

## Online Series

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# North Korea's Announcement of Two States and Efforts for Peaceful Unification which Must be Continued

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## The Announcement of Two States and the Abandoning of Unification Goal: North Korea Following the Footsteps of East Germany

North Korea, at the end of December 2023, declared through the 9<sup>th</sup> Expanded Meeting of the 8<sup>th</sup> Central Committee of the ruling Workers' Party that the relationship between North and South Korea is "relations between two states hostile to each other and the relations between two belligerent states, not the consanguineous or homogeneous ones any more."<sup>1)</sup> With this statement, North Korea officially declared its position of no longer considering the inter-Korean relationship as a special relationship, and that it will treat South Korea as a separate state. Furthermore, North Korea stated that unification with South Korea is no longer a viable prospect. Considering the other divided party as a separate state and no longer part of a special relationship while abandoning the aim of unification resembles the path taken by the former East Germany.

East Germany, in its constitution enacted in 1949, declared in Article 1, "Germany

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<sup>1)</sup> "Report on the 9<sup>th</sup> Expanded Meeting of the 8<sup>th</sup> Central Committee of the ruling Workers' Party," *Korean Central News Agency*, December 31, 2023.

is an indivisible democratic republic,” taking the stance that East Germany and Germany as a whole are considered identical.<sup>2)</sup> However, in the 1960s, East Germany changed its attitude and proclaimed that two separate states existed within Germany. Initially, by enacting a new nationality law in 1967, citizens of East Germany acquired East German nationality separately from that of West Germany. In the following year 1968, the Constitution was amended to create a new provision which states “The establishment and cultivation of normal relations and cooperation between the two German states … are national concerns of the German Democratic Republic. The German Democratic Republic and its citizens strive in addition to overcome the division of Germany … and support the rapprochement of the two German states until the time of their unification (Article 8, Clause 2).”<sup>3)</sup> Then afterward, through a constitutional amendment on October 7, 1974, East Germany abandoned the constitutional commitment to the reunification of the German nation by removing Article 8 (2), which was introduced in 1968.<sup>4)</sup> Given this, it is anticipated that North Korea, as follow-up actions after the plenary meeting of the party congress, may similarly delete or amend constitutional provisions related to unification<sup>5)</sup> and support legal measures for the relationship between the two countries. This could include revising nationality laws<sup>6)</sup> that consider South Korean citizens as North Korean nationals to view them as foreign nationals.

## Anticipated Challenges in inter-Korean Relations and Human Rights in North Korea

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<sup>2)</sup> Ministry of Justice, “A Legislative Study on Exchange and Cooperation between East and West Germany,” (Source: Ministry of Justice, 2008), p. 259.

<sup>3)</sup> Ibid., pp. 260–261.

<sup>4)</sup> Ibid., pp. p. 262.

<sup>5)</sup> Socialist Constitution of the Democratic People’s Republic of Korea (2019), Article 9: The Democratic People’s Republic of Korea shall strive to achieve the complete victory of socialism … and reunify the country on the principle of independence, peaceful reunification and great national unity.

<sup>6)</sup> According to North Korean Nationality Law (1999), the following persons are citizens of the Democratic People’s Republic of Korea:

1. Koreans and their children who have possessed the Korean citizenship prior to the establishment of the Korean Democratic People’s Republic and who have not abandoned their citizenship.
2. Omitted.

The plenary meeting of the Central Committee of the ruling Workers' Party suggests that there will be significant challenges ahead in inter-Korean relations and human rights in North Korea. First, following the 'two states' declaration, there is a possibility that North Korea will officially claim the invalidity of inter-Korean agreements that were based on a special interim relationship. In other words, agreements such as the 1991 Agreement on Reconciliation, Non-aggression and Exchange and Cooperation between the South and the North, which were premised on the idea of the "relations not being a relationship between states, constitute a special interim relationship stemming from the process toward unification," which were rendered virtually ineffective, will now officially be announced to be abolished through North Korea's announcement of two different states. North Korea is likely to assert that various inter-Korean agreements, including the four major agreements on inter-Korean economic cooperation that were based on the special interim relationship, are no longer valid.

Second, North Korea is likely to continue various forms of military provocations. During the plenary meeting, the relationship between the two countries was not described as a cooperative or friendly relationship, but a relationship between two hostile states, the relationship between two belligerent states. Additionally, forceful rhetoric such as "firm policy shift toward enemies" and "complete subjugation of the entire southern territories" were employed. North Korea did not stop at words but demonstrated through actions such as artillery firing near the northern part of Yeonpyeong Island for four consecutive days from January 5 to 7. Furthermore, Kim, Jong-un, personally guided important military factories, on January 8 and 9, labeling South Korea as the primary foe, and emphasized North Korea's confrontational stance to the residents.<sup>7)</sup>

Third, there are concerns that North Korean residents' human rights will deteriorate with strengthened control over the influx and culture from the outside world. During the plenary meeting, ideological and cultural struggles were emphasized, with the

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<sup>7)</sup> "Dear Respected Comrade Kim, Jong-un Guided Major Military Factories," *Korean Central News Agency*, January 10, 2024.

report mentioning ideology 12 times and culture 5 times. Notably, the report highlighted more determined and vigorous advancements in 2023 in all areas of cultural development based on the experiences and lessons learned over the past three years. In order to achieve this, the plenary meeting called for reinforcement of policy tasks of legal institutions, including the prosecutor's office and social security agencies, to solidly develop North Korea's national and social systems. Over the past three years (2021–2023), North Korea amended or enacted laws such as the Reactionary Ideology and Cultural Rejection Act, Youth Education Security Act, and Pyongyang Standard Language Protection Act, citing the need to preserve North Korea's ideology and system. The report from the plenary meeting of the Workers' Party of Korea suggests that there will be enhanced social control and punishment through institutions such as the Central Public Prosecutor's Office and Ministry of Social Security in the future.

### **Path toward Peaceful Unification that Must be Pursued Relentlessly**

East Germany abandoned unification through constitutional amendments, but West Germany did not recognize East Germany as a state until reunification took place, referring to the Constitution as the Basic Law, which presented the issue of unification. Ultimately, Germany achieved peaceful reunification as East German residents voluntarily embraced West Germany's constitutional order. Despite North Korea's announcements on inter-Korean relations and the abandoning of unification, and despite the challenges awaiting inter-Korean relations, efforts for the constitutional obligation of peaceful unification must continue. Some argue that North Korea should be recognized as a state, but this is against the constitutional principles. If inter-Korean relations transition from a special interim relationship to a state-to-state relationship, the legitimacy and justification for unification can no longer be appealed to the international community. Additionally, the basis for the obligation of protecting defectors would change from nationals to refugees.

The aggressive stance and military provocations by North Korea regarding inter-Korean relations are believed to stem from an intention to redirect the discontent

of its residents, who are strongly impacted culturally and ideologically, in order to consolidate the regime. The emphasis on ideological and cultural struggles also indicates the impact of the influx of information from the outside world on the North Korean society and its residents. If policies on inter-Korean relations, unification, and North Korean human rights remain consistent, the door to a peaceable unification based on a free and democratic order may open. Policy efforts and civil society initiatives to help North Korean residents realize the situation they are in and learn of the values of freedom and human rights through the influx of information and culture must continue. This brings to mind a quote by Abraham Lincoln “I walk slowly, but I never walk backward.” ©KINU 2024

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