

The Amateur Computerist

<http://www.ais.org/~jrh/acn/>

Winter 2025

Netizen Journalism, the UN and Korea

Volume 39 No. 1

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Introduction

The first article in this issue is “The Media War at the UN and the DPRK. Why Netizen Journalism Matters: Notes for a Talk”. It was presented at Stony Brook University on December 4, 2013. The talk presents some background of what can be called “netizen journalism”. The talk provides an example of how a conflict brought to the UN was able to be explored and resolved.

This issue is an effort to look back at some of the previous efforts to have journalism play a helpful role at the UN and to offer an example of such efforts. The articles in this issue present two case studies relating to reporting at the UN about incidents involving North Korea and South Korea to demonstrate how such reporting could help to deal with conflicts at the UN.

One situation is when the U.S. used a political act against the Banco Delta Asia, a bank in Macao, China, to remove North Korea from the international banking system. That meant that North Korea couldn't use credit for any of its international transactions. This presented North Korea with a serious difficulty. The result was that North Korea held its first nuclear test. The talk documents the results of an investigation uncovering that the U.S. actions against North Korea and a bank involved with North Korean financial transactions were actually directed at China. The U.S.

intended to send a message to Chinese banks that they too could be impacted in a similar way.

The talk demonstrates how uncovering the actual motives of the U.S. activity helped to change what was happening so that the conflict was able to be resolved.

Another conflict that was taken up at the UN Security Council involved whether or not to blame North Korea for the sinking of a South Korean warship, the *Cheonan*. South Korea asked the Security Council to condemn North Korea for the sinking of the ship. The Ambassador to the UN from Mexico, Claude Heller, who was the President of the Security Council when this issue was first taken up, documented how a neutral body should treat such a conflict.

The Mexican Ambassador created a situation where both South Korea and North Korea could make separate presentations of their side of the conflict to members of the Security Council. As the end of the month of Mexico's presidency of the Security Council approached, Ambassador Heller created what he called an “innovative” document. It was a summary of the positions of each of the Koreas.

The Ambassador took care to present each side's position objectively. This eventually resulted in a Presidential Statement documenting the dispute and calling for a peaceful settlement to be arrived at by the two sides.

This issue of the *Amateur Computerist* also includes several articles written during the course of these disputes, documenting how the investigation of the issues involved in the disputes was carried out.

This issue demonstrates that if there were objective and good investigative journalism into the different disputes brought to the UN to settle, this could be a helpful improvement in how the UN functions.

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

Notes for a Talk

by Ronda Hauben

[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 discussions in the fall of 2013 sponsored by the Center for Korean Studies at Stony Brook focusing on North Korea. The talk was presented with slides available at the website at the end of this article.* 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 2006, I began covering the United Nations 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/netizen> blog (No longer available.) 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 many people are now 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 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 that 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 in 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 Eng-

lish-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 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 8th 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 were 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 credentials 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 concerning 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 understand and solve a problem. (Quoted from “The Problem Facing the UN,” OhmyNews International, October 17, 2006).¹

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 was reached on September 19, 2005, between the six parties to talk 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 agreed. 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 to North Korea. 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's 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's 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 of 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 50th 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 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 a 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 China's behavior matched 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 from 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.)²

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 to 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.³

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 come 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 materials 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, several questions have 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 Association (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 warship 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 bubble jet torpedo action in actual fighting.⁴

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, was 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 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 conversations 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 several 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-02D torpedo, which a high-ranking military official could only refute by stating he had 40 years of 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 of 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*.

Another influential event which helped to challenge the South Korean government's claims was a press conference in Japan held on July 9 by two academic scientists. The two scientists presented the 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 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 the 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 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 fairly and objectively. 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 of 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 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.”

Except for 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, who 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’s 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’s 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, to avoid conflicts and avert escalation.⁵

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, Japanese, and other languages. They present a wide-ranging challenge to 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 16th 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.

Notes

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[Editors' note: The following article appeared in *OhmyNews International* on June 12, 2009]

U.S. Policy Toward North Korea Fails to Engage

by Ronda Hauben

U.S. policy toward North Korea since Barack Obama assumed the U.S. presidency is very different from the promises of engagement which he made during his election campaign. This policy presents a striking example of the disparity between pre-election promises and the action taken thus far during the Obama presidency.

On the first day of the new administration, sanctions were authorized against three North Korean firms under the Arms Export Control Act, along with several nonproliferation executive orders. The three firms were KOMID, which had been sanctioned by other administrations, Sino-Ki and Moksong Trading Company, which were being sanctioned for the first time.¹

The hostile direction of Obama's policy, however, has been signaled most clearly by the change made when the new administration failed to reappoint Christopher Hill to his position as Undersecretary of State for East Asia and the head of the U.S. negotiation team for the six-party talks with North Korea.

Not only was Hill not reappointed, but the role of U.S. negotiator with North Korea was downgraded and split among several different officials. A part-time position was created for an envoy. Another person would be the U.S. representative to the six-party talks. And still another official was to be appointed to the position of Undersecretary of State for East Asia, which was Hill's former position.

Stephen Bosworth accepted the position as envoy. His official title is Special Representative for North Korea Policy. Bosworth did so on a part-time basis. At the same time, he maintained his full-time position as Dean of the Fletcher School of Law and Diplomacy at Tufts University along with his new part-time job.

There has been little public discussion about why the Obama administration made such significant changes. The *Boston Globe*, in an article about

Bosworth's appointment, refers to the concerns expressed by Leon Sigal, the director of the Northeast Asia Cooperative Security Project at the Social Science Research Council in New York. The article quotes Sigal saying that there are officials in the new administration, "who don't think we can get anywhere, so they don't want to do the political heavy lifting to try."²

In contrast to the loss of Hill as a negotiator with North Korea, the Obama administration reappointed Stuart Levey, as the Undersecretary of Treasury for Terrorism and Financial Intelligence. Levey's office in the Treasury Department was created in 2004 under George W. Bush. This office was used to impose economic sanctions on North Korea. One such action was the freezing of funds that North Korea had in a bank in Macao, China, the Banco Delta Asia (BDA).

North Korea was not only denied access to U.S. \$25 million, but it was also denied the use of the international banking system. This freezing of North Korean funds was announced shortly after North Korea and the five other nations who were part of the six-party talks signed the September 19, 2005 agreement to denuclearize the Korean Peninsula.³ The announcement by the Treasury Department sabotaged the implementation of this important agreement which would have gone a long way toward the goal of denuclearizing the Korean Peninsula. North Korea withdrew from the six-party talks until the \$25 million was returned.⁴

It is significant here to note that Levey and his office briefly came under public scrutiny in 2006 when the *New York Times* published an article exposing how the office has access to and uses the SWIFT database to do intelligence work targeting people and transactions that it claims are in violation of U.S. law.⁵ The SWIFT database contain the transactions and identification information for the hundreds of thousands of people and entities that do electronic banking transactions using the SWIFT system.

The action by the U.S. Treasury using a section of the Patriot Act against the Banco Delta Asia bank, however, demonstrated that the U.S. government has the ability to use this database information against those it wants to target politically, rather than those who have committed any actual illegal acts. Testimony by former U.S. government officials to the U.S. Congress, and documents submitted to the U.S. government by the bank owner and his lawyer, demonstrated that there was never any evidence offered of

any illegal acts. Instead the Patriot Act had been used to allow the U.S. government to act against this bank for political objectives. (See “Behind the Blacklisting of Banco Delta Asia: Is the policy aimed at targeting China as well as North Korea?” also in this issue.)

The new positions, designated to negotiate with North Korea, are at a lower administrative level than was Hill’s former position. In addition, the Obama administration, by not reappointing Hill, has lost his valuable expertise. Hill had effectively countered the sabotage to negotiations caused by Levey’s office during the Bush administration.

Hill was met with opposition from some in the Bush administration at each step along the way. Remarkably, Hill effectively countered much of this opposition, making progress in the negotiations. In August 2008, however, the Bush administration unilaterally changed what it claimed North Korea’s obligations were as part of Phase 2 of the six-party Feb 2007 agreement, and falsely declared that North Korea was in violation.⁶

With Hill gone from the North Korean desk at the State Department, and Levey reappointed to Hill’s position at the Treasury Department, it is significant that Obama sent an inter-agency group to visit the capitals of Japan, South Korea and China to discuss punishments for North Korea. Levey was featured as one of the U.S. government officials on the trip.

But is punishment appropriate? There has been no similar effort to open negotiations with North Korea.

Instead, the U.S. administration has given its support to Levey and others whose actions have sabotaged the success of the six-party talks. This failure of the Obama administration is similar to previous U.S. policy on North Korea.

Robert Carlin, part of the U.S. government negotiation team with North Korea under the Clinton Administration, documents that there were significant and successful negotiations on 22 issues carried out in the period between 1993 and 2000.⁷ These achievements, however, could not survive the transition to the Bush Administration.

Similarly, Mike Chinoy, a former *CNN* journalist, in his book *Meltdown*, documents both the Clinton years and much of the Bush years. He chronicles how negotiations were torpedoed not by North Korea, but by forces within the U.S. government itself.⁸

In addition, the U.S. conducts frequent military maneuvers close to North Korea which North Korea

has claimed as a threat to its peace and security.

On April 5, 2009, North Korea test launched a communications satellite using a rocket of advanced design. This test broke no international law or treaty to which North Korea is a party.⁹ Still the launch was condemned by the UN Security Council in a Presidential Statement. Also new sanctions were imposed on North Korea, stating as authority, a previous Security Council Resolution 1718.¹⁰

North Korea has been the target of hostile acts by the U.S. North Korea has tested rockets and has done tests of two nuclear devices, which it claims it needs as a deterrent. The U.S. has military agreements with Japan and South Korea, including them under the protection of the U.S. nuclear umbrella. There is only an armistice ending the fighting of the Korean War. The U.S. as the head of the UN command has not been willing to negotiate a treaty ending the Korean War.

The failure of the UN Security Council to explore North Korea’s problems in trying to check U.S. hostility demonstrates its failure to carry out its obligations under the UN charter. The failure of the Security Council to protect Iraq from U.S. invasion is a warning that the Security Council should reform its processes so that it doesn’t just become a vehicle for the political targeting of a nation as happened with Iraq.¹¹

In his comments to journalists in response to the sanctions put on North Korea in April 2009, the Deputy Ambassador to the UN from North Korea, Pak Tok Hun said, “The recent activity of the security council concerning the peaceful use of outer space by my country shows that unless the security council is totally reformed and democratized we expect nothing from it.”¹²

The challenge to the nations of the UN is to provide a more neutral and considered investigation of the problem it is trying to solve rather than just carrying out the punishment a P5 nation may endeavor to inflict on another nation.

Notes

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[Editor’s note: The following article first appeared in *OhmyNews International* on June 8, 2010.]

Netizens Question Cause of *Cheonan* Tragedy

Online Media Challenge Claims That North Korea Is Responsible for Sinking the *Cheonan*

by Ronda Hauben

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, 2010 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 statement¹ 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*² 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.³ An online letter⁴ 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 challenged⁵ 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 blog⁶ 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.⁷

The South Korean government has been cited⁸ 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 invited⁹ 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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5. <http://willyloman.wordpress.com/2010/05/29/pcc-772-cheonan-photographic-evidence-that-no-1-written-on-top-of-rust/>. (No Longer Available.)
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7. <http://joongangdaily.joins.com/article/view.asp?aid=2921120>. (No Longer Available.)
8. <http://www2.ohchr.org/english/issues/opinion/docs/ROK-Pressstatement17052010.pdf>. (No Longer Available.)
9. <http://english.yonhapnews.co.kr/national/2010/05/31/3/0301000000AEN20100531003100315F.HTML> (No Longer Available.)

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/>. (No Longer Available.)

Comments:

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>. (No Longer Available.) 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>. (No Longer Available.)

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/29eh9zi> 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!

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.gov 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.

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

Questioning *Cheonan* Investigation Stirs Controversy

by Ronda Hauben

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:¹

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."²

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.³ 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*.⁴

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

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.⁶

In Seoul, on June 14, the spokesman for Lee Myung bak, the President of South Korea, 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 separate 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.”⁷

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.⁸

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”⁹

“In response,” the press release explains, “conservative groups filed a complaint with the Prosecu-

tor’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 2nd 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.”¹⁰ 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.¹¹

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.¹² 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.¹³

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.¹⁴ 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.”¹⁵ 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:¹⁶

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

are immediately 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 indtians 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."¹⁷

Notes

1. "Stop Oppression and Prosecutor's Investigation on PSPD," 6/21/2010. <http://www.peoplepower21.org/English/40195>.
2. PSPD, "The PSPD's Stance on the Naval Vessel *Cheonan* Sinking," June 1, 2010. <https://www.peoplepower21.org/english/40247>.
3. "What's Behind South Korea Bringing the *Cheonan* Issue to the UN Security Council," 6/7/2010. http://blogs.taz.de/netizenblog/2010/06/07/whats_behind_south_korea_bringing_the_Cheonan_issue_to_the_un_security_council/. (No Longer Available.)
4. "Letter from the Permanent Representative of the Republic of Korea to the UN with regard to the armed attack by North Korea on 26 May, 2010 against the Republic of Korea's navy ship the *Cheonan*, S/2010/281." <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/DPRK%20S%202010%20281%20SKorea%20Letter%20and%20-%20Report.pdf>.
5. "Letter dated 8 June 2010 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council," S/2010/294. http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/294&Lang=E. (No Longer Available.)

6. See description in: Gwak Byeong-chan, "Which Country Do You Belong To?," *Hankyoreh*, June 16, 2010. https://english.hani.co.kr/arti/english_edition/english_editorials/425906.html.
7. "Informal comments to the Media by the President of the Security Council and the Permanent Representative of Mexico, H.E. Mr. Claude Heller on the *Cheonan* incident (the sinking of the ship from the Republic of Korea) and on Kyrgyzstan." June 14, 2010. [Webcast: Archived Video – 5 minutes.] <http://webcast.un.org/ramgen/ondemand/stakeout/2010/so100614pm3.rm>. (No Longer Available.)
8. "Press Conference: H.E. Mr. Sin Son Ho, Permanent Representative of the Democratic People's Republic of Korea to the United Nations, on the current situation in the Korean Peninsula." June 15, 2010. [Webcast: Archived Video – 58 minutes.] <http://webcast.un.org/ramgen/ondemand/pressconference/2010/pc100615am.rm>. (No Longer Available.)
9. "An Open Letter to United Nations Secretary General Ban Ki-Moon by the Asian Human Rights Commission," 6/25/2010. <https://www.hrw.org/news/2016/06/08/open-letter-secretary-general-ban-ki-moon>.
10. See "United Nations Series Symbols: 1946-1996," Dag Hammarskjöld Library, United Nations, New York, 1998, p. 234.
11. "Scholars Call for End to PSPD Witch Hunt," *Hankyoreh*, June 22, 2010. https://www.hani.co.kr/arti/english_edition/e_national/426832.html.
12. Forum-Asia Submits the Urgent Appeal on Threats of Prosecution against PSPD to UN Rapporteur 6/21/2010. <https://www.peoplepower21.org/english/40190>.
13. Frank La Rue, Rapporteur, "UN, Full Text of ROK Press Statement," May 17, 2010. http://www.peoplepower21.org/?module=file&act=procFileDownload&file_srl=40191&sid=4db9d3a9ce23eab695e13dec947e1842&module_srl=37681. (No Longer Available.)
14. "Amnesty International expresses its concern about the investigation on the PSPD," 6/18/2010. <http://gaia-lovedream.blogspot.com/2010/06/amnesty-international-expresses-its.html>.
15. "2010-06-18, New York: Secretary-General's remarks to the media." <https://www.un.org/sg/en/content/sg/press-encounter/2010-06-18/secretary-generals-remarks-media>. (No Longer Available.)
16. "An Open Letter to United Nations Secretary General Ban Ki-Moon by the Asian Human Rights Commission," 6/25/2010. <https://www.hrw.org/news/2016/06/08/open-letter-secretary-general-ban-ki-moon>.
17. "Stop Oppression and Prosecutor's Investigation of PSPD." <http://www.peoplepower21.org/English/40195>.

[Editor's Note: This article appeared on the netizenblog on June 7, 2010 and can be seen at: http://blogs.taz.de/netizenblog/2010/06/07/whats_behind_south_korea_bringing_the_Cheonan_issue_to_the_un_security_council/. (No longer available.) Available at <http://www.ais.org/~jrh/acn/ACn30-1.pdf>, pp. 3-4.]

What's Behind South Korea Bringing the *Cheonan* Issue to the UN Security Council?

by Ronda Hauben

An article on the *Cheonan* warship sinking, "The whole story of the South Korean government as a false account?" was published in *Telepolis* on June 1, 2010. It documents several of the misleading claims being made by the South Korean government to put the blame on North Korea.

The June 2 election in South Korea for local and regional government showed that many South Koreans citizens and netizens rejected the Lee Myung-bak government claims and rendered his Grand National Party candidates a surprising and serious defeat.

This, however, has not deterred the Lee government from its goal. The election results were announced demonstrating the criticism of the government's hostile policy toward North Korea represented by the so called "investigation" blaming North Korea for the sinking of the *Cheonan*. Yet, the South Korean government initiated action to take its spurious claims to the United Nations Security Council. A helpful perspective is offered by Peter Lee in his Asia Times Online article, "The *Cheonan* sinking... and Korea rising."

"What is indisputable," Peter Lee writes, "is the determination of the Lee Myung-bak administration to exploit the geopolitical opportunity presented by the sinking." He explains how the South Korean president not only tried to use the incident, "as a 9/11 opportunity" to get support for his government in the local and regional elections, which clearly failed, but also to "strengthen the South Korean alliance with the U.S." to offer a counterweight to China.

Even more serious, however, is the observation made by some in South Korea, that the Lee administration is endangering their lives by its hostile acts toward North Korea. Similarly the strategy of trying to use the UN Security Council to give a seal of approval for the so called "investigation" which drew significant criticisms from politicians and the public at home is

but a sign of the significant role the U.S. government is playing in this dangerous South Korean gambit.

The South Korean NGO People's Solidarity for Participatory Democracy (PSPD) recently published an English translation of a critique of the South Korean government's "international" investigation of the sinking. The PSPD report provides helpful documentation of a number of the inconsistencies and fallacies of the whole process of the claimed "investigation."

According to the PSPD critique, it was only after significant criticism of the fact that the South Korean military was conducting the "investigation" of the *Cheonan* sinking, that it was announced that four other nations had been invited to be part of the "investigation." Little is known, however, about what role these other nations played in the investigation. PSPD reports that the head of the U.S. group appeared at the press conference announcing the results of the investigation, to express U.S. government support. He said that there had been close cooperation between South Korea and the U.S. in the investigation. This did not, however, answer the question about the role the foreign nations in the investigation and whether they had any ability to contribute an independent perspective.

North Korea asked to be allowed to send a team of investigators to examine the supposed evidence. South Korea refused the request.

One of the civilian members of the investigation said that he was not provided with any briefing materials or basic information. Also he said that the investigation only considered the theory of the government about the torpedo as the cause of the sinking, and that the investigation was conducted to support that theory.

The government has brought lawsuits or charges against several citizens and netizens and a national assembly representative who expressed disagreement with the claims of the government.

The PSPD report raises a number of other important issues about the nature of the South Korean government investigation.

By bringing the *Cheonan* issue to the UN Security Council, the South Korean government is presenting the UN with a serious challenge. The PSPD report has urged the South Korean government to refrain from international actions until the National Assembly has been assisted in conducting a fact-finding process. The effort of the South Korean government to ignore the questions of its citizens and

politicians and take the matter to the UN Security Council is the effort to use the UN Security Council to deny democratic processes to its own citizens. PSPD has documented how what the South Korean government is doing by bringing the issue to the Security Council is increasing the threat to peace and security on the Korean peninsula. This is the opposite of what the Security Council is to be involved with under the UN Charter.

How the Security Council handles this issue will be an important demonstration of its ability to fulfill its obligations under the UN charter to the other member nations of the UN and to the people of those nations.

For PSPD Report See: http://www.peoplepower21.org/?module=file&act=procFileDownload&file_srl=40158&sid=7ab45eab894bb107361ef5447c30048b&module_srl=37681&usg=AFQjCNFTU9vP98NdyzvCupVWG0HqgMhLlw.

[Editor's Note: The following article appeared on Sept 5, 2009, on the netizens blog at taz.de, a website of die Tageszeitung.]

In the *Cheonan* Dispute, the UN Security Council Acts in Accord with UN Charter

by Ronda Hauben

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

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 5.² The article describes the experience of the Mexican Ambassador to the UN, Claude Heller in his position as president of the Security Council for 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 appropriately.³ The letter described an investigation into the sinking of the *Cheonan* carried out by the 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.⁴ 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 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 fairly and objectively. 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 properly on the issue."⁵

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 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" 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 peacefully.⁶

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."⁷ 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."⁸

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*.⁹ 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.¹⁰

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.¹¹

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."¹²

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, who did not agree with the conclusions of the South Korean investigation.

The Security Council's 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, Japanese, and other languages. They present a wide-ranging challenge to 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.¹³ 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 U.N. Security Council resolution laying blame on North Korea."¹⁴

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 inter-

national sentiment in its June 8 letter to the Security Council. The UN Ambassador from North Korea wrote:¹⁵

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.¹⁶

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. However, 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 2003.¹⁷

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 of 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, is the kind of process outlined in the UN Charter.

The process instituted by the Mexican presidency of the Security Council in June with respect to the *Cheonan* dispute has the potential of providing 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 U.S. (the U.S.) into the abyss of the Vietnam War.”¹⁸

The Security Council's Action on the *Cheonan* dispute, if it is recognized and supported, has set the basis instead for a peaceful resolution of the conflict.¹⁹

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[Editor's Note: The following article is a posting at the Nautilus Institute for Security and Sustainability on June 5, 2007. It can be seen online at: <https://nautilus.org/napsnet/napsnet-policy-forum/behind-the-blacklisting-of-banco-delta-asia/>. The article originally appeared on OhmyNews International reporting on the U.S. government activity to target North Korea without just cause.]



Policy Forum 07-044: Behind the Blacklisting of Banco Delta Asia

The NAPSNet Policy Forum provides expert analysis of contemporary peace and security issues in Northeast Asia. As always, we invite your responses to this report and hope you will take the opportunity to participate in discussion of the analysis.

Recommended Citation

"Policy Forum 07-044: Behind the Blacklisting of Banco Delta Asia," NAPSNet Policy Forum, June 05, 2007, <https://nautilus.org/napsnet/napsnet-policy-forum/behind-the-blacklisting-of-banco-delta-asia/>.

Behind the Blacklisting of Banco Delta Asia
Policy Forum Online 07-044A: June 5th, 2007
Behind the Blacklisting of Banco Delta Asia

By Ronda Hauben

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I. Introduction

Ronda Hauben, researcher, writer and freelance journalist, who has spent the past 14 years studying, writing and participating in online media, writes, "The purpose of the action against the BDA appears not only to have been to target North Korea and its access to the international banking system, but also to send a message to China."

This article was originally published by OhMyNews International: <http://english.ohmynews.com/index.asp> (No longer Available.) The views expressed in this article are those of the author and do not necessarily reflect the official policy or position of the Nautilus Institute. Readers should note that Nautilus seeks a diversity of views and opinions on contentious topics in order to identify common ground.

II. Article by Ronda Hauben

"Behind the Blacklisting of Banco Delta Asia"

By Ronda Hauben

U.S. Assistant Secretary of State Christopher Hill, speaking at the Korea Society's 50th Anniversary dinner in New York City on May 15, said that he was determined not to "allow \$26 million or \$25 million get between us and a deal that will finally do something about nuclear weapons on the Korean peninsula." He promised that Kathy Stevens at the Korea desk at the State Department was working on the problem and that "we are going to keep after this problem till we solve it." His statement didn't give further details about how this problem was to be solved, a problem that had interrupted the progress that seemed at last possible in the Feb. 13 six-party agreement.¹

Just two days later, on May 17, the U.S. Wachovia Bank announced that it is exploring a request from the State Department to transfer the funds from the BDA (Banco Delta Asia) to North Korea. Wachovia Bank reported that it would require the necessary approvals from bank regulators to do the transfer.

Until this latest announcement, banks have been unwilling to do the transfer because of the legal action that the U.S. government took against the BDA, by ruling that it was involved in criminal activity under Section 311 of the U.S. Patriot Act. Banks which deal with a bank that has been found guilty of such illegal acts risk losing their access to the international financial system. North Korea has said that the denuclearization and other aspects of the six-party

agreement that it has been part of can only go forward when the BDA situation is resolved. "To make the money transfer possible freely just like before has been our demand... from the beginning," a spokesperson from North Korea said.²

In his daily press briefing on May 17, Scott McCormack at the U.S. State Department said, "We all want to see the BDA issue resolved, obviously resolved within the laws and regulations of the United States as well as the international financial system, and we'd like to move on and get back to the business of the six-party talks, which is really focused on the issue of denuclearizing the Korean Peninsula."³

Whether this latest development with Wachovia Bank will provide the needed breakthrough, it is too soon to tell. But there are other developments which may provide the needed pressures on the U.S. government to decriminalize the \$25 million it has frozen of North Korean funds and restore North Korea's access to the international banking system. Their access was severely impeded by the action that the U.S. Treasury Department took against the BDA.

The developments I am referring to are the release in the public domain of several documents related to the U. S. Treasury Department's actions against BDA. One of the documents is a sworn statement by the owner of the BDA, Mr. Stanley Au, in support of his petition to revoke the rule imposing the special measures taken by the U.S. Treasury Department against his bank. Another document is the petition in support of his case. Also the Treasury Department finding against the bank has been put online. These documents have been made available on the blog "China Matters."⁴

In his statement, Au explains the history of his bank's relations with North Korea and how there was only one experience, which occurred in June 1994, when there was a problem with counterfeit U.S. dollars. At the time, the bank reported this incident to the U.S. government. Agents from the U.S. government came to the bank and questioned Au. He answered their questions and asked if the agents recommended that the bank "desist from doing business with North Korean entities." The agents said "they would like us to continue to deal with them as it was better that we conducted this business than another financial entity that may not be so cooperative with the United States government."

Au explains that there was no further experience with counterfeit money showing up in the trans-

actions of the bank. All "large value deposits of U.S. dollar bills from North Korean sources" were sent to the Hong Kong branch of the Republic National Bank of New York (which became HSBC) to be certified that they were authentic via advanced technology possessed by that bank. Smaller quantities of bills were examined in accord with common banking practices by the bank itself.

Au also explains that he had not been approached by U.S. government agents alerting him to any problem or illegal activity. The first he learned that his bank was being charged as a bank engaged in "illicit activities" came when he saw a report in the *Asian Wall Street Journal* in September 2005 that his bank was a candidate for a U.S. money laundering blacklist.

He tells how:

this news came as a bolt out of the blue – the Bank had never been informed by the United States that its practices were a cause of any money laundering concern, and the counterfeiting event that the media reported as the basis for the designation had occurred more than ten years earlier and had been promptly reported to the authorities by Banco Delta Asia.⁵

Stanley Au's statement is in sharp contrast with the account in the U.S. government's Federal Register of the finding against the bank by the U.S. Treasury Department.⁶

The Federal Register finding states that the bank had provided financial services for more than 20 years to multiple North Korean-related individuals and entities that were engaged in illicit activities. It provides no specific details of what such illicit activities were. It claims that the entities paid a fee to Banco Delta Asia for their access to the bank. The finding claims that the bank facilitated wire transfers and helped a front company.

In his statement, Stanley Au maintained that the BDA did not charge a fee for its services nor did it conduct illicit services for North Korea or any other customer. The bank was only one of the banks in Macau that did business with North Korea. The business his bank had with North Korea began in the mid 1970s and was to assist North Korea with its foreign trade transactions. Also Au described North Korea as a gold producing country and that in the late 1990s the bank had acted as a "gold bullion trader on behalf of

the North Koreans.” Also the BDA bought or sold foreign currency notes for North Korea, including U.S. dollars, because North Korea had a limited banking system and so it couldn’t do such transactions itself (see Statement, pp. 3-4).

The petition submitted to the U.S. Dept of the Treasury to challenge the finding against BDA proposes that BDA was targeted not because of any “voluminous” evidence of money laundering but “because it was an easy target in the sense that it was not so large that its failure would bring down the financial system.”⁷

In the substantial and prolific analysis of the BDA problem that has been developed on the blog “China Matters,” there is the assessment that North Korea has legitimate financial activity and that the BDA was legitimately serving as one of the banks for that activity. Even with the U.N.’s sanctions, it was not appropriate to target for blacklisting the legitimate financial activities of North Korea. The sanctions that the U.N.-imposed against North Korea were to be aimed at its activity that was related to nuclear weapon development, not to normal financial transactions.

The author of China Matters blog writes:⁸

The alternative view... is that legitimate North Korean financial activity does exist, BDA had a right to solicit North Korean accounts and handle North Korean transactions, and Stanley Au should be allowed to run his bank as long as he conforms to the laws of his jurisdiction – and (the bank) not be used as a political football in Washington’s dealings with Pyongyang.

To put it more succinctly, the blog China Matters quotes David Ascher, who had been the coordinator for the Bush Administration working group on North Korea and a senior adviser in East Asian affairs in the State Department, in testimony to the U.S. House Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade on April 18, 2007, explaining why Banco Delta was chosen to be blacklisted from the international banking system:⁹

Banco Delta was a symbolic target. We were trying to kill the chicken to scare the monkeys. And the monkeys were big Chinese banks doing business in North Korea... and we’re not talking about tens of millions, we’re talking hundreds of millions.

The purpose of the action against the BDA appears not only to have been to target North Korea and its access to the international banking system, but also to send a message to China.

Therefore it would appear that the action against BDA is a carefully crafted political action and that it will be necessary that there be public understanding, discussion and debate about what is behind this action in order to find a way to have the policy that gave rise to the BDA action changed.

Instead of the U.S. mainstream press carrying out the needed investigation about why BDA has been targeted and what is behind this action, there have been continual condemnations of North Korea. Fortunately there are journalists like those who work with the McClatchy News Service who have made an effort to probe what is happening behind-the-scenes in the BDA affair and blogs like China Matters which have taken the time and care to begin uncovering what the BDA affair is really all about. This is but one of the stories of what is really going on behind the scenes within the U.S. government that has been hidden from the public. This is one of the stories yet to be unraveled by bloggers, and citizen journalists.¹⁰

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IV. Nautilus invites your responses

The Northeast Asia Peace and Security Network invites your responses to this essay. Please send responses to: napsnet-reply@nautilus.org. Responses will be considered for redistribution to the network only if they include the author's name, affiliation, and explicit consent.

Produced by The Nautilus Institute for Security and Sustainable Development Northeast Asia Peace and Security Project (napsnet-reply@nautilus.org).

View this online at: <https://nautilus.org/napsnet/napsnet-policy-forum/behind-the-blacklisting-of-banco-delta-asia/>.

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