



# THE UNITED NATIONS COUNCIL'S INTERVENTION IN THE RECONCILIATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN NORTH KOREA

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## Keywords

Human, appreciation, providing, distributing, incorporated

**Abstract.** Human rights are the basic rights given to mankind by God. They are universal and must be protected, respected and maintained. No one should ignore, reduce or deprive them. Therefore, the implementation of violations of human rights principles is the responsibility of the state as well as the responsibility of mortgage. The United Nations has incorporated respect and appreciation of human rights into the "United Nations Charter" in its charter, which was unanimously adopted by the UN General Assembly on December 10, 1948. But the charter seemed to be ignored by North Korea. North Korea has one of the worst human rights records. The North Korean government has violated human rights in the form of crimes against humanity against civilians. North Korea's violations of human rights should be the responsibility of the country concerned, as well as the common responsibility of the international community. Therefore, in this case, the United Nations has acted as a protection shield against civilians, preventing criminals from taking actions to treat civilians casually. This Journal answers the question of why foreign aid and the United Nations cannot solve North Korea's human rights violations. Researchers are concerned about North Korea's isolationist political conditions and the attitude of the ruling government, which are the reasons why foreign aid has failed to address human rights violations. The results of this study show that because the North Korean government is very isolated and dominant in providing and distributing foreign aid, foreign aid cannot solve North Korea's human rights violations.

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## 1. INTRODUCTION

North Korea is one of the well-known communist countries famous for its isolationism. It unilaterally declared itself a Juche state, a nation that believes in self-reliance and self-dependence (Bastian, 2014:27). Such decision-making has drawn global attention. Moreover, the country is notorious for its leader, Kim Jong Un, who often governs by suppressing the human rights of its citizens. North Korea proudly identifies itself as the Democratic People's Republic of Korea, with Pyongyang as its capital (Bastian, 2014:16). North Korea has allies like Russia and China. Journalists worldwide are curious about what truly happens in this secretive nation. One journalist who managed to visit the country is a special UN reporter. He described North Korea as fundamentally different from other countries and noted its emphasis on discipline. From the journalist's accounts, it is evident that the leadership instills high levels of fear among the population due to its strict and often irrational rules. For example, North Korea's internet network only allows access to 28 websites. This is just one example of the stringent regulations imposed by the government, which hinder the development and creativity of the population, impacting the country's economic growth.

While there are numerous conflicts and issues in the country, the most concerning is the "nuclear" issue that has existed since the time of Kim Il Sung. Nuclear weapons pose a threat to any nation, especially those in conflict with North Korea. The North Korean leader claims that these nuclear weapons are capable of reaching major cities like Washington DC and can cause explosions ten times more powerful than the Hiroshima bombing during World War II. This situation serves to strengthen the country's military and creates a security dilemma for other nations. However, many still doubt the capabilities of North Korea's nuclear arsenal and its intentions. The state of affairs in North Korea depends largely on its leadership. Kim Jong Un is known for his authoritarian, brutal, and dictatorial rule. The people of North Korea revere and worship him as if he were a deity. This culture has been passed down through generations, starting with previous leaders. Violations of the country's rules are met with severe punishment, including the death penalty.

Kim Jong Un is known for executing his own citizens, which contributes to the controversial nature of his leadership. North Korea has regulations even on women's hairstyles, with Kim Jong Un

restricting women to just four permissible styles. Women are also required to be the backbone of their families, serve mandatory military service, and are prohibited from using public transportation. Despite these restrictions, the people of North Korea remain silent and obedient, adhering closely to the strict rules.

The stability and security of a regional area are of utmost importance to the nations within it. Conflicts and new issues arise when a country disrupts the collective security. The international community pays serious attention to the uncertain security and regulations in North Korea. Therefore, the United Nations Security Council, as a peacekeeping body in each nation, continues to seek various solutions to this situation. The international community's hope is that every country can maintain the security and well-being of its citizens, allowing each citizen to fulfill their obligations, both in local and international trade, safely, without concerns about regional security. However, it seems that North Korea, which is one of the actors contributing to regional peace, has not yet achieved this. As a solution, North Korea must strive to improve and maintain the security of its citizens. However, the solutions applied are considered to be in violation of human values that should be upheld, including the rejection of foreign aid and the belief in being a solitary actor who has rights and stands alone, without requiring assistance.

## 2. METHOD

The methodology used is qualitative research with document and historical study techniques. Qualitative research is frequently used by various scholars in International Relations as the basis for research and strategies to ensure that the research conducted yields significant and weighty results. This method does not examine issues in a general and broad sense but emphasizes a deeper understanding, narrowing the scope of the research to the primary analytical unit. The research sources are derived from analyses conducted by experts and practitioners in the form of books, journals, articles, and news from various mass media outlets that disseminate analyses and arguments regarding the Human Rights (HR) situation in North Korea. Other data come from official research conducted by both government and non-governmental organizations as facts and supporting analyses.

On the other hand, it can be said that the purpose of qualitative research is to find answers to a phenomenon or statement through the systematic application of scientific procedures using a qualitative approach (Yusuf, 2013;334). In addition to using qualitative research methods, the analyzed data also employ critical reading, where the data and facts obtained are then examined to steer opinions and arguments towards that data.

## 3. RESULT AND DISCUSSION

According to John Locke, human rights (HAM) are rights directly bestowed by God upon humans as natural rights (Prawiro, 2018). Therefore, no worldly power can revoke them. These rights are fundamental to human life and are inherently sacred. It can be considered that human rights, in the general sense, apply to all nations. First and foremost, we must have a basic understanding that rights directly given by God are also referred to as natural rights. Actions on human rights by every nation adopt the same standards for all countries. These rights and freedoms can be achieved through education and teaching. Furthermore, national and international rights and freedoms can be achieved through a gradual approach taken to ensure that every recognized country can fully and effectively enforce its jurisdiction.

### Human Rights in North Korea

Korea has been divided into two since World War II, namely North Korea and South Korea, a decision that was well-received by its respective populations. However, this division was temporary due to the different ideologies held by the two nations stemming from the Cold War. North Korea's government adheres to the Juche ideology, which was promoted by Kim Il-sung, the former leader of the country. Juche became the official state ideology when the country adopted a new constitution in 1972 (Korea, 1972).

North Korea's efforts to become an independent nation were challenging at that time, often hindered by the presence of U.S. forces on the peninsula and Soviet forces in Korea. After Korea split

into North Korea and South Korea, Kim Il Sung served as the first president of North Korea and was revered as the eternal leader by the North Korean people. Kim Il Sung ruled North Korea for four and a half decades and was nicknamed the "Iron Fist." This kept the Workers' Party as the only political party in North Korea. Not only that, Kim Il Sung's authoritarian rule also led to inhumane punishment and persecution. Most of the punishment and persecution occurred in prisons and concentration camps in North Korea. The punishments included both physical and mental suffering, with prisoners treated differently from ordinary humans. Some Human Rights organizations note that North Korea has one of the worst human rights records. North Korea imposes the death penalty and asset confiscation for various offenses against the government's policies, such as attempting to escape, violating party or state policies, listening to foreign broadcasts, or writing letters or articles opposing government policies. This instills fear in North Korean citizens not to violate any rules set by the government.

The North Korean government subjects all ideological and political indoctrination to its citizens, forcing them intensively and systematically to worship Kim Jong-il (North Korean Human Rights Act, 2004). According to the international community, this is also a cruel violation of human rights (Commission, 2010). North Korean defectors have witnessed the existence of prisons and detainees with approximately 150,000 to 200,000 inmates (equivalent to 0.85% of the entire population) and have reported torture, hunger, rape, murder, medical experiments, forced labor, and forced abortions (Wibson, 2021).

Furthermore, human rights violations committed by North Korea also include crimes against women, which are not only carried out by the general population but also by authorities and the elite. These violations include abuse, harassment, rape, slavery, and forced marriages. It is shameful that most perpetrators are those who serve the nation, such as security forces. There have been reports through an interview on cases of violence against women around July 2017. The North Korean government stated to the UN body monitoring the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) that in 2008 there were 9 people sentenced for rape, 7 in 2011, and subsequently 5 in 2015. The North Korean government stated that the number of male perpetrators sentenced was due to forcing a woman to have sexual relations. However, it is embarrassing that elite figures in North Korea appear to believe that such low figures indicate that the country is free from violence when, in fact, the international community regards these figures as strong allegations of their failure to address sexual violence in the country.

North Korea not only practices violence and discrimination against women but also engages in various illegal political activities, including bribery, corruption, and not providing compensation or wages to workers at all. These workers are treated inhumanely, not given proper clothing, made to work longer hours than scheduled, and subjected to forced labor. If a worker refuses or rebels, they could face the death penalty because they are considered volunteers and dedicate themselves to the country, accepting it with resignation if they do not receive wages for their work. Furthermore, North Korea refuses to participate in general elections supervised by the UN body held in 1948, leading to the formation of two separate Korean governments separated by the Demilitarized Zone. Both North and South Korea claim sovereignty over the entire peninsula, leading to the Korean War in 1950. A ceasefire in 1953 ended the conflict, but both countries are still officially at war because a peace treaty has never been signed (FOX News Network, 2013; Sumadinata et al., 2022).

Korea has ratified five human rights treaties: the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women (Convention on the Elimination of All Forms of Discrimination Against Women), the Convention on the Rights of Persons with Disabilities (There are two reasons given by progressive groups regarding why South Korea should not address human rights issues in North Korea. First, progressives argue that it would be futile because North Korea is unlikely to change its domestic policies based on South Korea's actions. Second, progressives believe that publicly criticizing North Korea on human rights would only complicate and increase tensions in the relationship between North and South Korea. They argue that what both countries need is to work together toward gradual reconciliation and peaceful reunification.



On the other hand, conservatives tend to oppose the perceived ineffectiveness of progressives in three ways. First, they argue that history has shown that international pressure can sometimes influence a country to improve its human rights practices. Second, they contend that some individuals within the North Korean regime might refrain from human rights violations if they know the outside world is documenting these abuses. And third, conservatives often believe that by publicizing the atrocities committed by the North Korean regime, they can build internal pressure for change. Additionally, the United States, Japan, and certain European countries have a significant stake in addressing human rights violations in North Korea. Both the U.S. and Japan have passed laws known as the North Korean Human Rights Act. Japan's actions are more focused on resolving the issue of Japanese civilians abducted by North Korea and raising awareness of North Korea's human rights abuses. In Europe, most countries have diplomatic relations with North Korea, and some have tried to raise human rights issues in their bilateral agreements. At the EU level, substantial humanitarian aid has been provided to North Korea. China is also significantly affected by North Korea's actions, as many North Koreans flee to China in search of food due to the regime's failure to provide for its people. China's provision of oil and food to North Korea is another way to support the failing Pyongyang regime.

China follows South Korea as the largest humanitarian aid provider to North Korea. However, the presence of North Korean refugees poses four major challenges for China. Firstly, their presence attracts international attention to China's handling of the situation. Secondly, China does not want the influx of North Korean refugees to form a strong ethnic identity. Thirdly, the government does not want North Korean refugees to become a "floating population." Lastly, Beijing must balance its relations with both Seoul and Pyongyang, both of which are vital partners in security and trade. In response to the increasing flow of refugees, China has two responses: either showing a friendly face or taking a more iron-fisted approach, depending on the situation. China ordered its police to actively hunt down North Korean refugees and offered cash rewards for those who turned in refugees or helped them escape, with penalties for those assisting defections. With the ongoing increase in North Korean refugees, China eventually had to deal with the situation more pragmatically, although this also brought about increased international pressure.

According to Human Rights Watch (Human Rights Watch, 2018), North Korea needs to promptly address human rights issues in the country. If not, at least there are actions that other nations can take to pressure North Korea to make improvements. These actions include: 1. Allowing visits by and providing unlimited access to UN agencies and officials, including the World Food Programme, UNICEF, the UN Special Rapporteur on human rights in North Korea, the UN High Commissioner for Human Rights, and other UN human rights experts. (In 2017, North Korea allowed visits from the UN Special Rapporteur on the rights of persons with disabilities). 2. Taking immediate steps to address the acts of repression and poor conditions in detention and prison facilities in the country, including by granting access to international humanitarian organizations, relevant UN agencies and officials, and international non-governmental organizations. 3. Engaging in UN human rights efforts, including the upcoming Universal Periodic Review (UPR), and reviews under the Convention on Civil and Political Rights (ICCPR) and the Convention on Economic, Social and Cultural Rights (ICESCR), both of which have been ratified by North Korea, while seriously responding to compliance recommendations under the ICCPR, and ICESCR. 4. Ratifying other major human rights treaties, including the Convention against Torture, and the International Convention for the Protection of All Persons from Enforced Disappearance. 5. Holding discussions with the International Labour Organization (ILO) regarding the steps North Korea needs to take to improve workers' rights, allowing visits by ILO officials, including to factory areas, and ratifying key ILO conventions. 6. Holding discussions with UN bodies and other international organizations on the establishment of a representation in North Korea to assist with capacity development, long-term development, rule of law, the development of non-governmental organizations and independent media, and the realization of economic and social rights by ensuring access to clean water, sanitation, food security, hospital services, and essential medical treatment, and equal access to schools and quality education. United

Nations Action on Human Rights in North Korea The UN has a body called the Security Council, which functions as a peacekeeping organization.

According to its Charter, the Security Council's primary responsibility is to maintain international peace and security. The UN Human Rights Council on Thursday, March 21, 2013, agreed to establish a commission to investigate human rights violations in North Korea. The UN has established a commission to investigate a range of human rights violations in North Korea, saying some of them may already constitute "crimes against humanity" (Siregar, 2019). The UN, through independent organizations, often still enforces the definition of human rights applying to all nations. However, each nation is formed and shaped by different historical and situational circumstances compared to other nations. If the imposition of will is considered a violation of human rights, then the implementation of the human rights concept itself should not be enforced arbitrarily. The Universal Declaration of Human Rights (UDHR) states that human rights are a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction. Nearly every nation on this planet that is legally bound to cooperate has undertaken to support the principles and goals set forth in its charter. This commitment includes the obligation to suppress an aggression, encourage human rights, uphold justice and international law, and utilize the world organization as a center for coordinating their efforts to achieve these goals (Okezone, 2013; Budiana & Achmad, 2022).

To address human rights violations in North Korea, the United Nations Security Council has imposed punitive measures as a warning to North Korea, particularly regarding nuclear issues. These measures include travel restrictions and arms and economic embargoes on the country and specific North Korean officials deemed a threat to international justice and peace. The Council has determined that the proliferation of nuclear, chemical, and biological weapons, including their means of delivery, constitutes a threat to international peace and security (Human Rights Watch, 2018). Not only the UN Security Council but also the UN Human Rights Council expressed surprise after reviewing a 372-page report containing systematic human rights abuses in North Korea. They hoped that those responsible for crimes against humanity committed in North Korea would be punished soon. Since March 2013, the United Nations Human Rights Council has formed a team to investigate systematic human rights violations in North Korea (North Korea) in early February. The team stated that it would soon ask the International Criminal Court to try North Korea.

#### **Analysis of International Relations Theories:**

In its analysis, International Relations often involves one of the dominant perspectives such as realism in various issues and phenomena that occur, including Human Rights (HR). The thinking of realists is based on the pursuit of power and domination believed to stem from the fundamental nature of humans as a reason for the existence of conflict (Sorensen, 2003: 205). This is closely related to North Korea as an independent country that is always involved in conflict and anarchy.

States are the primary actors, consisting of various actors beneath them, and play a crucial role in decision-making and the sustainability of an ongoing system. It is well known that security issues are a major concern and the primary focus within states because they are considered a significant factor influencing the well-being and progress of the state itself. Furthermore, realism views the tendency of humans to have a natural state where they continually feel that their lives are in danger, and no one is sure about their safety and survival. From suspicion and a lack of trust, it eventually leads to the Security Dilemma, in line with North Korea possessing nuclear weapons and being willing to launch them when it perceives its security is threatened.

Realist theory also perceives North Korea in a similar way as a rarely cooperative independent country that seldom collaborates with other countries or organizations outside its own territory. Basic freedoms that should be enjoyed by North Korean citizens, such as freedom of expression, religion, assembly, and association with outsiders and even among themselves, are consistently restricted. Even during the COVID-19 pandemic, border closures and travel restrictions have often been imposed,

closing the possibility of external aid, including communication. International aid has repeatedly been offered to North Korea but is still rejected by the government as a form of self-sufficiency and a desire to stand alone without interference, influence, or dependency on other countries outside North Korea itself.

Secondly, due to the difficulty of the United Nations (UN) and other international states in resolving HR issues in North Korea, this has given rise to the theory of radical universalism as the second theory that emerges. This theory regards all values, including those within HR, as universal and cannot be modified or changed to suit cultural and historical changes. Proponents of radical universalism believe that the HR issues in North Korea cannot be resolved collectively with international society and organizations if not resolved by North Korea itself. This is because of the cultural and historical differences held by North Korea, which are significantly different from other countries. Cultural similarities, history, and simultaneous century developments cannot be reasons for other countries to interfere in HR issues in North Korea. Third is the analysis based on constructivism theory. Constructivism holds the view that the political environment is shaped by history and society, which ultimately affects the sustainability of political system relations with one another. North Korea, which rarely has political relations with other countries, becomes an aspect analyzed by constructivist theory. More specifically, this theory describes North Korea's relationship with the United States.

North Korea characterizes the United States as its worst enemy because it believes that reunification since the Korean Peninsula during the Korean War failed due to the United States. For North Korea, the United States is a sovereignty violator occupying South Korea. Furthermore, this perception is reinforced when the Bush administration referred to North Korea as part of the axis of evil and designated it as a state sponsor of terrorism. However, when President Obama established an engagement policy, North Korea expected a supportive environment and began to recognize the United States as a partner for dialogue and negotiation. However, despite the Obama administration's focus on resolving issues through dialogue, North Korea's urgency for it to abandon its nuclear program first remained unchanged. Alongside this, North Korea's expectations shifted back to hostility. Additionally, when the Obama administration continued to talk about the human rights situation in North Korea, North Korea once again affirmed its perception of the United States as a violator. When President Trump took office, and THAAD was deployed in South Korea, North Korea's perception of the United States deteriorated from violator to aggressor. President Bush viewed North Korea as an absolute evil that threatened universal human values, considering not only North Korea's nuclear development but also the conditions of dictatorship and human rights. Furthermore, due to North Korea's continued violations of agreements, trust between the two countries could not be built. However, President Obama hoped that the North Korean threat could be eliminated through international cooperation rather than stereotyping North Korea. This is the highlight of constructivist theory, where the sustainability of the political system is determined by history.

The last theory is feminism. Feminist theory is quite prominent and unique when used as a basis for analyzing the issue of North Korea. Feminism provides a perspective on the struggle for women's rights to be equal to those of men, whether in status, employment, or basic freedoms. Feminism is not unfamiliar worldwide due to the widespread women's rights movements that advocate for their rights and are widely accepted as a form of globalization's development. Looking at what is happening in various countries, it is clear that women in North Korea want to make a movement to fight for human rights and gender equality, not as tools for satisfying desires and places for male violence. The feminist perspective views with concern North Korea's laws restricting basic rights and freedoms that women should rightfully have. Various forms of discrimination that women face make a country with a high level of gender equality and women's rights angry. North Korea should change its laws and prioritize human rights issues, especially those of women, who have been neglected for so long. Cases of abuse and violence that should have been eliminated, prioritizing human rights first will not loosen the state's security. The suffering experienced by the North Korean population, especially women, has persisted for a long time and has not seen any improvement. Although the North Korean government argues that human rights issues have begun to improve, in reality, violence against women has not changed.

## Conclusion

According to John Locke, the concept of human rights is rights that are directly given by God to humans as natural rights. The actions of human rights in every country apply the same standards worldwide. One of these countries is North Korea. North Korea has ratified five human rights agreements: the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of Persons with Disabilities, civil and political rights, and the International Covenant on Economic, Social, and Cultural Rights. However, the reality is that North Korea has committed violations of human rights that contradict these five agreements.

North Korea, as a famously exclusive communist state, unilaterally declares itself as a dominant state that believes in and relies on its own strength. There are many conflicts and issues in this country that have existed since the time of Kim Jong Il. The leadership of Kim Jong-un is highly controversial because he is known to execute citizens for even the smallest offenses. However, in reality, the conflicts generated during Kim Jong-un's leadership are not only about nuclear weapons, but there are also many actions that violate human rights in North Korea. For example, they allow violence against women, whether in the form of abuse, rape, or forced marriages, which seem to have become common practices. In addition to the suppression of women's rights, local workers and those from outside the North Korean region are also taken over. This has understandably raised concerns in various countries around the world.

According to the international community, North Korea's actions constitute cruel human rights violations. To address the human rights violations occurring in North Korea, the United Nations Security Council (UNSC) took action to establish a commission to investigate "systematic, widespread, and grave" human rights violations in North Korea. Almost every country on this planet is legally bound to cooperate in supporting the principles and goals set out in the UN Charter. Therefore, governments of countries worldwide must take decisive action until North Korea takes the appropriate steps to implement the recommendations long issued by the United Nations in addressing human rights issues.

The case of human rights violations in North Korea can be viewed through several international relations theories. First, in realism theory, it is believed that humans have a natural state in which they continually feel that their lives are in danger. From suspicion and a lack of trust, it eventually leads to the Security Dilemma, in line with North Korea's development of nuclear weapons for its security. Next, proponents of radical universalism believe that human rights issues in North Korea cannot be resolved with outside intervention. This is because North Korea's culture and history are different from other countries, making it reasonable for North Korea to insist on resolving these human rights cases on its own.

The third theory is constructivism, which holds the view that the political environment, based on history, influences the sustainability of political system relations between countries. This theory is analyzed in the context of North Korea's relationship with the United States, where the early history of the two countries' relations did not go well. However, during President Obama's leadership, he hoped that the North Korean threat could be eliminated through international cooperation between the two countries. The absolute perspective held by North Korea restricts its diplomatic relations with foreign countries, just as its diplomatic relations with the United States are limited. This is highlighted by constructivist theory, where the sustainability of the political system is determined by history.

Lastly, in feminist theory, feminists view North Korea with concern regarding cases of abuse, violence, and the restriction of women's basic rights and freedoms. The suffering endured by women in North Korea has been ongoing for a long time. The North Korean government has only provided arguments that human rights have begun to improve, but in reality, there have been no concrete actions taken, and many human rights violations still occur. Considering that violence continues to occur despite the United Nations Security Council and the international community imposing various sanctions, it is high time that the international community and organizations that include North Korea as a member formulate plans and prepare for further actions that can at least raise the human rights

index of the North Korean people from its current low level, even if the progress achieved is not significantly high.

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