

# Conceptions of Democracy and Human Rights in the Democratic People's Republic of Korea

■ Kim Soo-Am, PhD



*Korea Institute for National Unification*

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The analyses, comments and other opinions contained in this monograph are those of the author and do not necessarily represent the views of the Korea Institute for National Unification.

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# I . Introduction

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Since the end of the Cold War, a large number of North Korean people have died of hunger due to the food crisis in the Democratic Peoples' Republic of Korea (the DPRK or North Korea). Stories from North Korean asylum seekers have flown out of the country and this has let the world know about the human rights situation in the DPRK. Amnesty International and other non-governmental human rights organizations (NGOs) have published reports on the human rights situation in the DPRK, especially those in political prisons. Public awareness movements organized by international human rights NGOs have made the North Korean human rights issue one of the most serious international concerns.

The government of the DPRK, on the other hand, describes international society's demand for more open and transparent policies in the DPRK as a political plot to destroy the socialist regime and adamantly refuses to cooperate with international society in the field of human rights. From a cultural relativistic perspective, the DPRK has a dichotomous approach to democracy

and human rights. The DPRK criticizes the origin and nature of Western human rights concepts and strongly denies them since they are purely ‘Western’ and therefore not suitable for North Korea while developing its own idea of ‘our style human rights (*urisik inkweon*)’, which is a far more inhospitable concept towards other cultures than any other official ideologies of socialist countries. In the mean time, the DPRK has managed to reflect the changed international environment whilst maintaining the socialist character of the society and not damaging the security of the regime by partially adjusting its policies in accordance with international human rights in an attempt to overcome the country’s isolated status in international relations.

For better policy outcomes, creating an improvement of the North Korean human rights situation, the causes of human rights violations inside North Korea must be thoroughly analyzed. Bearing in mind that there is no civil society in North Korea and that the complete absence of openness or accessibility to society is apparent, an in-depth analysis on the DPRK’s conceptions about democracy and human rights must be set prior to any decision about appropriate and constructive policies regarding North Korean human rights issues. For this reason, this paper examines the DPRK’s conceptions of democracy and human rights.

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## **II. The DPRK's conceptions of democracy**

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### **1. On the development of democracy**

Like in other former socialist countries, the DPRK's conceptions of democracy have been formed in the course of establishing a proletariat dictatorship through socialist revolution. The fundamental perception of democracy in the DPRK is that the process of democracy is in parallel with that of socialist revolution since revolution is a historical process that is supposed to go through different stages of anti-imperial or anti-feudal societies and ultimately reach to the point of the victory of socialist revolution. The DPRK explains that its ultimate goal is to implement 'socialist democracy' in society, but it has had to take an alternative detour through an intermediary process of 'progressive democracy' because of historical circumstance and difficulties that the DPRK has faced in the past.

The DPRK explains that normally, a socialist revolution in capitalist society is able to establish a socialist government and directly implement socialist democracy. However, in the case of

North Korea, since the country had been under colonial rule and an anti-imperial and anti-feudal democratic revolution had been undergone at the same time, progressive democracy had to be put in place on the way to an ultimate success of socialist democracy.

“Today’s struggle is not the one for an old parliamentary democracy of capitalist state, but the one for true democracy of new Korea, comprehensive democracy of the People, and progressive democracy.”<sup>1</sup>

In anti-imperial or anti-feudal democratic revolutionary movements, everyone from different social classes participated in the opposition to imperialism and feudalism and the promotion of national independence and democracy. In other words, it was not only workers, peasants, students, intellectuals, or the petit bourgeoisie but also nationalistic capitalists or conscious religious leaders who took part in the patriotic and democratic forces. All members of revolutionary movements were deeply committed to the ideal of anti-imperial or anti-feudal struggles. From a class perspective, people’s democracy is fundamentally grounded on labor unions. Then, it gradually forms a type of coalition regime, that is, a united front combining every class or social strata from different patriotic and democratic forces. At this stage, the regime applies dictatorship against landlords, capitalists, traitors, or reactionary bureaucrats while implementing democracy for a comprehensive group of people including workers, peasants, handcrafters, or patriotic national capitalists.<sup>2</sup>

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<sup>1</sup> Kim Il-sung, “*keunro daejung-ui tong-il-jeokdang-ui changkeoneul wihayeo* (For the establishment of a unified party of the working people),” *kim il-sung jeojakjib* (Works of Kim Il-sung) vol.2 (Pyongyang: Korean Workers’ Party Press, 1979), p. 376.

<sup>2</sup> Li Ki-seob, *sahoejuijeok minjujuui* (Socialist democracy) (Pyongyang: Social Science Press, 1987), pp. 20-23.

Democracy theory in the DPRK is made as a reason for excluding some parts of the population while forming a united front at the stage of socialist democracy in order to carry on a socialist revolution. Before a revolution reaches the level of socialist democracy, the working masses cannot be completely free from all forms of exploitation or repression: a united front is formed under the name of progressive democracy. This is a difference between progressive democracy and socialist democracy. The former aims to form the coalition forces for a united front in order to overcome past colonial disadvantages and consequently acts of exploitation by national capitalists, affluent peasants and other remains of old colonial practices still dominate the society, every field of politics, economy, and culture.<sup>3</sup>

Therefore, the DPRK's theory on progressive democracy locates itself as a lower phase of socialist revolution and a mere political means of revolution from a class struggle perspective. As a result, the DPRK's progressive democracy theory creates the fundamental limitation that it cannot draw on any type of political structure as part of procedural democracy. From a purely class perspective, the DPRK's progressive democracy theory suggests the idea of 'dictatorship' against certain classes that have to be destroyed and the idea of the implementation of democracy for revolutionary people, which does not offer any concept of political system or institutional arrangements in order to be a substantial theory. As a result, the progressive democracy theory of the DPRK tends to be employed only for justifying class struggles.

The basic assumption for progressive democracy in the DPRK, as in other socialist countries, is that a society will have to transcend a stage of progressive democracy in order to achieve an ultimate socialist revolution. In socialist revolution, the DPRK emphasizes

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<sup>3</sup> Li Ki-seob, *sahoejuijeok minjujui*, pp. 25-30.

that sovereign power can consist of only the masses of ‘working people’ excluding other classes that have previously participated in the united front. The following components of socialist democracy are propagated in the DPRK as democratic elements according to ideas of class sovereignty. First of all, all domestic/external policies in the DPRK would be implemented by the will of the working people. Secondly, the ‘interests’ of the working people would be realized accordingly. Thirdly, the government would substantially guarantee freedom, rights, and decent living standards of the working people.

The DPRK has particular characteristics that are unlike other socialist countries. Above all, the DPRK’s democracy theory is closely combined with Kim Il-sung’s *Juche* (self-reliance) ideology. In other words, according to the *Juche* ideology, democracy is defined as an ideology for realizing the intrinsic nature of humans as social beings and the vital purpose of democracy is to provide the people with independent and creative lives. As the government’s campaign for permeating *Juche* as the only reliable ideology has expanded throughout society as a philosophical foundation for politics in the DPRK, its democracy theory has been downgraded as a lower concept of the *Juche* ideology or its reflected version. The DPRK’s democracy theory has been transformed as ‘our style socialist democracy’. As seen in the 1974 ‘*yuil sasang sipdae wonchick*’ (the Ten Principles of the Monolithic Ideology), the DPRK’s democracy theory has become a major concept to justify the monolithic rule of Kim Il-sung, transcending the guidance of the party. As a result, a system of procedural democracy has become invalid in practice and instead has transformed into a theory that is dominated by the monolithic collectivity of the *Juche* ideology. Democracy in the DPRK, now based on the monolithic ideology, is used to strengthen the internal unity between *suryeong* (head of the state), the Party and the people and external anti-imperial

and independent policy towards other countries.<sup>4</sup>

## 2. On socialist democracy

In the DPRK, democracy theory is developed as a concept of a state and state activities from a class perspective. A state is the most comprehensive political authority of society and realizes political governance over society through controlling members of society equipped with functional sovereign, administrative, and economic institutions and other monitoring mechanisms. A socialist state, according to the DPRK, is a political organization that guarantees independent and creative lifestyles for the people and therefore its fundamental principle is based on democracy. The independence and creativeness of people's lives are the main concepts in the *Juche* ideology and the DPRK's democracy theory is closely connected to them.

First of all, the fundamental principle of state activities in the DPRK is defined by the nature of the regime. The DPRK insists that the regime of a socialist state is represented by the interests of the working class including workers and peasants. It explains that from a local sovereign institution to a supreme sovereign institution, each institution is composed of representatives of the working people, who are directly elected by the people themselves and speak on behalf of the people's interests. In this way, the people can exercise their sovereign rights through representative institutions they appoint by election.

Secondly, the DPRK insists that a socialist regime proposes and

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<sup>4</sup> “*miguksik minjuju-reul danhoi bandae baekyeokhaja* (Let us strongly resist against American democracy),” *rodong sinmun* (Workers' Daily), 1 December 2006; Suh Bo-hyuk, *bukhan inkweon: yiron, silje, seongchek* (North Korean human rights: theory, practice, and policy) (Seoul: Hanul Academy, 2007), pp. 151-152.

implements policies that are in complete accordance with the will and desire of the working masses and that democracy is the basic principle of the DPRK's socialist regime since the wishes and interests of the working people are the very foundation of every activity of the socialist government. Therefore, democracy is promoted by the DPRK regime as the supreme form of political realization that can make the will and desire of the working masses in the DPRK come true.

Thirdly, the DPRK argues that working people who possess sovereignty and productive power must have the social status as the masters of society and, in order to do so, the dictatorship against anti-people or anti-socialist elements must be one of the major principles in political activity for realizing the politics of a socialist state. For the masses of the people, democracy should be implemented whereas dictatorship might be imposed on a small number of hostile elements in the DPRK. If one cannot comprehend that democracy is the fundamental principle of political activity in a socialist state, one can easily be trapped into a leftist bias. On the other hand, if one gives up imposing dictatorship against hostile elements within society as a continuous class struggle, one tends to commit a rightist bias.<sup>5</sup>

According to the DPRK's socialist democracy theory, all members of the working masses must first be faithfully committed to *suryeong's* revolutionary ideas and the party's policies, which are based on the former, and then participate in political organizations that can be directly guided by the Korean Workers' Party (KWP). In other words, unlike other socialist countries where the party's guidance is considered to be the most important factor in their political affairs, the DPRK focuses on the party's guidance and at the same time tries to implement the monolithic government

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<sup>5</sup> Li Ki-seob, *sahoejuijeok minjujui*, pp. 14-19, 56-58.



system centered around its monolithic ideology of *Juche*, which results in the complete ignorance of procedural democracy. Furthermore, after the transformation of socialist systems in former socialist countries in Europe and the DPRK's economic crisis in the mid 1990s, the DPRK faced internal and external difficulties and created a political discourse of '*seongun jeongchi*' (military first politics), using it as a theory for sustaining its regime and the country. 'Seongun jeongchi' has also served to provide uniformed collectivism by imposing a top-down, military-style political culture and social order within the society and this collective sentiment has been internalized by the regime in a more strict and solid manner.

Whether political freedom and rights are protected or not in the DPRK can be decided by the country's way of procedural democracy. In procedural democracy in general, one of the critical elements is an election. Then, how does the DPRK government explain its socialist democracy from the perspective of procedural democracy? The DPRK defines an election as a fundamental way to enjoy the country's sovereignty and the people's political sovereignty, in that people can participate in the state's political affairs under socialist democracy. Similarly, the DPRK describes an electoral system as one of the most important 'legal systems' of the country that can significantly reflect 'political rights and freedom' given to the people in the DPRK. According to the DPRK, an election is the most comprehensive political activity and important 'business', equipped with various procedures. The DPRK insists that the people are the master of the country's sovereignty since the institutions of sovereignty in its electoral system consist of representatives of the working people. It also emphasizes that voters in the DPRK can directly recommend and appoint their own candidates for an election and therefore the entire procedure for recommending and voting for political representatives in the DPRK is completely democratic. It adds, every member of the working

class in the DPRK can participate in selecting their own representatives for the sovereign institutions of the state.<sup>6</sup>

The DPRK Constitution sets up rules of procedural democracy including a right to vote and a right to stand for election as well as the general principles of election such as universal, equal, direct, and secret vote. The members of the Supreme People's Assembly (SPA) of the DPRK, elected by these electoral principles, are defined as representatives who are to serve 'the Party, *suryeong* (head of state), the country, and the People'. One specific example the DPRK provided to show its accordance with the principles of procedural democracy and the supremacy of its socialist democracy over other types of democracy is the recall system of elected members of the SPA. The DPRK explains that since members of the SPC are not a privileged class but members of society, selected by the people, the recall system in which members of the SPC should take every responsibility for and play important roles in serving the interests of the people is the natural and most basic democratic system in the DPRK. Consequently, it claims, the principles of democracy are strictly kept by the relation between members of the SPC and the people.<sup>7</sup>

The DPRK's socialist democracy is based on principles of class sovereignty defining the people as the master of the country, not the subject for rule. However, it has been transformed into an unrealistic theory because of the theory of socio-political beings, especially the theory of revolutionary *suryeong* and other measures developed for the theologized personality cult. Procedural democracy has been transformed into a means for maintaining the ruling

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<sup>6</sup> Kim Hee-seong, "*gonghwaguk seonkeo jedo-ui hyeongmyeongjeok bonjil* (The revolutionary nature of the republic's election system)," *kim il-sung jonghapdaehak hakbo* (Kim Il-sung University Bulletins, history·law), vol.47, no.1, pp. 45-47.

<sup>7</sup> Li Ki-seob, *sahoejuijeok minjujui*, pp. 51-56.

system of *suryeong* rather than a system for realizing the people's sovereignty. A right to vote and a right to stand for election have become a formalistic procedure and instead North Korean people have to follow the orders from Kim Il-sung and Kim Jong-il. Consequently, people in the DPRK have come to understand their existence and social lives as a type of grant generously given by *suryeong* and the party.

### **3. On liberal democracy**

The DPRK's conception about liberal democracy has been theorized in a way that justifies its own socialist democracy through revolution, defining liberal democracy as a reactionary idea against the DPRK. In particular, having witnessed the transformation of the socialist system in former socialist countries since the end of the Cold War, the DPRK has developed an extreme perception and has appealed against liberal democracy in the internal and external political discourse in order to sustain its socialist regime. Guided by general principles of socialism such as class perspective, a principle of collectivity opposing individualism, and resistance to plutocracy, the DPRK opposes elements of liberal democracy including a multi-party structure, a representative system, an election mechanism, and the principle of separation of powers.

The DPRK denies the above mentioned elements of liberal democracy from a socialist perspective, consisting of class-consciousness, the people's sovereignty, and collectivity. It accuses liberal democracy of being 'fake' democracy. From a class perspective, the DPRK insists that liberal democracy is not democracy at all since it serves and speaks for the interests of the few privileged classes. The DPRK condemns the democracy of capitalist society as it only works for a small number of privileged people, whereas socialist democracy is true democracy for the working people. According

to this class perspective coupled with Kim Il-sung's guidance, liberal democracy is defined as 'fake' democracy, which only speaks on behalf of the few privileged classes.

“‘Imperialists’ ‘democracy’ is fake democracy and their ‘equality’ and ‘freedom’ are camouflaged measures to deceive the working people and hide reactionary elements of the bourgeois dictatorship and the anti-people nature of a capitalist system.”<sup>8</sup>

The DPRK denies liberal democracy since it is not the people but the bourgeois class who monopolize the sovereign power of the country. In doing so, it cannot represent the interests of the people or be called democracy. From the DPRK's sovereign standard for defining a true meaning of democracy, in capitalist society it is only a few landlords and capitalists who possess the sovereignty of the country and the means of production. Therefore, democracy in capitalist society unavoidably becomes a means of anti-people politics that represents the interests of the few privileged classes not those of the working masses.

In the DPRK, like other socialist countries, liberal democracy is criticized for being a politics of 'pluralist society'. The DPRK particularly warns of the effects of a multi-party mechanism, which is the foundation of liberal democracy, since they might become the critical factors for threatening the one-party dictatorship of the KWP.

“The so-called ‘freedom’ of thought, the ‘multi-party system’ of politics, the ‘variations’ of the form of possession represented by ‘pluralism’ are the political means of capitalist society that is full

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<sup>8</sup> Kim Il-sung, “inmin jeongkweon-eul deowuk kanghwahaja (Let us reinforce the people's regime),” kim il-sung jeojakjib (Works of Kim Il-sung) vol.32 (Pyongyang: Korean Workers' Party Press, 1986), pp. 532-533.

of struggles for existence based on individualism and liberalism.”<sup>9</sup>

First of all, the DPRK defines a multi-party system as a political system that characteristically represents the separated and conflicted social relations of capitalist society. A multi-party system is also described as the political system of capitalist society whose fundamental formulation lies in the fact that parties with different ideologies or political opinions compete with one another in electoral competition. Then the party itself or the politicians of the party, which have won against other parties in election, would ultimately dictate the country’s politics according to the DPRK’s interpretation. Capitalists brand ‘peaceful regime changes’ by a multi-party system as ‘the standard of democratic politics’, but the DPRK does not recognize the significance of peaceful regime changes as a democratic measure but categorizes them as only the trivial change of bourgeois representatives taking turns among themselves.<sup>10</sup>

Second, the DPRK also insists that the representative system of a multi-party mechanism is not a democratic political means from a class perspective. It denies the capitalists’ argument that politicians in capitalist countries are composed of the representatives of citizens through elections, and argues that those politicians are indeed strictly controlled by the bourgeoisie. Since the representatives in capitalist countries are all selected from the bourgeois class, the voices of workers or peasants cannot be heard in a parliament. Consequently, the parliament that consists of bourgeois politicians does not adopt legislation that reflects the will and interests of the people but speaks for the interests of the bourgeoisie. The

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<sup>9</sup> Kim Jong-il, “*sahoejui keonseoreu ryeoksajeok kyohunkwa uridang-ui chongroseon* (The historical lessons from the construction of socialism and the party’s line),” *kim jong-il seonjib* (Selected Works of Kim Jong-il), vol.12 (Pyongyang: Korean Workers’ Party Press, 1997), p. 283.

<sup>10</sup> Li Ki-seob, *sahoejujeok minjuju*, pp. 110-112.

representative system in capitalist society is a political means of the bourgeoisie by creating an electoral mechanism and dominating the majority of seats in parliament in order to hide the real purpose of the bourgeois dictatorship.<sup>11</sup>

Third, the DPRK criticizes an electoral mechanism of capitalist countries from an anti-plutocratic perspective. According to the DPRK, democracy in capitalist society is basically a highly monetary-focused, plutocratic politics run by the capital of a few monopolized plutocrats. In capitalist society, therefore, an election is a critical way for the bourgeoisie to gain political power and monopolize the country's authority and major institutions. The electoral system in capitalist countries is entirely run by bourgeois monetary power and used for them to gain and maintain political power over ordinary working people.<sup>12</sup>

Fourth, the DPRK insists that the representatives elected through election in capitalist countries are not representing the working people's interests but working as spokespersons of each individual political party. The DPRK claims that a candidate for a local election from each political party works as a spokesperson of

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<sup>11</sup> Kim Young-su, "*jabonjui-eh daehan hwansang-eun sahoejuireul jwajeolsikineun yoin* (An illusion about capitalism is the major element for destroying the socialist spirit)," *cheorhak yeonku* (Philosophical Studies), no.1 (1999), p. 33; Han ha-ryeon, "*jabonjui-eh daehan hwansang-ui handongseongkwa keu hawdokseong* (The reactionary nature of the illusion of capitalism and its poisonous effects)," *cheorhak yeonku* (Philosophical Studies), no.1 (2001), p. 44; Ryang bong-seon, "*africa naradeureseo-ui dadangja-ui doipkwa keu hukwa* (The introduction of the multi-party system in African countries and its negative impacts)," *kim il-sung jonghapdaehak hakbo* (Kim Il-sung University Bulletins), vol.50, no.1 (2004), pp. 35-36.

<sup>12</sup> Ro Seung-il, "miguksik minjuju-neun ban-inminjeok minjuju (American democracy is anti-people democracy)," *kim il-sung jonghapdaehak hakbo* (Kim Il-sung University Bulletins, philosophy·economics), vol.52, no.2 (2006), pp. 24-25; "miguksik minjuju-reul danhohi bandae daekyeokhaja (Let us strongly resist against American democracy)," *rodong sinmun* (Workers' Daily), 13 December 2006.

his/her own party in order to win political struggles among different political parties not to represent the interests of the working masses. Therefore, in capitalist countries, citizens vote for a political candidate who only speaks on behalf of a particular class or a particular political group not their representative who can work for the benefits of the working people. Even in an election in capitalist countries, the DPRK insists, people cannot enjoy their rights to secret vote and the voting method is to show of hands to express their choices for a particular candidate.<sup>13</sup>

Fifth, the DPRK is of the view that the democratic principles for election, suggested by liberal democracy, cannot be guaranteed due to various limitations. It denies that the ‘general election system’ under liberal democracy realizes the ‘sovereignty of the nation’ in capitalist countries. Instead, it argues that the reality of capitalist society is that unequal and limited elections are held because of various limitations and reservations set up on them. In spite of ‘democratic principles’ that have to be implemented in elections, the bourgeois class imposes a great deal of limitations on elections through various ways in order to gain and control its political power over society. The bourgeoisie sets up regulations that can restrict the individual’s right to vote and a right to stand for election contingent upon the person’s monetary status, financial wealth, and possession of power.<sup>14</sup>

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<sup>13</sup> Kim Hee-seong, “*gonghwaguk seonkeo jedo-ui hyeongmyeongjeok bonjil* (The revolutionary nature of the republic’s election system),” *kim il-sung jonghapdaehak hakbo* (Kim Il-sung University Bulletins, history·law), vol.47, no.1, p. 46.

<sup>14</sup> Kim Hee-seong, “*gonghwaguk seonkeo jedo-ui hyeongmyeongjeok bonjil* (The revolutionary nature of the republic’s election system),” *kim il-sung jonghapdaehak hakbo* (Kim Il-sung University Bulletins, history·law), vol. 47, no.1, pp. 45-50; “*jabonjui seonkeo jedo-ui kimanseong-kwa ban-inminseong* (The hypocritical and anti-people nature of capitalist electoral system),” *rodong sinmun* (Workers’ Daily), 29 July 2007.

Sixth, the DPRK criticizes the relationship between politicians and voters in capitalist society that the latter are completely ‘isolated from’ the former. In capitalist countries, politicians are not responsible for those who have voted for them in an election and this makes them a privileged class separated from the people. Therefore, the DPRK openly claims that capitalist countries by nature cannot allow a recall system for politicians by voters.

The DPRK perception of the separation of powers is that in capitalist countries a power structure is supposed to be grounded on the separation of powers between three political branches in theory, but in reality it is a political power structure based on ‘administrative centralism’. For example, in the United States of America (USA), a country well-known for its liberal democracy, the ruling power is concentrated on a president and his/her administration. Therefore, the legislative and the judicial powers are only part of the administrative power, which shows the theory separation of powers is a sham. In capitalist society, the DPRK explains, the supremacy and roles of government are defined by law confirming that a government does play a central role in realization of the state power. Administrative centralism prioritizes administrative power over other legislative and judicial authorities and makes the latter dependent on the former. Therefore, the DPRK’s criticism is that the rhetoric of separation of powers in capitalist countries is an empty phrase to legitimize their power structure.<sup>15</sup>

‘The separation of powers’ in capitalist countries, the DPRK

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<sup>15</sup> Bak Hee-cheol, “hyeondae bourgeois gukabeob-ui bandongjeok teukjil (The reactionary characteristics of modern bourgeois countries’ legislation),” *kim il-sung jonghapdaehak hakbo* (Kim Il-sung University Bulletins, philosophy·economics), vol.50, no.1 (2004), pp. 75-76; Ro Seung-il, “miguksik minjujui-neun ban-inminjeok minjujui (American democracy is anti-people democracy),” *kim il-sung jonghapdaehak hakbo* (Kim Il-sung University Bulletins), vol.52, no.2 (2006), pp. 23-24.



insists, is not a division among different classes but one within the same bourgeois class. Therefore, ‘the separation of powers’ is only a camouflage to cover up the dictatorial nature of the capitalists over state power. What is even worse is that ‘the separation of powers’ is utilized as a political and ideological means to hide and disguise the belief of the few ruling class in its ‘omnipotence of administration’ for the purpose of realization of the bourgeois dictatorship.<sup>16</sup>

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<sup>16</sup> Li Ki-seob, *sahoejuijeok minjujuui*, p. 110.



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### III. The DPRK's conceptions of human rights

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#### 1. On 'our style human rights'

The DPRK admits the fact that the concepts of human rights have originated in Western countries in the course of historical and philosophical development. The DPRK explains that the idea of human rights as an inherent right of human beings has been created by the new bourgeois class which has grown in the process of Western modernization and civil movements. The Western bourgeoisie who had previously exploited the working class were not able to enjoy their full rights. They invented the concepts of 'liberty', 'charity', or 'humanitarianism' as a way of attracting other classes and building a class-friendly environment for protecting the interests of the bourgeoisie during the course of class struggle against feudalism, which had been prevalent in the West for a long time.<sup>17</sup>

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<sup>17</sup> Jeong Kyeong-sub, *jegukjujadeuri teobeorineun inkweon ongho-ui bandongseong* (The reactionary nature of the human rights rhetoric of imperialists) (Pyongyang: Korean Workers' Party Press, 1992), pp. 7-11.

The DPRK recognizes that the Western enlightenment has brought, to some extent, positive impacts by leading the socially progressive and evolutionary ideas that opposed feudal ethics and religious principles, and ultimately created modern concepts of human rights. Previously, the medieval social order and exploitative human relations contingent on a person's social status had been justified by feudal ethics and religious rules. However, after the Western enlightenment, new ideas about human beings, that they possess 'a right to existence', 'a right to freedom', and 'a right to happiness' upon their birth, started being developed. The problem was that as soon as the bourgeoisie who had created the very idea of human rights and the virtue of human beings gained authority by winning over the working class to their side, they betrayed the latter and claimed the bourgeois dictatorship using human rights ideas as a political and ideological means to consolidate their class domination over the working class. This way, the DPRK argues, the concepts of human rights at the initial stage have been distorted losing their genuine purpose for protecting the rights of the working people.<sup>18</sup>

The concepts of human rights in the DPRK have been changed over time. According to the DPRK's official dictionary, the definition of human rights in the 1950s was set up as "rights to liberty and equality of a person by the virtue of being a human being."<sup>19</sup> In the 1970s, human rights were defined as "various political, economic, cultural or social rights that the People (*inmin*)

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<sup>18</sup> Kim Il-sung, "*jinbojeok minjujujui-eh daehayeo* (On progressive democracy)," *kim il-sung jeojakjib* (Works of Kim Il-sung), vol.1 (Pyongyang: Korean Workers' Party Press, 1979), p. 282; Kim Chang-ryeol, "*jegukjujijadeuri tteobeoriko itneun inkweon onghowa keu bandongjeok bonjil* (The human rights rhetoric of imperialists and its reactionary nature)," *keulloja* (Workers), February 1990, pp. 92-93.

<sup>19</sup> *Daejung jeongchi yong-eo sajeon* (Political Terminology Dictionary for the general public) (Pyongyang: Korean Workers' Party Press, 1957), p. 213.

are entitled to.” Furthermore, the DPRK’s implementation of human rights is specified in the 1970s’ definition as “means to execute the dictatorship against the enemies of the working class,” showing its distinctive class characteristic in socialist society.<sup>20</sup>

Since the 1980s, the meaning of human rights has been transformed to contain a collective feature by characterizing human rights as “rights that humans as social beings are entitled to”<sup>21</sup> and specifying the nature of human beings as that of a social species. In addition, the protection of human rights has become a condition for enjoying independent and creative lives in the discourse of the DPRK. Compared to the definition of human rights in the 1970s, that of the 1980s has started emphasizing the self-reliance and creativeness of human beings as well as human rights. In other words, during this period, socialistic characteristics of human rights and the DPRK’s distinctive features of human rights in the *Juche* ideology have merged and constituted new concepts of human rights in the DPRK.

“human rights are the independent rights of the People (*inmin*) in every field of society including politics, economy, and ideology.”<sup>22</sup>

According to North Korean scholars, the DPRK’s concepts of human rights consist of two elements since they have been

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<sup>20</sup> *Jeongchi yong-eo sajeon* (Political Terminology Dictionary) (Pyongyang: Korean Workers’ Party Press, 1957), p. 718.

<sup>21</sup> *Jeongchi sajeon* (Political Dictionary) (Pyongyang: Korean Workers’ Party Press, 1957), p. 920.

<sup>22</sup> Kim Jong-il, “*sahoejui-neun kwahakida* (Socialism is science),” *kim jong-il seonjib* (Selected Works of Kim jong-il) vol.13 (Pyongyang: Korean Workers’ Party Press, 1998) p. 477. The official North Korean language dictionary also states that human rights are “rights that attach to human beings or sovereign rights of human beings”. See *joseonmal daesajeon* (Korean Language Dictionary), vol.2 (Pyongyang: Korean Workers’ Party Press, 1992), p. 1696.

associated with Kim Il-sung's *Juche* ideology. The first element in the DPRK's concepts of human rights since the formation of the *Juche* ideology is that human rights are explained in a way that they are the rights of human beings as the master of the world and their own destiny in order to enjoy independent lives and develop them further. The *Juche* ideology's understanding about the nature of human beings, therefore, begins with an idea that human beings are social beings that have self-reliance, creativeness, and consciousness.

The second factor of the DPRK's concepts of human rights since the *Juche* ideology is that human rights are described as rights that are supposed to be socially exercised and guaranteed in order for human beings to exercise independent lives and advance them. Human rights are also defined as rights that human beings can enjoy as social beings, depending on a person's social status and roles in society. Concepts of human rights are composed of, first, the rights of human beings to be protected as the master of everything and, second, the rights of human beings to play their roles in society. In other words, if human rights, the rights of human beings as the matter of politics, are socially guaranteed and, in turn, people play their own roles in society respectively, human rights can be naturally protected. The DPRK's concepts of human rights are based on a belief that human rights are the independent rights of humans as social beings and contain both the enjoyment of 'one's social status' and the responsibility of 'one's role' in society. Furthermore, because one's social status and roles in society are not static but changeable over time contingent upon circumstances of social development, the content and nature of human rights can also be strengthened and transformed over the course of historical development as well.<sup>23</sup>

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<sup>23</sup> Cho Seong-gon, "*inkweon-ui bonjil* (The nature of human rights),"

The DPRK's concepts of human rights, centered in the idea of *Juche* (self-reliance), have continued in the 2000s. *Rodong Sinmun* (Workers' Daily, official DPRK newspapers) says "human rights are the rights of human lives as social beings whose existences are dependent on the self-reliance of themselves."<sup>24</sup>

Like the DPRK's understanding of democracy, its concepts of human rights have become a lower concept or a mere reflection of the monolithic *Juche* ideology when they were merged with the latter. When human rights ideas met the *Juche* ideology, the former have become a type of grants from *suryeong* (head of state) and the DPRK's theory on human rights accordingly has become the one to justify its monolithic ruling system especially because of the theory of revolutionary *suryeong*. Human rights are now considered a type of gift or grant from *suryeong* as a reward once you show your absolute loyalty to him. Therefore, the theory of human rights in the DPRK has the intrinsic limitation that cannot include any detailed human rights policy of how to be consistent with international human rights standards or how to be implemented in the country's legislations and practices. The theory of human rights in the DPRK has become a protective measure for the regime, a way to force people to believe that as far as one is loyal to *suryeong*, one can acquire a socio-political life and enjoy human rights, according to the monolithic ideology of the ten principles (*yu-il sasang sibdae wonchick*). In this way, the possibility that universal human rights standards can play a restrictive role to check and balance the regime's human rights practices has become

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*cheorhak yeonku* (Philosophical Studies), no.3 (1998), pp. 34-35.

<sup>24</sup> "gongjeonghan inkweon kijuni bojang deoya handa (A fair human rights standard must be guaranteed)," *rodong sinmun* (Workers' Daily), 25 March 2007; "jegukjui-ui inkweon gongse-reul danhoji jitbusija (Let us demolish the human rights offensive from imperialists)," *rodong sinmun* (Workers' Daily), 19 August 2007.

unimaginable.

The DPRK understands human rights from a class perspective like other socialist countries.

“We do not hide our class-consciousness just like we do not hide our party-consciousness. Socialist human rights are not supra-class human rights that grant freedom and rights to hostile elements who oppose socialism and to impure elements who violate the interests of the People.”<sup>25</sup>

Since the DPRK views human rights from a class-based perspective, the natural rights theory is not accepted in the DPRK. The DPRK government can grant human rights to the working class, but it would impose a dictatorship against anti-revolutionary forces who oppose socialism in the DPRK. Consequently, the universality of human rights, in that ‘every individual’ shall be protected his/her human rights, is completely denied in the DPRK.

Along with the class-based understanding of human rights, the DPRK perceives human rights from a collective perspective like other socialist countries. First of all, the principle of collectivity is based on the Article 63 of the DPRK socialist constitution that says “all for one, one for all”. Since the nature of human beings is defined as social beings, which need cooperation and unity for survival, human rights can only be interpreted as the rights of humans as “social beings”. The DPRK insists that “freedom and rights of human beings is collective and social in nature. On the other hand, an individual who is separated from a society or a group is powerless and such an isolated individual’s life is the same as that of an animal by nature.”<sup>26</sup>

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<sup>25</sup> “*chamdaun inkweoneul onghohayeo* (For the protection of true human rights),” *rodong sinmun* (Workers’ Daily), 24 June 1995.

<sup>26</sup> Kim Chang-ryeol, “*jegukjujideuri tteobeoriko itneun inkweon onghowa*



The principle of collectivity in the DPRK is distinguished from other socialist countries because the DPRK's is closely connected to patriarchal tradition and thought, what they call the theory of socialist grand family. Because of the patriarchal tradition, the principle of socialist equality has had a hard time settling down in the DPRK. The hierarchical social order about *suryeong*, the party and the people is associated with the patriarchal perception and therefore worked as a repressive factor for forming the rights concept. The DPRK explains that its collectivity is also related to the theory of socio-political living beings that unified *suryeong*, the party and the people with one mind in the same body. According to this theory, the people's duties are the initial and active concept for socio-political living beings whereas rights are secondary to duties and relatively more passive than duties since the former are the offspring of the latter. Therefore, the concept of human rights or simply rights is not a generally accepted idea in the DPRK.<sup>27</sup>

The DPRK, like other socialist countries, focuses on social rights. It emphasizes social rights and prioritizes them over other types of rights. These social rights include a right to be guaranteed a stable job according to one's capabilities and talents, a right to cultural and hygienic working conditions, a right to medical treatment, a right to education, and a right to affluent and mentally sound cultural life. In particular, the DPRK stresses that the working people in the DPRK enjoy every condition for food, clothes, consumption, and purchase as well as free education and free medical treatment. Furthermore, the DPRK government argues that people in the DPRK do not know the word, taxation, since the tax system was abolished a long time ago. It also claims that the above mentioned social rights are completely guaranteed and

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*keu bandongjeok bonjil*, p. 96.

<sup>27</sup> Suh Bo-hyuk, *bukhan inkweon*, p. 147.

prioritized in the DPRK.<sup>28</sup> However, despite of the DPRK's emphasis on social rights, since the late 1990s, due to a series of economic crises, the government has not been able to guarantee social rights to its people physically and materially.

## 2. On human rights of liberal democracy

With respect to liberal democratic human rights, the DPRK has set up a perception that it would have to justify the DPRK regime and respond to the international community's demand on the improvement of North Korean human rights problems so as to protect the regime from external threats. First of all, human rights in capitalist society are criticized by the DPRK from the class-based perspective.

“Imperialists’ ‘human rights’ can be achieved by money and therefore they are a privileged power of the rich so that they can do anything they want.”<sup>29</sup>

Viewed from its class-based perspective, the DPRK claims the idea of ‘supra-class rights’ in capitalist society is fake. The DPRK insists that a capitalist society self-claims that it sees an individual as a subject of human rights regardless of class, but the reality of capitalist society is that there are only duties of the working people to be subservient to the capitalist class.

“In capitalist society, workers do not have a right to participate in the country's sovereignty or fundamental freedom and rights to

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<sup>28</sup> Kim Jong-il, “*inmin daejung jungsimeu urisik sahoejui-neun pilseung bulpae-yida* (The People-centred our style socialism is unbeatable victory), *kim jong-il seonjib* (Selected Works of Kim Jong-il), vol.11 (Pyongyang: Korean Workers’ Party Press, 1997), p. 63.

<sup>29</sup> Kim Jong-il, “*sahoejui-neun kwahakida*,” p. 477.

express their political opinions. They only have duties to be obedient to the exploitative class.”<sup>30</sup>

The DPRK insists that capitalists disguise themselves as if they support the idea that everyone can enjoy human rights regardless of class but there cannot be a class-free individual in capitalist society in which basic social arrangements are founded upon conflicts and confrontation between individuals. An ‘individual’ in the capitalist concept of human rights is not an ‘individual’ as a member of the working people but as a capitalistic individual, an individual of the few privileged who are so soaked with greed, interests-focused mind, and extreme selfishness.<sup>31</sup> A ‘human being’ as a subject of human rights in capitalist society, the DPRK condemns, merely consolidates the bourgeois class that incessantly commits exploitation and robbery. Human rights are the privileged rights of the bourgeoisie, but capitalists claim that an individual apart from a class is a subject of human rights who can enjoy human rights. The DPRK believes that the reason for this claim is that because capitalists intend to manipulate their exploitative concept of individual human rights by attracting the working people to their side. According to the capitalist perception of human rights, the DPRK claims, first of all, that the subject of human rights is an individual so that capitalists can encourage extreme selfishness among people and ultimately prevent people from unifying to systematically form human rights struggles. Secondly, capitalists claim an individual is a subject of human rights because by doing

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<sup>30</sup> Kim Il-sung, “*uri nara sahoejui jedo-reul deowuk kanghwa haja* (Let us reinforce our country’s socialist system),” *kim il-sung jeojakjib* (Works of Kim Il-sung), vol.27 (Pyongyang: Korean Workers’ Party Press, 1984), p. 598.

<sup>31</sup> Jeong Seong-guk, “*bourgeoisie inkweon iron-ui bandongjeok bonjil* (The reactionary nature of the bourgeois human rights theory),” *sheorhak yeonku* (Philosophical Studies), no.2 (1995), pp. 41-42.

so they are able to accuse the socialist countries' control over anti-revolutionary forces of human rights violations.

The principle of collectivity sustains the totalitarian regime of the DPRK, which has negative views on rights to freedom whose main actor is an individual. The DPRK is also critical about the idea that an unlimited 'right to freedom' or a 'right to equality' in capitalist society is 'fundamental human rights' that any individual can enjoy regardless of his/her class status. 'Rights' in a capitalist society, which is controlled by wealth, are only the indefinite privilege of capitalists for their accumulation of capital and pursuit of economic interests.<sup>32</sup>

More concretely on specific rights, the DPRK criticizes freedom of thought from a class perspective. The DPRK insists that 'freedom of thought' in capitalist countries, is designed to suppress revolutionary and progressive thoughts and spread capitalist ideas. A capitalist society which is divided by different views and conflicting interests among different classes cannot have one dominant and unified ideology. Capitalists call the unavoidably different views and opinions 'freedom of thought' and claim that this is the 'symbol of liberty' and capitalist countries protect the freedom of press and publication, the DPRK explains. However, the reality is that capitalists have used their wealth to dominate the media such as publications or televisions and force their ideology into the society through the media, which cannot be justified as true freedom of thought.<sup>33</sup>

Secondly, Western countries, especially the US, name themselves

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<sup>32</sup> *Ibid.*, pp. 42-43.

<sup>33</sup> Han ha-ryeon, "*jabonjui-eh daehan hwansang-ui handongseongkwa keu hawdokseong*", p. 44; Li Ki-seob, *sahoejuijeok minjui*, p. 115; "*jabonjui sahoe-ui jayu kwangko-neun paryeomchihan jimanida* (Free advertisements of capitalist society are shameless hypocrisy), *rodong sinmun* (Workers' Daily), 23 August 2007.

‘a society for universal equality’, ‘a society for universal welfare’, or ‘a model for civilization’, but the truth is that the working masses in Western countries cannot participate in politics or enjoy their social or political rights in society. In capitalist society, the working masses are not the master of politics or society but the object of politics or victims by the pursuit of interests of the privileged class. The DPRK criticizes the fact that, in a capitalist society, a person’s social status depends on how wealthy one is. It concludes that a capitalist society is a wasteland for human rights.<sup>34</sup>

### **3. On the interrelatedness of human rights and democracy**

An analysis on the DPRK’s perception about the interrelatedness between human rights and democracy is as important as its understanding of human rights and democracy, respectively. How the DPRK conceives the interrelatedness of human rights and democracy is critical for the future policy-making on the issues of human rights in the DPRK. As described earlier, the DPRK views the interrelatedness between the two from a class perspective. Furthermore, the protection of human rights is seen as dependent on the types of democracy provided in society. In other words, a political system, which decides a type of democracy, is seen as one of the major factors in deciding whether a society can guarantee human rights for its people.

“The characteristic of people-oriented socialist democracy and that of anti-people bourgeois democracy are apparent in the field of human rights. A socialist society, which sees human beings the

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<sup>34</sup> “*miguksik inkweonron-eun jajukweon yurin-eul hamnihwa haki wihan kwebyeon* (The American theory of human rights is a quibbling talk to justify the violation of sovereign rights of other countries),” *rodong sinmun* (Workers’ Daily), 2 December 2005.

most important of all, legally protect human rights at all events and does not allow any sign of violating human rights...imperialists and reactionary forces outside the country insist that they are 'supporters of human rights' and at the same time condemn socialism, but they are the real human rights violators."<sup>35</sup>

The DPRK fundamentally perceives liberal democracy as a political system that cannot protect human rights. Socialist democracy, on the other hand, can guarantee human rights. Although the definition of democracy is different from that of human rights, the DPRK believes that there is a strong interrelatedness between the two. From a class perspective, the subject of human rights is the working masses in socialist democracy and therefore it is the socialist democracy that can protect human rights of the working People. On the other hand, liberal democracy is a system in which the few bourgeois class and their followers can enjoy their human rights while the majority of the working class cannot exercise their rights.

Human rights are a reflection of politics. Which political system is exercised in a society decides whether human rights can be protected in the society. Regarding the interrelatedness, the socialist politics is a virtuous politics whereas the capitalist politics is a plutocracy. In order to solve human rights problems properly, a virtuous politics must be implemented, and in order to realize virtuous politics in reality, the precondition is to have a political leader who is full of love and virtue. In order to appreciate the virtuous politics from a human rights perspective, a multi-party or parliamentary political system is denied. Virtuous politics based on the generous ethics of a political leader is suggested by the

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<sup>35</sup> Kim Jong-il, "*inmin daejung jungsimeu urisik sahoejui-neun pilseung bulpae-yida* (The People-centred our style socialism is unbeatable victory), *kim jong-il seonjib* (Selected Works of Kim Jong-il), vol.11, p. 55.

DPRK against an exploitative politics in capitalist countries. This extreme approach focusing on political leaders' beneficiary policies is proposed in the course of the DPRK's theorizing the interrelatedness of democracy and human rights.<sup>36</sup>

In the DPRK, virtuous politics is claimed as "a politics that can guarantee human rights at the highest level in the world." Since the late 1960s, the *Juche* ideology has been upgraded as a monolithic ideology. Based on the *Juche* ideology, the monolithic ruling system, centered on Kim Il-sung, was established in the DPRK. People in the DPRK must follow Kim Il-sung's guidance not only in the field of ideology but also in other areas in their daily lives. People have become an object of what *suryeong* and the party can provide them with. Consequently, people in the DPRK have been excluded from an opportunity to express themselves and participate in a policy-making process and become an 'object' of granted human rights rather than a subject of constituting a content and nature of human rights in the DPRK. As a result, procedural democracy has been absent in the DPRK and instead the cohesive collectivism has been spread, dominating the society.<sup>37</sup> Kim Jong-il, who is now the head of the state in the DPRK, decides what is good for human rights in North Korea. The legal or institutional protection system of human rights is not fundamentally guaranteed in the DPRK.

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<sup>36</sup> Kim Jong-il, "*sahoejui-neun kwahakida* (Socialism is science), pp. 481-483.

<sup>37</sup> Suh Bo-hyuk, *bukhan inkweon*, pp. 147-148.





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## **IV. The DPRK's conceptions of the spread of democracy and human rights**

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### **1. On the promotion of public awareness of human rights in international society**

#### **A. The DPRK's criticism against the 'human rights offensive'**

The DPRK views international society's campaigns against North Korean human rights violations as a threat to the socialist system. It has responded to international society with its distinctive political rhetoric rather than trying to focus on any improvement of the human rights situation in the DPRK. The DPRK fundamentally sees the world order as struggling relations between imperialistic forces and independent forces and takes this dichotomous world view when approaching human rights issues. When international society demands the improvement of the human rights condition in the DPRK, the government defines the international movement as the 'human rights offensive' by imperialists for their desire for world domination and gives all-out denial of international society's

accusation of human rights violations. Human rights are, to the DPRK, one of the means by which imperialists force their world domination, which has been their constant desire throughout the history. Therefore, some particular countries that are anti-imperialist and independent are targeted by imperialists for their human rights problems whereas in others that are subservient to imperialists, the conclusion reached is that there are no human rights violations. An imperialist approach to human rights is based on a double-standard and this is the bottom line of the ‘human rights offensive’ by imperialists. In order to attack the DPRK, US have adopted the ‘North Korean Human Rights Act’ and appointed ‘Special Envoy for North Korean human rights’, the DPRK insists.<sup>38</sup>

Furthermore, international society’s human rights campaigns against the DPRK are defined as one of the strategies to create an internal turbulence to destroy ‘the socialist ideological front’ in the DPRK. The DPRK argues that most other socialist countries in the past were not able to recognize the poison of the ‘human rights offensive’ dispassionately and failed to respond to the strategies to create internal turbulences properly. Former socialist countries collapsed because they failed to react to international society’s ‘human rights offensive’ appropriately, a lesson which the DPRK claims that it learned from the history of former socialist countries. If an ideological front line is loosened in a socialist country, the socialistic character easily tends to be lost or changed and socialism could be destroyed in the end. The spread of human rights ideas is considered the most dangerous concept in this field of ideological front line. More concretely, due to the spread of human rights, the collective spirit, which is the unique virtue of socialism, can be easily influenced and contaminated. If a socialist

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<sup>38</sup> “*jegukjui-ui inkweon gongse-reul danhohi jitbusija* (Let us call for resolutely frustrating imperialists’ human rights offensive), *rodong sinmun* (Workers’ Daily), 17 August 2007.

society loses its collective spirit because of the spread of human rights, the roots of socialism would be shaken. The DPRK insists that international society's human rights campaigns against the DPRK are, therefore, activities threatening to the regime since they support anti-government forces inside the country and encourage them against the political and ideological unity and collective lives of socialist society.<sup>39</sup> International society's campaigns on human rights in socialist countries are fundamentally an attack against socialism. The DPRK's approach to this issue comes from a regime security perspective, which denies considering the country's human rights problems and international society's human rights campaigns from a rights-based perspective.

## **B. Human rights as a sovereign right or a right of a nation**

With respect to international society's demand for the improvement of the human rights situation in the DPRK and the universal value of human rights, the DPRK government responds with the principle of sovereignty which is one of the core principles in modern international politics. Another country that responds with a similar approach is the Republic of China (China or the PRC). The PRC government also argues that human rights are basically a matter of internal affairs and therefore secondary to the principle of sovereignty. Human rights cannot be prioritized over the sovereignty of a country. The DPRK, like the PRC, has been firm on the idea that human rights are part of a country's sovereign matters. The DPRK explains that some people outside the country argue that in order to promote the universality of human rights a cross-border intervention is needed, but this approach is merely a manipulated political cause to make weaker countries subordinate to stronger

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<sup>39</sup> *Ibid.*

ones by force under the banner of ‘the protection of human rights’. It continues that the sovereignty of a country or a nation is a lifeline and human rights without sovereignty is unimaginable because only people under the territorial authority of a respective government can enjoy their lives and exercise human rights that are guaranteed by the government’s legal and practical protection. The principle of respect for sovereignty has to be enhanced and strengthened more resolutely.<sup>40</sup>

“The worst enemies of human rights are imperialists who violate the sovereign rights of the People and who intervene in other countries’ internal affairs under the name of ‘the protection of human rights’.”<sup>41</sup>

Like other socialist countries, the DPRK sets up the principle of sovereignty and non-intervention of internal affairs and disputes against international society’s demand for the improvement of the human rights situation. However, in the case of the DPRK, there is a fundamental difference from other socialist countries in that it takes the view of a country’s right (*gukwon*). The DPRK strongly believes that human rights are used by imperialists to interfere with its internal affairs, destroying the socialist system and ultimately trying to change the Kim Jong-Il regime. The US, especially, is employing the ideas of the universality of human rights in order to justify their intervention in the DPRK’s internal affairs and to attempt a regime change. An example the DPRK suggests as a typical US intervention is the US ‘North Korean Human Rights Act’.<sup>42</sup>

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<sup>40</sup> Statement by The Delegation of The Democratic People’s Republic of Korea to the Fifty-Sixth Session of the Commission on Human Rights, 29 March 2000.

<sup>41</sup> Kim Jong-il, “*sahoejui-neun kwahakida*,” p. 477.

<sup>42</sup> “*inkweon yurinja-ui budanghan yijung kijun jeokyeong hengwui* (The unfair

The DPRK defines the US human rights policies on North Korea as strategies for the system disintegration or the regime change. This view leads to an idea of regime security that human rights are directly related to a right of a country. The DPRK perceives human rights issues from an extreme security perspective, insisting that the US exaggerates the human rights situation in the DPRK and publicizes it in an international arena to embarrass the North Korean regime. The DPRK also believes that when it comes to make a critical decision, the US could possibly start a war against the DPRK under the banner of the protection of human rights. As seen in the Iraq War, the DPRK claims that the US would justify its invasion under the name of the war on terror or the ‘emancipation’ of people from the ‘undemocratic’ rule and the ‘repressive regime’. The DPRK emphasizes that one can learn from the lessons of the Iraq war, if a right of a country is lost by an invasive war, human rights as well as a right to subsistence cannot be protected or promoted at all. Therefore, a debate about human rights without a sovereign right of a country is merely a war of words for no real consequences: human rights and a sovereign right are the same thing. If a country loses its sovereign right, human rights cannot exist in the country and this is the official statement of the DPRK on the issue of human rights. Whether a country has a sovereign right or not decides whether the protection of human rights exists in the country and this is also directly related to a concept of the right of a country from a security perspective.<sup>43</sup>

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double-standards by human rights violator), *rodong sinmun* (Workers’ Daily), 13 December 2006; U.S. Department of State, *Country Reports on Human Rights 2003*.

<sup>43</sup> “*chamdaun inkweoneul onghohayeo* (For the protection of true human rights),” *rodong sinmun* (Workers’ Daily), 24 June 1995; “*chosun inkweon yeonku hyeophoi daebyeonin damhwa* (A discourse by the spokesperson of the Chosun Human Rights Research Association),” *rodong sinmun* (Workers’ Daily), 19 August 2006; “*jegukjui-ui inkweon gongse-reul danhohi*

Furthermore, the recent DPRK official documents show a new trend in its theory of human rights that is expanded to the *songun jeongchi* (military-first politics), adding to the idea that a human right is a right of a country. In other words, human rights can only be guaranteed under strong state power: people can enjoy their human rights substantially only if the country's military power is strong enough to protect the country from foreign intervention or invasion. In this regard, the DPRK insists that the military-first politics is a politics to protect true human rights and also the best political measure to respond to international society's 'human rights offensive'. Examples of their internal propaganda include "the military-first politics is a precondition for the trustworthy guarantee of human rights" or "the military-first politics is the very politics of the protection of human rights."<sup>44</sup>

### C. Cultural relativism, globalization and 'our style human rights'

The DPRK attempts to respond to international society's campaigns on the improvement of North Korean human rights in line with the debate on the universality of human rights and cultural relativism. There have been numerous debates between the Western liberal approach and cultural relativism for the past decade in that the former sees individuals as the major actor of a right to freedom whereas the latter promote a country's own cultural values suggested

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*jitbusija* (Let us call for resolutely frustrating imperialists' human rights offensive)," *rodong sinmun* (Workers' Daily), 17 August 2007.

<sup>44</sup> "gongjeonghan inkweon kijuni bojang deoya handa (A fair human rights standard must be guaranteed)," *rodong sinmun* (Workers' Daily), 25 March 2007; "jegukjui-ui inkweon gongse-reul danhoji jitbusija (Let us demolish the human rights offensive from imperialists)," *rodong sinmun* (Workers' Daily), 19 August 2007; "ban-yeoksajeokin jibaejui woekyo jeongchek – miguk inkweon gongse (A historical foreign policy – the US human rights offensive)," *rodong sinmun* (Workers' Daily), 13 September 2007.

by some political or academic leaders in East Asian countries.

Jack Donnelly divides approaches to the universality of human rights into four: radical relativism, radical universalism, strong relativism, and weak relativism. He suggests three deciding factors to divide the four approaches: a concept of human rights, an interpretation, and an implementation method.

The DPRK insists that there is no human rights standard that can be applied to every country universally due to each society's cultural and historical differences. Consequently, the DPRK has developed a theory on 'our style human rights' from a cultural relativist perspective and responded to the international human rights community since then. It has faced an unprecedented unfriendly international environment in terms of security by witnessing the collapse of socialist countries in Europe in the mid 1990s. Subsequently, it has created 'our style human rights' which has reflected both our style socialism and the *Juche* ideology against 'Western' human rights from a strong relativistic perspective. Kim Il-sung, at an interview with *Washington Times*, emphasized that "if the People like certain ideas, then they become a fair standard of human rights." He did not deny the universality of human rights, but stressed from a human rights perspective that there was no human rights standard which could be applied everywhere in the world and therefore "we have our own human rights standard for ourselves."

"Every country has its own traditions, national identities, cultures and histories of social development. Therefore, each country has its own human rights standards and different forms of system for the protection of human rights, which vary from one country to another."<sup>45</sup>

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<sup>45</sup> Kim Il-sung, "miguk wasington times kijadani jekihan jilmune daehan daedab (An answer to the questions by Washington Times reporters)," *kim il-sung jeojakjib* (Works of Kim Il-sung), vol.44 (1996), p. 371; *rodong sinmun* (Workers' Daily), 2, 6 March 2001.

Therefore, a particular ‘civilization’ or ‘standards’ of a certain country cannot be unique or universally applicable to other countries. The DPRK insists that the human rights standards that Western countries have tried to impose on the DPRK are not suitable for North Koreans but only for Westerners. In other words, the US and other Western countries have pushed the DPRK to adopt international human rights standards, but the ‘Western’ human rights norms do not earn universality and therefore are denied in the DPRK. Furthermore, the ‘Western’ human rights norms support the multi-party political system and market economy. The DPRK takes a dichotomous perception between ‘our style’ and the ‘Western’ (American) style of human rights and responds in an extremely contentious way to the international human rights community.<sup>46</sup>

From a cultural relativist perspective, the DPRK also conceives international human rights campaigns in Western countries as part of their globalization strategies, especially in the US, which publicly demonstrate the DPRK must accept their human rights standards. The DPRK view is that Western countries, including the US in particular, argue that ‘human rights’ and ‘liberty’ are part of ‘globalization’ and in order for developing countries to join the trend in globalization, they should respect the standards of human rights and implement democracy. The US, for example, sets up its own human rights norms as international “human rights standards” and forces other countries to accept them, which is an obvious attempt to Americanize the entire world.<sup>47</sup>

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<sup>46</sup> “*jegukjui-ui inkweon gongse-reul danhohi jitbusija* (Let us call for resolutely frustrating imperialists’ human rights offensive),” *rodong sinmun* (Workers’ Daily), 17 August 2007; “*seobangsik-eun mangguk jakisiki jeil* (A Western style is to a failure of the country, our style is the best),” *chollima* (One mile leaping horse), no.9 (Pyongyang: Collima Press, 2000), p. 61.

<sup>47</sup> “*jegukjui-ui inkweon gongse-reul danhohi jitbusija* (Let us call for resolutely frustrating imperialists’ human rights offensive),” *rodong sinmun* (Workers’ Daily), 17 August 2007; “*ban-yeoksajeokin jibaejui woekyo jeongchek* –



In sum, the DPRK dichotomizes human rights into ‘our style human rights’ on the one hand and ‘Western human rights’ standard on the other, from its own theory and security perspective, expressing a strong cultural relativistic view against universalism. This does not mean that the DPRK entirely denies the ‘internationally recognized human rights standards’. It has already signed and ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Nevertheless, the DPRK still cannot explain how it is going to implement human rights in its domestic policies in accordance with human rights standards engraved in the above signed international human rights treaties because of its own theory of ‘our style human rights’.

#### **D. The fairness of the United Nations**

Regarding the fact that the North Korean human rights issues have been discussed at the human rights agencies of the ‘United Nations’ (UN), the DPRK blames Western countries, especially the US. DPRK claims that they have facilitated human rights norms politically, which has damaged the fairness of the UN in the international arena.

On 21 August 1997, the resolution on the situation of human rights in the DPRK was adopted at the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities (the title has since been altered to the Sub-Commission on the Promotion and Protection of Human Rights in 1999, hereafter the Sub-Commission). The resolution stated that the DPRK government must guarantee

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miguk inkweon gongse (A historical foreign policy – the US human rights offensive),” *rodong sinmun* (Workers’ Daily), 13 September 2007.

civil and political rights, particularly the freedom of movement. The DPRK immediately responded that the Sub-Commission abandoned its original mission as an international human rights institution and consequently had been downgraded as a patronized tool by impure forces to impose political pressure over sovereign countries. The DPRK also announced that it would withdraw from the ICCPR.<sup>48</sup>

On other resolutions on the situation of human rights in the DPRK, adopted by the UN Commission on Human Rights and the General Assembly represented by state delegates, the DPRK has denied recognition of the resolutions from a security perspective. From the year 2003 to 2005, three UN resolutions were adopted at the UN Commission on Human Rights. From the year 2005 to 2007, three were adopted at the UN General Assembly. The DPRK has rejected all of these resolutions since it believed that they were ‘part of the strategies to isolate and repress North Korea’. Western countries such as the United Kingdom and Japan have jumped on the bandwagon of the US isolation policy towards the DPRK, agreeing to adopt UN resolutions against the DPRK in an attempt to carry out a socialist ‘regime collapse’. The DPRK explains that this is why it cannot welcome any of the resolutions adopted in the UN.

One of the reasons suggested by the DPRK for opposing the UN resolutions is the nature of the UN Human Rights Council (formerly named the Commission on Human Rights until March 2006). The DPRK insists that since the end of the Cold War, the UN Human Rights Council has lost its balance and started passing resolutions against independent, sovereign countries in an attempt to change other countries’ regime characteristics or political structures.

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<sup>48</sup> *Chosun jungang tongsin* (Korean Central News Agency), 28 August 1997; 24 April 1998.

Powerful, imperialistic countries were trying to use human rights norms and the Human Rights Council for the purpose of applying political pressure over other sovereign countries that did not share the same political ideals. The adoption of UN resolutions on particular countries must abide by the rules of special procedures of the UN. However, the DPRK insists, the procedure of the UN Commission on Human Rights resolutions has been highly ‘politicized’ and the Commission has reflected the interests of Western countries with ‘selectivity’ and ‘double-standards’, which inevitably has resulted in damaging to ‘objectivity’ and ‘fairness’ of itself. The self-damaging double-standards of human rights and selectivity of the Human Rights Council have pursued the impure political purposes and led to lose the international community’s faith on it since the end of the Cold War.<sup>49</sup>

The DPRK’s attitude towards the UN Human Rights Council became apparent after the reorganization and renaming from the Commission on Human Rights in 2006. For example, at the first UN Human Rights Council on 19-30 June 2006, the DPRK representative to the UN in Geneva, Mr. Choe Myeong-nam, said that the DPRK government would strongly suggest the Human Rights Council should consider the abolition of the UN resolutions targeting specific countries and the system of appointing special rapporteurs. Choe argued that the country-specific procedure on human rights resolutions or the appointments of UN special rapporteurs are proposed and brought up to the Human Rights Council by political motivation to name and shame particular countries. These two human rights mechanisms should be discussed

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<sup>49</sup> E/CN.4/2005/G/13, Letter from the Permanent Representative of the Democratic People’s Republic of Korea, 2 March 2005; *chosun minjujuui inmin gonghwaguk woemuseong daebyeonin damhwa* (A statement of the Ministry of Foreign Affairs spokesperson), *pyongyang bangsong* (Pyongyang Broadcasting), 20 April 2005.

in the UN working groups as soon as possible and should be abolished in the end. Choe suggested that for the Human Rights Council to function properly in dealing with international human rights problems, politicization of human rights and application of ‘double-standards’ be eliminated and the principle of ‘fairness’ be implemented.

## **2. On the proliferation of democracy**

Since the beginning of the Bush administration in the US, there have been a large number of the DPRK documents published on the negative impacts of the US foreign policies on the proliferation of freedom and democracy.

### **A. A strategy for the regime change in the DPRK**

The US emphasizes the importance of procedural democracy as it defines ‘the right to change a government’ as one of the core political rights. Furthermore, the Bush administration has set up the proliferation of freedom and democracy as one of the critical foreign policies of the US and implemented it since then. The DPRK defines the US policy on the proliferation of freedom and democracy as a strategy for regime change and political transformation in the DPRK and shows regular patterns of response towards the US.

First of all, the DPRK argues that the US proliferation policy of freedom and democracy is a strategy to breach a right to self-determination of a country and to tear down its political system. Every country has a right to choose its own political system that is most suitable to its country and therefore choosing a political system of its own is part of a right to self-determination of the people in the country of concern. The DPRK continues that the

pursuit of democracy is completed by state sovereignty through an appropriate procedure of implementing independent needs and desires of the people in the country: democracy is not something you can import from or export to other countries. If one country forces other countries to adopt its belief system and political structure, it would be a breach of a right to self-determination. If one country tries to force to impose its own values and system on other countries, it would result in a grave denial of democracy itself.<sup>50</sup>

Secondly, the US proliferation policy of democracy is defined by the DPRK as a strategy to support anti-government forces in other countries and set up pro-American governments instead. This perception is also presented in the DPRK's assessment of the US transformational diplomacy, which the DPRK interprets part of the 'diplomacy to proliferate democracy and freedom'. It explains that the US transformational diplomacy aims to control other countries' political systems and reinforce the establishment of pro-American governments by supporting anti-government forces in other countries. It says that Africa is a typical example of the US transformational diplomacy, and Africa is now being transformed into American-style

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<sup>50</sup> “*migik-ui paekweonjui jeongchek-eun patan-eul myeonhalsu upda* (The US's dominating policy cannot avoid a failure), *rodong sinmun* (Workers' Daily), 9 February 2004; “*miguk-ui minjujui jeonpa-neun minjujui malsal hengwui* (The US proliferation of democracy is a destructive measure for establishing democracy), *rodong sinmun* (Workers'Daily), 15 March 2006; “*miguk-ui jayu, minjujui hwaksan chekdong-eun pasan-eul myeonhalsu upda* (The US proliferation policy of freedom and democracy cannot avoid a failure), *rodong sinmun* (Workers'Daily), 24 August 2006; “*jegukjujadeul-ui minjujui jeonpa chekdong-eul bandae baekyeok* (Resistance against the imperialists' policy of the proliferation of democracy),” *rodong sinmun* (Workers'Daily), 14 September 2007; Sin Bun-jin, “*miguksik minjujui hwaksan chekdong-ui bandongjeok bonjil* (The reactionary nature of the US policy of the proliferation of democracy),” *kim il-sung jonghap daehak hakbo* (Kim Il-sung University Bulletins, history·law), vol.52, no.3 (2006), p. 59.

‘democratization’ and the ‘freedom-based’ political system.<sup>51</sup>

Thirdly, the DPRK understands that a multi-party system would bring the dissolution of the proletariat dictatorship, the collapse of the socialist system, and ultimately the regime change in socialist countries. It is concerned about the effects of Western countries’ proliferation policy that promotes the belief that a multi-party system is the most progressive form of politics and has to be spread all around the world. The DPRK understands that a multi-party system is a political form of capitalist society, dominated by competitive survival environments based on individualism and liberalism. If a multi-party system or ‘pluralism’ is launched in socialist society, individualism and liberalism would be fostered, common interests of the general public would be violated, unification and unity among the people would deteriorate, and finally social disorder and confusion would be created. Once a multi-party democracy is allowed in socialist society, anti-socialist maneuvers would increase and the working class party would not be able to rule the authorities, which, the DPRK claims, has been already proven by the experiences of the former socialist countries that have collapsed in the 1990s.<sup>52</sup>

More concretely, the DPRK insists that international economic assistance is almost forcefully suggested in return for an introduction of a multi-party system. First of all, countries that have conducted economic reforms have been provided economic assistance. Secondly, countries that have not performed economic reforms have been cut from foreign assistance and instead various forms of sanctions have

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<sup>51</sup> “*jeonhwan woekyo jeongchek – miguksik minjuui-ui chimryakjeok bonjil* (The Transformational diplomacy – the aggressive nature of the US democracy),” *rodong sinmun* (Workers’Daily), 21 February 2006.

<sup>52</sup> Kim Jong-il, “*sahoejui keonseoreu ryeoksajeok kyohunkwa uridang-ui chongroson*,” pp. 283-284, *rodong sinmun* (Workers’Daily), 3 January 2000.

been imposed. Thirdly, in some African countries whose political leaders have opposed introduction of a multi-party system, the US administration has raised their human rights problems. The US has also taken various measures in order for African countries to adopt a multi-party system and then for pro-American leaders to be elected. In particular, the DPRK stresses that one needs to focus on the massive scale of financial support by the US to pro-American leaders in countries that have adopted a multi-party system. If a pro-American political leader loses in a local election although his/her country accepts a multi-party system and conducts an election afterwards, the US would raise the country's human rights problems again and foster anti-government forces within the country. For example, in the Democratic Republic of the Congo and Kenya, the US has pointed out the main reason of failing a multi-party system for their human rights violations and instead encouraged anti-government forces to resist the authority.<sup>53</sup>

## **B. The war on terror and the 'color revolution'**

The DPRK defines one of the major methods of the US proliferation policy as the war on terror. The DPRK perceives that the aggressive and imperialistic nature of the US foreign policy is well-presented in its policy on the war on terror, under the banner of the proliferation of democracy. The war on terror is an outcome of the unilateral US military policy and at the same time a new US strategy to spread American democracy throughout the world by force. The DPRK understands that the US has started the war on terror because of the 9/11 terrorist attacks. The DPRK argues that

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<sup>53</sup> Ryang bong-seon, "*africa naradeureseo-ui dadangja-ui doipkwa keu hukwa* (The introduction of the multi-party system in African countries and its impacts)," *kim il-sung jonghapdaehak hakbo* (Kim Il-sung University Bulletins), vol.50, no.1 (2004), pp. 35-39.

the war on terror was an obvious invasion against a sovereign country, but the US tried to decorate it with the name of the proliferation of democracy in order to justify it.

The DPRK insists that the US invaded Iraq for its own national interests, but it always tries to cover the real intention under the flag of the proliferation of democracy. The DPRK claims that the US insists that its intention is to spread democracy but the real purpose is to occupy affluent oil resources in Iraq. The DPRK argues that another real purpose for the US invasion in Iraq is to realize the semi-permanent forceful domination of Iraq so that the US can also hold military control over the Middle East region with a base in Iraq. The US says that it would guarantee democracy in Iraq under the name of the war on terror, but the fact is that the US forces Iraqi people to implement the American-style political system and lifestyle, which deteriorate true freedom and democracy in Iraq.<sup>54</sup>

The DPRK also points out the newly enacted US legislation to support the war on terror for the proliferation of democracy. In March 2005, the US administration proposed the ‘ADVANCE Democracy Act of 2005’ to both the Senate Committee on Foreign Relations and the House Committee on International Relations, which aimed to promote freedom and democracy throughout the world and to eliminate tyranny. According to this Act, all countries in the world can be divided into either democratic or undemocratic and the US shall plan country-specific programs of action in order to precede the realization of democratization for the latter group of countries. The DPRK sees the programs of action for undemocratic

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<sup>54</sup> “miguksik minjujui-reul danhohi bandae daekyeokhaja (Let us strongly resist against American democracy),” *rodong sinmun* (Workers’ Daily), 13 December 2006; “miguk-ui minjujui jeonpa-neun minjujui malsal hengwui (The US proliferation of democracy is a destructive measure for establishing democracy),” *rodong sinmun* (Workers’ Daily), 16 March 2006.



countries are the very means of invasion and war, justified as the war on terror.<sup>55</sup>

Along with the war on terror, the ‘color revolution’ is also another means of the US proliferation policy of democracy for its world domination. The DPRK explains that the ‘color revolution’ is one of the US strategies to dissolve domestic forces from inside and establish pro-American governments in countries that are not consistent with the US political ideals but not included as target countries for the war on terror. The spread of democracy in countries that have not experienced the US style democracy would influence some people and change them to anarchistic liberals and then they can destroy their own country’s legal order and create social disorder accordingly. The US can then interfere with their internal affairs and attempt regime change in countries that are not listed as terrorists, which is the so-called ‘color revolution’ that took place in many countries recently. The DPRK is seriously worried about the fact that many pro-American or pro-Western governments have been established through the ‘color revolution’.

Typical examples of the ‘color revolution’ and the US democratic offensive given by the DPRK are in Central Asia. The DPRK argues that the US exported American-style democracy to the former Soviet bloc countries and attempted regime changes in those countries by supporting the ‘Orange Revolution’ and the ‘Rose Revolution’. The US assisted the ‘Orange Revolution’ and the ‘Rose Revolution’ and encouraged the revolutionary forces to introduce American-style democracy after the revolution. As a result, previous socialist regimes have been abolished by anti-governments forces with the massive US support; violence took place; and finally

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<sup>55</sup> Sin Bun-jin, “*miguksik minjuui hwaksan chekdong-ui bandongjeok bonjil* (The reactionary nature of the US policy of the proliferation of democracy),” *kim il-sung jonghap daehak hakbo* (Kim Il-sung University Bulletins, history·law), vol.52, no.3 (2006), p. 60.

pro-American governments were established. The DPRK claims that the pro-American governments in the former Soviet bloc countries have brought negative effects to the countries. The DPRK believes that the US, based on the belief that setting up pro-American governments has been a successful strategy, will carry on the theory of ‘the proliferation of freedom and democracy’ in order to create a world order more favorable to the US.<sup>56</sup>

### C. Globalization strategy

The DPRK insists that the real purpose of the US strategy of the proliferation of freedom and democracy is to make the entire world an ‘American-style liberal globe’ through regime collapse or system transformation in socialist countries. The DPRK defines ‘American-style democracy’ as ‘grand scale democracy to make the world Americanized’ and the US strategy of ‘the proliferation of democracy’ as a world domination strategy for globalization. To the DPRK, the fundamental purpose of the US foreign policy on the proliferation of freedom and democracy is, therefore, to make a monolithic global order, dominated by the US alone.

The world order has been transformed since the end of the Cold War and consequently direct invasion has become a difficult option for the US to choose. This is why the US has invented a new strategy for world domination, that is, the proliferation strategy of American-style freedom and democracy. The proliferation of democracy is one of the US strategies to realize the US-led ‘globalization’ and it is to change every field of society including

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<sup>56</sup> “*jegukjui-ui inkweon gongse-reul danhohi jitbusija* (Let us call for resolutely frustrating imperialists’ human rights offensive), *rodong sinmun* (Workers’ Daily), 17 August 2007; “*jeonhwan woekyo jeongchek – miguksik minjuui-ui chimryakjeok bonjil* (The Transformational diplomacy—the aggressive nature of the US democracy),” *rodong sinmun* (Workers’ Daily), 21 February 2006.

the political system, economy, and culture in an anti-American sovereign country into an American style one.

“The reason imperialists have promoted the world ‘unification’ is that they want one Westernized ‘liberal world’ so that every non-Western nation can be subservient and integrated to them.”<sup>57</sup>

The DPRK insists that the US was fearful because the value of dollar dropped and therefore changed its globalization strategy from a form of economic integration to that of ideological integration by using American norms and values. Here, the American norms and values are identical to American style democracy and human rights. The DPRK believes that the strategists for the US-led globalization try to facilitate economic reforms and political freedom in non-Western countries since they believe that the power of market and economic freedom would eventually bring political reform in those countries.<sup>58</sup>

The DPRK understands that the US foreign policy behaviors tend to imply that the US is the world’s most powerful country and therefore it can dominate the new world order. According to the DPRK, the US tries to export the American style ‘civilization’ to other countries and destroys sovereignty and national identity. The US, the DPRK contends, then intends to impose and diffuse American norms and values into other cultures, which ultimately

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<sup>57</sup> Kim Jong-il, “*hyeongmyeong-kwa keonseoreseo jucheseong-kwa minjokseong-eul gosuhul de daehayeo* (On preserving Juche and the national identity during the revolution), *kim jong-il seonjib* (Selected Works of Kim Jong-il), vol.14, p. 330.

<sup>58</sup> “*sekyehwa chekdong-eun pasan-eul myeonhalsu upda* (Globalization cannot avoid a failure), *rodong sinmun* (Workers’ Daily), 29 January 2007; “*sekyehwa-ui candongjeok bonjilkwa keu hukwa* (The reactionary nature of globalization and its impacts),” *rodong sinmun* (Workers’ Daily), 25 February 2007.

aims to realize Americanized globalization. To the DPRK, this is fundamentally an attempt to turn the entire world to the one of Americanized ‘civilization’ and strengthen the US-led monopolized world order.<sup>59</sup> The US norms and values, ethics, and lifestyles are the standards in this US-led globalization and the US government is trying to diffuse them through the long-distance information technology and the expansion of exchanges and cooperation. The US has already extensively disseminated American culture and lifestyles by dominating and controlling international communication networks, information networks, broadcasting companies and hundreds of the most advanced satellites, and exports and imports of hundreds of thousands of publications. The DPRK views that newspapers and magazines, the press and the media, the Internet, and economic exchanges are employed as the major sources for the US propaganda to declare its superiority of democracy.<sup>60</sup>

#### **D. The US strategy towards the DPRK**

The DPRK is one of the countries most targeted by the US foreign policy on the proliferation of freedom and democracy since the beginning of the Bush administration. President Bush calls the DPRK regime part of the ‘axis of evil’ and ‘outposts of tyranny’ and sets out the US proliferation policy towards the DPRK as one of its priorities. The DPRK acknowledges that they are the most targeted country in the US foreign policy and views this as part of the US intervention policy under the banner of the proliferation

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<sup>59</sup> *Rodong sinmun* (Workers’ Daily), 23 December 1998.

<sup>60</sup> Sin Bun-jin, “*miguksik minjujuui hwaksan chekdong-ui bandongjeok bonjil*, pp. 59-60; “*miguksik minjujuui-reul danhoi bandae daekyeokhaja* (Let us strongly resist against American democracy),” *rodong sinmun* (Workers’ Daily), 13 December 2006; “*miguk-ui minjujuui hwaksan chekdong-ui akralseong* (The viciousness of the US policy of the proliferation of democracy),” *rodong sinmun* (Workers’ Daily), 30 January 2006.

of freedom and democracy. Firstly, the DPRK believes that the US tries to change the political system of other countries that are against the US interests, naming those anti-American countries an ‘axis of evil’ or ‘outposts of tyranny’ and also using various methods such as diplomatic isolation or threatening with cutting off economic assistance. Secondly, the DPRK also understands that the US has passed the ‘North Korean Human Rights Act’ and appointed the special envoy for North Korea human rights in an attempt for regime collapse or system transformation using the rhetoric of the proliferation of democracy. The DPRK presumes that through this kind of legislation, along with other measures of the human rights offensive, the US is trying to dissolve the North Korean domestic system.<sup>61</sup>

The DPRK is most alarmed by the US financial assistance to anti-government forces as one of the practical measures of the US proliferation strategy. Concrete examples suggested by the DPRK are the massive financial assistance by the US to anti-government forces in countries around the world including the Baltic states and countries in Central Asia. The DPRK claims that the US has fostered anti-government activities that have created violent riots, internal turbulences, and the overthrow of regimes in the above mentioned countries. The DPRK pays a great deal of attention to US legislative movements on financial support to anti-government forces in anti-American countries.

On 3 March 2005, at both the Senate Committee on Foreign Relations and the House Committee on International Relations, the ‘ADVANCE Democracy Act of 2005’ was introduced. The draft Act states that, by 2025, in twenty years time from the time the Act was proposed, the US will transform forty-five counties under dictatorship into democratic ones, but it does not include the names

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<sup>61</sup> Sin Bun-jin, *Ibid.*, p. 60.

of countries. When the Act was proposed, the DPRK strongly condemned it and said that “the Act was introduced in order to justify the brutal intervention of internal affairs and the maneuvers for a regime collapse in other countries. By proposing the Act, the US administration expresses to actively support anti-government forces in undemocratic countries and impose sanctions on exports from and the entrance of the US state officials to those countries.”<sup>62</sup> When the ‘ADVANCE Democracy Act’ was proposed, the DPRK viewed it part of the US democracy proliferation strategy and feared it since it showed US willingness to provide financial support to anti-government forces within the DPRK. The US sees undemocratic countries as a threat to US security and therefore tries to spread democracy. On the other hand, the DPRK perceives the US proliferation strategy of freedom and democracy as an attempt to create regime collapse in the DPRK, also from a security perspective. In sum, both countries comprehend the issue as a ‘security threat’, but the elements of threat are completely opposite between the two.

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<sup>62</sup> *Jung-ang bangsong* (Korean Central Broadcast), 7 March 2005.

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## **V. The DPRK's responses and the ROK's future policy goals on human rights in the DPRK**

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### **1. The DPRK's responses**

The DPRK's policy responses in the area of human rights consist of two parts: the DPRK's perception of human rights and democracy and the DPRK's understanding of the US proliferation strategy of freedom and democracy. As we have seen in the previous sections, the DPRK's human rights policy is not grounded on concepts of human rights themselves but rather in a way to 'respond' to the outside criticism against its record of human rights violations. In other words, the DPRK's human rights policy is fundamentally based on its security concerns and perceptions about the outside's human rights offensive, which cannot bring any solution to human rights problems but creates further reactionary responses in international human rights society. Therefore, the DPRK's responses on human rights to the outside world can be clarified as a systematic combination of its perception about human rights, the political system, security threats from outside, and some

practical necessities it needs for survival. A series of system transformations in socialist countries in the 1990s and the subsequent regime changes into pro-American governments by the war on terror and the color revolution in the 2000s have alarmed the DPRK. The government has fears about whether its regime could survive and decides its policy level and direction in the area of human rights accordingly. However, practical necessities such as recovery from economic crises and international isolation also affect the DPRK's policy making. Therefore, the contents and degree of the DPRK's human rights policies largely depend on these two factors, security and practical necessities.

With respect to the 'human rights offensive' understood from a security perspective, the DPRK's policy is firmly set on denial of any kind of accusation and suggestion by the international human rights community including the UN and the US. First of all, UN resolutions on the situation of human rights in the DPRK adopted by the UN Sub-Commission, the Commission on Human Rights, and the General Assembly are all completely denied by the DPRK, which says that they were created by political motivation to repress and demolish the socialist system of the DPRK. In 1997 when the Sub-Commission first adopted the UN resolution on North Korean human rights, the government took an extreme decision to withdraw from the ICCPR. In 2004 when the special rapporteur was appointed by the resolution adopted at the Commission on Human Rights, the DPRK government did not recognize his status and denied his request to visit the country. Furthermore, the DPRK has even denied dialogue and technical cooperation with the Office of the UN High Commissioner for Human Rights because it was included in the resolution. In a discussion about the functions and regulations of the new Human Rights Council (formerly the Commission on Human Rights), the DPRK government strongly insisted that country-specific UN resolutions and appointment of



special rapporteurs be abolished.

Furthermore, as mentioned above, the DPRK government has reacted adamantly against the US remarks about the ‘axis of evil’ or ‘outposts of tyranny’ in the course of defining the nature of the DPRK regime. The DPRK also criticized the enactment of the ‘North Korean Human Rights Act’ and believes that all of these hostile policies were part of the US political intention for regime collapse in the DPRK. There has not been any cooperation in the field of human rights between the DPRK and the US. On the other hand, in the midst of international isolation and in its efforts to improve diplomatic relations with European countries, the DPRK held one human rights dialogue with the European Union (EU) that stressed human rights as one of the main values in foreign affairs. The reason the DPRK government agreed to hold a human rights dialogue with the EU was that it believed the cooperation with the EU would not considerably affect the regime security and could further satisfy practical necessities such as the establishment of diplomatic relations with the EU countries. However, since the DPRK realized the EU’s main role in proposing a UN resolution on North Korean human rights, the government has adjusted its policies towards the EU and decided to reject any human rights dialogue with the EU. Unlike the DPRK’s hostile reaction against the UN human rights resolutions, the DPRK government has shown some positive responses to suggestions by treaty-based human right bodies of the UN. The DPRK has carefully selected an area of possible cooperation with some actors in international relations that might not threaten the country’s regime security and might help release it from international isolation. For example, the government has submitted periodic state-party reports on the implementation of human rights to the UN human rights treaty-based bodies to which the DPRK is a member. The government has taken the practical judgment by submitting periodic reports to the UN human

rights treaty-based bodies so that it could use them as a place to promote its human rights propaganda, saying the DPRK's human rights practices are consistent with the standards of international human rights treaties.

The DPRK has also amended domestic legislations within the extent of not harming the security of the socialist system. In particular, in 2004 and 2005, the DPRK revised both the Criminal Law and the Criminal Procedure Act in a way that it could show the world its commitment to the improvement of human rights. In 2003, the Disability Protection Law was enacted. The enactment or amendment of domestic legislation in accordance with international human rights treaties is part of the DPRK's practical consideration, based on a belief that it would not threaten the country's security and at the same time could upgrade the DPRK's image in international relations. However, the DPRK still does not enact detailed procedural regulations in order to guarantee the rights to freedom of assembly and association which are all stated in its socialist constitution but directly related to the security problem within society. Those political rights that are directly related to security are not reflected in policies while being kept in a 'conceptual' or 'interpretative' level from a strong cultural relativistic perspective. This is in contrast to the level of 'detailed implementation methods' for rights defined in the Criminal Law that are not directly related to security.

<Table 1> The DPRK legislations on human rights

Statutes	Enactments and revisions
The Criminal Law	<ul style="list-style-type: none"> <li>- Adopted by Ordinance of the Supreme People's Assembly (SPA) Standing Committee on March 3 1950</li> <li>- Amended by Decision of the SPA Standing Committee on December 19 1974</li> <li>- Adopted by Decision No. 2 of the SPA Standing</li> </ul>

	<p>Committee on February 5 1987</p> <ul style="list-style-type: none"> <li>- Adopted by Decision No. 6 of the SPA Standing Committee on December 15 1990</li> <li>- Revised or supplemented by Decision No. 54 of the SPA Standing Committee on March 15 1995</li> <li>- Revised by Ordinance No. 953 of the SPA Standing Committee on August 11 1999</li> <li>- Revised or supplemented by Ordinance No. 432 of the SPA Standing Committee on April 29 2004</li> <li>- Revised or supplemented by Ordinance No. 1084 of the SPA Standing Committee on April 19 2005</li> </ul>
<p>The Criminal Procedure Act</p>	<ul style="list-style-type: none"> <li>- Adopted at the fifth session of the 1st SPA on March 3 1950</li> <li>- Amended by Ordinance of the SPA Standing Committee on June 15 1954</li> <li>- Adopted by Decision of the SPA Standing Committee on January 10 1976</li> <li>- Amended by Decision No. 12 of the SPA Standing Committee on January 15 1992</li> <li>- Revised or supplemented by Decision No. 59 of the SPA Standing Committee on April 12 1995</li> <li>- Revised or supplemented by Decision No. 67 of the SPA Standing Committee on January 19 1996</li> <li>- Revised or supplemented by Decision No. 95 of the SPA Standing Committee on September 17 1997</li> <li>- Revised or supplemented by Ordinance No. 996 of the SPA Standing Committee on September 2 1999</li> </ul>

	<ul style="list-style-type: none"> <li>- Revised or supplemented by Ordinance No. 436 of the SPA Standing Committee on May 6 2004</li> <li>- Revised or supplemented by Ordinance No. 1225 of the SPA Standing Committee on July 26 2005</li> </ul>
The Court Structure Law	<ul style="list-style-type: none"> <li>- Adopted by Decision No. 19 of the SPA Standing Committee on January 10 1976</li> <li>- Revised or supplemented by Decision No. 122 of the SPA Standing Committee on July 1 1998</li> <li>- Revised or supplemented by Decision No. 160 of the SPA Standing Committee on November 19 1998</li> </ul>
The Attorney Law	<ul style="list-style-type: none"> <li>- Adopted by Decision No. 43 of the SPA Standing Committee on December 23 1993</li> </ul>
The Enforcement Law for Court Decisions and Sentences	<ul style="list-style-type: none"> <li>- Adopted by Decision No. 80 of the SPA Standing Committee on January 23 1997</li> <li>- Revised by Decision No. 93 of the SPA Standing Committee on September 5 1997</li> <li>- Revised or supplemented by Ordinance No. 160 of the SPA Standing Committee on November 19 1998</li> </ul>
The Prosecution Supervision Law	<ul style="list-style-type: none"> <li>- Adopted by Decision No. 15 of the SPA Standing Committee on September 19 1985</li> <li>- Revised or supplemented by Decision No. 78 of the SPA Standing Committee on January 15 1997</li> <li>- Revised or supplemented by Decision No. 160 of the SPA Standing Committee on November 19 1997</li> </ul>
The Civil and Criminal Case Inspection Law	<ul style="list-style-type: none"> <li>- Adopted by Ordinance No. 284 of the SPA Standing Committee on November 26 1998</li> </ul>
The Social Safety Control Law	<ul style="list-style-type: none"> <li>- Adopted by Decision No. 22 of the SPA Standing Committee on December 28 1992</li> </ul>

	- Revised or supplemented by Ordinance No. 540 of the SPA Standing Committee on March 24 1999
The Appeal and Petition Law	- Adopted by Decision No. 120 of the SPA Standing Committee on June 17 1998 - Revised or supplemented by Ordinance No. 483 of the SPA Standing Committee on February 26 1999 - Revised by Ordinance No. 1676 of the SPA Standing Committee on July 24 2000
The Socialist Labor Law	- Adopted by Legislation No. 2 of the SPA Standing Committee on April 18 1978 - Amended by Ordinance No. 2494 of the Central People’s Committee on February 20 1986 - Revised by Ordinance No. 803-1 of the SPA Standing Committee on June 16 1999
The Disability Protection Law	- Adopted by Ordinance No. 3835 of the SPA Standing Committee on June 18 2003

## 2. Policy goals for human rights in the DPRK

Human rights violations in the DPRK and external threats to the DPRK are closely related. The primary responsibility for the human rights violations in the DPRK, of course, lies with the DPRK authority. The fundamental problem with the DPRK is the totalitarian nature of its monolithic political system, but while the delicate situation of the Korean peninsula exists, in that the armistice agreement made in 1953 has not been amended to a peace treaty, the DPRK government will continue to use an external threat as a perfect excuse for promoting internal unity and violating human rights through various controlling mechanisms. As seen in the previous sections, the DPRK defines international society’s

campaigns for the improvement of the human rights situation in the DPRK as the ‘human rights offensive’ in an attempt to create regime collapse in the DPRK and accordingly has responded to them from a security perspective. The DPRK views international society’s human rights campaigns as an external threat and this has been used as an excuse for the DPRK’s monolithic rule over society and human rights violations. In order to resolve the issue and create an environment for an improvement for human rights in the DPRK, one needs to take into consideration of these ‘external threats’ facilitated by the DPRK government as an excuse for human rights violations.

More specifically, I would like to suggest short-term or mid-term solutions for the protection of the human rights in the DPRK. First of all, due to the closed nature of society and the absence of civil society in the DPRK, it is almost impossible to expect that the DPRK authority and North Korean people themselves can solve the human rights problems and improve the situation without external pressure. Therefore, the external pressure through the UN human rights mechanism should be reinforced in terms of monitoring the DPRK authority and its guarantee of a right to freedom. One should bear in mind that the DPRK is already a member of four major international human rights treaties.

Secondly, a case-based approach is more appropriate rather than a systematic or political approach in order to solve urgent human rights cases. Grave human rights violations such as violations against political prisoners or public executions must be stopped immediately. In order to make a case-based approach more effective for the improvement of human rights and offer more substantial consequences, a human rights mechanism in which cases of human rights violations can be systematically gathered and managed must be founded. In addition, a case-by-case human rights report should be published regularly so that detailed human rights cases can be

compiled for a discussion about the improvement of the human rights situation in the DPRK as well as for international public awareness.

Thirdly, human rights problems must be approached legally in accordance with the standards of international human rights treaties that the DPRK has already signed and ratified. The DPRK's conformity with human rights standards should be checked with international human rights standards from a legal perspective. In this way, the hostile reaction from the DPRK government may be minimized. For example, if a certain case of a human rights violation is questioned and violates its own domestic legislation such as the Criminal Law, the DPRK would not be able to use an excuse of external threats since no external force is trying to change its legal or political system but to insist abiding by the DPRK's own laws. Furthermore, the amendment of laws must be encouraged in accordance with the international human rights treaties which the DPRK has already ratified. Finally, the signature of the Convention on the Elimination of Racial Discrimination (CERD) and the Convention against Torture and other Cruel, Inhumane and Degrading Treatment or Punishment (CAT) must also be encouraged.

Fourthly, a dialogue between the DPRK and the UN and other bilateral human rights dialogues with individual countries must be revitalized in the process of human rights improvement in the DPRK. In particular, the South Korean government must play a critical role in resuming a human rights dialogue between the Office of the UN High Commissioner for Human Rights and the DPRK in the area of technical cooperation. The South Korean government should also try to help reopen a human rights dialogue between the EU and the DPRK and initiate a human dialogue between the DPRK and the US in the course of a normalization process. In other relations between the DPRK and individual countries, various

bilateral channels must be encouraged in the area of human rights.

Fifthly and finally, a humanitarian principle must be kept and reinforced in order to bring more substantial impacts on the guarantee of the right to subsistence through humanitarian assistance to North Korea. The form of humanitarian assistance is expected to be transformed from emergency relief to development cooperation. In the course of development cooperation with the DPRK, the principle of international humanitarian assistance must be kept in a way that internal/external circumstances in the DPRK are carefully considered. International society has been seriously concerned about poverty reduction in the world. Among many other poverty reduction agendas, ‘socio-political capacity building’ or ‘human rights’ based approach to poverty reduction strategy is the main goals of international society and should be kept as a strict principle to the situation in the DPRK. For example, the participatory development of and capacity building for North Korean people, the opening and development of medium-size cities or suburb areas apart from Pyongyang, and the implementation of good governance must be carried out as part of detailed plans for the improvement of human rights in the DPRK.