Enhancing Human Security in North Korea Through Development of a Human Rights Regime in Asia*

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Abstract

The formation of regional human rights regime in East Asia is essential to enhance human security in North Korea and will provide the first step to transcend the limitations of the efforts made by UN and other individual states. In order to form a human rights regime under the concept of human security in East Asia, it is necessary to focus on the bottom-up approach based on knowledge-based regime theory and the active mobilization of NGOs through fully utilizing the Track III approach.

A regional human rights regime in the multilateral and multi-layered dimension should be established in the form of global governance. Thus, the need for a multilaterally composed human rights regime and a meta-governance system is evident. The effort of academic intellectuals to understand and study a method to help develop a collaborative network system which connects multilateral actors into an effective governance system is a key factor in ensuring success. This will give an impetus to enhance the comprehensive human security in East Asia by improving the human rights conditions in North Korea.

Keywords: North Korean Human Rights, Governance, Regimes, NGO, Bottom-up approach Human Security

I. Introduction

Human rights have been one of the major concerns of international society and there has been a remarkable progress in the efforts to conceptualize and institutionalize human rights during the last century. With the increasing attention from academics and the political community, the concept of ‘human security’ – the security of human beings in the face of many different kinds of threats – has evolved through the process of universalization of human rights and developed into a major issue of debate. The term ‘se-
curity’ has traditionally referred to inter-state security and the defense of states’ territorial integrity from external threats or attack\(^1\). However, the growing recognition that security concerns in the post-Cold War era should focus more on the level of individual security than on territorial or national levels has transformed the concept of security. As the former Canadian Foreign Minister Lloyd Axworthy stated, “Human security includes security against economic privation, an acceptable quality of life, and a guarantee of fundamental human rights.”\(^2\) The term ‘human security’ thus encompasses many issues, ranging from the protection of the individual’s personal safety and freedom from hunger, poverty, infectious diseases, natural disasters, human rights violations, civil conflict, and direct and indirect violence, through the promotion of human development and good governance to the achievement of human dignity.\(^3\)

During the UN General Assembly in 2000, former UN Secretary General Kofi Annan stated that individual sovereignty precedes national sovereignty and national sovereignty should not violate individual rights. The recent developments of human security in dealing with human rights issues are also reflected in the case of Europe, in which the OSCE (Organization for Security and Cooperation in Europe) declaration states that all efforts on the human level, especially those related to human rights and basic freedoms, should be made in the process of establishing a comprehensive security regime.

It is evident that human security is inevitably linked to human rights concerns. In East Asia, however, there has been little consensus on the concept of human rights and human security among states, and a regional human rights regime has been absent due to historical, political, social, and cultural reasons. Even though the overall understanding of human security in the region has significantly improved during the past decades, East Asian countries have failed to agree upon a common conceptualization of human security. This has also been an obstacle to the resolution of human rights violations in North Korea. The problematic conditions of human rights in North Korea is not merely a problem of physical human rights abuses but a human security issue; the socioeconomic deprivation and exclusion, human rights abuses, and epidemiological threats have a “direct impact on peace and stability within and between states.”\(^4\)

Based on this assumption, this paper will discuss the problematic human rights conditions in North Korea in the dimension of human security, and lay out a realistic and tangible plan for the ultimate resolution of the human rights violations in North Korea and further improvement of human security in East Asia. Specifically, a regional international regime focused on human security issues should be established through multilateral cooperation, based on the agreement of the definition of human security and changes in the perception of human rights issue. In addition, multilateral actors including individual governments, international organizations, international NGOs, and civil society should form a collaborative network to promote enhancement of human rights in

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2 *Ibid.*, 114
4 Karns and Mingst, 353.
East Asia. The role of academic intellectuals in this effort is to help develop a meta-governance system that is able to coordinate the multiple level actors within the East Asian regime.

II. Current Status of Human Rights Violations in North Korea

North Korea selectively joined several international human rights treaties and forums, such as the International Covenant on Economic, Social and Cultural Rights (Covenant A) and the International Covenant on Civil and Political Rights (Covenant B) in 1981, the Convention on the Rights of the Child in 1990, and the Convention on the Elimination of All Forms of Discrimination Against Women in 2001. However, despite the outstanding progress in its international efforts for human rights protection, there has been little improvement in the condition of human rights in North Korea. The chronic economic crisis and testimony of recent defectors have unveiled the intolerable violations of human rights in North Korea to the international society.5

According to a human rights report by the U.S. Department of State, there have been severe human rights violations by the military and security agencies responsible for national security in North Korea. In addition, the serious food-shortage problem has led to massive starvation. The failure of agricultural policies and famine during 1995–1997 aggravated the food shortage problems, and it is reported that about 1–2 million people, 10% of the total population, died of malnutrition from food shortage or other related diseases. Also, several millions of North Korean civilians fled to other countries for survival. According to a report by Good Friends, a South Korean NGO devoted to the issues of peace, human rights, and refugees, it is estimated that the mortality rate of children under 9 is 40.5% and that of elderly people who are 60 and over is almost 80%.6 In a 2004 report, UNICEF and WFP research surveyed 4,800 children under 6 years of age and found that 23% were underweight, 37% suffered from malnutrition, and 7% were in the state of extreme malnutrition. Based on such speculation, the U.S. Deputy Assistant Secretary of the Bureau of Democracy, Human Rights, and Labor criticized the human rights condition in North Korea, calling it “one of the world’s most horrendous and oppressive regimes” and “a huge prison system.”

More importantly, it should be noted that the majority of infringements on human rights are thought to take place in a number of camps for political prisoners in North Korea. The Country Reports on Human Rights Practices released by the U.S. Department of State estimates that approximately 100,000 prisoners could occupy about ten camps.7 In addition, the record on public execution in North Korea, which became known to the world through recent publications by Amnesty International (AI), shows that many North Koreans opposed to the North Korean regime or those committing

economic offenses because of starvation have been put to death in prisons or executed in public. These incidents reveal the symbolic violation of civil and political rights in North Korea, despite the fact that North Korea notably joined the International Covenant on Civil and Political Rights, meaning that it accepted the provisions to safeguard the fundamental human rights of its people. While North Korea acknowledges human rights as an important political issue, it proclaimed that the internationally recognized concept of human rights is fundamentally based on the “imperialist intention” of the Western powers to reflect their interests. The North Korean leadership insists on their “own way of human rights” and opposes international human rights regulations.8

North Korea’s human rights problems have been caused from within, which means they are structural and systematic problems, but such internal origins cannot be eliminated without external efforts. Without a systematic resolution, North Korea’s human rights problems can cause pernicious repercussions not only in South Korea but also in other East Asian countries. Therefore, there is a strong need to enhance human security in North Korea with a multilateral approach and to establish a regional human rights regime and a collaborative network connecting related actors for its efficient operation.

III. Need for Human Rights Regime in Asia

In just over fifty years, international human rights regimes have emerged with articulated norms and standards in human rights and codifications of these standards in treaties, legal decisions, and practices.9 The globalization and institutionalization of human rights does not only represent the increased number of member states joining international human rights regimes,10 but also the pluralistic development and expansion of the concept of human rights. About 90 regional and subject-oriented international human rights regimes currently exist around the world, based on mutual agreements formed among states.11 For example, the creation of a regional human rights regime in Europe, as embodied in the Helsinki system, has contributed to the stability and peace in the post-cold war Europe,12 and the human rights regime in South America has

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9 Karns and Mingst, 428.
10 133 countries are signatory to the International Covenant on Economic, Social and Cultural Rights, and 132 countries are signatory to the International Covenant on Civil and Political Rights.
12 40 European Council member countries have established a regional human rights mechanism which deals with human rights issues in the region. The European Human Rights regime, with its headquarters located in Strasbourg, France, was established based on the European Convention, ratified in 1950, to protect human rights and fundamental freedoms. 100 staffs cooperate in receiving petitions regarding human rights of individuals and reviewing those cases. Also, the European Social Charter works to induce change in social policies and constitutions in European countries by introducing clear standards for economic and social rights. European countries also have agreements on principles regarding different topics, such as gender equality and racial discrimination. In addition, the EU included a provision that requires member states to suggest human rights condition upon providing aid to third world countries.
also contributed to political stability and peace as well as substantial improvement of human rights in the region.\textsuperscript{13} Furthermore, Africa has struggled to establish a regional human rights regime.\textsuperscript{14} However, because of different interpretations of the concept of universal human rights among states and authoritarian tradition in the region, no international human rights regime currently exists in the East Asia region.

Severe human rights violations in North Korea remain a serious concern to international society due to the closed nature of the country and insufficient external intervention along with the absence of a regional human rights regime in East Asia. The problematic condition of human rights in North Korea is not merely a problem of North Korea alone, but is closely tied to the question of Korean reunification. Moreover, it is also related to the security concern of East Asia and world peace. Therefore, for the ultimate resolution of the problematic condition of human rights and enhancement of human security in North Korea, it is necessary to understand the global phenomenon of the development of human rights regimes and seek a multilateral and multi-layered resolution. In turn, it will be useful to examine theories on international regimes – power-based, interest-based, and knowledge-based theories – as a theoretical inquiry into the establishment of international human rights regimes and discuss the applicability of these theories in the case of East Asia.

1. Theoretical Investigation into International Regimes

Many scholars define international regime in different ways based on different perspectives. They have developed power-based theory, interest-based, and knowledge-based regime theories. Here I will briefly touch on power-based and interest-based theories, which place the state as the central actor in the international system as presented in the “nationalistic model” by Donnelly, and also take a closer inquiry into the knowledge-based theory as the alternative theory.

First, power-based theory has its roots in realist international regime theory, and views that institutions are of little significance in determining collective decisions in the international community and are merely a reflection of power, which changes along with the alteration in power. Therefore, an international organization is not an autono-
mous actor but merely a tool for sovereign states. As the power-based hegemonic stability theory concludes, an international regime is created and driven by a hegemonic state, which is able to impose regulations in the anarchic international system. However, power-based theory is skeptical about the efficiency and solidity of regimes and contains the following three problems. First, it unfairly induces the interests of the hegemon from its position of power. Second, it overlooks the dynamics of the regime, and third, the role of superpower in maintaining a regime is obscure. Therefore, it fails to explain the changes and the role of human rights regimes and the fact that contemporary human rights regimes are primarily led by international organizations and NGOs, not by hegemonic governance.

Second, interest-based theory is a neo-liberal regime theory and it can be divided into two approaches: game theory and functionalist approach. Both approaches, along with the power-based theory, view the state as a rational actor and the responsible entity in forming an international regime under the assumption of international anarchy based on rationalism. In interest-based theory, a regime enhances the commonwealth of the states by strongly emphasizing that rational states absolutely benefit from interest-based actions. Consequently, interest-based theory highlights cooperation among states through a regime and asserts that the expectations of states and the arrangement of interests are crucial in creating and maintaining this international regime. However unlike security or international trade regimes, it is difficult to calculate the costs of observing human rights regulations and the effects of reciprocal reprisals resulting from not observing regime. This approach overlooks the point that expectations in enhancing international reputation by joining a regime can be regarded as one of the significant ‘interests’ an international human rights regime can provide. Moreover, interest-based theory basically considers human rights as an instrument for the interest of the state and thus cannot be free from the ‘nationalistic model.’

Knowledge-based theory, as the alternative theory, does not view the identity and interests of a state as a given or as unchangeable. Instead, it argues that they are normative and dynamic, which means they constantly change. These dynamic changes might cause policy changes, and the distribution of knowledge is the key factor that determines identity and choice options for preference. In knowledge-based theory, a regime is formed through a network of regulations on social behaviors in the international sys-

17 From the perspective of the third world countries, international NGOs influencing domestic public opinions of western countries, such as in the US and UK, are driving international human rights movement forward. However, in the case of Amnesty International, which is one of the biggest human rights NGOs, it is hard to relate its activities with foreign policy of the United States. Conservative NGOs, such as International Federation of Human Rights, based in the United States, has aroused criticism against the U.S. military policy against South Pacific Archipelago. The role and capacity of NGOs, which is to criticize the violation of human rights by superpowers and to encourage improvement of human rights in international community, is becoming increasingly important.
The actors converge their expectations on what is desirable and appropriate in the social context of a regime. This idea starts from the point that all social structures are formed by an intersubjective systemic process that consists of the shared understandings, expectations, and social knowledge embedded in international institutions and threat complexes, in terms of which states define their identities and interests. To apply this idea to the international system, for example, there is no written agreement that announces the United States is the contemporary hegemonic state, but most of the actors hold the belief that the United States is the superpower (subjective) and share the idea with other actors (intersubjective). Thus, in a regime, actors share a better understanding of what is more desirable and acceptable social behavior in the intersubjective context. Based on such common understanding, a regime based on collective identity would help to account for the member states’ commitment to the regime, thus have some form of coercive power in getting members to act within a particular framework of rules and regulations, and it would help actors form a collective community through changing the meaning of behaviors.

Consequently, knowledge-based regime theory highlights the active role of each actor in the intersubjective process of regime formation. Under knowledge-based theory, a regime embodies constitutive and regulative norms of international interaction between actors. The knowledge-based theory explains not only the changes in understanding and evaluating the interests involved in the formation of a regime but also how a regime induces allegiance from the actors and imposes a certain direction to states’ behaviors. Thus, the intersubjectivity and dynamics of knowledge-based theory provides a direction for the realization of a human rights regime.

2. The Framework for East Asian Human Rights Regimes

As noted earlier, a regional international regime focused on human security issues should be established through multilateral cooperation, based on an agreement of the definition of human security and changes in the recognition of human rights issues. Multilateral actors including governments, inter-governmental organizations, international NGOs, and civil society should form a collaborative network to promote enhancement of human security in East Asia. Due to the region’s distinct historical, political and cultural backgrounds, East Asian countries need to establish their own institutional framework to promote human security. Before we examine the possibility of a regional human rights regime in Asia, it is necessary to look at the distinct features of the region.

Unlike Europe or other regions, Asia shares little historical heritage and lacks common social and economic expectations, which has resulted in diverse cultural traditions and political systems in this region. This represents a great obstacle to the integration of the region and results in generating small regional blocs. However, the insolidity and incomplete institutionalization of the small regional blocs sometimes cause disagreements and conflicts within or among the regions. In addition, they tend to be easily dismantled when facing a conflict of interests between member states or other external
impediments. Thus, Asia lacks a systematic regional framework, with few cases of international conflicts being resolved effectively by a regional organization. Furthermore, Asian countries prefer the negotiational approach to the protective approach. In other words, they favor direct bilateral negotiation rather than legal resolution of international conflict through a third party.\textsuperscript{19}

Due to the features of the region, a framework of regional integration based on international regime theory, power- or interest-based regime theories, would be ineffective and unpracticable. Knowledge-based theory then suggests a solution; the intersubjective construction of a collective identity through a bottom-up approach. In this aspect, a regional human rights regime in East Asia would work in a positive way while suggesting a desirable form of integration in Asia.

Methodologically, the formation of a human rights regime in Asia should be based on a bottom-up approach, which emphasizes the role of NGOs, and on the intersubjective construction of a collective identity reflecting Asian values and the status of Asia in international society. The North Korean human rights issue is a significant starting point for the realization and embodiment of a human rights regime in Asia. Therefore, this approach allows us to institutionalize and consolidate a human rights regime in Asia.

IV. Approaches of Individual Nations to North Korean Human Rights Issue

In the East Asian region, overall there have been no active movements or efforts to improvement the human rights situation in North Korea. There are several reasons for this inactiveness. First, the U.S. has made it its top priority to eliminate the ‘military threat’ North Korea poses. Second, an accurate assessment of the human rights situation in North Korea is difficult because of its tightly closed society which places limits on publicly discussing the human rights situation of North Korea. Third, North Koreans who manage to escape mostly end up residing in China or Russia, which makes it difficult to form an international consensus. Fourth, South Korea with its concerns about aggravating its ties with North Korea refrains from actively approaching humanitarian issues. Lastly, there is no clear evidence of crimes against humanity, which gives no well-founded reason for the global society’s humanitarian intervention.

These limitations and difficulties call for a multilateral approach and governance system in the East Asian region to effectively approach the human rights issue of North Korea. Let us first have a quick overview of the positions and approaches of the various actors in response to North Korea.

1. United States of America

Under the leadership of President Bush, the U.S. has pushed an aggressive policy towards North Korea. The North Korea Human Rights Act was passed in 1994 by the

\textsuperscript{19} Hyung-Geun Han, “Regional Integration of East Asia: Through Rational Selection Approach,” \textit{Politics 21}, Vol. 11, No.1
neo-conservative powers and conservative human rights groups in the U.S. and have become the leading supporters of the North Korean human rights policy of the Bush administration.

As its first step, the Bush administration has strived to actively accept North Korean defectors. In May 2006, the Comprehensive Immigration Reform Bill was passed. This reform bill includes a section that expands eligibility for S-nonimmigrant status to aliens who are willing to supply critical reliable information concerning the activities of “rogue states” or organizations with respect to the development, sale or transfer of weapons of mass destruction and related delivery systems.

The Los Angeles Immigration Court’s granting asylum status to Jae-seok Seo, a North Korean defector who had obtained a South Korean citizenship, was the first case that did not meet the standards of the U.S. asylum granting principle that covers only those who have not already acquired citizenship of another country and are in immediate danger.

Jae Lefkowitz, the U.S. special envoy to North Korea’s human rights issues, stated that the U.S. will implement follow-up measures to accept North Korean defectors according to the North Korea Human Rights Act. Also, at a private meeting held by Freedom House, an international human rights organization, he suggested active measures for accepting North Korean defectors. In addition, U.S. Secretary of State Condoleezza Rice indicated during the budget hearings of the House of Representatives Committee on Foreign Affairs that the Department of Homeland Security and Federal Bureau of Investigation are considering plans to support refugees. Also, the U.S. administration has expressed its continuous attention and concern of North Korean human rights by mentioning issues such as sending low-skilled contract laborers overseas and workers for foreign investors operating in North Korean industrial parks in its Department of State Trafficking in Persons Report.

These efforts of the U.S. government, however, have lost much ground because of its human rights violations through its war in Iraq. Furthermore, the sanctions applied after the nuclear tests of North Korea have driven North Korean society to be more closed than open, and could prove to be a stumbling block in accurately estimating the human rights condition in North Korea.

The idea that the U.S. is using the North Korean human rights issue to gain ground in East Asia is prominent among East Asian actors, and this is why they hesitate to support the strong U.S. voice to protect human security in East Asia. Therefore, the U.S. has not been able to reap fruitful results because of the resistance of the East Asian actors.

2. Japan

Japan finalized its North Korean Human Rights Act in February 2006 stipulating that it will apply economic sanctions to North Korea if the human rights violation situation of North Korea including Japanese abduction cases does not improve. The Japanese government designated December 16 as a day to consider the human rights violations in North Korea, made it compulsory to report the situation of Japanese abductions to the Parliament, and specified cooperative measures with NGOs supporting North Korean
defectors.

The Japanese Diet passed the Bill of Redressing Human Rights Violations Involving North Korea, which contains the two main issues of Japanese abductions and North Korean defectors serving as grounds to pressure North Korea. Sanction regulations were not specified, however the administration’s authority was acknowledged through its provision for its comprehensive consideration of the matter including international trends.

Japan’s North Korean human rights policy seems to be systematically promoted through the cooperation of the government and the Japanese Diet. However, on closer inspection we can see that the Japanese North Korean human rights policy is founded on Japanese abductions to North Korea, and therefore it is limited to means of protecting the Japanese people. In other words, it does not show strong opinions on issues outside of the interests of Japan, such as the human rights of North Koreans.

3. China

The U.S. has made a declaration condemning the Chinese government for its forced repatriation of North Korean refugees. White House spokesman Scott McClellan criticized the Chinese government for its forced repatriation of North Korean female defectors and called for the UNHCR to be granted permission to gain access to the border region.

Antonio Guterres, United Nations High Commissioner for Refugees, quoted a Chinese official in a press conference held in Beijing which stated that the Chinese government is striving to legislate a law to protect foreign refugees including North Korean defectors. In this regard, the fact that 3 out of 4 North Korean defectors who entered the Korean Consulate in China in early May, 2006 were granted refugee status and left for the U.S. can be interpreted as a great development. In addition, the Public Security Bureau of China did not conduct the normally long investigation period of over 6 months nor insist on sending the defectors to a third country, but permitted them to leave for the U.S. after conducting a two-month investigation. These incidents show us that China’s North Korean human rights policy is undergoing some change.

Nevertheless, the Public Security Bureau of China continues to search for North Korean defectors, and in fact, the bureau has sent many defectors back to North Korea. Recently, cases in which female defectors enter false marriages with Chinese men have increased and become another type of human rights problem.

The Chinese government has still not clarified its position on its mass violations of human rights such as the persecution of Falun Gong and public executions, while it is still being criticized by the international society. Therefore, the difficulties of the Chinese government in actively pursuing efforts to improve the human rights conditions of North Koreans hampers the Chinese government in its dealings with North Korea.

4. South Korea

Human rights issues are no longer limited to national boundaries, but have emerged
as international issues, and thus the South Korean government has reinforced its cooperative relations with the international community with regards to human rights issues. The National Human Rights Commission of Korea, which was established in 2001, held the 7th International Conference for National Human Rights Institutions (ICNI) in September 2004 under the theme of ‘Upholding Human Rights during Conflict and while Countering Terrorism.’

The South Korean government believes that a peaceful solution to the North Korean human rights issue can be achieved by providing economic assistance to North Korea. The South Korean government anticipates that comprehensive discussions of security and human rights issues are possible through multilateral frameworks such as smooth proceedings of six-party talks discussing solutions to the North Korean nuclear problem. It strives to enhance the economic, social, and cultural rights of North Koreans by offering humanitarian support, economic cooperation and social and cultural exchanges. At the same time, the South Korean government is in the position of enhancing the civil and political rights of the North Koreans by encouraging reforms and the opening up of North Korean society and encouraging its engagement in international society through cooperation and dialogue.

South Korea’s recent vote in favor of the UN Draft Resolution Urging Full Respect for All Human Rights by Democratic People’s Republic of Korea (November 2006) has gained recognition from the international community. In former times, the South Korean government had maintained an obscure position on the issue by abstaining to vote or being absent. South Korea’s favorable vote for the UN North Korea Human Rights Resolution is attributed to its concerns with the North Korean nuclear tests and international criticism, as well as to the election of former Minister of Foreign Affairs and Trade, Ban Ki-moon to Secretary General of the United Nations. The impact of the vote is yet to be determined. North Korea may seal up and reject further talks or increased pressure from the international community may make the North Korean human rights violations issue even bigger.

V. A Multilateral Approach

Human rights problems in North Korea and other Asian countries cannot be solved solely by individual states but through multilateral efforts. A variety of actors at the governmental, inter-governmental, and non-governmental levels have actively engaged in the movement for the enhancement of human security, such as in treaty-making, education, reporting, and monitoring, but actors of each level have faced limitations. Further efforts should be devoted to promote discussions on human security and to form a human rights regime in East Asia, and such efforts should be made multilaterally. In order to deal with the problem with multilateral approach, we need to examine the approaches at different levels-first, the role of the United Nations; second, the Track I approach that emphasizes inter-governmental relations; third, the Track II approach that emphasizes un-official diplomacy conducted outside the official government apparatus; fourth, the Track III approach that puts the role of NGOs at the center.
1. United Nations

Since the foundation of the United Nations in 1945, human rights has been one of its main concerns, and the UN has played an important role in preaching the importance of human rights to the international community and taking measures to promote it. The United Nations has been the most appropriate forum for efforts to reconcile divergent moral traditions into common public policy. The reconciliation of divergent interests by the UN has procedural as well as representational legitimacy. In the case of East Asia, by becoming a member state to most human rights related conventions, a country can claim to have taken part in this UN’s effort. However, as the results of the UN Human Rights Commission’s North Korean Human Rights Resolution on improving North Korea’s human rights problem show, the role of UN in the formation of a human rights regime and human rights improvement in East Asia has been symbolic rather than substantive. Also, even though the UN has been an effective mechanism for standard-setting and norm-generation, UN has its limitations in monitoring and enforcement. For example, the UN “monitoring” machinery is little more than a system of international information exchange, and since the United Nations is a multipurpose organization, many considerations in addition to the human rights record have to be taken into account in deciding what to do about the errant behavior of a member-state.

2 Track I Approach

The Track I approach focuses on inter-governmental cooperation. There have been discussions from various dimensions for the intra-regional, inter-governmental cooperation as the need for regional cooperation in East Asia has risen recently. ASEAN, ASEAN+3, AFR can be said to be products of these efforts. These organizations all present discussions on human rights and human security as important issues, but they have not actually been adopted as important agendas. In the case of ASEAN+3 in particular, since 10 Southeast Asian states and South Korea, China, and Japan are involved, not only should economic and security problems be actively discussed but also the comprehensive human security issue including human rights violations in North Korea. But since a considerable number of East Asian states themselves are not entirely free from human rights problems, it is difficult to hold substantive discussions at the inter-governmental level.

3. Track II Approach

The Track II approach is not played by traditional government representatives or diplomats but is an unofficial diplomacy conducted through policy debates and research by academics and quasi-governmental officials. As stated earlier, since the regional fea-
tures of East Asia make inter-governmental human rights discussions difficult, Track II can play an important role. For instance, the CSCAP (Council for Security Cooperation in the Asia Pacific) presented the concept of comprehensive security in response to the environmental problem, economic disparity, human rights problem in the Asia Pacific region. Also, the EAVG (East Asia Vision Group) submitted a vision report on regional cooperation written by two quasi-governmental officials from each country as a two-year project to the ASEAN+3 Summit talk in 2001. This report contained broad issues on regional cooperation that included not only economic, political, and security areas, but also environmental, social, cultural and educational fields. The EAVG later developed into an inter-governmental consultative body of EASG. These developments convey an important message to the efforts for development of human rights in East Asia.

4. Track III Approach

Track III is an approach that is useful to gain grass-root attention. Emphasizing the active role of NGOs, Track III can work in conjunction with international organizations and governments and has the additional advantage of being able to provide a new way of thinking for resolving problems that cannot be taken by the three previously mentioned approaches. As there has been no consensus on the concept of human security and many Asian governments themselves are not free from human rights problems, human rights norm-generation is of significance as the first step to the enhancement of human security in Asia. In addition, awareness and resolution of North Korean human rights problems cannot be achieved by pressure from individual states but rather a multilateral and multi-layered approach. In this sense, a Track III bottom-up approach that stresses the role of NGOs is meaningful as it suggests an effective and practical plan for the solution of human rights problems in North Korea and the enhancement of comprehensive human security.

VI. Collaborative Network with NGOs at the Center

Different actors emphasized at the different levels of approach have contributed to the improvement of human rights worldwide and institutionalization of human rights. However, they have also showed ineffectiveness in different aspects, such as in norm-generation, monitoring activity, or enforcement. Therefore, collaboration among different actors is significant in the formation of a human rights regime, complementing each other’s limits and reinforcing the effectiveness and efficiency of the human rights protection activities. The formation of a collaborative network should be based on the multilateral and bottom-up approach, with a maximizing of the contributions of NGOs and civil society as emphasized in the Track III approach.

NGOs’ human rights protection activities have become a new variable in the international human rights movement. Inter-governmental organizations, such as the United Nations, have been established based on the consensus among the states. However, as pointed out above, most states acknowledge that human rights issues are closely
connected to domestic politics, so they are unwilling to involve other states in their human rights issues on the grounds of “non-intervention in domestic affairs.” On the one hand, an inter-governmental organization has its limit in enforcement as it leaves the final political decision-making to the states. But on the other hand, NGOs have complemented the implementation capacity of human rights regimes by appealing to international public opinion and morality. Specifically, NGOs’ activities embody the creation of diverse forms of organizations and strategies based on international morality and the universality of human rights. Today, most countries implicitly acknowledge NGOs’ human rights protection activities. The emergence of NGOs is strongly associated with the rising international pluralism, which puts the global community above territorial states and calls for a fundamental change in the modern international order. Above all, NGOs allow individuals to become an important actor in the international community and the subject of international human rights regimes.

NGOs perceive international public opinion and/or “international conscience” as important factors; and social issues including human rights form a complex, cross-national network of interests through increasing international interdependence. NGOs concerned with universal human rights attempt to influence their governments and international society to reflect their concerns and represent the notion of “global collective community” in the areas such as human rights and environment. Furthermore, they have gained moral legitimacy through helping victims of racial discrimination, torture and ‘disappearance’ and other political oppression.

Reports by NGOs, such as Amnesty International which won the Nobel Peace Prize in 1977, have been widely used by international media and recognized as reliable sources for evaluating human rights observance in many international human rights discussions such as the UN Commission on Human Rights, human rights hearings of the U.S. Congress, and human rights reports by the U.S. Department of State. NGOs also introduce new human rights norms and regulations to human rights regimes. Despite the diversity and disaccord among NGOs, arguments and recommendations made by NGOs have been substantially reflected in the normative system of the human rights regime. The second optional protocol of the “International Covenant on Civil and Political Rights” (Covenant B), which was introduced in 1989 and enacted in 1991, codified the idea of “abolition of the death penalty” for which Amnesty International had struggled. Also, NGOs actively engaged themselves in drafting the “Convention on the Rights of the Child” which was introduced in 1989 and came into effect in 1990. Particularly, NGO directors and NGO groups systemically connect the NGO community and the Committee on the Rights of the Child.

On the other hand, the most outstanding contribution made by NGOs is its role in reinforcing the implementation capacity of inter-governmental organizations. Human

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25 Brett, 102.
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rights regimes in Europe and the U.S. as well as the United Nations institutionally guarantee NGO’s participation in the process, and it seems that the participation of NGOs tends to extend further as seen in the case of Organization for Security and Co-operation in Europe (OSCE) in 1993. In reality, the actual human rights protection and the monitoring activities are primarily led by NGOs in the implementation process of inter-governmental organizations. Moreover, since NGOs are guaranteed to participate in the monitoring activity of the inter-governmental organizations, they take part in the reporting of human rights violations (American human rights regime) or indirectly participate in the implementation process through the support of victims of human rights violations (UN and European human rights regime). Also, they perform an active role in monitoring through their participation in working groups in collaboration with members of the UN Subcommission on the Promotion and Protection of human rights. This function of NGOs augments the implementation capacity of human rights regimes.

Therefore, NGOs play an outstanding role in the realization of universal human rights and provide the first step to overcoming the limits of the state-centric regime theory. The role of NGOs and the processes by which they have influenced policymakers to adopt human rights policies demonstrate the power of ideas to reconstruct definitions of national interests. Since there has been disagreement on the notion of human security among countries in East Asia due to political, historical, and cultural reasons, NGOs are expected to play the central role in reaching a consensus on the concept of human security and in building-up a collaborative network to promote enhancement of human rights in East Asia through the promotion of changes in identity and interests of states and the intersubjective construction of collective identity.

VII. Governance

It is evident that collaboration efforts of these multilateral actors are necessary in order to lessen human security threats, but the problem is the fact that a collaboration of these multiple actors is difficult to achieve. The solution lies with understanding the need for governance. With the advent of globalization and the information age, the traditional supreme power that was held by the state actor has weakened and shifted to various non-state actors.

The concept of governance was devised to explain the diversification of the governing center and object due to the weakened power of the nation-states’ governance system. The role of individuals and civil society, market and profit groups were strengthened in the lower dimension of the state. In the higher dimension of the state, the role of international organizations, international regimes, international law, and trans-national civil societies were strengthened. In the governing condition, the actor was changed from the government to governance, and governance without government received much attention.

Traditionally, governance was based on a strict hierarchy with a hegemonic state

26 Ibid., 107.
27 Karns and Mingst, 419.
in control. With the emergence of NGOs and other non-state actors, governance has transformed into a horizontal self-autonomous system. Thus, governance is a condition in which various actors are not connected in a hierarchical or anarchical way, but a political order formed through a network. If the modern age was the development of political order from ‘rule by man’ to ‘rule by law,’ the current situation is the development of the concept of governance which is to ‘rule through network.’

If governance consists of rules, structures, and institutions that guide and regulate the basic factors of power such as social life and features, global governance is the question of how global actions are regulated and how global order is produced. The increase of governance or networks does not necessarily mean that the practical power of states will decrease. This is because states will act as mediators for the governance systems and networks, which becomes the regime function of meta-governance. Through meta-governance states should organize the dialogues of policy communities, offer and apply rules for various actors to share, and also work to coordinate their relationships. Thus, the role of the state remains very important under the governance system.28

The roles of both the nation states and the non-state actors have been proven to be critical in enhancing human security. These diverse actors have combined together into a complex network, and a new form of governance, meta-governance, has developed to guide the performance of individual actors within the network.

In the case of the North Korean human security threats that are menacing East Asia, establishing a human rights regime in East Asia will benefit the community. It is important to note though that bringing together multilateral actors into a single regime is difficult. An appropriate approach is for academic intellectuals of the region to coordinate the relationships between not only the multilateral countries in the region, but also the multilayered actors involved in enforcing human security.

VIII. Conclusion

There has been remarkable progress in human rights global governance since World War II with the Universal Declaration of Human Rights in 1948. The evolving concept of human security represents the development and expansion of human rights, and IGOs, in particular the United Nations, and NGOs have played key roles in the process. They have been central to establishing the norms, institutions, and mechanisms, and the international human rights movement—a dense network of human rights-oriented NGOs—have reflected their voice in drafting much of the language of human rights conventions and for mounting transnational campaigns to promote human rights norms.29 However, because of the unwillingness of states to expand the concept of human rights to ‘human security’ and due to the authoritarian tradition in the region, no regional human rights regime currently exists in East Asia. For the ultimate resolution of North Korea’s human rights problems, a regional human rights regime in the multi-

29 Karns and Mingst, 419.
lateral and multi-layered dimension should be established in the form of global governance in which the role of NGOs is emphasized.

Theoretically, power-based and interest-based theories, which are state-centric, have limits to the realization and progress of human rights regimes. Conversely, the bottom-up approach to international regimes based on knowledge-based theory is effective as it enables the realization of human rights regimes and provides further steps to develop, and serves as a theory that reflects and explains global governance. Thus, the realistic policy plan for the formation of regional human rights regime in East Asia can be drawn by this theory.

The formation of regional human rights regimes in East Asia is essential to enhance human security in North Korea and will provide the first step to transcend the limitations of the efforts made by UN and other individual states. In order to form a human rights regime under the concept of human security in East Asia, it is necessary to focus on the bottom-up approach based on knowledge-based regime theory and the active mobilization of NGOs through fully utilizing the Track III approach. As discussed earlier, NGOs strengthen the implementation capacity of human rights regimes through monitoring the observance of human rights norms or regulations of sovereign states and play an important role in establishing human rights norms. Diverse activities of NGOs prevent failure of human rights regime that result from ‘the duality of state’s functions” and positively affect in enhancing the implementation capacity of a regime. From this perspective, the formation of a regional human rights regime in East Asia can be realized through the Track III approach, which gives emphasis on the role of NGOs. NGOs have brought remarkable improvement in solving the human rights problems in North Korea, yet it should be pointed out that there are limitations in the current efforts such as the absence of systematic networks connecting governments, international organizations and NGOs and institutional inertia of local NGOs.

For the ultimate resolution of North Korea’s human rights problems, a regional human rights regime in the multilateral and multi-layered dimension should be established in the form of global governance. Thus, the need for a multilaterally composed human rights regime and a meta-governance system is evident. The effort of academic intellectuals to understand and study a method to help develop a collaborative network system which connects multilateral actors into an effective governance system is a key factor in ensuring success. This will give an impetus to enhance the comprehensive human security in East Asia by improving the human rights conditions in North Korea.

References

Biker, Bruno V, “The United States and International Codification of Human Rights: A


Han, Hyung-Geun, “Regional Integration of East Asia: Through Rational Selection Approach,” Politics 21, 11(1)


Kaufman, Natalie Hevener, Human Rights Treties and the Senate: A history of Op-
Kausikan, Bilhari, “Asia’s Different Standard,” in International Human Rights, ed.,
Kim, Soo-Am, “Human Rights in North Korea: An International Issue or a Sovereign
Korea Institute for National Unification, White Paper on Human Rights in North Ko-
Lee, Shin-Wha, Promoting Human Security: Ethical, Normative and Educational
Frameworks in East Asia, Seoul: *Korean National Commission for UNESCO*,
2004.
Lee, Won-Woong, “Research on Features and Dynamics of International Human
Livezey, Lowell W, Nongovernmental Organizations and the Idea of Human Rights,
McGoldrick, Dominic, The human rights committee its role in the development of the
international covenant on civil and political rights, Oxford Clarendon Press,
1994.
Morgenthau, Hans J, “Human Rights and Foreign Policy,” in Moral Dimensions of
American Foreign Policy, ed., Kenneth W. Thompson, NJ; New Brunswick,
1984.
Mower, A. Glenn, Human Rights and American Foreign Policy, New York: Green-
Nanda, Ved P., “Transnational Development of Human Rights: the Third World Cruc-
cible,” in Global Human Rights, ed., George W. Shepherd, Colorado: West-
Newberg, Paula R., “Introduction: Dimensions of the Problem,” in The Politics of
Nye, Joseph S. Jr., Peace in Parts: Integration and Conflict in Regional Organization,
Onuf, N.G. and V. Spike Peterson, “Human Rights from an International Regime
Ratner, Steven R. and Abrams, Jason S, Accountability for Human Rights Atrocities
Shepherd, George W., “Transnational Development of Human Rights: The Third
World Crucible,” in Global Human Rights, ed., Ved P. Nanda, Boulder, Colo-
Steiner, Henry J. and Alston, Phillip, International Human Rights in Context: Law,
Teson, F.R., Humanitarian Intervention: An Inquiry into Law and Morality , New
Waltz, Kenneth, Theory of International Politics, Reading, MA; Addison-Wesley Publishing Co. 1979.