

Examining the Nexus between Human Rights and Security on the Korean Peninsula: Holistic and Integrative Approaches

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This article examines the nexus between human rights and security on the Korean Peninsula. The past policies toward North Korean human rights by South Korean governments were inconsistent and ineffective by being selective and subordinated to security policies. In this article, I suggest holistic and integrative approaches toward North Korean human rights. The holistic approach includes both political and civil rights and economic, social, and cultural rights as indivisible and interdependent. The integrative approach connects North Korean human rights to peace and security on the Korean Peninsula through denuclearization, economic engagement, and humanitarian aid. They would enable the South Korean government to devise more consistent and effective human rights policies by securing domestic and international support, increasing its coordination with a variety of actors, and sending a credible signal to the authoritarian regime in the North.

Keywords: Inter-Korean Relations, South Korea, North Korea, North Korean Human Rights, Peace and Security on the Korean Peninsula

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Introduction

On December 14th, 2020, the Democratic Party of Korea, the ruling party under the Moon Jae-in government, passed a law banning the flying of leaflets toward North Korea by balloon. The government claimed that anti-North Korea leaflets would undermine inter-Korean cooperative relations, jeopardize South Korea's border security, and not help improve North Korean human rights on the ground. The law was heavily criticized by domestic and international human rights groups arguing that the restriction would infringe on the freedom of expression, impeding civic groups' capacity to promote North Korean human rights. The current President Yoon Seok-yul also found fault with the law, hinting that his government would not arrest or punish these North Korean human rights groups.¹ The conservative government soon after overhauled the previous government's low-key human rights policies by appointing an ambassador on North Korean human rights, attempting to launch the North Korean Human Rights Foundation, and publishing for the first time a governmental report on North Korean human rights abuses.

These approaches taken by different governments, focusing on different objectives and methods, however, ended up with the same old stories. The controversy over how to address North Korean human rights issues in South Korea mainly stems from different perspectives on how to establish peace and security on the Korean Peninsula. The progressives in South Korea believe that engagement is the best method to improve inter-Korean relations and create positive peace on the Korean Peninsula. Therefore, human rights issues, especially political and civil rights can be strategically played down to manage inter-Korean dialogues and cooperation while economic and social rights through engagement and humanitarian aid are more emphasized. By contrast, the conservatives favor pressuring the regime in the North, contending that engagement is only possible with significant progress in denuclearization and/or human

1 Hyun-joo Park, "The Yoon Government's Dilemma on Leaflets," *Joongang*, Dec. 23, 2022.

rights improvement in the country. The conservative governments were not hesitant to raise their voice over North Korean human rights abuses, participated in international responses, and sought to institutionalize domestic efforts to enhance the human rights conditions in North Korea. As political power shifts in South Korea, the divided approaches toward North Korea have led to inconsistent and ineffective North Korean human rights policies, exacerbating the so-called South-South conflict, and sending mixed and confusing signals to the regime in the North as well as the international community.

This article suggests that North Korean human rights be holistically understood and integrated into peace and security. It would correct the past practices of not fully respecting human rights principles and promote a more comprehensive understanding of North Korean human rights. The integrative approach would address a lack of the link between human rights and peace and security. Although a few studies recognize the nexus between human rights and peace and security, they do not fully account for recent developments or are not specifically applied to North Korean human rights.² Neither provided a detailed rationale for why to integrate

2 Wolfgang Benedek, "Human Security and Human Rights Interaction," *International Social Science Journal* 59, (2008): 7-17; William W. Burke-White, "Human Rights and National Security: The strategic correlation," *Harvard Human Rights Journal* 17 (2004): 249-280; Katja Creutz, "The Nexus between Arms Control and Human Rights in the Case of North Korea: Implications for the human rights agenda," *Journal of Autonomy and Security Studies* 2, no. 2 (2018): 70-96; Danielle Chubb and Andrew Yeo, "Human Rights, Nuclear Security and the Question of Engagement with North Korea," *Australian Journal of International Affairs* 73, no. 3 (2019): 227-233; Tim Dunne and Nicholas J. Wheeler, "We the Peoples': Contending discourses of security in human rights theory and practice," *International Relations* 18, no. 1 (2004): 9-23; Robert R. King and Gi-Wook Shin, "North Korea: Human Rights and Nuclear Security," in *The North Korean Conundrum: Balancing human rights and nuclear security*, eds. Robert R. King and Gi-Wook Shin (Stanford: The Walter H. Shorenstein Asia-Pacific Research Center, 2021), 1-19; Paul Liem, "Peace as a North Korean Human Right," *Critical Asian Studies* 46, no. 1 (2014): 113-126; Denny Roy, "The Security-Human Rights Nexus in North Korea," *Journal of East Asian Affairs* 11, no. 1 (1997): 1-19.

human rights and peace and security on the Korean Peninsula. Furthermore, there are still misguided debates in South Korea over whether political and civil rights are more important than economic, social, and cultural rights or whether security issues like North Korea's denuclearization should be prioritized over North Korean human rights issues. Although it is beyond the scope of this paper to provide specific and concrete policies, it is important to introduce the new approaches that will reframe the discourse on North Korean human rights, establish principles that can be upheld by both conservative and progressive governments, and open the possibility to devise more consistent and effective policies toward North Korean human rights.

For this purpose, this article is summarized and organized as follows. The first section accounts for the salience of North Korean human rights issues and the development of the North Korean human rights regime, arguing that North Korean human rights became an inescapable part of the 'North Korea problems.' In the second section, I examine the past approaches by South Korean governments, contending that the failure to understand the principles of human rights such as universality, indivisibility, and interdependence, as well as the connection between human rights and security in the Korean Peninsula produced inconsistent and ineffective policies toward North Korean human rights. The following section suggests that North Korean human rights be holistically understood and integrated into peace and security. With a comprehensive human rights perspective that includes two sets of rights - civil and political rights, and economic, social, and cultural rights, the human rights principles would be fully appreciated. Moreover, the human rights-security integration allows the South Korean government to develop more sustainable and effective human rights policies, mitigate domestic conflict over North Korean human rights, send a credible signal to the regime in the North, cooperate with domestic and international players, and efficiently use resources and tools through pressures and engagement. Then, two challenges of implementing the new approaches - a balance between accountability and engagement and the government's diplomatic capacity - are examined. The conclusion will reiterate my

arguments, calling for new thinking and discourse on human rights, peace, and security on the Korean Peninsula.

The Salience of North Korean Human Rights

A wide range of human rights issues in North Korea have been documented domestically and internationally. North Korea denied the integrity of the person by committing unlawful or arbitrary killings, arrests, and disappearances.³ Political prison camps, *Kwanliso*, have drawn a lot of criticism where torture, inhuman treatment, and enforced labor were reportedly committed.⁴ North Korea also restricted civil and political rights including freedom of expression, assembly and association, due process, and rights to participate in the political process. There was also a restriction on religious freedom, movement, and residence. In 2021, the United Nations (U.N.) Human Rights Council reported that human rights violations in North Korea constituted crimes against humanity.⁵

North Korea's abuses of economic, social, and cultural rights have been also reported. According to the 2022 Global Hunger Index, North Korea had a level of hunger that is serious.⁶ More than 40% of the population was undernourished in 2022 as the food situations became increasingly dire due to more restrictive border control during the COVID-19 pandemic and continued natural disasters such as spring droughts and floods.⁷ North Koreans' access to COVID-19 vaccines was

3 U.S. Department of State, "Democratic People's Republic of Korea 2022 Human Rights Report," 2022: 1-48.

4 Dasl Yoon, "North Korean Executions and Torture Alleged in New Report," *Wall Street Journal*, March 30, 2023.

5 The U.N. Human Rights Council, "Situation of Human Rights in the Democratic People's Republic of Korea," March 23, 2021: 46/17 (A/HRC/RES/46/17).

6 Global Hunger Index: Korea (DPR), accessed March 17, 2023, <https://www.globalhungerindex.org/korea-dpr.html>.

7 "World Report 2023: North Korea," *Human Rights Watch*, accessed March 25,

limited, putting the population at risk given the already fragile public health system.⁸ Women were vulnerable to gender-based violence and a lack of reproductive health while children were subject to enforced labor in coal mines or farms.

Given the pressing human rights situations, there has been an establishment and development of a North Korean human rights regime at home and abroad. The North Korean problem now refers to two agendas – nuclear weapons and human rights abuses. The North Korean Human Rights Act was passed in South Korea in 2016 to lay out legal and institutional foundations for promoting human rights in the North. As a result, the North Korean Human Rights Documentation Center was established in 2016 and an ambassador for North Korean Human Rights was appointed six years later in 2022. There are about 26 registered non-governmental organizations and 10 research institutions in South Korea working in the area of North Korean human rights according to the Ministry of Unification.⁹ The number can grow to more than 100 when NGOs for humanitarian aid are included. Beyond the human rights groups and actors, the public in South Korea is now more than ever aware of the issues. In a recent poll in 2022, 96% of South Koreans said that they recognized the seriousness of North Korean human rights.¹⁰

At the international stage, there have been U.N. resolutions criticizing the North Korean government for its human rights abuses and demanding

2023, <https://www.hrw.org/world-report/2023/country-chapters/north-korea>.

8 “North Korea 2022,” *Amnesty International*, accessed March 25, 2023, <https://www.amnesty.org/en/location/asia-and-the-pacific/east-asia/north-korea/report-korea-democratic-peoples-republic-of/>.

9 See the list of North Korean human rights non-governmental organizations and research institutions on the Ministry of Unification - North Korean Human Rights Portal, accessed March 25, 2023, <https://www.unikorea.go.kr/nkhr/relatedsite/domesticngo/>.

10 Yeo-sang Yoon, Soon-hee Lim, and Gi-wong Yoon, *2022 Survey on North Korean Human Rights* (Database Center for North Korean Human Rights, 2022), accessed March, 25, 2023, <https://nkdb.org/publication/?q=YToxOntzOjEyOjRZXl3b3JkX3R5cGUiO3M6MzoiYWxsIjt9&bmode=view&idx=13412926&t=board>.

improvement of human rights at the Human Rights Council and General Assembly since 2007. The seminal publication of the 2014 Commission of Inquiry (COI) report on North Korean human rights situations concluded that there were systemic, widespread, and grave violations of human rights in North Korea that may amount to crimes against humanity.¹¹ International human rights NGOs such as Human Rights Watch or Amnesty International monitor the situation and publish their annual reports on North Korean human rights. Numerous civic groups in the U.S., Europe, and Japan including International Coalition to Stop Crimes against Humanity in North Korea have been also in operation. The U.S. and Japan respectively passed the North Korean Human Rights Acts of 2004 and Resolution on the Situation of Human Rights in the Democratic People's Republic of Korea in 2006 to prepare a domestic framework to address North Korean human rights issues.

These developments have not been unique but related to emerging new norms in international politics. Over the last two decades, a concept of state sovereignty accompanied by non-interference in domestic affairs such as human rights has been challenged by 'the Responsibility to Protect.' When a government is incapable or unwilling to protect its citizens from genocide, war crimes, ethnic cleansing, and crimes against humanity, the responsibility to protect citizens falls onto the international community.¹² The norm has been endorsed by national leaders since its first introduction in 2001 and has altered the idea of state sovereignty.¹³

11 "U.N. Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea," *U.N. Human Rights Council*, accessed March 25, 2023, <https://www.ohchr.org/en/hr-bodies/hrc/co-idprk/commission-inquiryon-h-rin-dprk>; Danielle Chubb, "North Korean Human Rights and the International Community: Responding to the UN Commission of Inquiry," *Asia-Pacific Journal on Human Rights & Law*, 15 (2014): 51-72.

12 International Commission on Intervention and State Sovereignty, "The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty," accessed March 25, 2023, <https://idl-bnc-idrc.dspacedirect.org/bitstream/handle/10625/18432/IDL-18432.pdf?sequence=6&isAllowed=y>.

13 David P. Forsythe, *Human Rights in International Relations* (Cambridge: Cambridge University Press, 2012), 3-36.

By reconfiguring the meaning of being sovereign, this idea further legitimizes international actions to address North Korean human rights abuses.¹⁴ Moreover, the idea of human security – protection of the vital core of all human lives from critical and pervasive environmental, economic, food, health, personal, and political threats also contributes to the salience of North Korean human rights issues.¹⁵ The human security perspective suggests that the security of the individual be on the same level as the security of the country, calling for NGOs and international institutions to engage North Korea to enhance human rights and development.¹⁶

The salience of North Korean human rights and the development of the North Korean human rights regime indicate that the South Korean government cannot ignore or play down the human rights agenda when dealing with the regime. The ongoing stalemate of nuclear negotiation and aggravated situations of human rights in North Korea have challenged and weakened the assumption that human rights talks would impede inter-Korean relations or nuclear negotiations.¹⁷ The critical question is no longer about whether nuclear talks or inter-Korean relations trump the

14 Yoojin Rhee, “North Korea and Crimes against Humanity: A ‘Responsibility to Protect’ Perspective,” *Korean Journal of International Studies* 9, no. 1 (2011): 97-118.

15 U.N. Development Programme, “Human Development Report 1994,” accessed on March 25, 2023, <https://hdr.undp.org/content/human-development-report-1994>.

16 Markus Bell and Geoffrey Fattig, “Socializing a Nuclear North Korea: Human Security in Northeast Asia,” *North Korean Review* 14, no. 1 (2018): 30-48.

17 There are examples of human rights talks not impeding peace and security discussions. The Reagan administration was critical of Soviet Union’s human rights, while successfully reaching a nuclear treaty. Also, the Dayton Peace Agreement in 1995, a peace deal to end a civil war in the former Yugoslavia, included human rights components. Another well-known example is the Helsinki Process. See Tamar Jacoby, “The Reagan Turnaround on Human Rights,” *Foreign Affairs* 64, no. 5 (1986): 1066-1086; “The General Framework Agreement for Peace in Bosnia and Herzegovina,” accessed March 29, 2023, <http://hrlibrary.umn.edu/icty/dayton/daytonannex6.html>; John Feffer, “The Forgotten Lessons of Helsinki: Human rights and US-North Korean relations,” *World Policy Journal* 21, no. 3 (2004): 31-39.

human rights agenda but how the government would find the best route to navigate through the two equally important challenges. In this regard, the past approaches by the South Korean government, explained in the next section, reveal that ignorance or subordination of human rights to security or inter-Korean relations has failed both security and human rights on the Korean Peninsula.

South Korean Governments' Approaches toward North Korean Human Rights

During the Cold War, anti-communism and national security dominated South Korea's approaches toward North Korea. Human rights were one of the tools to condemn the regime and legitimize an authoritarian rule at home. President Rhee Seung-man (1948 – 1960) advocated for the use of military force to liberate people from the communist regime and establish a unified Korea.¹⁸ Under the Park Chung-hee government (1961 – 1979), North Korea's anti-democracy or collectivism was highlighted to criticize the Kim Il-sung regime and justify the authoritarian rule at home.¹⁹ Although there were inter-Korean dialogues in the early 1970s to address humanitarian issues such as separated families, the security competition and domestic insecurity did not allow the South Korean government to resolve the humanitarian issues and develop human rights policies toward the regime in the North.

As South Korea went through a democratic political transition and accommodated international and regional structural changes of the post-Cold War, human rights issues at home and in North Korea became more salient. The Roh Tae-woo government (1988 – 1993) pursued Nordpolitik, a Northern foreign policy, to normalize political relations

18 Bruce Cumings, *Korea's Place in the Sun: A modern history* (New York: W. W. Norton & Company, 2005), 237-298.

19 Bo-hyuk Suh, "Beyond Silence and Blaming: Revisiting South Korea's role in North Korean human rights," *Asian Perspective* 37 (2013): 77-97.

with countries in the communist bloc while holding bilateral talks with North Korea to discuss economic and cultural exchanges and the issue of separated families. The successor Kim Young-sam government (1993 – 1998) also emphasized reconciliation and cooperation with the North, sending an unconverted long-term political prisoner, Lee In-mo, to North Korea. The government also provided North Korea with humanitarian items such as rice, powdered milk, corn, wheat, and medical supplies through the period of 1995 – 1997 when North Korea faced economic and social crises with floods and droughts that caused famine, mass starvation, and refugees.

Despite the governmental responses to the humanitarian catastrophes in North Korea as well as an increase in bilateral trade, the discourse on North Korean human rights was rudimentary, not taking up the center space in inter-Korean relations. As North Korea's nuclear issues emerged in the late 80s and early 90s, the South Korean government's stance on North Korea drifted widely, leading more toward confrontation. As a result, there was no further progress in human rights discourse. Even humanitarian aid at the governmental level was negatively influenced by a series of incidents such as a South Korean aid ship being forced to fly the North Korean flag in 1995 or North Korean submarines appearing on the shore of the East Sea near Gangrueng in 1996.

It was the Kim Dae-jung government (1998 – 2003) that more clearly indicated a possible connection between human rights and security. The “Sunshine Policy” under the Kim government emphasized inter-Korean reconciliation and cooperation to mitigate hostility, ease tension on the Korean Peninsula, and induce North Korea to open and reform its governing systems. As a champion of democracy, President Kim visioned a virtuous cycle of cooperation, security, and peace that would improve human rights in North Korea. The roadmap toward improved human rights was to first help North Korea address its hostile environment, develop its economy, and enhance its people's well-being through humanitarian aid and economic cooperation. Political and civil rights in North Korea would improve as economic prosperity and a less hostile

external security environment would incentivize the North Korean regime to undertake political and economic reforms. It was clear that social and economic rights were prioritized while political and civil rights were not on the agenda in dealing with the regime in the North. The focus of initiating and managing inter-Korean cooperation was not entirely clouded by nuclear security concerns. President Kim simultaneously attempted to uplift inter-Korean relations and resolve nuclear weapons problems with the hope that improved inter-Korean relations would contribute to a peaceful resolution of the nuclear issue.

This engagement policy with a focus on humanitarian and economic aspects of human rights caused controversies at home and abroad as North Korea's atrocious human rights situations became more salient.²⁰ Because the inter-Korean cooperative relationship was a top priority, the Kim or the successor Roh Moo-hyun government (2003 – 2008) carried out quiet diplomacy and did not criticize political and civil rights such as torture and inhumane treatment in political prison camps, public and unlawful executions, and restriction of freedom of expression, assembly, association, and religion in North Korea. The Roh government abstained from 2004 and 2005 votes on U.N. Human Rights Council resolutions on North Korean human rights and did not participate in the 2007 voting at the U.N. General Assembly. The Roh government was concerned that humiliating North Korea on its human rights records would undermine its effort to engage North Korea. As nuclear negotiations through the Six-Party talks were in stalemate amid North Korea's increasing nuclear and missile capability, the utility of the engagement policy was further criticized in that economic cooperation and humanitarian aid rather helped the regime survive longer, kept repressing its citizens, and increased its nuclear capability.

The Lee Myung-bak government (2008 – 2013) changed South Korea's policies toward North Korea in terms of human rights and security. His

20 Bo-hyuk Suh, "Controversies over North Korean Human Rights in South Korean Society," *Asian Perspective* 31, no. 2 (2007): 23-46.

policy of 'Vision 3000' put denuclearization to be a precondition to engaging North Korea. By linking nuclear security to inter-Korean relations, Lee took a reciprocal and tit-for-tat approach toward North Korea in response to North Korea's military provocations such as the sinking of the Cheonan vessel and the shelling of Yeonpyeong Island. As a result, it opened the space for the government to openly express its concerns about North Korean human rights, especially political and civil liberties.²¹ As a president-elect, Lee already said that North Korean human rights should be addressed from a universal human rights perspective. The successor, President Park Geun-hye (2013 – 2017), also reiterated that North Korean human rights would be an essential component of North Korean policies.²² Taking a universal human rights perspective that dismisses an exemption or exclusion of certain individuals, groups, or countries, the governments cooperated with the international community to pressure the regime in the North. Both conservative governments co-sponsored U.N. resolutions on North Korean human rights and offered institutional support for the COI to investigate North Korean human rights situations. Furthermore, under President Park, the North Korean Human Rights Act was passed at the National Assembly to institutionalize domestic efforts to enhance North Korean human rights such as publishing reports, appointing an ambassador, supporting domestic and international human rights NGOs, and cooperating with foreign governments and international human rights institutions.

21 Kyungyon Moon, "South Korean Civil Society Organizations, Human Rights Norms, and North Korea," *Critical Asian Studies* 46, no. 1 (2014): 65-89.

22 Hwan Yong Kim, "S. Korean Leader Responds to North's Attacks on Human Rights Policy," *Voice of America*, September 30, 2014.

However, this approach with an emphasis on civil and political rights and international cooperation faced challenges and limitations. It led to the undermining of humanitarian assistance and economic aspects of human rights. As the inter-Korean relations deteriorated, humanitarian aid to North Korea was down by 80% under the Lee government compared to the predecessor Roh government.²³ President Lee also decided to suspend South Korean tour programs in Mount Kumgang and Kaesong in North Korea in 2008 while President Park shut down the Kaesong Industrial Complex, a joint manufacturing park, in 2016. President Lee's vision of encouraging North Korea to open and reform or Park's suggestion to build trust had an objective to enhance North Koreans' well-being but did not materialize and was indeed hard to achieve due to the stalemate of nuclear negotiation and frozen inter-Korean relations. Their criticisms of North Korean human rights and calls for change resonated with the domestic and international human rights community but were not translated into effective policies to improve North Korean human rights on the ground. When inter-Korean relations became confrontational, North Koreans suffered due to economic sanctions and limited humanitarian assistance.²⁴

Regarding the Moon Jae-in or Yoon Seok-yul government's approach toward security and human rights, the previous policies and relevant controversies were repeated. The Moon government (2017 – 2022) was largely a continuation of the progressive governments focusing on the improvement of inter-Korean relations while sidelining North Korean human rights issues in bilateral and multilateral settings. The government faced similar domestic and international criticisms when it refused to be a co-sponsor of U.N. resolutions regarding North Korean human rights,

23 For details on South Korea's (non-)governmental humanitarian aid, see the governmental site, <https://hairo.unikorea.go.kr/stat/StatInternalTotalInfo.do>.

24 Nak-chung Paik, "Toward Overcoming Korea's Division System through Civic Participation," *Critical Asian Studies* 45, no. 2 (2013): 279-290; Gregory Ulferts and Terry L. Howard, "North Korean Human Rights Abuses and their Consequences," *North Korean Review* 13, no. 2 (2017): 84-92.

forcibly repatriated two North Korean defectors, and banned flying anti-North Korea leaflets across the border by balloons. By contrast, following the conservative governments' approach, President Yoon (2022 – current) appointed an ambassador on international cooperation for North Korean human rights, published a report on North Korean human rights situations, promised to launch the North Korean Human Rights Foundation, and supported North Korean human rights NGOs. The following table summarizes the South Korean government's approaches toward North Korean human rights in the context of security and peace.

<Table 1> South Korean Governments' Approaches toward North Korean Human Rights

Presidents	North Korean human rights approach	Relationship between human rights and peace & security
Rhee Seung-man (1949 – 1960)	Military and regime security were prioritized. There was a lack of policies toward North Korean human rights despite some interest in humanitarian issues such as separated families.	There was no connection or North Korean human rights were sometimes used as instruments to criticize the communist regime and strengthen regime security.
Park Chung-hee (1961 – 1979)		
Roh Tae-woo (1988 – 1993)	Inter-Korean dialogues for reconciliation and cooperation were initiated but impeded by North Korea's nuclear weapon issues. Humanitarian aid was expanded to some degree.	There was no clear connection as security issues prevented human rights policies from being developed.
Kim Young-sam (1993 – 1998)		
Kim Dae-jung (1998 – 2003)	Improving inter-Korean relations through engagement was prioritized despite ongoing nuclear weapon issues. Humanitarian aid was further expanded. Economic and social rights were focused while civil and political rights were ignored or played down.	North Korean human rights improvement was implicated in engagement policies, but human rights were selective and still instrumental to inter-Korean relations.
Roh Moo-hyun (2003 – 2008)		
Moon Jae-in (2017 – 2022)		
Lee Myung-bak (2003 – 2008)	Engagement is linked to progress in North Korea's denuclearization. Political and civil rights were emphasized while economic and social rights were ignored or less emphasized. International human rights cooperation also increased. As inter-Korean relations deteriorated, humanitarian aid was however scaled down.	North Korean human rights were regarded as universal but focus on them was still selective and instrumental to put pressure on the regime. North Korean human rights policies were not integrated with security and peace.
Park Geun-hye (2013 – 2017)		
Yoon Seok-yul (2022 – current)		

New Approaches toward North Korean Human Rights

The past South Korean approaches toward North Korean human rights showed that human rights were not an integral part of policies toward North Korea. No connection was made between human rights and security. When connected, human rights were more of the byproduct of North Korean policies or utilized as a tool to pressure the regime or enhance inter-Korean relations. In this section, I suggest holistic and integrative approaches toward North Korean human rights by providing rationales and expected utilities. Then, two major challenges of implementing the new approaches are also discussed.

A holistic approach

A holistic approach requires that North Korean human rights must be understood to include political and civil rights and economic, social, and cultural rights. A dichotomous understanding of the two sets of rights is a legacy of the Cold War rivalry between Western and Eastern blocs.²⁵ The Universal Declaration of Human Rights (UDHR), a foundational document of international human rights, or more recent human rights treaties such as the Convention on the Rights of Persons with Disabilities recognized both sets of rights as integral and interdependent. One set of rights cannot be fully enjoyed without another while they often improve in tandem. For instance, North Koreans' liberty to express and participate in political activities cannot be effectively exercised when they are not healthy or unable to read and write. North Korean workers' rights to be free from forced labor and to decide to freely accept or choose work are also related to the enhancement of their civil and political rights of not being interfered with by the government.

The holistic understanding of North Korean human rights is to respect fundamental principles of human rights – universality, inalienability, indivisibility, interdependence, and interrelatedness enshrined in the

25 Jack Donnelly and Daniel J. Whelan, *International Human Rights* (New York: Westview Press, 2018), 39-56.

UDHR.²⁶ Human rights are universal in that ‘every individual is entitled to all the rights and freedoms without distinction of any kind, such as race, color, sex, language, religion, political or other opinions, national or social origin, property, birth or other status.’ Human rights are also inalienable in that ‘rights cannot be taken away except in specific situations by the due process.’ Indivisibility refers to an equal status or treatment of rights, not in a hierarchical order. Interdependence and interrelatedness suggest that one set of rights cannot be effectively enjoyed without other rights that may or may not belong to the same categories.

The past governments did not fully understand or respect these principles in one way or another. The progressive governments’ justification for quiet diplomacy in the name of ‘special inter-Korean relationships’ did not respect North Korean human rights as universal human rights. There was a hierarchy of rights, prioritizing economic and social rights through economic cooperation over political and civil rights, violating the principle of indivisibility. It was the conservative governments that embraced the universality of North Korean human rights by raising their concerns over atrocious conditions in political prison camps and lack of civil liberties and by cooperating with international human rights institutions to exert pressure on the regime. However, they also committed the same error of ignoring indivisibility with a focus on political and civil rights, not fully recognizing the connection between and equal status of political, civil, economic, social, and cultural rights. The dichotomous comprehension of North Korean human rights has produced a wrongly framed discussion about the cause of human rights problems and methods of improving them in North Korea.

An integrative approach

An integrative approach toward North Korean human rights is, above all, to recognize that political and civil rights are inherently connected to

²⁶ See the text of Universal Declaration of Human Rights, accessed March 25, 2023, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

peace and security on the Korean Peninsula. The literature on conflict and war found that human rights abuses and conflict are likely to move in the same direction. When there is an unstable border or a territorial issue between neighboring countries, conflicts are more likely to occur.²⁷ To respond to territorial threats, governments are often allowed by the public or opposition to centralize political power and develop military capability. These countries tend to remain authoritarian by keeping their control over society and repressing their citizenry. It is particularly common when their repressive tactics to protect the regime's security are justified in the name of national security. The correlation between external security and internal political development suggests that the security environment on the Korean Peninsula contributes to North Korea's lack of democratic institutions, civil society, and political and civil rights.²⁸ Therefore, political and civil rights improvement in North Korea would be limited unless the security issues such as nuclear issues, international sanctions, inter-Korean political and military confrontation, and armistice still in effect are addressed.

Economic, social, and cultural rights are also intertwined with peace and security on the Korean Peninsula. North Koreans' education, health, and living standards can only be enhanced by sanction relief, inter-Korean economic cooperation, humanitarian aid, and economic development through international trade and investment. None of these can be possible without breakthroughs in denuclearization negotiations and/or a new political relationship with North Korea. The current sanction regime on North Korea by the U.N. Security Council and individual countries already

27 Douglas M. Gibling, *The Territorial Peace: Borders, state development, and international conflict* (Cambridge: Cambridge University Press, 2012), 165-168; Paul Huth, *Standing Your Ground: Territorial disputes and international conflict* (Ann Arbor: University of Michigan Press, 2009), 1-18.

28 Although there is a debate over whether it is the nature of the regime or external environment that explains North Korea's behavior, the holistic and integrative perspectives dispute this dichotomous thinking. Internal and external factors explaining North Korea's policies and behaviors are mutually influencing and inter-related.

included human rights as one of the rationales to impose and one of the benchmarks to lift the sanctions. Resuming the Kaesong Industrial Complex, suspended since 2016, is also linked to nuclear negotiations and the sanction regime. Moreover, a lack of large-scale humanitarian aid is attributed to a lack of trust and confidence between North Korea and stakeholder countries and institutions. The peace process involving political reconciliation and normalization can only build trust, alleviate the regime's concerns about granting humanitarian aid workers access to the people, and address donors' demands for transparency. Likewise, North Korean economic development would require international trade and investment that would only be initiated and fully realized under a new political relationship between the regime and other countries.

Given the coupling between the two agendas, North Korean human rights policies that are not connected to peace and security on the Korean Peninsula are likely to fail to bring the expected and desirable outcomes. It would be hard to secure domestic and international support when holding a security dialogue with ignorance of North Korean human rights issues. Human rights groups have already cried for the inclusion of human rights talks in nuclear negotiations. When U.S. President Donald J. Trump held meetings with Kim Jung-un in 2018 and 2019, there was criticism of the U.S. not raising and putting human rights issues on the negotiation table. Tomás Ojea Quintana, U.N. special rapporteur on human rights in North Korea, argued that any nuclear deal between Trump and Kim would be fragile if North Korean human rights improvement is not part of the agreement.²⁹ Human Rights Watch also criticized the meetings, contending that North Korea's nuclear verification process would fail and U.S. economic sanctions cannot be lifted unless North Korean human rights reforms and improvements are discussed and promised.³⁰ In a similar vein, about 40 human rights civic groups sent a joint letter to

29 Thomas Maresca, "North Korea's Harsh Human Rights Record Could Undermine US Nuclear Deal, UN Official says," *USA Today*, January 11, 2019.

30 John Sifton, "The Singapore Summit's Failure on North Korean Human Rights," *The Diplomat*, June 14, 2018.

President Moon Jae-in in 2018, welcoming the inter-Korean dialogues but demanding that North Korean human rights be included in the discussion agenda. In this letter, they emphasized that North Korean human rights and security are intrinsically connected.³¹

Therefore, the South Korean government must take an integrative perspective that connects human rights to peace and security on the Korean Peninsula. This approach specifically suggests two different ways of thinking about the relationship. First, human rights can be understood as the *objective* of peace and security. It indicates that nuclear negotiations must include a human rights component but not as a bargaining chip or precondition but as part of the political process. If there is any slight chance for North Korea to engage in human rights dialogue in the first place, it would be only when the regime sees the benefits of doing so in a broader calculation of its interests. If the human rights agenda is pursued as a short-term or one-shot gain without connection to the long-term peace process, the regime would eschew any attempt to open a dialogue, believing that it would undermine the regime's security. Even if the regime enters human rights talk and reaches an agreement, it could cause another verification headache for the international community.

Second, human rights improvement can be considered the *means* to facilitate and the *touchstone* to evaluate the peace process on the Korean Peninsula. It is due to a multi-dimensional peace process involving nuclear negotiations, the official ending of the Korean War, political reconciliation, and/or economic engagement as well as a variety of North Korean human rights issues in different scopes and depths.³² Human rights improvement therefore must be regarded not as an end outcome but as criteria to monitor

31 See the joint letter by international human rights groups to President Moon, accessed on March 29, 2023, <https://www.hrw.org/news/2018/04/09/joint-letter-president-moon>.

32 Victor Cha, "The Error of Zero-Sum Thinking about Human Rights and U.S. Denuclearization Policy," in *The North Korean Conundrum: Balancing human rights and nuclear security*, eds. Robert R. King and Gi-Wook Shin (Stanford: The Walter H. Shorenstein Asia-Pacific Research Center, 2021), 157-178.

and evaluate progress in the peace process. What counts as evidence for progress would depend on the stages and paces of the peace process. At the initial stage, it is important to persuade the regime to acknowledge the significance of human rights talk in a broader and longer context of the political process. As a confidence-building measure, human rights talks would then focus on low-hanging fruit that the regime would not see as an attempt to seek regime change. For instance, resuming humanitarian aid with more transparency and monitoring capacity would be a less contentious subject than discussing the shutdown of political prison camps. Granting South Korean companies more freedom to interact with North Korean workers and loosening the regime's restriction would be an incremental step when discussing the possibility of re-operating the Kaesong Industrial Complex.

Expected utilities

The holistic and integrative approaches would allow the South Korean government to develop more consistent and effective policies toward North Korean human rights. First, it is more legitimate and easier to agree on those principles of human rights such as universality, indivisibility, and interdependence. Once a domestic consensus is established, a shift in political power would not be able to change the holistic perspective by either emphasizing the special inter-Korean relations or prioritizing one set of rights over others. The integrative approach will also ensure policy consistency by preventing human rights from being subject to peace and security. Rather understanding security and peace through a human rights lens would provide the policymakers with more balanced and multifaceted viewpoints on the fundamental question of how to deal with North Korea. It would eventually help reframe politicized discourses over the 'North Korea problems' and mitigate political and social conflicts in South Korea.

It would also enable the South Korean government to have more flexibility in implementing North Korean human rights policies. The holistic and integrative approaches do not advocate for a one-size-fits-all

method to improve North Korean human rights. Tactical and strategic adjustments involving pressures and incentives can be fully employed and desirable. For instance, economic and social rights can be lifted by addressing areas where the regime previously showed constructive feedback such as children's rights. Resuming the Kaesong Industrial Complex or the Mountain Keumgang and Kaesong tour programs could be considered a talking point in exchange for significant progress in denuclearization. Meanwhile, technical aspects of civil and political rights can be pursued by assisting the regime to implement what is already inscribed in its penal code or criminal procedures.³³ Incremental and gradual changes must be emphasized in political and civil rights given that North Korea's rights concept is still partly influenced by Confucianism and Marxism with a focus on Juche ideology.³⁴

The suggested approaches would also send a credible and strong signal to North Korea and the international community. North Korea was able to put pressure on the progressive governments not to raise political and civil rights issues and not to participate in naming and shaming practices at international institutions. Likewise, conservative governments' criticism of human rights or demand for improvement was ignored by the regime because it was regarded as an intentional attempt for regime change or to increase leverage over the regime. Consistent policies would carry more credibility and press and/or incentivize the regime to engage in human rights discussions. In addition, it would allow the government to better coordinate with foreign governments, international NGOs, and private organizations. Since security and development are some of the

33 Tae-Ung Baik, "Human Rights Advocacy in the Time of Nuclear Stalemate: The interrelationship between pressuring North Korea on human rights and denuclearization," in *The North Korean Conundrum: Balancing human rights and nuclear security*, eds. Robert R. King and Gi-Wook Shin (Stanford: The Walter H. Shorenstein Asia-Pacific Research Center, 2021), 144-156.

34 Robert Weatherley and Jiyong Song, "The Evolution of Human rights Thinking in North Korea," *Journal of Communist Studies and Transition Politics* 24, no 2 (2008): 272-296; Hazel Smith, "Crimes against Humanity? Unpacking the North Korean Human Rights Debate," *Critical Asian Studies* 46, no. 1 (2014): 127-143.

mechanisms through which human rights can improve in North Korea, a variety of regional and international actors should play a role and participate in collective efforts at different stages of the peace process. It would also further prevent the national reputation of South Korea from being tarnished as it is one of the countries that successfully democratized and improved human rights over the decades.

Challenges

Implementing holistic and integrative approaches will not go without challenges. Two potential challenges are identified. Above all, the South Korean government must not seek a regime change in North Korea for the sake of human rights. It requires the government, especially a conservative government, to keep a distance from evangelical churches or human rights fundamentalists demonizing North Korea and advocating for regime change.³⁵ While not restricting their freedom of expression, the South Korean government must send a consistent message to the regime in the North that the North Korean government is accountable for human rights violations and at the same time responsible to remedy the human rights conditions. The suggested approaches ensure that pressure and engagement are not conflicting but complementary. Without engagement and assistance to increase the state's capacity to promote human rights, the pressure would cause an antagonistic reaction by the regime and any human rights engagement would be refused in the name of state sovereignty. It will thus be crucial for the government to find a balance between accountability and engagement.

Another challenge is that the government must increase discursive and diplomatic power to promote these perspectives at domestic, regional, and international levels. It is necessary to initiate a discussion at home about an application of the human rights principles to North Korean human rights and recognition of the nexus between human rights and

35 Moon Katharine HS, "Beyond Demonization: A new strategy for human rights in North Korea," *Current History* 107, no. 710 (2008): 266.

security and peace. Since stakeholder countries such as the U.S., China, Japan, and European countries have interests to address North Korean human rights issues in different scopes and manners, the government needs to increase bilateral and multilateral cooperation through comprehensive and integrative frameworks. It is specifically important but challenging to develop a diplomatic capacity toward Beijing. China is a part of North Korean human rights problems such as refugee issues and has political and economic influence over the regime, but would not be easily involved in the human rights discourse due to its sensitivity to the human rights agenda and its special relations with the regime in the North.³⁶ For this reason, it is even more important to integrate human rights into peace and security talks which could increase the probability for China to join regional and international frameworks to address North Korean human rights issues.

Concluding Remarks

Since President Kim Dae-jung initiated the Sunshine Policy, political power in South Korea has shifted three times from progressives to conservatives, and vice versa. Each time witnessed a drastic change in policies in both human rights and security toward North Korea. The engagement policies required the daunting task of managing inter-Korean relations by accommodating North Korea's demands and at the same time not appearing to be weak or appeasing. A strategy of walking on eggshells about North Korean human rights was not sustainable as there was growing salience for North Korea's abuses of political and civil rights. Critically, the nuclear security issue that invited more attention and demanded a faster resolution fueled the controversy over economic cooperation through which the regime used the gains to enhance nuclear

³⁶ China rejected the COI report on North Korean human rights, claiming that it was an unreasonable criticism. See Jonathan Kaiman, "China Rejects UN Report on North Korea's Crimes against Humanity," *The Guardian*, Feb 18, 2014.

capacity while keep repressing its citizens. Similarly, but for different reasons, the conservative governments' pressures on human rights enhancement had the limitations of inviting constructive feedback from the regime and substantial improvement of North Koreans' living standards while blocking the inter-Korean dialogues.

This article proposes the holistic and integrative approaches toward North Korean human rights. By taking the comprehensive perspective, the fundamental principles of human rights can be fully respected. It allows for an understanding of the multilayered causes and solutions to human rights problems in North Korea. It is also the better method to promote and sustain a domestic consensus on North Korean human rights problems given the divided camps supporting either political or civil rights or economic, social, and cultural rights. Meanwhile, the integrative approach offers a unified framework to connect North Korean human rights to peace and security on the Korean Peninsula. Through integration, human rights are no longer byproducts or consequences of security policies. They are the objectives and benchmarks of peace and security and the means to build confidence and facilitate the peace process. It would then create more consistent and effective policies toward North Korean human rights by allowing the government more flexibility and maneuverability.

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