A Proposed Paradigm Shift: Future Regional Security Concerns and Human Rights

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Abstract

Since the end of the Cold War, U.S. policy toward North Korea has been almost exclusively focused on eliminating the production and proliferation of nuclear weapons and ballistic missiles. The past three decades have been defined by bipartisan failure on North Korea policy. To overcome this grim predicament, a "paradigm shift" is needed—one that elevates North Korean human rights to a level on par with the other critical issues, including political, security, and military concerns. Advancing human rights through multilateral and international diplomacy will be key to a human rights upfront approach that leads to safeguarding peace and security on the Korean peninsula, in Northeast Asia, and beyond.

Keywords: North Korea, human rights, human rights denial, human rights upfront, *songbun*, *kwan-li-so*, Ten Principles of Monolithic Ideology, TPMI, inter-Korean relations

Schwerpunkt in North Korea Policy

Repeated *ad nauseam* in U.S. military doctrine, General Carl von Clausewitz's *Schwerpunkt* or "center of gravity" (COG) concept, if applied to the North Korean regime, would emphasize the importance of attacking North Korea's human rights denial, ideology, indoctrination, coercion, social control, information control, and punishment of its own people. So, what lies at the core of the North Korean regime's power—its true S*chwerpunkt*?[1]

Nuclear weapons, other weapons of mass destruction (WMD), and ballistic missiles are undoubtedly critical tools in North Korea's "arsenal of tyranny." And yet, Kim family regime rule has survived since 1948, largely due to the North Korean regime's true COG: the monolithic symbiosis between the Supreme Leader and the Korean Workers' Party. Throughout 76 years of indoctrination, the Kim family has delivered propaganda to its subjects that runs counter to North Korea's international obligations and its own legislation, including its Constitution. While

military and security issues continue to be critical, in order to attack the true COG of the North Korean regime, a "human rights upfront approach" must awaken the North Korean people and make them aware of the deep rift between Kimilsungism and their own Constitution, and between the Ten Principles of Monolithic Ideology (TPMI) and North Korea's own legislation and international obligations.

North Korea Policy and the Promotion of Human Rights in North Korea

Both U.S. and South Korean policy toward North Korea has centered on issues other than human rights, particularly on areas such as North Korea's nuclear and ballistic missile programs. Under progressive governments, South Korea has prioritized seeking reconciliation, peace, security, and eventual unification of all Koreans, emphasizing engagement and humanitarian assistance. Despite the severe human rights violations perpetrated by the Kim family regime, many of which amount to crimes against humanity, human rights have paradoxically been sacrificed for over three and a half decades since the fall of the Berlin Wall in favor of addressing political, military, and security concerns.

To procure the hard currency needed to develop its nuclear and missile programs, the North Korean regime oppresses and exploits its people at home and abroad. The very nature of a regime armed with nuclear weapons that commits crimes against humanity is a threat to regional and international peace and security. There is a direct connection between North Korea's human rights violations and the threats it poses to international peace and security. It is high time that the United States, the Republic of Korea (ROK), and like-minded states, such as Japan and members of the European Union, considered a "paradigm shift" in their approach to North Korea by adopting a "human rights upfront strategy."

North Korean Human Rights: A Brief Overview

North and South Korea joined the United Nations (UN) in 1991. Through its UN membership, North Korea assumed international human rights obligations, particularly those under the Universal Declaration of Human Rights. North Korea had already acceded to the two human rights covenants in 1982, nine years before it joined the UN: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). It has also claimed adherence to the Convention on the Elimination of All Forms of

Discrimination Against Women (CEDAW), the Convention on the Rights of Children (CRC), and the Convention on the Rights of People with Disabilities (CRPD). North Korea's Constitution ostensibly includes protection of fundamental human rights, including freedom of religion, assembly, and expression. And yet, this is valid on paper only. There is neither the intent nor the capacity to implement or enforce these standards. Every conceivable human right is violated in North Korea, where the Kim family regime perpetuates its rule through a deliberate policy of human rights denial.

The U.S. Department of State's country report on human rights practices in North Korea notes that there continue to be "significant human rights abuses" under an authoritarian regime, including "unlawful or arbitrary killings by the government; forced disappearances by the government; [and] torture and cruel, inhuman, and degrading treatment and punishment by government authorities."[2] There is no evidence to suggest that the situation has improved since the UN Commission of Inquiry (COI) on North Korean human rights found in 2014 that "systematic, widespread and gross human rights violations have been and are being committed," and that "crimes against humanity have been committed…pursuant to policies established at the highest level of the State."[3] The COI noted in its report that an estimated 80,000 to 120,000 North Koreans were in political prison camps (*kwan-li-so*), and recent satellite imagery reports by HRNK indicate that these unlawful detention facilities are still operational.[4]

In his final report to the UN Human Rights Council (HRC) in March 2022, former UN Special Rapporteur for North Korean human rights Tomás Ojea Quintana noted that the Kim regime had imposed stricter external and internal controls in response to the COVID pandemic.[5] While there may be differences in degree, these controls are far from new. After Kim Jong-un came to power, the regime increased security along the China-North Korea border. Reliable reports indicated that border guards were authorized to use deadly force to prevent attempted escapes. According to South Korea's Ministry of Unification, the number of North Korean escapees entering South Korea fell from 2,706 in 2011 to 1,047 in 2019. The number has since plummeted to 229 arrivals in 2020, 63 in 2021, 67 in 2022, with a slight increase to 196 in 2023.[6] The rapid decrease in the number of North Korean escapees resettling in South Korea is no indication that the slow-motion North Korean refugee crisis has subsided. Those trying to escape North Korea now face greater hurdles, while those

already in China are caught up in more dangerous conditions. About 2,000 detained in China were forcibly repatriated in August-September 2023. With North Korea beginning to reopen its border, any refugees detained in China face the grave risk of forcible repatriation to North Korea, a place where they face the credible fear of persecution.

Under Kim Jong-un, North Korea has intensified its crackdown on information coming into the country. North Korea has revised the Criminal Code's provisions regarding the consumption and distribution of "illicit" foreign media, and it has employed technological solutions to prevent access to unauthorized content on electronic devices.[7] In December 2020, the regime passed a new "Anti-Reactionary Thought Law," which "forbids the use, storage, and distribution of foreign cultural content…that is not state-approved."[8] In September 2021, recognizing that younger North Koreans had been widely exposed to foreign media, the North Korean Supreme People's Assembly adopted a law aimed at tightening ideological control over North Korea's youth. There have also been reports of a targeted crackdown on the use of Chinese-made cellphones in North Korea's border areas since COVID. These devices continue to be an important vehicle for information flows into and out of North Korea. Micro SD cards inserted into these phones can be used to disseminate information inside the country. A combination of a smuggled Chinese cell phone and domestic North Korean cell phone held together enables conversations between the outside world and people inside the country.

Under COVID, Kim Jong-un ran a campaign to "root out corruption" in both the party and the military. Initially treated as a public health crisis, COVID was instrumentalized, weaponized, used and abused as a pretext to enforce stronger discipline and control within the party apparatus and the military. A new organization called the Military Guidance Government Department was formed to impose discipline and carry out anti-corruption measures in the Korean People's Army (KPA).[9] Still, corruption continues to play a dual role: On the one hand, the regime relies on corruption and predation of the markets for its survival; on the other hand, informal economic activity presents the potential to undermine the regime's grip on power. Moreover, China's new anti-spy law has made operations nearly impossible for both NGOs attempting to send information from China into North Korea and those tasked to assist with the rescue of North Korean refugees from China.

A Human Rights Upfront Strategy

A strategy promoting human rights in North Korea must involve the governments of the ROK, the U.S., and like-minded democratic UN member states; the private sector, particularly IT and AI companies; and international civil society, including civil society organizations (CSO) from the ROK, the US, Japan, and the EU, which can generate content, information, and analysis critical to understanding and influencing North Korea's human rights and information environment. Moreover, efforts should be directed toward enlisting UN member states in the Global South to engage in proactive measures addressing the North Korean human rights crisis.

Human Rights Denial and Regime Survival

Perhaps with the sole exception of the core elites, most of the 25 million people of North Korea are victims of the Kim family regime's policy of human rights denial. The *songbun* system, based on perceived loyalty, perpetuates social discrimination across generations. While merit surely counts, especially when it comes to nuclear and missile scientists, one's *songbun* file must check out. All types of access to opportunity depend on one's *songbun*, with its three categories—*core class, wavering class*, and *hostile class*—and over fifty sub-categories. Regime preservation relies on nuclear weapons and ballistic missiles, maintaining the KPA and keeping its key elites happy through access to luxury goods and hard currency procured from the outside world, generally through illicit means and in violation of applicable UN, U.S. and EU sanctions. To procure the resources needed to preserve itself, the regime oppresses and exploits its people at home and abroad. Human rights denial constitutes the COG of North Korea's nuclear and missile programs.

Information Campaigns: The "Three Stories"

The regime preserves itself through overwhelming coercion, control, surveillance, and punishment as well as strict information control. The potential agents of change in North Korea are its people. Information from the outside world is needed to empower them to understand their own *status quo* and to enact such change. An effective and coherent information campaign must focus on telling the North Korean people three fundamental stories.

First, the story of their own human rights, which they do not know. Second, the story of the corruption of their leadership, especially the corruption of the Kim family regime as well as the regime's *modus*

operandi throughout the chain of control and command. Third, the story of the outside world, especially that of South Korea—a free and democratic country, a global economic powerhouse, and the world's eleventh largest economy. The Kim family regime is a political monopoly, facing no internal opposition. The only threat to its own survival is the other Korea, i.e. the ROK. Koreans living in the North must understand that unification under a liberal democratic, successful, capitalist Republic of Korea is the only way to dramatically improve their human security and bring them into the 21st century. Naturally, under this third story, North Koreans, especially the younger generations, should be exposed to South Korean culture and entertainment. Now a global phenomenon, K-Pop, K-dramas and K-movies compellingly demonstrate the overwhelming economic, social, and cultural superiority of South Korea, the true and only model for Korean reunification.

The Constitution of the Democratic People's Republic of Korea (DPRK), along with its other laws and obligations assumed under applicable international human rights instruments mentioned above, supposedly protects fundamental rights such as freedom of religion, expression, the press, and assembly. Yet none of these fundamental human rights are observed in practice. Only the Ten Principles of Monolithic Ideology (TPMI – 십대 원칙) and Kimilsungism (김일성 주의) matter and constitute the core substance of weekly *saeng-hwal-chong-wha* (생활 총화) indoctrination sessions.

Information campaigns coming in from the outside world must enable North Koreans to understand that there is an open fracture between their Constitution, laws, and international obligations on one hand, and the regime's ideology on the other. If this rift is exposed, it could have catastrophic consequences for the regime's legitimacy and grip on power, in the eyes of ordinary North Koreans.

There are "three economies" of North Korea: the bankrupt state-run economy, the "royal palace economy," and the "people's economy," which relies on markets that emerged after the *gonan-eui-haeng-gun*, the great famine of the 1990s. North Korea's "people's economy" is a rather peculiar hybrid. Entrepreneurship and totalitarian regime control coexist. Private property is not allowed in North Korea, and private entrepreneurship is banned in the Criminal Code. North Koreans operate trucks, taxis, and cars as private entrepreneurs, but they do not hold property titles. To operate those businesses, they need to register their vehicles under government agencies under the protection of powerful

agencies and officials. This is a recipe for sweeping corruption. North Koreans must understand that their economy, including the "people's economy," is corrupt, stunted, and unsustainable.

Through information campaigns from the outside world, North Koreans need to understand that the formula for Korean success is not the preservation of the totalitarian dictatorship of the DPRK, but unification under the very successful Republic of Korea.

Tailoring the Message

Messaging must be tailored to all three categories and all subcategories of *songbun.* The people of North Korea experience various degrees of oppression, from the detainees held at political prison camps, often together with up to three generations of their families, to the elites experiencing a vicious cycle of privilege and human rights denial. Messaging to the victims of human rights denial must focus on the "three stories."

Messaging to those who are both victims and perpetrators, i.e. the three fundamental building blocks that preserve the regime (party, military, and security agencies) must tell the "three stories," and emphasize the irreconcilable rift between the regime's own Constitution and its international obligations on the one hand and its regime ideology on the other, particularly Kimilsungism, the TMPI, and *juche* self-reliance thought.

Understanding the "three stories" would be just the first stage of change from within. While, through the work of authors such as Robert Collins, BR Myers, and Adrian Buzo, the outside world has a solid understanding of the nature and dynamics of the Kim regime, the ordinary people of North Korea do not possess that knowledge. Their interaction with the regime happens exclusively at the local level, and they have little to no understanding of the North Korean regime's chain of control and command. To enact systemic change, the ordinary people of North Korea need to understand how that system works. And so do party apparatchiks outside the core elites.

Finally, to enact change, one needs courage and the know-how to build organizations and networks outside the regime's surveillance. The people of North Korea can draw that courage and know-how by learning from precedent. The French Resistance during World War II, Budapest 1956, Prague 1968, Poland's Solidarność, Bucharest 1989, the Czechoslovak *Velvet Revolution,* the *European Picnic* of 1989, and even South Korea's

democratization movement and the 1980 Kwangju Uprising provide precedents in terms of both mustering courage and building organizations and networks that challenge the totalitarian regime's narrative and authority.

Selecting the Information Delivery Vehicles

Selecting information delivery vehicles will have to be based on an understanding of North Korea's evolving information environment. Delivery vehicles evolved from VHS tapes to CD-ROMs to DVDs to micro-SD cards. North Korean open markets, peasants' markets and black markets and the informal supply lines established along such markets will continue to provide a platform for information surreptitiously inserted into the country. Transmission of an internet and cell phone signal via small, suborbital satellites may also soon provide a platform for inserting information into North Korea.

Spearheading International Diplomacy

International diplomacy is a critical part of the DIME (the four elements of national power—Diplomacy, Information, Military and Economic). Currently a non-permanent member of the UN Security Council, the ROK is reassuming leadership and retaking the high ground once held on North Korean human rights at the UN. In close collaboration with the U.S., the EU, Japan, Australia, and other UN member states, the ROK is resuscitating the "coalition of the like-minded." In collaboration with the U.S. and other "like-minded" UN allies, the ROK must pressure UN member states that have solid ties with both the ROK and the U.S., but continue to protect North Korea at the UN, such as Vietnam and South Africa. Stronger United Nations General Assembly (UNGA) and HRC resolutions are needed. While members of the Global South with deeper democratic roots have joined the "like-minded," extensive, pro-active support must be sought in the developing world. As evidenced by Ghana's statement at the UN Security Council meeting on North Korean human rights (August 2023)[10] and Botswana's severing of diplomatic relations with North Korea (February 2014),[11] there is some support in the Global South for addressing North Korea's human rights violations. However, in a world increasingly divided by the rift between status quo and revisionist UN member states, there is still insufficient support.

The ROK will also have to continue to capitalize on its status as non-permanent member of the UN Security Council. In collaboration with the

U.S., the EU, and Japan, the ROK must spearhead efforts to seek accountability outside of the International Criminal Court (ICC) route, ideally a special international prosecutorial mechanism, despite opposition by China, Russia, and their UN allies. Advancing human rights through multilateral and international diplomacy will be key to a human rights upfront approach to the North Korean conundrum.

Recommended Development of Inter-Korean Relations to Promote Human Rights in North Korea

At a broad strategic level, the ROK, particularly its concerned government agencies such as the Ministry of Unification and the Ministry of Foreign Affairs, may consider adopting a human rights upfront approach. This approach would involve several areas: diplomacy, through leading and spearheading the alliance of "like-minded states" that pushed for significant action at the UN over the years, especially after the February 2014 report of the UN COI; continued documentation of North Korean human rights violations, dedicated to understanding the state of human rights during and after COVID, aimed at both continued awareness-building and future accountability; robust information campaigns, employing all available vehicles—from leaflet balloons to radio broadcasting and Micro SD drives—aimed to tell the "three stories" to all *songbun* strata of North Korea; support for human rights advocacy groups, in particular South Korea-based CSOs staffed with North Korean escapees; the rescue of North Korean refugees, in particular the thousands currently trapped or imprisoned in China, awaiting imminent repatriation and a subsequent credible fear of persecution in North Korea; and consideration of humanitarian assistance going only to the most vulnerable—women, children, the elderly and people in detention—grounded in a "human rights upfront approach" that relies on seeking transparency and a reasonable level of monitoring and evaluation of programs inside North Korea.

Strategically, the ROK's policy vis-à-vis North Korea must rely on two pillars: multilateralism and core values it shares with like-minded democracies, particularly the U.S. The development of bilateral inter-Korean relations aimed at improving the North Korean human rights situation must be based on these two pillars. Values, human rights first. Multilateral cooperation with like-minded allies at the UN first. Bilateral inter-Korean relations aimed at improving human rights second.

For over 30 years, the international community has sacrificed human rights for the sake of addressing North Korea's nukes and missiles. Whether North Korea is talking to the outside world or not, its nuclear and missile developments continue. It is time for a paradigm shift, centered on the need to improve North Korea's human rights situation. The ROK and the U.S. must lead this paradigm shift. Even if only limited success is ensured, this could contribute to improving North Korea's credibility. "Trust but verify" was President Ronald Reagan's favorite Russian proverb. Through breaching international agreements including the 1994 Geneva Agreed Framework, the Six Party Talks, the 2012 Leap Day Agreement, and through deliberately fruitless engagement with the ROK and the U.S. through summit meetings, North Korea has demonstrated that it has no international credibility. A "human rights upfront approach" to North Korea could start building some credibility for the North, if the Kim regime agreed to constructive engagement on the human rights issue.

Human rights denial is the *Schwerpunkt* of the Kim family regime. The Biden and Yoon administrations are declaredly committed to addressing the North Korean human rights situation. And yet, while mentioned, of all issues included in the agenda of the trilateral Camp David summit, human rights were the only area that seemed to suffer from a lack of strategic vision. In South Korea, across the Ministry of Unification, the Ministry of Foreign Affairs, and other governmental and non-governmental agencies tasked to address North Korean human rights, there is a perennial lack of coordination. While the appointment of Korea University's Professor Lee Shin-wha as Ambassador-at-Large on North Korean human rights issues was a first in six years, the portfolio, established under the South Korean Foreign Ministry, is still under-funded and under-staffed. In the U.S., the appointment and subsequent confirmation of a spectacularly qualified candidate, Ms. Julie Turner, as Special Envoy for North Korean human rights issues for the first time in six years, was another positive step. And yet, whether intentionally or circumstantially, the search, nomination, confirmation, and swearing in processes were delayed for a considerable period, putting the Special Envoy in place with barely a year left in the first mandate of the Biden administration.

UN HRC resolutions, UNGA resolutions, and UN Security Council open sessions on North Korean human rights are all important tactical steps. However, to effectively attack the COG of the Kim regime—its policy of human rights denial—what the U.S., South Korea, Japan, the EU

and other "like-minded states" need is what this author wishes to coin as "STR": a coherent *strategy*, a "control *tower*" to coordinate that strategy, and the requisite *resources* to implement it. Resolving the North Korean human rights conundrum will be critical to safeguarding peace and security on the Korean peninsula, in Northeast Asia, and beyond.

Notes:

[1] For a discussion on the concept of "Schwerpunkt," see Milan Vego, "Clausewitz's Schwerpunkt: Mistranslated from German—Misunderstood in English," *Military Review*, Vol. 87, No. 1 (January-February 2007) 101-109, URL: https://www.armyupress.army.mil/Portals/7/military-review/Archives/English/MilitaryReview_20070228_art014.pdf

[2] U.S. Department of State, "2022 Country Reports on Human Rights Practices: North Korea," https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/north-korea/#:~:text=Prison%20conditions%20were%20harsh%20and,and%20camps%20for%20political%20prisoners, March 20, 2023.

[3] "Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea," UN Doc. A/HRC/25/63, February 7, 2014, para. 24, 75. https://www.ohchr.org/en/hr-bodies/hrc/co-idprk/reportofthe-commissionof-inquiry-dprk.

[4] For example, see Joseph S. Bermudez, Jr., Greg Scarlatoiu, and Amanda Mortwedt Oh, *North Korea's Political Prison Camp, Kwan-li-so No. 14, Update 1* (Washington, D.C.: HRNK, 2021). https://www.hrnk.org/uploads/pdfs/Camp%2014%20v.8.pdf.

[5] Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea," UN Doc. A/HRC/49/74, March 2022. https://www.ohchr.org/sites/default/files/2022-03/A.HRC49_74_advanceuneditedversion.docx.

[6] Republic of Korea Ministry of Unification, "Recent Statistics: North Korean Defectors" [in Korean]. https://www.unikorea.go.kr/unikorea/business/NKDefectorsPolicy/status/lately/.

[7] Martyn Williams, *Digital Trenches: North Korea's Information Counter-Offensive* (Washington, D.C.: HRNK, 2019). https://www.hrnk.org/uploads/pdfs/Williams_Digital_Trenches_Web_FINAL.pdf.

[8] George Hutchinson, *Army of the Indoctrinated: The Suryong, the Soldier, and Information in the KPA* (Washington, D.C.: HRNK, 2022), 19. https://www.hrnk.org/uploads/pdfs/Hutchinson_KPA_web_0426.pdf.

[9] Ibid., 22–23.

[10] Permanent Mission of Ghana to the United Nations, "UN Security Council Open meeting on the situation of Human Rights in the DPRK," August 17, 2023. https://www.ghanamissionun.org/08172023-2/.

[11] Ministry of Foreign Affairs and International Cooperation, "Botswana Cut Ties with North Korea," February 20, 2014.

https://web.archive.org/web/20150106001946/http://www.gov.bw/en/Ministries--Authorities/Ministries/Ministry-of-Foreign-Affairs-and-International-Cooperation/News/BOTSWANA-CUT-TIES-WITH-NORTH-KOREA/.