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Master's Thesis of Kipoom Jeong

Human Rights in North Korea

– The Conflict between Economic, Social and Cultural Rights and Civil and Political Rights –

북한의 인권: 경제적, 사회적 및 문화적 권리와
시민적 및 정치적 권리의 충돌

February 2023

Graduate School of International Studies
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Human Rights in North Korea

– The Conflict between Economic, Social and Cultural Rights and Civil and Political Rights –

Seong-Ho Sheen

Submitting a master's thesis of
International Studies

February 2023

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이 논문을 국제학석사 학위논문으로 제출함
2023년 2월

서울대학교 대학원
국제협력(학과 및 전공)
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정기뽐의 국제학석사 학위논문을 인준함
2023년 2월

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Abstract

The condition of human rights in North Korea is a highly contested topic in South Korea, an issue that is divided along the lines of political affiliation. Conservatives usually promote the notion of Civil and Political Rights (CPR) as the most important aspect of North Korean Human Rights (NKHR), and argue that the dire condition of NKHR can improve only through a change in the political system of the North. Liberals, on the other hand, emphasise the support the South can provide to the North regarding Economic, Social and Cultural Rights (ESCR). Because of the stark differences in the perspectives towards NKHR depending on the political party, South Korea has had difficulties in carrying out consistent North Korea policy, and in making meaningful changes in NKHR conditions.

This thesis examines the discourse of NKHR and analyse the reasons for the conflict in the concept of NKHR. In order to conduct a profound analysis, it explores the historical backgrounds of human rights discourse in the DPRK, as well as the roots in NKHR discourses in the ROK, the US, and the EU. This thesis concludes with a policy suggestion to the South Korean government regarding NKHR: 1) the government ought to approach NKHR with contextual universalism (as Bo-hyuk Suh argues); 2) both CPR and ESCR should be supported by criticising the North's leadership when CPRs are infringed, and providing assistance when the North Korean regime is making efforts to enhance the situation of ESCRs; and 3) the government should maintain a consistent attitude and NKHR policies regardless of the political affiliation of the ruling party.

Keywords: North Korea, Human Rights, Civil and Political Rights (CPR), Economic, Social, and Cultural Rights (ESCR)

Student Number: 2020-26285

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Chapter 1. Introduction

1.1. Background

North Korean Human Rights (NKHR) is an ever-divisive political issue in South Korea. From the issue of North Korean refugees in China to the human rights of the North Koreans living in North Korea, a variety of human rights issues are seen through a political lens. In South Korea the term "North Korean human rights" is used by those on the right, while "peaceful relationship" is for the left wing. The type of human rights to which conservatives and liberals each give priority are different. Conservatives emphasise Civil and Political Rights (CPR), commonly referred to simply as "human rights" in the Republic of Korea (ROK). They argue that the Kim family is responsible for atrocious human rights violations in the Democratic People's Republic of Korea (DPRK), mentioning such issues as prison camps and the lack of freedom of speech and religion. On the other hand, liberals claim that Economic, Social, and Cultural Rights (ESCR) should be prioritised under the current North Korean regime because CPR would not be appreciated at a time when the people are still suffering from a lack of sufficient food, water, and education.

While South Korean politicians and civil groups compete over which aspects of North Korean human rights to prioritise, the economic and social situation in the North has continued deteriorating with little international support. Because human rights are directly related to quality of life, and sometimes even the continuation of life, it is obvious that keen attention must be paid to the issue of NKHR. Moreover, it is vital to understand the reasons for the stark division among those in the South who support NKHR; only by understanding the history and the current status of this discourse can South Korea and the international community move closer to liberating the oppressed and to making true improvements

for human rights in North Korea.

This thesis therefore explores the question of why South Korea is so severely divided when it comes to NKHR, examining both sides of this political chasm. After studying the various viewpoints in North and South Korea, it explains the perspectives of the United States (US), one of the most important actors in North Korean issues, and the European Union (EU), a bloc that plays a crucial role in the world but which has a view different from that of the US. By examining and comparing the various standpoints and policies against NKHR issues, it presents policy implication for the stance South Korea has to take.

1.2. Literature review

1) Development of Human Rights in North Korea

There have been many studies about NKHR. Most of the existing literature analyses the aspects of NKHR discourse and discusses the strengths, weaknesses, and ways to improve the condition of NKHR. Because it is imperative to comprehend the beginning of the perception of human rights within the DPRK, numerous scholars have also looked into the history of the human rights discourse in the North.

Seeking to understand the background of the NKHR controversy, Young Chul Chung (2014) depicts the beginning of the human rights discourse in North Korea. Through an examination of Kim Il-sung's speeches, he claims that Kim included the human rights discourse to denounce the brutality of Japanese leadership in the context of colonisation (Chung 2014, 74). Additionally, Chung argues that the Kim equated the concept of human rights with the benefit people supposedly gain through communist revolution so that he could justify the revolution and construction of the communist state (Chung 2014, 75). The concept of human rights

remained preliminary and abstract, and did not develop into a more concrete norm at the time. In the 1960s, it became an instrument through which the DPRK could blame the South as well as display the preeminence of its ideology (Chung 2014, 76). With increasing negative attention from other countries after the Cold War ended and the communist bloc collapsed, North Korea shifted its perception, to see human rights as a tool for imperialists' intervention and hinderance in North Korea's sovereignty (Chung 2014, 83–84).

Helene Kim (2021) also deals with the history of the development of human rights in North Korea, while she focuses more on the division of the concept of human rights – into CPR and ESCR – in the North. North Korea, she claims, has equated human rights to national rights. The North does not see human rights as endowed individual rights, and it relegates human rights to below national sovereignty so that intervention from the external parties is not justified. Because the leader's order comes before law in the DPRK, it is not possible to apply the same concept of international human rights norm to the North. During the rules of Kim Il-sung and Kim Jong-il, they used human rights as a method to effectively control the people. It was also used to show the superiority of communism; in the 1980s, North Korea used the concept of ESCR to denounce South Korea's capitalism. The North had also been arguing that improved protections of human rights came about as the result of revolution. This claim enabled the leadership to undermine opposing ideologies and shore up their own power (Kim 2021, 201). After the end of the Cold War, North Korea needed a different form of protection from the criticism from the outside world of its human rights violations. Around this time, in 1995, the concept of its own distinct human rights (*ooh-ri-shik-in-gwon*) became official (Kim 2021, 202). From the 2000s, the DPRK started to show its determination to protect the vulnerable in society by establishing laws that protect disabled people, women,

children and the elderly. Kim argues that the reason for the North's decision to engage with the human rights issues of the weaker people of the society is that they do not threaten the regime, while the leadership can also use it as a method to avoid international condemnation (Kim 2021, 203). North Korea's adoption of the SDGs is understandable in this context. It needs assistance from the global community, while it is still unwilling to go through the chaos and danger of the collapse of the regime. Kim suggests that the approach of South Koreans towards NKHR needs to diversify. The North is making efforts to improve at least the ESCR through the SDGs. Kim argues that the DPRK has taken its first step towards embracing international values, and the international community has to keep involving the North in the matter of human rights, although it is not a perfect move towards the betterment of human rights including both ESCR and CPR. Once the drive towards a society that protects human rights is started, it is difficult to go back to the former one (Kim 2021, 206).

2) Diverse NKHR Discourse in South Korea

Furthermore, among South Koreans, NKHR has always been one of the causes for the so-called "South-South conflict": the ideological conflicts among South Koreans. Due to its highly controversial characteristic, diverse scholars have explored the subject of NKHR from various perspectives. These perspectives can be seen as relativist and universalist.

Bo-hyuk Suh (2007) and Hazel Smith (2000) both maintain that viewing the DPRK as a "villain" is not helpful for the long-run relationship and stability. Suh claims that selectivism is prevalent in the South regarding NKHR, and because of the way people see North Korean regime, the division of CPR and ESCR in NKHR is initiated. One party defines the regime as "the villain", so that the only resolution to the problem of human rights in the DPRK is the

collapse of the oppressor. On the other hand, others see the regime as a potential partner which may eventually be the starting point of an enhancement of rights in North Korea (Suh 2007, 29).

Smith (2000) argues that NKHR is generally viewed through a "securitization paradigm" by other countries (Smith 2000, 114). States believe that North Korea is "bad" and "mad", according to Smith, and that it has offensive intention to actively harm others (Smith 2000, 115). This, however, is a belief formed through the paradigm, and is not proved wrong or right. For instance, people often relate the size of the DPRK's defence budget – which was 30 per cent of the state budget at the time Smith wrote her paper – to its belligerence towards its neighbours. Yet, Smith states that North Korean military expenditure was estimated to be 2.4 billion USD in 1998, while South Korea spent approximately 10.2 billion USD (Smith 2000, 117). Furthermore, Smith argues that there is no possibility of negotiation with North Korea should others stigmatise it as "bad" and/or "mad". Instead, Smith suggests an alternative to the hostile perspectives towards the DPRK: understanding North Korea's behaviour within the context and pursuing peace, which will also bring about stability and development (Smith 2000, 132).

Kyoung-Chan Kim (2012) views the issue in a broader sense, as Asian human rights. He asserts that understanding the context and background of the situation and history of Asian states should come first when it comes to the discourse of human rights. The global order, norms, and common values, Kim argues, are established by the Western powers to benefit themselves, while a variety of nations and ethnicities with different situations exist (Kim 2012, 322). He argues that the universalism of human rights only reflects the universal values of Western countries, and does not consider the rest of the world. Thus, he maintains that universalism is invalid if it does not include regional relativism in human rights (Kim 2012, 328).

On the other hand, Sung-ho Jae (2014) has a more coercive

and reproachful view against the North Korean leadership holding it responsible for the dire condition of NKHR. He deplores the situation of NKHR based on the reports by the United Nation (UN), the NKHR Commission of Inquiry (COI) reports, and numerous accusations from international human rights organisations. Jae urges that the North opens itself to the agents of international organisations to prove its claim that there are no prison camps or human rights infringements. Furthermore, the DPRK ought to cooperate with other countries more actively – especially with South Korea – if it is serious about participation in the international society and its norms of international human rights (Jae 2014, 44).

Suh (2013) claims that ideas such as "fundamentalism", "cultural relativism", and "instrumentalism" are obstructive for the improvement in the condition of NKHR. He explains that previous dialogue regarding the norm of international human rights and efforts towards the betterment of the NKHR had five limitations. First, as he already addressed in his article in 2007, he once again claims that a selective approach to the concept of human rights is problematic (Suh 2013, 81). Secondly, Suh criticises what he calls "human rights fundamentalism". According to him, such a view does not sufficiently consider the contextual aspects of history, culture and society, which can lead to a one-sided conclusion. The fundamentalist perspective also disregards the important values such as "peace, development, democracy, and humanitarianism" (Suh 2013, 82). Thirdly, Suh points out "cultural relativism", through which allowing too much flexibility according to the cultural context can actually be abused as a tool for justifying human rights violations. The fourth weakness of the past practices is "instrumentalism". Suh argues that the concept of Human Rights is used as a weapon to criticise the DPRK and a tool for more political power in the South, rather than for the pure purpose of improving the situation in the North. Lastly, Suh mentions the satisfaction the ROK gets from framing a narrative of the South as the benign

defender of human rights versus the North as the evil oppressor of human rights (Suh 2013, 83). He concludes by promoting "inter-Korean cooperation" through which situations of NKHR can truly improve (Suh 2013, 89).

Literature about human rights discourse in the border area between the South and the North is also important. Some NKHR NGOs have been sending anti-North Korean leaflets in the South Korean border towards the North. Because the DPRK shows aggressive reactions to those leaflets, the conflict among people in the South has deepened. In my recent article, I (Jeong, 2022) explore the different perspectives regarding leaflet dissemination, and argue that the conflict between CPR and ESCR is not confined solely to the human rights violations in North Korean territory. Rather, the discourse widens to South Korean's ESCR – economic rights – and CPR – freedom of speech – while the leaflet senders also hope to improve North Korean CPR.

3) Conservatism and NKHR in South Korea

Existing literature also covers the development of NKHR discourse in South Korea. The main discourse of NKHR advanced with the growth of conservatism in South Korean politics in the context of the history of American intervention after the Korean War. Jeong Eun Lee (2013) focuses on the formation of the foundation of human rights movement in the South since the liberation from Japan until the early 1970s. She discovers that the human rights discourse in Rhee Syngman's time was concentrated in containing the North, and used as a method to denounce communism (Lee 2013, 67–72).

Juntae Lee (2015) analyses the development of conservatism in Western countries and compares it with the growth of conservatism in South Korea. Through this analysis, Lee argues that given the situation in the Korean peninsula at the time, it was inevitable that

conservatism in South Korea was linked to anti-communism. South Korea's Authoritarian government used the concept of human rights to criticise the North, through which South Korean conservatives developed the country's NKHR discourse. Lee links all three concepts of anti-communism, conservatism, and NKHR, and explains the establishments and characteristics of NKHR NGOs in South Korea based on history (Lee 2015, 16–18).

Jaeho Jeon (2015) also describes the history of Korea to explain the division of NKHR discourse in South Korea. Syngman Rhee first introduced the concept of human rights in his speech when he was president. He used the norm as a tool to denounce the North, and to justify the rule of his government. While he criticised the DPRK with human rights, civil rights were restricted in the South at the time. Jeon explains that it was not human rights that Rhee was promoting, but anti-communism under the language of human rights (Jeon 2015, 230).

There have been numerous studies of NKHR's relation to political parties in South Korea, and of the various actors surrounding NKHR. This thesis adds to the existing literature by examining the perspectives of other governmental entities towards ESCR and CPR within NKHR; the thesis suggests South Korea's way forward to advance the condition of NKHR through balancing ESCR and CPR.

1.3. Discourse and Development of the Concept of Human Rights

The concept of human rights emerged during the early modern period and was developed by such scholars as Thomas Hobbes, John Locke, and Jean-Jacque Rousseau. It developed as part of a demand for civil rights in human history with the American Revolution and the French Revolution (Choe 2008, 15). In 1864, Henry Dunant included the idea of humanitarianism in the first

Geneva Convention. Then in the following century, the concept of human rights was integrated in the Charter of United Nations after the Second World War.^① Although the components of human rights are considered to be interdependent, the fact that there are two different covenants of human rights – the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) – demonstrates at least the possibility of selectivism in human rights. For instance, communist nations, and many Asian and African countries prioritised ESCR over CPR around the time when human rights were first adopted in the international society (Donnelly 1999, 614). Furthermore, in 1977 French jurist Karel Vasak stated the three generations of human rights in the UNESCO Courier. The first generation of human rights, which Vasak also mentions as "negative" rights, prevent government's intervention in certain actions, and is closely related to CPR. ESCR, which Vasak calls the second generation, are "positive" rights that government has to take actions to protect. Lastly, the third generation refers to "rights to solidarity", which includes "the right to development, the right to a healthy and ecologically balanced environment, the right to peace, and the right to ownership of the common heritage of mankind" (Vasak 1977, 29).

It is also imperative to understand the definition and function of discourse. Referring to existing literature, Max Boholm provides a list of nine theoretical definitions of discourse (See table 1).

	Definition	Author
D1	"Language in use"	Brown and Yule (1983); Gee (2011); Thurlow and Mroczek (2011);

^① See United Nations Charter,
<https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

		Widdowson (2007)
D2	"Spoken language"	–
D3	"Language above the level of sentence or clause"	Stubbs (1983)
D4	"Context of language use, or 'the language associated with a particular social field or practice'"	Fairclough (2013)
D5	"Topic (semantic content) of language use"	Widdowson (2007)
D6	"Practices which systematically form the object of which we speak"	Foucault (1972)
D7	"A set of meanings, metaphors, representations, images, stories, statements, and so on that in some way together produce a particular version of events"	Burr (1995)
D8	"A particular way of representing some part of the (physical, social, psychological) world"	–
D9	"A system of statements which constructs an object"	Parker (1990)

<Table 1> A list of theoretical definitions of discourse

Among various definitions, Boholm highlights that discourse is "something that 'forms,' 'produces,' and 'constructs' objects and events" (Boholm 2015, 181–183). Foucault, who Boholm refers to with the definition of discourse, assumes that ideology is a worldview, and discourse is an expression of the worldview in the form of thoughts and languages. Institutions, by operating "knowledge-producing communities", are able to build knowledge and discourse. Thus, discourse often can become a tool for people with power to infuse certain knowledge and justify it while impairing others (Cole 2022). Yongtao claims that this ability of

discourse may influence international relations based on the meaning lying behind the discourse. Therefore, it can bring about either greater solidarity or disputes among nations (Yongtao 2010). This thesis mainly follows Foucault's definition of discourse.

1.4. Definition of political liberals and conservatives in South Korea

Standards for defining political liberals and conservatives can vary in different countries depending on the historical, cultural, and social backgrounds. In South Korea's case, its relationship with the US after the end of the Korean War – while adopting liberal democracy and anti-communism as the country's ruling ideology – played a significant role in defining the two different political camps; distinct liberal and conservative groups were established after the Korean War. Yong Hoo Kim and Yeon Sik Choi define the conservatives in South Korea as the group which prioritises national security and is mostly pro-American. On the other hand, the liberals of the ROK are generally anti-American and emphasise unification regardless of ideology (Kim & Choi 2007, 165–166). Although it is true that there are diverse perspectives on the US and North Korea within both the conservatives and liberals, this thesis follows Kim and Choi's definition of Korean conservatives and liberals.

1.5. Methodology and Structure

This thesis reviews the secondary sources regarding the historical and present states of South Korea's conflict over NKHR; it also reviews external groups' perspectives on NKHR. By examining primary sources, the thesis explains how the views of the US and the EU differ from each other and from South Korean

perspectives; it examines the Constitution of North Korea, Kim Il-sung's own writing, and reports of institutions such as South Korea's Ministry of Foreign Affairs, Korea Institute for National Unification, the UN and the European Council.

Moreover, it studies parts of the Universal Declaration of Human Rights and the Vienna Declaration of Programme and Action to understand the concept of human rights more thoroughly. The reports examined include the Universal Periodic Review (UPR) of North Korea, the Ministry of Unification's North Korea policy report, and the EU Factsheet published by the European Council.

Chapter Two investigates the history of human rights in the DPRK and explores how the discourse changed due to North Korea's unique historical context. Then it examines the origins of the controversy in South Korea through its emergence from the end of the Korean War. Chapter Three describes the historical background of American and European policies towards North Korea. Based on the analysis of the NKHR discourse formed by different actors, this thesis examines Bo-hyuk Suh's concept of "Korea Human Rights" in Chapter Four. Through this examination, it concludes in Chapter Five by suggesting that 1) South Korea should have a universalistic view while also considering North Korea's situation in regards to NKHR; 2) the government of the ROK has to treat CPR and ESCR with equal importance; and 3) the government of the ROK ought to carry out coherent policies vis-à-vis NKHR.

Chapter 2. North Korean Human Rights: Division of the concept and its politicisation in the Korean Peninsula

2.1. Development of Human Rights in North Korea

South Korea is well-known for its stunning economic growth and development in democracy. From its current position in the global community, it is difficult to imagine that the ROK was still under an authoritarian rule, and the human rights discourse was only preliminary even until the 1980s. In contrast, it is a popular perception that the DPRK, as a state under an oppressive political system, does not have any consideration of the concept of human rights. However, despite the dire situation of human rights infringements in the North, it is misleading to perceive that human rights discourse does not exist in the DPRK. North Korea has included the concept of human rights from its first version of Constitution. This section examines the historical background of human rights in North Korea, and NKHR discourse in South Korea.

1) NKHR in its Constitution

Human rights discourse first took place in North Korea in the form of Kim Il-sung's criticism of the atrocities the Japanese committed during their colonial rule (Chung 2014, 74). Kim used the concept of human rights to emphasise the rights of people which were deprived by Japanese authorities. In 1947, Kim Il-sung suggested several principles to be covered in the North Korean Constitution, which states that North Korean people's CPR is protected. Below is a section from the Constitution of the DPRK.^②

^② This is the original Constitution of the DPRK, https://www.hrnk.org/uploads/pdfs/DPRK_Constitution.pdf. The same contents are in Articles 66–68 of the 2013 Constitution,

Article 11

All citizens of the D.P.R.K., irrespective of sex, nationality, religious belief, specialty, property status or education, have equal rights in all spheres of government, political, economic, social and cultural activity.

Article 12

All citizens of the D.P.R.K. who have reached the age of twenty, irrespective of sex, nationality, social origin, religious belief, length of residence, property status or education, have the right to elect and be elected to organs of state power.

Citizens serving in the Korean People's Army have the right to elect and be elected to organs of state power on equal terms with other citizens.

Persons who are deprived of the electoral right by the decision of a court, insane persons, and the pro-Japanese elements have no right to elect and be elected.

Article 13

Citizens of the D.P.R.K. have freedom of speech, the press, association, assembly, mass meetings and demonstration.

Citizens are guaranteed the right to organize and unite in democratic political parties, trade unions, cooperative organizations, sports, cultural, technical, scientific and other societies.

Article 14

Citizens of the D.P.R.K. have freedom of religious belief and of conducting religious services.

In addition, the constitution also includes the protection of ESCR.^③

Article 15

Citizens of the D.P.R.K. have the right to equal pay for equal work in the state organs, cooperative organizations, and in the privately owned enterprises.

Article 16

Citizens of the D.P.R.K. have the right to rest.

The right to rest is ensured by the establishment of an eight-hour working day for workers and office employees and by the institution of paid vacations.

Article 17

Citizens of the D.P.R.K. who are entitled to the benefit of social insurance have the right to material assistance in old age and in case of sickness or disability.

This right is ensured in the form of medical service and material assistance in accordance with social insurance provided by the state.

Article 18

Citizens of the D.P.R.K. have the right to education. Elementary education is universal and compulsory.

The state ensures free education for the children of poor citizens.

A system of state stipends is applied to the majority of students of technical and higher educational institutions.

Education is conducted in the national language.

Article 19

Citizens of the D.P.R.K. have freedom of running medium

^③ The same contents are in Articles 70–77 of the 2013 Constitution.

and small industrial enterprises and engaging in commerce.

Article 20

Citizens of the D.P.R.K. have freedom of engaging in scientific and artistic pursuits.

Copyright and patent right of invention are protected by law.

Article 21

The inviolability of the homes of citizens and privacy of correspondence are protected by law.

Article 22

Women in the D.P.R.K. are accorded equal rights with men in all spheres of government, political, economic, social and cultural activity. The state protects especially mothers and children.

According to the DPRK's Constitution, ESCRs are prioritised over CPRs – which is obvious through the longer length it covers, and this is because North Korea's Constitution has its roots in the 1936 Constitution of the Soviet Union (Cho 2014, 749).

2) The Development of Human Rights in North Korea

In the 1950s, the Korean peninsula experienced turbulent times. It was an era full of demands for reformation as well as the uprise of anti-American sentiment; it worsened as the Korean War took place. During this unsettled time, human rights as a concept was being recognised and being newly acknowledged globally after mankind went through the tragedy of two world wars. Hence universal understanding of the application of human rights were preliminary. In this context, Kim Il-sung needed justification for leading the communist revolution, and thus used human rights

discourse as a tool to blame the tyranny of Japanese rule (Chung 2014, 75–76).

In the 1960s, human rights were used as a tool to denounce South Korea and demonstrate the superiority of communism (Kim 2021, 201). This use of human rights is seen in the collection of Kim Il–sung's writings:

Workers do not have rights to work, to eat and live, to receive a treatment for illness, and to study in a capitalist society. The genuine freedom and right for workers to live and work happily altogether are only guaranteed in a socialist state.^④

From the 1960s to 1980s, North Korea's human rights discourse entered upon a new phase in three ways: 1) demonstrating its superiority; 2) criticising South Korea's terrible condition of human rights; and 3) showing its complaints about the US. The North had a more favourable situation than the South in terms of political and economic stability in the 60s. Its economy was stronger than its counterpart and it was politically stable while South Korea was unsettled under authoritarian rule. Thus, the North based its better socio–economic position on the claim that it had better conditions of ESCR and even CPR compared to the South. Moreover, the DPRK linked South Korea's "inferior" situation with the US and blamed capitalism and imperialism. The DPRK especially condemned Carter government that despite its foreign policy that maintained the protection of human rights, it supported authoritarian government in the ROK. The North Korean leadership argued that communism is superior to capitalism and that human rights were only protected in a communist society (Chung 2014, 76–79).

^④ My translation. Kim Il–sung, "Our People's army is an army of workers and revolution (8 Feb 1963)," in Kim Il Sung Works 17 (Pyeongyang: Workers' Party of Korea Publishing House, 1982), 87.

The international situation changed from the end of the 1980s when the power of Soviet bloc started to decline along with the peaceful transition strategy of the US. Accordingly, the discourse of human rights in North Korea changed. North Korea's attitude towards human rights changed from being superior to being defensive, argues Chung. Especially from the 1990s, North Korea was in a hostile relationship with the US due to the issue of nuclear weapons, and it saw human rights as the means of the Western imperialists to intervene in its sovereignty. This understanding of human rights is found in the collection of Kim Il-sung's writings:

In order to advocate and realise the sovereignty of the masses of people, we need to thoroughly batter the anti-socialist policies held by the imperialists under the disguise of "democracy" and "human rights".^⑤

It was at this time that NKHR started to draw attention from the global community due to the exponential increase in the number of defectors resulting from the serious economic crisis. The DPRK needed justification for the infringement of human rights because of the pressure from the outside. In order to defend itself from the disapproval, North Korea developed its own concept of human rights and called it *ooh-ri-shik-in-gwon*, which literally means "our distinct human rights" (Kim 2021, 202). Thus, North Korea has a different understanding about the concept itself, although the leadership maintains that the condition of human rights in the nation meets the international standard. According to its first UPR submitted in 2009, the leadership links human rights to its Juche ideology. It explains that Juche ideology puts humans "at the centre

^⑤ My translation. Kim Il-sung, "Let's raise the superiority of our country's socialism (24 May 1990)," in *Kim Il Sung Works 42* (Pyeongyang: Workers' Party of Korea Publishing House, 1995), 309.

of all considerations".^⑥ Furthermore, it emphasises that human rights are protected and guaranteed only under the state, which justifies the state's manipulation of individual rights. Because the North Korean leadership strongly emphasises the importance of the state in protecting human rights, the DPRK claims that it is willing to cooperate with international society on this issue only when the global society respects the DPRK's sovereignty.^⑦

So far, North Korea has ratified six international Covenants: the ICCPR, the ICESCR, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (CRPD). Although it acceded to both the ICCPR and the ICESCR in 1981, the regime is more interested in improving the conditions of ESCR, while it is less motivated to protect CPR. This tendency is understandable considering the ideology of the state. CPR would threaten the political system in the North. After receiving a recommendation to improve the condition of human rights regarding CPR, the DPRK declared it would withdraw from the ICCPR in 1997. Nevertheless, because a withdrawal provision did not exist, the Secretariat of the UN of the time, Kofi Annan, rejected the withdrawal (Kim 2021, 198).^⑧ As such, North Korea mainly focuses on its improvement of the condition of ESCR, rather than CPR. Furthermore, the North enacted laws for the better protection of the vulnerable such as the Law on the Protection of Persons with Disabilities and the Law on the Care of the Elderly. In the meantime, the condition of CPRs in the North has deteriorated. The leadership amended the law of

^⑥ See p.3 of North Korea's UPR submitted in 2009, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session6/KP/A_HRC_WG6_6_PRK_1_E.pdf

^⑦ Ibid. p.4.

^⑧ See endnote no. 8 on this webpage for more information, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en#8.

national defence in 2009 in order to reinforce the supervision in the border area. This amendment that increases the level of punishment for defectors shows that the regime has worsened the situation of the protection of people's CPR (Kim 2021, 199).

North Korea's UPR also displays its predisposition to promote ESCR, but to undermine CPR. In the second UPR, which was submitted in 2014, North Korea shows its commitment to align with the expectations of the international society by establishing national laws for the vulnerable of the society. For instance, for the betterment of the situation of ESCR of the people, the government enacted the Law on the Protection and Promotion of Child Rights and the Law on the Protection and Promotion of Women's Rights in 2012. Furthermore, it also established the Law on General Secondary Education and the Law on Higher Education in 2011.⁹ However, it did not put as much effort into improving CPR. The length of the review allocated to ESCR and CPR respectively in its UPRs indicates the effort North Korea makes to improve the current situation. In the first UPR, CPR has five sections and fifteen reviews, while ESCR has seven sections and twenty reviews. In the Second UPR, CPR has four sections and fifteen reviews, but ESCR has five sections and twenty–nine reviews. For the third UPR, CPR is allocated four sections and thirteen reviews. ESCR has five sections and twenty–five reviews. Although length is not the most important factor, and making a review does not directly mean that North Korea will make changes, there is a clear implication that the North avoids its responsibility of CPR.

	CPR		ESCR	
	Section	Number	Section	Number
UPR 1	5	15	7	20

⁹ See p.4 of North Korea's UPR submitted in 2014, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/106/58/PDF/G1410658.pdf?OpenElement>

UPR 2	4	15	5	29
UPR 3	4	13	5	25

<Table 2> Comparison between the volume of sections and numbers of CPR and ESCR in North Korea's 3 UPRs

2.2. NKHR Discourse in South Korea

Views of NKHR in the South differ broadly based on the different perspectives towards North Korea and its leadership. Conservatives and liberals generally have contrasting understandings of the concept of human rights. Also, the history of the development of political parties in the South after the Korean war affected the varying standpoints of conservatives and liberals towards NKHR.

1) Universalism and Relativism

Universalism and relativism are the main two approaches to human rights. Supporters of universalism in human rights assert that human rights ought to be protected regardless of the region or situation of one nation because all humans are equal wherever they are. Article 1 of the Universal Declaration of Human Rights, which the United Nations (UN) adopted in 1948, asserts the universality of human rights:

Article 1¹⁰

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 5 of the Vienna Declaration and Programme of Action (1993) also declares includes a similar notion:

¹⁰ The Universal Declaration of Human Rights (1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

Article 5^⑩

All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

Since the concept of universal human rights was established, Western countries have criticised many Asian countries, including North Korea, for not supporting the universality of human rights. The criticism is justified considering the universality of human rights that "all humans are free" and that "it is the duty of states, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms". Jack Donnelly argues that there are no grounds for arguing that violating human rights is acceptable or understandable because of differing cultures and situations. Donnelly also lists several concepts which were culturally entrenched in the West but are opposed to human rights, such as racism and sexism. Furthermore, Donnelly disagrees with the claim that human rights are only applicable to the West because the concept was originally developed in the West. For instance, Isaac Newton's notion of quantum physics is not rejected by other regions of the world because it was devised in England. The fact that Newton is a

^⑩ The Vienna Declaration and Programme of Action (1993), <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action>.

Westerner and that quantum physics was codified in the West does not determine whether it is applicable to other regions. Other countries are able to use the same concept, and they do. As such, Donnelly maintains that it is a historical fact that the concept of human rights began in the West, and that those living in the West are human beings just like everywhere else. The concept of human rights is, therefore, applicable to other nations regardless of their cultural contexts. He also adds that the creation – or discovery – of the concept of human rights initiated in the West not because it was superior, but because it was more modernised at the time (Donnelly 1996, 34–35).

On the other hand, advocates of relativism argue that it is necessary to take into consideration certain historical or cultural aspects when adopting the concept of human rights in a state since nations have different situations. Furthermore, they claim that the universalism of human rights is not true universalism because it has its roots in Western culture. Kyoung-Chan Kim argues that although the Western countries call it "universal", it is rather regional because its universality only relies on the West and thus the concept is applicable only to states that share Western values; the so-called "universality" only considers the cultural and historical aspects of the West. According to Kim, it is overly idealistic to stress human rights to different nations all around the world while the concept itself is based only on Western culture (Kim 2012, 328). Furthermore, supporters of relativism also claim that Western countries can use human rights as a tool to justify intervention in other countries. Minkyu Sung maintains that the concept of human rights functions as an aspect of imperialism by justifying liberal states' intervention in non-liberal nations. It is the matter of "who the viewer could be" rather than "who the victims were", says Sung (Sung 2019, 357–358). Intervention could be a problem when human right advocates only intervene in those matters which benefit them. Moreover, supporters of relativism

claim that the simplicity of universalism is actually not that simple; the universality of human rights is not as distinct as it seems. Even the definition of the subject whose rights should be protected is controversial. For instance, does a foetus have human rights? There are countries that ban abortion, but then it is still difficult to know if that is an act designed to protect the foetus' human rights, or whether it is really a tool for better administrative control by the government (Lee 2002, 61). Keun-Gwan Lee also points out that human rights have developed depending on context and history. The change and the progress in the concept of human rights from emphasising CPR to emphasising ESCR and solidarity rights – and more recently to environmental rights – shows that the concept itself contains uncertainty and variability (Lee 2002, 62).

While there is a stark contrast between the universalist and relativist positions, there are also more moderate opinions regarding NKHR. For example, Bo-hyuk Suh explains that extreme relativists, who believe peace in the Korean peninsula is the most important issue, try not to raise the problem of NKHR in order not to provoke the North Korean leadership. On the other hand, he continues, there are people who support "human rights absolutism" and claim that the collapse of the Kim regime and giving freedom to the people is the one and only resolution to the NKHR dilemma. However, Suh upholds that neither perspective is helpful for the relationship between the South and the North or for protecting the human rights of North Koreans. Both parties rather utilise human rights as a tool; one side for the improvement of South–North relations, and the other for the democratisation of North Korea. Suh asserts that NKHR is not special compared to human rights in other regions. The universality of human rights, that all humans ought to have their rights equally protected, ought to be accepted. Nevertheless, Suh adds that it is also crucial that the international community assists the DPRK when the leadership is willing to develop and improve its dire situation (The Hankyoreh 2021).

2) Internal and External Factors to the NKHR Violations

Conservatives tend to emphasise internal factors for the dire situation of NKHR. The cult of personality forced upon the North Korean people directly violates their CPR. Moreover, the stiff atmosphere of the society hinders creativity and growth of the country, which leads to the infringement of ESCR (Suh 2011, 76). Low productivity is inevitable under the communist economy, as history has proven. Besides, North Korea's isolation from the rest of the world damaged the already weakened economy, and worsened the violation of people's economic rights. People suffer from poverty due to the failure of the management of the state (Lee 2011, 203).

Liberals, however, are more likely to stress the external factors such as international sanctions on North Korea for the infringed human rights of North Koreans. They hold other countries and the sanctions they impose responsible for the current situation. Pundits who support this view claim that it is essential to see the North Korean regime and human rights issues from a North Korean point of view, not from Westerners' perspectives. The hostility of the international climate against North Korea is a factor that directly and indirectly influences NKHR. Because of the continuous economic sanctions, the Kim regime cannot avoid oppressing its own people in order to maintain the regime (Lee 2011, 203).

3) History of NKHR Discourse in South Korea

In order to understand the division of the perspectives regarding NKHR, this section of the thesis covers the history of NKHR in the Korean peninsula since the South and the North were divided. Because South Korea was a geopolitically crucial state to the US during the Cold War, it received plenty of political, economic,

and military aid and support. Inevitably its politics and economy were greatly influenced by the US. Straight after the end of the Second World War in 1945 the US military government acknowledged that South Korea was clearly divided in two different political groups. Pursuing democracy was the conservative group, of which a substantial number of the members were educated in the US by American missionary institutions. The other, according to the US military government, was a "radical communist group". The most immediate and important intervention the US made in South Korea was to halt the spread of communism (Rhyu 1989, 57). The US military government had several goals in South Korea including strengthening the alliance with the right wing and oppressing the left (Rhyu 1989, 59). After this, anti-communism did not disappear, but remained in the society at large. Thus, adopting the concept of human rights was unavoidably connected to anti-communism through the right wing supported by the US.

Rhee Syngman, the first president of South Korea, adopted a reunification policy which entailed conquering the North and taking leadership of the whole peninsula under South Korea's lead. Park argues that this policy had two main goals: 1) gaining more power over his political opponent Cho Bong-am; 2) taking a dominant position in the relationship with the US. Furthermore, as Rhee's own strong anti-communism meant he advocated this approach all the more fervently. Cho's peaceful reunification was popular with the public who were extremely tired of war, but Rhee nonetheless won the 1956 presidential election (Park 2005, 113). After the election, Cho created the Progressive Party and continued maintaining the necessity of peaceful reunification. Because Cho's party was gaining more popularity with its North Korea policy, Rhee felt threatened. Meanwhile, people rose up in support of anti-communism in Poland and Hungary in the same year of the election, and these uprisings in other countries gave the basis for Rhee's human rights discourse to criticise the North and continue insisting on his reunification policy.

From then Rhee continued the discourse of NKHR in order to impair the legitimacy of North Korean government for his ultimate goal, anti-communism (Do 2009,10). In the 1960s tensions in the international society eased and the atmosphere of détente was present. Despite the requests to end the anti-humanitarian and pro-authoritarian rule of Rhee from within and outside of South Korea, the US could not stop supporting Rhee. The US still had an adversarial relationship with China, although its relationship with the Soviet Union began to improve, and the US needed a political figure who strongly opposed communism (Park 2005, 119). This context gives a basis for the different characteristics of North Korea policies and NKHR discourses from the conservatives and the liberals in South Korea.

The kind of human rights discourse from Rhee's tenure continued under Park Chung-hee's rule. Park intended to justify his government by claiming that his coup inherited the spirit of the April Revolution in 1960. He asserted that his army would fix the incompetence and corruption of Rhee's government, and set Korean society in order by "purifying" politics. Park kept the human rights policies from the previous leadership and enlarged them (Lee 2013, 73). For instance, he created the Human Rights Protection Division under the Ministry of Justice in May 1962, even though the establishment of the system did not directly lead to the protection of human rights in real life (National Human Rights Commission of Korea 2004, 46–47). Park utilised concepts such as democracy and human rights to bring harmony into the nation and achieve his goal of modernisation (Lee 2013, 75). People's accumulated complaints about poverty and poor working environments started to emerge as a social issue from the 1970s, and people's desire for democratisation became an active movement from the 1980s. It is true that the concept of "human rights" was used for the anti-communist discourse and the justification for the authoritarian governments. Yet institutional establishment of the protection of

human rights along with a series of events, including the suicide protest of Jeon Tae-il in 1970, formed the foundation of coming human rights movements (Lee 2013, 87). Since the democratisation movements in the 1980s, anti-communist education was condemned by the liberals and reunification education and movements to "know North Korea properly" commenced (Suh 2014, 39).

After the Cold War ended, tension between the socialist and liberal camps begun to ease. The global atmosphere improved, as did the relationship between the South and the North. Inter-Korean dialogue and exchange increased between 1988 and 1992, and slander from both sides diminished as a result. However, the international society started to pay attention to North Korea from the end of the 1990s when the number of defectors increased enormously due to the shortage of food in the North. The DPRK also drew attention with its nuclear weapons development. At first, the attention was limited to ESCR based on the poor conditions in North Korea. As time went by, however, attention towards CPR became more prominent; awareness of the existence of prison camps and public executions was raised by the testimonies of defectors. The global community, including governmental organs and NGOs, criticised the North for its development of nuclear weapons and demanded that it improve its condition of human rights (Suh 2014, 38).

Kim Dae-jung, a liberal politician, became president of South Korea in the late 1990s. Kim launched the Sunshine Policy, which prioritised a humanitarian approach; its core concepts are "peaceful coexistence", "peaceful exchange", and "peaceful unification", and it is a policy designed to improve the ESCR of North Korean people (Bae & Moon 2014, 22). This policy was not welcomed by the conservatives, who desired the collapse of the North Korean leadership. The next administration, another left-wing government, was led by Roh Moo-hyun. Roh succeeded the spirit of his

predecessor's North Korea policy and established the "Peace and Prosperity Policy". While America's President Bush Jr declared the war on terrorism and named North Korea "the axis of evil", Roh sought peace in the Korean peninsula and desired to become a "balancer in Northeast Asia" (Kim 2005, 13).

Conservative president Lee Myung-bak, on the other hand, criticised the former governments' North Korea policies, claiming that they conceded too much to the North. Lee put forward his own North Korea policy called "Vision 3000 through Denuclearization and Openness", which was more coercive and based on reciprocity. According to the policy, South Korea, with the help of the international society, initiated projects to promote five main areas – economy, education, finance, infrastructure, and livelihood – in North Korea if it renounced nuclear weapons (Lee 2010, 148–151). Lee's successor, Park Geun-hye implemented the "Trust-building Process on the Korean Peninsula" as her North Korea policy. The Park administration viewed the South–North relationship from a constructivist point of view, while Kim and Roh's North Korea policies were based on liberalism, and Lee's on realism. Park made an effort to utilise the merits of former North Korea policies from Kim Dae-jung to Lee Myung-bak (Byun 2015, 148). She focused on building "strategic" trust so that it would be beneficial for both Koreas, in order to pursue the construction of an economic, social, and cultural community. Through increasing political and military trust, the Park government believed that North Korea would dismantle its nuclear weapons, and bring about peace, which would also lead to a win–win situation for both the global community and the Korean peninsula (Ministry of Unification 2013, 11). Thus, although she is from the right wing, the Park government's North Korea policy did not adhere to the traditional left–right divide in NKHR discourse. Nevertheless, Park's seemingly neutral North Korea policy was difficult to realise due to a series of security–related events such as North Korea's missiles and nuclear device

tests (Kim 2014, 49), while some also argue that Park's policy is not so different from Lee's (Um 2015, 12).

The relationship between the South and the North has changed since they were divided after the Korean War. Nevertheless, the human rights discourse of both conservatives and liberals of South Korea continued in a similar shape. Right after the Korean War, conservative claims about human rights were mingled with the sense of anti-communism. Therefore, an approach to improve the situation of human rights in the North was limited to the fall of the regime. Although opinions have since diversified, conservatives of the present time in South Korea broadly share this approach towards the DPRK. Liberals, on the contrary, have favoured unification centred on a peaceful relationship since Cho Bong-am's time. By and large, current liberals continue to advocate the idea and support North Korea and its leaderships' goals to improve ESCR.¹²

¹² Political discourse has, of course, progressed over time. For other approaches to NKHR, see Suh (2011).

Chapter 3. North Korean Human Rights: Approaches of the United States and the European Union

This chapter examines the different perspectives of external bodies in regards to NKHR. Bo-hyuk Suh distinguishes three levels of organisations that discuss NKHR: the UN, states, and NGOs (Suh 2021, 19). This thesis broadly follows his classification; however, it does not include all actors due to space limits. It focuses on the NKHR discourse by the US and the EU. This thesis also considers these entities' denuclearisation strategies and approaches because human rights discourse is often utilised to coerce the DPRK with regards to its nuclear and missile development; it is difficult to separate policies vis-à-vis North Korea's nuclear programme and human rights conditions.

3.1. NKHR Discourse in the United States

Jon M. Shepard and Harwin L. Voss explain that for a problem to become an international issue, it needs to accompany an objective fact that is problematic, and it should be acknowledged by numerous and/or powerful states that the situation is not desirable (Shepard & Harwin 1978, 1–2). This theory is applicable to the US's intervention in the NKHR issue (Lim 2012, 354). America's policies towards the Korean peninsula goes back to the Treaty of Peace, Amity, Commerce and Navigation in 1882. Although this was a meaningful treaty for the Joseon Dynasty considering that it was the first treaty with a Western nation, the US did not have much interest in the security and independence of the Korean peninsula until in the middle of the second World War. In the Cairo Conference (1943), the Yalta Conference (1945), and the Potsdam Declaration (1945), the US officially expressed its interest in the independence of the Korean Peninsula (Lee 1998, 482–483).

1) The US's North Korea Policy During the Cold War (from Harry Truman to Bush Senior)

As the Soviet Union intended to expand its influence, President Harry Truman implemented a containment policy against the Soviet Union. After making commitments to protect the Korean peninsula from the influence of the Soviet Union, the US and Soviet Union decided to make Korea a buffer zone. Thus, Korea became a crucial strategic location to the US in its war against the Soviet Union (Lee 1998, 68). However, the US was not active in supporting the UN and other international human rights organisations, and was not interested in combating human rights violations around the world at the time (Lee 1998, 279).

President Dwight Eisenhower implemented the "New Look" policy, which stressed the importance of nuclear weapons as a tool to contain the Soviet Union. Because President Eisenhower focused on the initiative against the Soviet Union, he utilised the UN as a stage to combat the Soviet Union; for strategic reasons, he did not significantly consider the human rights issues when establishing policies. Similarly, John F. Kennedy, Lyndon Johnson, and Richard Nixon did not include human rights as an important factor in policies. Kennedy did not have much time to change the situation due to his short tenure. Even though Johnson took over Kennedy's policy stance and emphasised democratic development, he focused mainly on the Vietnam War. Johnson, as a result, could not call attention to human rights problems. Nixon stressed the need to take a realistic approach to global issues, and the importance of calculating profits and losses in the long term. Henry Kissinger, the Secretary of State in Nixon's presidency, did highlight the principle of ethics and law which is related to human rights. Nevertheless, he could not translate the principle into policies (Lee 1998, 280).

Jimmy Carter enacted a new policy based on morality; he set justice, equality, and human rights as diplomatic goals (Lee 1998,

280–281). In this context, in 1977 State Department published the first Country Report of Human Rights Practices, which is a report that mainly covers CPR violations of countries. The Reports only covered the nations economically and militarily supported by the US at first. Then the range enlarged to include all UN member countries (Aka 2015, 243). In the tenure of Ronald Reagan and George Bush Senior, however, human rights policies were neglected again because the relationship between the US and the Soviet Union exacerbated. Reagan denounced the Soviet Union as an "evil empire", and prioritised America's economic and military control over morality and human rights (Lee 1998, 87). Even when Mikhail Gorbachev became the leader of the USSR, and attempted to mitigate the tension between the US and the Soviet Union, Bush Sr was sceptical about the Soviet Union's intentions and abilities (Lee 1998, 281).

2) The NKHR Discourse in the US (from Bill Clinton to Joe Biden)

It was from the 1990s when American exceptionalism that underlines moral responsibility such as human rights, democracy and freedom re-emerged and integrated into policies (Lee 1998, 282). Bill Clinton, while he was campaigning in 1992, designated three main aspects of foreign policy that ought to be prioritised: "updating and restructuring American military and security capabilities", "elevating the role of economics in international affairs", and "promoting democracy abroad" (Brinkley 1997, 111). Accordingly, when he became president, his administration carried out a policy called "Engagement and Enlargement". Under this foreign policy, the US aimed to engage actively in international issues related to its own economy and security. It also pursued policies to change enemy states to become less threatening, rather than simply containing them (Lee 1998, 473). In accordance with

this foreign policy approach, Clinton founded the position of the High Commissioner for Human Rights, and closely cooperated with the UN and human rights organisations (Lee 1998, 282). The US also changed the name of the bureau that publishes the Country Reports on Human Rights Practices under Clinton's tenure so that it would better display its priority: the Bureau of Human Rights and Humanitarian Affairs became the Bureau of Democracy, Human Rights, and Labor (Aka 2015, 243). Clinton also made efforts to resolve the tension between America and North Korea as part of his lifting of the containment against the Soviet Union. In 1994, America and North Korea settled the Agreed Framework between the United States of America and the Democratic People's Republic of Korea (Agreed Framework). The Clinton administration expected to resolve the North Korean nuclear problem, release the tension between the South and the North by reopening political dialogues, and increase contact with the DPRK for peace in Northeast Asia (Kim 2001, 3). Nonetheless, due to the postponed fulfilment of the provisions (Ha & Hwang 2015, 18), the Agreed Framework failed as the DPRK withdrew from the Non-Proliferation Treaty (NPT).

George W. Bush, not long after taking the office, effectively ended the Agreed Framework by designating the DPRK as part of the "Axis of Evil" (Ha & Hwang 2015, 17). Since 1973 the US Congress has been responding to the atrocities of NKHR by conducting hearings about the situations of human rights around the world and enacting human rights related laws (Lee 1998, 284). The US Congress held several hearings in the 2000s focused on understanding the reality of NKHR and the US's North Korea policies in response. Defectors were invited to give testimony, and the atmosphere of the hearings was mainly negative against the condition of NKHR, blaming the Kim regime. By and large, these hearings led by the US Congress helped form negative public opinion about NKHR (Suh 2005, 321–322). The recommendation by the US Commission on International Religious Freedom

(USCIRF) in June 2003 was the most detailed North Korea policy suggested during the Senate hearings. The USCIRF advised the US administration and Congress to ensure the provision of information from the outside into the DPRK by radio; recognising defectors as refugees in the international society; enlarging the scale of aid projects towards North Korea by private organisations, and assuring their transparency; increasing financial supports for NKHR groups; and raising NKHR awareness (Suh 2005, 323).

The US actively criticised North Korea's human rights infringement during George W. Bush's presidency through the Country Report on Human Rights Practices. For instance, in the Report published in February 2005, the US evaluated the DPRK's human rights condition as "extremely poor", and designated the DPRK as a nation infringing human rights (Eui-Chul Choi & Su-Ahm Kim 2005, 3). Additionally, senators and members of the House of Committee from both the Republican and the Democratic parties proposed the North Korean Freedom Act of 2003 at the same time. While the Act was brought into the Congress, it was criticised for including agendas unrelated to human rights, such as weapons of mass destruction, and for having the potential to provoke the North Korean regime. Thus in 2004 Jim Leach, Chairman of the Subcommittee on Asian and Pacific Affairs, proposed the North Korean Human Rights Act of 2004 to the House of Representatives; it was co-sponsored by twenty-nine Republican and Democratic congressmen. This Act aimed to use the aid to ensure the regime would protect human rights; it also was intended to encourage North Koreans to defect and to increase the access to information for the people. Finally, it aimed to provide active support to defectors and organisations that assist defectors (Suh 2005, 326).

While Bush Junior focused on religious freedom in his human rights policies, Barack Obama concentrated more on women's rights and LGBT rights. Obama's concern for women's rights can be seen

in his designation of Hillary Clinton as the Secretary of State (Dietrich & Witkowski 2011, 55). Obama pursued policies different from his predecessor. For instance, he put a bigger emphasis on joining international institutions and treaties. First, Obama officially supported the US's ratification of CEDAW, and CRC (Dietrich & Witkowski 2011, 46). In addition, Obama made the US participate in the UN Human Rights Council (UNHRC). The US was elected to the Council in March, and signed the CRPD in July 2009 (Dietrich & Witkowski 2011, 47). During Obama's campaign, he pivoted on a "sustained, direct, and aggressive diplomacy" as a strategy for the US's North Korea policy (Martin 2010, 188). The Bush Jr administration's first-term policy of clear reciprocity against the DPRK – that reward would be given only when North Korea completely halts the nuclear programme – was mirrored. Besides, Obama was more dedicated to multilateral relations; he stressed America's cooperation with Japan, the ROK, China, and Russia, which accordingly had a result of containing the DPRK (Martin 2010, 189).

Obama appointed influential figures to his "North Korea team": Vice President Joe Biden; Secretary of State Hillary Clinton; Secretary of Defense Robert Gates; National Security Adviser James Jones; Special Representative for North Korea policy Stephen Bosworth; UN ambassador Susan Rice; Assistant Secretary of State for East Asia and the Pacific Kurt Campbell; and Deputy Secretary of State James Steinberg. Vice President Biden had been advocating for "patient, principled, sustained, high-level diplomacy" for North Korea policies, while Secretary of State Clinton had supported the idea of engaging with North Korea and asserted that she would make the US continue the Six-Party Talks (Martin 2010, 197). However, although during his campaign Obama emphasised the importance of both engagement and coercion for the DPRK, after inauguration he prioritised North Korea less. The idea that the DPRK would not change its behaviour at any cost was prevalent,

which contributed to the Obama administration's neglect towards it (Delury 2013, 154). Furthermore, Obama had more urgent issues such as escaping from the economic crisis and withdrawing American troops from Iraq in the first year of his presidency (Delury 2013, 155). Consequently, Obama was blamed from inside and out of the country for his "strategic neglect". Human rights experts also criticised him for his inaction in efforts to improve NKHR. For instance, Frank Wolf, former co-chairman of the Tom Lantos Human Rights Commission, condemned the fact that Obama and UN General Secretary at the time Ban Ki-moon did not include a discussion about NKHR in their meeting in April 2013. Wolf also mentioned that Reagan, in the 1980s, did not put aside human rights issues for the sake of a better negotiating position with the Soviet Union; rather, he openly blamed the USSR for its wrongdoings as well as convincing its leadership to cut down their stock of nuclear weapons (Federal Information & Nes Dispatch, LLC 2013, 2–3).

For several decades it has been common in American policies to link NKHR issues with coercion against North Korean nuclear weapons development. Human rights infringements in North Korea are presented as the reason that Americans have a moral duty to impose sanctions. For instance, North Korea's fourth nuclear test in 2016 prompted the enactment of North Korea Sanctions and Policy Enhancement Act of 2016. Donald Trump's administration sustained this link between NKHR and coercion against the North's development of nuclear weapons until the Pyeongchang 2018 Winter Olympics. He took several actions to demonstrate the shift in policy including the Vice President Mike Pence's attendance of the opening ceremony with Fred Warmbier, father of Otto Warmbier – the American who was sentenced to fifteen years of imprisonment in North Korea, for allegedly stealing a propaganda poster, and who left jail in a coma and shortly thereafter died. Pence also conducted interviews with defectors and visited the Cheonan Memorial Hall. According to Dong-ho Han, Trump's use of

NKHR discourse is interpreted in two ways. In the short run, highlighting human rights problems shows that the US is responding to North Korea's ambivalent attitude; for example, the DPRK brought forward the celebration of its armed forces in order to perform the annual military parade the day before the 2018 Winter Olympics began.¹³ In the long term, the US is trying to control the relationship with North Korea by naming and shaming the DPRK's infringements of human rights (Han 2018, 2).

Nonetheless, the Trump administration's attitude changed during the 2018 North Korea-United States Singapore summit in June. Trump did not directly express concerns about human rights to the North Korean leadership. Rather, he only expressed them in written form in the annual Country Reports on Human Rights Practices, the International Religious Freedom Report, and the Trafficking in Persons Report. So Ra Kim interprets that NKHR discourse was considered as comparably insignificant. Furthermore, the criticism about North Korea's human rights infringements was omitted from the Country Report of 2018 and 2019. The Reports of 2018 and 2019 cites other organisations' reports and arguments rather than making its own claim (Kim 2020, 70). The attitude of the US, however, partially showed a difference after the 2019 North Korea–United States Hanoi Summit ended in failure. The American government resumed its interviews with defectors. Trump invited the parents of Otto Warmbier to the White House for dinner in September 2019, while he also redesignated the DPRK as a country prohibited from receiving financial support (Kim 2020, 71).

When Joe Biden took office in January 2021, he gave signals that his administration would stress the importance of the NKHR agenda more than the former government; human rights supporters had higher expectations. For instance, Biden's Secretary of State, Antony Blinken, denounced the status of NKHR, while he also

¹³ For more information about the military parade rescheduled on the day before the Olympics, see <https://www.bbc.com/news/world-asia-42930587>.

confirmed that the administration would soon appoint a Special Envoy for North Korea Human Rights. Furthermore, Biden brought up the issue of NKHR in his first G7 Summit as president (Suh 2021, 24). Robert King, former Special Envoy for North Korea Human Rights, assesses the first year of the Biden administration's achievements and failures with regards to NKHR. First, not long after Biden's inauguration, Blinken asserted that the US would once again participate in the UN Human Rights Council from which Trump had withdrawn; in October 2021, the US accordingly took a seat on the Council. Secondly, the Biden administration took the leading position in the annual special session regarding NKHR which had previously been held by the UN Security Council between 2014 and 2017. Furthermore, the US under Biden's presidency, continued transmitting information to the DPRK through Voice of America and Radio Free Asia. On the other hand, the North Korean public is suffering from UN Security Council's sanctions imposed on the country for the nuclear and missile development, along with the US travel sanctions. Due to the spread of Covid-19, the Kim regime also set limits on trade and commerce in 2020, which worsened the economic situation internally. Moreover, despite the role of the Special Envoy for North Korean Human Rights to "coordinate and promote efforts to improve respect for the fundamental human rights of the people of North Korea"¹⁴, the position remains vacant, though King states that it is not the fault of Biden and Blinken. (King 2022).¹⁵ Nonetheless, Biden still has time to make meaningful changes in the discourse in NKHR.

Overall, America has presented inconsistent policies towards

¹⁴ See <https://2009-2017.state.gov/s/senk/index.htm>.

¹⁵ President Biden has nominated Julie Turner, director of the Office of East Asia and the Pacific in the Bureau of Democracy, Human Rights and Labor at the State Department, as a new Special Envoy for North Korean Human Rights in January 2023, <https://www.washingtonpost.com/world/2023/01/24/north-korea-human-rights-envoy/>.

North Korea depending on the political party of the incumbent president. Republicans have tended to be more coercive and use human rights discourse as a tool to pressure the North. On the other hand, Democrats neither pressured nor engaged with the North enough to bring about meaningful changes to its behaviour.

3.2. NKHR Discourse in the European Union

The issue of North Korea is generally agreed to be a grave matter even in the United Nations Security Council, where a variety of issues are contested due to the different priorities and values of its members. Regarding the methods for fixing the problem, however, nations have different approaches. The EU's stance on the North Korea agenda has been different from that of the US, which concentrates more on realising its own national interest through the North Korean policies (Mo & Choi 2016, 148). The EU has consistently tried to keep the dialogue with the DPRK open even through times when the international society – especially the US – had a hostile attitude towards North Korea. Thus, understanding the policies of the EU in comparison to the US's policies is necessary.

1) The Beginning of the EU–North Korea Relations

The first economic relations between the EU and North Korea began in 1995 when the EU provided food aid to the North after it was hit by droughts and floods. After the Agreed Framework was signed in 1994, Korea Energy Development Organization (KEDO) was established in 1995 by South Korea, the US, and Japan, in order to build light water reactor nuclear power plants in North Korea so that it would halt its existing nuclear programme. The EU was involved with KEDO by supporting it economically from 1996, and the next year, the EU joined the Executive Board of KEDO. In 1998, the EU had its first political dialogue with North Korea in

Brussels. Starting a channel for communication was a big step forward despite the fact that it did not lead to a meaningful change in North Korea's behaviour. Furthermore, in a more relaxed atmosphere with South Korea's liberal government – led by Kim Dae-jung – pursuing engagement policy towards the North in 1998, most of the EU member states normalised their diplomatic relations with North Korea between the end of the 1990s and the beginning of the 2000s. Besides, the EU established diplomatic ties with the DPRK in 2001 (Mo & Choi 2018, 152). The first dialogue including human rights issues took place when Swedish Prime Minister Göran Persson visited Pyongyang at the Troika level in June 2001. During the following political dialogues, the EU implied that North Korea's unchanged behaviour regarding humanitarian issues, the NPT, and security concerns in the region would force the EU to set limits on reinforcing relations between itself and the DPRK (Lee 2005, 36). In spite of the temporary halt from 2005 to 2007 due to the EU's introduction of an NKHR resolution to the UN, political dialogue resumed until 2015.¹⁶ After political meetings in March 2007, March 2009, December 2011, and June 2015, EU–DPRK dialogue has been suspended since North Korea's fourth nuclear test in January 2016.

Since it started providing aid in 1995, the EU provided 400 million euros of food aid to North Korea until 2003 through reciprocal aid, NGOs, and the World Food Program. The EU concentrated its aid on enhancing agricultural environments and improving the food distribution system with higher transparency. Moreover, the EU delivered humanitarian assistance in order to improve hygiene by supporting the North with medical technology and clean water. The EU also used more than 290 million euros

¹⁶ For more information about the political dialogue, see https://ec.europa.eu/search/?QueryText=political+dialogue&op=Search&swlang=en&form_build_id=form-AJ8l-yUB1PPwDhsDSs9V0jDmz43qRvTYwTrlZqsWHrw&form_id=nexteuropa_europa_search_search_form.

through the European Commission Humanitarian Office (ECHO) for the purpose of humanitarian assistance in North Korea. The EU supported the North with technological assistance as well for the development of the society and the market until the European Council brought it to an end in 2001 (Lee 2005, 39–40).

2) A Change in the NKHR Discourse from the EU

The EU's attitude towards North Korea showed a marked difference after the September 11 terrorist attack in 2001. The US classified the DPRK as part of the "axis of evil", and EU member states started to criticise the DPRK's lack of participation in international norms. EU members felt "donor fatigue" because they had been providing a great amount of aid in a short period of time. Member states were also sceptical about reciprocal aid they provided because the North gave no commitment and held no detailed talks within the country about human rights and regional security. Therefore, the EU proposed a resolution for NKHR, which the UN adopted in 2003. In response, the North denounced the EU for its political games. The EU also ended its support for KEDO in the same year. Again, the EU suggested another resolution for the sixtieth UN Commission on Human Rights in 2004, and the DPRK commented on how irritating EU was (Lee 2005, 41).

While unceasingly showing its support for peace in the Korean peninsula, the EU continued to criticise the DPRK for its irresponsible behaviour that infringes human rights and disturbs regional peace. In 2003, the EU adopted Presidency Conclusions in the EU summit demanding the North to dismantle nuclear weapons. It also demonstrated that it is in favour of reconciliation between the South and the North. In 2006, when the DPRK first officially tested its nuclear weapons, the EU strongly condemned the nuclear test by supporting the UN Security Council Resolution 1718 as well as imposing its own sanctions in regards to travel, imports and

exports (Kim & Choi 2019, 6). According to UN Security Council Resolution 1814, in 2009, the EU adopted a Common Position in order to coerce North Korea additionally. It also added four more North Korean companies to its own list of sanctions. After the incident of the sinking of South Korea's Cheonan ship in 2010, then-High Representative of the EU Catherine Ashton released a statement blaming the North for its "heinous and irresponsible" action. Later the same year, the EU Delegation for Relations with the Korean Peninsula censured the DPRK for the bombardment of Yeonpyeong Island. The EU continued to denounce the North for the nuclear tests and missile tests until it adopted the Council Conclusions on NKHR in 2017.

Regardless of all the censure about NKHR conditions and North Korea's violation of international law, political dialogue between the EU and the North continued until 2015 (Kim & Choi 2019, 8). Moreover, humanitarian aid for repairing the damage from natural disasters continued until it was obstructed by the closed borders due to the pandemic in 2020. The EU spent 300,000 euros to assist the recovery in North Hamyong when it was devastated by a flood in 2016. In the same year, the EU began a programme, which it operated until November 2017, in cooperation with the Finnish Red Cross for empowering the North Korean people respond to natural disasters themselves. The EU also offered 100,000 euros when the North and South Hwanghae was damaged by a flooding and landslides in the beginning of 2018. In South Hamyong, EU provided 55,000 euros to the International Federation of the Red Cross in order to repair the damage and assist families most affected by the drought that hit the nation in early 2019 (EC 2022). After the South-North Korea high-level talks held in the beginning of 2018, the tension between the DPRK and the international community eased. The EU issued welcoming statements for the South-North Korea high-level talks, the inter-Korea Summit, Panmunjom Declaration, and the North Korea-United States Summit that took

place in 2018 (MOFA 2018, 106–108).

The EU has been able to pursue a a more balanced attitude towards the DPRK than the US has. This position is primarily due to the bloc's core values and its relative security from the consequences of North Korea's actions.

Chapter 4. Analysis

4.1. North Korea: Emphasis on ESCR over CPR

With the question of why CPR and ESCR are in conflict within the discourse of NKHR – despite the fact that those are both human rights that should be protected – this thesis has been exploring the history of the NKHR discourse in the Korean peninsula and among the external parties.

In the DPRK, the leadership emphasises the protection of ESCR over CPR. There are several motivations for this practice. First, it could be due to the influence of socialism – or, to put it more directly, the Soviet Union itself. North Korea is still affected by its historical relationship with the Soviet Union in many ways, which is obvious because its ideology has its roots in the Soviet Union. As mentioned above, the Constitution of the DPRK is modelled on that of the Soviet Union. In this context, North Korea's prioritisation of ESCR over CPR can be seen as the impact of the Soviet Union.

Furthermore, protecting ESCR can be used as a means of social control. The protection of ESCR generally requires governmental intervention. Thus, the Kim regime can maximise its influence on its people by protecting their ESCR. It is also viewed as a defensive discourse by North Korea, which is a socialist state. Socialist countries, traditionally, put more emphasis on ESCR than CPR for the purpose of minimising threats to their ideology. Because the concept of CPR encourages people to stand against or even limit the power of the leadership, it is considered to be a threat to the regime. Since the end of the Cold War, the Socialist Bloc collapsed, and the DPRK suffered from an economic crisis. Therefore, in order to defend itself, the Kim regime argued that national rights are human rights, which means that the good of the nation outweighs that of the individual (Suh 2011, 152). Individual human rights can be justly infringed based on this theory. According to this theory, the

North Korean leadership intended to enlarge its power through its protection of the ESCR of people.

The North utilises its "protection" of ESCR as a justification for participation in the international society. Its need for global assistance continues to increase since the economic crisis in the 1990s. The international society requires the DPRK to observe the rules-based order, and agree with international values in exchange of the assistance it provides. Consequently, the Kim regime put efforts to protect ESCR so that it can show the global community that it is committed to protecting human rights. By choosing ESCR and showing its efforts, North Korea tries to avoid international criticism that it infringes human rights (Kim 2021, 206).

4.2. South Korea: The Conflict between CPR and ESCR

There are groups of people who highlight CPR over ESCR and vice versa. As discussed in Chapter Two, the emergence of South Korea's political parties after the Korean War has impacted the current NKHR discourse. These varying views about the best approach derive fundamentally from the questions of how to approach human rights and who to blame for the infringement of NKHR, which leads to differing answers to how to improve the condition of NKHR.

Although there are various approaches to human rights, as mentioned before, the two broad branches can be seen as universalism and relativism. In South Korean politics, conservatives tend to see NKHR from a universalistic perspective. They are more likely to focus on the rights all human beings have regardless of the country and environment, such as CPRs. On the other hand, liberals are more closely tied to supporting sovereignty, and to considering North Korea's specific situation; accordingly, they put more emphasis on the betterment of ESCR.

The questions 'who to blame' and 'how to improve the condition' are closely related. Conservatives criticise the North Korean leadership for not protecting its people's universal human rights and instead oppressing their CPRs. Contrastingly, liberals see international sanctions as the cause for NKHR violations. Because of the different perspectives regarding who or what is responsible for the poor condition of NKHR, conservatives and liberals also suggest different resolutions for the problem. Generally, supporters of CPR over ESCR in NKHR claim that the democratisation of North Korea is the key to the improvement of human rights conditions. Because the root cause is the regime, the regime has to collapse or change to protect the people's human rights. This approach has its basis in history. Despite the obvious contradictions in some of the actions taken during them, the French Revolution and the American Revolution are precedents which show that change in leadership brings about democratisation, and eventually better protection in human rights. The revolutions in France and the US were led by the people. However, considering the coercive authoritarian rule in the DPRK, external influences can support political change. CPRs are severely and directly infringed under this regime, as demonstrated by the prison camps and public executions. ESCRs are also not respected because the leadership is incapable of growing the economy. Thus, in the view of the supporters of CPR over ESCR, ending the current political system and democratising the North is necessary for the well-being of the people (Suh 2011, 80–81).

In opposition, advocates of ESCR over CPR claim that making a hospitable international climate for North Korea is the priority. They argue that the supporters of North Korean democratisation use human rights as a mere political tool, while the real threat to NKHR are the sanctions imposed by the international community. Furthermore, the comprehensive concept of human rights cannot be adopted in the DPRK's situation without considering external factors.

For instance, there are issues, such as the human rights of North Korean refugees, kidnapped families, and separated families, that cannot be discussed if NKHR discourse considers only the issues within North Korean territory. Furthermore, NKHR is fundamentally an issue of the people of North Korea. People from the outside can only assist by forming a better international climate so that NKHR is better protected (Suh 2011, 82–82). Thus, the supporters of ESCR over CPR emphasise the reduction of sanctions and the expansion of economic cooperation with the North's regime in order to promote peace in the Korean peninsula.

Therefore, due to the differences in understanding about the main principle of human rights, South Korean conservatives and liberals have conflicting ideas about the fundamental cause of the NKHR problems and how to advance the poor condition of NKHR.

4.3. The United States: Weight on CPR

Considering its foundation rooted in the American War of Independence, freedom and civil rights have always been seen as essential in the US. The US Declaration of Independence states that the government exists for the purpose of securing the human rights of "life, liberty and the pursuit of happiness." Hence it also states that people have the right and duty to change the leadership when the government fails to perform its purpose – in other words, the government protects its citizens' CPR.¹⁷ America's selective ratification of international treaties also shows its prioritisation of CPR over ESCR. It has yet to subscribe to the ICESCR, while it ratified the ICCPR in 1992. Moreover, the US has its interests directly related to North Korean issues. It is one of the two countries that governed Korea under the multiple trusteeship, and has been deeply involved in the issues of the Korean peninsula ever

¹⁷ For the full text of the US Declaration of Independence, see <https://www.archives.gov/founding-docs/declaration-transcript>.

since. North Korea believes that America infringed the sovereignty of Korea just as Japan had, so the North has a hostile relationship with the USA. During the parade to celebrate the ninetieth anniversary of North Korea's army, Kim Jong-un declared that he would utilise nuclear weapons against whoever disrupts North Korea's interests. The Kim regime, in the parade, displayed its Intercontinental Ballistic Missile (ICBM) with which it could attack the US, as well as solid-fuel missiles with which it can put close countries such as the ROK and Japan in danger (The Guardian, 2022). Moreover, in March 2022 Kim Jong-un made clear that North Korea targets the US with its weapons by mentioning that it is thoroughly prepared to deter "any military threat" of "US imperialism", while claiming that the North launched ICBM Hwasong-17 (Park 2022). Because the DPRK's provocation directly threatens America's security, it is understandable that the US takes a coercive approach towards the North.

America's attitude towards the North is impacted by various factors including the personal characteristics of the president, the policies of the governing party, and the international environment of the time. Nonetheless, compared to the EU's attitude, it is often coercive. Also it uses the concept of NKHR in order to pressure the North because denuclearisation of the DPRK directly affects its interests.

The US's stance in NKHR is hugely important to the ROK because the US is one of South Korea's most influential partners. Considering the complexity of the issue, the South has to maintain a favourable relationship with the US for peace in the Korean peninsula as well as to improve the condition of NKHR. Nevertheless, America's interest does not completely coincide with that of South Korea's. Thus, the American approach towards NKHR is not necessarily the right one for the ROK.

4.4. The European Union: Balance between CPR

and ESCR

Protecting human rights is one of the core values of the EU (Majtényi et al 2016, 5). In order to realise its values, the EU has been voicing its concerns about actions which it considers to be human rights violations even in issues that do not have a direct link to the EU's own interests. For instance, the EU's ambassadors to South Korea demanded that the country abolish capital punishment in October 2018 (Shepherd 2020). As such, the EU has continued its political dialogue and humanitarian assistance so that it can assist North Korea to improve conditions of human rights. In the same context, the EU has criticised the North for its missile and nuclear tests, and halted its relations with the DPRK. The EU is a normative power, and because respecting human rights is one of its principles as a normative power, the EU has a different attitude and behaviour regarding NKHR compared to the US: although the EU criticises the DPRK for its CPR infringements, it still continues humanitarian assistance and does not use NKHR discourse for its own political gain. In addition to normative grounds, engaging with North Korea in order to exercise greater influence in the region is also significant for the EU. Powerful countries such as the US, Russia, and China are all involved in the issue of the DPRK. Thus, for the checks and balances and cooperation to lessen the tension and to promote peace, the EU ought to continue actively showing its concern for the issues of North Korea (Kim & Choi 2019, 2).

Moreover, the fact that the EU is impacted less by North Korea's actions makes it easier to assist North Korea for the help they need – such as humanitarian aid – to improve domestic conditions. Currently, the EU's dialogue channels with the DPRK are closed due to the weapons tests by the DPRK. Also, the number of sanctions the EU imposes towards North Korean individuals and organisations continues to increase. As a result, North Korea used undiplomatic language to insult the EU and criticise its actions. Still,

the hostility the North has towards the EU cannot be higher than the hostility it has towards the US, considering the history of the US intervention in the Korean peninsula and the Korean War, which the North claims the South and the US started. Furthermore, the EU has more freedom in choosing a softer approach to promote human rights in the DPRK compared to the ROK and the US because the effect of North Korea's actions on the EU's security and interests is fundamentally less powerful than it is on America's or South Korea's.

In conclusion, despite the EU's poor relations with the DPRK due to the latter's continuing refusal to comply with international norms, the EU has demonstrated a softer attitude towards the North than the US has. The EU seems to take a balanced attitude which incorporates both carrot and stick: it participates in international criticism against North Korea for the human rights infringements – mainly CPR – while it does not stop seeking the improvement of NKHR – mainly ESCR – by continuously providing humanitarian aid. Nonetheless, the EU does not provide a perfect model for the ROK's attitude towards NKHR because of the fundamental difference between the positions and the disparity in the interests of the EU and the ROK.

Chapter 5. Conclusion

5.1. Summary

NKHR is a topic that brings about disagreement among various groups of people; it is one of the reasons for "South–South conflict". It gives rise to disputes in an already–divided country. In order to understand the discourse surrounding NKHR, this thesis explored the introduction of the concept of human rights to North Korea. Kim Il–sung, the founder of the North first used the concept to undermine Japanese authority. Gradually, the blame shifted more and more to South Korea and America, though of course there was always space for the criticism of Japan. Accordingly, the North utilised human rights discourse with the purpose of holding the South in check; it aimed to show the superior position of communism. However, the international community began to recognise the situation of NKHR more during the 1990s. In order to avoid the global condemnation of its failure to protect its own people, as well as to minimise the threat to its authoritarian leadership, North Korea has tended to focus more on the protection of ESCR than CPR.

In South Korea by contrast, NKHR discourse has its roots in the anti–communism stemming from President Rhee's time. Mirroring the actions of his counterpart Kim Il–sung, Rhee instrumentalised the concept of human rights to denounce North Korea and to justify his strategy of reunification. In South Korea, the attitude of the government towards NKHR swayed a lot depending on the political leanings of the ruling party. Conservatives tend to pressure North Korean regime and focus on the infringement of CPR in the North. Liberals, in contrast, tend to be concerned more about South Korea's relationship with the DPRK, and tend to emphasise cooperation with the Kim regime for enhancing the condition of

ESCR. Due to the stark differences in the perspectives of politicians, South Korea's policies have been inconsistent and confusing with no progress in the relationship or indeed in NKHR conditions overall.

The US is one of the main actors regarding NKHR. Because its security interests are directly related to North Korea's behaviour, America has been coercive, and used the discourse of human rights in order to achieve its goal. Furthermore, the US naturally stresses CPR over ESCR because of its own history. The EU, however, has had a somewhat different stance towards NKHR. Not only does the EU have human rights as the ground for its norms and core values, it also faces a comparably minor threat from North Korea's actions. Thus, the EU is able to have a more consistent and lenient attitude towards the DPRK.

The simultaneous protection of both CPR and ESCR is crucial for the improvement in NKHR. As Suh argues, selectivism in NKHR is unhelpful in the long run. For a well-balanced enhancement in NKHR, South Korean government should prioritise understanding the capability and intention of North Korea's leadership. Criticism without the goal of the betterment in NKHR is no more than self-comfort. The DPRK tends to focus on improving its people's ESCR. Thus, the ROK can respond to the North's need in various ways, including through the provision of food, technology, and education. The South, however, also has to criticise North Korea's failure to protect CPR. By cooperating with the international society, the ROK ought to convey a consistent message to the North that it cannot choose only what it wants. Though North Korea is an unreliable partner, and though it is difficult to fully understand its intentions, for the sake both of peaceful reunification and of the improvement in overall NKHR, the South Korean government should advocate CPR and ESCR of NKHR in a coherent manner regardless of political leanings. By doing so in a consistent and firm attitude, it can convey a clear message to the North Korean regime of its commitment towards the improvement of NKHR, and the

relationship between the two Koreas.

5.2. How to Approach NKHR – Human Rights in the Korean Context

Scholars and practitioners have suggested different approaches to improve NKHR. For instance, Bo-hyuk Suh devised the "Korea human rights". Suh argues that it is necessary to approach the NKHR issue as human rights of the Korean peninsula, rather than seeing it as human rights of the North separately from that of the South. Suh also stresses that the ROK cannot criticise the condition of NKHR while it has its own problems regarding the violation of human rights. Suh provides three points to consider in order to promote human rights in both the South and the North as one "Korea human rights".

First, it is important to approach the matter through contextual universalism. Humans, wherever they are, have equal rights. Acknowledging relativism in human rights is risky because it can give too much room for justifying the infringement of human rights. NKHR are the same as human rights in other regions in the sense that North Koreans are as equal and dignified as people in other regions. Nevertheless, understanding the difference in the background, history, and culture of countries while maintaining the approach of universalism – which Suh calls contextual universalism – is crucial for making a practical difference. Because there are inevitable differences depending on the time period and the backgrounds, without true knowledge and understanding of the region, approaches to improve human rights would be in vain (Suh 2011, 172–173).

Secondly, Suh argues that looking into the violations one by one cannot be a fundamental solution. He states that focusing on individual cases, and blaming North's leadership for each violation is too simplistic a method. Rather, the South ought to consider the

historical setting and pursue a structural resolution. Suh names this approach macro–historical structuralism.

Finally, Suh mentions that sustaining a comprehensive attitude is vital when using the approaches mentioned above. Maintaining a comprehensive attitude is important especially for the concept of NKHR because it includes numerous issues such as human rights in both North and South Korea respectively, human rights between the two Koreas, and the human rights of North Korean refugees. Furthermore, crucial variables all affect HKHR: the different political and economic systems of the two Koreas, their different perspectives of human rights, the relationship between the North and the South, the relationship between the North and the US, and the situation of the countries around the peninsula. Thus, it is vital to have an attitude that can consider all issues and differences.

Suh's concept of "Korea human rights" provides an insightful suggestion for making a real effort for the betterment of NKHR in which CPR and ESCR clashes. It is necessary to have a contextual understanding while still viewing human rights conditions through the lens of universalism. As Suh maintained, it would be unrealistic to expect differences from the DPRK's side by only urging it to change the situation based on a universalistic standard, without considering its capability to do so. The fundamental pursuit of protecting the inalienable rights of humans should be continued, and support for the DPRK in parts where it cannot achieve those goals by itself should follow.

However, Suh's second suggestion for the "Korea human rights" should be improved. Expressing disapproval of human rights infringements is vital. It is neither just nor right to keep silent about wrongdoings in the process of denouncing the bigger structure. Rather, in order to modify the structure, each incident of human rights violation ought to be condemned and corrected. The DPRK generally violates CPR, but attempts to improve the condition of ESCR. Thus, criticising the North's infringement of CPR should

come together with international cooperation to assist the better condition of ESCR. This approach can take more time to improve the level of human rights in North Korea because the North would strongly oppose and condemn the South for its disapproval on the North's condition of CPR. Remembering, however, that CPR and ESCR are both human rights which are interrelated, it is necessary to deal with each issue CPR is infringed.

Regarding the policy of North Korea's non-proliferation, Cheol Hee Park highlights the importance of engagement with conditionality. According to Park, rewards for the DPRK should be given flexibly under the principle of reciprocity (Park 2018, 120). "Conditional engagement" emphasises confirmation of North Korea's intention and change in behaviour as well as engagement. This concept can be similarly applied to the South's attitude towards NKHR issues. South Korea's assistance for ESCR in the North should not be conditional depending on North Korea's behaviour. However, the South should engage with the North by means of supporting its protection of ESCR, while confirming its intention and change in the field of CPR.

Furthermore, asserting a South Korean stance towards NKHR is important for a more stable relationship between the South and the North. Due to the highly political division in attitudes in the South regarding the issues of NKHR, its policies continuously change depending on the political leanings of the government. This type of uncertainty is unhelpful for either a better relationship between the ROK and the DPRK or protecting human rights in the North. Sunglac Wi, the former Korean ambassador to Russia, argued that clearly deciding South Korea's position is important to avoid misunderstandings or false expectations, which in turn would make the South struggle more.¹⁸ Even though Wi's comments were about the ROK's position in the US-China rivalry, it is also applicable in

¹⁸ Wi argued this in his lecture at Peace Academy held by Korea Peace Foundation on 3 May 2022.

South Korea's stance regarding NKHR. Consistency, regardless of the political party, is the key to seeking improvement in both CPR and ESCR of NKHR.

The strategy of criticising the CPR infringements while assisting the improvement in ESCR might seem to be like the North Korea policy of the EU. It may be worrying to follow the EU's policies considering the "donor fatigue" it experienced. Nevertheless, South Korea has a fundamentally different relationship with North Korea compared to the EU. The South has stronger historical, cultural, and social connections with the North which makes it difficult to directly compare its policies with the EU's. Therefore, South Korea has to 1) approach North Korea within the lens of contextual universalism; 2) support both the betterment of CPR and ESCR in the North by criticising the wrongdoings while providing humanitarian aid and seeking technological and educational cooperation; and 3) consistently pursue this approach regardless of the change in the South Korean leadership.

5.3. Suggestions for Further Studies

If this thesis had a wider scope, it would have been able to include a wider range of perspectives on NKHR. Clearly, the actors examined through this thesis – the DPRK, the ROK, the US and the EU – are crucial players in the field. However, there are other nations closely related to and influenced by North Korea: most obviously, Japan, Russia and China. Moreover, the research of this thesis is confined to nation states and the EU; the approaches of various other organisations are not included. Although there is existing literature about NGOs and NKHR, it would be enlightening to compare the views of different types of institutions. Further studies should therefore be undertaken to compare the NKHR discourses in other countries surrounding the Korean peninsula, as

well as those of powerful NGOs.

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Abstract

북한 인권은 한국 사회 및 국제 사회에서 끊임없이 논란 거리가 되어왔다. 북한 인권 중에서도 시민적, 정치적 권리(자유권)를 더 옹호하는 국내의 보수와 경제적, 사회적 및 문화적 권리(사회권)를 더 중시하는 국내의 진보의 싸움이 되어 실제적인 북한 인권 수준의 향상보다는 정치적인 논쟁으로 소모되어 온 것이 현실이다. 또한, 1990년대 북한의 경제위기로 인해 다수의 탈북자가 발생하며 북한 내의 인권 실태가 전세계적으로 알려지기에 이르렀다. 그렇다면 북한 인권을 향상시킨다는 같은 목적을 두고도 국내의 보수와 진보가 다른 입장을 견지하는 이유는 무엇일까? 한반도 밖에서는 북한 인권을 증진시키기 위한 어떤 노력을 하고 있으며 이를 바탕으로 한국이 취해야 할 입장은 무엇인가?

본 논문은 한국 내외의 북한인권 담론을 분석하고 한국이 나아가야 할 방향을 제시하는 것을 목적으로 한다. 한국의 보수는 주로 자유권에 주목하여 북한인권 담론을 형성하며 북한인권의 향상을 위하여 북의 정권 붕괴를 주장하여 온 반면, 진보는 북한인권 중 사회권을 강조함으로써 북한의 정권과 협력할 것을 주장하여 왔다. 미국과 유럽연합 또한 각각 북한인권에 대하여 다른 태도를 취하여 왔다. 북한과 더 직접적인 이해관계를 가지는 미국은 자유권을 강조하며 북한을 압박하기 위하여 북한인권 담론을 이용하기도 하였다. 북한으로부터 비교적 안보위협을 적게

받는 유럽연합은 국제사회의 대북제재에 동참할 때에도 인도적 지원은 멈추지 않는 등의 한국이나 미국보다는 관대한 태도를 보여왔다.

이러한 연구를 바탕으로 본 논문은 북한, 한국, 미국, 유럽연합의 북한인권 담론을 비교분석하고 한국 정부가 북한인권에 관하여 문맥적 보편주의를 토대로 접근할 것, 자유권과 사회권을 균형 있게 추구할 것, 정부의 정치적 경향과 관계 없이 일관된 정책을 유지할 것을 주장하며 마무리한다.