

Dualism of North Korean Human Rights Violations

Abstract:

Dualistic nature of human rights violations exists in North Korea. The North Korean oppressive regime and international response in the form of sanction are leading towards the twin violation of human rights. Security dilemmas of both North Korea and US-South Korea alliance have created a nexuses bidirectional response. Who is the real victimizer and who are the ultimate sufferers? It is the point of contest in defining the violation which is a cocktail of regional stability, regime security and interventionism nature of external powers.

Key terms: Security Dilemma, Sanctions, Twin Violation, Nuclear Korea, politicization of human rights, regime stability

Introduction

According to 'Human Rights Watch World Report 2013', the North Korean regime is responsible for the situation of human rights in North Korea. Further it defines North Korea as 'land of the worst Human rights' Regime that '*does not permit free media, fair political participation, effective civil society and religious freedom to its people*' (HRW, 2013). The North Korean regime claims North Korea to be the *land of pride and honor* but in the real picture, it has the gravest human rights violations according to the international society (Se-jin kim, 1972). People don't have freedom of speech, travel, assemblies, fair political participation, relocation and selection of their own job. People are not even supplied with the basic necessities like water, food, electricity etc.

and any attempt to escape from North Korea is considered as an act against the state. Instances were there when North Korean illegal migrants were dragged back from China and punished. In case of any crime against the state or crime against humanity, people are severely punished by detention, political imprisonment, public execution, forced labor etc. Above all these, the definition of crime against the state and crime against humanity is also very vague which results in punishing any citizen on regime's wish. The judiciary is also government controlled so there is no process of fair trial (Jeffries, 2010).

For the last sixty years, NK human rights violations are center of concern for the international community and are widely discussed by human rights activist/workers and scholars around the world. Government policies are such that often there is food shortage or famine. Contradicting to this North Korean envoy to UNHRC said North Korean citizens are apparently *"happy with pride and honor that they have one of the best systems for the promotion and protection of human rights in the world, a land where unicorn lairs live on and citizens don't have to turn to cannibalism to survive"* (News, 2013). Why Human right situation in North Korea is so refuting? What are the myths and truths of North Korean human rights violations?

To explore the question further in the paper, I will focus on *'double impact'* of human rights violations in North Korea by its regime and sanctions invigorated by the international community. My paper is divided into six parts: First, paradoxical nature of human rights; its key focus is to define 'rights' in North Korea national and external/international perspectives. Second, selective usage of term 'violations' by both sides; third, the triangular relationship between sanctions of international society, the security dilemma of North Korea and human cost; Fourth, myths and truths associated with violations like 'who are real victimizers?', why international society failed to solve these violations in the last sixty years? and why the regime is still sustaining

after such grave violations?; Fifth, the effectiveness of sanctions imposed by international society. Sixth, the future of North Korean human rights- barriers and solutions, this part discusses possible barriers and focuses on solutions to resolve the human rights concerns and establish a stable North Korean society.

‘What are the real causes of human rights violation in North Korea?’ and why the statements of the North Korean regime and the International community are so contradictory? Both the questions can be answered in a parallel direction by drawing the differences in understanding/usage of term ‘human rights’. To begin with, I analyze these differences to elaborate the paradoxical nature of ‘rights’ definition and selective usage of the term human development.

Paradoxical nature of ‘Rights’ definition

Understanding of Human rights in western political theory is developed from Christian humanism and in contemporary period it focuses on individual ‘*liberty*’. On the other hand, North Korean ideology is based on an idea termed as “*Juche*” (KINU, 2012). Where Socio-political groups are more important than an individual’s life and this results North Korea to develop Human Rights based on communist and socialist principles which focuses on societal strength and duties towards the state. The idea introduced by Kim Jong il is ‘*our style socialism*’; he says ‘*let us live in our own way*’. (Quinones, 2009) Reinforcement of Juche ideology is the key aspect of North Korean practices which is based on two themes, ‘*virtuous policies*’ and ‘*military first policies*’. (Jeffries, 2010) According to North Korea “whether human rights are protected or violated

depends on the kind of politics and on the notion that how well the political system is incorporated in society” (Sinnam, 1995). During Kim’s term ‘virtuous politics’ could only protect human rights to the highest degree. North Korean human rights coincide with politics leaving national self-interest often to rule over collective and individual good (Seppala, 2009).

Western definition of human rights is ‘*one person is not subject to the power of another person*’ (Song, 2011) or according to UNHRC “*Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.*” West focuses on ‘*universalism of human rights*’ and believes that its duty of international community to intervene the state which has human rights violations. The North Korean regime emphasizes social rights through job securing and ‘right to life’ (KINU, 2012).

Above definitions clarify that the western definition of human rights focuses on individuals whereas the North Korean definition of human rights focuses on the duties, collective rights and equal distribution etc. Paradoxical definition of human rights is an issue for many non-western nations which characterize the concept of human rights according to ‘*various geographical, cultural, religious, and ideological perspectives*’ (Renteln, 1988). West considers intervention as a medium to prevent human rights violations in the state. These ideas challenge the North Korea’s notion of right derogation. The clashes between western and North Korean human rights definitions are based on *Universalism versus cultural relativism, Individual versus collective rights; Civil and political rights versus economic and social rights and Rights versus duties*. (Song, 2011) West

accepts human rights in the former style whereas North Korea accepts human rights in later mentioned style.

North Korea has all the characteristics of a totalitarian socialist system. National security is first priority over all other rights of society whether it's economic, social or cultural. North Korean citizens are prohibited from the freedom of speech, expression, residence, relocation, travel etc. Western countries criticize the situation of North Korean human rights as a consequence of its political regime. This paradoxical nature of human rights itself leads towards twin violations in North Korea. The term 'human right' as well is selectively used by North Korea as well as the International community.

Selective usage of the term 'violation'

The state of North Korea is a sovereign nation with the responsibility to securitize its citizens' rights. The usage of the term human rights protection and violation is highly manipulated by the regime and the international critics like US, EU and South Korea (KINU, 2012). The circle of violation, state failure, security overemphasis and flawed policies have contributed to a wide range of violation on domestic grounds. On a contrary line the violation nexus is heightened for a wider political benefit to the international critics.

Politicization of Human rights:

The violation in North Korea is a complex argument. There exist two parallel narratives of Human Rights violation. One is the reality and the other is the politicized reality. The reality is based on the existence of an oppressive regime and its ill practices leading to violations like physical violence (beatings and torture), various detention and correctional facilities such as gathering facilities for suspects (Jip-gyeol-so), detention houses (Gu-ryu-jang), long-term corrective labor camps (*Gyo-hwaso*), and corrective labor camps (*No-dong-dal-lyeon-dae*, *Kkangpan*) (KINU, 2012). On the parallel note the politicized reality the way this issue is taken under international media or by organizing an international campaign like “North Korean Freedom Week”. This week is organized by well-known international organizations, human rights NGOs in the US and South Korea to derive a common consensus on the North Korean human rights situation (KINU, 2012). This is a well-organized movement being conducted from last seven years since 2004 in Washington, DC. Do the states whose NGO are participating in anti-North Korean campaign itself very clean? This is a controversial question surrounding the motive of the state like US who are critiqued for their Human Rights violation in their invaded states like Afghanistan, Iraq etc. In addition they have often been criticized by scholars for applying its dominance and unilateral values over the world and violating the sovereign dignity of the state. North Korean human rights violations are being described as gravest violations in the world for years but still violations are there. Why these violations are only largely discussed without solution in years? This leads to the argument of politicization of human rights issues and the unfairness of human rights attacks by US (Song, 2011). On 30 August, 2007, Rodong Sinmun newspaper article mentioned that ‘US selectively chose target countries based on its political calculations.’ Secretary General of Caritas said in press release commemorating ten years of involvement with DPRK noted that ‘*there has*

been blatant manipulation of humanitarian concern to advance political agendas.' James Kelly stated that US threat of not normalizing relations with North Korea until they are not satisfied by their human rights situation is a violation of UN concept of maintaining diplomatic relations with all countries. He adds that US has a habit of judging everything with its own lenses. (Beal, 2005)

The responsibility of a UN body is to upkeep the image of moral authority and guardian of its own lofty principles. Contradicting to its image, the UN response to the North Korean issue is brought under multiple controversies. There is a considerable gap between the professed values of the world body and the actual application of these values. Where the UN does focus its attention reflects power politics, not human rights. (Habibi, 2007) The UN is not taking a neutral stand while addressing the voice of North Korea and its critics. The biased stand and the oppressive strategies of the great power have created an opportunity for other states to intervene in the North Korean internal issue. *'The protection of Human rights should not be used as a means to intervene the internal affairs of other states and the destiny of other nations'* said Pak Ui Chun (DPRK foreign minister) at Ministerial talk of the Nonalignment movement in Tehran. To clarify the external biases, first we should understand the existence of domestic concerns in North Korea.

The North Korean regime is failing to protect human rights:

In 1980 North Korean government started '*two meals a day*' campaign to make its citizens eat less. For years, North Korean common people have died of starvation and the government is not capable to provide them basic necessities. According to the WFP report several hundred thousand (or possibly as many as one million) North Koreans are estimated to have died from starvation (KINU,

2012). The bigger tragedy is that starving labors are excluded from emigration and search the survival necessities by themselves. They have to continue working as forced labor in the name of loyalty towards the state. North Korean topography is also not appropriate to meet harvest needs of this country. North Korea is a mountainous region with proximity of heavy flood. In 1995, North Korea faced a huge food crisis and they blamed a series of famine, drought, and flood for this crisis. Same year, the annual distribution of ration was reduced from 163kg to 107kg per year which is not at all sufficient for a person to survive. (Glyn ford, soyoung kwon, 1998). During this period, people could no longer continue their faith in state to feed them and they started to struggle to feed themselves. Due to these illegal practices like pre-harvesting and black trading increased. Farmers started pre-harvesting and keeping their produced stock for themselves because their hunger was no longer being protected by the state. (Beal, 2011) Kim jong il had to appeal farming community with these arguments:

'If we cannot give them (the military) rice then when the 'Yankees' invade us we cannot defeat them and your sons and daughters will become imperialist slaves once more.... It is logic that must be used to persuade those who hide and smuggle food to regain their conscience.' (Beal, 2011)

This argument shows that the North Korean regime is afraid of falling into the hands of imperialist nations again. Its history still persuades policies of the regime which is trying hard to protect itself from falling. So North Korea adopts the policies leading towards self-isolation. But after the death of many starving people finally regime decided to leave its pride and came forward to demand international assistance. After reports of 2.1 million children and 500,000 pregnant women near starvation, International community finally acted and provided huge aids to North Korea. North Korea had no diplomatic relations with the international community and this was blocking aid.

Still UN, EU all came forward and opened humanitarian aid to North Korea (Pinkston, 2009). Questions are even raised on North Korean public distribution system that it is malfunctioning and the aid is not distributed properly. The North Korean regime suffers with a security dilemma as well and suspecting aid agencies as possible agents of CIA, North Korea in 2004 declared that though there is still need for humanitarian aid but North Korea will prefer technical assistance and development aid in the future (Beal, 2011). Due to the nuclear issue there are very few donors available for North Korea and the regime is weakening from inside and failing to feed its own people.

Twin violation or ‘double impact’ of Violation

Security dilemma is the factor that has shaped the North Korea’s domestic and international policy framework. Due to US-Japan-ROK alliance in the region with increasing military might to political isolation, the NK regimes are forced into following desperate measures. The desperation is translated into adopting legal/illegal means for self-preservation. The question raised here is: Does regime structure caters HR violation? Or the HR violation is an outcome of International threat? The international community has concerns towards human rights violations in North Korea as well as its nuclear weapon leading to a paradoxical relation between the threat, sanction and human cost. Security maximization of North Korea and responses of international community both leads to ‘*twin violation*’ of human rights in North Korea.

Triangular relation between the sanction, security dilemma and human cost:

In a North Korean article it was mentioned that *‘the damage caused to the economy and people’s living standards by the military threat, and the continual military exercises have forced DPRK to put all the people under arms and turn the country into a fortress’* (T. Beal, 2011). The statement reflects the security dimension where it explains the rationality of choosing an adverse policy that stress more on national security over human rights. North Korea caters to two kinds of violation one of internal and second of external. The highly controversial nuclear project of North Korea is also an outcome of a similar mounting threat, put forward by US-Japan-South Korea alliance (Hilton, 1988). The regime is politically isolated leaving China as the only ally. In my opinion, the North Korean regime is struggling for self-preservation and nuclear arsenal is bargaining chip. Acquiring arms are more vital than working towards food security of its people. *‘Military first’* like policies reassures the North Korea’s highly controversial stand towards *‘securitizing regime’* than a *‘welfare regime’*.

A small country maintaining third largest military in the world itself is a consequence of the spiraling security challenge to DPRK where their prime financial allocation is devoted towards military (Pinkston, 2009). The question raised here is the impact on its own people instead of the international community. All the funds which are derived from multiple sources like investment, aid, market etc. are exhausted in national security leading to an unfair allocation to people’s basic needs (Glyn Ford, Soyoung Kwon, 2008). The deviation of financial allocation from welfare to military means is leading to victimization of its people is the clear case where the state victimization practices are influenced by external security threats.

In the second argument the NK’s harden practices in constraining domestic uprising. The internal security concern and victimization of common people both are parallel notions. Domestically bred safety concerns intimidating regime leads to the formulation of hostile domestic

policies like closed society, government controlled judiciary, no freedom of speech, media control etc. In a way DPRK domestic security apparatus is directly affecting the human cost (Jeffries, 2010).

Similar to the DPRK, practices by international critics and IGOs are also contributing to victimization of North Korean commoners. The first attempt is the campaign like “North Korean Freedom Week” that promotes international consensus over the NK domestic practices (KINU, 2012). As a parallel outcome this brings in an opportunity for the NK rival state to intervene or raise political statement against the regime which increases the insecurity sentiment of NK regime. On the second attempt international society stands against the nuclear project. As a result international community imposed multiple sanctions on North Korea. But who are the victims of these sanctions? The regime or the commoners is a question, very difficult to answer.

International community started discussing about ‘*smart sanctions*’ which will only be imposed on leaders of hermit kingdom instead of affecting the whole society. Are these smart sanctions really smart? And are only leaders struggling with sanctions? The answer is clear ‘no’. 2006 smart sanctions declared that no nation will supply any kind of luxury goods to North Korea as the leader Kim Sung IL is a big fan of luxury goods but the definition of luxurious goods is not clarified. This made it an easy task for NK leaders to manage buying their likes. Economic sanction on North Korea leads to under development which directly impact common public than the elites (Beal, 2011). Isolation of North Korea will never provide a solution but it will trail towards more systematic violations. ‘*The reluctance of target nations to draw a connection between sanctions and their efficacy is surely due to a strategic need to deceive the enemy by not admitting vulnerability*’(T. Beal, 2011). Fact that sanctions are carrying inside objective of regime destabilization but they are contributing to adverse outcome for living conditions NK. Both the

sides directly /and indirectly impacts human cost whether the practices of regime or international society are causing '*double impact*' on Human condition.

Bidirectional nature of external and internal response:

The nature of response towards the violation of Human Rights is divided into two, the response taken by international system and the response taken by the regime. North Korea and the international community have been negotiating for years over North Korea as nuclear weapon state (T.beal, 2005). '*Hermit*' state in return has demanded to call off US sanctions, building strategic relationship and normalizing relations. The factor clarifies the strategic contestation between the two sets is significant part of their political behavior. Irrespective of being a liberalist, capitalist, communist or authoritarian regime their contribution towards HR violation and protection is similar. The regime and international communities are attempting to resolve the Human Right concerns but the prime factor overshadowing is the realist notion. The factors catering to violation like sanction for nuclear and nuclear for defense is paradoxical leaving both the parties to influence each other in contributing to double violation.

On a contrary note the responses also triggers the notion of protection, the NK regime has bargained a sequence of financial aid and investment through the 'six party talk' (Glyn Ford, Soyoung Kwon, 2008). For fulfilling the responsibility as a state and for its self-preservation, the DPRK is attempting to draft solution strategies. (Se-jin kim, 1972) Parallel to this, international set also compete with the domestic sets by providing financial and political support.

'Gatekeeper' Regime:

The international community provides huge aid to North Korea. Regional countries like Japan and South Korea are the biggest donors of humanitarian and economic assistance to North Korea. Regime controls the public distribution system and many times diverts them to the military establishment. The regime controls the amount of aid flow to its people and overlooks the real need. Aids are provided to solve the North Korean food shortage issues and living conditions. But this ‘*Gatekeeper*’ strategy of blocking/filtering international aid by the North Korean regime again leads to malfunctioning of Humanitarian aid (song, 2011).

The Gatekeeper system is a product of the security threat associated with the international aid. Some humanitarian agency is perceived to follow interventionism in state governance which makes the state to bar many human rights activists and agencies to operate in the state.

Myth and truth of violation

The North Korean regime has been accused of huge human rights violations but the grounds of violation factor are different for different cases .Thus it is more important to study the causes rather than just discussing the violations. As mentioned in this paper, the NK regime suffers a strong insecurity challenges to Kim dynasty regime and for that reason, they have adopted policies like ‘*military first*’. Are their strong security concerns responsible for the poor human rights condition or political structure of a closed society and economy are the pathway for violation?

Has North Korea been wrong?

The security dilemma of the North Korean regime is well understood and in my opinion, ease from this dilemma is the only solution to North Korean human rights violations. The international

community has stepped forward to assist NK through providing humanitarian assistance and economic aid. On the other hand North Korean state practices in industries and markets are catering to underproduction. This is leading the NK into the cycle of aid dependence. The improved economic relations and power maximization is oppositely correlational. It's the state discretion in its choice of strategies, with more and more military maximization approach that the state tends to fall into the trap of underdevelopment.

Why International society is wrong?

Before exploring the interventionist behavior of the international community in NK lets explore the similar case. First Question here arises is that 'Why US had intervened Iraq for suspicion of procuring WMD and not North Korea?' The answer lies in self-interests and benefits of US. Intervention in Middle East region is circled around the materialist gain and geopolitical interests of the US. Intervention in North Korea would not only be unprofitable but undesirable as NK is a nuclear power. Intervening North Korea will also result in a tussle between US and the rising power China which will face refugee problems in case of any crisis. For China North Korea is a buffer state between China and US ally South Korea. This buffer state keeps direct US dominance away from Chinese land (Kim, 2006).

Sanctions proposed as temporary solutions are giving an undesirable result. Sanction and isolation of North Korea are further catering to increasing human rights violation in North Korea. International society has to understand the complexity of DPRK security dimension or else it would lead DPRK into the similar consequences as in Iraq.

Who is the real victimizer?

As elaborated above that the North Korean regime is affected by a double violence cycle. Who are the real victimizers of human right in North Korea? Is it Domestic Regime or the international society? This question dominates the notion of human rights responses. The regime which is still afraid of its historical experiences and present regional alliances is the spectacle of a co-operative solution for resolving Human Rights concerns. It has closed itself in a box with the virtual notion of pride, different identity and the status of nuclear state. By adopting the policies of a closed society, the Kim regime has blocked all possible developments from the outside world. Starvation, insufficient basic necessities, less supply of electricity are many such problems that North Koreans deal with every day (KINU, 2012). Except these, if in search of basic necessities, they try to fly from state then it is considered as a crime against the state. The North Korean regime is victimizer or struggler? This can be a question of further detailed research. The international society still fails to solve the human rights issue in North Korea. Human rights stand above everything according to the UNHRC, then why the international community is more worried about North Korea as nuclear weapon state than the starving people of the DPRK?

Why violation cycle is not ending?

This is the biggest question which arises after every debate over North Korean human rights that if the nature of the violations is so grave, then why the regime is still sustaining after 60 years of oppression. Why the people are not rebelling? During 1990s, hundreds of thousands North Korean food refugees attempted to cross Sino-DPRK border (Kim, 2006). This border is the place where a large number of North Koreans try to enter China, escaping starvation. Interestingly, North Korea

and China both tried to prevent this. Geo-economic ties between China and North Korea is the answer to one part of this equation and the other is the fear of instability in the region (Kim, 2006). The North Korean regime receives huge financial support in the form of economic and humanitarian aid from other regional countries like Japan and South Korea (Hilton, 1988). The answer to regional stability is linked to the survival of the NK regime. The question of Human right violation is frequently overlooked due to the regional stability debate.

Future of North Korean HR - Barriers & Solutions

Military action is unacceptable due to the political reasons and the potential for millions of casualties and human rights implications prohibits the use of economic sanctions. In this scenario, what is the way towards Solution? ‘Soft liner diplomacy’ is the answer (Sanghyuk S. Shin, Ricky Y Chol, Thomas E Novotny, 2009). Diplomatic solutions to North Korean ‘twin violations’ can only be found while studying the causes and nature of these violations. To understand the future and find solutions to these violations, first we need to study the possible barriers in resolving these violations. Barriers in solving human rights issues are different at different levels. For the United States, First, its relationship with China matters more than North Korean crisis. US will never prefer to confront China directly which has geopolitical reasons for supporting North Korean regime. Second, the United States has no material interest in North Korea like it had in the Middle East. Third, the potential direct confrontation would lead the region into instability challenging Northeastern allies like South Korea and Japan.

Similarly the barriers faced by China are: First, its ideological similarity. Second, Crisis in Korea will increase refugees flooding in China. Third, China will never prefer one Korea with US presence and for that reason it will prefer to maintain North Korea as a buffer region between China and South Korea.

For International community, the North Korean nuclear weapon is the biggest barrier to solving its human rights issue. The negative attitude of North Korean regime which is based on '*aid by threat*' is also a barrier. Most importantly the barriers for North Korean themselves are government controlled Judiciary, state control over the information and sharing ideas, severe punishments for any act which goes against the regime. The biggest barrier for North Koreans is their 'empty stomach'. A person dying with hunger first thinks of gathering food rather than fighting for his rights.

Two approaches are put forward to deal with North Korea: 'Hard Liners' which talks of sanctions and intervention and 'Soft Liners' which talks of treating North Korea sensitively and with concessions. It's argued that '*soft liner*' approach might bring the Chinese style reforms in North Korea. These changes will increase economic efficiency, bring development and abandon their dangerous nuclear brinksmanship (Lankov, 2011). I will support the soft liner solutions because war or sanctions have always multiplied the human rights violations rather than decreasing it.

Solutions from US side could be to open more dialogue with North Korea, develop cooperation and provide them security assurances. China is a close ally of North Korea and it can win North Korean trust, provide them security assurances and economic development. The international community can provide North Korea with development and economic aid and in

return demand for entry into its markets, it can open more dialogues with North Korea and treat the hermit kingdom as a responsible power in order to build friendly alliances. Solutions do not only lie within the international society but inside the North Korean society itself. Information and ideas about international society, culture, human rights practices and economy should reach North Korea which has already started with advanced and portable technological devices like USBs which are officially banned by North Korean state but still highly used by the North Korean population.

Conclusion

North Korea is a land of '*pride and honor*' or the gravest human rights violations? As discussed in this paper, the North Korean security dilemma is responsible for explaining part human rights violations. The other side is dominated by the international society that has always threatened North Korea with sanctions. Isolating North Korea is not a solution to curtail the issue, as it is worsening the human right situation. NK is faced with a systemic '*twin violations*' spiraled by the notion of power maximization and regime preservation. In the analysis of the root *causes of violations* and *real victimizers* the Human Rights debate is beyond physical violation.

The main problem with North Korean society is that it is fashioned to restrain external pressures. Changes should come from both outside and within. International society should support in protecting the rights with keeping in mind identity sensitivity and security dilemma of North Korea. Further accepting DPRK political system at international level and creating a pathway for future co-operation is the solution in improving the economic front.

Cooperation and information are the only keys to solve the North Korean problem of human right violation. The security dilemma of hermit kingdom should be relieved first and then cooperation should be developed. Providing them security assurances will open the gates of North Korean markets and will bring development. On a futuristic note, solution to human rights violations will be in form of cooperative network between regime and international community rather than a competing network.

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