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I. Introduction

In the 1990s, food shortages in the Democratic People's Republic of Korea (DPRK) caused an impassable systemic crisis that forced Pyongyang to request emergency aid from the United Nations and the international community. During this period, a great many North Koreans crossed the border into China despite the DPRK regime's threat of punitive measures. From the defectors, stories about the deterioration of human rights in the DPRK began to spread to the international community.

North Korea is on a watch list under the UN's Human Rights Resolution, indicating the UN's concern for human rights conditions in the DPRK. The resolution "The Situation of Human Rights in the Democratic People's Republic of Korea" represents a decision of all member countries. Although it is not legally binding as resolutions of the UN Security Council are, adoption of this resolution nevertheless serves to put extra pressure on the North Korean regime, both politically and diplomatically. The North Korean regime views this resolution, publicizing human rights realities in the North, as a political conspiracy designed as a negative blow to North Korea's national security. In spite of the DPRK's rejection and denial, "The Situation of Human Rights in the Democratic People's Republic of Korea" works as a tool has a significant impact on the North Korean regime's survival strategy.

Considering the current circumstances of international politics, *gangseongdaeguk* (a strong and prosperous state), North Korea's survival strategy to maintain its supreme dictator, can be ridiculously erroneous in the twenty-first century. The new century's platform of international politics requires not just wealth and power, as that of the nineteenth



century did, but also the soft values—such as knowledge, human rights, and preservation of the environment. The platform is thus becoming complex. For example, processes of development cooperation in the current international community no longer simply define the concept of “poverty” as “lack of wealth.” Observers now pay more attention to comprehensive and multi-faceted characteristics of “poverty,” including “injustice” and “deprivation.” These changes in the global platform make clear that another look at North Korea’s survival strategy is necessary.

What does the North Korean regime need in order to come up with a survival strategy that is appropriate to this complex platform of the new age? A comprehensive reform in the DPRK’s perception of human rights is a lynchpin for the North’s future development strategy. If the DPRK just pretends to adopt the international standard of human rights and does not fundamentally transform its behavior, it will be difficult to expect future international support for North Korea.

In the future, it would be wise if North Korea adopted the human rights agenda insofar as it does not threaten the regime’s safety and survival. North Korea must seriously consider whether it could survive in the twenty-first century should it persist in approaching human rights issues as a threat to the regime. In other words, Pyongyang has no other option but to agree to human rights concerns and search for survival strategies in tandem with the international community. This paper looks at the implications of the human rights agenda for North Korea’s survival strategy, and in addition, it analyzes and suggests a direction in which North Korea must approach human rights issues in order to succeed in its prosperity strategy.

II. Human Rights Awareness in the Military-First Era: Content and Evaluation

1. Perceiving the Human Rights Issue as a Threat to the DPRK Regime’s Security

In the 1990s and in the military-first era, the DPRK’s perception of human rights was established based on the fear of threats from the outside.

The fall of Communism and Pyongyang’s own evaluation on the causes of the fall greatly affected the way Pyongyang understands human rights. In the 1990s, when the Soviet Union and communist states in Eastern Europe collapsed, North Korea was faced



with a grave threat to its national security. The North Korean regime believed that the expansion of freedom and human rights and the subsequent escapes of the residents *en masse* were the main causes of the fall of Communism. The DPRK regime took a special caution to restrict the inflow of information, which it believed to have shifted public perception. For this reason, the international community's criticisms of human rights violations were interpreted as a security threat. To support this assumption, the regime spoke of the war in Iraq as an exemplary case that revealed the covert intention of the United States and the international community to topple the regime in North Korea.

North Korea misunderstood the international community's strategy as one of bringing down the socialist system and regimes, and justifying its actions in the name of human rights. The North defines the world order as a battle between imperialism and self-reliance, and human rights as a weapon of imperialism. The DPRK argues that the ambition of the imperialists, which is to dominate the world, never changes but only their methods do. In short, human rights are being used as a tool of the imperialists in dominating the world, in the eyes of the North Korean authorities.¹

The North Korean regime particularly emphasizes that the "human rights attack" is a strategy to ruin Socialism, and believes that this strategy must be countered considering the context of the system's security. To put it another way, the Western way of public discussion of human rights is nothing but a nominal reason that Westerners employ in order to bring down Socialism. At the core of that strategy, North Korea points out, lies the proliferation of human rights awareness and support for anti-regime forces—the final goal of which is the fall of Socialism and its core values such as solidarity and collectivism. According to Pyongyang, the Soviet Union and other Socialist states in Eastern Europe fell because they failed to see through the toxic intentions hidden behind the "human rights attack," and therefore no effective management measures were developed against such a strategy. Looking back on this historical lesson, North Korea claims that it must prepare a fierce ideological front line against Western tactics for the protection of the Socialist system. In short, the North Korean regime is taking a security approach in dealing with human rights issues.²

Pyongyang argues that there is not one absolute standard for human rights. Due to the differences in cultures, there cannot be a single standard for human rights that is applied to every state. Therefore, the insistence of Western states to apply "their way" of human rights to North Korea, regardless of the differences, can only be interpreted as a strategy to conquer the world. North Korea also applies this argument against globalization. For North Korea, globalization is another strategy to conquer the world based on Western values, in particular, American values. North Korea calls it "homogenization."



Through this homogenization, the North Korea asserts, Western states are trying to turn the entire globe into one free world, and then subordinate and assimilate all the people to their system. In particular, North Korea criticizes the United States for trying to “Americanize” other states by setting its standard of human rights as a global standard. In this way, the North Korean regime perceives Western and American diplomatic strategy to impart the values of human rights as a threat to their system.³

Pyongyang sees that it is the major target of the “human rights attack,” and looks at the expansion of global interests in its human rights issues from a security point of view. The United Nations has viewed the human rights situation in North Korea as a pressing and serious matter, and has requested improvement through a special process. For two consecutive years in 1997 and 1998, the UN Sub-Commission on Human Rights passed a North Korean Human Rights Resolution. When the North Korean regime did not show a definitive will to make progress, the UN Commission on Human Rights (UNCHR) adopted the North Korean Human Rights Resolution for three consecutive years from 2003 to 2005. Especially in 2004, the UNCHR appointed a Special Rapporteur on the situation of human rights in the DPRK, and launched an investigation.

The military-first regime’s idea on human rights is well implicated in its attitude toward the North Korean Human Rights Resolution, which is continuously adopted by the UN Human Rights Council and General Assembly. After the UNCHR passed the North Korean Human Rights Resolution in 2003, it virtually replaced the UN Human Rights Council, and undertook the role of overseeing North Korean human rights. Even under the new system, the resolution was passed for four consecutive years from 2008 to 2011. In 2005, it was agreed that the matter would be passed on to the UN General Assembly should North Korea continuously refuse to accept the mandate of the resolution passed by the UNCHR. Therefore, from 2005 to 2010, the North Korean Human Rights Resolution was passed in the UN General Assembly. Unlike the Human Rights Resolution passed by the UN Security Council, the resolution of the UNCHR does not carry coercive power. Nevertheless, these resolutions aimed at several states that violate human rights put pressure on North Korea, politically and diplomatically. The North Korean authorities persistently refused to accept the resolution and criticized it as a tactic to strangle North Korea. In addition the authorities vehemently blamed the United States for playing a predominant role in writing the resolutions, and said that other states such as the European Union and Japan have jumped on the bandwagon in order to overthrow the DPRK system.

As reflected in North Korea’s stance toward the UN resolutions, the North Korean authorities regard the human rights policy of the United States as the primary threat to its security. The North Korean regime, hence, set up its security strategies with the foremost



concern for the human rights assault. What made the weight of the matter even heavier was the Bush administration's public labeling of North Korea as an "axis of evil" and an "outpost of tyranny." To make matters worse, U.S. high officials, including George W. Bush, directly blamed North Korean leaders. North Korea regards such remarks as a challenge to its totalitarian dictatorship. As the United States pushed for a human rights policy against the North through its own legislation, North Korea's perception of human rights as a threat has deepened. In the *North Korea Freedom Act of 2003*, several provisions regarding weapons of mass destruction were included, and it fueled further sentiments of threat in Pyongyang. Reflecting on such criticisms, an amended bill was passed in 2004, yet North Korea perceived that even the adoption of the document itself posed a threat to the regime's security. Unlike the *Iraq Liberation Act*, the *North Korea Human Rights Act of 2004* does not stipulate a regime change. However, North Korea's original perception of the human rights policy persisted.

2. Perceiving Human Rights through the Lens of National Sovereignty

North Korea's perception of human rights as a security threat brought about a counter strategy that emphasizes national sovereignty in the military-first era. It has three specific distinguishing features.

First, the unique path of communitarianism, which is differentiated from that of general Socialism, is the key factor that invokes the North Korean regime's approach to human rights issues from the security point of view. The North Korean authorities believe that "our way of Socialism" is the system that genuinely realizes social collectivism. Also, North Korea's Socialism differs from past Socialism. The North Korean Constitution states, "in the Democratic People's Republic of Korea the rights and duties of citizens are based on the collectivist principle, 'One for all and all for one'" (Article 63). The North Korean way of socialism has special distinguishing characteristics: the revolutionary *surryung*, or Great Leader, ideology, absolute loyalty to the dictator, the ideology of "one organism" that the state is a one body and the *surryung* is the head, and the theory of "one large family of socialism."⁴⁹ Therefore, the idea of human rights, which designates individual citizens' *juche*, or self-reliance, inevitably interferes with North Korea's unique communitarianism, and the North Korean leaders perceive this issue as a serious security threat to North Korea.

Second, the principle of extreme hierarchy and exclusivity prevents North Korean leaders from accepting international human rights demands. Currently in North Korea, rules that justify the exclusion of certain classes are being actively used for the security of



the regime. In particular, there is a tacit agreement among the leaders that reckless repression of anti-*suryung* forces is rightly justified.

“We do not hide our stance on political matters, nor on the human rights issue. Socialist human rights do not extend to the undeserving elements, including hostile and impure ones who infringe on the interests of the People.”⁵

Thus the security of North Korea is based so strictly on the principles of hierarchy and exclusivity that it is difficult to expect North Korea to accept a general application of human rights.

Third, although North Korean society prioritizes politics as general socialism does, it has a unique governing mechanism that differentiates itself from the others: absolute loyalty to the *suryung*. This, in fact, is fundamentally hampering North Korea from establishing governance. In the North, super-legal measures such as the 10 Principles of “unitary ideology,” tenets, words, and proclamation take precedence over other rules in regulating people’s behavior. In such ways, *suryung*-oriented principles have negative impacts on establishing governance and make North Korea respond in an inflexible way to the demands of the international community. Worst of all, and most inhumane, is the system known as *Yeon-jwa-je* (or guilt-by-association). This system allows the North Korean authorities to punish not only the person who commits illegal activity but also his or her family. Furthermore, people’s social background is inherited from one generation to the next under this system. The reason why North Korean residents fear *Yeon-jwa-je* is that not only the criminal gets punished but the entire family can be harmed because of that person. The residents testify that they do not dare to express their complaints toward the regime, due to the fear that their families might fall victim to this system.⁶

Looking at the human rights issue from the regime’s security perspective, strong connections between the human rights of the military-first era and military-first strategies can be seen.

Since the 1990s, the North Korean authorities have been developing the idea of military-first in order to counter against the human rights issue. That is, the North Korean authorities are applying cultural relativism to proclaim “our way” in the realm of human rights. The authorities argue that there is no standard application of human rights. Therefore, for the international community to ask for the “Western way” of human rights cannot be justified. According to the North Korean regime, the “Western” standard of human rights does not fit their state, and instead, what the North Korean people prefer—“our way of human rights”—is the best fit for North Korea.⁷ But their argument does not lay out any specifics; it does not contain any details other than the claim that the North Korean people are enjoying human rights under “our way of socialism.”



One of the reasons the North Korean regime regards the human rights issue as a threat to their regime is that its human rights concept is directly connected to its founding principle. The uniqueness of the North Korean system comes from the fact that it applies both *juche* and the military-first ideology to its concept of human rights. This is well reflected in the North Korean Constitution, which was modified at the first session of the Twelfth Supreme People's Assembly (SPA) held in April 2009: "The DPRK considers the *juche* idea and the military-first, which are people-oriented worldviews and revolutionary ideas for achieving the independence of the popular masses, as the guiding principles of its activities" (Article 3).

What makes North Korea stay rigid and inflexible toward international demands regarding human rights, and also worsens the problem, is the *juche* ideology. In North Korean literature, human rights are defined as "rights of life for a social existence with independence." Also, the North's authority claims that the way to realize "our way" of human rights overlaps with realization of the *juche* ideology. In short, human rights in North Korea is closely interrelated with *juche* ideology. North Korea's human rights are unavoidably linked to the social ideology of "socio-political organism," meaning that only when the *suryung*, the party, and the people are united as one living entity can there be assured human rights in North Korea. In other words, when members of the society work for a common goal and shared fate under the right leadership of *suryung*, the society can truly realize "independent human rights." Under this logic, however, human rights become a blessing that the *suryung* bestows on the people, not an inherent and natural right of human beings. Therefore, by the revolutionary *suryung* ideology, the concept of human rights degenerates into a mere sub-concept of "unitary ideology" or a justification of the system.⁸ There is a new tide of human rights in the changing world of the twenty-first century. Yet North Korea remains rigidly bound to its worn-out dogma.

Chained by its *juche* ideology, the North Korean concept of human rights is also closely tied to the military-first strategy. As with other socialist states, North Korea also responds to international pressure with the idea of national sovereignty and nonintervention arguments. However, North Korea innately differs from the other socialist states in that it looks at human rights as a matter of "state rights," not just national sovereignty. To North Korea, imperialists have a plan to interfere in other states' domestic affairs and break down the system, or topple the regime in the name of human rights. In particular, North Korea claims that the United States is trying to project this imperialistic strategy in their land. The war between the United States and Iraq has deepened this distrust and doubt the North has had toward the United States. North Korea criticizes the United States for justifying its invasion with bogus reasons such as the "freedom" of the people



from a “non-democratic and repressive regime,” and says that the people of North Korea should never forget the fact that the loss of state rights means no human rights and no existence at all.⁹

On the basis of this “evidence,” the North Korean authorities continue their argument that human rights are essentially the same as state rights. Namely, since the Western demand for human rights reform is nothing but an attempt to topple the regime, protecting state rights can be equal to the protection of human rights. Hence, according to the authorities’ argument, the protection of state rights must proceed, in order to guard human rights in a genuine sense. North Korea’s way of looking at human rights—regarding human rights as a threat to the system’s independence—has borne this dangerous conclusion.¹⁰

When this argument is made, the concept of human rights is combined with the military-first strategy. For the North Korean authorities, who firmly believe in imperialism’s belligerence, it becomes inevitable to build military forces that can guarantee human rights, and therefore state rights, in the midst of increasing pressure from the international community. The North Korean authorities argue that strong state power, namely military power, is not only a necessary condition for human rights but is also the best political method to protect genuine human rights. Therefore, the North puts forth the philosophy that the military-first approach is the most trustworthy way to achieve human rights, and that military-first politics are, in fact, the politics for human rights.¹¹

Ultimately the two elements, the “revolutionary spirit of soldiers” and the “spirit of escorting the Great Leader” ossify the response strategies of the North Korean authorities toward the human rights issue. Through military-first politics, the North Korean authorities have set up the Korean People’s Army (KPA) as a model for the whole society in order to prepare it as a political force with a highly revolutionary spirit. This revolutionary army regards revolution, organization, unity, and rules as central tenets¹², and it is trying to impart those values to the people and the society. Especially, through expanding the spirit of soldiers, including the “spirit of guarding the Great Leader with determination,” “the spirit of perfectly completing goals,” and the “spirit of heroic sacrifice,” the North Korean authorities are trying to build human robots armed with absolute loyalty and unconditional obedience. There is no room to establish personal identity under such conditions.

The military-first strategy works as a key element in determining the North Korean authorities’ policies regarding the human rights issue. Also, the military-first strategy is a pivotal element in determining North Korea’s development strategy, and the development strategy in turn is a lynchpin factor that influences the quality of life and human rights of North Korean residents. Military-first politics, according to the North Korean authorities, form a political system that prioritizes the military in the state’s agenda. More accurately,



it is a politics that prioritizes the entire area of the military such as troops, defense industry, war, and all other areas related to national defense as the most important industry of the state. Hence, military-first politics seeks to open the gate of *gangseongdaeguk* through the means of defense industry and the military. Should North Korea persist in the development strategy that is grounded in military-first politics, the uneven distribution of resources will unavoidably undermine the natural rights of the people of North Korea.

The North Korean authorities approach the human rights issue from the standpoint of security of the regime and the system, a perspective deeply rooted in *juche*, military-first, and cultural relativism. In an attempt to respond to the international pressures with the UN at the center, the North Korean authorities have undertaken some limited amendments to the constitution but only as a covert strategy to calm the pressure. In 2009, the authorities added an article that guarantees the human rights of the North Korean people. Article 8 of the revised constitution states, “The state shall safeguard the interests of, and respect and protect the human rights of the working people, including workers, farmers, soldiers, and working intellectuals, who have been freed from exploitation and oppression and have become the masters of the state and society.” In 2003 the government passed a law to protect people with disabilities and since 2004, criminal law and the Criminal Procedure Code were revised as a part of efforts to improve human rights conditions in North Korea. In addition, the authorities have been allowing limited cooperation, for example, by turning in national reports and dispatching representatives to be investigated according to the four major international human rights instruments North Korea has joined. As explained earlier, there have been partial changes in North Korea’s attitude toward human rights at both the legal and the diplomatic levels.

III. Gradual Decline and Search for an Escape Route

The North Korean authorities are in a search for a survival strategy in their own way, which is to open a gate of *gangseongdaeguk* by 2012. In the short term, the North will seek to establish a survival strategy under the *suryung* system. But the human rights problem will play a significant role as North Korea works for that survival strategy; the North will not bother to amend its view of the human rights issue as something intertwined with the security of the regime and its system. Only a few limited revisions will be made merely to dilute international pressure. Yet it will not be easy to garner international support with-



out fundamentally shifting the North's view.

Although the North Korean authorities will try to meet international pressure on human rights by amending a few laws, the international community will want to see how those legal changes actually help the North Korean people to gain their rights. North Korea will put forth its amended Constitution and the Criminal Procedure Code as decisive evidence that the authorities guarantee the human rights of the people. However, without changing the fundamental tenets of this politics-dominated society, the superficial legal revisions will merely produce secondary effects. As long as the core function of the criminal law and the Criminal Procedure Code is to protect national sovereignty and the socialist system, the human rights article will be a secondary tool with inherent limitation from its inception. Also, in North Korea, a politics-dominated society, the principle of hierarchy and the political line of the mass will be considered fundamental elements rather than human rights principles.

A number of elements in the North Korean legal provisions are still subjected to international criticism, and one of the most inhumane systems, the public trial, receives focused attention from the international community. Open trial in North Korea is not used to guarantee the due process of law and human rights. Instead, it is used to evoke fear among the people and thereby maintain the social order. Although North Korean law guarantees the right to hire an attorney, the government nominates the attorney for the defendants. Another inhumane element criticized by the international community is the public execution system. Public trial and execution are both inhumane because of political manipulation of individuals in order to control society. Also, although the North Korean authorities will try to advertise the improvements in their human rights system, its application and effectiveness are bound to the limits of the monolithic ruling system. Should North Korea persist in its political prisoner camp and public execution system as well as its approach to human rights issues for the protection of the *suryung* monolithic ruling system, progress in human rights awareness can hardly be expected. The current situation, in which even the domestic laws are not properly enforced, is likely to continue due to the inhumanity in the Constitution and low human rights awareness among the North Korean legal workers. Until legal revisions in North Korea produce practical outcomes, conflicts with the international community over human rights will be heightened. Also, as long as North Korea's nuclear issue is deadlocked, the human rights problem will act as a barrier to any possible cooperation between the North and the international community. The North Korean authorities have to be aware that human rights matters will hamper it from building *gangseongdaeguk*, should it continue to pursue its inhumane practices.

North Korea's dogmatic refusal strategy to the international demand for human rights



can bring some short-term security to the *suryung* monolithic ideology, but in the long run, it will be detrimental to the regime's security as well as to its survival strategy. The more refusal strategies North Korea employs on the human rights issue, the more attention it will draw from the international community, hence put more pressure on the North Korean authorities. The international community's interest in the North Korean human rights problem is well reflected in the Universal Periodic Review (UPR) that the UN Human Rights Council newly adopted in order to enhance the surveillance capability of the human rights issue. During the general Universal Periodic Review held on December 7 in 2009, more than 60 member nations applied to speak on the floor, though only 52 nations were able to speak due to time constraints. This number, compared with participation rates in other nations' Universal Periodic Reviews, is a clear indication of the great interest that UN member nations have in North Korea's human rights problem. Even ranks of the speakers differentiated the members' interest in North Korea from the rest; in the general Universal Periodic Review of other nations, there are even cases when remarks were given by interns, but for North Korea, ambassadors themselves spoke. Noticeably, Dr. Robert R. King, Special Envoy for North Korean Human Rights Issues, spoke for the United States. Considering such international interest in North Korean human rights conditions, the issue will likely to be set as an official agenda item for the UN in various ways within the UN Human Rights regime, unless the North immediately shows a sign of shifting its attitude on the issue.

Out of 167 recommendations suggested in the general Universal Periodic Review of December 2009, the North Korean authorities rejected 50 recommendations and took note of 117. UN Human Rights Council adopted an official report based on the recommendations outlined in the "UPR Working Group Report on North Korea." The next UPR on North Korea will be held in 2013. Until then, the international community will intensify its pressure for better human rights conditions in North Korea, and continue to watch over the authorities there. During this time, North Korea's reaction toward the recommendations, especially the noted ones, will decide the future strategies of the international community to a large extent. North Korea's reaction toward the general UPR, and the international community's reaction toward the North's reaction, will be a key factor for the success of the survival strategy that North Korea is pursuing.

If North Korea persistently pursues a refusal strategy against the UN Human Rights Council, the UN General Assembly, along with the follow-up measures of the general UPR, will tighten its monitoring on behalf of the international community. The North Korean authorities must keep in mind that the international community evaluates North Korea's willingness to improve human rights conditions based on the basis of its attitude



toward special procedures and technical cooperation in human rights. The North Korean authorities do not recognize the existence of the UN Special Rapporteur for North Korean Human Rights and refused to allow its visit, because the Rapporteur was nominated by a UN Human Rights Resolution. Similarly, just because it is included in the North Korean Human Rights Resolution, the authorities have been refusing to cooperate with the United Nations Office of the High Commissioner for Human Rights (UNOHCHR). The North's uncooperative behavior toward the activities of UN human rights organizations will only foster the constant adoption of the North Korean Human Rights Resolution in the UN Human Rights Council and the UN General Assembly. Also, repeated turndowns on UN Special Rapporteurs and international human rights NGOs' requests for visits, without the North's having a self-monitoring system, will only aggravate the conflict between the North and the international community. If the adoption of the North Korean Human Rights Resolution is extended over the long term, it will negatively influence North Korea's ability to gain international support, which is, again, pivotal to North Korea in building *gangseongdaeguk*.

If North Korea keeps reacting against the human rights issue from the perspective of security and threats, more and more advocate activities to regarding negative public opinion will sprout from human rights NGOs around the world. Especially, demands to punish and hold North Korean leader to account for human rights abuses will further increase, with NGOs at the center. Furthermore, despite the low chance of attainability, international voices asking the International Criminal Court (ICC) to sue Kim Jong-il on charges of inhumane crimes against humanity will gain momentum. Already, the U.S. Committee for Human Rights in North Korea and other human rights NGOs have defined in the Human Rights Report that violations of human rights in North Korea are inhumane crimes and suggested some ways to sue the violators in the U.N. Security Council and the ICC. The Crimes Against Humanity Investigation Committee, a civil organization coalition, was established in order to sue Kim Jong-il in the ICC. After 2010, there will be enhanced activities to induce more active intervention of the ICC in the investigation of North Korea's violations of human rights, using a preliminary examination system underscored in article 15 of the ICC statutes. Such intervention could yield results quite contrary to the North Korea's goal, protection of the *suryung*, should North Korea insist on its long overdue approach to the human rights issue. Apart from attainability, if the effort to sue Kim Jong-il and the solidarity of the international community intensify, they will pose a significant threat to the security of the North Korean regime. Also, international NGO-led suggestions to make the leader bear responsibility will negatively impact the North's survival strategy, which requires cooperation of the international community.



With the nuclear problem deadlocked, the human rights agenda will not only be a barrier to the normalization of U.S.-DPRK relation but will increase the deterioration of relations even further. In 2004, when the United States enacted the North Korea Human Rights Act, the North Korean authorities criticized the act as a political ploy to topple the North Korean system with the nuclear issue on the one hand and the human rights issue on the other. If the North Korean authorities do not show signs of changing and persist in their ways, the United States will have to resort to tougher diplomacy on human rights, based on the North Korea Human Rights Act. The United States Congress extended the act, which was effective until 2008, for four more years through the North Korea Human Rights Reauthorization Act. Through this act, the part-time position of the Special Envoy for North Korean Human Rights Issues became full-time, and this in turn has laid a foundation for professional planning and implementation in the future. During this stage, if North Korea remains uncooperative toward North Korean human rights envoys, the human rights issue could damage U.S.-DRPK relations. There is also a possibility for the United States to adopt the North Korean human rights issue as an official agenda item for either bilateral dialogue or in the Six-Party Talks. In addition, the United States would probably extend the North Korea Human Rights Act again, if conflicts over human rights and nuclear weapons continue with no viable solutions. The North Korean authorities must be reminded that their dogmatic view that the universal value, which in this case is human rights, is an extreme threat to their security will not be beneficial to their relations with the United States nor to their attempt to gain international aid. Hence, the authorities are likely to be badly mistaken by persisting in their current approach, if they want to build *gangseongdaeguk* by 2012, as they have proclaimed.

If the North Korean authorities do not act for the improvement of human rights conditions, the United Nations, individual states, and nongovernmental human rights organizations will form an intertwined network at all levels regarding the human rights problem in North Korea. Especially within South Korean society, more and more activities to improve human rights conditions in North Korea will emerge with the support of international solidarity.

In South Korea, a currently proposed bill to improve human rights conditions in North Korea will be passed if the North does not show any signs of improvement. According to the proposed bill, the Ministry of Unification has designed a basic plan to achieve better human rights conditions in North Korea every three years. Also, the Special Envoy for North Korean Human Rights will be appointed, and a North Korea Human Rights Foundation will be established for more systematic investigation of the deplorable human rights conditions in North Korea. The foundation will provide financial backup for civi-



lian groups that work to improve conditions, which will in turn expand the public's voice in South Korea on the issue as advocacy groups and monitoring activities become galvanized as a natural consequence of financial support. More and more information inflow through the media will follow. Coupled with the human rights bill, it will add new momentum to advocacy activities in South Korea. Furthermore, when the Special Envoy for North Korean Human Rights is appointed through the human rights bill, it would be reasonable to expect enhanced cooperation between South Korea, the United States, and Japan. If North Korea maintains its passive and negative attitude toward issues related to POWs, DPRK abductees, and separated families, public opinion in South Korea is likely to become louder and ever more negative. A vicious circle of invigorated human rights activists in South Korea, North Korea's complaints against them, and more aggravation of South Korean public opinion will emerge, and hamper North Korea from pursuing a path toward *gangseongdaeguk* in the long run.

The international community has been accumulating various ways to maximize the effect of development cooperation to North Korea. However, in order to receive such aid, a receiving country must make some change in its policies. Therefore, the North Korean authorities must change their policies and system in order to receive the massive amount of development cooperation they need in order to build *gangseongdaeguk*. In the process of change, however, North Korea should abide by international principles such as the five principles of the Paris Declaration on Aid Effectiveness and Poverty Reduction Strategy Papers, which include significant human rights elements. Therefore, if North Korea maintains its isolated system centered on *suryung*, even though it adopts human rights and open policies to a limited degree, a large sum of international development cooperation is unlikely, a natural consequence of which is a smaller and smaller likelihood that North Korea will achieve its goal of *gangseongdaeguk* by 2012.

As long as the North Korean authorities keep pursuing the current form of the *suryung* system, using imbalanced development strategies, resource distribution that discriminates, and control mechanisms, conflicts with the North Korean people will deteriorate and become a barrier to the security of the regime. Unless the authorities put an end to military-first politics and shift to a fundamentally open policy, the people of North Korea will inevitably be faced with survival problems on their own. Amid a weakening economy and resource imbalance, the North Korean people are seeking ways to survive through the market. Unfortunately, however, the North Korean authorities have set the military-first and *juche* ideologies as guiding principles and employed coercive measures to control the lives of the people, and all of them have proved to be counterproductive to the regime. It is likely that the conflict between the regimes, persisting on coercive and



ineffective measures, and the people, who want survival, will grow larger, and the number of defectors fleeing from the regime for survival will continue to soar. Regarding the swelling number of defectors, more disputes between the North, South Korea, and China are anticipated. In addition, if the problem of defectors becomes a national issue, the North Korean authorities' effort to punish defectors will draw international criticism.

Many North Korean defectors testify that despite the authorities' attempt to control the people, after the economic downturn in the 1990s, increasing amounts of outside information is flowing into the communities of survival-seeking people, the number of whom is growing at a fast rate. An increasing number of people are watching South Korean videos and television and radio programs in secret, as well as Chinese ones. With the border area as the center of circulation, South Korean dramas and movies are spreading among the residents. There is a limitation to the North Korean authorities' coercive measures because the inflow of outside information comes by unofficial methods, and more and more people have begun to compare North Korea with the other countries they see on TV and radio. Diffusion of such information will make the North Korean regime uneasy about its security. Therefore, instead of negative measures such as filtering and coercion, the North needs to take positive approaches such as improving the life quality of residents through an open-door policy. The North Korean authorities must realize that if they do not take immediate measures to improve human rights conditions for the regime's security, the safety of the regime cannot be assured.

IV. Coevolution Strategy for Advanced North Korean Human Rights

1. Stage of Implementation and Reform

(1) North Korea

With abandoning the nuclear program as a start, through escaping from its political isolation and financial support, North Korea must fundamentally redesign its strategy of survival and prosperity in conformity with the international order of the twenty-first century. In order to move beyond mere survival and attain prosperity in the international political platform that has complexity as its character, the North Korean authorities have to recognize the importance of soft power, such as knowledge, environment, and human rights.



About human rights in particular, North Korea should break out of the state-centered ideology that has grown out of the principle of sovereignty, and recognize the complexity of the issue, in which various actors—the United Nations, individual states, and international NGOs—are complexly involved and interrelated. Regarding the human rights issue, an important universal value, North Korea should flexibly interact with other involved entities—UN human rights organizations, UN member nations, and nongovernmental organizations.

The North Korean authorities must realize that improvements in human rights do not pose a major threat to the security of the regime. They must strive to form a new strategy so that the two elements do not interfere with each other in a negative way. Two transitional steps should be taken for this new strategy. First, the major concern of the North's leadership is that the regime might collapse if the values of human rights slip into society. But nowhere in the world has awareness of human rights matured in a short span of time. Only through reciprocal communication and interaction with the international community for medium to long periods of time can human rights awareness truly mature in a society. Hence, the North's current strategy of dealing with human rights from a security perspective requires a major overhaul, from what the North defines as reaction to "aggression" to that of fostering communication and cooperation with the international community. The North should take a prudent yet steady approach—such as conversation and cooperation with the international community and domestic measures for a step-by-step implementation—to the human rights agenda.

More specifically, the North's strategy of rejecting the international demand for human rights by using the principle of extreme sovereignty (especially, national sovereignty) must be altered. If North Korea persists in its long-held political dogmatism that human rights can only be assured through the military-first strategy, it will not be able to step forward toward a successful survival strategy with the support of the international community. Such dogmatism must yield its place to other strategies. Only then will North Korean authorities be able to take into consideration the five-phase dynamic model of human rights change that Thomas Risse and Kathryn Sikkink have developed. According to Risse and Sikkink, the first stage of change in a violating state is a *repressive stage*. The next phase is a *state of denial*, in which the accused government denies the demands of the international community for improved human rights. The first reaction of most governments that are accused by the international community is denial, a fundamental challenge to the legitimacy of international human rights norms. The third stage is one of *tactical concessions*. As the pressure from the international community intensifies the repressive state attempts partial concessions such as releasing political prisoners and allowing more



political activities. In most cases, such concessions tend to remain tools to pacify international criticism without genuine change in awareness. After that comes the *phase of prescriptive status*, in which the legitimacy of human rights standards is no longer a matter of controversy. The final stage of the model emerges when the behavior becomes *rule-consistent behavior*. In this stage, human rights norms become a common practice and the rule of law is upheld.¹³

If this model is applied to North Korea, the North's authority can be placed in a stage between repression and denial, while partial concessions are strategically employed. In other words, as generally perceived, the North Korean authority would not rigidly pursue a strategy of denial, but make strategic concessions to international pressure. The North's strategic concessions can be evaluated on two levels. From the security point of view the authorities' strategic concessions have not reached political areas such as political imprisonment and public execution. In other words, strategic concessions are not extended to the political field. Only in areas that do not influence politics, such as domestic law and international cooperation, are limited concessions being made. However, such limited strategic concessions have limits in mitigating international concern about the North's violation of human rights. The North's concessions on human rights issues must be extended to the area of politics, if North Korean authorities want to root out the negative elements that this agenda places on their survival strategy.

In order to reduce international concern over the North's mistaken approach to human rights, the authorities in the North must expand their strategic concessions, not increase denial. Strategy must be changed at two levels.

First, in the beginning stage of the coevolution, North Korea must answer to the demands of the international community so that there is no need for adoption of the North Korea Human Rights Resolution by either the UN Human Rights Council or the General Assembly. For this, in an attempt to modify its human rights policies, Pyongyang ought to strengthen cooperation with UN human rights organizations, and openly accept the advice of the Human Rights Resolution, the UPR, and Concluding Observations of the UN Committees based on International Human Rights instruments. In particular, North Korea should selectively allow visits of the Special Rapporteur, which is one of the UN's Special Procedures. On the basis of such cooperation, the authorities have to evaluate the visits of the United Nations Special Rapporteur with a forward-looking attitude. Also, the North needs to expand its cooperation of the UN Committees based on International Human Rights instruments, and allow member of the committee and international human rights NGOs to visit North Korea. Such expansion of open cooperation will render the adoption of the North Korea Human Rights Resolution unnecessary. In addition,



North Korea should redirect its strategy to expand cooperation in the area of human rights to include more conversation and technical cooperation. It must join the UN Convention against Torture and Other Cruel or Inhuman or Degrading Treatment or Punishment as the international community is asking, and continuously work toward expansion of cooperation with the International Labor Organization (ILO).

Second, North Korea must attune its strategy with that of the international community so that it can be imparted to individual states. Especially during the process of resolving the nuclear problem, the North Korean authority needs to lay the groundwork for a talk with the United States in regards to the human rights issue. The North Korean regime should persuade the decision makers and the public in the United States that the North Korean Human Rights Act is no longer needed. That would in turn put pressure on the U.S. government to abolish the act. During this process, the North Korean authorities ought to improve cooperation with other states interested in its human rights, including those in the European Union, Australia, and Canada. Also, it has to seriously consider cooperation with South Korea in regards to human rights. More cooperation with individual states could help North Korea to find a better position in its attempt to gain larger amounts of financial aid from the international community. In order to successfully pursue a strategy befitting the international reality of the twenty-first century, the North Korean authorities should make clear to the international community that they want to pursue at least four stages of the five-phase dynamic model that Risse and Sikkink have developed. In other words, the North must do more than mere strategic acceptance and change its strategy gradually to the *phase of prescriptive status*. If such modification is made, positive international conditions for twenty-first century survive and ultimately prosperity will follow through reformation, an open-door policy, and developmental cooperation.

If the authorities want to move beyond coercion, rejection, and partial and strategic concessions, and seek security for their regime and a twenty-first century survival strategy through cooperation with international society, they must escape from their extreme cultural relativism. In particular, the North Korean authorities should gradually modify their cultural relativism regarding human rights. The beginning of the modification can be categorized into four classes, according to Jack Donnelly. First is radical relativism, namely, the view that only culture, history, and economy are the genuine origin of all values, and there is no such thing as inherent rights that every human being has had bestowed equally from birth. The second category is radical universalism, which regards all values as essentially universal, unaltered by cultural or historical factors. Next is strong relativism. This category sees that in principle, human rights are determined by culture and other environmental factors, though not entirely. The “universality” of human rights can have



meaning as a device to check certain values, but this idea is based on the change of values and relativism. Finally in weak relativism, universal human rights are viewed as a standard, but historical and cultural diversity can be factored in an attempt to realize rights. However, this idea ensures that even various methods of implementation must be restricted so that the core contents of rights do not get distorted.¹⁴ Out of the four categories, the North Korean authorities' beliefs can be located somewhere between radical relativism and strong relativism. In the meantime, however, the authorities must abandon their nuclear program, transition to an enlightened *suryung* governing method, and seek survival through reform and open-door strategies. During this transition period, the authorities have to gradually shift their stance on human rights from radical relativism to strong relativism, and eventually, to weak relativism.

In order to change their stance from strong relativism to weak relativism, the North Korean authorities must first get rid of the “our way of human rights” principle. As long as North Korea continues to approach the human rights issue from a black or white, “our way” or “Western way” perspective, it will be extremely difficult to form cooperative ties with Western advanced states, including the United States and the members of the European Union. Only when the North Korean authorities drop this worn-out perspective can they participate in talks with the West and work cooperatively with them. Therefore, the North Korean authorities must reconstruct their view of human rights based on the international human rights instruments that the North has joined.

In addition, the North Korean authorities should reestablish their understanding of human rights at the domestic level in a fundamental way. In order to change the North's concept of human rights, the following preconditions must be in place. First, the North Korean authorities must abandon *juche* and the military-first ideology as their guiding principles. This first requires the deletion of articles on *juche* and the military-first ideology from the Socialist Constitution of the DPRK. Along with the removal of such principles, the North Korean authorities should no longer hold on to their habit of seeing human rights issues from the perspective of *juche*. Second, North Korea must not hold on to collectivism, through which it has been interpreting human rights issues. This requires the deletion of the extreme collectivistic principle, “one for all and all for one,” from the Socialist Constitution. Currently all North Korean people are required to live under organizations. However, such organizational and unified life must be gradually forgone. In order for the prosperity strategy through the economy-first principle to be successful, the authorities must flexibly manage the ego-centered thoughts that will inevitably emerge in the process of economic activities. Also, the authorities should not approach human rights issues as a matter of dispensation. Rather, the authorities must see it from the eyes of the



North Korean people.

The survival strategy befitting the international political reality of the twenty-first century requires the North Korean authorities to replace “rule by man” with “rule of law” in regard to the human rights issue. The authorities should choose to raise the quality of socialist laws, which will help the regime’s own safety. Specifically, two aspects of “rule of law” require special attention for the regime’s security, which will earn the cooperation of the international community and legitimacy bestowed by the people. First, the North Korean authorities have to narrow the gap between their written laws and how the laws are actually executed. Only when domestic laws are executed properly can the authorities erase their designation as a violator of human rights. Priority must be given to properly abiding by North Korean criminal law and the criminal procedure code. Then, the authorities should get rid of notorious illegal accommodation facilities and political prisoners’ camps. For the crimes that are defined in North Korea’s criminal law as treason, the authorities should follow all of the procedures, investigation, preliminaries, prosecution, and trials as stated in the criminal procedure code. With the absence of political prisoners’ camps, those who are convicted and sentenced for political crimes could be sent to labor camps. Meanwhile, criminals’ families should not be subjected to *Yeon-jwa-je* (guilt-by-association).

Second, the North Korean authorities must end the public execution system, which has been criticized internationally for its inhumanity. Even in cases where the death penalty is imposed, it must be applied strictly according to criminal law, with a trial before sentencing, as stated in the criminal procedure code. In particular, as the law on enforcement of court decisions dictates, execution of the death penalty requires a decision of the Supreme People’s Assembly. Also, it is appropriate to cancel the article on public trials. Punishment of the convicted must be dealt with from a human rights perspective; it must not be used for the purpose of evoking fear from the crowd. Furthermore, in order to raise the quality of “rule of law” and invigorate the economic activities of individuals, the deportation system must be abolished, and more efforts to narrow the gap between the law and actual practice are necessary. Although the central authority reorganizes the laws, if people who execute the law lack awareness of human rights, human rights crimes will remain at the root of the society. For the better execution of the law, the authorities should strengthen the capability of the state. Operating various educational programs for the enforcement units would be one way to accomplish this, and for this, the authorities need to cooperate with the international community. The expansion of technical cooperation with UNOHCHR is especially important. There are ways to build strong security for the regime by strengthening socialist laws, and the authorities must realize this.

Then, the North Korean authorities should gain international cooperation by accept-



ing international human rights law and international protocols and reorganizing North Korean laws accordingly. In order to enhance the quality of the law, North Korea would be required to become a member of international conventions of human rights that it has not yet joined, such as the Convention against Torture. Next, the authority must modify the current law reflecting international human rights law. As a part of the effort, the authority must actively engage with UNOHCHR and the EU to cooperate in the area of human rights.

North Korea should move beyond the strong and prosperous state that it targeted in the nineteenth and twentieth centuries. It needs a strategy to secure the regime through the people-first policy and the acceptance of human rights. When the economy-first and the people-first approaches are combined in policymaking, the safety of the regime can be better served. Rather than simply targeting security of the regime through the economy-first strategy such as the development of agriculture and light industry, integrating people-first policies can be much more effective. In regards to the integration of the economy-first and the people-first approaches, at least a minimum level of citizen rights must be allowed. That includes people's right to move around in search of means to survive during the transition period to the market economy. In addition, the authorities should gradually widen the scope of reforms and institute an open-door policy for the successful integration of the economy-first and the people-first plans. For North Korea to succeed in the long run on its own, and prosper in the complex stage of the twenty-first century, it must also be able to compete in the stage of knowledge. Therefore, more books, especially books on market economy, need to be allowed to flow in with fewer limitations. In other words, the authorities should slowly allow the distribution of human rights-related books and ease its grip on information. No member nation of the EU completely blocks the activities of the press and media. Hence, in order to overcome the label "violator of human rights," the authorities ought to gradually open their doors to the press and media. This includes the use of mobile phones and computers, and especially Internet use among ordinary people as well as more freedom for the residents, including freedom to move around. Moreover, restrictions on foreign visitors need to be loosened. In particular, travel to rural areas has to be approved with fewer limitations. Also, the contacts between foreign visitors and the North Korean people should be allowed. In the transition period from the planned economy to the market economy, people's increasing economic and social rights have to be considered when distributing resources. Especially for cooperation in development, the authorities have to work with the international community to make sure that cooperation occurs with the participation of the people in small divisions such as *li* and *dong*, or small regional divisions in Korea. Through such efforts, the authorities must guarantee people's basic participation in order to help people attain the capability to



live on their own. In small regional divisions, the authorities must allow the people to participate in various areas such as development cooperation, policy decisions and execution, and evaluations. Considering the changes in social relations that inevitably follow the expansion of a market economy, the authorities must abandon the exclusion and discriminatory rules based on family background.

In particular, the extreme class principles that are stated in DPRK law (the criminal law and the code of criminal procedure) must be deleted. The North Korean authorities must aim for the “rule of law,” reorganize domestic laws, and strengthen the ability to execute them, while accepting outside monitoring to a large degree.

[Table 1] Development Stages for the Improvement of North Korea’s Human Rights

	Human Rights and Security of the Regime	Approach to Human Rights	Acceptance Strategy	Mechanism of Human Rights Protection
Short term	Regime’s security through <i>juche</i> , military-first → consideration for economy-first	Radical relativism → strong relativism	Coercion, denial (essence), tactical Concession (secondary) → expansion of tactical concession	Talk with UN and individual states Strengthening application of law
Medium term	Regime’s security through economy-first and people-first	Strong relativism → weak relativism	Tactical concession → expansion of human rights law within the state	Preference toward a society that partially accepts monitoring by UN and international NGOs.
Long term	Regime’s security through people-first	Weak relativism	Human rights law spreads deeper into the society	Full acceptance of the system that protects domestic human rights

(2) South Korea and International Community

It is recommended that the international community approach North Korea’s human rights issues in a way to change North Korean authorities’ concerns regarding their regime security. Led by South Korea, North Korea will be able to establish an atmosphere where



its human rights issues are not considered in a perspective of system reductionism. Understanding the multidimensional factors that violate North Korean human rights and inducing policy in North Korea to change in order to resolve these factors are additional steps. For dispelling worries about the security of the regime and political dispute among its authorities, South Korea and the international community could form a multidirectional cooperative network on human rights issues with North Korea. Through these types of multidimensional cooperative networks, gradual improvement of goals and strategy for action can be discussed. That being said, rather than just one-way directional means whereby the outsiders set the goal of improvement, it is very important to foster an atmosphere of discussion, where conversation and communication are emphasized in order to come up with ideas for improving the direction of strategy. The starting point must be mutual understanding and flexible adjustment on the concept of human rights.

First, relations between the United Nations and North Korea, in terms of human rights, should be continuously adjusted. More concretely, the UN human rights regime should change its approach toward North Korean human rights issues. This can be done in a way so that the UN itself adjusts means of problem-solving toward North Korean human rights issues, which will eventually lead North Korea to convert its military-first strategy to an economy-first and civilian-first strategy. A strategy could be changed from pressuring North Korea to promoting an environment of conversation and cooperation through adopting the North Korea Human Rights Resolution. The UN Special Rapporteur that selectively target North Korea must be abolished. This approach would be designed to strengthen cooperation between the North Korean regime and the UN Thematic Special Rapporteur that is not specifically targeted at a certain country. The focus will be more effective when the UN Committees that supervise the international human rights treaties, lead to induce North Korea to adopt the international norm of human rights. Active communication with North Korean authorities through the Universal Periodic Review of the Human Rights Council and the creation of an environment for activating technical cooperation on human rights between UN and North Korea are important. The Office of the High Commissioner for Human Rights (OHCHR) should support North Korea so that it can establish National Human Rights Action Plans (NHRAP). In this way, the South Korean government will have to cooperate closely with the UN OHCHR so that they can create a cooperative environment to strengthen human rights inside of North Korea.

Second, the network of cooperation on human rights between individual nations and the North Korean regime should be diffused. The environment of the human rights dialogue that will induce a change of perception and policy in North Korea toward human rights can be created by Western countries. The EU, which has relatively friendly relations



with North Korea, will be the one who needs to work actively on resuming a dialogue with North Korea on the issue, and countries like Canada and Australia, who are interested in human rights issues, will have to push the dialogue ahead. Countries like the United States, Japan, and South Korea are the ones who need to abolish laws related to North Korea while they carry forward human rights policies toward North Korea by establishing North Korean human rights laws in order to create an external atmosphere for the dialogue. This will give the United States and Japan a steppingstone to solve North Korean human rights issues in a cooperative way. The United States will have to work on not letting the human rights issue agenda be a source of conflict in order to ameliorate its relations with North Korea by admitting the differences in perceptions of human rights and supporting North Korea so that North Korea can gradually achieve goals. Cooperation through “a North Korean human rights consultative group” will also be important. In addition, the nations participating in this human rights dialogue with North Korea will have to be active in the area of cooperation on the individual national level.

Third, a multilateral human rights regime in which North Korea can participate should be pushed ahead, rather than focusing on an isolating plan targeted at North Korea. However, North Korea seems to have a bad perception of the Helsinki process. It seems to believe that information distributing strategies that are based on the Helsinki Final Act would be one of the main factors in the collapse of socialism. There is therefore a great possibility that North Korea might oppose any human rights plan that claims to follow the Helsinki process. Thus, creating a regional human rights system and a positive atmosphere that takes into account regional factors in East Asia is important.

Fourth, an environment for forming a network of cooperation on human rights between South and North should be created. Although considering the level of openness and the adjustment of the human rights strategy of North Korea is important, the development of North Korea should be promoted gradually, led by South Korea. Through this, the North Korean authorities' policy that is designed to promote its civilians' economic rights will be supported. A right atmosphere that is created by the international community will be an important factor to persuade North Korea to be active in changing its policy and system. When South Korea looks at its North Korea policy, it should focus on supporting development and taking a major role to in eradicating poverty. Even though the number of North Korean defectors to South Korea is increasing because of North Korea's temporary humanitarian crisis, South Korea should strengthen South-North cooperation in combating large scale North Korean defections to the South. In addition, presuming an improvement in the level of South-North relations, the National Security Law will have to be abolished. In this atmosphere, a South-North dialogue on human rights can be in-



duced with the participation of civilians, scholars, and administration officials. In this dialogue, the subject of supporting human rights education programs and abolishing detention centers will be given priority, although the subject of concrete areas of cooperation will also be discussed.

2. Transformation Stage

(1) North Korea

In order to avoid a dropout state into an intricate nation of the twenty-first century, what essentially North Korea should do is to take a transitional step for its regime so that it can transform to an open, norm-friendly regime. It should completely break away from seeing human rights issues from the perspective of the security of the regime: the transition should be developed in a way to gain legitimacy for the regime through an increase in civilian rights, and in a way to take a step from the level of acquiring a position within international norms to a level where it coincides with the international norms while claiming the process of five ascending steps. Carrying forward a strategy of internalization of international human rights norms will be helpful to achieve this. Additionally, joining in the major international covenants for human rights, observing and adhering to their laws completely, such as criminal law and the Criminal Procedure Code, to make them accord with the international covenants for human rights, are also necessary. Introduction or reorganization of human rights-related legislation will be achieved by applying various international models/examples. Along with these steps, North Korea will have to abolish its class-principle, and collectivism that are prescribed in the domestic legislation related to human rights.

Breaking from a politically dominant society requires effort by North Korea to establish a stable law of socialism. In the human rights reports of the United Nations human rights body and international human rights NGOs, usually an overall poor score for North Korea's human rights is seen. A gap between North Korean legislation and actual practice could be minimized through reorganizing its entire domestic capability. For the legislative sector, institutionalizing education on human rights for legislators and ensuring the independence of the judicial branch should be the way to reorganize the legal system. Through this process, reorganization of the clause of any law that hinders the independence of the judicial branch and abolition of several similar jurisdictions, such as the Guidance Committee for Socialist Law, is especially significant. Modifying the institution of training prosecutors, judges, and attorneys is necessary for reforming legal institutions to institute the right of defense. More-



over, several other steps are also necessary to guarantee human rights, such as abolishing the system of labor camps and many other detention facilities, supplying books related to human rights, and introducing a human rights education system targeted at North Korean civilians and students.

North Korea is going to have to open its society to the international community. It will be possible for the North to make tangible progress when it guarantees its people's freedom of movement and their right to use information sourced from the outside. Permitting its citizens' use of the Internet and cell phones, and accepting major principles and standards regarding developmental cooperation, which are popularly used internationally, will be concrete steps to take. As the participating development and congregated approach of development and human rights are preferred in today's international community, North Korea also has to guarantee its people's full participation and rights while accommodating process.

North Korea also needs to work on being active in monitoring not only domestically, but also internationally the issues of human rights. Achieving recognition from the international community on the existence of a North Korean inter-monitoring system on human rights, and pursuing cooperation with a monitoring system of UN human rights bodies, such as a UN Special Rapporteur will be important in the process. Moreover, establishing an independent national human rights body is an effective way to deal with North Korea's human rights issues.

(2) South Korea and the International Community

Institutionalizing South-North cooperation on human rights issues should proceed in a way to that will enhance human rights on the Korean Peninsula, rather than just raising North Korean human rights issues in a one-way direction. It will be effective when the two countries work on forming a substantial opportunity to have a meaningful dialogue on human rights and discuss plans to enhance human rights of each country in various fields. In the process, South Korea can transfer its experience and lessons in a way to foster human rights awareness inside of North Korea through inducing communication among the levels of labor, women, and youth. For example, cooperation between South and North can solve the problems caused by the belittlement of women in North Korean society.

North Korea cannot avoid modifying various laws and regulations in order to push ahead with the reform and open policy. This process for North Korea with South Korea's support will successfully establish the law of socialism inside of the country. South Korea is playing an important role in leading the situation in order to form not only South-North cooperation, but also various legal cooperative channels with international organi-



zations or other individual countries. For instance, South Korea can provide leadership in a body like tentatively named, “International Consultative Group for Supporting North Korean Rule of Law.” This consultative group requires establishing a plan to support North Korean legal institutions and to consult with North Korean authorities. In this step, strengthening cooperation among the domestic departments that are related to North Korea, such as the National Human Rights Committee, or the Ministry of Justice, will support this kind of consultative group. Supporting an educational manual on legislative human resources inside of South Korea can be one of the examples.

The international community needs to constantly work on not only establishing an East Asian regional system on human rights, but also persuading and supporting the North Korean authorities in establishing their own independent institution of human rights. As was observed in the UN system of regular review of the human rights committee, the East Asian regional regimes on human rights will have to come up with a “Universal Periodic Review,” which will initiate an equal discussion concerning North Korean human rights issues and those of neighboring countries. ■

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Endnotes

¹ *Rodong Sinmun*, August 17, 2007.

² Kim (2007, 72-73).

³ Kim (2000, 329-333).

⁴ Kim (1998, 365-366).

⁵ *Rodong Sinmun*, June 24, 1995.

⁶ Lee and the others (2009, 94).

⁷ Kim (1996, 371).

⁸ Seo (2007, 142-153).

⁹ *Rodong Sinmun*, August 19, 2006.

¹⁰ *Rodong Sinmun*, August 17, 2007.

¹¹ *Rodong Sinmun*, September 13, 2007.

¹² Jeon (2004, 75-81).

¹³ Risse and Sikkink (1999, 1~38); Lee (2008); Heo (2008).

¹⁴ Donnelly (2002, 73-76).



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