in Korean or in both languages. Some of these online posts were in the form of letters that were also sent to the members of the UN Security Council. At the time, I saw discussions and critiques of the Korean government's claims at American, Japanese and Chinese websites, in addition to conversation and postings about the Cheonan on South Korean websites.

One such critique included a three-part analysis by the South Korean NGO People's Solidarity for Participatory Democracy (PSPD). This analysis raised a number of questions and problems with the South Korean government's case. The PSPD document was posted widely on the internet and also sent to the President of the United Nations Security Council for distribution to those Security Council members interested and to the South Korean Mission to the UN.

While there were many blog comments about the Cheonan issue in Korean, there were also some bloggers writing in English who became active in critiquing the South Korean investigation and the role of the U.S. in the conflict.

One blogger, Scott Creighton who uses the pen name Willy Loman, or American Everyman, wrote a post titled "The Sinking of the Cheonan: We are being lied to."

The South Korean government had claimed that the diagram it displayed above the glass case containing the alleged torpedo shaft was from a North Korean weapons sales brochure which offered the

torpedo. The torpedo was identified as the CHT-02D.

In a post he titled “A Perfect Match?,” Creighton showed how there was a discrepancy between the diagram displayed by the South Korean government in the press conference, and the part of the torpedo it had on display in the glass case below the diagram. He demonstrated that the diagram did not match the part of the torpedo on display because one of the components of the torpedo shown was in the propeller section, but in the diagram, the component appeared in the shaft section. There were many comments in response to this post, including some from netizens in South Korea. Also the mainstream conservative media in South Korea carried accounts of this blogger’s critique. Three weeks later, at a news conference, a South Korean government official acknowledged that the diagram presented by the South Korean government was not of the same torpedo as the part displayed in the glass case. Instead the diagram displayed was of the PT97W torpedo, not the CHT-02D torpedo as claimed.

In a post titled “Thanks to Valuable Input” describing the significance of having documented one of the fallacies in the South Korean government’s case, Creighton writes:

(I)n the end, thanks to valuable input from dozens of concerned people all across the world... Over 100,000 viewers read that article and it was republished on dozens of sites all across the world (even translated). A South Korean MSM outlet even posted our diagram depicting the glaring discrepancies between the evidence and the drawing of the CHT-O2D torpedo, which a high-ranking military official could only refute by stating he had 40 years military experience and to his knowledge, I had none. But what I had, what we had, was literally thousands of people all across the world, scientists, military members, and just concerned investigative bloggers who were committed to the truth and who took the time to contribute to what we were doing here. ‘40 years military experience’ took a beating from ‘we the people WorldWide’ and that is the way it is supposed to be.

This is just one of a number of serious questions and challenges that were raised about the South Korean government’s scenario of the sinking of the

Cheonan.

Other influential events which helped to challenge the South Korean government’s claims were a press conference in Japan held on July 9 by two academic scientists. The two scientists presented results of experiments they had done which challenged the results of experiments the South Korean government used to support its case. These scientists also wrote to the Security Council with their findings.

Also a significant challenge to the South Korean government report was the finding of a Russian team of four sent to South Korea to look at the data from the investigation and to do an independent evaluation of it. The team of Russian navy experts visited South Korea from May 30 to June 7. The Russian team did not accept the South Korean government’s claim that a pressure wave from a torpedo caused the Cheonan to sink. Getting a leaked copy of the Russian team’s report, the *Hankyoreh* newspaper in South Korea reported that the Russian investigators determined that the ship had come in contact with the ocean floor and a propeller and shaft became entangled in a fishing net. Also the investigators thought it likely that an old underwater mine had exploded near the Cheonan adding to the factors that led to it sinking.

Such efforts along with online posts and discussions by many netizens provided a catalyst for the actions of the UN Security Council concerning the Cheonan incident.

When the UN Security Council took up the Cheonan issue in June 2010, I was surprised to learn that some of the members of the Council knew of the criticism of the South Korean government investigation blaming North Korea for sinking the ship.

## XII – The Cheonan and the UN Security Council

South Korea brought the dispute over the sinking of the Cheonan to the United Nations Security Council. The Mexican Ambassador to the UN, Claude Heller, was President of the Security Council for the month of June 2010. (The presidency rotates each month to a different Security Council member nation.) In a letter to the Security Council dated June 4, South Korea asked the Council to take up the Cheonan dispute. Park Im-kook, then the South Korean Ambassador to the UN, requested that the Security Council consider the matter of the Cheonan and respond in an appropriate manner. The letter

described the investigation into the sinking of the Cheonan carried out by South Korean government and military officials. The conclusion of the South Korean investigation was to accuse North Korea of sinking the South Korean ship.

How would the Mexican Ambassador as President of the Security Council during the month of June handle this dispute? This was a serious issue facing Ambassador Heller as he began his presidency.

Ambassador Heller adopted what he referred to as a “balanced” approach to treat both governments on the Korean peninsula in a fair and objective manner. He held bilateral meetings with each member of the Security Council which led to support for a process of informal presentations by both of the Koreas to the members of the Security Council. He arranged for the South Korean Ambassador to make an informal presentation to the members of the Security Council. Ambassador Heller also invited the North Korean Ambassador to make a separate informal presentation to the members of the Security Council. Sin Son Ho was the UN Ambassador from North Korea.

In response to the invitation from the President of the Security Council, the North Korean Ambassador to the UN sent a letter dated June 8 to the Security Council which denied the allegation that his country was to blame. His letter urged the Security Council not to be the victim of deceptive claims, as had happened with the U.S. presentation by Colin Powell on Iraq in 2003. It asked the Security Council to support his government’s call to be able to examine the evidence and to be involved in a new and more independent investigation on the sinking of the Cheonan.

In its June 8 letter to the Security Council, North Korea referred to the widespread international sentiment questioning the conclusions of the South Korean government’s investigation. The North Korean Ambassador wrote:

It would be very useful to remind ourselves of the ever-increasing international doubts and criticisms, going beyond the internal boundary of south Korea, over the ‘investigation result’ from the very moment of its release....

What Ambassador Heller called “interactive informal meetings” were held on June 14 with the South Koreans and the North Koreans in separate sessions attended by the Security Council members,

who had time to ask questions and then to discuss the presentations.

At a media stakeout on June 14, after the day’s presentations ended, Ambassador Heller said that it was important to have received the detailed presentation by South Korea and also to know and learn the arguments of North Korea. He commented that “it was very important that North Korea approached the Security Council.”

In response to a question about his view on the issues presented, he replied, “I am not a judge. I think we will go on with the consultations to deal in a proper manner on the issue.”

Ambassador Heller also explained that, “the Security Council issued a call to the parties to refrain from any act that could escalate tensions in the region, and makes an appeal to preserve peace and stability in the region.”

Though the North Korean Ambassador to the UN rarely speaks to the media, the North Korean UN delegation scheduled a press conference for Tuesday, June 15, the day following the interactive informal meeting. During the press conference, the North Korean Ambassador presented his government’s refutation of the allegations made by South Korea. Also he explained North Korea’s request to be able to send an investigation team to the site where the sinking of the Cheonan occurred. South Korea had denied the request. During its press conference, the North Korean Ambassador noted that there was widespread condemnation of the investigation in both South Korea and around the world.

The press conference held on June 15 was a lively event. Many of the journalists who attended were impressed and requested that there be future press conferences with the North Korean Ambassador.

During his presidency of the Security Council in the month of June, Ambassador Heller held meetings with the UN ambassadors from each of the two Koreas and then with Security Council members about the Cheonan issue. On the last day of his presidency, on June 30, he was asked by a reporter what was happening about the Cheonan dispute. He responded that the issue of contention was over the evaluation of the South Korean government’s investigation.

Ambassador Heller described how he introduced what he refers to as “an innovation” into the Security Council process. As the month of June ended, the

issue was not yet resolved, but the “innovation” set a basis to build on the progress that was achieved during the month of his presidency.

The “innovation” Ambassador Heller referred to, was a summary he made of the positions of each of the two Koreas on the issue, taking care to present each objectively. Heller explained that this summary was not an official document, so it did not have to be approved by the other members of the Council. This summary provided the basis for further negotiations. He believed that it had a positive impact on the process of consideration in the Council, making possible the agreement that was later to be expressed in the Presidential Statement on the Cheonan that was issued by the Security Council on July 9, 2010.

Ambassador Heller’s goal, he explained, was to “at all times be as objective as possible” so as to avoid increasing the conflict on the Korean peninsula. Such a goal is the Security Council’s obligation under the UN Charter.

In the Security Council’s July 9 Presidential Statement (PRST) on the Cheonan, what stands out is that the statement follows the pattern of presenting the views of each of the two Koreas and urging that the dispute be settled in a peaceful manner.

In the PRST, the members of the Security Council did not blame North Korea. Instead they refer to the South Korean investigation and its conclusion, expressing their “deep concern” about the “findings” of the investigation.

The PRST explains that “The Security Council takes note of the responses from other relevant parties, including the DPRK, which has stated that it had nothing to do with the incident.”

With the exception of North Korea, it is not indicated who “the other relevant parties” are. It does suggest, however, that it is likely there were some Security Council members, not just Russia and China, which did not agree with the conclusions of the South Korean investigation.

Analyzing the Presidential Statement, the Korean newspaper *Hankyoreh* noted that the statement “allows for a double interpretation and does not blame or place consequences on North Korea.” Such a possibility of a “double interpretation” allows for different interpretations.

The Security Council action on the Cheonan took place in a situation where there had been a wide-ranging international critique, especially in the online media, about the problems of the South Korean

investigation, and of the South Korean government’s failure to make public any substantial documentation of its investigation, along with its practice of harassing critics of the South Korean government claims. The Security Council action included hearing the positions of the different parties to the conflict.

The result of such efforts was something that is unusual in the process of recent Security Council activity. The Security Council process in the Cheonan issue provided for an impartial analysis of the problem and an effort to hear from those with an interest in the issue.

The effort in the Security Council was described by the Mexican Ambassador, as upholding the principles of impartiality and respectful treatment of all members toward resolving a conflict between nations in a peaceful manner. It represents an important example of the Security Council acting in conformity with its obligations as set out in the UN charter.

In the July 9, 2010 Presidential Statement, the Security Council urged that the parties to the dispute over the sinking of the Cheonan find a means to peacefully settle the dispute. The statement says:

The Security Council calls for full adherence to the Korean Armistice Agreement and encourages the settlement of outstanding issues on the Korean peninsula by peaceful means to resume direct dialogue and negotiation through appropriate channels as early as possible, with a view to avoiding conflicts and averting escalation.<sup>5</sup>

The mainstream U.S. media for the most part, chose to ignore the many critiques which have appeared. These critiques of the South Korean government’s investigation of the Cheonan sinking have appeared mainly on the internet, not only in Korean, but also in English, in Japanese, and in other languages. They present a wide-ranging challenge of the veracity and integrity of the South Korean investigation and its conclusions.

An article in the *Los Angeles Times* on July 28, 2010 noted the fact, however, that the media in the U.S. had ignored the critique of the South Korean government investigation that was being discussed online and spread around the world.

In this example, the netizen community in South Korea and internationally were able to provide an effective challenge to the misrepresentations by the South Korean government on the Cheonan.



In conclusion, I want to propose that the response of netizens to the problems raised by the investigation of the Cheonan incident is but a prelude to the potential of netizens in different countries to work together across national borders to solve the problems of our times.

### XIII – Conclusion

Describing the frustration of many netizens with the traditional media that they had to rely on before the internet, Hauben wrote:

Today, similarly, the need for a broader and more cooperative gathering and reporting of the News has helped create the new online media that is gradually supplementing traditional forms of journalism.

In an article about the power of the internet, Hauben recognized that the Net gives the power of the reporter to the netizen. This represents a diffusion of a power formerly held by the few, placing it in hands that are different from its former masters.

Speaking about the potential for such a journalism Hauben predicted, “As people continue to connect to Usenet and other discussion forums, the collective population will contribute back to the human community this new form of news.” He recognized that, “The Net has opened a channel for talking to the whole world to an even wider set of people than did the printed books.”

In one of the press conferences at the UN when Li Baodong was the Chinese Ambassador to the UN, he told the media, “You are the 16<sup>th</sup> member of the Security Council.” He was in general speaking to the traditional media. However, the case studies I have described, demonstrate the potential for the new media, the netizen media, to assume that membership.

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#### Notes

1. [http://english.ohmynews.com/articleview/article\\_view.asp?no=323351&rel\\_no=1](http://english.ohmynews.com/articleview/article_view.asp?no=323351&rel_no=1)
2. <http://origin.www.uscc.gov/sites/default/files/transcripts/9.14.06HearingTranscript.pdf>
3. Voice of America (VOA) has been a part of several U.S. government agencies. From its founding in 1942 to 1945, it was part of the Office of War Information, and then from 1945 to 1953 as a function of the State Department. VOA was placed under the U.S. Information Agency in 1953. When the USIA was abolished in 1999, VOA was placed under the Broadcasting Board of Governors, or BBG, which is an autonomous U.S. government agency, with bipartisan membership. The Secretary of State has a seat on the BBG. The BBG replaced the Board for

- International Broadcasting (BIB) that oversaw the funding and operation of Radio Free Europe/Radio Liberty, a branch of VOA. [https://en.wikipedia.org/wiki/Voice\\_of\\_America](https://en.wikipedia.org/wiki/Voice_of_America)
4. [http://english.hani.co.kr/arti/english\\_edition/e\\_national/429769.html](http://english.hani.co.kr/arti/english_edition/e_national/429769.html)
5. <http://www.un.org/press/en/2010/sc9975.doc.htm>

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\* The slides used for this talk are online at: <http://www.columbia.edu/~hauben/stony-brook/Stony-Brook-Slides-12-04-2013.pdf>. The URL for the online version of *Netizens: On the History and Impact of Usenet and the Internet* is: “Netizens: An Anthology” at: <http://www.columbia.edu/~rh120>. A version of these Notes appeared on December 17, 2013 on the Netizenblog at: <http://blogs.taz.de/netizenblog/2013/12/17/why-netizen-journalism-matters/>

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[Editor’s Note: The following article first appeared on the netizenblog on Dec. 12, 2016 at: <http://blogs.taz.de/netizenblog/2016/12/21/leadership-or-candlelight-democracy/>]

## Ban Ki-moon’s Idea of Leadership or the Candlelight Model for More Democracy?

by Ronda Hauben  
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South Korea had reached a critical juncture on December 9, 2016. The National Assembly voted to impeach the President, Park Geun-hye and the impeachment has gone to the Constitutional Court. Six of the nine judges must support the impeachment for Park to be removed from the presidency permanently.

In the midst of this turning point, Ban Ki-moon’s 10 years as Secretary-General of the United Nations (UN) will come to an end on December 31, 2016. He has indicated he will consider what to do about becoming a candidate for the presidency of South Korea after he leaves his office at the UN. He appears to be seriously considering running for the top political office in South Korea despite the provisions of a General Assembly Resolution passed on January 24, 1946, [GA Resolution 11(1)] which state that a Secretary-General on leaving office should refrain from accepting such a political position and member nations of the UN should refrain from offering a recently retired Secretary-General such a

position, because of the privileged sources of information and social connections he has gathered during his period in the UN position.<sup>1</sup>

For a time, Ban Ki-moon was seen as leading the South Korean presidential polls as a potential candidate. He was being courted by the Saenuri Party, the party of President Park Geun-hye.

But in the past few months there has been a significant change. What had seemed a promising new opportunity for Ban is now tied in with the corruption scandal that has engulfed the administration of Park Geun-hye. There were allegations that her administration was plagued by corruption over the past few years, and by October, 2016 various news media were revealing evidence of that corruption.

Interviews published in the South Korean newspaper *Hankyoreh* began to show how the Korean government practices were being directly influenced or even decided by forces outside of the government. *Hankyoreh* interviews described meetings with other people carried out by Choi Soon-sil, a long time friend of President Park, discussing the president's upcoming schedule and national policy issues. This was substantiated when a computer tablet was found by reporters connected with the JTBC cable media. The tablet's memory contained many files that have been alleged to prove that President Park subordinated her presidency to Choi Soon-sil, who had no official role in the South Korean government. The allegation is that Park turned to Choi for advice and decisions concerning government matters.

The involvement of Choi Soon-sil in government matters was linked to her role in creating foundations and using the President's name and influence to raise funds from the chaebols, the big corporations dominating the South Korean economy. It is alleged that some chaebol executives then expected and received favorable decisions in government matters relating to their businesses.

Other examples of government corruption have emerged in areas like culture and sports. There is evidence that government contracts were given to those recommended by Choi Soon-sil or officials who had been appointed based on her recommendation. The news of these activities spread and the public came to understand what appeared to be serious systemic corruption involving the head of the South Korean government.

By the end of October, large weekly public demonstrations began to be held by South Korean

citizens calling on President Park to resign. The demonstrations grew in size so that by December, 2016, over one million people of all ages and from many walks of life rallied in Seoul with almost two million people protesting nationwide. President Park made some attempts at what she claimed to be public apologies, but the public was dismayed by what appeared more as attempts at justifying her behavior.

Ban Ki-moon was no longer leading in the polls. Other potential candidates swung ahead of him or tied with him.

By December 9, a vote was taken in the National Assembly to impeach the President. The result was 234 to support the impeachment resolution and 56 against. The number voting to impeach Park exceeded the 200 votes needed for the impeachment resolution to pass. As required by the Constitution, the impeachment resolution was taken to the Constitutional Court, which has up to 180 days to review the merits of the resolution.

When asked by journalists about his intentions with respect to a potential candidacy for the presidency, Ban has responded that he would return to South Korea only after his term as UN Secretary-General ends on December 31, 2016. He plans to return in mid-January and then assess the situation after consulting with others. His spokesperson at the UN acknowledged that Ban knows about the UNGA Resolution asking him to refrain from taking a political position or his country from offering him a position. But Ban has not so far given any indication that this resolution would play any role in his decision.

Meanwhile commentary in the media by scholars, journalists and citizens seeks to analyze what is happening in South Korea. The article "A Historic Juncture" in the South Korean newspaper *JoongAng Ilbo* by Political Science Professor Jaung Hoon of Chung-An University proposed that South Korea was at a critical crossroads.<sup>2</sup> Describing this juncture, he wrote that this was "a decisive moment at which the god of history differentiates the fraying established power from the new force of the future."

He proposed that ending Park Geun-hye's presidency and finding a way to amend the constitution so no such corruption could be repeated was important, but that this was not what he called "the ultimate issues." What the people truly want, he explained, is a new form of civic politics and political platform that go beyond the representative democracy of the 20<sup>th</sup> century in order to allow continuous

exchange and communication between the representative system and the general will of the people. Professor Hoon proposes the need to strengthen communication between the political system and the people.

Several other articles in the Korean media express a similar urgency, but they propose the need to change the political structures, not merely make them more responsive. For example, the editorial “Impeachment Means a New Dawn for South Korean Democracy” in the Korean newspaper *Hankyoreh* proposed the need for changing the political framework that allowed such corruption to take place.

The *Hankyoreh* editorial argues:<sup>3</sup>

If representative democracy is unable to adequately express the demands of direct democracy, there is no reason for it to continue. Politics has been distorted by political interests that reject the will of the people, and it’s time for that to stop. We hope that the politicians will stop testing the protesters’ patience.

This *Hankyoreh* editorial notes, “This is an opportunity not merely to remove the people who appropriated state resources for themselves but to replace the obsolete systems, conditions and structures that made such appropriation possible.” The impeachment motion is viewed as but “the first step on the long journey toward completing the civic revolution in the truest sense of that phrase.”

The editorial “Candlelight Revolution Mandates Rebuilding of Nation” in the newspaper *The Korea Times*, in a similar vein, explained that what was happening in South Korea was a “candlelight revolution” which mandates, “the rebuilding of the nation.”<sup>4</sup> The editorial reports that people involved in the protests “commonly pledged to support the fundamental reformation of society and continuously participate in decision making.”

The editorial explained that, “The incompetence of the political parties encouraged people to participate directly.” It quoted as an example, one demonstrator who said “We don’t have a clear plan yet, but we all share in the belief that we need more action for changes.”

The article “Three Points of the Constitutional Court ‘Impeachment Trial’,” in the Korean newspaper *OhmyNews* explained that what had happened in South Korea is that citizens took the lead and led political circles and the media. Although only 40 days earlier it was expected that the impeachment vote

would be difficult, this writer observed how public anger skyrocketed in the Park Geun-hye-Choi Soon-sil gate scandal, endlessly revealing more, like the peeling of an onion. Citizens came out in the square and declared “we are the sovereigns.” The article argues that if it were not for these “sovereigns,” it would not have been possible to pass the impeachment resolution in the National Assembly on December 9, 2016.<sup>5</sup>

The author of this article argues that there is a need for citizens to remain strong. If the amazing power of candles does not remain as memories of winter, but continues, this author predicts, “Korea should become a country of strong citizens.... The role of the parliamentary elite is important, but I dream of a society...in which ordinary people can discuss constitutional principles.” The article argues for the need for reflection and the involvement of the ordinary people to determine the vision for the constitutional change needed so as to lay the foundation for change. The article proposes favoring the presidential candidate who advocates many citizens discussing the constitutional principles to be proposed, rather than prematurely formulated constitutional amendments.

Other articles in the media and online caution against allowing politicians to quickly formulate and pass constitutional amendments that they claim deal with the problems, but which have excluded citizens from the formulation process.

The editorial “To Go Beyond June of 1987” in the Korean newspaper *Kyunghyang Shinmun* explains how such a process happened in 1987 excluding those who had been the protesters from being part of formulating the mechanisms that would provide a continuing democratic process for them. Instead, a small group of politicians formulated the constitutional language to provide for direct election of the President, a process that did not provide for democracy for the people.<sup>6</sup>

Instead, the author explained now there is the “need to introduce and expand direct democracy and the participation of the citizens. What the National Assembly should be doing is not to discuss constitutional amendments but to enact a bill that will establish the constitutional procedures for citizen participation in (the process of) amending the constitution.”

The people protesting are concerned about the structural weakness of the South Korean political system where there are such weak safe guards against high level corruption. Therefore, there is a demand

among the protesters for a structural means for their ongoing participation in the affairs of government.

Such concerns, however, are different from the views presented by Secretary-General Ban Ki-moon about what is needed to resolve the crisis in South Korea. At his good-bye press conference for journalists held at the UN on Friday, December 16, the Secretary-General was asked about his intentions with respect to becoming a candidate for the presidency of South Korea.<sup>7</sup>

Ban characterized the problem in South Korea as the need for better leadership. In his response to a question about whether he would run for the presidency of South Korea, Ban explained his view of the situation:

As you know, the situation is very, very difficult, in a sense, in turmoil. I can understand and share the anxiety of people about the future of their country, as this is one of the biggest challenges the Korean people are encountering. I know that they don't want to lose the hard-earned democracy and the economic development which, in fact, transformed [the Republic of] Korea from a recipient country to a global donor. That is one pride that the Korean people have. Koreans have been known as [an] example to other nations in that regard. And I also understand the aspiration of people for a new type of inclusive leadership that can help them overcome the challenges ahead.

And there are many issues of how to reconcile the differences between their thinking, and differences of their income, and some regionalism. There are many, many issues which we have to think about. That means social integration, reconciliation and much more mature democratic institutions. At the same time, while all these seem to present great challenges for Koreans and the Korean Government, I'm confident that the Korean people, with their resilience and very mature democratic institutions, I'm sure that they will be able to overcome these difficulties soon. Thank you.

Essentially what Ban is proposing is different from the proposals that come from people involved in the protests. The contrast is significant. People are

expressing their recognition that the so called "democratic institutions" have demonstrated their weakness, and that there is a need for what they refer to as a 21<sup>st</sup> century politics. The "new type of leadership" that Ban is referring to is what they call 20<sup>th</sup> century government. While he refers to "social integration, reconciliation and much more mature democratic institutions," among the Korean people, there is a recognition of the need to create new forms of democratic institutions which deal with the deficiencies of the current institutions and provide for a form of ongoing citizen participation in government processes and decision making.

South Korea has an important legacy that can help it to meet this challenge. It is a country that is first in the world in the spread of the Internet and the use of the Internet by people online. Many South Koreans are netizens, those seeking to utilize the empowerment made possible by the Net for a more democratic and participatory society. During the past two decades, netizens in South Korea have explored various forms of online participation so they have a rich experience to draw from towards creating the forms and structures needed for the civic revolution they realize is needed. Their mass participation in the candlelight activities to expose the corruption and failures of the current government demonstrates that they have been mastering the need for the civic participation of netizens and citizens in the affairs of the society. Hence they are not looking for better leadership, but for the participation of the citizens themselves as leadership. There is a discrepancy between what politicians like Ban Ki-moon have in mind and what citizens of South Korea who are acting to change the governmental model envision. How will this discrepancy play out when Ban returns to South Korea? The result of the struggle over such contending forces will be a sign of the future political direction for South Korea.

Ban Ki-moon's 10 years at the UN appear not to have sensitized him to the demands from the much more informed public that public opinion is not just looking for a next 'great leader' but for a much enhanced participation of citizens in the determination and functioning of their political system.

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#### Notes

1. See Ronda Hauben, "Debate in South Korean Media Over Ban Ki-moon's Intentions to Run for ROK Presidency," taz netizen-

blog, May 31, 2016. <http://blogs.taz.de/netizenblog/2016/05/31/debate-in-media-over-ban-ki-moon/>

2. Jaung Hoon, "A Historic Juncture," *Joong-Ang Ilbo*, November 18, 2016, p. 31.

<http://mengnews.joins.com/view.aspx?aid=3026380>

3. [Editorial] "Impeachment Means A New Dawn for South Korean Democracy," *Hankyoreh*, December 9, 2016.

[http://english.hani.co.kr/arti/english\\_editorial/e\\_editorial/773972.html](http://english.hani.co.kr/arti/english_editorial/e_editorial/773972.html)

4. Cho Jae-hyon, Choi Ha-young, "Candlelight Revolution Mandates Rebuilding of Nation," *The Korea Times*, December 12, 2016.

[http://m.koreatimes.co.kr/phone/news/view.jsp?req\\_newsidx=219894](http://m.koreatimes.co.kr/phone/news/view.jsp?req_newsidx=219894)

5. agent89, "Three Points of the Constitutional Court 'Impeachment Trial'," 16:12:12 09:51, *OhmyNews*, (Google Translator translation of Korean).

[http://m.ohmynews.com/NWS\\_Web/Mobile/at\\_pg.aspx?CNTN\\_CD=A0002268821](http://m.ohmynews.com/NWS_Web/Mobile/at_pg.aspx?CNTN_CD=A0002268821)

See also Article 1 of the Republic of Korea (ROK) Constitution. "The sovereignty of the Republic of Korea shall reside in the people, and all state authority shall emanate from the people."

[http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---prot\\_rav/---ilo\\_aids/documents/legaldocument/wcms\\_117333.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---prot_rav/---ilo_aids/documents/legaldocument/wcms_117333.pdf)

6. Ha Seung-soo, "To Go Beyond June of 1987." *Kyunghyang Shinmun*, December 12, 2016.

[http://english.khan.co.kr/khan\\_art\\_view.html?artid=201612121659497&code=710100](http://english.khan.co.kr/khan_art_view.html?artid=201612121659497&code=710100)

7. Press Conference Ban Ki-moon, Friday, December 16 2016 at UN Headquarters, SG/SM/18377

<https://www.un.org/press/en/2016/sgsm18377.doc.htm>

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