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The United Nations Tools in Responding to Gross Human Rights Violations in Syria & North Korea:

How can the management of their scope of actions in recent years be explained?

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Abstract

This thesis seeks to find an understanding for the actions that the global community of the United Nations has taken regarding gross human rights violations in Syria and North Korea. These are two infamous countries known for their human rights issues, where it is the government itself that is perpetrating gross human rights violations towards their own citizens. These violations have been occurring for a decade now in Syria, while in North Korea it has been occurring for several decades. The history of these states is what brings forth the context as to why they have human rights issues that they have today. The actions, or lack of actions, from the global community of the United Nations remains opaque. To understand the bases for the choices that have been made, it is necessary to also look at what tools the global community of the United Nations have.

Key words: Syria, North Korea, Gross Human Rights Violations, the United Nations, Security Council.

“The whole history of the world is summed up in the fact that, when nations are strong, they are not always just, and when they wish to be just, they are no longer strong.” - W. Churchill

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1. Introduction

The subject matter of human rights is important from both the perspectives of the government and the individual. Human rights are the fundamental rights that belong to all of us just because we are humans. These rights are what plays a part in aiding to regulate the relationship between state and individual, where they enable people to speak up and to challenge ill-treatment by public authorities. The concept of human rights has not always been acknowledged universally, and throughout history it has evolved quite a lot. The experience of the Second World War is what resulted with ‘The Universal Declaration of Human Rights’ (UDHR), which was adopted by the UN General Assembly in December of 1948. The declaration was meant to embody an idea of a world built upon universally agreed values and principles of human rights, and although it is not a legally binding document many countries have accepted it as a base fundament for human rights. It contained thirty rights and freedoms that belong to everyone everywhere, and these rights are what still forms the basis for all international human rights laws today.

In an idealistic world, all states would agree and abide by the same norms and rules where every individual’s rights were respected. However, the reality is that all states and individuals come from different starting points that form their view of how the world should and could be. The United Nations is an international organization that is meant to serve the purpose of “maintaining international peace and security, developing friendly relations among nations, and promoting social progress, better living standards and human rights” (UN, n.d.). Therefore, when something threatens the peace and security of the international community, the global community of the United Nations has a responsibility in taking some sort of action to resolve the problem. However, as I will go more in-depth in this thesis, when issues such as states committing gross human rights violations against their own citizens do occur the scope of action from the global community of the United Nations are more limited. The reason for this limitation is because, in all technicalities, these violations are occurring inside the states own sovereign territory. Consequently, countries such as Syria and North Korea become particularly fascinating, both are infamous for their country’s gross human rights situations. The actions towards them from the global community of the United Nations is often discussed

among certain scholars. The actions, or rather inactions, at times seem difficult at first glance to understand.

1.1 Research question

In order to obtain a comprehensive understanding of the mechanisms that the United Nations can employ in responding to gross human rights violations carried out by governments against their own citizens, a case-specific examination is critical. The rationale for this stems from the fact that the United Nations' approach to each case will be contingent upon a multitude of unique variables. Thus, a meticulous analysis of each case is indispensable in comprehending the tools at the disposal of the United Nations and their efficacy. Accordingly, this research will concentrate on Syria and North Korea, two nations known for their gross human rights violations. Despite their notoriety, the response of the international community of the United Nations remains opaque. Consequently, the two primary research questions of this thesis will be:

(1) “Which tools does the global community of the United Nation have in responding to gross human rights violations in the cases of Syria and North Korea?”

(2) “How can the management of the United Nations’ scope of action in recent years be explained?”

The primary aim of this research is to advance the understanding of the mechanisms that are available to the international community of the United Nations for responding to gross human rights violations perpetrated by governments against their own citizens. In addition, the study intends to meticulously examine the scope of action that the United Nations can take, including the utilization of specific tools, with a particular emphasis on the cases of Syria and North Korea. The two research questions are tightly linked to each other, but not equal. For this thesis the 2nd question is more emphasized in my discussion. Regardless of what tools the global community of the United Nations have in responding to gross human rights violations, how and what they chose to use in management of these situations is intriguing.

Still, it is important to have the fundamental basis of what tools they actually have before I can try to understand their choices in regard to the specific cases of Syria and North Korea.

1.2 The Structure of the Thesis

Chapter 1 gave the setting for my thesis by giving an introduction and introducing my research questions.

Chapter 2 provides the background setting for my thesis. First, the background of the global community of the United Nations and how it generally is built up and functions. Then the background story for each of my cases of Syria and North Korea, this to give some context to their current situation, and how it came to be.

Chapter 3 discusses the research design and methodology for this thesis.

Chapter 4 presents the thesis theoretical framework and will explain relevant terminology and concepts for my thesis.

Chapter 5 presents the thesis empirical evidence, as well as an analysis and discussion of the finding.

Chapter 6 concludes with answering the research question, a brief summary of the main findings, and suggestions for further research.

2. Background

In this chapter I will be covering some of the background information on the global community of the United Nations and each of the individual cases of Syria and North Korea. This is to form a holistic picture of how the global community of the United Nations came to be and how it generally works. As well as give background information about both cases used in my thesis to better understand the situation and relations within them, and to their relation to the international community. In this way, it will be easier to examine the United Nations' scope of action regarding Syria and North Korea respectively, and in addition, why the international community within the United Nations make the choices that they do.

2.1 The global Community of the United Nations

It was in the aftermath of the Second World War in 1945 that the international organization of the United Nations was founded “by 51 countries committed to maintaining international peace and security, developing friendly relations among nations and promoting social progress, better living standards and human rights” (United Nations, n.d.). Today, the UN consists of 193 member states, where all of them are members of the General Assembly. Within the international organization the General Assembly is the UN's main policy making organ, and “it provides a unique forum for multilateral discussion of the full spectrum of international issues covered by the Charter of the United Nations” (United Nations, n.d.). The UN Charter serves as the foundational instrument for the United Nations and is widely recognized as a crucial component of contemporary international law, constituting an international agreement of significant importance. “The UN Charter codifies the major principles of international relations, from sovereign equality of States to the prohibition of the use of force in international relations” (United Nations, n.d.). The UN member states are bound by this Charter, and the Charter functions as an instrument of international law. Each of the 193 member states in the General Assembly has an equal vote, and some of the key decisions that they make for the UN includes; appointing the Secretary-General on the recommendation of the Security Council and electing the non-permanent members of the Security Council. Under the UN Charter, the Security Council is one of the main bodies

within the UN that has the primary responsibility for the maintenance of international peace and security. It is made up of five permanent member states; China, France, Russia, the UK and the US, and ten non-permanent member states that are elected for a two-year term by the General Assembly every end of term year. Originally, when the Security Council was first created it was the Soviet Union, and not Russia, which was one of the permanent member states. However, after the dissolution of the Soviet Union, Russia got to take over this seat. For Russia to get this set there were a couple of premises that they had to agree on, among other, that they would respect the sovereignty and borders of the former Soviet States. “The Security Council takes the lead in determining the existence of a threat to the peace or act of aggression” (United Nations, n.d.). Meaning that the member states in the Security Council are in charge of disputing how to settle problems that affect and threaten the peace among the international community. Depending on the case, if there is a real threat to the international peace and security the Security Council can resort to imposing sanctions on countries, companies and even people. They can also authorize use of force if that means they can maintain or restore international peace and security. The way that the Security Council works is that each of the fifteen member states has one vote. However, unlike the ten non-permanent member states, the five permanent member states have something we refer to as veto power. China, France, Russia, the United Kingdom and the United States “were granted the special status of Permanent Member States at the Security Council, along with a special voting power known as the "right to veto"” (United Nations, n.d.). This veto vote gives them the opportunity to give a negative vote, which in turn can cause a proposed decision or resolution to not be approved. This is probably one of the biggest problems of the Security Council, seeing as one of the five permanent member states has the ability to block a majority of the Security Council from taking action. This is something that unfortunately happens on a regular basis. In the writing moment, we can see how Russia uses their veto power to paralyze the Security Council in regard to the war in Ukraine. For example, as reported by United Nation News (2022), in September 2022 Russia vetoed the Security Council’s proposed resolution that wanted to defined Russia’s unlawful annexation of the regions of Donetsk, Luhansk, Kherson and Zaporizjzja in Ukraine as a threat to the international peace and security. The resolution tried to appeal for Russia to reverse their decision immediately, but because of the veto vote from Russia the resolution did not go through.

In all, the UN has four main purposes which are; (1) to keep peace throughout the world, (2) to develop friendly relations among nations, (3) to help nations work together to improve the lives of poor people, to conquer hunger, disease and illiteracy, and to encourage respect for each other's rights and freedoms, and (4) to be a center for harmonizing the actions of nations to achieve these goals. Even though the UN has built a strong normative and institutional framework to cultivate human rights worldwide, it arguably has challenges in enforcing these rights when violations do occur. After all, there does not exist a fixed framework for the global community of the UN to deal with specific individual cases. For each of these cases there will be various ways to approach them based upon different reasons. It is first and foremost the states responsibility to protect their own citizens rights, and therefore if violations do occur it is their duty to intervene and hold the perpetrator or perpetrators accountable. This is not to say that the global community should just sit by and watch everything unfold without lifting a finger. The international community also has a responsibility to closely watch governments and keep a record of their human rights issues. A good example as to why the global community should bear some responsibility in watching the actions of governments, is the case of the Rwandan genocide in 1994. During the civil war in Rwanda some of the ethnic groups, mainly the Hutu, tried to extinguish the minority ethnic group of the Tutsi. In this case the international community failed to adequately respond to the situation, which ended up resulting in hundreds of thousands of deaths. From this failure, and in addition to "the failure in responding to the mass atrocities in the former Yugoslavia in the 1990s, the International Committee on Intervention and State Sovereignty developed the concept of R2P during 2001" (Global Centre for the Responsibility to Protect, n.d). The Responsibility to Protect (R2P), a normative framework aimed at preventing mass atrocities defined as genocide, war crimes, ethnic cleansing, and crimes against humanity, was formally adopted as a global principle during the 2005 UN World Summit. Specifically, R2P was integrated into the final document (§138-139) of the summit with the objective of averting the repetition of past failures to halt such egregious violations of human rights. While national governments bear the primary responsibility for safeguarding their own populations, the international community has a responsibility to intervene when these states fail to fulfill their obligations. Yet, the Security Council is not obliged to intervene. The Council itself gets to decide what to do, which also includes the option of not taking any action.

In cases where it is the government that is committing human rights violations against their own citizens, either directly or indirectly, it is difficult for the international community to do much without interfering with the government's sovereign rights. However, there are bodies within the UN that have authority to take actions against human rights violations, like for example the security council, and the scope of action that the global community of the UN has is vast. The action can be anything from sanctions of individual people or governments to humanitarian intervention, but depending on the individual cases the appropriate framework of action will vary. What kind of relationship a government has to the international community, their geographic location, what international treaties they are a part of, the severity of the violations committed, etc., will all play a part in the decisions of how the global community of the UN will respond to human rights violations by a government. Still, humanitarian intervention seems to always be a last option. Even though in recent years it has been used as a resort, as with the case of Libya in 2011, it still is a highly disputed concept within International Relations. That is because “it challenges that fundamental underpinning of the Westphalian system, state sovereignty. International law is unclear on this issue” (Hough, 2008, p.127). Determining whether or not to take action in response to human rights violations presents a complex issue for the global community of the United Nations, devoid of easy answers. The contemporary era has witnessed a proliferation of governments engaging in such abuses, often publicly exposed and criticized by the media. Nevertheless, distinctions must be made between "ordinary" violations and those that are egregious. The latter constitute gross human rights violations, characterized by their extreme and inhumane nature, and commonly referred to as mass atrocity crimes. While some human rights violations can be addressed through international mechanisms, others cannot. This is because of how the mechanisms with the United Nations system works. There exist two types of human rights monitoring mechanisms. The first is the treaty-based bodies, where there are ten human rights Treaty Bodies that are “made up of committees of independent experts, monitor implementation of the core international human rights treaties” (United Nations, n.d.). The second is charter-based bodies, which includes “the Human Rights Council, Special Procedures, the Universal Periodic Review and Independent Investigations” (United Nations, n.d.). These mechanisms are meant to ensure that human rights standards and commitments around the world are as they should. However, for most of these treaties it is required that states have signed an agreement to be able to hold the accountable if they should go against

the treaty. Although most states have signed off on some of the treaties, there are states that have only signed off on a few. This then makes it hard to address some human rights violations more than others.

2.2 Syria

Syria first became legitimately independent back in 1946, after having been under the rule of France. When the Anglo-French withdrew from Syria the country went through a period of political instability and a series of coups. The first sense of some stability was seen when the Ba'ath party took over after their coup on March 8th, 1963. When the Ba'ath party seized power they declared a state of emergency, which ultimately gave them extraordinary power to govern Syria. The state of emergency, article 4 of the Covenant, "allows for a State party unilaterally to derogate temporarily from a part of its obligations under the Covenant" (United Nation, 2001). If there are armed conflicts, medical pandemic, or civil unrest a government can declare a state of emergency for the protection of their own citizens. In 1968 the Syrian authorities created the Supreme State Security Court (SSSC) as an offspring of the state of emergency. Following the Legislative Decree No. 47, art. 7 the SSSC had "jurisdiction over "all persons, civilian or military, whatever their rank or immunity." Its subject matter jurisdiction is virtually unlimited, having inherited the exceptional military court jurisdiction as well as the authority to look at "all other cases referred to it by the martial law governor" (Human Rights Watch, 2009, p.10). This gave the authorities the jurisdiction to essentially do whatever they pleased, and they used that power to impair the Syrian people's most basic rights and freedoms. In 1966 Hafez al-Assad took part in a second coup that toppled the traditional leaders of the Ba'ath Party, and then in 1970 he initiated a third coup where Assad then appointed himself as the leader of Syria. Because of Assad Syria's position in the region got strengthened, the Ba'ath party got reinforced and the minority group of Alawites position in the Syrian society got stronger. "The rise to power of Hafez al- Assad in 1970 marked an end to most external interference as he transformed Syria into a stronger but auto-cratic state" (Ayubi, 1995; Phillips, 2016, p.5). The Assad regime has been widely regarded as an authoritarian regime that is oppressive and corrupt. When Bashar al-Assad, Hafez al-Assad's son, came into power in 2000 many of the Syrian people were hoping for a

democratic reform. In the beginning Bashar al-Assad tried to present himself as a reformer, however Bashar al-Assad would not end up changing the political party law or removing the state of emergency. That is, not until February 2012 after a year of bloodshed and anti-government protest.

2.2.1 Arab Spring

In the early 2010 a series of anti-government protests and uprisings spread across much of the Arab world as a response to dissatisfaction with the local governments, the corruption and the economic stagnation in the region. What started with an exasperated youth, Mohamed Bouazizi, who self-immolated himself in protest of the latest ill treatment by corrupt authorities, sparked an outbreak of protests in his hometown of Sidi Bouzid in Tunisia that ended up spreading like a wildfire. “The people power of the Tunisians inspired copycat protests across the Arab world where populations shared the frustrations and hardships of Mohamed Bouazazi” (Phillips, 2016, p.41). This movement soon got the name ‘the Arab Spring’. As other Arab countries like Algeria, Egypt, Libya and so on saw a wave of unrest, Syria’s president Bashar al-Assad was certain that it would not reach Syria. “Assad believed his dictatorship would somehow be immune. Unlike his western- allied neighbors that were being toppled, Assad told the Wall Street Journal he was “very closely linked to the beliefs of the people”” (Phillips, 2016, p.41). This certainty that Syria was different from other states in the Arab Spring would soon falter, and on the 6th of March 2011 a couple of teenagers made graffiti tags that mirrored the slogans shouted in Tahrir Square the month before. The teenagers got arrested, and as Phillips (2016) points out, this incident ‘would prove to be Syria’s own Mohamed Bouazizi moment’. Before the end of March Syrians would also end up protesting in the streets, demanding change and a repeal of the state of emergency that had been in place for almost 50 years. The initial major protests in Syria came on the 18 of March 2011 in the city of Daraa, where protesters demanded the release of the teenagers and an end to the corruption. However, Assad's regime brutally responded to the protest by shooting at the protesters with live ammunition. As the protesters started to take up arms to defend themselves against the regime, the regime in turn only escalated their violence. “Syrian scholar Hassan Abbas says that in February 2011, President Bashar al-Assad “formed a special committee” which concluded that the Tunisian and Egyptian regimes had failed

because they did not crush the protests instantly” (Heydemann, 2013, p.62). Thus, explaining why Assad’s regime responded so fast with violence to the first major protest. The regime was also fast at starting a smear campaign that painted the peaceful and cross-sectarian protest movement as a terrorist campaign led by Islamist extremists. As the demonstrations were increasingly becoming a problem for Assad’s regime, imprisoned extremist jihadists were released from prison to transform the peaceful uprising into a violent one. This is speculated to have been done to help legitimize the regime's brutal use of force against the protesters. “Peaceful protests continued across much of the country into 2012, but the uprising gradually transformed into a full-fledged and increasingly sectarian civil war” (Heydemann, 2013, p.62). Unfortunately, even though Assad was wrong in thinking that Syria would be different from other states in the Arab Spring, he was only half wrong. Syria “was similar enough to be caught up in events, but different enough to have quite different, far bloodier, outcomes” (Phillips, 2016, p.42). This year marks the 12th year of civil war in Syria, and it is littered with grave human rights violations. The war has drawn in many different actors, among them is the US, Iran and Russia, it has also evoked a humanitarian crisis in Syria. Today, Assad’s regime has regained control of most of the country, this largely due to the military help from Russia. In addition, local coordinating committees were also formed in many of the towns and cities, initially they were intended “to manage health, education, and judiciary needs for their communities” (Aljundi, 2014, p. 32). Over time these local councils have gotten larger roles where in some regions they are also in charge of providing “security, protection of public and private properties, water, electricity, telecommunication, fuel, aid delivery, media, civil protection, and reconstruction” (Aljundi, 2014, p. 32). Previously most of these functions were done by agencies that had specialized expertise in each of these tasks, but that is now a deficiency of in many local councils. Furthermore, these local councils often do not accurately represent their own communities. The reason for this is that, usually the council is either self-appointed or elected from only a select group of rebels in the local area.

Unfortunately, there seems to be no end to the civil war in sight. All parties to this conflict have committed acts that could constitute war crimes and crimes against humanity. Although the UN Secretary General has on several occasions called for the situation in Syria to be referred to the International Court of Justice (ICC), the veto vote from Russia has blocked this.

2.2.2 Opponents to the Assad Regime

In the beginning the uprising against the Assad regime was essentially leaderless, most of the protests were only organized locally by individuals that did not really have many connections to opponents of Assad. Therefore, some of the oppositions established a Syrian National Council (SNC) in Turkey in 2011 that brought “together the Muslim Brotherhood, figures from the Damascus Declaration and representatives from the LCCs” (Phillips, 2016, p.106). The Muslim Brotherhood (MB) was formed back in 1940 and is a Syrian branch of the Sunni Islamist Muslim Brotherhood organization. “The ideology of the Syrian Brotherhood differed little from of the Egyptian branch. Both favored a renaissance of Islam and the implementat shari 'a in all aspects” (Teitelbaum, 2011, p.220). Meaning that the MB ambition is to transform Syria into an Islamic state regulated by the Sharia law. The Local Coordination Committees (LCCs) were formed by the activists that came together at the Damascus demonstrations of March 16th. Their goal, according to Phillips (2016), was to be able to coordinate their local activities and to make it possible to link up with other protesters elsewhere in the country. In the start phase of the SNC their position was to reject western military intervention and to have a peaceful revolution, and the expectation for SNC was that it would be similar to the Libyan National Transition Council (NTC). In Libya NTC managed to “gained international recognition and successfully lobbied the UN to back a NATO campaign against Gaddafi” (Phillips, 2016, p.106). Unfortunately, the SNC had too many flaws and was not a feasible alternative to the Assad regime as many had hoped for. As Phillips (2016) points out, one of the SNC shortcomings was their unwillingness to work with other internal opposition groups. This was due to a combination of ideological divisions, personal rivalries and just the lack of political experience by some. Another very important structural weakness of SNC was the division between the members within SNC. With the violence increasing the original stance of the SNC started to shift. Some of the members started to contest to endorse a military strategy, mainly the MB, while others wanted to reject the militarisation of the conflict. This furthermore made some of the members see western intervention as the lesser of two evils. However, “after a series of heated meetings, the doves were overruled and the SNC had abandoned its non- violent policy by March 2012” (Phillips,

2016, p.113). Ultimately, deciding on providing a greater militarization of the local resistance over foreign intervention.

The first military opposition group to Assad's regime was The Free Syrian Army (FSA). The group was founded in July of 2011 in Turkey and started off with army officers that had defected from the former regime. FSA "gained momentum in late September when it joined with another collection of defectors, the Free Officer Movement" (Phillips, 2016, p.85). Yet, similar to the SNC, the FSA struggled with divisions within its group. As a result, FSA was seen, as Phillips (2016) puts it, as more of a loose umbrella than a top-down organization. Under the FSA banner were various militias or katibas. These katibas would get formed out of a necessity to protect the protesters in their area. As a consequence of this, the different katibas would significantly differ from each other. "Some were highly idealistic, while others were based around former smuggling gangs and criminal elements. Some were centered on powerful individuals, local strongmen or new figures who had proven themselves as good leaders" (Phillips, 2016, p.127). Because the katibas were so scattered and since they had such varied military discipline between them, it made it hard to unify them. As former FSA groups started to break off, they formed their own independent bodies and some of them formed radical Islamist or Jihadist groups.

By the end of 2012 the rise of Jihadists groups was increasing. "Jihadist success was due not only to more arms but to better organization and eschewing the corruption that plagued FSA militia" (Phillips, 2016, p.145). The Jihadist and radical Islamist, with some help from the regime, took advantage of the uprising. In this way, as Phillips (2016) mentions, Assad could claim that he was the only other option to Jihadism. Jihadism "is a term that has been constructed in Western language to describe militant Islamic movements that are perceived as existentially threatening to the West" (Firestone, 2012, p.263). Although most of the western world viewed Assad's regime as atrocious, the Jihadist groups were equally terrible. One of the most notable Jihadist groups that emerged was ISIS, this only "strengthening the narrative that Assad was facing an Islamist- Jihadist rebellion at home and abroad, and dividing the rebels further over their response to this third force" (Phillips, 2016, p.200). The Jihadist group ISIS follows a Salafi Jihadist doctrine based on the Sunni Branche of Islam. "Most Salafi jihadists seek to replace regimes through an insurgency—a political-military campaign by a substate group (or groups) to secede from a country or overthrow a

government” (Jones, 2014, p.13). This so that they can establish their caliphate that follows the concepts of returning to the ‘true Islam’, and the members view themselves as holy warriors for this campaign. The UN has labeled ISIS as a terrorist organization, and the international community holds them responsible for having committed gross human rights violations.

There are many more opponents to the Assad regime, but I have chosen to focus on a select few that also have played a big role when it comes to the issue of massive human rights abuse in Syria.

2.2.3 Gross Human Rights Violations Committed in Syria

Syria has a long list of gross human rights violations that have and still are occurring in the country today. The perpetrators ranged from government forces to Jihadist groups. The COI report (A/HRC/46/54) from 2021 and the report (A/HRC/51/45) from 2022 presents a long list of grave violations of fundamental human rights and humanitarian law across the country. The COI report (A/HRC/46/54) from 2021 has “documented gross violations of human rights and crimes against humanity perpetrated by government forces and a range of human rights abuses by non-State armed groups” (UN Human Rights Council, 2021, p.2) in Syria. In the case of Syria there are many gross human rights violations that has been documented. Just to mention few of them, in no particular order, it’s been documented 1) extrajudicial killings, 2) enforced disappearances, 3) acts of torture, 4) arbitrary detentions, 5) use of chemical weapons, 6) indiscriminate attacks, 7) terrorism 8) violations of the freedom of expression, and 9) violations of the right to life. I will divulge more comprehensively later in my thesis.

2.3 North Korea

North Korea, or its formal name the Democratic People's Republic of Korea (DPRK), is one of the most repressive countries in the world and is located in East Asia. Ever since the division of the two Koreas the North has been ruled under a strong dictatorship with a focus

on self-sufficiency and following a military first policy (Songun). After the Korean war the country closed its borders to foreigners and restricted their own citizens from traveling abroad, basically shutting itself off from the rest of the world which in turn gave North Korea the nickname 'Hermit kingdom'. Today, North Korea is widely known to possess a military nuclear weapons program, and they regularly test out their nuclear weapons to show the international community their capabilities. For a long time, when we heard or talked about North Korea the focus was always on their nuclear weapons and how to denuclearize the peninsula. Therefore, when it came to diplomacy between the international community and North Korea denuclearization was what the focus was on, while the gross human rights violations happening within North Korea often got neglected. Denuclearization is still usually the main topic today as well, but after the International Commission of Inquiry (COI) in 2014 presented the report on the human rights situation in North Korea their human rights violations has received somewhat more attention. In the conclusion of the 2014 report (A/HRC/25/63), the Commission found that based on the testimonies and other information they had received they established that crimes against humanity have been committed in North Korea. This is according to policy established at the highest level. "Systematic, widespread and gross human rights violations have been and are being committed by the Democratic People's Republic of Korea, its institutions and officials" (UN Human Rights Council, 2014, p.15). Since COI is not a judicial body, they cannot make the final decision on individual criminal liability, but what they can do is determine whether the findings constitute reasonable grounds for crimes against humanity to have been committed and whether it should be referred to a criminal investigation by either a national or international judicial body. These gross human rights violations have been happening since all the way back to the division of the two Koreas and covering over 70 years of this would be too much for this thesis. Therefore, the focus of this paper will be from when the international community of the UN in 2014 chose to try to hold the North Korean regime accountable for their gross human rights violations. However, it is important to know some of North Korea's history, their regime and their ideology to understand its position and relation to the international community. In doing so, we can then look at what the international community within the UN has done since the findings of this report, and what scope of action they have when it comes to North Korea.

2.3.1 Brief History of the Division

The catalyzing incident for the separation of the Korean peninsula happened in the aftermath of World War two, when the United States and the Soviet Union decided to divide Korea into two occupation zones in 1945. The reason for this decision, as Robinson (2007) explains, was because when the Japanese signaled their intention to surrender, the United States wanted to limit the Soviet Union's involvement in Korea by creating a joint occupation. They both agreed on a division of the Korean peninsula along the 38th parallel of latitude. In the North, the Soviet Union and its proxies helped establish a communist regime. While in the South, with the support of the United States, a military government with anti-communist sentiments was set up. In the beginning, both occupying powers worked under the same notion that the occupation was meant to be temporary, and it was bound by “the principle of granting full independence to Korea “in due course” that had been decided at the Allied meetings in Potsdam and Yalta in 1945” (Robinson, 2007, p. 109). However, the plan of reunifying the Korean peninsula got thwarted by the Cold War, as both the United States and the Soviet Union did not want to give in to one another. In addition, “Korean domestic politics divided along a hard line between the Korean Communist Party and their allies in the North and Syngman Rhee and his supporters in the South” (Robinson, 2007, p. 109). As neither side wanted to compromise, the United States asked the United Nations to help form a commission, the United Nations Temporary Commission on Korea (UNTCOK). The purpose of this commission was to “supervise general elections that would legitimate an independent Korean government” (Robinson, 2007, p. 110). Although the election was supposed to give the Koreans an opportunity to vote and determine the fate of the Korean peninsula, the Soviet Union denied the Northern occupied zone entry of UNTCOK. Still, the elections proceeded in the South in May of 1948. The election resulted in a new National Assembly which passed a constitution that formally established the Republic of Korea (ROK) in mid-August of 1948. Less than a month later the Communist controlled North responded by declaring their own Korean state, the Democratic People’s Republic of Korea (DPRK), where the former communist guerrilla Kim Il-sung was established as the first premier. What divided these two newly separated states even further was the Korean War in 1950, when North Korea crossed the 38th parallel and invaded the South. What officially sparked the attack is heavily debated.

Nevertheless, the war emerged due to the tense military standoff along the 38th parallel, and as North Korea continued to advance into South Korea “the United States successfully petitioned the United Nations for a mandate to defend South Korea and roll back the invasion” (Robinson, 2007, p.116). The only reason the United States won the Security Council vote to help the South was because of a mistake made by the Soviet diplomat at the time. The Soviet delegate had walked out on the session in protest, which in turn prevented the Soviet Union from using their veto right to block the UN action to aid South Korea. While the UN forces stepped in to help the South, China entered the war to back the North. The tug of war for territory on the Korean peninsula seemed in the beginning as if it would be won by the North, as the Chinese and North Korean troops pushed their forces further and further down South. Ultimately, the UN forces managed to stop and reverse the Northern invasion, recapturing the capital Seoul and pushing the enemies back North. From 1951 truce negotiation started, during this time “the United States mounted a dreadful campaign of bombing against North Korea” (Robinson, 2007, p.119). This campaign lasted for two years, and the US Air Force destroyed the North Korean cities, their industrial capacity and their railroad infrastructure so much so that by the end of it the US bombers had no meaningful targets. The history of this campaign and all its bloodshed is what still lies at the heart of North Korean hostility and distrust towards the United States and the West. The Truce between North and South Korea was finally signed in the summer of 1953, and the border between the two sides was about the same as when the Korean war first started. As Robinson (2007) highlights, this war scarred the Koreans for several generations and was part of what tore the peninsula in two. Ever since then North and South Korea have technically been at war, seen as a peace treaty between them to this day has not been signed.

2.2.2 The Characteristics and the Policy of the North Korean Regime

In North Korea the supreme leadership has stayed within the Kim family now for three generations, this because of its unique political system that is referred to as a monolithic system (yooilcheje) by some scholars. Contrary to other communist countries, as Park (2014) highlights, North Korea has managed to establish and maintain a monolithic system. This “has played a crucial role in enabling the continuing monopoly of power by a sole leader (suryeong) and facilitating the hereditary succession of power from Kim Il-sung to his son

(Kim Jong-Il) and then to his grandson (Kim Jong-un)” (Park, 2014, p.5). Following the monolithic system, it is one individual that has all the power and is at the core of the system. The monolithic system first seriously started to form in the 1960s with the help of the emergence of Juche ideology as a political ideology, and later was reinforced when the military-first policy came into play. The Juche ideology helped facilitate the foundation of the monolithic system, working as a tool to rationalize it. Kim Il-sung further used this ideology to “justify a series of brutal cleansing to cut off excessive Soviet and Chinese influences and eliminate political rivals” (Belke, 1999, p.173; Widjaja et al., 2021, p.4). The ideology also made it possible for North Korea to become an autonomous state without the possibilities of other countries to interfere. It was created by combining communism and religion and is a form of idol worship where loyalty to the suryeong is seen as an essential part. In the Juche ideology Kim Il-sung is depicted as a god that has the authority to control and conduct all of the North Korean society's affairs because he is perceived to be almighty. Under Kim’s command and direction “the political party, the people and the whole nation act as one body under the guidance of the suryeong” (Park, 2014, p.5). The formation of the Juche ideology, as Widjaja et al. (2021) notes, was possible due to the control of communication through the limiting of movement and the lack of access to technology within North Korea. Which sequentially helped maintain the monolithic system since it prevented the people from “comparing North Korea with other countries and to maintain a sense of hostility toward the outside world in order to reinforce internal unity (Ha, 2004, p. 138; Park, 2014, p.7). Another key factor that has helped maintain the Kim regime is the North Korean socio-political classification system, known as *songbun*, which is a party directed caste system. The institution of *songbun* is based upon the fact that “each and every North Korean citizen is assigned a heredity-based class and socio-political rank over which the individual exercises no control, but which determines all aspects of his or her life” (Collins, 2012, p.1). This classifications system is divided into three classes, where the regime assesses its citizens into different classes based upon their loyalty to the Kim regime. The first class, the core (*haeksim*), are made up of the citizens that are deemed to be loyal to the Kim regime. This class are the citizens that receive the best privileges. The second class, the ‘wavering’ (*dongyo*), are the citizens that are assessed to be questionable. Meaning their loyalty to the regime is ambiguous, but as Collins (2012) mentions they can still serve the regime well through their economic and political performance especially if they display

loyalty to the party and its leaders. The third and lowest class, ‘hostile’ (*choktae*), are prejudged as being disloyal. Collins (2012) explains that these members are seen as class enemies by the Kim regime, and because of that they are highly discriminated against. Although the institution of *songbun* has changed with time, the Kim regime has not discarded this policy.

When Kim Il-sung passed away in 1994 the military-first policy (*seon-gun*) emerged as North Korea’s official national policy. As Park (2014) points out, this was a part of Kim Jong-Il’s strategic move to consolidate his grip on power after his father’s passing, but also to aid him control the series of crises that befell North Korea in the early 1990. “The military-first policy can be understood as a political ideology that implies that North Korea’s economy, diplomacy and politics must be guided by its strong military power” (Park, 2014, p.8). Therefore, when it comes to the country's economy the monolithic system prioritizes heavily on the nation's political goals and the prestige of the *suryeong* rather than anything else. Park (2014) remarks that although North Korea have managed to strengthen their military might by developing weapons of mass destruction (WMD), they have declined into a failing state that struggles to even feed their people. The monolithic system, Juche ideology, the institution of *songbun*, and the military-first policy is what still today greatly influences the political processes in North Korea.

2.3.3 Gross Human Rights Violations Committed in North Korea

As briefly mentioned earlier, human rights violations have been taking place in North Korea for several decades now. The COI report (A/HRC/25/63) from 2014 found that in many of the cases that they looked at, the violations that they found entailed crimes against humanity according to State policies. The report finds that the main perpetrators of these violations are;

“the officials of the State Security Department, the Ministry of People’s Security, the Korean People’s Army, the Office of the Public Prosecutor, the judiciary and the Workers’ Party of Korea, who are acting under the effective control of the central organs of the Workers’ Party of Korea, the National Defence Commission and the

Supreme Leader of the Democratic People's Republic of Korea" (UN Human Rights Council, 2014, p.6).

In the report the commission also underlines that the historical experiences of the Korean people are what has shaped the current human rights situation in North Korea. Explaining that "the division imposed on the Korean peninsula, the massive destruction caused by the Korean War and the impact of the Cold War have engendered an isolationist mindset and an aversion to outside powers that are used to justify internal repression" (UN Human Rights Council, 2014, p.6-7). Therefore, the character and scale of the human rights violations committed by the North Korean state can better be understood by recognizing the nature of its political system. The report has nine specific substantive areas of the systematic, widespread, and grave violation of human rights that have and/or is occurring in North Korea. Written in no specific order, 1) violation of the right to food, 2) the full range of violations associated with prison camps, 3) torture and inhuman treatment, 4) arbitrary arrest and detention, 5) discrimination, in particular in the systemic denial and violation of basic human rights and fundamental freedoms, 6) violations of the freedom of expression, 7) violations of the right to life, 8) Violations of the freedom of movement, and 9) enforced disappearances, including in the form of abductions of nationals of other States. I will go more in depth later on in the thesis about some of these violations, especially the ones that fall under the umbrella gross human rights violations.

3. Method

This chapter presents the methodological approach that I have used for my data collection, and the research strategy that has guided the analytical approaches in this thesis. As Bellamy (2011) highlights, the aim of understanding methodology is that it may facilitate us in designing our research so that we can elicit defensible conclusions about what might be causing the things we observe, as well as those causes deriving from ways in which people think about the world. In section 3.1 I will explain my choice of qualitative method, and why this is the appropriate method for answering my research questions. Section 3.2 clarifies why I have chosen to focus on document analysis as my primary source for data collection. Lastly, section 3.3 will discuss the choice of using case study as a method for my thesis. Since this thesis isn't based on quantity terms, I will not be using a quantitative method.

3.1 Research Strategy/Design

The research design in this thesis is designed with the intention of answering the research questions:

(1) *“Which tools does the global community of the UN have in responding to gross human rights violations in the cases of Syria and North Korea?”*

(2) *“How can the management of their scope of action in recent years be explained?”*

Qualitative research is commonly defined as the study of the nature of phenomena, and it involves collecting and analyzing descriptive data in order to understand a social phenomenon in-depth. The social phenomenon that this thesis is trying to understand is why the global community of the United Nations takes the actions that they do towards Syria and North Korea in regard to their gross human rights violations. “Most qualitative studies use *purposeful (or purposive) sampling*, a conscious selection of a small number of data sources

that meet particular criteria” (Russell & Gregory, 2003, p. 36). As Russell & Gregory (2003) further explains, the logic and power behind purposeful sampling comes from selecting information rich cases for an in-depth study to assist in underlining the question of interest. While quantitative research studies focus on extensive examinations usually with many units and few variables. The qualitative research studies, on the other hand, focus on a comprehensive investigation of relationships generally with few units, but many variables. For my thesis the units are Syria and North Korea in relation to the global community of the United Nations, each of whom have many different variables as a deciding factor for how the international community deals with them. When it comes to qualitative research there should be room for change and for pursuing tracks that emerge along the way. This is to better gain insight into the phenomenon’s content. “The qualitative researcher is expected to draw upon multiple (at least two) sources of evidence; that is, to seek convergence and corroboration through the use of different data sources and methods” (Bowen, 2009, p.28). Therefore, when it comes to collecting data in qualitative research it is normal to use one or more of three basic strategies. The first strategy being *field observation* is where the researcher witnesses different events and records it as it transpires. For the second strategy we have *interviews*, which involves asking questions to participants about their experiences. The third strategy is *document analysis*, here the researcher reviews written material. This is the strategy I have chosen to use for my thesis. Because traveling to either Syria or North Korea for field observation would be impossible, and some of the documents I have reviewed already include various interviews from first hand witnesses done by experts in these fields. “Regardless of the strategy, the approach to data collection must be comprehensive to avoid focusing on particular, potentially misleading aspects of the data” (Russell & Gregory, 2003, p. 37). Simply put, researchers should gather a comprehensive data collection through different methods so that the findings can be corroborated across data sets. This again, as Bowen (2009) points out, will assist in reducing the repercussion of potential biases that can exist in a single study. As already mentioned, there should always be room for change and if with the data a new track emerges one ought to try to pursue it. Of course, this is not to say that one should follow every path, but rather follow the key findings that derive from the data collection. When it comes to our data, we want it to be reliable and valid. In qualitative research studies this means “measuring what you really want to measure, and not having a systematic bias” (Spiegelhalter, 2019, p. 79). Additionally, it must be relevant and valid for

the research problem one is trying to understand or/and answer. In terms of looking at the credibility and transferability of the data, it can be checked through the distinction between internal validity and external validity. Internal validity is what makes one look at if “the sample we observed accurately reflect what is going on in the group we are actually studying?” (Spiegelhalter, 2019, p. 80-81). As Spiegelhalter (2019) points out, it is important with ‘random sampling’, because this is one of the crucial ways of avoiding biases. External validity is “is the extent to which you can generalize the findings of a study to other situations, people, settings and measures” (Spiegelhalter, 2019, p. 82). Thus, transferability is essentially the essence of external validity which gives the study a valid significance. Now, for my thesis I have specifically chosen two cases that have similar variables, such as both are authoritarian states, the government/regime itself is committing the human rights abuse towards their own citizens, and the scope of action from the global community of the United Nations seems lacking in both cases. Yet there are other factors for each of these cases that makes them both unique in their own way. For that reason, my thesis has a difficulty when it comes to the task of generalization. That is because the focal point of my thesis is to give an in-depth understanding of the social phenomena regarding what tools the global community of the United Nations have, with a specific regard to Syria and North Korea, in responding to their gross human rights violations and why they have handled these cases the way they have. Therefore, it does not necessarily provide a basis for generalization. For this thesis I believe that the Qualitative research design will be the best method to use for answering my research questions.

3.2 Document Analysis

For this thesis I have decided to use the method of document analysis to obtain my empirical data. One definition for document analysis is that it “is a systematic procedure for reviewing or evaluating documents – both printed and electronic (computer-based and Internet-transmitted) material” (Bowen, 2009, p. 27). Similar to the other basic strategies methods in qualitative research, document analysis calls for the data to be examined and interpreted to be able to draw out meaning, to acquire knowledge and to cultivate an empirical comprehension. “The analytic procedure entails finding, selecting, appraising (making sense

of), and synthesising data contained in documents” (Bowen, 2009, p. 28). It is important to note that even though documents can be a rich source of data it is still important to look at each of the documents with a critical eye, and researchers should be cautious about which documents they chose to use in their studies. In document analysis there are two main types of data. The first is *primary data*, this type of data is first hand data. Meaning data that the researchers themselves have gathered, this can include observation, experiment, interviews, etc. The second type is *secondary data*, which is data that is collected from other researchers’ data collection. This can be accumulated through books, articles, journals, etc. For my thesis I will be focusing on secondary data, mostly through books, articles, journals, as well as certain organizations web pages. This is because, in my opinion, the availability of data for my thesis is significant, and it is sufficient to use to answer my research questions. Furthermore, most of my main data collections come from the different bodies within the United Nations. In regard to looking at the gross human rights violations that have occurred in both Syria and North Korea, I have focused on using reports from the United Nations. Especially reports from the International Commission of Inquiry, which is an investigative body mandated by the Human Rights Council within the United Nations. These reports come from experts that accumulate fact findings that then are presented for the rest of the global community of the United Nations, which is considered a highly reliable source. I have also looked at reports from other well-known NGOs, such as Amnesty International, as well as articles and journals by scholars that are studying the field relevant to my thesis. Documents can supply a research study with a variety of purposes, this is because it can provide us with “background and context, additional questions to be asked, supplementary data, a means of tracking change and development, and verification of findings from other data sources” (Bowen, 2009, p. 30-31). In addition, as Bowen (2009) argues, documents are one of the most effective ways for gathering data, especially when a phenomenon cannot be observed anymore or when the informant themselves have forgotten the details of the event. Of course, as with any method, document analysis has its advantages and limitations. Bowen (2009) specifies that in relation to qualitative research methods document analysis advantages is that it is an efficient method, its availability, its cost-effectiveness, its lack of obtrusiveness and reactivity, its stability, its coverage, and its exactness. However, document analyses have its limitations such as it can have insufficient detail, low retrievability, or biased selectivity.

In qualitative research studies document analysis is regularly used in combination with other research methods. “As a research method, document analysis is particularly applicable to qualitative case studies – intensive studies producing rich descriptions of a single phenomenon, event, organization, or program” (Stake, 1995; Yin, 1994; Bowen, 2009, p. 29). Which is why I have decided to combine both document analysis and case study for my thesis.

3.3 Case study

A “case studies offer a way of gaining knowledge about the Real World events” (Moses & Knutsen, 2019, p. 118), and as Moses & Knutsen (2019) points out it is among the most frequently employed approaches when it comes to social sciences. The process for a case study includes collecting data, analyzing the data, presenting the results, and reporting the results. “All case study research starts from the same compelling feature: the desire to derive a(n) (up-)close or otherwise in-depth understanding of a single or small number of “cases”, set in the real-world context” (e.g., Bromley, 1986, p.1; Yin, 2011, p. 4). The in-depth research objective is to provide an insightful and valuable understanding of a case or cases, with the purpose of generating new understanding of the real-world’s behavior and its meaning. There are many definitions for case studies, one of them being that it is “an empirical inquiry about a contemporary phenomenon (e.g., a “case”), set within its real-world context – especially when the boundaries between phenomenon and context are not clearly evident” (Yin, 2009a, p. 18; Yin, 2011, p. 4). Simply put, a case study refers to the study of a social phenomenon.

As I mentioned in the introduction of this thesis, to be able to acquire a broader comprehension of the mechanisms that the United Nations can apply in responding to gross human rights violations carried out by governments against their own citizens, a case-specific examination is critical. This is due to the fact that the United Nations’ approach to each different case will be dependent on each of their individual variables. Seen as covering all possible cases would be too extensive for my thesis, I have chosen to use the method of case study to narrow it down to two individual cases with their own unique variables. The first

case being Syria, a nation with a diverse ethnic and religious group that is divided by many different parties. The second case being North Korea, a monolithic nation under the hold of the repressive Kim regime. These two nations are notorious for their gross human rights violations, yet the response from the international community of the United Nations at times seems baffling.

4. Theory

This chapter will outline the theoretical foundation for this thesis, consisting of International Relations theory, Realism, Liberalism, Constructivism, Security Studies, and Human Security. The theories presented in this chapter are selected to be used as analytical tools related to my thesis, which later will be used as an analytical tool in chapter 5 when analyzing the empirical evidence and findings of this thesis.

4.1 International Relations Theory

International Relations theory is the study of international relations (IR) from a theoretical perspective. The theory is meant to help us understand how the international system works, but also to understand how nations in general engage with each other and how they individually view the world. According to Goldstein and Pevehouse (2013-2014), IR can narrowly be defined as concerning the relationships among the world's governments. However, they also point out that these relationships cannot be understood in isolation. This is because the international stage has a lot of different actors, all from small to large, that are interwoven with the decisions of governments. Even though states are the most important actors within IR, nonstate actors such as international organizations like the United Nation, bureaucratic agencies in foreign ministry, terrorist groups, multinational corporations, individual leaders, and citizens also play an important role in influencing state governments. The definition of a state actor "is a territorial entity controlled by a government and inhabited by a population" (Goldstein & Pevehouse, 2013-2014, p.10). These state governments have full sovereignty over their territories and citizens, meaning that "states are separate and autonomous and answer to no higher authority. In principle, all states are equal in status, if not in power" (Goldstein & Pevehouse, 2013-2014, p.41). Following the Westphalian system, traditionally sovereignty is seen as one of the most important norms where, as Goldstein and Pevehouse (2013-2014) explain, it is something that is recognized by other states through diplomatic relations and is also commonly by membership in the United Nation. In the United Nations Charter, it "appears both to proscribe and prescribe the practice. Articles 2.4 and 2.7 uphold the importance of sovereignty and the convention on non-interference in another

state's affairs, but Chapter VII suggests that extreme humanitarian abuse can constitute a 'threat to peace', legitimizing intervention" (Hough, 2008, p.127). This making the subject of intervention quite difficult to actually navigate in the real world.

The key problem that IR revolves around is "How can a group - such as two or more countries - serve its *collective* interests when doing so requires its members to forgo their *individual* interest?" (Goldstein & Pevehouse, 2013-2014, p.3). By this, one can see the study of IR as an approach to better recognize the motivations and goals that are driving the policy decisions worldwide. In turn, shedding some light on why certain decisions in IR are made, and possibly find a solution to the key problem of IR.

Within IR there have mainly been two central theories, realism and liberalism, however in the case of this thesis I will also be using the theory of constructivism. These three rivaling perspectives, as Walt (1998) calls attention to, can work together to show us crucial aspects of world politics. As he put it "we need theories to make sense of the blizzard of information that bombards us daily" (Walt, 1998, p.29). While realism stresses the tendency of constant conflict between states, liberalism seeks to point out different ways to mitigate these conflicts, and constructivism attempts to explain how the system of state relations could be altered.

4.1.1 Realist theories

The realist theories have their focus on power, fear and anarchy. It is "a school of thought that explains international relations in terms of power. The exercise of power by states toward each other is sometimes called *realpolitik*, or just *power politics*" (Goldstein & Pevehouse, 2013-2014, p.35). Power is the central concept for realists when it comes to international relations. Realism "depicts international affairs as a struggle of power among self interested states and is generally pessimistic about the prospects for eliminating conflict and war" (Walt, 1998, p. 31). In international relations the concept of power can be defined as "the ability to get another actor to do what it would not otherwise have done (or not to do

what I would have done)” (Goldstein & Pevehouse, 2013-2014, p. 38). We can differentiate between two types of power. Hard power, which is a coercive power that is usually enforced by the use of for example economic sanctions or military threats. Soft power, on the other hand, uses co-option rather than coercion, which means persuading others to do what one wants. While there are different variants of realism, they predominantly share the same view when it comes to the character of relations among states. That is;

“Where there is change, it tends to occur in repetitive patterns. State behaviour is driven by leaders’ flawed human nature, or by the preemptive unpleasantness mandated by an anarchic international system. Selfish human appetites for power, or the need to accumulate the wherewithal to be secure in a self-help world, explain the seemingly endless succession of wars and conquests” (Elman & Jensen, 2013, p.16).

In other words, the classical realist, such as Morgenthau and Niebuhr, generally has a pessimistic view of human nature where it implies that states should not trust other states because they all seek to put themselves first. This by trying to extend their own power wherever it may be possible, territory, influence, etc., so that they can secure themselves. Both Morgenthau and Niebuhr “believed that states, like human beings, had an innate desire to dominate others, which led them to fight wars” (Walt, 1998, p. 31). Contrary to this, neorealists, such as Waltz and Mearsheimer, rejected human nature as playing a crucial role and rather focused on the effects of the international system. “For Waltz, the international system consisted of a number of great powers, each seeking to survive. Because the system is anarchic (i.e., there is no central authority to protect states from one another), each state has to survive on its own” (Walt, 1998, p. 31). Although states try to exert power towards each other, there is still the norm that they should not interfere in other states’ internal politics or decision process. Essentially, they try to respect each other’s sovereignty. Even though realists believe that what happens within a state’s borders are internal affairs, it does not mean that it gives the authorities the right to whatever they want in regard to their citizens. The aftermath of the second world war, among other events, has had an effect on the idea of sovereignty. It might still give a state supreme authority within its territory, but how a state handles their internal matters might affect their relations in the international community.

Hough (2008) highlights that, realists are the traditionalists in International Relation and Security Studies, even now it is the most dominant paradigm. Governments still to this day tend to favor the 'real world' approach when conducting their foreign policies. For realists, IR can "be best (though not exclusively) explained by the choices of states operating as autonomous actors rationally pursuing their own interests in an international system of sovereign states without a central authority" (Goldstein & Pevehouse, 2013-2014, p.37). As a result, realism has been a source for substantial explanations when it comes to conflict and war. Further, when it comes to non-state actors, such as international organization, and what they could achieve in the international system, realists believe that they do not "have any significant effect on what goes on in world affairs" (Ozkan & Cetin, 2016, p.89). More precisely, realists tend to view non-state actors as having very little independent influence. This is because realists are predisposed to look at international politics as conflictual and competitive, therefore they regard international organizations to only be used by states when it is to their political benefit. "Realists maintain that institutions are basically a reflection of the distribution of power in the world" (Navari, 2013, p.44). Hence, in the end states remain bound to the idea of national self-interest. I expect that the realist thought, in regard to my research question, will highlight the problems associated with reaching an agreement on the appropriate measures against Syria and North Korea in the United Nations Security Council. The explanation for this would be that the great powers that sit in the Security Council as permanent member states tend to prioritize their own interest over the common interest, and therefore use their veto power when it serves their self-interest. Thus, the Security Council becomes more of an arena for power struggle, rather than for cooperation.

4.1.2 Liberalism

Liberalism is a social school of thought in IR that centers around political freedom, it tries to emphasize the individual's rights and limit the political power. "Liberals have traditionally demanded that we respect individuals' choices in terms of how they live their lives, so long as they do not harm others or violate their rights" (Buckler, 2010, p.175). Yet, this notion isn't as straightforward as one might think. As Buckler (2010) remarks, the balance of individual liberty and the societies needed to uphold its fundamental moral standards sometimes collide. Liberalism is a school of thought that revolves around three

main principles, which according to Shiraev (2014), are 1) that “it rejects power politics and inevitable conflict among states as the result of anarchy”, 2) that “it emphasizes international cooperation and mutual benefits”, and 3) that “it sees international organizations and nonstate actors as shaping state preferences and policy choices” (Shiraev, 2014, p.46). These are principles that criticize the realistic framework of analyzing international relations, while at the same time giving an indication of how the world should or could function. Compared to realism, liberalism offers a more optimistic worldview in IR theory. While “realists see the laws of power politics as relatively timeless and unchanging, liberal theorists generally see the rules of IR as slowly, incrementally evolving through time and potentially becoming more and more peaceful” (Goldstein & Pevehouse, 2013-2014, p.63). Therefore, liberal theories of IR can be seen as trying to explain how peace and cooperation is achievable. Liberalism has a tendency to look at a collective long-term picture, whereas realists have a habit of focusing on the state's interest often in the short-term picture.

After the first world war, it was a liberal project that helped constitute IR as a separate discipline. Holding a strong normative variant with the belief that the subject could someday show the way to lasting peace, which in retrospect has been termed idealism. Today, the modern liberal theory is more descriptive and less normative. Contemporary liberals, much like realists, also claim that they describe the world as it is and not as it should be. Some liberals argue that IR is not just about the state-to-state relation, rather it is as well as about transnational relations. Unlike realist that has its focus on concepts such as power, anarchy, fear and security, liberalism focuses on concepts like “domestic politics, interdependence, decision-making, transnationalism as well as regimes” (Strange, 1982; Viotti and Kauppi, 1993; Ozkan & Cetin, 2016, p. 90). A key belief that the liberals hold is that non-state actors, such as international institutions like the UN, play an important role in acquiring cooperation among states. What forms the basis of international institutions in liberalism's opinion is the state's common interest, for example like security. Liberals see these international institutions as a key role in achieving cooperation between states, this through creating interdependence. Ozkan & Cetin (2016) explain that liberalists consider non-state actors as having substantial influence especially in areas such as agenda settings. Albeit neo-liberalism has a tendency to acknowledge realist arguments about states playing the major role, they also believe that “institutions are important for they can help states cooperate by reducing

verification costs, creating iterativeness and making it easier to punish cheaters” (Ozkan & Cetin, 2016, p.89). As neoliberal theory points out that even though “institutions cannot transform anarchy, they can change the character of the international environment by influencing state preferences and state behaviour” (Navari, 2013, p.42). Thus, both state and non-state actors are seen by liberals as equally important. The liberalist theory, in regard to my research question, will be able to call attention to the possible tools that the global community of the UN have when cooperation is possible.

4.1.3 Constructivism

The theory of constructivism revolves around the idea that people (*agents*) construct knowledge through their experience and interactions with their surroundings. One of the fundamental things of constructivism, according to Onuf (2012), is the premise that human beings at its core are social beings. Without our social relations we would not be humans. The arguments of constructivism, as Parson (2010) highlights, are usually built on the idea that people simply arrive at specific actions because they follow certain ‘social constructs’. The ‘social constructs’ is a concept where people use interpretive filters such as; ideas, norms, identities or beliefs to understand the world. “We inhabit a ‘world of our making’ (Onuf, 1989), action is structured by the meanings that particular groups of people develop to interpret and organize their identities, relationships, and environment” (Parson, 2010, p.80). In other words, the everyday interpretive filters people use define the properties of the world that we perceive.

What constructivism essentially does is that “it provides a distinct substantive view of how and why the political world forms and ‘hangs together’” (Ruggie, 1998; Parson, 2010, p.97). In IR, constructivism is a social theory that argues that our reality is socially constructed. It can therefore be used as a tool to study how and why nations engage with each other the way that they do, and how the different nations regard the world. It can also be used to look deeper. For example, by looking at the agents within a nation and their identities, norms, beliefs and/or ideas, and how they are a part of forming their nations which in turn affects how it interacts with other nations. One of Durkheim’s arguments was “that human

societies are held together by the ‘social facts’ of culture, not just objectively rational response to ‘natural’ or ‘material facts’, and that particular societies creatively invent different socially constructed identities and beliefs” (Parson, 2010, p. 81). These ‘social facts’ of culture are what creates an identity for individuals, communities, states, and so on. Most of the time these constructs are deeply ingrained, and therefore difficult to change. That is probably one of the bigger problems within the international community, because every state comes from a different cultural background with their own ‘social facts’ that constitutes their norms and values. In the end “constructivism holds that people make society, and society makes people” (Onuf, 2012, p.4), and by that logic people have the capability to change their society since they are a part of what makes society. The constructivist theory, in regard to my research question, will be able to put a spotlight on how actors follow certain ‘social constructs’. Both the regime in Syria and North Korea follows their own ‘social facts’, but especially North Korea that seemingly has constructed a special form for perceived identity. Additionally, the international community of the United Nations also have their own ‘social construction’. They play an important role in both what tools the global community of the United Nations possess that they have, and as to what scope of action can be taken.

4.1.4 Security Studies

Security is the definition of being free from both danger and threats, or “*the alleviation of threats to cherished values*” (Williams, 2013, p.6). Security studies is seen as a subfield within IR that has its focus on national security, military conflict, and organized violence. It is viewed as a somewhat recent invention that mostly was constructed by Europe and America due to the Second World War. This is why, Williams (2013) points out the fact that traditional security studies have arguably been written predominantly by Westerners in favor of Western governments. Thus, “the questions, issues and ways of thinking traditionally considered most important within the field were neither neutral nor natural but were, as Robert Cox famously put it, always ‘for someone and for some purpose’” (Cox, 1981; Williams, 2013, p.5). Furthermore, as Hough (2008) mentions, the notion of what is morally right is tightly linked up to what is customary within a given society. That being said, this notion of rights that are supposed to concern all of humankind is in actuality not ‘natural’. Lasswell (1936) and

Williams (2013) identify security as inevitably political for the reason that it plays a crucial role in politics when it comes to who gets what, when and how. “Rights are the rules of mutual give and take which developed over time within a society in order for it to function peacefully and survive. Rights are, in effect, implicit agreements arrived at within societies” (Hough, 2008, p. 137). People as rational beings, as stated by Onuf (2012), are more inclined to follow these ‘implicit agreements’ if they benefit them. Still, those who benefit less might feel like they should follow these agreements because doing so will benefit them more than not.

According to Williams (2013) there are two prevalent philosophies of security. The first perspective “sees security as being virtually synonymous with the accumulation of power” (Williams, 2013, p.6), this viewpoint understands security as a commodity. For actors to be secure they must obtain things that will protect them from threats, such as armies, weapons, money, territory, and so on. Consequently, the more power actors can accrue, the securer they will be. The problem with that, which the realist acknowledge, are that “the rules of IR often create a **security dilemma** - a situation in which actions taken by states to ensure their own security (such as deploying more military forces) threaten the security of other states” (Goldstein & Pevehouse, 2013-2014, p.42-43). Which creates an evil circle where actors always seek to obtain more things to ensure their security. The second perspective “sees security as being based on emancipation, that is, a concern with justice and the provision of human rights” (Williams, 2013, p.6). Instead of understanding security as a commodity, this viewpoint understands security in relations to other actors. More comprehensively, while the first philosophy sees security as being able to exert power over other actors, the second philosophy sees security coming from actors cooperating to attain security without striping other actors from it.

Though security studies in IR have mainly had its focus on the threats to security of states, for a while now the thought of widening its focus has been a topic for dispute among IR theorists. According to Hough (2008), there is a debate of whether the discipline should “(1) extend its reach to include non-military threats to state and, perhaps, other actors; (2) go further and bring within its remit the security of all actors in relation to a range of threats,

both military and non-military” (Hough, 2008, p.2). This is because of the limitations appertaining to traditional security study which ‘fetishize’ the state. The security of the state has a tendency of coming before the security of the civilian population within the state. “The guiding understanding of ‘security’ was the security of states and their leaders - not that of the security of the civilian populations whose putative guardians were often their worst persecutors” (Jones, 2013, p.253). However, with international institutions such as the United Nation, Security Council, among others, the traditional way of thinking of security is challenged.

4.1.5 Human Security

With globalization and the awareness of human rights, the concept of security in IR has widened from mainly having its focus on nation security to human security. One definition of human security is that “the objective of human security is to safeguard the vital core of all human lives from critical pervasive threats, and to do so without impeding long-term flourishing” (Alkire, 2002, p.2; Hampson, 2013, p.282). In other words, the idea of human security is to make space to look at the variety of threats to life, factors such as poverty, gender, repression, disease, et cetera. Another popular definition to human security sees it as “not a concern with weapons. It is a concern with human dignity. In the last analysis, it is a child who did not die, a disease that did not spread, an ethnic tension that did not explode, a dissident who was not silenced, a human spirit that was not crushed” (ul Haq, 1995, p.116; Williams, 2013, p.8). Unfortunately, one of the key problems to human security issues is that “not only are the traditional security agents of the state (i.e. the army, externally, and police, internally) often inadequate for dealing with security problems affecting the people of that state, they are often a chief cause of those problems” (Hough, 2008, p.9). This is because human rights are still in many cases secondary to national security, especially when it comes to issues where the two seem to clash. Hough (2008) highlights the fact that security is a human condition. “The states would assume the responsibility for protecting its citizens and demand their loyalty in return in a strengthened version of the ‘Social Contract’ relationship articulated by political philosophers such as Hobbes and Locke from the seventeenth century” (Hough, 2008, p.12). Thus, underlining the fact that the idea of what and

how security is has been created and accepted by the majority of the people within a society. What then influences the international society on matters surrounding security, such as war, alliances, trade and so forth, are the states that have the highest capability of exerting power. These states are the ones that influence norms and ideas for the various international agreements that are supposed to create a collective security. Hence, the rise of the global community of the United Nation. The United Nations has issued several reports on human security. The first were presented back in 1994 and introduced a new concept of human security “which equates security with people rather than territories, with development rather than arms” (UNDP, 1994). The report looks at both the global and national concerns of human security, and as stated by UNDP (1994), it seeks to handle these concerns through a new paradigm that is better suited. The latest report came out last year in 2022, as UNDP (2022) explains, this report examines a cluster of threats that have changed and become more prominent in recent years. It addresses many human security issues that we should and need to find solutions to. Today, the United Nations sanctions that are backed by the Security Council “represent the most significant example of global supranational policy seen to date” (Hough, 2008, p.105). Yet, as Goldstein & Pevehouse (2013-2014) points out, it is hard to enforce states to follow these agreements since the international community does not officially have a “world police” that can penalize states for their wrong doings. Especially when it comes to internal affairs. In recent years, human interventions have been a more frequently debated concept within IR. This is because “it challenges the fundamental underpinning of the Westphalian system, state sovereignty” (Hough, 2008, p.127). However, when these threats to life become crimes that are deemed so severe that it not only violates the immediate victims, but also humanity itself, it becomes a transnational problem. Seen as my thesis research question revolves around gross human rights violations, particularly pertaining to states that commit it towards their own civilians (individuals). The concept of both security studies and human security is relevant in understanding what scope of action the United Nation actually has in regard to this. Additionally, the United Nations focus on human security may have helped broaden what is considered relevant for the Security Council to deal with.

5. Empirical evidence and discussion

This Chapter will present the empirical evidence, as well as analyze and discuss the empirical evidence that has been found, for this thesis primary research questions:

(1) *“Which tools does the global community of the UN have in responding to gross human rights violations in the cases of Syria and North Korea?”*

(2) *“How can the management of their scope of action in recent years be explained?”*

The first part 5.1 will analyze and discuss the case of Syria. The second part 5.2 will analyze and discuss the case of North Korea. Both parts will include a summary of the main findings in addition to discussing what tools the global community of the United Nation have, along with how they have managed their scope of action regarding the cases of Syria and North Korea. The assumptions from chapter 4 will be included in my discussion.

5.1 Syria

In the background chapter about Syria, I briefly brought up the COI reports from 2021 and 2022 and their findings on gross human rights violations that have and still are occurring in Syria. This chapter will dig further into these findings that are presented in the COI reports (2021 & 2022), how the global community of the United Nation have responded to these findings, and additionally how the Syrian government has responded to the findings.

5.1.1 COI report 2021 & 2022

The multi-sided civil war in Syria is still an ongoing issue and has resulted in one of the world's largest humanitarian and security disasters. As reported by Amnesty International report (2022), the hostilities in Syria have decreased, but the economic and social condition in the nation are continuing to deteriorate. "Parties to the conflict continued to commit with impunity gross human rights abuses, serious violations of international humanitarian law and crimes under international law, including war crimes" (Amnesty International, 2022). The unlawful attacks on civilians and civilian infrastructure are being carried out by government forces, as well as armed opposition groups, and their allies. Yet, the West has chosen not to intervene. As Hampson (2013) points out, in the eye of some this is seen as a hypocritical action, due to the fact that the West chose to intervene in other places that had "similar outbreaks of protest and bloody repression by autocratic leaders in 2011" (Hampson, 2013, p. 280), such as Libya. For the international community, international security is highly valued, and human security literature often brings forth that "international order cannot rest solely on the sovereignty and viability of states - that order depends as well on individuals and their own sense of security" (Hampson, 2013, p. 282). The individuals residing in Syria are subjected to arbitrary detention, abduction, enforced disappearance, and restrictions are put on their freedom of expression and assembly. Due to this, "by the end of 2022, 5.6 million Syrians had sought refuge outside the country since the conflict began in 2011" (Amnesty International, 2022). Within Syria it is estimated to be around 6,9 million internally displaced people. Where in the north-west of Syria, the region that is under the control of armed oppositions, the government has been trying their best to deny and obstruct access to essential aid which has caused even furthermore internally displaced people. Subsequently, the people in this region are fully dependent on humanitarian assistance that is coordinated by the United Nation. Although the global community of the United Nations have not intervened in the Syrian war the same way as they did in for example Libya, they have since the start of the crisis tried to provide Syria with humanitarian aid. "The just war principle of avoiding conflict escalation may be applied to humanitarian intervention to give a practical working doctrine which, if not perfect, is surely better than doing nothing" (Hough, 2008, p.129). Put differently, instead of potentially making the situation worse by intervening by using military force, providing humanitarian aid is better than not doing anything at all. In 2014 the

Security Council adopted resolution 2165 that authorized “the use of four international border crossings for humanitarian aid. By July 2020, the number was reduced to only one crossing in resolution 2533 (2020), despite the continuing dire humanitarian situation” (UN Human Rights Council, 2021a, p. 4). The mechanisms for this cross-border aid have faced challenges due to allies of the Syrian government that have used their veto right in the Security Council. Notably, when last year (2022) Russia vetoed a twelve-month extension for humanitarian assistance in Syria, that instead ended up with being renewed to merely a six-month extension instead.

The conflict that emerged in Syria for little over a decade ago now, has had a continuous characteristic of arbitrary detention and related violations. For many Syrians the risk of getting detained, being ill-treated, and torture is a prevalent part of their everyday life. This is also one of the factors that has set the stage for the beginning of the Syrian civil war. As mentioned, the “arbitrary detention of dissidents and activists were among the main grievances that inspired protests in early 2011, during which the population called for the release of political prisoners” (UN Human Rights Council, 2021b, p. 2). A factor for the government’s actions were that the Assad regime wanted to put their efforts into tightly holding their control over the activities of the civil society, this again in the hopes that what was happening around in other Arab countries at the time would not reach Syria. As the COI report (2021b) brings up, early on the Assad regime claimed to be fighting against terrorism and used this as a justification for their excessive military action. However, they did not distinguish between United Nations-designated terrorist groups and other armed groups. Although States have their obligations as to defend their citizens from terrorism, this must be done in full compliance with the international human rights law and when suited to international humanitarian law. In this regard, the government has persistently failed in their obligations. Nonetheless, it’s important to note that over the past decade it is not solely the government that has not respected the rights of detained individuals, but all warring parties in the Syrian Arab Republic. This perfectly illustrates one of Hough (2008) arguments, of how not only the traditional security agents of the state can be inadequate in dealing with their citizens' security, but that often they are the cause of those problems. The government's framing of the situation, as it being a fight against terrorism, has influenced the debates that

have been held within the United Nations Security Council. An example as to how it has affected the debate is the incident where India explained the reason as to why they decided to abstain on one of the Syrian resolutions. “They said ‘While the right of people to protest peacefully is to be respected, States cannot but take appropriate action when militant groups - heavily armed - resort to violence against State authority and infrastructure’” (Gifkins, 2012, p. 5). As Gitkin’s (2012) further points out, this framing is heavily rejected by most of the Western members of the United Nation Security Council. Hence, why this reflects the division between the members as to how to interpret the ground situation in Syria.

“The use of arbitrary detention, torture and ill-treatment, including through sexual violence, involuntary or enforced disappearance and summary executions, has been a hallmark of the conflict” (UN Human Rights Council, 2021b, p. 2). The Human Rights Watch has documented a comprehensive network of detention facilities that is spread across Syria. Testimonies from survivors used in the COI report (2022) depict the detention facilities as gruesome places, with reports of overcrowded cells, accompanied with widespread illnesses and diseases. Furthermore, the detainees are denied appropriate, if any, medical care, sanitary facilities, water, and food. Some survivors have also come forward with details of being subjected to ill-treatment and torture, “such as electric shocks, the burning of body parts, being folded into car tyres (*dulab*) and suspended by one or two limbs for prolonged periods (*shabeh*), often combined with severe beating with various tools, including sticks or cables” (UN Human Rights Council, 2022, p. 4). There are also reports of cases pertaining to deaths in these detentions, as well as during house raids by the military and by security agents. Unfortunately, in many of these cases relatives only learn about their loved one’s death years later after the fact. Additionally, several remains of individuals are never returned to their families. “Torture is prohibited under the Syrian Constitution, and on 30 March 2022 the Government adopted Law No. 16/2022, formally criminalizing torture and providing significant criminal sanctions” (UN Human Rights Council, 2022, p. 5). It is important to note, as the COI report (2022) highlights, that the new law is very vague. It only gives a general reference as to what victims and survivors can do and what their rights are. Most notably, is the lack of addressing the immunity that is granted to the military and the security agents. Testimonies from survivors and victims’ that the commission has gathered confirms

those of crimes against humanity and war crimes pertinent to arbitrary detention, ill-treatment and torture in detention, and enforced disappearances. Furthermore, noting that not only has this happened, but that these patterns remain and are still taking place to this day. As stated in the COI report (2021b), the violations and abuses that have consistently been perpetrated, especially those by the Syrian government, are so widely reported on by the COI and others that any claims about having no knowledge about them by relevant chains of command is absurd. In relation to detention the “Government forces, ISIL and Hay’at Tahrir Al-Sham have all committed crimes against humanity, 50 and all parties have perpetrated war crimes and violations and abuses of human rights law” (UN Human Rights Council, 2021a, p. 8).

The COI report (2022) have multiple testimonies from survivors about attacks that are directed against civilians and the civilian infrastructure, especially in the northern region in Syria, directly by government forces, pro-government forces, and their foreign allied forces. “The Syrian government, supported by Russian government forces, launched indiscriminate attacks and direct attacks on water stations, displacement camps, poultry farms and residential areas in north-west Syria” (Amnesty International, 2022). Both the COI reports (2021a & 2022) points out how the Syrian government, and their allies, intentionally have been targeting objects that are indispensable to the survival of the population. The “hostilities have damaged and destroyed emergency field hospitals, schools and markets in densely populated areas where both local communities and internally displaced people reside” (FactSheet, 2014, p. 2). Therefore, as stated by the Commission of Inquiry, it is the civilians that are the primary victims to the conflict within Syria. The government’s army and air force have from the period between 2011 to the end of 2020 used artillery and airstrikes in an obviously indiscriminating manner. “Such use of heavy weapons in civilian populated areas, which killed and injured civilians, in the period prior to the start of the armed conflict amounted to clear violations of the right to life” (UN Human Rights Council, 2021b, p. 6). The Commission also makes it clear in the report that the government forced has from the beginning of this armed conflict indiscriminately attacked civilian populated areas. They have also intentionally targeted protected objects, specifically hospitals and medical facilities, as well as targeted areas that clearly are civilian locations. From this, “if we leave aside the nuclear threat, it is clear also that states will often deliberately kill civilians if they consider it necessary for their security interest” (Hough, 2008,

p. 67). There are many witnesses that the Commission has interviewed that has denied that there has ever been any presence of military targets in these areas that have been attacked. The Syrian government along with their allied friend, the Russian Federation, have both refused to give a response regarding the specific incidents concerned.

One of the most heinous sorts of acts that have occurred in the Syrian civil war is the use of chemical weapons. “The Commission documented 38 separate instances of the use of chemical weapons, of which 32 met its standard of proof for attribution to Syrian government forces and 1 to ISIL. In the remaining 5 instances, the Commission could not attribute responsibility” (UN Human Rights Council, 2021a, p. 8). As stated in the COI report (2021a), each of the cases where the use of chemical weapons has occurred is an act that amounts to a war crime. Early February of this year, the UN news covered that the Organization for the Prohibition of Chemical Weapons (OPCW) released a new report that “finds “reasonable grounds” exist to believe the Syrian Government was responsible for a chemical weapons attack that killed 43 civilians in the suburban town of Douma in 2018” (United Nations, 2023). Besides this one specific incident, the investigation by the OPCW also identified that the Syrian armed forces have been perpetrator of several other chemical weapons attacks. The OPCW came to this conclusion by using analysis of various pieces of evidence, such as “witness testimony, medical records, chemical and ballistic studies, foreign expertise, computer modeling, satellite imagery and photography, among other sources” (United Nations, 2023). It’s important to point out, as Fernando Arias (Director-General of the Organization for the Prohibition of Chemical Weapons) stated in the UN news article (2023), that the OPCW team is not a judicial body and therefore has no authority as to assign individual responsibility. The team’s responsibility is instead to establish the facts and to identify the perpetrator or perpetrators. Arias furthermore asserted that ““the report is now in your hands,” he told the Security Council, adding that it will be up to the UN and the international community to take further steps or actions deemed necessary” (United Nations, 2023).

The repressive Ba’athist government of Bashar al-Assad imposes significant restrictions on freedom of expression, association, and assembly. The state of emergency that was sat in effect from 1963, and lasted up until 2012, gave the Assad regime an extensive

power that made it capable for the regime to impair the Syrian citizens' most basic rights and freedoms. According to the COI report (2022), both male and female women's rights activist were particularly "targeted by violence and threats of violence by members of the Syrian National Army and official religious figures when attempting to engage in public life, undermining their ability to meaningfully participate and contribute to their communities" (UN Human Rights Council, 2022, p. 13). As a result, a number of women's rights activists have withdrawn from their local organization and avoided speaking publicly about gender equality in fear for their own safety. Moreover, the circumstances around this setting have caused organizations that work on gender-based violence, such as providing legal aid or protection of victims, to exceedingly become isolated. "Adding to the social stigma attached to sexual violence there were no shelters to accommodate survivors, who were also reluctant to seek redress before the above-mentioned all-male grievances committees due to their ineffectiveness" (UN Human Rights Council, 2022, p. 13-14).

As the COI report (2022) also put a spotlight on, there have been journalists, media outlets and political parties that have been attacked, arrested, or faced restrictions in their work. This is done by either the self-administration or by unidentified individuals. "There are reasonable grounds to believe that the Syrian Democratic Forces have unduly restricted the freedom of expression of journalists, including the revocation of licenses leading to the closure of a media outlet, and other measures affecting independent journalism" (UN Human Rights Council, 2022, p. 18). The Amnesty International report (2022) also brings up that in April 2022 there was a new cybercrime law passed that enforced crude sentences, as well as fines, against anyone that dares to criticize the constitution or the authorities online. In the new cybercrime law there are two articles, 24 and 25, that "criminalize "electronic slander" defined as the sharing between two people, including in private communications, of slandering or humiliating information about other individuals, with harsher fines and a prison term if the individual is a public employee" (Amnesty International, 2022). This means that if two people were to have a private conversation online, be it on WhatsApp or Facebook messenger, about anything that puts the government or an employee of the government in a negative light they could risk getting sent to prison if they are caught. Following article 27, 28 and 29 they "impose sentences of between three and 15 years in prison for publishing online

content that “aims or calls to change the constitution illegally”, “undermines the prestige of the state”, and “undermines the financial position of the state”” (Amnesty International, 2022). Again, here the government is hindering the public to even have a healthy debate about anything related to the politics of the state that they are a part of. Basically, silencing their own people from legally being able to criticize the government in any way possible.

5.1.2 Recommendations for the International Community and the United Nations

The COI report (2022) reiterates their previously made recommendation. Here the Commission calls upon all parties of this conflict to follow seven recommendations, and they are as follows. (a) To respect international humanitarian law and to cease all indiscriminate and direct attacks on civilians and civilian objects. (b) For all of them to conduct their own independent, impartial, and credible investigations of incidents that involve casualties of civilians where their own forces are implicated. (c) For all parties to abstain from conducting torture, as well as other inhuman, cruel, or degrading treatment of individuals in all detention places. (d) “To cease all enforced disappearances and take all feasible measures, in line with Security Council resolution 2474 (2019)” (UN Human Rights Council, 2022, p. 18). In addition to locate all of those who are detained and/or disappeared. (e) To assure access to humanitarian relief, along with expanding humanitarian aid in the most crucial areas. (f) For the parties to facilitate administrative procedures to be able to process civil documentation. “Such as procedures related to property registration and inheritance, in an equally accessible and affordable manner to all Syrians, including women whose spouses are missing, disappeared or have been killed” (UN Human Rights Council, 2022, p. 19). (g) For all parties involved to secure respect and protect the civilians’ fundamental rights in the areas under their control.

5.1.3 Recommendations for the International Community and the United Nations

The Commission also puts forth five recommendations for the Member States of the United Nation. (a) For them to help facilitate “the creation of an independent mechanism with an international mandate to coordinate and consolidate claims regarding missing persons, including persons subjected to enforced disappearance” (UN Human Rights Council, 2022, p. 19). (b) Return back nationals that are held in the north-east area of Syria that are allegedly associated to Da’esh. With the focus on children with their mothers due to the dire living conditions in that area. (c) For the global community within the United Nation to continue “seeking accountability, including by ensuring and investing in effective legislative, investigative, judicial and prosecutorial infrastructure” (UN Human Rights Council, 2022, p. 19). (d) To make sure that the return of Syrian refugees is done voluntarily and assure it does not violate their fundamental human rights. (e) Lastly, to conduct an independent assessment of the impact of sanctions, with the focus on “mitigating unintended consequences on the daily lives of the civilian population, including by streamlining cumbersome humanitarian exemption procedures” (UN Human Rights Council, 2022, p. 19).

5.1.4 International community

Looking at what tools the global community of the United Nations has, in regard to the specific case of Syria, we can see that it is in some ways quite limited. An important tool they have is the United Nations Security Council.

“Arab states (just like many other countries of the South) consider that only the UN Security Council is entitled to decide on intervention and must do so under strict conditions and that if members of the council fail to come to an agreement, humanitarian intervention should simply not take place, whatever the human cost of not intervening” (Kodmani, 2012; Hampson, 2013, p. 87).

In other words, the Security Council is a two-sided coin seen as it all depends on the stance to the members of the council, the permanent as well as the non-permanent members.

If we keep in mind how the situation in the international community was at the time when the uprising started in Syria, it may make sense as to how the United Nations Security Council member handled the situation in the beginning. Only a month after the unrest started in Syria the members of the Security Council tried finding an agreement on issuing a press statement concerning the situation occurring in Syria. Unfortunately, “Council members, like China and Russia, who were opposed to a press statement on Yemen last week appear to be similarly reluctant about a press statement from the Council on Syria” (Security Council Report, 2011). Which, as Gifkins (2012) draws attention to, is the weakest Security Council output that they have. Yet, it still failed. The reason for not agreeing on a press statement was because Russia argued that this was rendered as an interference of a sovereign states’ internal affairs. It also didn’t help that during this time “India, Brazil and South Africa were also strongly resisting Western pressure on Syria arguing that the West could not be trusted after the North Atlantic Treaty Organisation (NATO) had exceeded its mandate in Libya” (Gifkins, 2012, p. 6). Even to this day, many scholars compare the United Nations actions towards Libya and Syria. This because what ended up happening in Libya got used as a reason as to why the global community should not interfere with the sovereign rights of Syria. In March of 2011 NATO started a military intervention in Libya because of the eruption of the civil war in the country. The aim was to implement the United Nations Security Council Resolution 1973, which demanded:

“an immediate ceasefire in Libya, including an end to the current attacks against civilians, which it said might constitute “crimes against humanity”, the Security Council this evening imposed a ban on all flights in the country’s airspace — a no-fly zone — and tightened sanctions on the Qadhafi regime and its supporters” (United Nations, 2011).

Gifkins (2012) explains that the BRICS members, particularly Russia, argued that the action of NATO in the case of Libya got distorted from first just wanting to enforce a no-fly zone into actively trying to change the regime in Libya. This in their opinion, the BRICS members, “exceeded the mandate set out by the UN Security Council in Libya resolution 1973” (Gifkins, 2012, p. 6). It is important to note that several of the states that took part in the decision that opened the way for the use of military force against Libya have later criticized NATO for having abused the mandate to drive a regime change. Russia and China that sits as

permanent member states in the Security Council did not vote for this mandate, but they abstained. They had the opportunity to use their veto power, but they chose not to. Additionally, in retrospect of the incident of Libya, particularly Russia, but often also followed by China, have used their right to veto frequently in relation to Syria. The mandate text does not say anything about regime change. In contrast, it states that civilians in Libya must be protected by all necessary means, except occupation of the country. However, it does not specify what all necessary means actually implies, which leaves room for interpretation. Following the constructivist theory already previously mentioned, Parson (2010) explains that human societies are built upon 'social facts' of culture and therefore invent different socially constructed identities and beliefs. States will therefore inevitably have their own norms and values, that are socially constructed, which controls their reasoning. Each state will interpret a situation in a different light. What one state views to be the best option of action, another state might view differently. For some of the members in the Security Council, particularly China and Russia, the concept of sovereignty is highly important and is something that they wish to protect at all costs. This does not mean that other members of the Security Council do not view sovereignty as an essential concept, but merely the notion of sovereignty is seen differently. As mentioned in chapter 4, the concept of sovereignty was altered after the second world war. Although some states still look at sovereignty through the lens of the Westphalian system, that draws upon the traditional realist perspective, where sovereignty is seen as one of the most important norms. Other states, following a more liberalist perspective, believe that if a state fundamentally fails to protect their own citizens the international community needs to in some way or another step in and take some form of action. If we were to look at the concept of sovereignty through a constructivist's perspective, it would call attention to the fact that our reality is socially constructed. Therefore, the notion of sovereignty is only a 'man made' creation, and the value of it will also accordingly differ from individuals to individuals, and state to state. In this case, the division among the members was a part of setting the stage for how the early negotiations on Syria were handled, making it hard for members of the Security Council to come to a consensus for issuing a statement on Syria. Only a month after the first draft the Security Council again tried to come to an agreement. However, this draft as well failed even before it was put to a vote due to the fact that China and Russia threatened to use their veto power. Additionally, other countries such as South Africa, India, Brazil and Lebanon also signaled their dissent. The draft "would have condemned systematic abuses of

human rights, called on the Syrian Government to respect human rights and international humanitarian law, and recalled the Syrian Government's responsibility to protect its citizens" (Gifkins, 2012, p. 6-7). Because of the case of Libya, there was an apprehension by certain member states that were opposed to the draft of a resolution, in the case of Syria, because it might lead to a military intervention and an attempt to change the Syrian regime. Which is deemed as interfering with another nation states internal affairs. It should be pointed out that some of the states that are opposed to interfering with Syria's internal affairs are not opposed just because they necessarily care for what could happen in Syria, but rather because of how it might set a norm that later can be used against them in the future. This demonstrates, in a realist viewpoint, the struggle for power in international affairs among self-interested states. Taking Russia as an example, their behavior fits well with the realist understanding of how great powers use the Security Council to pursue their own interest. Russia has had close ties to the Assad regime for a long time, both the current and the former Assad. Furthermore, Russia has a military base in Syria, which they have had there since before the civil war broke out. Which arguably makes Russia biased in their decision making when it comes to the issue of Syria in the Security Council. The division between the member states of the United Nations Security Council has caused repeatedly deadlocks on finding a resolution to adequately address the crisis in Syria. Hence, why the Security Council ends up becoming an arena for power struggle, instead of a place for cooperation across nations. Phillips (2016) refers to the misery of the Syrian people because of the civil war as *'the war that everyone lost'*. The conflict in Syria is yet to be solved, but even the external powers that have played a part in this war find it "difficult to speak of 'winners' and 'losers'" (Phillips, 2016, p. 233).

5.1.5 The Syrian Governments Respond to Gross Human Rights Violations

The Syrian government denies any responsibility of gross human rights violations, instead they try to shift the blame towards the opponents of the regime. As already stated, not all these violations have been committed solely by the government, there are many actors in this civil war that have been a part of committing them. However, there is no denying the fact that Assad's regime has committed gross human rights violations. As early as 2011 when everything first started, the Syrian delegation took the floor during the Human Rights Council debate regarding the situation of human rights in Syria. As a concerned country the Syrian

delegation “said the report of the fact-finding mission included statements which misconstrued the truth, including the mentioning of crimes of war and against humanity, reflecting the view of States hostile to Syria” (United Nations, 2011). Already then constructing the idea of how the West was trying to paint the regime in a negative light for the rest of the world.

5.2 North Korea

As I mentioned introductory in the background chapter about North Korea, in the spring of 2014 the COI presented a report on the human rights situation in North Korea. Therefore, this Chapter will examine the findings of the COI, how the global community of the United Nation have responded to these findings, and how North Korea has responded to it as well.

5.2.1 COI report 2014

Despite the fact that there has been reporting’s of human right violation in North Korea for a couple of decades now, from various human rights organizations, the situation has continually been neglected. “The COI not only arrived at the conclusion that the human rights violations were without any parallel in the modern world, but its chairman, Australian Supreme Court judge, Justice Michael Kirby, found that they resembled those committed by Nazi Germany” (Walker, 2014; Kondoch, 2016, p.1). The North Korean regime exhibits distinct characteristics such as, having a strong central rule by a single party, it controls and regulates all aspects of the individual life of its citizens through coercion and repression, and individual freedom is almost non-existing. The COI report (2014) highlighted that the political scientists of the 20th century outlined this type of political organization as a totalitarian state. Meaning “a State that does not content itself with ensuring the authoritarian rule of a small group of people, but seeks to dominate every aspect of its citizens’ lives and terrorizes them from within” (UN Human Rights Council, 2014, p.15). As Widjaja et al. (2021) mention, the basis for the rise of totalitarianism stems from the ideology *Juche* that has been used as a political tool for the North Korean regime and the *Suryeong* system. Kondoch

(2016) points out that the COI report describes the North Korea state as a totalitarian state based on its regime's specific traits, such as their complete denial of the right to freedom of thought, religion, and conscience. As well as their restrictions on the rights to freedom of opinion, information, association, and expression.

According to the COI report (2014), the Human Rights Council urged the North Korean government to cooperate fully with the investigation by the COI in its resolution 22/13. The resolution requested the North Korean government to provide the commission's members with all of the necessary information, as well as, to give them unrestricted access to travel into the country. This so that the commission members could fulfill their mandate. However, the North Korean government both rejected and disregarded the 22/13 resolution. "In a letter dated 10 May 2013, it informed the President of the Human Rights Council that it "totally and categorically rejects the commission of inquiry". Regrettably, this stance has remained unchanged, despite numerous attempts at engagement by the commission" (UN Human Rights Council, 2014, p.4). Therefore, the commission's findings in the COI report (2014) were mostly obtained through first-hand testimonies via public hearings that were "transparent, observed due process and protected victims and witnesses. More than 80 witnesses and experts testified publicly and provided information of great specificity, detail and relevance, in ways that often required a significant degree of courage" (UN Human Rights Council, 2014, p.4-5). The public hearings for this report were conducted in Seoul (South Korea), Washington D.C. (USA), London (England) and Tokyo (Japan). The North Korean authorities were invited by the Commission to have representations at each of these public hearings, but they never replied to the invitation. In addition to the first-hand testimonies, the commission also used satellite images to verify the existence of four political prison camps, known as *kwanliso*, inside North Korea.

One of the most unspeakable atrocities that appear to be taking place in North Korea is within their prison system. Where "most of the *kwanliso* prisoners are incarcerated for life and denied contact with the outside world" (Cohen, 2015, p. 3). Of course, the North Korean government denies that any of these *kwanliso* exist and threaten with serious reprisals to anyone that disclose any information about them. The findings of the Commission states that

the police and security forces in North Korea “systematically employ violence and punishments that amount to gross human rights violations in order to create a climate of fear that pre-empts any challenge to the current system of government and to the ideology underpinning it” (UN Human Rights Council, 2014, p. 11). Those who are involved in committing these crimes are not held accountable, and as stated in the COI report (2014) ‘impunity reigns’. For the Kim regime, the regime and its leadership are the most important thing and a big part of their constructed identity. Therefore, any disloyalty towards the regime or its leadership is seen as something unforgivable because it goes against the states ‘social facts’. Citizens who are discovered to have been implicated with major political crimes, or just accused of being involved, face the fate of arbitrary arrest or just disappearing without a trial or judicial order. Generally, their families do not get to know about their whereabouts or what happens to them. In some cases, the entire family also gets sent to *kwanliso* on the basis of the principle of guilt by association. However, these cases are less frequent now compared to how it was before, but they do still occur. “The camps and their brutality have come to symbolize a principal way in which the Kim regime has maintained itself in power” (Cohen, 2015, p.4). Essentially, the regime uses scare tactics to remain in control over all of the aspects of their citizens lives. These camps and their conditions are often compared to the concentration camps during the Second World War. The COI report (2014) points out that use of torture is an ingrained characteristic in the interrogation process in North Korea. “Starvation and other inhumane conditions of detention are deliberately imposed on suspects to increase the pressure on them to confess and to incriminate other persons” (UN Human Rights Council, 2014, p. 12). Another aspect to the political prison camps in North Korea, as mentioned in the COI report (2014), is that with the use of forced labor, deliberate starvation, executions, torture, rape, and the denial of reproductive rights, forced abortion and infanticide the regime intentionally is slowly eliminate the inmate population. Over the past five decades the Commission estimates that hundreds of thousands of political prisoners have died in these prison camps. Today, it is estimated that there are “between 80,000 and 120,000 political prisoners are currently detained in four large political prison camps” (UN Human Rights Council, 2014, p. 12). As stated by the COI report (2014) gross violations are being committed in not only the ordinary prison camps (*kwanliso*), but also in other types of short-termed forced labor detention facilities. Most of the inmates that are either in the prison camps or the detention facilities are either imprisoned without any trial or through an unfair

trial that does not respect due process. In some cases, the regime carries out executions of their inmates, either in secret or publicly. The public executions are normally carried out for political reasons, where the authorities believe will benefit the regime. These public executions were more common in the 1990s, but still happens on a far less regular basis today. The last reported execution was of two teenagers back in the fall of 2022 by the firing squad, their crimes were distributing South Korean movies in North Korea. These public executions are carried out as a policy to help instill fear in the general population.

One of the most distinctive characteristics of North Korea, the hermit kingdom, is the State's absolute monopoly over information and the overall control over its citizens' organized social life. As the COI report (2014) explains, the Kim regime uses an 'all-encompassing indoctrination machine' that is known as *Suryeong*. This indoctrination starts from early childhood to cultivate a cult following that has an unconditional obedience to their Supreme Leader. Not only is there propaganda that is used to depict the Kim family as gods, but the propaganda is also used to incite nationalistic hatred towards those who are deemed to be enemies to the state. The Kim regime manages to keep their control over their citizens by denying them access to any information that comes from independent sources, it is only the State controlled media that is permitted to watch in North Korea. "Access to television and radio broadcasts, as well as to the Internet, is severely restricted, and all media content is heavily censored and must adhere to directives issued by the Workers' Party of Korea" (UN Human Rights Council, 2014, p. 7). If citizens are caught watching foreign films, series or broadcasts they are severely punished. Notably, being caught with distribution of any foreign films, series or information can cause the death penalty. In North Korea even the telephones are mostly confined to domestic connections, and the telephone calls are normally monitored to keep an eye out for disloyal individuals. The Kim regime is built with a focus on protecting their ideology, any contestant must be extinguished. Therefore, as stated in the COI report (2014), the North Korean state views the spread of Christianity as a notable threat because it challenges their ideology. Christianity is seen as a threat to the Kim regime and their cult following since it is seen as providing "a platform for social and political organization and interaction outside the realm of the State" (UN Human Rights Council, 2014, p. 7). Ironically, there exist a few state-controlled churches, despite the fact that practicing Christianity is

prohibited. Individuals that get caught practicing Christianity are met with discrimination and severe punishment. “The commission finds that there is an almost complete denial of the right to freedom of thought, conscience and religion, as well as of the rights to freedom of opinion, expression, information and association” (UN Human Rights Council, 2014, p. 7).

The concept of human security, that I took up in the theory chapter, looks at a wide range of threats to lives. According to Hough (2008), poverty is undoubtedly one of the most critical threats to lives. “Poverty kills directly in huge numbers when people are unable to secure sufficient food to live because they lack the economic means to purchase or produce it” (Hough, 2008, p. 92). The North Korean regime has used food as an instrument to control their population. As highlighted in the COI report (2014), the rights to food, freedom from hunger and to life in the context of North Korea is not something that can be shortened down to a simplified discourse on their problems with access to commodities and food shortage. “The commission found evidence of systematic, widespread and grave violations of the right to food in the Democratic People’s Republic of Korea” (UN Human Rights Council, 2014, p. 11). Furthermore, the COI report (2014) does acknowledge that there are other factors beyond the Kim regime's control that affect the food situation in North Korea. Most famines, as Hough (2008) explains, come as a result of a combination of both natural and political factor. Yet, as the commission identifies, the Kim regime's decisions, actions and omissions has prompted the death of countless people, as well as caused permanent physical and psychological damage to the ones that have managed to survive. Even though the condition in North Korea has changed since *the Arduous March* in the 1990s, the issue of hunger and malnutrition is still prevalent. The regime's socially constructed idea of having to be an economically self-sufficient state has undoubtedly played a big role in this. “The commission is concerned that structural issues, including laws and policies that violate the right to adequate food and freedom from hunger, remain in place, which could lead to the recurrence of mass starvation” (UN Human Rights Council, 2014, p. 11). As briefly mentioned in the background chapter the North Korean regime follows the system of *songbun* and based on this system the regime practices discrimination, such as access to rations, education, military service, employment opportunities. By following this structure, the regime prioritizes the citizens that are deemed crucial in maintaining the regime over the citizens that are deemed

expendable. The 1990s *the Arduous March* was a period of mass starvation “The North Korean famine had natural origins but has, undoubtedly, been greatly worsened by the government’s drive for economic self-sufficiency, which has seen food imports reduced at the same time as the domestic food supply has dwindled.” (Hough, 2008, p. 95). According to the COI report (2014) the North Korean regime was aware of their country's deteriorating food situation long before they first appealed for international aid in 1995. Yet, the regime still hindered the delivery of food aid, by for example, denying humanitarian access to some of the regions and groups that were the ones most affected. The regime imposed their own conditions for the food aid, most of them were not based on humanitarian consideration. “The lack of transparency, accountability and democratic institutions, as well as restrictions on freedom of expression, information and association, prevented the adoption of optimal economic solutions over those in accordance with Party directives.” (UN Human Rights Council, 2014, p. 10). In other words, the regime ignored making structural reforms to their economy and agriculture that would have benefited their citizens, in fear of losing control over their population. In addition, not only does the regime prioritize the core class (*haeksim*), but they also put military spendings before the lower classes of the *songbun* system. The Kim regime poured most of their exchequer into developing their atomic weapons and putting the military first. This is because, in the eyes of the regime, failing to avert a potential invasion from another state is considered more significant than the hardship of a “few” individuals. The military strategy expresses in many ways how the regime perceives itself, where it has created a deep sense of national identity. Following the traditional realist way of “framing security presupposes that military issues (and certain economic issues for Neo-realist) are security issues and as such must be prioritized by governments above other ‘low politics’ issues, important though these might be” (Hough, 2008, p.15). For the North Korean government, the Kim regime always comes before the people. Hence, why the regime pours most of their economy into military spending over other important necessities for its country and citizens.

A critical issue, in regard to sovereignty of other states, is the abductions that the North Korean regime has conducted of citizens of other states' citizens. It is a well-known fact that the North Korean regime has since the 1950 engaged in “the systematic abduction, denial

of repatriation and subsequent enforced disappearance of persons from other countries on a large scale and as a matter of State policy” (UN Human Rights Council, 2014, p. 13). Most of the abductions and the enforced disappearances were conducted during the Second World War, and back then they were mostly done of ethnic Koreans that were living in Japan. Later through the 1960s to 1980s, nationals not only from Japan, but South Korea and other States as well were abducted. Over the last few years, the North Korean regime has been abducting a number of their own nationals and South Korean citizens from China. North Korea uses their “land, naval and intelligence forces to conduct abductions and arrests. Operations were approved at the level of the Supreme Leader” (UN Human Rights Council, 2014, p. 13). Meaning that the North Korean regime itself is the perpetrator. Absurdly, for a regime that values sovereignty for their own State so high, committing these actions is a defiance of other States sovereignty and the rights of foreign nationals that are guaranteed under international law. Most victims were abducted in order for the North Korean regime to gain skills and labor, but some of the victims were also used for terrorist activities and espionage. These victims have been “subject to severe deprivation of their liberty and freedom of movement within the Democratic People’s Republic of Korea, denied the right to recognition as a person before the law, and the right not to be subjected to torture and other cruel, inhuman or degrading treatment” (UN Human Rights Council, 2014, p. 13). When it comes to how many people that have really been abducted it is unknown. This is because the North Korea regime is reluctant to provide precise estimates of the number of actual victims. Based upon a few of the incidents that North Korea has admitted to, as well as testimonies, the estimation that was concluded in the COI report (2014) is that there are well over 200,000 that may have been victims of enforced disappearances. Although North Korea has admitted to some of the abduction cases, most famously in 2002 of the 13 Japanese citizens, they still have not really taken responsibility for their practice of international abductions. “The commission finds that almost all of the foregoing victims remain disappeared” (UN Human Rights Council, 2014, p. 14). There are today many unsolved cases of believed abductions that North Korea refuses to take accountability for.

The commission, following the Human Rights Council resolution 22/13, “finds that the body of testimony and other information it received establishes that crimes against

humanity have been committed in the Democratic People’s Republic of Korea, pursuant to policies established at the highest level of the State” (UN Human Rights Council, 2014, p. 14). The prospect for the commission in executing their inquiry into the human rights violations committed in North Korea was to be able to ensure full accountability. Especially in regard to the violations that may amount to crimes against humanity. The COI report (2014) finds that crimes against humanity that has occurred in North Korea entails;

“extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation” (UN Human Rights Council, 2014, p. 14)

Moreover, the commission concluded that crimes against humanity are still ongoing in North Korea. The reason for this being that, as argued in the COI report (2014), the policies, institutions and patterns of impunity that are the root to the problem still remain in place.

5.2.2 Human Rights situation today, a decade later

This year officially marks a decade since the United Nations Commission of Inquiry (COI) on Human Rights in North Korea was first established. The COI report (2014) painted a harrowing human rights situation in North Korea and today the situation in North Korea has not improved, in fact, it has arguably gotten worse. Every year since the presentation of the COI report in 2014 until 2017 “the UN Security Council placed North Korea’s human rights violations on its formal agenda and held open meetings on how the violations threaten international peace and security” (Human Rights Watch, 2022). Unfortunately, the attempt to put the human rights situation in North Korea on the agenda in those three years, under the Trump administration, has seemingly been stalled. As of now, the US government imposes human rights related sanctions upon the North Korean regime, several of the top officials, and on Kim Jong Un. As the world entered the crisis of the Covid-19 pandemic, the North Korean government “extended extreme and unnecessary measures under the pretext of protecting against the spread of Covid-19 by closing its borders, and tightly restricting domestic travel as well as distribution of food and other products within the country” (Human Rights Watch,

2022). This only deepened the isolation and repression over the North Korean citizens. As the Kim regime has not taken any steps to advance their social, cultural, or economic rights, the repercussions of the pandemic have caused a worsening situation within the Hermit Kingdom. Even though the country has been in a dire economic and food situation, the Kim regime has still maintained prioritizing weapon development and missile testing. The combination of the restrictions on movement due to the pandemic, the natural catastrophes that have hit North Korea and impaired their agriculture, and the continuation of economically putting the military first, has affected the North Korean population severely. In 2021, Kim Jong Un made an extraordinary admission about North Korea's food crisis “warning the situation is “getting tense”, in part as a result of damage from typhoons and floods last year” (Human Rights Watch, 2021). This admission came after his statement earlier that year of “to “wage another more difficult ‘Arduous March,’” a reference to the country’s massive famine of the 1990s” (Human Rights Watch, 2021). With the knowledge of how the North Korean regime rarely gives out any negative reporting to the media, these admissions are an indication as to how grave the food situation is in North Korea.

This year marks the 75th anniversary of the founding of the Korean People’s Army, and in February the capital of Pyongyang held an ostentatious military parade. Reportedly, there are “more than 40% of North Koreans suffering from malnutrition amid widespread food insecurity” (Amnesty International, 2023). Yet, the regime put most of their economic expenditure toward a flashy celebration, which is seen by many in the international community as the North Korean governments failing to protect economic rights. This is because subsequently, the big expenditures of the regime towards the military results in violation of the right to food, health, and access to an adequate standard of living for their own citizens. The military parade has for decades been used to demonstrate for the international community the country’s military ability, especially their nuclear strike abilities. After all, Kim’s regime has “staked its legitimacy on nuclear weapons at the expense of diplomacy and the economy. Military parades largely serve to justify Kim’s policies to a domestic political audience” (McCurry, 2023). As well as internationally sending the message that they have the capabilities to deter and coerce. The North Korean regime still today “maintain a stranglehold on the communication and information flows in and out of the

country. People are denied internet access and face arbitrary surveillance, arrest and detention when they attempt to make international calls or access outside information” (Amnesty International, 2023). Today, the human rights situation in North Korea still requires attention from the international community. Amnesty International (2023) urges the governments of South Korea, the United States and others to keep seeking opportunities for human rights envoys to engage in dialogue with North Korea.

Since the outbreak of the pandemic in 2020, the suffering of North Korea has been even further aggravated. The United Nations (2023) call attention to the COVID-19 border control measures that were introduced has made it almost impossible for the international staff from UN, humanitarian agencies, and diplomatic missions to be carried out since they are unable to return to the country. Also noted in the press release “the number of escapees arriving in the Republic of Korea had decreased significantly” (United Nations, 2023). This is as the United Nations (2023) calls it an ‘unprecedented self-isolation’ that the North Korean regime has imposed on its own people.

5.2.3 The Commission of Inquiry recommendations for North Korea

When the COI report (2014) came out it was viewed by many as a possible turning point for how the global community of the United Nations would take actions against North Korea. The report both asked and answered two important questions “Does the state of human rights violations in the DPRK require an international response? If so, how can such a response be incorporated into security, economic and humanitarian dealings with North Korea?” (Chubb, 2014, p. 51). The first question was answered in an assertive way that concluded that there definitively were human rights violations that had and still was occurring. Moving from the detailed findings in the report, the commission goes on to give a comprehensive outline for actions that should be taken. Following the COI report (2014), the commission brings forth a total of nineteen recommendations to the North Korean government on how they can improve their human rights situation. (a) The first and probably one of their major recommendations is to commence a profound political and institutional reform to the North Korean government.

(b) For the regime to acknowledge “the existence of human rights violations, including the political prison camps described by the commission in the present report” (UN Human Rights Council, 2014, p. 16). As well as provide international humanitarian aid with human rights monitors, dismantle all the *kwanliso*’s whilst also releasing all of the political prisoners, and to give out any information about disappeared individuals that they have. (c) To “reform the Criminal Code and Code of Criminal Procedure to abolish vaguely worded “anti-State” and “anti-People” crimes” (UN Human Rights Council, 2014, p. 17). This to push for a right to a fair trial and a due process following the International Covenant on Civil and Political Rights. (d) For the government to implement a moratorium on “the imposition and execution of the death penalty, followed without undue delay by the abolition of the death penalty both in law and in practice” (UN Human Rights Council, 2014, p. 17). (e) For the North Korean government to permit the establishment of independent media, along with allowing their citizens to access any media freely. (f) To introduce education for all of its citizens, “and abolish any propaganda or educational activities that espouse national, racial or political hatred or war propaganda” (UN Human Rights Council, 2014, p. 17). (g) To allow room for other religions, where individuals are permitted to exercise their beliefs both independently and publicly without fear for consequences. (h) This to end the discrimination of citizens based upon their perceived political loyalty to the regime or their family’s sociopolitical background. In other words, to dismantle the regimes *songbun* system. (i) For the government to take urgent action to “ensure gender equality in practice, such as by providing equal access for women in public life and employment” (UN Human Rights Council, 2014, p. 17). (j) The regime should ensure that their citizens, without any discrimination, may enjoy the right to food, economic rights, and social rights. (k) The government should down prioritize the expenditures on the military and the security apparatus. Some of these expenses should be invested in the North Korean people to ensure freedom from hunger, as well as other essential minimum standards. (l) “Where necessary to ensure the right to food, seek international humanitarian assistance without delay” (UN Human Rights Council, 2014, p. 18). The commission also remarks that State officials who for improper reasons wrongfully divert humanitarian aid should be held accountable for their actions. (m) To put an end to the “de facto prohibition on foreign travel imposed on ordinary citizens” (UN Human Rights Council, 2014, p. 18). This includes also to abolish the requirement for North Korean citizens to get permits for domestic travel when they want to travel outside of their designated province. (n)

For the North Korean government to release full information on the fate of the individuals who have been abducted or forcibly disappeared to their families and their nation of origin. Furthermore, if they still remain alive and/or their descendants they should be allowed to return to their countries of origin. (o) Families that have been separated should be allowed to reunite, this includes permitting citizens to emigrate where they may choose. (p) For those individuals that are the most responsible for the alleged crimes against humanity should be prosecuted and brought to justice. (q) For the North Korean government to without any delay take action to end all other human rights violations, as well as to address the human rights concerns raised in the COI report. (r) To “ratify without delay the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of Persons with Disabilities, the Rome Statute of the International Criminal Court and the fundamental conventions of the International Labour Organization” (UN Human Rights Council, 2014, p. 18). (s) Lastly, to allow the presence and assistance from relevant United Nations entities to help implement the recommendations.

5.2.4 Recommendations for the International Community and the United Nations

In addition to the recommendations to the North Korean government, the Commission also brings forth ten recommendations to the international community and the United Nations. (a) Firstly, the Security council is recommended to refer the situation in North Korea to the International Criminal Court. Additionally, the Security Council should adopt targeted sanctions towards the ones that appear to hold most of the responsibility for crimes against humanity. Notably, the Commission states that they do not support the current (2014) sanctions, that targets the population or the economy in North Korea, from the Security Council. (b) Pertaining to the General Assembly and the Human Rights Council, the Commission recommends them to “extend the country-specific human rights monitoring and reporting mechanisms on the Democratic People’s Republic of Korea that predate the establishment of the commission” (UN Human Rights Council, 2014, p. 20). They also note that the mechanisms ought to be directed with a special regard to ensure accountability for crimes against humanity. (c) For the United Nations High Commissioner for Human Rights to establish a structure that can aid in making sure that accountability for human rights violations in North Korea actually transpires. This with the full support from both the Human

Rights Council and the General Assembly. (d) “The High Commissioner should continue the engagement of OHCHR with the Democratic People’s Republic of Korea, offering technical assistance and enhancing advocacy initiatives” (UN Human Rights Council, 2014, p. 20). Member States of the United Nations are also recommended to afford full cooperation to the High Commissioner to aid them in making sure that the Special Rapporteur strategy, that focuses on the issue of international abductions and enforced disappearances, is facilitated for. (e) “The High Commissioner should periodically report to the Human Rights Council and other appropriate United Nations organs on the implementation of the recommendations contained in the present report” (UN Human Rights Council, 2014, p. 21). (f) The Commission recommends that the Human Rights Council ensures that the recommendations, as well as the conclusions, from the COI report (2014) is kept in active attention in the international community. (g) The United Nations Secretariat and agencies are recommended to “adopt and implement a common “Rights up Front strategy” (UN Human Rights Council, 2014, p. 21) as fast as possible. This to make sure that all engagements with North Korea adequately take into consideration, and addresses, the human rights concerns of North Korea. (h) There should be created a human rights contact group that can aid initiatives to improve human rights in North Korea, and to help raise the concerns surrounding the human rights issues. The recommendation calls for the contact group to be formed by States that have historically had friendly ties to North Korea, donors, and States that are in the framework of the six-party talks and therefore already are involved with North Korea. (i) Recommends that States do not use the provision of food, and other essential humanitarian assistance, as a tool to impose political and/or economic pressure on North Korea. (j) “Without prejudice to all the obligations under international law that the Democratic People’s Republic of Korea must immediately implement, the United Nations and the States that were parties to the Korean War should take steps to convene a high-level political conference” (UN Human Rights Council, 2014, p. 21). Those who participate in this conference are recommended to find a final peaceful settlement to the war that commits all of the parties to the Charter of the United Nations, and cooperation of States in that region should intensify.

5.2.5 International community

With the COI report (2014) the international community was faced with a “central question of what approach will best bring about human rights compliant outcomes in North Korea, and who has responsibility for taking action” (Chubb, 2014). Even before the COI report (2014) there had for a long time been an understanding that the international community needed to react to the dire human right situation in North Korea. The report only further legitimized that there was an urgent need for a response. For a long time, North Korea used an avoidance framework, meaning that they have purposely chosen to avoid and be silent on the topic of their human rights issues. An example as to how they have used this to their advantage is how during talks about denuclearization of the Korean peninsula, if the topic of human rights issues in their country is brought up, they walk out of the talks. “By making talking about broader security issues contingent upon not talking about human rights, the international community has, as you would expect, chosen to accept the imposed standard” (Lea-Henry, 2020, p. 44). For the international community it was better to be able to have talks that could possibly resolve one set of problems rather than not having any talks at all with the North Korean regime. As Lea-Henry (2020) mentions, the Kim regime through both chance and design has managed to make itself a country that is difficult to successfully conduct a military campaign against, and this is not because of the country's war capabilities. The regime has put in most of their resources into making sure that any prospect of international intervention will cause a long, messy, and expensive conflict.

An important factor for the stand still in North Korea is their relations to the surrounding international community. To believe that states' relations to each other does not play a role in how the international community of the United Nations chooses to handle different cases would be ignorant. North Korea does not have many allies, however we often see China and/or Russia put forth veto on suggested resolutions pertaining to North Korea in the Security Council. This is not necessarily because they want to support North Korea, but because North Korea can be used as a chess piece in the game of international relations. Especially for China, the prospect of an international intervention or a collapse of the North Korean regime will have a substantial effect on the stability in their own country. The first scenario, an international intervention, could cause many different synopsizes. For China, as well as Russia, the worst-case scenario would be having America that much closer to their

borders. As of now North Korea is a blocker between South Korea, backed by America, and the border to Russia and China. As mentioned in the background chapter, the war in Korea came to be as a consequence of the Cold war, where Russia and the United States were fighting an ideological war. The second scenario, the collapse of the regime would mean an outflow of immigrants. The closest region of China towards North Korea is already one of the country's poorest regions, and the area would therefore suffer even greater in the event of a regime collapse.

Similarly to the Syrian case, the stand still in the Security Council can be explained by the realistic perspective of states self-interest. As brought up in Chapter 4 by Hough (2008), the notion of what is morally right is tightly linked up to what is customary within a given society. What is customary for one society or state, might not be the same as for another. Seen as, following the constructivist argument, that each society tends to socially construct their own norms and values. Arguably, the notion of rights that is assumed to concern all humankind is therefore not a 'natural' occurrence. Further, security for each state will hold a different meaning dependent on their historical background. So, all of the states within the global community of the

5.2.6 North Korea's Respond to the United Nations Commission of Inquiry

The North Korean government was presented with the detailed findings from the Commission, and they were offered the opportunity to both comment and give factual corrections to their findings. The Kim regime has never formally given any feedback to the findings of the Commission.

“During its review through the UN Universal Periodic Review process, the North Korean government expressly denied all instances of reported abuses, claiming that allegations are based on “distorted facts or fabrication” or that negative assessments of the human rights situation in North Korea are “based on misinformation fabricated by those who betrayed their country”” (Dam, 2013).

From the beginning the North Korean regime has failed to cooperate with the United Nation. Even before the COI report (2014), North Korea continuously, and categorically, rejected all

resolutions that were adopted by the United Nations Human Rights Council and the United Nations General Assembly in regard to their human rights situation. Although the regime rejected all of the findings pertaining to the COI report (2014), the regime still ended up accepting “113 of the 268 recommendations for human rights improvements after its most recent Universal Periodic Review, a review of every UN member state’s human rights record conducted every three years” (Byul, 2014). For some this may seem like an irrational choice by the regime due to their history. Yet, it can be explained by the fact that North Korea wishes to be legitimized and treated like the other United Nations member countries.

In addition, China was also presented with the Commission’s findings in a letter sent 16. December 2013 due to their connection to North Korea. In their reply letter, 30. December 2013, they “reiterate that China does not support the establishment of the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea by the Human Rights Council” (UN Human Rights Council, 2014, p. 33). In the Chinese government’s eyes, North Korean citizens that enter China do so illegally only for economic reasons and are therefore not seen as refugees trying to escape the oppressive Kim regime. Furthermore, China points out that there are some NGOs and religious groups that illegally smuggled out North Koreans using their border in the pretext of going into North Korea for humanitarian aid. This is an attempt to point the finger at others' faults, rather than acknowledging that there is an actual refugee problem.

6. Conclusion

This thesis sought out to answer the research questions;

(1) Which tools does the global community of the United Nation have in responding to gross human rights violations in the cases of Syria and North Korea?

(2) how can the management of their scope of action in recent years be explained?

What we can see from the findings is that there are different variables that affect how the global community of the United Nations end up deciding what actions to take in each of the different cases. For both of the cases of Syria and North Korea, how their relationship is to other surrounding states in the global community of the United Nations plays a role in the decision making process in the Security Council. This exhibits that the global community of the United Nations is in the end ruled by the relations between nations. In the cases of human rights issues the decisions that get made, or do not, in response to certain events are not only for the purposes of protecting a state or the state's citizens. Inevitably, how the possible outcome of a response from the international community and how it can affect the international community are also taken into consideration. As argued by realists, states make decisions based upon how it might affect them, this is because they all in some sense seek to put themselves first. To say that member states of the United Nations Security Council are not biased in any way during the decision-making process would be ignorant. Each state has their own motivations and goal that is what is driving their policy decisions.

A recurring feature is the division among the member states of the Security Council, this is one of the most important tools of the global community of the United Nations. However, the division causes it in certain situations not to perform in the way that it was imagined to function. With constant deadlocks in the Security Council when trying to find a resolution to adequately deal with crises, such as gross human rights violations, some cases may seem like they go without any justly actions. Due to resolutions and mandates being up for interpretation, inevitably states will look at them with different perspectives. Although non-state actors, like the United Nations, does play a significant role in creating cooperation among states. The liberalist view that the basis of international institutions will naturally hold common interest can hold a sense of truth to it. Regardless, the interest of security will vary from state to state due to their own perceived values. States might hold some common security interest, but most today tend to follow a realist perspective that non-state actors in the end have very little independent influence. Resulting in that the states that holds the most power, in the end, influences what decisions are made in the Security Council. Most notably, the permanent member states that have the opportunity to use their veto power. This can

explain the actions, and inactions, of the global community of the United Nations towards Syria and North Korea.

In the Syrian case there are many actors that have played a role in committing gross human rights violations. Although most of them have come from groups residing within the country, some of these groups have been backed by western states. Specifically, Russia who has been cooperating with the Assad regime, and America who supports Syrian rebels. The decision not to intervene stems from an accumulation of events and relations. Undoubtedly the Libya case is an event that ended up having a negative effect on the cooperation in the Security Council, especially due to the timing being so close and the dismay among the states in the aftermath.

The North Korean case, which has had an ongoing gross human rights violation for several decades, is an unusual case. The regime is so closed off from the rest of the world, that every so often it seems that the global community of the United Nations forget about gross human rights violations since it only affects the people that live in North Korea. Seen as the biggest threat regarding North Korea for the international community is their nuclear weapons program, the focus has mainly been there. However, as the world slowly shifts their security aspect from a state-central one to a more human security aspect that focuses on the individual, the global community of the United Nations are forced to find new solutions to deal with cases such as North Korea.

This thesis sheds some light on the management of the global community of the United Nations actions in recent years in regard to the cases of Syria and North Korea. Additionally, it highlights some of the fundamental problems within the United Nations and their different bodies as to dealing with gross human rights violations that get perpetrated by states towards their own citizens. The current division among the member states in the Security Council needs to be reduced, and in the wake of the current world situation maybe some new measurements need to be implemented.

Afterword

In the light of the findings in this thesis, it would be interesting with further research looking at what measurements that could be implemented into the global community of the United Nations to better administer gross human rights violations committed by states towards their own state. In both of the cases of Syria and North Korea it was clear that the division within the Security Council paralyzes decisions from being taken. Additionally, a more in-depth look at what causes the division would be intriguing to look into.

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