



**FSR INTERVIEWS**  
**JOSHUA STANTON**

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In April 2015, FSR briefly interviewed Joshua Stanton as a follow-up to his piece in our Winter 2015 issue (<http://www.fletchersecurity.org/#!/stanton/c1vgi>). He works as an attorney in Washington, D.C., has advised the House Foreign Affairs Committee on North Korea-related legislation, including the North Korea Sanctions Enforcement Act, and blogs at OneFreeKorea (<http://freekorea.us/>). The views expressed are solely his own.

**FSR:** Why is it that there is popular perception in the United States that the sanctions regime against North Korea is comprehensive, while in your opinion it is one of the weaker sanctions regimes?

**Stanton:** I think that perceptions have a way of being perpetuated and entering the perceived wisdom until people stop questioning them. It may be that some of that opinion is a leftover from 2008, when sanctions were certainly more comprehensive than they are now. The sanctions were dramatically weakened in 2008 by President [George W.] Bush. But also, to challenge an assumption that commonly requires you to go into a lot of statutory and regulatory reforms and executive orders. Not only do you have to synthesize all of that law, but you also have to be able to compare it to other legal authorities that apply to Sudan, Burma, Belarus, Zimbabwe, Iran, and many other countries. So that takes a lot of work, and if you are a reporter on deadline you don't have time to do all that. I want to encourage people to read more closely and to think differently.

**FSR:** Do you think that the sanctions regime against Iran and Iran's subsequent willingness to engage in negotiations over its nuclear program could signal to U.S. policymakers that a more comprehensive sanctions regime against North Korea could be beneficial?

**Stanton:** Certainly. And I think it has. I will tell you that I was surprised by how effective the Iranian sanctions were. Iran turned out to be a softer target than I had thought, because of some of the structural inefficiencies in the Iranian economy. But I really thought that an economy as large and as diverse as Iran's with as many trading partners in Europe as Iran has would not be knocked down really to the brink of collapse within the space of a couple of years. That, in fact, happened, and I think it is a testament to the competence of the Treasury Department and the Office of Foreign Assets Control that it did happen that way.

**FSR:** Since the mid-2000s when the U.S. did have a pretty comprehensive sanctions regime, do you think the North Korean government has adapted its economy in ways that would make sanctions less effective today than they were then?

**Stanton:** Sure... there is no Banco Delta Asia solution in North Korea today, because North Korea used to have a lot of roads that led to one bank. They converged a lot of their funding flows in one bank, and they have learned a lesson from that and have diversified. But the same can be said about Al-Qaeda, ISIS or any number of drug trafficking organizations. They diversify their financial flows too, and we have had great success — certainly in the case of Al-Qaeda — in drying up a lot of their funding. I don't think that a country of 23 million people can ever have an invisible footprint in the financial ecosystem. With diligence and with enough resources, we will be able to track those funds down and sanctions enforcement can be effective. But the concern that I have is that the administration is either over-taxed from enforcing sanctions against Iran, Venezuela and other countries, or that, quite simply, the political will is not there.

**FSR:** After the attack on U.S. Ambassador Mark Lippert (which, after the fact, North Korea seems to have supported on their official news channel) and the cyber attack on Sony, how do you think the appetite for sanctions against North Korea has changed in Washington?

**Stanton:** I think that Congress already was a coiled spring on this issue, before [the Sony cyber attack]. I was invited to come up to Congress and write a very strong sanctions bill in

2013 after North Korea's third nuclear test. I think that Sony added a great deal of impetus to that. You have seen how quickly H.R. 757 [the North Korean Sanctions Enforcement Act of 2015] moved from introduction through committee mark-up as a result of that. I think it has changed the way that the Senate sees North Korea sanctions legislation. So I am optimistic that the Senate will move a bill as strong or stronger than H.R. 757.

The attack on Ambassador Lippert and North Korea's reaction to it will certainly increase Congress's frustration that the administration does not appear to have enforced sanctions against North Korea seriously.

**FSR:** The Office of the U.N. Commissioner for Human Rights has been reporting widespread human rights violations in the DPRK since 2003, but it took them until 2013 to file an official commission of inquiry into human rights in North Korea. What do you think explains this long delay in creating a commission of inquiry?

**Stanton:** Well, I think it is shameful that we have gotten this far and that crimes as serious as this have not been addressed by the United Nations in any meaningful way. [The UN] has redeemed itself to some degree by the quality of the report that [commission of inquiry leader] Justice [Michael] Kirby, and [commission of inquiry members Sonja] Biserko and [Marzuki] Darusman have written. But the fact that the United Nations was established at the very end of the Holocaust and that it took 10 years or more for it to take the grave crimes against humanity in North Korea seriously just speaks so badly of the institution. I have to suggest that it was most likely China that was responsible for delaying it.

**FSR:** In an early piece for the Fletcher Security Review, you mention that many North Koreans rely on the gray market for their survival. Does the rise of the gray market in North Korea have implications for the future of the North Korean state?

**Stanton:** Absolutely. I think that this gray market, or *jangmadang* as the North Koreans call it, is now the only institution in North Korea that the government does not control and that the government cannot stamp out. They have stamped out religion, they have stamped out independent thought, and they have stamped out any alternative journalism or communication. . . But here is this market that sprung up from the ashes of the [North Korean famine] and the North Korean government is not capable of stamping these markets out without the housewives coming out to protest against them, without there being civil unrest in the market towns. That is only going to grow with time as the regime fails to provide the things that their people want.

*\*Interview has been lightly edited for clarity. Brackets indicate editorial additions.*