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The UN's Human Rights Policy towards North Korea: The Limit of the Neoliberal Approach*

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Abstract

This paper argues that North Korea needs an outside “Two-track engagement” to enhance Human Rights for its people because the regime has a systemic limit. The Democratic People’s Republic of Korea (DPRK) takes advantage of repression and violence as an instrument to secure the regime’s stability. Major North Korea’s Human Rights issues which are reflected in the UN Human Rights Resolutions are related to the Neoliberals’ way of exhortation over the matters of reunion of separated family members, abduction, food control, freedom of speech, arbitrary detention, and human trafficking etc. In North Korea, domestic societal opposition is too weak and/or too oppressed to present a significant challenge to the wayward regime. Human Rights issues can be addressed by the international community in three phases. First, establish an atmosphere through a process of adaptation and strategic bargaining, establishing a transnational Human Rights network in order to enhance North Korean Human Rights. Second, promote cooperation through a process of moral consciousness-raising, “shaming,” argumentation, dialogue, and persuasion thereby offering Human Rights education and training in order to revise ‘Our Style’ Human Rights of North Korea. Third, develop full-scale cooperation through a process of institutionalization and habitualization, providing incentives for institutionalization of international norms for Human Rights by spreading shared values for Human Rights and mobilizing all-out support

* This article represents the views of the author and does not necessarily reflect the opinion or policies of Korean National Defense University (KNDU).

for Human Rights from member states of the international community. Political and economic incentives to North Korea can be offered if the regime tries to solve major Human Rights issues including public executions, repatriation of POWs, and elimination of torture and inhuman treatment without due process of law in correctional centers.

Keywords: Two track engagement, North Korea's Human Rights, UN Human Rights Resolutions, Economic incentive, 'Our style' Human Rights.

Introduction

Free market ideology and neoliberalism are based on one central objective for economic growth: the market should be the platform for people's lifestyle choices. For economic growth, the state puts an emphasis on competitiveness in every sector of its economic arena just as we have seen in the centerpiece of the neoliberal worldview. This kind of trend has driven the weak and longtime jobseekers to the corner of extreme poverty. In the world community, a state like North Korea which has no means to produce competitive products is getting poorer as time goes on. The regime cannot feed the mass population who are suffering hunger. This may further aggravate the Human Rights situation in the country without support of the UN or international community. "Even people in developing countries living in abject poverty are subjected to the same market-driven forces that advance a culture of consumerism."²

Human Rights require that States protect vulnerable individuals and groups against oppression.³ Oppression involves the extreme misuse of state power and also entails the exclusive use of natural and other common resources by oppressive regimes having little or no respect for the dignity of the peoples who are classified as excluded social classes.⁴ They include persecution on the grounds of religious and political belief, arbitrary detention, forced labor, and a practice known as "guilt by association" in which an entire family can be

2 Fernando Pérez and Luigi Esposito, "The Global Addiction and Human Rights: Insatiable Consumerism, Neoliberalism, and Harm Reduction," *Perspectives on Global Development and Technology*, p. 86. Available at <http://www.brill.nl/pgdt> (Accessed on March 6, 2012).

3 Rolf Künemann, "A Coherent Approach to Human Rights," in *Human Rights Quarterly*, vol. 17, no. 2, 1995, pp. 323-342.

4 Sang-Soo Lee, "Universalism vs. Relativism: U.S Human Rights Policy towards China and North Korea," *The Korean Journal of Security Affairs*, NEED vol. 13, 2008, p. 102.

punished for a “crime” committed by one of its members.⁵ Robert I. Rotberg has classified Human Rights as political goods which a successful regime has to offer.⁶ He suggests that failed states are those states which fall below a threshold of political goods and always fail to satisfy human security. Human Security is a critical criteria of political goods for a successful regime. In a fundamental sense, the concept of human security can be defined, negatively, as the absence of threat to various core human values, including the most basic human value, the physical safety of the individual.⁷ Therefore, human security can be defined as protecting people from critical and pervasive threats and situations.

The Democratic People’s Republic of Korea’s (DPRK) Human Rights situation is the worst because Kim Jong-un maintains power by controlling access to food. He has used food as a weapon against his own people by controlling its distribution, blocking off entire sections of the country from getting any food.

The regime uses three methods to maintain power in North Korea. First, most of the North Koreans are under the tight control of the regime’s food distribution system. Therefore, they must give blind loyalty to the Kim Jong-un regime to access food. Second, Kim Jong-un, in order to maintain power, is controlling access to all information. He isolates the North Korean people from the rest of the world making it a crime for citizens to listen to radio broadcasts from South Korea and any other nation. Third, he operates a system of political prison camps which were set up by Kim Jong –Il’s father, Kim Il Sung, to consolidate power.

The UN General Assembly has criticized North Korea's Human Rights conditions every year since 2005. It seems likely that the UN will continue to play a prominent role not only in fashioning and disseminating transnational norms, but also in legitimizing the undertaking of NGOs and movements that pledge allegiance to Human Rights.⁸

What the UN General Assembly committee is concerned about is the DPRK's Human Rights condition in respect of widespread and grave violations of civil, political, economic, social, and cultural rights in the DPRK. Specifically, the list of Human Rights violations cited in the UN resolution includes torture and other cruel, inhumane or degrading treatment or

5 Robert Weatherley and Song Jiyong, “The Evolution of Human Rights Thinking in North Korea,” *The Journal of Communist Studies and Transitional Politics*, vol. 24, no 2, June 2008, p. 272.

6 Robert Rotberg, “State Failure and North Korea; A Conceptual Framework,” *Working Paper Series* (Seoul: Ilmin International Relation Institute 2010), p. 2.

7 John N. Clare and Geoffrey R. Edwards, *Global Governance in the Twenty-First Century* (NY: Macmillan, 2004), p. 178.

8 The autonomy of the UN is increasing and it is constructing a more robust human rights regime. Mark Frezzo, “Rethinking Human Rights, Development, and Democracy: The Paradox of the UN,” *Perspectives on Global Development and Technology*, p. 36. Available at <http://brill.nl/pgdt> (Accessed on March 29, 2012).

punishment; public executions;⁹ arbitrary detention; the absence of due process; and bad treatment of asylum seekers.¹⁰

The regime is being maintained through physical oppression and a reign of terror over its population.¹¹ In this backdrop, the purpose of this article is to review the DPRK's Human Rights situation and map out counter-measures for the international community. The polemic starts from its upholding the so-called "our-style Human Rights" which are subordinate to "*Suryong absolutism*." North Korea's "our-style Human Rights" cannot be accepted by the universal international human rights norm due to its emphasis on "*Suryong absolutism*."

This paper suggests that North Korea's Human Rights issues can be addressed by the international community's two track engagement policy. This article briefly reviews the DPRK's Human Rights problems reflected in the UN Human Rights resolution. Drawing on this understanding, the article focuses on counter-measures for the world community towards the North Korea. To appreciate better the context of the international counter-measures, the article analyzes the UN's recommendations, the EU's Human Rights policies, and the limits of the neoliberals' approach toward North Korean Human Rights. Emphasizing that North Korea's Human Rights can be addressed in three phases similar to Thomas Risse and Kathryn Sikkink's three types of socialization processes which are necessary for enduring change in the Human Rights area,¹² This article concludes that North Korea's Human Rights issues can be addressed by network centric cooperation by Human Rights NGOs, and states in the international community for a practical promotion of Human Rights in North Korea.

The DPRK's Human Rights Problems as Reflected in the UN Human Rights Resolution

The main characteristics of North Korea's Human Rights are that it put emphasis on citizens' duties and loyalty to the party and the leader in return for the protection of basic subsistence rights and security. Second, it is the conception that rights are granted, not

9 Korea Institute for National Unification (KINU), *White Paper on Human Rights in North Korea*, (Seoul: KINU, 2010), p. 15.

10 "U.N. Panel Again Slams Pyongyang," Available at <http://joongangdaily.joins.com/article/print.asp>. (accessed on March 29, 2012).

11 Korea Institute for National Unification (KINU), *White Paper on Human Rights in North Korea*, (Seoul: KINU, 2010), p. 12.

12 Thomas Risse and Kathryn Sikkink, *The Power of Human Rights* (Cambridge; Cambridge University Press, 1999), p. 11.

entitled inherently when a person is born, a concept generally understood in the Western liberal natural-law tradition.¹³

Despite the fact that North Korea stipulates Human Rights in its constitution, conditions in the Democratic People's Republic of Korea remain dire. The regime does not allow an organized opposition, free media, a functioning civil society, or religious freedom. Arbitrary arrest, detention, lack of due process, and torture and ill-treatment of detainees remain serious and endemic problems. It also practices collective punishment for various anti-state offenses, for which it enslaves hundreds of thousands of citizens in prison camps, including children. The regime periodically publicly executes citizens for stealing state property, hoarding food, and other "anti-socialist" crimes.¹⁴

The DPRK allowed approximately more than one million of its own citizens to die during the famine in the 1990s. This was caused in part by the government's decision to reduce food purchases as international assistance increased so that it could divert resources to its military and nuclear programs. Hunger and starvation remain a persistent problem in the DPRK. On March 24, 2011, the 47-member inter-governmental U.N. Human Rights Council passed a resolution with "yes" votes from 30 member countries, expressing deep concerns over North Korea's "grave, widespread and systematic" violation of Human Rights.¹⁵ The resolution goes on to list torture; the absence of due process in law; use of the death penalty; collective punishment; strict restrictions on freedom of movement, thought, conscience, religion, opinion and expression, peaceful assembly and association, the right to privacy and equal access to information, the treatment of returned refugees; violations of economic, social and cultural rights; Human Rights and fundamental freedoms of women, children and the disabled among others as areas of serious concern.¹⁶ In addition, the U.N. Human Rights Council renewed the mandate of its special rapporteur on North Korean Human Rights and urged Pyongyang to guarantee access of humanitarian aid. The resolution also calls on North Korea's neighbors to "treat those who seek refuge humanely" and urges compliance with 1951 and 1967 UN documents relating to the status of refugees, something which China has hitherto failed to do.

Thomas Risse, Stephen Ropp and Kathryn Sikkink suggested five stages of Human Rights development in their five-phase spiral model (i.e., repression-denial-tactical concession-prescription-norm consistence) Based on their theory, activities of transnational networks are most significant in

13 Jiyong Song, "The Right to Survival in the Democratic People's Republic of Korea," *The European Journal of East Asian Studies*, 2010. vol. 9. no. 1. p. 90. According to the *Rodong Sinmun* one should thoroughly comprehend Chuché Ideology and be loyal to the Korean Workers' Party [KWP] and the leader, by whom the greatest rights and true Human Rights can be granted... Ibid., p. 90

14 Korea Institute for National Unification (KINU), *White Paper on Human Rights in North Korea*, (Seoul: KINU, 2010), p. 13.; *Human Rights Watch, World Report 2011-North Korea*, 24. January 2011.

15 "U.N. Adopts Resolution over N. Korea's Human Rights Abuse," Available at <http://english.yonhapnews.co.kr/jsript/EnPrint.html>. (accessed on March 29, 2012).

16 Chris Gree, "U.N. Passes North Korean Human Rights Resolution," Daily NK, Available at <http://www.dailynk.com>.(accessed on March 28, 2012).

changing the government's behavior.¹⁷ But what counts in North Korea is how to create such a transnational network connecting North Korean people to the outside world.

The DPRK's Human Rights Situation

The DPRK, vowing to toughen its already harsh military-led rule, lashed out at the U.N Human Rights Council as a "hostile forces" in the wake of passing a resolution deploring torture and other Human Rights abuses in the communist state. It argued that the resolution passed by the 47-member U.N. Human Rights Council was based "on falsity and fabrication."¹⁸ North Korea insists that, "Under 'our-style socialist system,' all citizens enjoy true rights and freedoms," and furthermore, "In North Korea the issue of Human Rights itself does not and cannot exist."¹⁹ "It upholds the so-called "our-style Human Rights" which are subordinate to "*Suryong absolutism*."²⁰ North Korean society is divided into three classes: the "core class," the "wavering class," and the "hostile class." Members of the hostile class are denied a number of rights in areas such as education, employment, housing, and medical benefits.²¹ In North Korea, only those deemed to be loyal to the regime are entitled to rights.

North Korea regards Human Rights as an issue of national sovereignty and they are covertly secured by state power. Kim Jong-il has suggested that "Human Rights cannot be thought of independently of the nation's sovereignty."²² North Korean officials argue that there cannot be a universal Human Rights norm and that each country has its own standard of Human Rights because of its own cultural background.²³ According to North Korean perspectives, only state power can guarantee the Human Rights. The reason the U.S. puts Human Rights above the values of national sovereignty is that there is an insidious scheme to

17 Jiyong Song, "The Right to Survival in the Democratic People's Republic of Korea," *European Journal of East Asian Studies*, Available at <http://www.brill.nl/ejea> (accessed on September 14, 2012)

18 Yonhap News Agency, "N. Korea Blasts U.N. Human Rights Resolution, Vows Stronger Military Rule." Available at <http://english.yonhapnew.co.kr> (accessed on March 29, 2012).

19 Korea Institute for National Unification (KINU), *White Paper on Human Rights in North Korea*, (Seoul: KINU, 2010), p. 14.

20 KINU (2010).

21 The "hostile class" comprises about 27 per cent of the population and consists of those individuals deemed to be enemies of the Korea Workers' Party (KWP). Robert Weatherley and Song Jiyong, "The Evolution of Human Rights Thinking in North Korea," *The Journal of Communist Studies and Transitional Politics*, vol. 24, no 2, June 2008, pp. 281-285.

22 Kim Jong-il, 'sahoejuyineun kwahakida' (Socialism is Science in Korean), *Rodong Sinmun* (Workers Daily in Korean), 4 November 1994.

23 Ri Hyon-do, "Imperialists' Favorite Slogan for 'Supporting Human Rights' Is the Means for Invasion and Interference," *Rodong Sinmun* (Workers Daily in Korean), March 21, 2010.

topple anti-US regimes by separating Human Rights and national sovereignty. North Korea suggests that only military power can deter the U.S. attempt to overthrow its regime.

In this section, I am going to describe North Korea's Human Rights issues which are reflected in the UN Human Rights Resolutions in terms of family reunion, abduction, food, connection with international Human Rights organizations, legal reform, freedom of speech, detention, and human trafficking.²⁴

1. Separated Families and Family Reunion

An Inter-Korean family reunion was held on 30 October 2010. The reunion was the eighteenth cross-border family reunion event since the two countries held their historic first summit in 2000. There is an urgent need for more frequent and regular family reunions. The urgency of such measures is clear given that separated members are now either very old or dead. For those who have managed to meet their family members in one of the cross-border family reunion so far, it may have been the last time that they will have such a chance. But on several occasions in the past, prior to the family reunion, the DPRK has demanded that the Republic of Korea donate hundreds of thousands of tons of rice and fertilizer as prerequisite for family reunions to resume on a regular basis. Such demands should not be imposed as a prerequisite for family reunions. Approximately 83,000 persons are on the waiting list for family reunions. Meanwhile, the North Korean Regime may fear family reunions because the wealthy family residing in South Korea may produce a negative impact for the regime's governance. That is why they may demand some compensation for that family reunion event.

2. Cases of Abduction Immediately after the War and Post-ceasefire

The exact number of persons from the Republic of Korea abducted by the Democratic People's Republic of Korea during the Korean War is not known at this time.²⁵ According to the Korean War Abductees Family Union (KWAFU), about 94,700 members are on the list of abduction. Most of them were abducted during the first three months of the war (July, August, and September of 1950). Some of the abducted persons were intellectuals, government officials, policemen, soldiers, lawyers, prosecutors, national assemblymen, journalists, students, professors and teachers. Several people have been abducted after the war; a total 3,824 persons, a number of whom are fishermen, are reported to have been

24 UN Human Rights Council, "Report of Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea," *Life & Human Rights in North Korea*, Vol. 59 Spring 2011. Available at <http://www.nkhumanrights.or.kr> (Accessed on September 29, 2012).

25 KINU (2010), p. 452.

abducted and taken to the DPRK since the ceasefire of the Korean War. A total of 3,310 of them have been returned to the Republic of Korea after being held for a period between six months and a year. Approximately 500 prisoners of war and another 500 persons abducted are currently in the Democratic People's Republic of Korea. So far eight abducted persons managed to escape from the DPRK and return to the Republic of Korea (ROK). However, the DPRK is currently denying the existence of any such abductees. North Korea advocates collective Human Rights; in that idea, the state is the only mechanism which can guarantee individual Human Rights. Therefore, they try to hide and beautify the regime's abominable past Human Rights violations.

3. Food and the Economic Situation Impacting the Right to Food

The DPRK continues to suffer from chronic food insecurity, high malnutrition rates, economic problems, and has great difficulties meeting the needs of its population of some 24 million.²⁶ A number of factors contributed to the current food insecurity in the DPRK, including the economic structure of the country, misallocation of resources, inadequate food distribution system, natural disasters, climatic conditions and shortage, of agricultural inputs such as seeds fertilizers and pesticides. The poor, especially those living in urban areas, continue to be affected by soaring food prices. It is very likely that the financial and economic situation of most households has worsened after recent monetary measures taken by the Government to replace the devalued currency with a new legal tender for all transactions. Local prices appear to be rising much more rapidly than world prices, possibly due to high levels of inflation in the wake of the failed currency reform as well as removal of supplies from the market to restock inventories maintained by the North Korean military and to build up inventories for political celebrations.²⁷ The North Korean regime controls its people by food distribution so paradoxically, the skyrocketing rice price may be conducive to strengthening the authority of leadership by authoritarian rationing of rice even though the members of the "hostile class" are denied food rationing.

4. Cooperation by the Democratic People's Republic of Korea with International Human Rights Mechanisms

26 FAO, "GIEWS Country Brief on Democratic People's Republic of Korea" Available at <http://www.fao.org> (accessed on March 29, 2012).

27 Marcus Noland, "North Korea's Recurrent Humanitarian Crises," The Daily NK, Available at <http://www.dailynk.com> (accessed on March 29, 2012).

With regards to cooperation with the United Nations, for instance, the country is party to a number of Human Rights instruments, such as the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. However, these positive steps are not an end in and require further action to implement the rights guaranteed under these instruments.²⁸ In 2009, the DPRK underwent the universal periodic review of the Human Rights Council. The regime will need to make it clear which recommendations they accept to avoid questions being raised as to the State party's commitment and the purpose of the universal periodic review being undermined. By failing to explicitly express its support for any of the 117 recommendations, the regime will inevitably be seen as failing to use the opportunity of the universal periodic review to address the serious Human Rights violations occurring in the country. North Korea is under the sanction of UN for its violation of the nuclear Test Ban Treaty. Therefore they do not seem to mind further violations of the UN's Human Rights Covenant on Civil and Political Rights.

5. Legal Reforms within the Democratic People's Republic of Korea

With regards to reform of the country's legal framework, some of the provisions in the legal instruments of the DPRK need to be aligned with the international Human Rights instruments. For instance, the legal provision under the Penal Code allowing capital punishment for many ordinary criminal offences, in addition to the previous five major categories in the Penal Code, is one such area where the legal reform process could begin. Currently after the revision of the Penal Code in 2007, there are 28 articles that stipulate capital punishment for crimes, many of which are ordinary crimes.²⁹ In addition to this, the government should abolish public execution in the DPRK. It is also an apt opportunity for the Democratic People's Republic of Korea to allow both the Special Rapporteur and the Office of the High Commissioner for Human Rights to engage and provide expert assistance and advice in the reform process. In North Korea public execution is a way for securing social stability by giving fear to those who violate its social laws; this is critical to the regime's security and stability. In North Korea state sovereignty cannot be a subject for debate.

28 UN Human Rights Council, "Report of Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea." *Life & Human Rights in North Korea*, Vol. 59, Spring 2011. Available at <http://www.nkhumanrights.or.kr> (Accessed on September 29, 2012).

21 February 2011. p. 54.

29 Korea Institute for National Unification (KINU), *White Paper on Human Rights in North Korea* (Seoul: KINU, 2009), p. 72.

6. Freedom of Opinion and Expression

There seems to be continued Government imposition of restrictions on the media and punishment of any form of association and expression that is deemed hostile towards the Government. North Korea has been tightening control over its citizens through "inspection" by the National Defense Commission and "Anti-Socialist Behavior Group (groups)."30 There are no known independent opposition political parties or NGOs in the country. Independent media, the liberty to run NGOs, and access to international reporters, which are currently non-existent in the DPRK, are all essential in an open society. Furthermore, Internet access is restricted to a few thousand people and, currently, the international Internet network is accessible only by a small minority, a few high-ranking officials and foreign diplomats, via a satellite link with servers based abroad. The Intranet is accessible only by academics, businessmen, and high-ranking civil servants with special clearance. It is dismal that the DPRK ranks 177 out of 178 countries in one NGO 2010 press freedom index. The Neoliberals' on freedom means permitting the liberty to express freely. The authoritarian North Korean regime cannot accept allowing political freedom to its people in order to protect regime security.

7. Detention and Correctional Facilities

The DPRK operates two types of prison: prisons designed to detain political criminals and detention facilities for non-political, ordinary criminals. Convicts sentenced to unlimited or limited correctional labor are detained in correctional centers (Kyuohwaso) and undergo "corrections" through labor. The criminals sentenced to correctional punishment are typically "economic or violent, rather than political criminals," and would be detained in the Correctional Bureau of the Ministry of People's Security. Human Rights violations are committed in all correctional centers. Correctional officers sometimes beat inmates, but it is understood that more often it is the inmates who would beat up other inmates upon instruction from the officers. Another problem is the dire living conditions inside these correctional centers. Apart from the official correctional centers, North Korea is reported to have been operating a number of "political concentration camps," collection centers and labor training camps. Political prisoners are incarcerated in what is known as "Kwanliso," operated by the Farm Guidance Bureau of the State Security Agency. These facilities are also often called "control districts" or "special district for dictatorial control." The most flagrant Human Rights violation is torture and detention without due process of law. North Korea puts the Communist Party leadership above the Judicature.

30 KINU (2009), p. 15.

8. Asylum-seekers and Trafficking

The number of asylum-seeker from the DPRK seeking refuge in the ROK has been steadily increasing. The asylum-seekers often fall victim to people traffickers and sexual abuse en route to the ROK. A man may become a slave laborer on a Chinese farm and a woman may be sold into sexual slavery to a brothel or to a Chinese farmer. If the escaping North Koreans get caught and repatriated to North Korea, they are sent to detention centers where they are interrogated, tortured and beaten. If a North Korean woman escapee is found to be pregnant, she is forced to undergo an abortion. If the baby is born alive, the baby is killed.

Especially women and children seeking asylum are particularly vulnerable. In several cases, before finally managing to make their way to the ROK or Japan, women end up getting married to unknown persons and having children in third countries in order to continue staying safely without being deported back to the Democratic People's Republic of Korea. Such a situation has exposed women asylum seekers to exploitation and domestic violence.

The Chinese accept some aspects of the neoliberals' way in their having personal choice as consumer. Therefore, the North Korean women and children escapees in China are treated like a sellable good for human traffickers by stigmatizing them as illegal economic migrants.

A Counter-measure for the World Community towards North Korea

The US is so concerned about Kim's nuclear threat that it intentionally downplays the terrible suffering of the North Korean people. To improve the Human Rights for the North Korean people, the international community must make Human Rights for North Koreans the central part of any discussions, any negotiations at every level and at every venue. North Korea does not have any civic organization for Human Rights within its border because the repression and surveillance there are among the worst the world has ever seen. Therefore, it is very important to induce leadership change for the enhancement of Human Rights in North Korea. Kim Jong-il is the worst violator of Human Rights in the world today by the sheer number of people he has killed directly through his polices. But he advocates his regime and criticizes the Human Rights practices of other countries: "The imperialists indiscriminately intervene in their internal affairs and violate their sovereignty under the guise of international Human Rights. Human Rights can never be fully realized without the protection afforded by national sovereignty. People who are under foreign rule can never enjoy true Human Rights."³¹

31 Kim Jong-il, 'sahoejuyineun kwahakida' (Socialism is Science in Korean), *Rodong Sinmun* (Workers Daily in Korean), 4 November 1994.

North Korean defectors confirmed that North Korea is a land of horrible repression and evil with no Human Rights or freedom for its citizens. It is a regime unlike any other in modern times for the sheer brutality of its system and for the complete control by Kim Jong-un and his entourage.

However, the North Korean authorities argue that the South's mention of the Human Rights situation in North Korea is preposterous and that the South is in a similar situation.³² Moreover, the regime is instigating South Korean people from all walks of life "to rise up for a struggle to sweep away the gang of traitors with a strong sense of solidarity and united power."³³

In the next section, I am going to describe the UN and EU policy recommendations towards North Korea and a counter-measure for the world community towards North Korea.

1. UN Recommendations

The UN Human Rights Council emphasizes the need for the DPRK to ensure the overall protection and promotion of Human Rights in the country as provided under the international Human Rights instruments, with particular focus on, but not confined to, freedom of movement, freedom of expression and opinion, the death penalty, torture, and cruel inhuman or degrading treatment. It stresses the need for the international community to provide continued humanitarian support to the people of the DPRK and calls on the regime to address continued food scarcity in the country by taking effective measures such as revisiting the public distribution system, and channeling or reallocating financial resources to sectors that benefit the standard of living of the people in general. In the meantime, it calls on all other countries in which people of the Democratic People's Republic of Korea are seeking refuge or through which they transit, to protect such people, treat them humanely and respect the principle of non-refoulement, as provided under the 1951 Convention relating to the Status of Refugees. Especially, it encourages states to create an atmosphere conducive to the reunion of separated families.

Freedom of movement, freedom of expression and opinion, and human dignity are the kinds of values that the neoliberalism cherishes but the impact of neoliberalism towards North Korea is still marginal.

32 Seok-hyang, Kim, "North Koreans' Understanding of Civil Rights after The Mid-1990s," *Vantage Point* (Seoul: Yonhap News Agency, 2011), p. 55.

33 Ri Hak-nam, "We Should Oppose and Reject Imperialists' Favorite Slogan for 'Protecting Human Rights,'" *Rodong Sinmun*, March 22, 2009.

2. EU Human Rights Policies toward North Korea

The European Union has raised the Human Rights situation in North Korea in the last few years through its own mechanism such as the Delegation for Relations with the Korean Peninsula. The European Parliament adopted a resolution calling the government of North Korea to:

- Comply with the principles set out in the international Human Rights treaties it has ratified and incorporate these principles into domestic law;

- Abolish the death penalty; release all people detained or imprisoned for the peaceful exercise of fundamental Human Rights;

- Guarantee freedom of expression and freedom of movement for all North Koreans;

- Review existing legislation to ensure that it conforms with international Human Rights standards, and introduce safeguards to provide citizens with protections and remedies against Human Rights violations.³⁴

On 4 July 2011, the EU announced the release of about 14.5 million dollars in emergency aid responding to the growing threat of a humanitarian crisis in order to feed as many as 650,000 North Koreans who could otherwise die from lack of food. The per-person ration, which has been 400 grams of cereals per day, was reduced to 150 grams, mainly corn, on June 2011. That is a fifth of the daily average nutritional requirement.³⁵

The limits of the UN and EU Human Rights exhortations towards North Korea are as shown below:

First, in terms of separated family reunions, the North Korean regime may feel threatened by the idea of family reunions because the wealthy family residing in South Korea may make a negative impact on the regime's governance. That is why they may demand some compensation for any family reunion event.

Second, the North Korean regime controls its people by food distribution so paradoxically, the skyrocketing rice price may be conducive to strengthening the authority of leadership by its use of rationing of rice. Third, North Korea is under the sanctions of the UN for its transgression of the Nuclear Test Ban Treaty. Therefore, they don't care about further violation of the UN's Human Rights Covenant on Civil and Political Rights. Fourth, in terms of the public execution, it is a way for securing social stability by giving fear to those who violate its social laws; this is critical to the regime's security and stability in North Korea.

34 "EU Policy on North Korea," HRWF Available at <http://www.hrwf.org> (accessed on 10 August, 2012), p. 2.

35 Ibid., p. 2.

Fifth, in North Korea, state sovereignty cannot be a subject for debate. The Neoliberals' on freedom means permitting the liberty to express freely. The authoritarian North Korean regime cannot accept international norm for Human Rights allowing a political freedom to its people for regime security.

Sixth, the North Korea puts the Communist Party leadership above the Judicature. This may be a preventive measure for scrapping room for negotiation with the rule violators unlike the liberal democratic society.

Seventh, The Chinese accepts more neoliberals' way in their having personal choice as consumer. Because of the China's denial of accepting the North Korean escapee as a refugee, the North Korean women and children escapees in China treated as a good (stigmatized as an illegal migrants) for human trafficker.

3. Counter-measures for the World Community towards North Korea

Policy orientations of the world community, in particular the ROK and the US., should be based on an accurate understanding of 'Our style' Human Rights of the North Korea. They are saying that in realizing 'Our style' Human Rights, one should thoroughly comprehend 'Chuche' Ideology and be loyal to the Korean Workers' Party(KWP) and the leader. If the North Korean leadership changes their moral consciousness the enhancement of the North Korean Human Rights may gain momentum. International community should focus on leading Pyongyang to gradual change. Thomas Risse and Kathryn Sikkink suggest three types of socialization processes which are necessary for enduring change in the Human Rights area.³⁶

Process of adaptation and strategic bargaining;

Process of moral consciousness-raising, "shaming." Argumentation, dialogue, and persuasion;

Process of institutionalization and habitualization.

Table I. The policy options for the DPRK's promotion of Human Rights

Phase	Policy options
Phase I. Process of adaptation and strategic bargaining	-Establishment of Transnational Human Rights network in order to enhance the North Korean Human Rights. -Start cooperation with shared values

36 Thomas Risse and Kathryn Sikkink, *The Power of Human Rights* (Cambridge; Cambridge University Press, 1999), p. 11.

	on Human Rights with the North Korea under the condition of mutual respect; recognizing national sovereignty, territorial integration.
Phase II. Process of moral consciousness-raising, “shaming.” Argumentation, dialogue, and persuasion	<p>Offering Human Rights education and training in order to revise ‘Our Style Human Rights</p> <ul style="list-style-type: none"> -Promote Human Rights dialogue and academic seminars with North Korean delegates -Alleviating North Korea’s traditional security concerns³⁷ -lifting of economic sanctions toward North Korea
Phase III. Process of institutionalization and habitualization	<p>Providing food and medical aid for North Korea’s accepting institutionalization of international norms for Human Rights</p> <ul style="list-style-type: none"> -Normalization of diplomatic relations between US-DPRK, DPRK-Japan. -To lower the world grain price³⁸ -lifting of economic sanctions toward North Korea

Human Rights issues can be addressed by ‘Two-track engagement’- a combination of ‘Track I’ and ‘Track II’ engagement- is a reasonable approach toward North Korea. ‘Track I engagement’ involves active measures to bring new information on the external world into North Korea. The international community needs to reach out to North Korean people by getting as much information into North Korea as possible by sending in radios, newspapers, magazine, CD, USB containing outside information.

37 Brendan Howe-Kah-ul Kim, North Korea: Policy Failures, Human Insecurity, Consequences, and Prescriptions, *Korea Observer*, vol. 42, No. 2, Summer 2011, p. 303.

38 Brendan Howe-Kah-ul Kim (2011), p. 302.

'Track II engagement' strategy comprises dialogue, diplomatic normalization, and economic assistance if they follow international norms for Human Rights. In addition, international community must demand that china honor its international commitments and end its violent repatriation policy.

The four factors that impacted on shaping DPRK Human Rights thinking is Marxism, long-standing Confucianism, *juche* ideology³⁹ and minor neoliberalism in recent year.

Are the EU and UN's Human Rights policy recommendations towards the North Korea an exhortation of dangerous neoliberals' assumption? The Neoliberal assumption⁴⁰ on freedom means: (a) the liberty to compete freely, (b) having personal choice as consumer; and (c) the unconstrained accumulation of wealth and commodities.

Another key assumption central to the neo-liberal universe pertains to a particular understanding of human nature of being self-serving and naturally competitive. In this context, the impact of Neoliberalism to Human Rights issues is that the governments which are followers of Neoliberalism have failed to protect Human Rights and livelihoods.⁴¹ Consequently, billions of people are suffering from insecurity, injustice and indignity. The neoliberalism has in fact played a major role in perpetuating some of the Human Rights violations since the mid 70s.⁴² Specifically it caused growing inequality, deprivation, marginalization and insecurity; voices of people protesting suppressed with audacity and impunity; and those responsible for the abuses-governments, big business and international financial institutions-largely unrepentant and unaccountable.⁴³

Neoliberals, in this sense, are not guided by the question of what is good for people and the planet, but rather by the question of "what is good for economic growth."⁴⁴ While the North Korea regime are guided by the principle of "What is good for regime security." Therefore they tend to control free trade, competition, personal choice, accumulation of wealth and commodities to manage its centralized economy. In addition, they advocate values of loyalty to the regime with spirit of sacrifice like martyrdom. If defending the underprivileged is a prime goal for the neoliberals, the biggest problem in North Korea is the regime's arbitrariness for regime security at the expense of denying individual Human Rights and dignity. Hence neoliberals' emphasis on competitiveness regardless of capability, the limit of neoliberals' way of approach is aggravating economic indigence

39 Robert Weatherley and Song Jiyong, "The Evolution of Human Rights Thinking in North Korea," *The Journal of Communist Studies and Transitional Politics*, vol. 24, no 2, June 2008, pp. 272-296.

40 Fernando Pérez and Luigi Esposito, *The Global Addiction and Human Rights: Insatiable Consumerism, Neoliberalism, and harm Reduction, Perspectives on Global Development and Technology*, Available at <http://www.brill.nl/pgdt> (Accessed on Oct 6, 2012) P. 93.

41 Neoliberalism and its Human Rights impact on Singapore, Available at <http://aussgworldpolitics.wordpress.com> (Accessed on Oct 8, 2012) p. 4.

42 Ibid.

43 Ibid.

44 Fernando Pérez and Luigi Esposito, *The Global Addiction and Human Rights: Insatiable Consumerism, Neoliberalism, and harm Reduction, Perspectives on Global Development and Technology*, Available at <http://www.brill.nl/pgdt> (Accessed on Oct 6, 2012) p. 93.

of the target state. In the process of enhancing the practical North Korean Human Rights the new coalition forged by neoliberals has to offer economic incentives to the poverty ridden state like North Korea in the dimension of humanitarian assistance. Neoliberals' only stressing competition and accumulation may aggravate the North Korean Human Rights situation. We have to overcome the demerit of market-based worldview of neoliberalism and revitalize holistic, social, and spiritual values that embody generosity and reciprocity in order to enhance Human Rights situation in North Korea.⁴⁵

Conclusion

This paper suggests three phase policy options for the DPRK's promotion of Human Rights. To promote North Korean Human Rights, policy orientations of the world community, in particular the ROK and the US should be based on an accurate understanding of 'Our style' Human Rights of the North Korea.

Major North Korea's Human Rights issues which are reflected in the UN Human Rights Resolutions are related with the matter of reunion of separated family member, abduction, food control, freedom of speech, arbitrary detention, and human trafficking etc. In North Korea, domestic societal opposition is too weak and/ or too oppressed to present a significant challenge to the government. The North Korean Human Rights issues needs outside 'Two-track engagement' because the regime has a systemic limit in it. The DPRK takes advantage of repression and violence as an instrument to secure power.

Human Rights issues can be addressed by the international community by three phases; First, establishing atmosphere: process of adaptation and strategic bargaining; establishment of transnational Human Rights network in order to put pressure on the North Korea.

Second, promoting cooperation involves a process of moral consciousness-raising, "shaming," argumentation, dialogue, and persuasion; offering Human Rights education and training in order to revise 'Our Style' Human Rights of North Korea. In North Korea, human rights for the hostile class also need to be protected by the regime's Human Rights principle.

Third, full-scale cooperation: Process of institutionalization and habitualization; providing incentives for institutionalization of international norms for Human Rights by spreading shared values for Human Rights and mobilizing all-out support for Human Rights from member state of international community.

To enhance Human Rights situation in North Korea, the international community has to demonstrate and maintain a consistent will to enhance the North Korean Human Rights condition. To this end, there needs to be Human Rights dialogue or cooperation between the EU and the DPRK in order to revise culture, law, and system in connection with Human Rights, because the EU has more communication channels with the DPRK than the US. In the humanitarian assistance, there needs to be a transparency in food distribution. Offering political and economic incentive to the North Korea

45 James Fenelon B. & Thomas D. Hall, "Revitalization and Indigenous Resistance to Globalization and Neoliberalism," *American Behavioral Scientist*, vol. 51, no, 12 (2008), p. 1868.

can be overtured if the regime tries to solve major Human Rights issues including public execution, repatriation of POW, and elimination of torture and inhuman treatment without due process of law in correctional centers. In addition, it is necessary to set up a network of cooperation among Human Rights NGOs, states in the international community for a practical promotion of Human Rights in North Korea embodying a spirit of generosity and reciprocity.

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