

Alternative Approach to the Actual Improvement of Human Rights in North Korea

: Evaluation of the issue from domestic and international perspective and problem

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Contact Details:

- People’s Solidarity for Participatory Democracy (PSPD), Center for Peace and Disarmament
Mr. Kim Seung-hwan, Coordinator (peace@pspd.org, +82 (0)2-723-4250)
- Civil Peace Forum
Ms. Lee Je-young, Coordinator (civilpeace@daum.net, +82 (0)2-733-3509)

Overview

It is considered that the human rights situation in North Korea has continued to deteriorate and crimes against humanity are said to have been committed. The United Nations (UN) is considering referring those who are responsible for the violation of human rights to the International Criminal Court, to which North Korea is strongly opposed. It is highly doubtful that the current trend will bring positive development to the improvement of human rights in North Korea.

North Korea is the other side of the divided Korean Peninsula and is in hostile relations with the United States and Japan. North Korea is characterized by political monotony, economic underdevelopment, international isolation, and authoritarian culture. The political system in North Korea and the armistice stand as the historical background and the real conditions for the human rights problems in North Korea. Therefore, it is essential to steer the North Korean regime toward the human rights-friendly track and to overcome the armistice system. The report of the Commission of Inquiry (COI) on Human Rights in the DPRK (Democratic People's Republic Of Korea) addresses these two points, yet the media and countries concerned including South Korea and the US mainly focus on holding the North Korean government to be politically accountable.

The human rights issue in North Korea is about the rights of the North Korean 'people.' Human rights in North Korea specifically fall into three categories: human rights in North Korea, North Korean residents abroad (North Korean defectors in particular), humanitarian issue created by the Korean War and the division of Korea (separated families, POWs, and abductees). In other words, improvement of human rights in North Korea requires not only changes in North Korean government but also cooperation from the international community. Pressure, economic sanctions, naming and shaming on North Korea will all fall short in the end. Thus, we recommend the following as a discipline of approach to the human rights issue in North Korea.

Firstly, North Korea is the subject for the improvement of human rights in North Korea and the international community needs to take the role of monitoring and promoting the nation to improve the human rights. Secondly, all discussions and approaches towards the human rights issue in North Korea must focus on the actual improvement of the matter at hand. Thirdly, multi-dimensional actors including the government, civil society, and countries and international organizations that are concerned need to cooperate in a mutually complementary relation. Fourthly, efforts to improve human rights in North Korea should proceed in harmony with the efforts to ameliorate the North-South relation and to establish peace in the Korean Peninsula.

The North-South relation is a policy channel that is unique to South Korea that is enabled to involve the human rights problem in North Korea. It is also a channel through which the two Koreas prepare for human rights-friendly unification. Therefore, South Korea must engage in international cooperation and talk between Pyongyang and Seoul in order to improve the human rights in North Korea. Peace in the Korean Peninsula not only creates a positive environment for the improvement of human rights in North Korea, but it also stands as an entity of the improvement of human rights as a right to peace.

Ways to improve the human rights in North Korea are as follow: engaging in the protection against

the violation of human rights and enhancing the capability for improvement of human rights; making a comprehensive and balanced approach to the matter at hand; and making efforts to overcome the armistice and the division of the Korean Peninsula to offer fundamental solutions to the problem. An approach to the short-term, phenomenal problem should be accompanied by efforts to settle the historical roots of human rights violation. The two Koreas and international community should cooperate to prepare for the unification of the Korean Peninsula that realizes universal values including human rights.

Alternative Approach to the Actual Improvement of Human Rights in North Korea

: Evaluation of the issue from domestic and international perspective and problem

Introduction

On 21 March 2013, the 22nd Session of the UN Human Rights Council passed a resolution (A/HRC/RES/22/13) that contained the creation of the Commission of Inquiry on human rights in the DPRK, in order to investigate the reality of systematic, widespread and severe human rights violations in North Korea. This was the outcome of longstanding efforts of domestic and international NGOs which dedicated themselves to address the reality of poor human rights situation in North Korea in the international community and to bring the improvement of the human rights in North Korea as the main agenda.

North Korea has been reluctant to cooperate with the efforts of international society that demand the improvement of human rights, outrightly rejecting the resolutions by the UN Human Rights Council, and dismissing the visit from the UN Special Rapporteur on DPRK. North Korea, considering the demand of international community to improve the human rights in its land as provocative, has expressed its willingness to utilize armed protest. It is necessary for South Korea to take a more careful approach to the human rights problem in North Korea in that it is in a hostile relation with the North due to the armistice system. Improvement of human rights in the Korean Peninsula seemingly conflicts with the establishment of peace in the region. South Korean government is obliged to bring forth reconciliation and peace in the Korean Peninsula through dialogue and cooperation, yet it bluntly condemned human rights in North Korea, igniting conflicts between the two Koreas and creating military tension in the Peninsula.

Our “Alternative Approach to the Actual Improvement of Human Rights in North Korea” report stresses that peace and human rights are interdependent and interrelated in this incompatible reality in which human rights threatens peace while peace silences human rights. The report urges the international community and the South Korean government to analyze and assess domestic and international human rights policy towards North Korea. We also urge them to engage not only in monitoring and criticizing the human rights in North Korea but also in holding dialogue, providing aid, and making exchanges, and cooperating to enhance the capability of North Korea to improve human rights. Through a new paradigm of peace and cooperation beyond the frame of conflicts and cooperation, we wish to find proper measures to improve the human rights together instead of demanding it unilaterally.

I. Nature and Causes of Human Rights Problem in North Korea

The International Bills of Human Rights declares that human rights are universal, indivisible, interdependent, and interrelated. As shown in a number of resolutions including the Universal

Declaration of Human Rights and in reality, human rights are in a complementary relationship with other universal values such as peace, development, democracy. The Korean Peninsula met a violent division in the process of the formation of the Cold War era in Far East Asia. Human rights problems in North Korea, the other side of the divided Peninsula, are complex concerns that are interconnected with the North Korean regime and the armistice system.

On August 1991, the UN Security Council unanimously passed a resolution on the UN membership of South (Republic of) Korea and North Korea (Democratic People's Republic of Korea), and the UN General Assembly accepted both countries to join the UN on 17 September 1991. The two Koreas were granted recognition as sovereign states in the international community. The North and the South are now characterized by double relations. They are to pursue reunification from a national aspect, yet each country is obliged respectively to abide by the international standards.

North Korea has ratified the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention to Eliminate All Forms of Discrimination against Women, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, the Child Prostitution and Child Pornography, and has signed the Convention on the Rights of Persons with Disabilities. North and South Korea are required to observe and enforce the relevant human rights conventions by the international human rights bodies and are urged to join the conventions that they have not signed or ratified.

Human rights are fully achieved in a virtuous cycle of respect, protection, and improvement. Human rights start from recognition and respect of the different and the uncomfortable. Denial of diversity is the enemy of freedom and democracy. Only when two Koreas acknowledge and respect the other side as a partner of co-existence and co-prosperity can any effort and mutual cooperation to establish an exemplary country in terms of human rights realize the improvement of human rights in the Korean Peninsula.

Protection and empowerment are two ways to realize human rights. It is important to 'protect' the victims of the on-going human rights violations. But it is more urgent to develop a long-term capacity for continuous improvement by changing the structure of the root cause of human rights violations. It is the North Korean government and the public who are the subjects of the realization of human rights. If an outside power takes over the role and intervenes due to North Korea's incapability to improve human rights, it is likely to see side effects and is unlikely to promise a sustainable improvement of human rights in North Korea. Technical cooperation with international human rights institutions, political and human rights talks, humanitarian aid, economic cooperation, and non-governmental exchange are useful methods to improve human rights capacity of North Korea. The North Korean government is to be accountable for the realization of human rights of the North Korean public. International human rights institutions of which North Korea is a member state need to monitor whether the North Korean government carries out this role. The North Korean government is responsible for making more effort to improve human rights in cooperation with the human rights institutions concerned.

Human rights problem in North Korea includes domestic human rights issue in North Korea, human rights problems of North Korean residents abroad, unresolved humanitarian problems created by the

Korean War as well as the division of Korea, and the comprehensive right to peace of the Korean Peninsula. The human rights problem in North Korea is also a problem of the whole Peninsula as humanitarian problems between the North and the South are included in the range of human rights in North Korea. The Korean War, the division of Korea, and the long-standing armistice have brought forth separated families, abductees, prisoners of war. Self-determination, and rights to pursue happiness for the people concerned and their families have been systematically and continuously violated. In this sense, these are historical and global problems. Divided governments and foreign powers are to be accountable for these problems. Therefore, human rights problems in North Korea are international issues that have historical context and background.

The nature of the human rights problems in North Korea can be found in two ways. Recognition of North Korean human rights problems from phenomenal and structural perspective coincide with general strategy for the improvement of human rights that have protection and capacity-building as its two axes.

Firstly, from phenomenal and behavioral aspects, human rights problems in North Korea are related to the human rights violations and consequent anti-human rights system and practices. Phenomenal aspects and nature are connected to specific policy alternatives and short-term solutions. The North Korean system and practices along with diplomatic policies of related countries should be viewed from perspectives of the human rights victims and cooperative efforts must be made in order to put an end to this. Governments and civil societies also share responsibility to contribute to the effective improvement of human rights.

Secondly, from structural and historical aspects, human rights in North Korea are a reflection of the North Korean regime and the divided Peninsula. The North Korean regime and the armistice system are the biggest influences on the reality of North Korean human rights and its solutions. Therefore, we need to understand the operation mechanisms and look for solutions while considering these two aspects in approaching human rights problems in North Korea. Effective improvements of North Korean human rights require the North Korean regime to move towards a human rights-friendly direction. Efforts to overcome the armistice need to be made as well. The North Korean government needs to listen to the concerns of international community regarding the severe human rights situations and its demand for the North Korean regime to take responsibility. At the same time, North and South Korea should cooperate in order to overcome the armistice through the building of trust, reconciliation, establishment of peace, resolution of humanitarian problems. The two Koreas would not be able to reach the international standards in terms of human rights without overcoming the armistice system. South Korea should make every effort to enhance the North's human rights capacity in cooperation with the international community and push for the North-South cooperation that will bring peace and reunification. South Korea needs to enforce policies toward the North embracing these two aspects based on North-South reconciliation and trust.

South Korea today by and large agrees with the international community that the human rights situation in North Korea is serious. North Korea acknowledges the poor condition of social rights, yet it does not recognize civil and political rights. Nonetheless, it partially cooperates with the international community's request of improving the human rights. North Korea is taking a different stance from that of the international community in regards to the causes of violations of human rights in North Korea. With North Korean regime at its center, it is mentioned that domestic and

international causes are natural causes such as flooding and droughts, and structural and foreign causes like hostile relations between North Korea and the U.S., and the armistice system. Chronic violations of human rights by North Korean government, and anti-human rights senses and systems are considered as main causes too.

The North Korean government ascribes its poor conditions of human rights to the U.S.'s hostile policies and natural causes while the international community chastises the North Korean regime's inhumane ideology, system, and practices including human rights violations. Each stance exaggerates causes of human rights violations in North Korea. Thus, comprehensive understanding of these causes enables us to comprehend all the causes and come up with solutions to the violations of human rights in North Korea.

North Korean regime is primarily accountable for the human rights violations in North Korea. Authoritarian, monolithic, and exclusive social orders under the monolithic leadership system suppress social activities and spiritual lives of the public. Military culture and underdeveloped economy in North Korea are also causes of human rights violations. Causes of human rights violations in North Korea are closely related to its political and economic system and thus it is essential for the North Korean regime to change towards a human rights-friendly system. Reformation of consciousness, practices, and systems which are far from human rights enhancement needs to be accompanied too.

The foreign environment around North Korea has given a bad influence to the human rights violations in North Korea. The division and the armistice, with hostile relations between two Koreas and confrontation with the U.S., have justified the human rights violations, not only in North Korea, but also in the whole Korean Peninsula. Since the Cold War era ended, security has deteriorated in North Korea, and the division and the armistice have directly affected human rights in North Korea along with the weakening of North Korea's national capability. The effects include strengthened control of the public, distortion in the distribution of resources, infringements of the right to peace, and deterioration of social rights that had been possible under the past North Korean regime. In particular, confrontation between the North and the U.S. inhibit the North Korean public from enjoying social and economic lives like any other citizens in other countries.

II. Assessment by the International Community of North Korean Human Rights Policy

Ten years have passed since the human rights issue in North Korea became an international concern. Since 2003, the United Nations has adopted resolutions on human rights in North Korea, which expressed deep concern on "systematic, continuous, and widespread" violations of human rights through the former Commission on Human Rights, Human Rights Council, and General Assembly. Human rights institutions of the UN have activated special procedures to reflect the severity of the human rights problems in North Korea. Since 2005, a Special Rapporteur on the situations of human rights in the DPRK has been nominated to submit reports on the human rights situations in North Korea every year, drawing attention from international community. The reports of the Special Rapporteur on the situation of human rights in the DPRK concluded that social rights and civil rights have been severely violated, the former including securing right to food of the North Korean people and improvement of food distribution and the latter including public execution, collective

punishment, political prisoner camps. Despite adoption of the resolutions and reports by the UN, North Korea hardly changed their policies. On 21 March 2013, the UN Human Rights Council established the Commission of Inquiry on Human Rights in the DPRK (COI) to investigate the violations of human rights in North Korea, focusing on the crimes against humanity. The COI, that consists of 3 members and 10 investigators, investigated over 9 areas including the right to food, political prisoner camps, torture and inhumane treatment, arbitrary detention, discrimination, freedom of speech, the right to life, freedom of movement, forced disappearance, and submitted the reports to the 25th session of the UN Human Rights Council in the spring of 2014. The reports of over 400 pages noted whether human rights violations in North Korea fall into the category of crimes against humanity, and urged "the UN Security Council to refer the North Korean authorities to the International Criminal Court or to a temporary court of the UN." The report also demanded that the international community make sure that establishment of peace in the Peninsula and sanctions against North Korea do not damage the North Korean people. In 2014, the 25th session of the UN Human Rights Council and the 69th session of the UN General Assembly adopted the resolution on the human rights in North Korea that reconfirmed the COI report.

International NGOs have demanded attention from the international community as well by publishing reports and engaging in campaigns. In September 2011, over 40 NGOs and 200 human rights activists from 15 countries including Amnesty International (AI), Human Rights Watch (HRW), International Federation for Human Rights (FIDH) established 'International Coalition to Stop Crimes against Humanity in North Korea (ICNK)' in Tokyo, Japan. It is noticeable that international NGOs through this coalition actively discuss the punishment of authorities who are responsible for the human rights violations of the North Korean people. The U.S. Committee for Human Rights in North Korea has continuously insisted that North Korea's food policy exacerbates the starvation of the people, human rights violations in political prisoner camps, and abduction of foreigners accord with international crimes. Freedom House also claimed that human rights suppression in political prisoner camps in North Korea corresponded to crimes against humanity under Article 7 of the International Criminal Court. Inclusion of COI in the UN Human Rights Council's resolution on human rights in North Korea in 2013 was strongly supported by the advertisements and lobbying activities of the NGOs, as well.

It is undeniable that the international community is casting a serious look at the human rights problems in North Korea. North Korea is the first case in which a resolution was passed that includes a referral to the ICC of a country that is not currently engaged in a civil war. The COI expands the application of the Responsibility to Protect (R2P). It is also undeniably true however, that the international community's approach to human rights in North Korea lacks a clear and practical solution to the problem of human rights in North Korea. In fact, there are not many things that the international community can practically do. Unless the North Korean government changes, there will always be a limit to the improvement of human rights of the North Korean people. Recent human rights problems in North Korea are in bind between the passive and negative attitudes of the North Korean government and excessive and aggressive approach from the international community.

For a long time, the international community has relied on change from outside by criticizing the North Korean government and imposing economic sanctions on the government, based on the human rights reports. Discussion has been made to change the North Korean government to establish 'democratic government.' A political approach has been discussed as well that connected

stopping the development of nukes and missiles in North Korea with providing food aid. Such an approach, however, created politicization and securitization of human rights problems in North Korea combined with the repulsion of North Korea.

Punishment of authorities responsible for the human rights problems in North Korea, or attempt to change North Korean regime neglect the positive measures taken by the North Korean government. However small it may sound, North Korea engages in inter-dialogue with the four UN treaty bodies, responds to the Universal Period Review, reorganizes human rights law including relaxation of punishment of North Korean defectors, and cooperates with international aid organizations. The problem now lies in whether we can move the North Korean government to adopt human rights-friendly attitude and imbue human rights awareness among the North Korean people. We need to remind ourselves that reliance on political approach without considering constructive discussion may obscure the improvement of human rights in North Korea.

It is clear that North Korea is the primary subject concerned of human rights violations. Realistically, the North Korean government has a responsibility to improve the human rights of the North Korean people. Considering the effective ways to improve human rights and the range of human rights problems in North Korea, the international community must share this responsibility too. Thus, it is not appropriate for the international community to take the role as a judge. After all, international community must search for methods to make possible protection of human rights and changes in policies from inside North Korea. Pressure to change from outside based on punishment of the authorities concerned and direction to realization of justice may impede effective improvement of human rights problems in North Korea. Considering the armistice and the divided Peninsula, restorative justice is desirable in regards to human rights in North Korea. Comprehensive approach embracing dialogue, exchange, aid, technical cooperation, and education is also needed, considering the unitary political system and underdevelopment in North Korea. North Korean government, officials that are directly concerned, and the North Korean people, if possible, need to contact the international community to be provided with information and know-how on the improvement of human rights. Areas where international organizations and NGOs can help, such as human rights training, technical cooperation for disease control and poverty reduction, and Rights-Based Approach to Development (RBA), need to be strengthened. Increasing contact with the North through cooperation and dialogue can bring about gradual change inside North Korea. These approaches need to be accompanied by monitoring work as well in order to contribute to the improvement of the human rights of the North Korean people.

Attention from the international community to the human rights problems in North Korea is expected to increase along with the increased level of approaches. Firstly, the international community's reaction to the North Korean human rights problems will expand to the actions of the UN and each country. Human rights problems in North Korea will become the main human rights issue as the international community continuously publicize the matter.

Secondly, actions from the international community to the human rights problems in North Korea will change qualitatively. Actions will include referral of the issue to the ICC based on the reports of the COI that mentioned crimes against humanity and the North's responsibility, beyond the realm of general monitoring of North Korean human rights conducted by the Special Rapporteur and the resolutions of the UN Human Rights Council and the UN General Assembly.

Thirdly, as we can see from the establishment of the COI, international NGOs have distinctly led the activities regarding human rights in North Korea in the international community including the UN. These NGOs are expected to increase their activities as performers for the improvement of human rights in North Korea in the future. It is the role of international community to steer this prospect toward contributing to the effective improvement of human rights in North Korea.

III. Assessment by South Korea of North Korean Human Rights Policy

Human rights problems between two Koreas were used as a source for ideological conflicts in the Cold War era. Concerns for human rights problems in North Korea have heightened, however, due to democratization, the end of the Cold War, food shortage, and consequent outflow of North Korean defectors. After the end of the Cold War, South Korea concentrated on shifting hostile relations to reconciliatory and cooperative relations and ensuring the survival of the North Korean people. North Korea reacts sensitively to the civil and political rights to which South Korea kept from addressing its view directly. South Korea took advantage of strategic approaches in order to establish peace in the Korean Peninsula.

The South Korean government, however, started to tackle the human rights problems in North Korea more publicly and aggressively due to the exacerbated nuclear crisis in the North, change of government in the South, and little improvement of human rights situations in North Korea. The President of South Korea addressed human rights problems in North Korea, and continuously voted in favor of the UN resolutions on human rights in North Korea. Since the Lee Myung-Bak administration, South Korea's policy toward the North has been characterized by pressure, worsening North-South relations, and consequently creating military tensions. The situation now is such that rights to peace of all the people in the Korean Peninsula are in jeopardy. Under these conditions, the South Korean government's mention of human rights in North Korea has failed to contribute to an effective improvement of the problems. North Korea fiercely reacts to the consistent conflicts and pressure without dialogue by condemning the demands of South Korea and the international community as 'slander to the republic.' Settlements to the humanitarian problems, which are regarded as a part of human rights in North Korea, the reality of human rights in the Korean Peninsula, and a sign of trust between two Koreas, have been at a stalemate since the Lee administration. Trust development and assistance to rights to life of the North Korean people through humanitarian aid are hardly enforced. The government's efforts to resolve the problems of separated families are unsatisfactory.

<Table1>government-level exchange of separated families *unit: case (person)

Section	'85~'02	'03	'04	'05	'06	'07	'08
confirmation of life and death	1,862 (12,005)	963 (7,091)	681 (5,007)	962 (6,957)	1,069 (8,314)	1,196 (9,121)	-

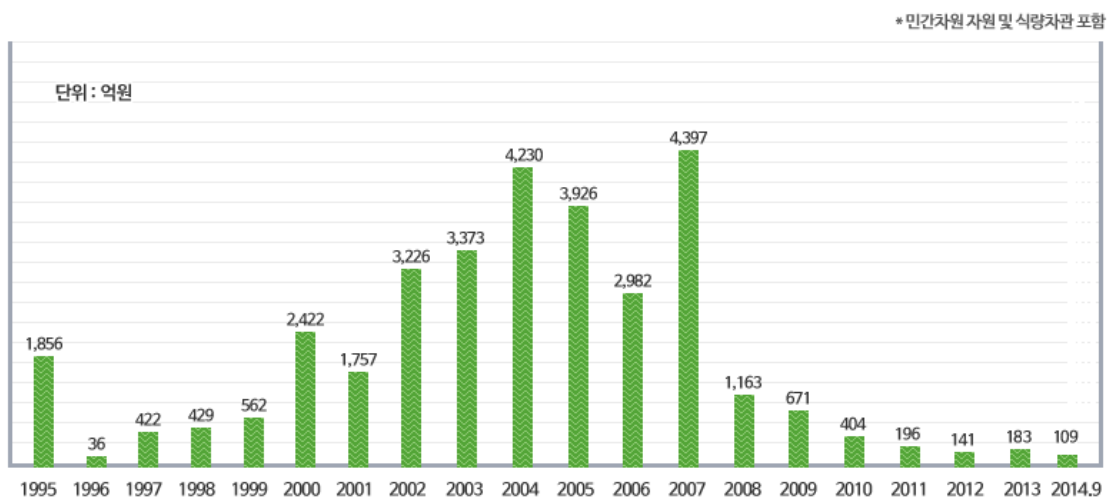
correspondence	671 (671)	8 (8)	-	-	-	-	-
meetings in South Korea	331 (2,700)	-	-	-	-	-	-
meetings in North Korea	735 (2,817)	598 (2,691)	400 (1,926)	397 (1,811)	594 (2,683)	388 (1,741)	-
video reunions	-	-	-	199 (1,323)	80 (553)	278 (1,872)	-
Section	'09	'10	'11	'12	13	14	total
confirmation of life and death	302 (2,399)	302 (2,176)	-	-	316 (2,342)	-	7,653 (55,412)
correspondence	-	-	-	-			679 (679)
meetings in South Korea	-	-	-	-			331 (2,700)
meetings in North Korea	195 (888)	191 (886)	-	-		170(813)	3,668 (16,256)
video reunions	-	-	-	-			557 (3,748)

* Source: Ministry of Unification (Date of Search: December 20, 2014)

Meetings of separated families are closely related to South Korea's policy toward North Korea. <Table1> shows that the numbers and sizes of meetings of separated families significantly differ under engagement policy and policy of pressure. Provided that all South Korean governments seek for an actual improvement of human rights problems in North Korea, the difference in results can be said to come from policy directions. The Kim Dae-Jung and Roh Moo-Hyun administrations that adopted policies of engagement, engaged in aid and dialogue based on reconciliation and cooperation, holding frequent meetings of separated families, and arranging and establishing meetings through screen and meeting rooms for separated families in Geumgangsan. The Lee Myung-Bak and Park Geun-Hye administrations on the other hand took advantage of policies of pressure while advocating for settling human rights problems in North Korea. As a result, meetings of separated families have been intermittently held only when they were necessary. During the period of engagement policy, governments were able to establish practices of mutually reciprocal

resolutions on humanitarian problems by providing humanitarian aid for meetings of separated families. During the period of policy of pressure, however, governments did not enforce any inducement policy to expedite meetings of separated families. Rigid, one-sided approach failed to bring about effective improvements of human rights. No outcome has been seen in terms of prisoners of war and abductees, ‘special separated families.’ The Park Geun-Hye government gives praise to itself for holding a single meeting of separated families without providing any type of aid, but it has failed to carry the past governments’ success in changing North Korea’s attitude toward abductees, whose existence the North had continued to deny, and holding meetings of abductees’ families through active meetings of separated families expedited by aid.

<Picture1>Humanitarian aid for North Korea * unit: hundred million won



In 2013, the Park Geun-Hye administration declared resolving the human rights problems in the North as its state affair. It declared this as part of its commitment to consider measures to provide humanitarian aid targeted at vulnerable social groups including infants and pregnant women irrespective of political and security situation. The timing and method for deliver will be determined in cooperation with the international organization. It was also mentioned that it would expand the aid items of NGOs for the vulnerable groups. In 2014, however, such promises still remain only as promises.

Humanitarian aid toward North Korea had increased since 2000, had its peak in 2007 and then sharply decreased since 2008 at the advent of the Lee Myung-Bak administration. Since the May 24 measures in 2010 to the start of the Park Geun-Hye administration, direct aid from a government level is nonexistent. In the first year of the Park Geun-Hye administration, she endorsed non-governmental aid of about 6.8 billion won to North Korea, and endorsed non-governmental humanitarian aid of 420 million won from three NGOs including NambukNanum, Sumgim, and Love One Korea in 2 April 2014. Declaring the ‘trust-building process on the Korean Peninsula,’ the government declared to provide humanitarian aid regardless of political situation between two Koreas. But the reality is different. Despite the Park Geun-Hye government’s claim to provide humanitarian aid to vulnerable social groups including North Korean infants, full-scale provision of

aid has not begun. The government declared after the endorsement of provision of non-governmental aid on January 2014 that “we are examining active expansion and endorsement of (non-governmental aid toward the North).” The government said that as of October 2014 humanitarian aid amounting to 18.7 billion won has been provided to North Korea including non-governmental aid of nourishing food, medicines, farming materials that amount to 4.5 billion won and aid of 14.2 billion won through international organizations. Nonetheless, the government regulates non-governmental aid project toward North Korea, including a fertilizer aid project undertaken by Korea Council for Reconciliation and Cooperation, a semiofficial organization. The Park Geun-Hye government’s aid project for North Korea seems to have a huge gap from its promise in the beginning.

From the 17th Congress till now, especially during the Lee Myung-Bak administration, the government and the ruling party has tried to adopt a North Korean Human Rights Act. In the 19th Congress, both the ruling and the opposition parties submitted the draft Act and held public hearing in the Foreign Affairs and Unification Committee, only to find difference of positions. Proposals from the ruling and the opposition parties differ in that while the former focuses on the improvement on the civil rights through pressure, the latter focuses on the improvement of social rights through humanitarian aid. North Korean Human Rights Act proposed by the ruling party especially attempts to establish North Korean human rights foundation, which is expected to legalize NGOs that engage in anti-North Korean activities. Creation of such a foundation might damage the independence and purity of a non-governmental North Korean human rights movement. The establishment of a North Korean human rights foundation was not included in the previous representative proposal act proposed by Kim Moon-Soo in the 17th Congress, which shows that such a concern is well founded. Proposal from the ruling party also includes North Korean Human Rights Record Depository targeted for punishing violators of human rights in North Korea. This indicates not only a sign of warning, but also a suspicious attempt to overthrow the government, considering hostile relations between two Koreas. The ‘North Korean Human Rights Improvement Act’ proposed by the opposition party is mainly concerned with humanitarian aid, but it can be enforced through government policy instead of enacting a separate law.

Voices to advocate North Korean Human Rights Act start from the view that South Korea needs to be more aggressive as the U.S. passed such act in 2004 and Japan in 2006. However, the North Korean Human Rights Acts enacted by the U.S. and Japan is not said to have had an effective impact on the improvement of human rights in North Korea. It is questionable whether the absence of a North Korean Human Rights Act significantly affects North Korean human rights policy. Political will of the South Korean government is the most important in improving the human rights in North Korea. Enactment of North Korean Human Rights Act seems to be self-satisfactory as Park Geun-Hye government has taken advantage of policy of pressure toward the North, putting an end to the humanitarian aid and economic cooperation, and suppresses human rights in South Korea. When the opposition party took the office in 2007, the Development of Inter-Korean Relations Act was passed; it included the improvement of human rights in North Korea and cooperation to resolve humanitarian problems in the Korean Peninsula under the general development of inter-Korean relations. The Act has become nominal.

Since the Lee Myung-Bak administration till now, the South Korean government seems to be focusing on pursuing North Korean regime collapse or a situation of sudden changes. Including the George W.

Bush administration, the U.S. has been hostile to the North Korean regime and publicly mentioned regime collapse, but their policies have failed. The Obama administration announced the normalization of relations with Cuba, admitting the failure of the policy of sanctions and isolation. Unfortunately, South Korea and the U.S. have not given up pressuring policies towards North Korea. This creates the unity of North Korean regime and its people, which is an unexpected result. This is why doubts are raised that these two countries' sanctions are for domestic political reasons or for the interests of military industrial complex.

Why does the international community, South Korea in particular, worry about the human rights problems in North Korea? Firstly, from a humanitarian perspective, it is concerned with the lives and future of the North Korean 'people' who have suffered from malnutrition for decades. Secondly, it is necessary to take a direct approach to social rights and humanitarian problems, and indirect approach to rights to freedom by considering an inclusive approach to human rights in North Korea and comprehensive understanding of effective improvement policy to a sense of difference, mistrust, ideological and military tension. Thirdly, it is almost impossible to discuss reunification with North Korean people, who are the subjects of reunification, yet who suffer from malnutrition and are deprived of labor rights.

In order to improve human rights in North Korea, aid and cooperative projects need to be enforced, targeted at vulnerable social groups including children, the elderly, infants, and women. Efforts need to be focused on the improvement of the quality of their lives through the expansion of the role of the inter-Korean Red Cross talks, humanitarian aid, and supporting development. Also, unconditional talks need to resume in order to rebuild trust. The suspension and reopening of Gaeseong Industrial Complex in 2013 shows that Gaeseong Industrial Complex is the last resort for inter-Korean dialogue. Politics and security should be separated from the humanitarian perspective in regards to North Korean aid. The enactment of the North Korean Human Rights Act creates domestic conflicts and confusion rather than bringing about an effective improvement of human rights in North Korea, and thus needs to be ceased. If the North Korean Human Rights Act is to be adopted, consideration of the public opinion on the utility of the act on the improvement of human rights in North Korea, mutual agreement between the ruling and opposition parties based on integration of national opinion and direction for effective improvement needs to be included. In parallel with this effort, a systematic North Korean human rights policy is necessary according to the Development of Inter-Korean Relations Act. For the improvement of the human rights of North Korean defectors abroad, it is effective to exercise diplomatic power in cooperation with the UN. Regarding the problems of prisoners of war and abductees, 'quiet diplomacy' of Kim Dae-Jung and Roh Moo-Hyun administrations will make possible their safe return and resettlement in South Korea. In regards to forced repatriation however, efforts need to be made to clearly point out the problem and prevent recurrence.

Lastly, it is urgent to make the exchange project of separated families regular for the enhancement of separated families' rights to pursue happiness and for restoration of trust between Seoul and Pyongyang. North and South Korea need to be able to talk before any discussion can be made in regards to legalistic institution on inter-Korean trust. We need to shift the paradigm of division and the Cold War into the paradigm of reunification and peace in order for members of the Korean Peninsula to enjoy human rights.

IV. Direction for the Improvement of Human Rights and Tasks

Based on above-mentioned background, we now declare the principles of approach, policy direction, and practical tasks for the improvement of human rights in North Korea.

1. Principle of Approach

Firstly, North Korea is the subject for the improvement of human rights in North Korea and the international community needs to monitor and promote that North Korea enforces the improvement. This type of relationship is suitable for effective and sustainable improvement of human rights. The international community needs to take the role as an observer, supporter, and facilitator for enhancing the will and capability of North Korea to improve the human rights. The North Korean government is discredited for its poor human rights situation. If the international community feels obliged to take over the role of North Korea, it is likely to bring about inhumane situations and, above all, it is unlikely to build North Korea's human rights capability. Human rights in North Korea are the work that needs to be undertaken by the North Korean people. Thus, the international community should focus on the development of human rights capability of North Korea rather than taking over its role.

Secondly, all discussions and approaches need to be focused on the effective improvement of human rights problems in North Korea. The international community should refrain from pursuing other purposes in the name of human rights, or criticizing the North without effective measures. Various types of human rights policies and movements can compete and cooperate as long as they are in the direction for the improvement of North Korean human rights.

Thirdly, multidimensional performers including governments, civil society, South Korea, other countries concerned, and international organizations need to cooperate in a mutually complementary relationship. Each performer should respect situations, concerns, and the capabilities of each performer and cooperate together in order to contribute to the improvement of human rights. South Korea needs to take the role as a mediator so that we can gain effective fruits from domestic and international efforts for improvement of human rights in North Korea.

Fourthly, efforts to improve human rights in North Korea need to be made in harmony with efforts to develop inter-Korean relations and establish peace in the Korean Peninsula. Improvement of relations between North and South, and peace in the Peninsula themselves constitute parts of improvement of North Korean human rights, by creating a positive environment for resolving humanitarian problems between the two Koreas and realizing rights to peace. In order for South Korea to take an active role for the improvement of human rights in North Korea, cooperation between North and South and efforts to establish peace are necessary.

2. Policy Direction

Firstly, parallel efforts need to be made in regards to protection from human rights violations and building capacity for the improvement of human rights. The international community needs to make multi-faceted efforts for protection and capacity building based on the first principle in regards to the human rights problems in North Korea. Parallel efforts on monitoring, criticism, aid, dialogue, and cooperation should be made so that the North Korean government would realistically engage in the improvement of human rights. It is especially essential to imbue a sense of necessity to North Korean government to make efforts to improve human rights and develop such capability, and to provide it with corresponding measures. Exchange project needs to include raise awareness of human rights among the North Korean people.

Secondly, we should enforce comprehensive and balanced approach to improvement of humanitarian problems such as rights to freedom, social rights, and solidarity rights. Harmonious and effective improvement of multi-faceted human rights in North Korea requires a thematic approach along with comprehensive policy framework.

Thirdly, we need to strive to overcome the armistice and division to provide ultimate solutions to the human rights problems in North Korea. North Korean human rights problems are rooted in the division and the Korean War. Efforts to settle short-term, phenomenal human rights problems are necessary along with efforts to resolve structural and historical causes of human rights violations. Through such efforts we need to push for peaceful reunification in the process of realizing universal values such as human rights.

Fourthly, communal cooperation must be made by organizing North Korean human rights network that embraces inter-Korean and international cooperation and harmony. From Seoul's perspective, two axes that are essential to the improvement of North Korean human rights are inter-Korean cooperation and international cooperation. Through the expansion of international human rights network, its effectiveness proven in the history of human rights movement, we need to strive to end the human rights violations in North Korea and to improve human rights. At the same time, based on trust building through North-South cooperation, South Korea needs to expand its scope for the improvement of human rights in North Korea.

3. Parallelism between North-South Cooperation and International Cooperation

North-South Cooperation

Concerning the improvement of human rights in North Korea, South Korean government, NGOs, and national human rights institution may take up a divided role in cooperating with North Korea. Firstly, NGOs can establish trust and lay groundwork for human rights talks through cooperative exchange projects with related North Korean organizations in various fields, support the improvement of right to life and promote trust through humanitarian aid project towards North Korea holding inter-Korean human rights cooperation forums, provide 'inter-Korean cooperation guidelines' to the North, prepare 'human rights technical cooperation and consulting service' in cooperation with the OHCHR ,and provide the proposal to both governments monitor the enforcement of the agreement between North and South Korea.

Secondly, the South Korean government can: engage in cooperation with North Korea to resolve reciprocal humanitarian problems, engage in improving the social rights of North Korea through humanitarian aid, development support, and economic cooperation, discuss the proposal and enforcement of 'technology for human rights cooperation and consulting service' in cooperation with North Korean government and the OHCHR, provide a 'cooperation plan for North and South Korean human rights education' and submit a UN joint resolution on 'cooperation plan for North and South Korean human rights education.'

The South Korean national human rights institution can propose plans for a human rights education, norms, and policy consulting services for the improvement of North Korean human rights and urge the government to enforce the plans, provide support for technology cooperation and the establishment of national human rights institution in North Korea in cooperation with the OHCHR.

The active cooperation of North and South Korean human rights from these three aspects requires the building of trust and reciprocal relations between the two Koreas. The duty to improve North Korean human rights based on the universality of human rights will become realistic only if we make the environment where North Korea can submit to the demand of human rights improvement. It is mainly to create a positive international environment for the opening of North Korea and to build trust between the North and the South. Cooperation between Seoul and Pyongyang plays a significant, but limited role in improving human rights in North Korea. North Korea's engagement in talk and exchange with the international community will maximize the effect.

Concerning the North Korean human rights problems, South Korea is a member of the international community and a country directly concerned in North-South relations. South Korea is required to take a universal approach to the problems in the direction for the development of North-South relations. Under the effective improvement of human rights principle South Korea needs to focus, up to a certain point, on resolving rights to life, human rights of North Korean defectors, and inter-Korean humanitarian problems through humanitarian aid, talk, exchange and the acceptance of North Korean defectors. In this case, the South Korean government also needs to support the monitoring and criticism of general North Korean human rights by the international community and NGOs. Furthermore, discussion of establishment of peace in the Korean Peninsula, the North's expansion of cooperation with the international community, and promotion of opening and reform will make it possible for the South Korean government to push for resolving all types of human rights problems including rights to freedom with North Korea.

International Cooperation

The international community may take different measures in improving human rights based on each performer's position, capability, and preference, but it is advisable to integrate these measures, and divide and assign proper roles to each performer. We need to think about what each performer can do in the international community for the improvement of human rights in North Korea.

The U.S. and Japan are in hostile relations with North Korea and play a role as 'bad cop,' harshly criticizing human rights situations in North Korea. The 'bad cop' role undertaken by the U.S. and Japan reflect the deep concern of international community towards human rights in North Korea, yet effective improvement of human rights will be made possible if this role is accompanied by humanitarian aid toward the North and normalization of relations with North Korea. While the two

countries show their concern on the area of rights to freedom in North Korea, the U.S. and Japan will respectively concentrate on resolving problems of North Korean defectors and abductees. The role of the U.S. and Japan is very important in that removal of the armistice and normalization of relations with the North create an important environment for the improvement of human rights in North Korea. Parallel approaches to the denuclearization of the Korea Peninsula through separate channel seem more useful than connecting it with human rights problems. China shares relativist view on human rights like North Korea, and puts higher stress on sovereignty, rather than on human rights. China is a place where the most North Korean defectors go and stay and thus is requested to play the role to protect them. China needs to stop forced repatriation of North Korean defectors and protect basic rights during the period of their stay. China has also helped improve the humanitarian situations in North Korea through provision of energy and food. This has to continue.

The European Union has provided humanitarian aid to North Korea while playing a leading role in the adoption of resolution on North Korean human rights in the UN. The EU has also urged improvement of human rights in North Korea and carried out related programs including education, economic and technical cooperation and support through contact with North Korea, which is now stopped. The EU needs to conceive of a plan to restart this program and expand its role as a 'good cop.' Countries like Indonesia and Mongolia who have had ties with North Korea for a long time are expected to play the role as a mediator of human rights cooperation in the international community.

Meaningful contact between the OHCHR and North Korea has not been realized because of the North's passivity. In 2014, however, North Korea expressed its willingness to accede to the technical cooperation in the process of reviewing its report to the UN Human Rights Committee. Also, North Korea has not joined the 1951 Refugee Convention, and is reluctant to contact the UNHCR, expressing its intention not to regard North Korean defectors as refugees. Nonetheless, the UNHCR needs to report meetings with North Korean defectors and the outcomes to the international community.

North Korea has been rejecting the request of a visit from the Special Rapporteur on the situations of human rights in the DPRK. North Korea and the UN should take a constructive and reciprocal stance on the visit of Special Rapporteur and take this as a chance to improve human rights cooperation. North Korea and the UN need to cooperate in more depth beyond the five conventions to which North Korea is a member. The UN organizations such as UNICEF, WFP, and UNDP that have cooperated with North Korea concerning the North Korea human rights are expected to continue their roles.

Along with this, the reports by the COI in the spring of 2014 discuss the possible treatment of the North Korean human rights problems in the UN Security Council and the International Criminal Court. This is expected to create unnecessary political controversies and is unlikely to contribute to the effective improvement of human rights in North Korea. Rather, technical cooperation between the North and the OHCHR, human rights talk between the North and the EU, and inter-Korean trust building and cooperative exchange in many fields are the programs that will realistically contribute to the improvement of North Korean human rights. Despite much effort, North Korea and the international community has not been able to improve human rights in North Korea, and has failed to enforce many cooperative programs that would have contributed to the improvement of human rights. A punishment-oriented approach needs to be stopped that is highly likely to bring about

political, diplomatic conflicts and anti-human situation.

International human rights organizations and humanitarian aid organizations can contribute to monitoring North Korean human rights and to enhancement of rights to life. Human rights organizations need to take a comprehensive approach to North Korean human rights, and take the role as a surveillant to monitor the politicization of discussion North Korean human rights. Humanitarian aid organizations push for humanitarian aid along with development assistance. These two tasks should converge into North Korea's capacity building through expansion of human rights infrastructure. North Korea, which is a part of the Korean Peninsula, an extended troubled region, has poor human rights infrastructure. We need to bear in mind that it is the case where comprehensive approach based on a virtuous cycle of human rights, peace, security, and development is most needed.

V. Closing Remarks

Human rights of the North Korean public are of both domestic and international concern and part of human rights problems in North Korea. North Korean human rights issue is closely interrelated with the division of the Korean Peninsula and the armistice system. North Korea is primarily responsible for the problem, but cooperation from South Korea and the international community are essential as well. Human rights in North Korea embrace all human rights in today's international community and are connected to the other international norms such as peace, humanitarianism, reconciliation, sustainable development. South Korea needs to make efforts to put together North-South and international cooperation, and steer such efforts to bring about effective improvement of human rights in North Korea. It needs to be wary of selective and instrumental view of human rights and inhumane approach to resolve human rights problems. South Korea needs to take an active role in improving human rights in North Korea. The two Koreas have a historical responsibility to establish sustainable peace and to realize human rights-friendly reunification. The international community, especially the U.S., China, and Japan, which are the countries concerned in the Korean War, and the UN should take responsibility for overcoming the division of the Korean Peninsula, the prior conditions for and the reality of the improvement of human rights in North Korea, and to establish a peace regime in the region.

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