

Keep North Korea on State Sponsors of Terrorism List

Findings

- Removing North Korea from the SST (State Sponsors of Terrorism) list while North Korean abductions of Japanese nationals and citizens of other nations remain unresolved will undermine Japanese confidence in the United States.
- The fact that many abductees remain in captivity tells us that terrorism in the form of abductions continues. Moreover, if reports that North Korea is engaging in nuclear cooperation with Syria (another state sponsor of terrorism) are accurate, it means that North Korea obviously remains a state sponsor of terrorism.
- Removing North Korea from the SST list before the examination of North Korea's declaration of all its nuclear programs is completed and investigations into nuclear cooperation between North Korea and Syria obviously would violate the paramount principles of the international community, i.e., zero tolerance for North Korean possession or proliferation of nuclear weapons.
- Given that the situation regarding Libya is different, to remove North Korea from the SST list would extend to North Korea an indulgence it has yet to earn.

Recommendations

- The U.S. government should keep North Korea on the SST list as long as abductions of foreign nationals remain unresolved.
- The U.S. Congress should adopt legislation stipulating that stringent conditions govern the removal of North Korea from the SST list.
- The Japanese government and Diet should communicate their objections to removing North Korea from the SST list to the U.S. government and Congress, indicating that removal would undermine Japanese confidence in the U.S.

In every annual terrorism report (issued by the U.S. Department of State) since 2004, the U.S. government has taken up the abductions of Japanese nationals by North Korea as blatant terrorist acts. Alliances are formed because there is mutual trust between the nations involved. Should the U.S. unilaterally decide to abandon its current attitude toward the abductions, i.e., that they

should be condemned as terrorist acts, and remove North Korea from the SST list, failing to work with Japan in forcing North Korea to take concrete actions with respect to the abductions, Japanese confidence in the U.S. will plummet, and the Japanese people, who have consistently supported the Japan-U.S. alliance — even the most pro-American Japanese — will be gravely disappointed.

On December 1, 2007, the Cabinet Office announced the results of a public opinion survey on diplomacy. According to those results, 20.4% of respondents view Japan-U.S. relations as unsatisfactory, an increase of 8.8 percentage points over the previous year's survey, and the highest percentage since the survey was inaugurated in 1998. Similarly, 76.3% of respondents described Japan-U.S. relations as satisfactory, 6.4 percentage points down from the 2006 survey, marking the first time in three years this figure has slipped below 80%. The conciliatory nature of recent American policy toward North Korea is partly responsible for these results, which indicate that the Japanese are losing confidence in the U.S. If the U.S. removes North Korea from the SST list, a further decline in the confidence level is inevitable.

The Special Committees on the Abduction Problem of both chambers of Japan's Diet adopted resolutions (on December 5 and December 7, 2007, respectively) opposing the removal of North Korea from the SST list. The vote in favor of the resolutions was almost unanimous (only the Communist Party voted against them). In the U.S. House of Representatives, Rep. Ileana Ros-Lehtinen (R-FL) and other legislators submitted a bill stating that, among other things, all abductees must be repatriated before North Korea is removed from the SST list. Sen. Sam Brownback (R-KS) introduced a similar resolution. A critical mass is forming of Japanese and American legislators united in their opposition to the removal of North Korea from the SST list.

If the Japanese feel betrayed by the U.S. in connection with a problem that is of vital importance to the citizens of Japan, those same citizens may come to believe that the U.S. would be unreliable in connection with problems affecting national security as well. In other words, they will no longer feel safe under the nuclear umbrella (cited as the paramount guarantee of security) extended by the U.S. In this sense, we should take note an editorial carried by the *Wall Street Journal* on November 16, 2007, which mentions the possibility of the Japan going nuclear, once she has decided that the Americans are unreliable. The Japanese will be forced to obtain independent deterrence for their own security if their faith in the U.S. is irretrievably shaken.

The hasty removal of North Korea from the SST list is debatable for other reasons, including legal criteria stipulated in U.S. law, and political criteria relating to agreements reached at the Six-Party Talks relating to the North Korean nuclear program.

According to the provisions of the Export Administration Act of 1979, the removal of a nation from the SST list requires a Presidential certification that the government of the country concerned (1) has not provided support for international terrorism during the preceding six-month period, and (2) has provided assurances that it will not support acts of international terrorism in the future. That certification must be reported to Congress at least 45 days before the removal is to take effect. However, North Korea continues to hold a large number of abductees captive. Furthermore, many of those abductees have been forced to be educators in terrorist

localization programs (the training of North Korean agents). The liberation of such educators, abductees who could identify “sleeper” terrorists, must be an important part of the verifiable elimination of terrorism. As the abductions are nothing but ongoing terrorist acts, the first condition, that the government of the country concerned has not provided support for international terrorism during the preceding six-month period, has not been satisfied.

Additionally, the U.S. suspects North Korea of having entered into nuclear cooperation with Syria, one of the nations on the SST list. We have also heard, from international news reports, that North Korea supports Hezbollah, a Shi’a Islamic paramilitary organization based in Lebanon, and designated a foreign terrorist organization, as well as the LTTE (Liberation Tigers of Tamil Eelam), an armed secessionist organization in Sri Lanka. If North Korea is indeed supplying materials to Syria or providing support to Hezbollah and the LTTE, then these are additional violations of the first condition for removal from the SST list. We would question the removal of North Korea from the SST list until these suspicions have been cleared.

In accordance with an agreement announced by the Six Parties on October 3, 2007, the U.S. government has imposed political requirements in addition to the aforementioned legal requirements that North Korea must fulfill to be removed from the SST list. North Korea must provide a “complete and correct declaration” of all nuclear programs, and must disable nuclear facilities in Yongbyon. If the ultimate objective is to eliminate all nuclear weapons from North Korea, the declaration should contain not only the truth about the amount of plutonium (a key component of nuclear weapons) extracted and all uranium enrichment programs, but also a full description of the North Korean nuclear arsenal. Verification that the declaration is complete and correct is essential, to be accomplished by scrutinizing documentary evidence submitted by North Korea, conducting on-site inspections of North Korean nuclear facilities, and interviewing North Korean scientists. (For instance, United Nations Security Council Resolution 1441, passed in November 2002, requires Iraq to allow scientists connected with weapons of mass destruction, and their families, to travel to a third country to be interviewed. Even China, Russia and Syria (a member of the Security Council at the time) voted in favor of the resolution, which passed by unanimous vote.) We find it difficult to accede to the removal of North Korea from the SST list if such formalities are not properly completed.

The need to prevent the proliferation of nuclear weapons from North Korea dictates a thorough investigation of the suspicion of nuclear cooperation between North Korea and Syria. For instance, three days prior to the Israeli air strike on a suspected nuclear installation in Syria on September 6, 2007, the Israelis reportedly obtained information that a ship possibly carrying North Korean nuclear materials was docked in a Syrian port. Obviously, further investigation is necessary. In the agreement concluded at the October 2007 meeting of the Six Parties, in addition to promising to provide a complete and correct declaration of all nuclear programs and to disable nuclear facilities in Yongbyon, North Korea guarantees that it will not transfer nuclear materials, technology, or know-how. The U.S. should insist that the North Korean declaration include proof that North Korea has not transferred nuclear materials, technology, or know-how to Syria. In testimony given at the House of Representatives on October 25, 2007, Christopher Hill (Assistant Secretary of State for East Asian and Pacific Affairs), who represents the U.S. at the Six-Party Talks, said (perhaps with suspected North Korean-Syrian nuclear cooperation in mind) that

non-proliferation is “at the heart of any agreement”, and that he could not accept “ any agreement that has us winking at proliferation issues”. We sincerely hope that the U.S. will adopt an uncompromising stance toward North Korea on proliferation.

Libya is one nation formerly on the SST list whose terrorist designation was removed. However, the removal did not take place immediately after Libya declared in 2003 that it would renounce the development of weapons of mass destruction, including nuclear weapons. In addition to surrendering materials and equipment used in the manufacture of nuclear weapons and missiles (uranium hexafluoride, used in the uranium enrichment process; centrifuge separators, also used to enrich uranium; and ballistic missile guidance systems) to the U.S., Libya extended its full cooperation to inspection teams from the U.S. and the U.K. Moreover, Libya agreed to pay compensation to the families of victims of the 1988 bombing of Pan Am 103, in which Libyan intelligence agents were involved, demonstrating a commitment to distancing itself from terrorism. Consequently, in 2006, diplomatic relations between the U.S. and Libya were normalized, and Libya was finally removed from the SST list. The U.S. will not be able to avoid questions about adhering to a double standard if North Korea is removed from the SST list before that nation relinquishes all materials and equipment used in the manufacture of nuclear weapons and missiles, and fully admits to abductions of foreign nationals (including citizens of Japan) and the bombing of a South Korean passenger aircraft in 1987.

Furthermore, according to *Country Reports on Human Rights (2006)* issued by the U.S. Department of State, as many as 200,000 persons (1% of the North Korean population) are believed to be imprisoned at detention centers, an indication that North Korea is one of the worst violators of human rights in the world. Will the American people, who cherish freedom and democracy, approve of the removal of such a nation from the SST list? A decision made without concern for the protection of human rights is certain to trigger the displeasure of international public opinion, which embraces those same values.

On November 16, 2007, Prime Minister Yasuo Fukuda met with U.S. President George W. Bush in Washington, D.C. We were extremely disappointed to learn that Mr. Fukuda apparently did not attempt to dissuade President Bush from removing North Korea from the SST list. Equally disappointing was President Bush’s failure to state that removal would be contingent upon the resolution of the abduction problem. It should certainly be possible to require the resolutions to that problem, as well as to insist on the complete and correct declarations of all nuclear programs, as a political criteria for the removal of North Korea from the SST list. In the context of the Japan-U.S. alliance that we support, these are surely worthy as goals for both governments.

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