Moral Relativism or Moral Universalism?
A Comparative Case Study of the Office of the High Commissioner for Human Rights Recommendations towards Myanmar and the Democratic People’s Republic of Korea

Author: Kim Larsson
Supervisor: Helen Lindberg
Preface

First and foremost, I would like to thank my supervisor Helen Lindberg for the support and guidance throughout this time. Additionally, I would like to thank my friends and family for reading my study and giving me the right assistance.

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Kim Larsson
Abstract

Two theories that are becoming more established within the doctrine of international politics are moral relativism and moral universalism, but none of these theories have been applied to real life cases. Therefore, the purpose of this study is to investigate if the Office of the High Commissioner for Human Rights (OHCHR) arguments regarding the human rights violations in Myanmar and the Democratic Public’s Republic of Korea (DPRK), are more similar to the moral relativism theory or more similar to the moral universalism theory and if there are any differences between the arguments. Additionally, the study investigates if the Responsibility to Protect (RtoP) adoption can be interpreted and derived from the moral theories by focusing on one of the three RtoP pillars, prevention. This study uses a descriptive idea analysis method where two ideal types of each moral theory was created. The OHCHR’s arguments consisted of recommendations towards the government of Myanmar and the DPRK and the international community and the UN. The result of this study is that the OHCHR’s arguments are more similar to the moral universalism theory and that there were no remarkable differences between the arguments. Also, this study’s personal interpretation of prevention from a moral relativism perspective gained support from the collected material. The major finding of this study is that characteristics of both moral relativism and moral universalism create a form of moral reality, where moral principles are relative due to states different behavior and values. Although at the same time, moral relativism do not exclude the possibility that other states could share the same values. Meaning that the recommendations suggested by the OHCHR might not be sufficient enough for governments to change their behavior.

Keywords: Democratic Public’s Republic of Korea, descriptive idea analysis, moral relativism, moral universalism, Myanmar, Office of the High Commissioner for Human Rights, Responsibility to Protect.
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1. Introduction

The following section presents the background to the chosen field of research through a problematization which is followed by this study’s aim, research question and disposition.

1.1 Background

International law is pervasive in both its presence and its effects throughout the international system, since it directly regulates, or indirectly seeks to influence the entire course of international relations (Boyle 1985:5). International organizations such as the United Nations (UN) are influential actors that play a significant role within international relations (Boyle 1985:6). International law can induce many discussions about morals and in the doctrine of international relations, there are always sub-theories that are constantly developing. Two of these, moral relativism and moral universalism, try to describe how for instance norms, accepted behaviors, moral and ethics work within the international community. Moral relativism means that moral statements cannot be inferred from or reduced to generally applicable statements. Instead, moral statements are relative to individuals, their opinions, times and places (Quintelier, De Smet & Fessler 2013:215). Meanwhile, moral universalism implicates that morality is universal, meaning that moral statements follow from general moral principles that apply to everyone and everywhere (Quintelier, De Smet & Fessler 2013:211).

One highlighted moral debate was the Responsibility to Protect (Rtop) report by the International Commission on Intervention and State Sovereignty (ICISS), which was adopted unanimously in 2005 by the UN General Assembly (Bellamy 2015:2). The first RtoP report asked the question “When, if ever, is it appropriate for states to take coercive - and in particular military - action, against another state for the purpose of protecting people at risk in that other state”? (Axworthy 2011:11-12). The UN has, for instance, received a lot of criticism when they intervened too late in Rwanda or not at all in Syria (Beaumont 2013). Meaning that the moral debate discusses for instance whether it is right or wrong to intervene in another country.
1.2 Problematization, aim and research question

The Office of the High Commissioner for Human Rights (OHCHR) is the leading UN entity on human rights and the UN General Assembly entrusted the OHCHR with the unique mandate to promote and protect all human rights for all people (OHCHR 2019). According to Lahiri (2009:79), the recognition of human rights and the creation of means for their defense in international law constitute perhaps the most important moral advance of this century. Meaning that human rights can interconnect to moral relativism and moral universalism since the purpose of the RtoP is also to protect, prevent and help a state rebuild itself if the state cannot protect its citizens (Axworthy 2011:12; Bellamy 2015:2; Hoffman & Nollkaemper 2012:14). An example of when a state cannot protect its citizens is if the state violates or cannot stop violations of human rights against its citizens. However, according to Axworthy (2011:13) ‘prevention’ is too often neglected in the debate about RtoP and therefore prevention will be further researched in this study.

Even if moral relativism and moral universalism as theories are becoming more established within the doctrine of international relations, there have been very few (if any) (case)studies that have applied these theories on real-life cases. Therefore, this study will apply these theories in practice and study the OHCHR’s arguments regarding countries that violate human rights. Cronin (2002:61) argues that the international community is not bound by national boundaries and is governed by a set of fundamentally moral and ethical norms that even sovereign states are obliged to observe. Meaning that the unique mandate the OHCHR received could be seen as in accordance with Cronin’s argument and therefore, the OHCHR in this study is viewed as a representative for the international community.

Although, there are a growing number of governments that reject moral universalism, often because they themselves are abusers of human rights or they value national sovereignty more than moral universality (Lahiri 2009:82). To put moral relativism and moral universalism into practice, two cases this study will focus on are Myanmar and the Democratic People’s Republic of Korea (DPRK) due to their government’s human rights violations (HRW 2019a; HRW 2019b). There are many refugees from Myanmar who have reported witnessing killings, arson, sexual violence and abductions of women and girls (HRW 2019a) and in the DPRK ‘the government routinely uses arbitrary arrest and punishment of
crimes, torture in custody and executions to maintain fear and control over the population’ (HRW 2019b).

The purpose of this study is to investigate if the OHCHR’s arguments regarding the human rights violations in Myanmar and the DPRK, are more similar to the moral relativism theory or more similar to the moral universalism theory and if there are any differences between the arguments. Additionally, the study will investigate if the RtoP adoption with the focus of prevention, can be interpreted and derived from these moral theories. If this study’s personal interpretation gains support from the collected material, i.e. the OHCHR’s arguments, it will be interpreted as that it is possible that prevention can be derived from the moral theory. This leads to this study’s research question and sub-question:

- Are the OHCHR arguments regarding the human rights violations in Myanmar and the DPRK more similar to the moral relativism theory or more similar to the moral universalism theory and are there any differences between the arguments?

- Can ‘prevention’ be interpreted and derived from moral relativism and/or moral universalism?

The ambition of this study is to contribute to the current research of international relations and gain a better understanding of how two international relations theories could be applied in practice together with already established research, like the RtoP.

1.3 Disposition

The study begins with some background information and problematization of the chosen area of research which is followed by this study’s purpose and research questions. Thereafter, the theoretical framework is presented and followed by this study’s methodology. Followingly, the result and analysis are presented together which ends with a comprehension of the analysis and some concluding remarks. Lastly, the study discusses the result of the analysis and ends with a conclusion, which answers the research questions together with recommendations for future research.
2. Theoretical Framework

The following section presents the theoretical framework that consists of this study’s research areas.

2.1 Previous Research

Moral relativism comes in many varieties, but Tännsjö (2007) defends his version of the ontological moral relativism. According to Tännsjö (2007:123), moral relativism is ‘...when two persons pass conflicting moral verdicts on a certain action, they may both be right. The explanation is that they make their judgments from the perspective of different, socially constructed, moral universes. So while it is true in the first person’s moral universe that a certain action is right, it is true in the second person’s moral universe that the very same action is wrong.’ On the other hand, common objections against moral relativism argue that ‘on culture-based or society-based relativism, what is right and wrong is a function of what the majority of people in a culture or society think is right and wrong’, meaning that majority rules (Wreen 2019:363). These objections are although met in Wreen’s (2019:375) study, which came to the conclusion that the basis of the majority rules objections is false and exemplifies for instance with that if the majority rule would apply, then in theory slavery or the oppression of the Jews by the Nazis would also in theory, be justified (Wreen 2019:364).

Another moral theory, which has arisen to the surface from moral relativism is moral realism. Moral realism is the view that there are mind-independent facts about moral norms and values (Sauer 2019:339). Sauer (2019:340) argues that it is implausible to suggest that realism predicts zero disagreements, meaning that no one ever disagrees with anyone about any moral issue - or that non-realist predict perfect disagreements, meaning that everyone always disagrees with everybody about all moral issues. Therefore, Sauer (2019:341) assumes that there is some threshold of disagreement, meaning that those who take sides in the debate surrounding the argument of disagreement must have some ballpark beyond zero and short of total disagreements in mind to engage with moral issues - to decide when something is ‘right’
or ‘wrong’. A similar study is Harman’s (2015:855), who found it plausible to view moral relativism as a version of moral realism. Harman (2015:858) stated that moral relativism is a claim about reality and that the moral reality is that there are many moral frames of reference and whether something is morally right or wrong, good or bad...it is always a relative matter due to what moral framework you compare it to.

However, the most popular argument against moral realism is the argument from disagreement: if there are mind-independent moral facts, then we would not expect to find as much moral disagreement as we in fact do; therefore, moral realism is false (Sauer 2018:339). Many would instead argue that moral principles are universal. Ideally, moral universalism is a philosophical argument that offers a world that will have no moral disagreements due to the fact that collectively everyone thinks in the same way and manner about morals in general (Lahiri 2009:78). Scholars like Ivic (2018:223) and Lahiri (2009:81) claim that the United Nations’ Universal Declaration of Human Rights (UDHR) is an example of moral universalism in practice. Lahiri (2009:91) came to the conclusion that the concept of human rights, international law and crimes against humanity are new terms that are part of global efforts to bring a universalist, equal and common moral justice to all peoples.

Article 55(c) of the Charter of the UN refers to human rights which states that ‘the UN shall promote [...] universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion (UN 2020). The principle of sovereignty is written in Article 2(1) of the UN Charter, which states ‘The Organization is based on the principle of the sovereign equality of all its Members’ (UN 2020). Article 2(7) of the UN Charter highlights the notion of sovereignty, which is interconnected with the principle of non-intervention (Ecran 2016:39; UN 2020). Article 2(7) is as follows ‘Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state...’ (UN 2020).

The RtoP is based on three specific responsibilities that are connected to the UN Charters Articles of human rights and the notion of sovereignty; the responsibility to protect, prevent, and rebuild. The essence of RtoP is that if a state legitimately protects its citizens, then it is in full right of its sovereign power. Although if a state cannot provide the protection
or is committing the crime itself, then it forfeits its sovereign right and the international community steps in (Axworthy 2011:12; Bellamy 2015:2; Hoffman & Nollkaemper 2012:14).

In the past decades, humanitarian intervention has commonly been perceived as the ‘right to intervene’ by states and scholars (Ecran 2016:19). According to the RtoP report, the just cause threshold is that ‘military intervention for human protection purposes is an exceptional and extraordinary measure and to be warranted, there must be serious and irreparable harm occurring to human beings of the following kind: large scale loss of life and large scale of ‘ethnic cleansing ’ (ICISS 2001:12). Although the concept of RtoP has been criticized for ‘dangerously underm[ing] sovereignty’ since certain conditions of RtoP call for outside interference which then disregards the principle of non-intervention in Article 2(7) of the UN Charter (Dederer 2014:156). On the other hand, according to ICISS, the sovereignty of States implies responsibility, especially the responsibility of States to protect their own people (Dederer 2014:160).

2.2 Moral Relativism

According to James Rachels (2002:19), moral relativism is the view that ‘there is no measure of right and wrong other than the standards of one’s society’ and Louis Pojman and James Fieser (2011:18) say that the relativists hold that ‘...all moral principles are valid relative to culture or individual choice.’ Moral relativism is the commitment to respect other cultures and allow them to solve moral problems as they see fit (Tännsjö 2007:123). The inherent subjectivity of moral relativism may imply that people have no basis for making moral judgments against those with whom they disagree, as relativism provides no objective criteria for determining who is right (Gowans 2012).

2.3 Moral Universalism

Moral universalism makes the fact clear that morals have a universal validity (Lahiri 2009:78). The idea of moral universalism in nation states is commonly focused on their individual participants, who are generally conceived as citizens or as members of any particular minority (Lahiri 2009:82). The international society must also open up the possibility of state interference for the sake of individual rights (Lahiri 2009:82; Pogge
Moral universalism finds that moral actions are tied to the act itself, not regardless of the cultural context, but in respect of the basic ethical standards that exist in all cultures.

2.4 Responsibility to Protect

In regards to section 2.1 Previous Research, it is clear that the main focus of the RtoP discourse is protection, meaning how to protect the citizens by a possible intervention. This is also in accordance with Axworthy’s (2011:14) statement that ‘prevention’, one of the three pillars of RtoP, is too often neglected in this debate. Prevention could be interpreted in different ways. The purpose of prevention is to prevent or halt the ‘widespread and grave violations of the fundamental human rights of individuals other than ...the intervener(s)’s] own citizens’ (Holzgrefe & Keohane 2003:18). There are also many types of prevention, such as political and diplomatic, economic, legal and military (ICISS 2001:23-24). In this study, prevention will be interpreted in two ways based on moral relativism and moral universalism.

Prevention from a moral relativism perspective is trying to prevent moral problems like human rights violations by implementing sanctions or recommending changes in current law and/or behavior. This interpretation was made since the moral relativism theory states that each country needs to solve their own moral problems as they see fit and therefore suggestions of other courses of action could be seen as an appropriate method if you do not agree with how a country is governed. Prevention from a moral universalism perspective is that you want/will interfere a state by a military intervention. Since it is, according to the moral universalism theory, the uttermost importance to protect the individuals and citizens of a country and make sure that they are not deprived of their human rights.
2.5 Comprehension of the Theoretical Framework

Figure 2. This study’s ideal types

<table>
<thead>
<tr>
<th>Moral relativism</th>
<th>Moral universalism</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Moral principles are relative to individuals, their opinions, times and places</td>
<td>- Moral principles are universal and applies to everyone and everywhere</td>
</tr>
<tr>
<td>- Each country is responsible for solving their own moral problems as they see fit</td>
<td>- Focuses on individuals and their rights regardless of national boundaries</td>
</tr>
<tr>
<td>- Moral statements cannot be inferred from or reduced to generally applicable statements, like human rights</td>
<td>- Human rights is an example of moral universalism</td>
</tr>
<tr>
<td>- Moral principles are valid to culture and individual choice</td>
<td>- Moral actions are tied to act itself and based on the respect of the basic ethical standard that exist in all cultures</td>
</tr>
<tr>
<td>- Prevention in forms of sanctions and recommendations</td>
<td>- Prevention in forms of a military intervention</td>
</tr>
</tbody>
</table>

Figure 2 above is a comprehension of the theoretical framework and is a reflection of two polar ideal types\(^1\) that will be described in section 3.1.2 Ideal Types. The polar ideal types are the foundation of this study’s analysis tool. In section 3.4 Analysis Tool, the ideal types will be operationalized further through questions that will be asked to the collected material in the analysis.

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\(^1\) My own English translation from the Swedish term “polära idealtyper” by Esaiasson et al. (2017:141)
3. Methodology and Research Design

The following section presents the choice of method, the course of action and ends with a discussion of this methods credibility and analysis tool.

3.1 Methodology

The method for this study is a comparative case study with the aim to describe. The purpose of this method is to describe what is happening within the framework of the case study and to learn the similarities and differences between the cases (Denscombe 2017:95). To be able to compare, at least two analysis units are required (Esaiasson et al. 2017:109) which in this study are the arguments about Myanmar and the DPRK.

One of the advantages of using comparative case studies is that it is a suitable approach for smaller research studies such as this study due to limited time and resources. Case studies also give the researcher the opportunity to see the full picture and create a deeper depth in the analysis by focusing on the details and subtleties of the phenomenon (Denscombe 2017:103). The disadvantage of using comparing case studies is the credibility in the generalizations that are made, meaning how representative this case is (Denscombe 2017:104).

3.1.1 Methodological Approach

This study’s method approach is a descriptive idea analysis\(^2\), which could be used to analyze political arguments in documents (Beckman & Ljungwald 2009:66). The purpose is to describe the ideas that are studied (Bergström & Svärd 2018:140). The researcher often works with a concrete and well defined material category (Beckman & Ljungwald 2009:66), which this study does since the collected material are specific reports published by the Office of the High Commissioner for Human Rights (OHCHR), an organ that belongs to the United Nations.

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\(^2\) My own English translation from the Swedish term “beskrivande idéanalys” by Beckman (2005:13)
The arguments that are chosen are the core of the study which is called an idea centered approach. This means that the study does not focus on who the author of the provided arguments are (Beckman 2005:17-17). The ambition with this method is to systematize and clarify the meaning of the arguments that appear in the material, which could be done by asking fairly easy questions that are difficult to answer right away (Beckman & Ljungwald 2009:67).

3.1.2 Ideal Types

One way to systematize and clarify the meaning of the arguments is by constructing ideal types (Beckman & Ljungwald 2009:73; Bergström & Svärd 2018:140; Esaiasson et al. 2017:139). The researcher collects typical characteristics of the phenomena in question, in this case moral relativism and moral universalism and then compare it to the empirical observations (Beckman & Ljungwald 2017:140; Bergström & Svärd 2018:148; Gaudet & Robert 2018:203) which in this study are the OHCHR’s arguments.

Bergström and Svärd (2018:148) highlights that the ‘ideal’ within the ideal types should not be interpreted as the ‘right definition’ of the phenomenon but rather as an analytical purification of the phenomenon that puts certain aspects in the foreground because they are important from a theoretical perspective. Esaiasson et al. (2017:140) clarifies that ideal types should be seen as simplified versions of reality. Another advantage of using ideal types is that it can create order in the material which increases the possibilities for a comparative analysis and to see how much the ideal types differ from reality (Beckman & Ljungwald 2009:74; Bergström & Svärd 2018:166; Esaiasson et al. 2017:140).

Both Gaudet and Roberts’ (2018:203) and Esaiasson et al. (2017:142-143) state that it is possible to construct your own ideal types based on what the researcher thinks is important to highlight. Therefore this study uses two polar ideal types which are based on the theoretical framework (see above in section 2.5 Comprehension of theoretical framework) about moral relativism and moral universalism since it also reduces the risk of low validity (Esaisson et al. 2017:132-143). What was additionally included in each ideal type, is this study’s personal interpretation of RtoP.

3 My own English translation from the Swedish term “idécentrerad studie” by Beckman (2005:17)
3.2 Course of Action

3.2.1 Selection of Material
The material has been collected from several articles, books and journals that contains different perspectives about moral relativism, moral universalism and RtoP. This study’s empirical material contains reports from the OHCHR. The publisher, i.e. the OHCHR, the publishing date and the purpose of the report was taken into consideration to ensure that the reports were as equal to each other as possible in order to make valid comparisons in the analysis.

3.2.2 Selection of Cases
It is important that the chosen cases are as similar to each other as possible in order to make good comparisons (Ahrne & Svensson 2011:24). Although in this study, only certain criterias was identified and established as similar since the essence of this study was not to have a so-called ‘most-similar’ case study. Both cases should:
  ○ have violated human rights for several years,
  ○ be recognized by the OHCHR,
  ○ have reports written by the OHCHR and
  ○ be members of the UN.
The reason why it was decided that human rights should have been violated for several years is to ensure that there is material to collect, preferably over time to gain a better understanding before analyzing the material. Since it is the OHCHR’s arguments that will be analyzed, it is self-evident that the cases should have been recognized by the OHCHR and that the OHCHR should have published reports about them - even if the OHCHR as an actor will not be discussed. The last criteria, that both countries should be members of the UN, is to rule out that the OHCHR’s arguments are different because one country is a member of the UN and the other one is not. Both Myanmar and the DPRK meet the criteria mentioned above.
3.2.3 Proceedings

After a thorough screening of the material, it was decided that the main focus of the OHCHR’s arguments would be recommendations to each country’s government and the international community since it was assumed that these recommendations would highlight the moral theories and the RtoP the most. Some reports were also more specific in their recommendations than other reports. Therefore, background information about each country’s human rights violations and the OHCHR’s arguments were put together from different reports to give a comprehensive overview of each situation.

Afterwards questions, based on the ideal types in Figure 2 above, were constructed to include those in the analysis since Beckman and Ljungwald (2009:67) stated that it is easier to systematize and clarify the meaning of the arguments by asking fairly easy questions that are difficult to answer right away. The questions are presented in section 3.4 Analysis tool below.

Also, due to time and resources, this study needed to be narrowed and different terms needed to be clarified. Often the term ‘human rights’ is used as an established phenomenon but the UDHR contains 30 articles. When this study tries to answer the research questions regarding arguments about human rights violations, it refers to violations against Article 16 Article 19. Article 16 is about the right to marry and have a family if they want to and Article 19 is about the right to say what you like and think (UN 2019; Youth for Human Rights 2019). The reason why just these two articles were included in this study was because the empirical material showed that Myanmar and the DPRK violated these human rights.

3.3 Discussion of Method

Qualitative research studies often get criticized because of the lack of generalizability (Denscombe 2017:100; Arhne & Svensson 2011:28). Although the purpose of this study is not to produce generalized conclusions, since it was stated earlier that this study works within a concrete and well defined material category.

It is also important in qualitative research studies that the researcher is intersubjective, meaning that the result should be as independent from the researcher as possible and that the researcher is impartial and transparent with his or hers proceedings (Esaiasson et al. 2017:25). Since the essence of this descriptive idea analysis is not to favor any theory and that the
research questions are constructed objectively, the intersubjectivity criteria is therefore met. Especially since the proceedings and decisions under section 3.2 Course of action (see above) was written as detailed and thorough as possible. This also reduces the risk of low reliability.

According to Bergström and Svärd (2018:166), there is a risk that the researcher ‘forces’ the material onto the analysis tool or that the meaning of the statements are stretched by using developed and well specified ideal types. This could make the researcher tempted to see the material based on the ideal types and therefore attributing the material to something that is not there (Bergström & Svärd 2018:166). This will in other words create a validity problem. To reduce this risk the researcher needs to be, as Esaiasson et al. (2017:25) stated, as intersubjective as possible. Although, you need to bear in mind that each description of an idea also means an interpretation of the material, meaning that the description is never a neutral display of what is in the text (Bergström & Svärd 2018:141).

3.4 Analysis Tool

This study’s analysis tool are questions based on the ideal types mentioned above in Figure 2 under section 2.5 Comprehension of the Theoretical Framework, with the purpose of strengthening the connection between the theoretical framework and the analysis. The questions are as following:

○ Are moral principles relative or universal?
○ Are moral problems meant to be solved within national boundaries or not?
○ Can or cannot moral statements be reduced to generally applicable statements?
○ Are moral principles valid to culture or not?
○ Should prevention happen in forms of sanctions and recommendations or a military intervention?
4. Results and Analysis

The following section includes background information about the human rights violations against Article 16 and Article 19 in Myanmar and the DPRK. The selected arguments and the analysis of them is presented thereafter.

4.1 Myanmar

Within Myanmar, there are different exposed areas where many ethnic minorities live, including areas such as Kachin, Rakhine and Shan state. According to the Human Rights Watch (HRW) World Report of 2019, the UN found that the military abuses committed in Kachin, Rakhine and Shan States since 2011 was “undoubtedly amount to the gravest crimes under international law” and called for senior military officials to face investigation and prosecution for genocide, crimes against humanity and war crimes (HRW 2019a). Even if Myanmar has made some positive developments, like improving the legal protection of children’s rights, there are still many human rights that are being violated (OHCHR 2019a:3).

4.1.1 Recommendations towards Myanmar

Women and children in Myanmar are exposed to trafficking in neighboring countries as well as internally, for forced labor as well as sexual and other forms of exploitation (OHCHR 2019a:14). For instance, girls and women from the Kachin and Shan States are being trafficked to China as “brides”, where most are deceived by the lure of employment and are transported into China by a network of traffickers, sometimes having been drugged, before being sold to a family. The majority are then locked in a room, repeatedly raped and forced to give birth. Those who did escape, often needed to leave their children behind (OHCHR 2019a:15). Another report from OHCHR (2018:12), also states that girls and women have been selected for forced marriage and is constantly being subjected to rape and other forms of sexual violence. Therefore, one the OHCHR’s (2019a:20) recommendations to Myanmar is to:
“Strengthen the implementation of anti-trafficking laws and agreements, including the Anti-Trafficking in Persons Law; the 2009 “Memorandum of understanding between the Government of the Union of Myanmar and the Government of the People’s Republic of China on strengthening the cooperation on combating human trafficking”; the Coordinated Mekong Ministerial Initiative against Trafficking, the ASEAN Convention against Trafficking in Persons, especially Women and Children and the United Nations Protocol to Prevent, Suppress and punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime” (OHCHR 2019a:20).

The recommendation above shows that the OHCHR is urging the government of Myanmar to strengthen and implement several universal laws and agreements. Even if the description of each law or agreement is not described in detail, the argument shows that the OHCHR sees concrete solutions to the human rights violations happening in Myanmar.

Are moral principles relative or universal? The above argument could be interpreted as closer to the moral universalism ideal type because the argument refers to universal laws and agreements. Meaning that moral principles could be seen as universal. On the other hand, the context of the entire situation could be seen as in accordance with the moral relativism ideal type, since it can be assumed that Myanmar thinks that they are doing the right thing for their citizens and therefore are moral principles relative.

Are moral problems meant to be solved within national boundaries or not? Since the OHCHR is encouraging Myanmar to strengthen all the above universal laws and agreements, the recommendation could be seen as in accordance with the moral relativism ideal type due to implementations within the national boundaries. On the other hand, one might argue that the solutions suggested by the OHCHR is an approach itself to solve problems outside of the national boundaries, which would then be in accordance with the moral universalism ideal type.

Can or cannot moral statements be reduced to generally applicable statements? The above argument indicates that moral statements can be reduced to generally applicable statements, since the recommendation could be seen as a moral statement in itself. Meaning that the OHCHR argues in accordance with the moral universalism ideal type.

Are moral principles valid to culture or not? This argument could be interpreted as moral principles are not valid to culture, which is in accordance with the moral universalism
ideal type. This is because all the mentioned universal laws and agreements are an indication that the things that are happening in Myanmar is not valid in any circumstances.

*Should prevention happen in forms of sanctions and recommendations or a military intervention?* According to Lahiri (2009:82) and Pogge (2002:29), it is important that the international society opens up the possibility of state interference in group practices to protect individual rights, which is in accordance with the moral universalism ideal type. Although there is no indication that a military intervention will be the direct consequence if the government of Myanmar does not change their behavior. Therefore, the above argument could be interpreted as a recommendation that urges Myanmar to change their current behavior and laws, which is in accordance with the moral relativism ideal type. On the other hand, it could be questioned how effective these recommendations are since the government of Myanmar has ignored them in the past.

Myanmar is not only violating Article 16, but Article 19 as well. The OHCHR (2019a:6) reports that mobile Internet services were suspended on 21 June for the first time in townships of for instance Rakhine State. This was done under section 77 of the Telecommunications Law for the stated purpose of maintaining stability in the region. After several months, the suspension remains and is affecting more than 1 million people in the region where few have access to grounded Internet (OHCHR 2019a:6). It also has implications for the rights to freedom of expression, information, participation and assembly (OHCHR 2019a:6).

Online content is also regulated by the Government and Internet companies. The OHCHR report (2019a:7) states that legitimate expression is over moderated with several laws directly involved in regulating Internet use containing criminal provisions on defamation, while incidents of incitement to violence, discrimination and hatred online are not moderated enough. Due to this, the OHCHR (2019a:18) also recommends Myanmar to:

“Lift the order to suspend mobile Internet services in Rakhine and Chin State and amend the Telecommunications Law, including provisions for the arbitrary disconnection of Internet access, to ensure compliance with international law. Also, guarantee the right to freedom of expression online; undertake comprehensive action against online incitement to hatred, discrimination and violence...and, in consultation with the civil society, consider enacting anti-discrimination and equality legislation” (OHCHR 2019a:18).
The above argument highlights the importance of several human rights that needs to be respected and includes suggestions for future actions to the government of Myanmar. It is also shown that the actions happening in Myanmar are not compliant with the OHCHR’s standards.

*Are moral principles relative or universal?* The OHCHR (2019a:18) urges to lift the suspension of mobile Internet services and is referring to international law. International law could be seen as equal to ‘universal’ since international law aims to be applicable for everyone and everywhere. It is therefore possible to argue that the OHCHR’s argument above is closer to the moral universalism ideal type. On the other hand, it was stated in the OHCHR (2019a:6) report that the purpose of the Telecommunication Law was to maintain stability in the region. Meaning that from the government of Myanmar’s perspective, moral principles are relative since Myanmar and the OHCHR’s views differ.

*Are moral problems meant to be solved within national boundaries or not?* Looking at the whole context of Myanmar, it could be argued that Myanmar is acting in accordance with the moral relativism ideal type. This is because Myanmar is trying to solve their own moral problems since the purpose of the Telecommunication Law was to maintain stability within the region, i.e. within the national boundaries. This could also be supported by the above argument since the OHCHR suggestions to manage these problems are actions only Myanmar can act on. Although, as previously argued, the recommendation itself could be viewed as a way to solve the human rights violations outside the national boundaries, which is in accordance with the moral universalism ideal type. This could be an example of how the two ideal types are opposing each other.

*Can or cannot moral statements be reduced to generally applicable statements?* It could be argued that moral statements can be reduced to generally applicable statements like human rights, since the argument is based on protecting the individuals and citizens of Myanmar. This falls in accordance with the moral universalism ideal type since Lahiri (2009:82) points out that the idea of moral universalism in nation states is commonly focused on their individual participants who are conceived as citizens or as members of any particular minority. This could also be strengthened, since many of those who are oppressed by the government of Myanmar, are ethnic minorities (HRW 2019a). Although as earlier mentioned, since Myanmar claims that the suspension of mobile Internet services is to protect the citizens
of Myanmar, this could be seen as closer to the moral relativism ideal type, meaning that moral statements cannot be reduced to generally applicable statements.

*Are moral principles valid to culture or not?* In one way, the argument above could be interpreted as moral principles are not valid to culture since the OHCHR would probably argue that human rights are so crucial that it does not matter what type of culture you have. This would be in accordance with the moral universalism ideal type. On the other hand, Lahiri (2009:79) stated that the recognition of human rights and the creation of means for their defense in international law constitute perhaps the most important moral advance of this century, meaning that it is possible to argue against that human rights are above other cultures. Since it is possible to argue for both ideal types, it shows that the argument above could be a mixture of both ideal types.

*Should prevention happen in forms of sanctions and recommendations or a military intervention?* Axworthy (2011:12), Bellamy (2015:2) and Hoffman and Nolkaemper (2012:14) wrote that the essence of the RtoP is that if a state cannot protect its citizens, that state also forfeits their sovereign right and the international community have the right to intervene. Although, as the previous argument also implied, there is no indication that there will be any consequences if Myanmar does not change their behavior. On the other hand, the OHCHR might believe that they have done enough by urging Myanmar to prevent human rights violations. Another way to look at this is that the OHCHR is ‘waiting’ for Myanmar to commit even more crimes against international law and human rights, in order for them to decide on a military intervention.

If the OHCHR is using a “waiting tactic”, this could be in line with the RtoP approach in general, since Axworthy (2011:12) highlights that there is a high threshold that must be met in order for the UN to intervene. Although, this might have been the reason why the UN intervened too late in Rwanda, which was the reason why the UN got criticized (Beaumont 2013). Therefore, one could argue that past history should be recognized as an incentive for the UN to not make the same mistake again and intervene in Myanmar.

To connect this with the study’s ideal types, urging recommendations are in accordance with the moral relativism ideal type. While a waiting tactic could be seen as closer to the moral universalism ideal type since it is then assumed that the OHCHR wants to protect the citizens of Myanmar and prevent human rights violations by a future military intervention. On the other hand, it is also possible to argue that a waiting tactic is closer to the moral
relativism ideal type since the OHCHR is waiting for Myanmar to solve their own moral problems. Once again, this is another example of how both ideal types could be seen as a mixture of both.

4.1.2 Recommendations towards the International Community and the UN

Due to the human rights violations and arguments discussed above, the OHCHR report (2019:18) ends with recommendations to the international community and the UN. One of these recommendations are:

“Refer the situation in Myanmar to the International Criminal Court (ICC) immediately or, alternatively, consider establishing an international tribunal to try alleged perpetrators of international crimes in accordance with international law. Impose targeted financial sanctions against Tatmadaw-owned companies and their subsidiaries and the six senior Tatmadaw commanders and their family members and associates identified by the independent international fact-finding mission on Myanmar as being most responsible for the serious violations that have occurred since 2011” (OHCHR 2019a:18).

This recommendation reflects two recommendations that are merged together. Both contains suggestions of how the international community and the UN can act towards Myanmar, like imposing target financial sanctions or convict the perpetrators in the ICC.

Are moral principles relative or universal? The above argument could be interpreted as moral principles are universal since the argument refers to international law, whose purpose is to apply to everyone and everywhere. Since the OHCHR also want the perpetrators to be convicted in the ICC, it could be argued that in order to be convicted in the ICC, you must have committed international crimes which is contrary to what the universal moral principles stands for.

Are moral problems meant to be solved within national boundaries or not? The above argument could be interpreted as the moral problems are not meant to be solved within national boundaries since the international fact-finding mission on Myanmar have found six perpetrators of international crimes and wants them convicted in ICC, i.e. outside the national boundaries of Myanmar. On the other hand, bear in mind that the recommendation is towards the international community. Meaning that this could have had an impact on why the
recommendation suggests to solve the moral problems outside the national boundaries, since Axworthy (2011:12) highlights that a military intervention should be seen as a last resort.

Can or cannot moral statements be reduced to generally applicable statements? It seems like the foundation of the argument above is based on generally applicable statements since it wants to protect human rights, which is a generally applicable statement and in line with the moral universalism ideal type. On the other hand, due to the fact that the Tatmadaw commanders have committed international crimes since 2011, it could be argued that the Tatmadaw commanders believe that moral statements cannot be reduced to generally applicable statements since they have ignored the OHCHR’s recommendations. This could mean that the OHCHR’s force of its recommendations loses credibility or at least that it is not possible that moral statements can be reduced to generally applicable statements, which would be in accordance with the moral relativism ideal type.

Are moral principles valid to culture or not? One explanation of why the Tatmadaw commanders might have committed these international crimes could be because their actions are tied to their culture and that the commanders are therefore acting accordingly. This could be viewed as in accordance with the moral relativism ideal type. On the other hand, the OHCHR would probably not accept that statement and claim that the moral actions are tied to the act itself and that the Tatmadaw commanders actions are nowhere near justifiable. Meaning that it is closer to the moral universalism ideal type.

Should prevention happen in forms of sanctions and recommendations or a military intervention? The above argument consists of recommendations and sanctions which is in accordance with the moral relativism ideal type. This is also supported since there is no indication that the OHCHR encourages the international community towards a military intervention. Another recommendation by the OHCHR (2019a:19-20) towards the international community was:

“The international community, through United Nations, should use all diplomatic, humanitarian and other peaceful means to assist Myanmar in meeting its responsibility to protect its people from genocide, crimes against humanity and war crimes. It should take collective action in accordance with the Charter of the United Nations, as necessary...All Member States should ensure that engagement with Myanmar, and support for aid, development and reform projects, take into account and address human rights concerns and
explicitly conform to the principles of non-discrimination and equality” (OHCHR 2018:19-20).

The above argument consists of two recommendations that have been compounded into one. This recommendation is similar to the one above, since there are also suggestions of different courses of action to manage Myanmar. The difference though is that this recommendation highlight the characteristics of the RtoP adoption by for instance including sentences such as ‘its responsibility to protect people from genocide…’ (OHCHR 2018:19-20).

Are moral principles relative or universal? The foundation of the above argument is in accordance with the moral universalism ideal type, since it explicitly mentions that it is important to protect individuals from genocide, crimes against humanity and war crimes. It is also possible to argue that the OHCHR wants the Member States to put up a united front regarding the human rights violations towards the government of Myanmar, which strengthens the connection to the moral universalism ideal type. On the other hand, there are Member States who violate human rights (Myanmar and the DPRK for instance). Meaning that it is possible to question if moral principles are actually universal.

Are moral problems meant to be solved within national boundaries or not? Looking at the above argument compared to the previous recommendation to the international community, this argument is more in accordance with the moral relativism ideal type. This is because the OHCHR is encouraging the Member States to take into account the human rights concerns when they engage with Myanmar. In other words, the OHCHR might believe that it is better for Myanmar to solve their own moral problems within the national boundaries than that the Member States should interfere for instance.

Can or cannot moral statements be reduced to generally applicable statements? The argument does not really give an indication that moral statements can or cannot be reduced to generally applicable statements at first sight. Although, one interpretation from the recommendation above is that the foundation of the arguments seems in accordance with the moral universalism ideal type since the OHCHR is referring to the human rights violations.

Are moral principles valid to culture or not? In one way, the argument above could be interpreted as that moral principles are not valid to culture which would be in accordance with the moral universalism ideal type. This is because the argument is indirectly saying that Myanmar has a type of culture that is not in accordance with the OHCHR’s moral principles
and therefore it is important to assist Myanmar to recognize that their moral principles are ‘wrong’. On the other hand, Rachels (2002:19) states that there is no measure of right and wrong than the standards of one’s society.’ Which means that it is also possible to argue that moral principles are valid to culture since Gowans (2012) also states that there is no objective criteria for determining who is right.

Should prevention happen in forms of sanctions and recommendations or a military intervention? The above argument could be interpreted as in accordance with the moral relativism ideal type due to the OHCHR recommendations that the international community should use all diplomatic, humanitarian and other peaceful means to assist Myanmar. Meaning that the argument gives an indication that the diplomatic, humanitarian and other peaceful means are examples of methods to approach the human rights violations beside a military intervention and therefore, in accordance with the moral universalism ideal type. This is also supported by the ICISS (2001:23-24) who states that there are many types of prevention, such as political and diplomatic, economic and legal.

So far in this analysis, it seems that the OHCHR is more comfortable to prevent human rights violations through sanctions and recommendations, which is in line with the moral relativism ideal type. This could be because there is a high threshold that must be met in order to justify a military intervention (Axworthy 2011:12; Ecran 2016:24).

4.2 The Democratic People’s Republic of Korea (DPRK)

The DPRK remains one of the world’s most repressive states and the government restricts all civil and political liberties, including freedom of expression, association, religion, organized political opposition and independent media (HRW 2019b). Despite all of this, there have been some positive developments where for instance Kim Jong Un, the President of the DPRK, had his first-ever trilateral discussion with the President of South Korea and the United States, where they discussed peace processes and denuclearization (OHCHR 2019b:3). Although, according to the OHCHR (2019b:16) report, the government of the DPRK continues to take a firm position that they “categorically rejects” and “will in the future too neither accept nor recognize” the Human Rights Council resolution.
4.2.1 Recommendations towards the DPRK

Most escapees from the DPRK are women and the majority of them are trafficked into sex trade, including forced marriage and prostitution (HRW 2019b; OHCHR 2019b:14). The report refers to a London-based organization, who estimate that the sexual exploitation of escapee women generates at least $105,000,000 annually in China (OHCHR 2019b:14). Many women must leave their children with their Chinese fathers when they leave China. An estimation of 20,000 children birthed by women originating from the DPRK are currently in China. These children are deprived of their rights to birth registration, nationality, education and healthcare because their birth cannot be registered without exposing the mother to the risk of refoulement by China (OHCHR 2014:10). The strict restrictions on the freedom of movement for external travel and the harsh punishments imposed on repatriated people are escalating the cycle of separated families (OHCHR 2019b:16).

Another thing that has led to separated families are enforced disappearances. People who have been accused of committing crimes against the State are being sent to prison camps, called kwanliso, without any legal or procedural guarantees, in a manner that amounts to enforced disappearance (OHCHR 2019b:13). Family members have testified that they have tried to use means such as bribes and connections, to find where their family members are and all of them were sent to a kwanliso (OHCHR 2019b:13). The OHCHR have recognized these events and writes for instance two recommendations to the government of DPRK:

“Address allegations of enforced disappearance and provide accurate information to the families of the victims on the fates and whereabouts of their missing relatives. Also, recognize the fundamental right to leave and enter the country both in law and practice, and ensure that those who are repatriated are not subject to punishment upon repatriation” (OHCHR 2019b:19).

“Take immediate measures to ensure gender equality in practice, such as providing equal access for women in public life and employment; eradicate discriminatory laws, regulations and practices affecting women; take measures to address all forms of violence against women, including domestic violence, sexual and gender-based violence by State agents and/or within State institutions, and respond immediately and effectively to trafficking in women, and address the structural causes that make women vulnerable to such violations (OHCHR 2014:17).
The above arguments are recommendations to the DPRK that consists of suggestions of how the OHCHR thinks the DPRK needs to act. These suggestions are for instance to address allegations of enforced disappearance or to take immediate measures to ensure gender equality in practice. As seen above, the recommendations are taken from two different reports with five years apart, which shows that the behavior of the DPRK has not changed since at least 2014.

Are moral principles relative or universal? Both above arguments are fairly straightforward as they refer to protect the citizens of the DPRK which shows that the foundation of the arguments are based on that moral principles are universal. Meaning that this is in accordance with the moral universalism ideal type. Comparing these arguments above to the arguments the OHCHR did to Myanmar, it could be seen that the OHCHR wrote more detailed and thorough arguments and were “stricter” in their language about Myanmar than the DPRK. Even if these arguments above contain words such as ‘take immediate measures’ and ‘respond immediately’, there are no concrete clarifications what that means compared to the arguments towards the government of Myanmar who suggested many implementations of laws for instance. Although this could be dependent on the chosen arguments.

On the other hand, if you look at the entire context of the situation happening in the DPRK, it can be assumed that the government of the DPRK would claim that moral principles are relative since the last argument above highlights that the State agents and people within State institutions are acting in the opposite way of the UN’s moral principles. Meaning that the behavior of the DPRK could be seen as in accordance with the moral relativism ideal type. This could also be strengthened since the OHCHR (2019b:16) report stated that the government of the DPRK continues to take a firm position that they “categorically rejects” and “will in the future too neither accept nor recognize” the Human Rights Council resolution.

Are moral problems meant to be solved within national boundaries or not? Both arguments could be seen as closer to the moral relativism ideal type, due to the OHCHR are giving recommendations of how the DPRK should address the human rights violations. Meaning that the OHCHR encourages the DPRK to manage their own moral problems within the national boundaries. Also, there is no indication that the OHCHR wants to convict the
perpetrators in the ICC for instance, even if the perpetrators are recognized in the arguments (State agents and people within the State institutions). Compared to Myanmar, the OHCHR wanted to convict the identified perpetrators in the ICC which was interpreted as in accordance with the moral universalism ideal type. But the above arguments indicates that the OHCHR believes that the moral problems should be solved within the national boundaries since there are no indications from the OHCHR of the problems being solved outside the national boundaries. Which is therefore closer to the moral relativism ideal type.

*Can or cannot moral statements be reduced to generally applicable statements?* The foundation of the above arguments seems in accordance with the moral universalism ideal type. This is because the OHCHR is urging the DPRK to be compliant with human rights, which is seen as a general applicable statement according to the moral universalism ideal type. On the other hand, since the government of the DPRK refuses to accept or recognize the Human Rights Council resolutions, it is an indication that in reality moral statements cannot be reduced to generally applicable statements since moral principles are relative. Since it is possible to argue for both sides in this discussion, this could be seen as another example of how the two ideal types could be interpreted as a mixture of both.

*Are moral principles valid to culture or not?* The above arguments indicates that there is an existing culture within the DPRK that is not compliant with the culture the OHCHR strives towards. The existing culture within the DPRK could be strengthened by the first above argument for instance, which highlights that it is important to ensure that those who are repatriated are not subject to punishment upon repatriation. In other words, this is something that is common and the government of the DPRK would probably argue that it is valid to their culture. Lahiri (2009:82) stated for instance that there is a growing number of governments who reject moral universalism, often because they themselves are abusers of human rights or they value national sovereignty more than moral universality - which could strengthen that the government of the DPRK would argue this way.

At the same time, since the DPRK is not compliant with the culture the OHCHR strives towards, the OHCHR most likely argues that the moral principles of the DPRK are not valid to culture. On the other hand, it could then be questioned if moral principles are universal in general, since this discussion is an example of how moral principles are relative.

*Should prevention happen in forms of sanctions and recommendations or a military intervention?* There is no indication in the above arguments that there will be a military
intervention as a consequence if the DPRK does not change their behavior. Meaning that the arguments are not in accordance with the moral universalism ideal type. This was the same case we saw regarding Myanmar. On the other hand, as stated earlier, are the recommendations not as thorough and detailed as the recommendations towards Myanmar, which could question if the recommendations towards the DPRK are in accordance with the moral relativism ideal type as well.

Another way to look at the above arguments, is that the OHCHR tries to prevent human rights violations in a more subtle way due to other reasons such as the DPRK’s nuclear weapons. In other words, the OHCHR might perceive the DPRK as a global security problem and therefore the OHCHR uses a more careful approach compared to the arguments regarding the situation in Myanmar. Yet again, it needs to be highlighted that this could be dependent on the chosen arguments as well as the different writers of the reports.

The government of the DPRK also violates Article 19 - Freedom of expression. The OHCHR (2019b:8) reports that the widespread use of surveillance and close monitoring of citizens and other severe restrictions on basic freedoms continues. Newspapers, radio, television and the Internet are completely controlled by the government. As a result, citizens of the DPRK does not have access to full and unbiased news that directly affect their lives (OHCHR 2019b:8).

Article 19 also includes “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice” and the heavily controlled system in the DPRK is a complete denial of this fundamental freedom (OHCHR 2014:3). The government of the DPRK justifies the restrictions imposed on freedom of expression by stating that the restrictions are necessary to protect national security (OHCHR 2019b:10). One of the OHCHR's recommendations to the government of the DPRK is:

“Relax the surveillance and monitoring of people’s private lives by the authorities in order to respect the right to freedom of expression and opinion and the right to privacy. Review the criminal code and other laws to redefine the acts that constitute “threats to national security” and review the necessity and proportionality of restrictions on freedom of information” (OHCHR 2019b:19).
The above argument is another recommendation to the DPRK regarding the violations against Article 19. This recommendation highlights for instance that the government of the DPRK justifies their actions by implementing laws due to threats to national security.

*Are moral principles relative or universal?* The above argument is in accordance with the moral universalism ideal type, since the OHCHR is referring to Article 19 of the UDHR. Meaning that moral principles could be interpreted as universal. Clearly, the argument also shows that the authorities in the DPRK have other moral principles and could therefore support the moral relativism ideal type, meaning that moral principles are relative.

*Are moral problems meant to be solved within national boundaries or not?* The above arguments states for instance that the government of the DPRK should review their criminal code and other laws. This indicates, since the OHCHR cannot change the DPRK’s criminal code and other laws themselves, that the UN believes that moral problems are meant to be solved within national boundaries. Meaning that it is in accordance with the moral relativism ideal type.

*Can or cannot moral statements be reduced to generally applicable statements?* It seems obvious that the foundation of the above argument is based on moral statements, since it is referring to human rights such as freedom of expression and freedom of information. On the other hand, as Rachels (2002:19) and Gowans (2012) argue, there is no measure of right and wrong other than the standard of one’s society. Which could be interpreted in this scenario that moral statements cannot be reduced to generally applicable statements. This statement could be derived from the moral relativism ideal type.

*Are moral principles valid to culture or not?* The argument above uses words such as ‘relax’ and ‘review’ which could be interpreted that it is not as important to change the culture within the DPRK as it was in Myanmar, since those types of words were not used in any argument above. This could be dependent on who is writing the argument, but it could also strengthen the above discussion that the OHCHR uses a more subtle approach towards the DPRK. Meaning that moral principles are valid to culture since the OHCHR emphasizing does not seem to be as crucial as other arguments, which is in accordance with the moral relativism ideal type. On the other hand, it could be argued that moral principles are not valid to culture since the argument is referring to respect human rights, meaning that human rights is a part of a universal culture.
Should prevention happen in forms of sanctions and recommendations or a military intervention? To continue on the same track and assume that the OHCHR uses a more careful approach towards the DPRK, this could be seen as in accordance with the moral relativism ideal type. It could also question the OHCHR’s actions and tactic in general since one of the essences of the RtoP is to prevent human rights violations. Although there are different ways to prevent human rights and there is a high threshold before a military intervention is warranted, which the moral universalism ideal type states. Yet again, it should be emphasized that one possible reason for this could be because the DPRK is, compared to Myanmar, conceived as a bigger threat due to their nuclear weapons. By not using a more careful approach, the consequences of that could be that the DPRK would be even less interested to cooperate or commit even more crimes against humanity, or worse, threaten world peace. Meaning that the OHCHR might believe that prevention in forms of sanctions and recommendations is a better course of action for now and therefore in accordance with the moral relativism ideal type.

4.2.2 Recommendations towards the International Community and the UN

Looking at the recommendations to the international community and the UN, the chosen words here could also be seen as very similar to some of the arguments above who uses a more subtle approach.

“Use any available opportunity for dialogue with the DPRK to create an environment that integrates human rights into ongoing peace and denuclearization talks and seeks progress in the human rights situation, in particular by calling for the prevention of violations and the effective protection of human rights in an accountable manner and advocating for the participation of the people of the DPRK in determining the path towards peace and prosperity” (OHCHR 2019b:20-21).

The above recommendation shows that the OHCHR believes that the international community should solve the human rights violations within the DPRK. The argument also shows that there is a culture within the DPRK that is not compliant with what the UN strives for since the OHCHR encourages to create an environment that integrates human rights into ongoing peace and denuclearization talks.
Are moral principles relative or universal? From the OHCHR perspective, moral principles are universal since the argument above refers to the importance of seeking progress in the human rights situation, meaning that the argument is in line with the moral universalism ideal type. On the other hand, the DPRK’s actions are implying that moral principles are relative since the government of the DPRK has laws that have been adopted due to threats of national security (OHCHR 2019b:19). Meaning that the DPRK’s actions are relative compared to what the OHCHR wants due to differences in laws and behavior.

Are moral problems meant to be solved within national boundaries or not? In this above argument, the OHCHR is highlighting that denuclearization talks are crucial. Even if the OHCHR is addressing the human rights violations, this recommendation could be seen as closer to the moral relativism ideal type since the OHCHR current solution to prevent human rights violations is by using the available opportunities to have a discussion about it with the DPRK. Meaning that the moral problems are meant to be solved within the national boundaries.

Can or cannot moral statements be reduced to generally applicable statements? The above argument indicates that even the OHCHR believes that moral statements cannot be reduced to generally applicable statements, since the OHCHR (2019b:20) clearly encourages ‘to create an environment that integrates human rights into ongoing peace and denuclearization talks…’. Meaning that it could be argued that human rights is not a general applicable statement, at least not yet within the DPRK which is in accordance with the moral relativism ideal type.

Are moral principles valid to culture or not? The OHCHR wants to implement their universal culture such as human rights within the environment of the DPRK and therefore, it is possible to argue that moral principles are valid to culture due to the OHCHR’s ‘acceptance’ that the culture within the DPRK is different. Although with this said, Wreen (2018:338) stated that relativism could be seen as the view that there are two or more equally valid or true but conflicting moral codes. Meaning that it is possible to argue from both perspectives, which is yet again an example of how the ideal types could be viewed as a mixture of both.

Should prevention happen in forms of sanctions and recommendations or a military intervention? The above argument indicates that prevention should happen in forms of sanctions and recommendations due to the OHCHR encouragement to the international
community and the UN to affect the DPRK’s behavior by discussions and talks. Meaning that it is in accordance with the moral relativism ideal type. Especially since the argument even states that the international community should call for the prevention of violations and the effective protection of human rights in an accountable manner. This could be interpreted as even if the OHCHR is aware of the violations happening within the DPRK, a military intervention is yet not warranted and therefore less close to the moral universalism ideal type.

4.3 Comprehension of the Analysis

Table 1 below is a reflection of this study’s analysis. The five questions that were repeatedly asked throughout the analysis are shown on the left side and on the right are the answers from each case based on the overall discussion within the analysis.

<table>
<thead>
<tr>
<th>Questions</th>
<th>Myanmar</th>
<th>DPRK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are moral principles relative or universal?</td>
<td>Universal</td>
<td>Universal</td>
</tr>
<tr>
<td>Are moral problems meant to be solved within national boundaries or not?</td>
<td>Within national boundaries</td>
<td>Within national boundaries</td>
</tr>
<tr>
<td>Can or cannot moral statements be reduced to generally applicable statements?</td>
<td>Yes they can</td>
<td>No they cannot</td>
</tr>
<tr>
<td>Are moral principles valid to culture or not?</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Should prevention happen in forms of sanctions and recommendations or a military intervention?</td>
<td>Sanctions and recommendations</td>
<td>Sanctions and recommendations</td>
</tr>
</tbody>
</table>

From this analysis, it is clear that moral principles are seen as universal, at least from the OHCHR’s perspective. Even if this study argued from the “government’s perspective”, those arguments were only assumptions since this study does not know what each country’s government would say. With this said, the OHCHR still values the idea of a sovereign state which was shown since the arguments indicated that moral problems are meant to be solved within the national boundaries of the sovereign state. Which in turn insinuates that the OHCHR’s suggestions are not in accordance with the moral universalism theory, only their moral principles. Since it was concluded in the analysis that there were different choices of words and possible tactics regarding Myanmar and the DPRK, it affected the OHCHR’s
image of whether moral statements can or cannot be reduced to generally applicable statements. With this said, due to the strong universal culture the OHCHR is trying to emphasize, it seems like the OHCHR do not tolerate any excuse, such as moral principles are valid to culture for unacceptable behavior. The analysis however showed that it was easier to argue that moral principles are not valid to culture in the Myanmar case compared to the DPRK. Lastly, due to the OHCHR’s ambition to affect countries’ behavior without an actual physical interference, other courses of actions such as sanctions and recommendations are preferred in order to prevent human rights violations. The question though is how effective these sanctions and recommendations are.

What also should be highlighted, looking at Table 1, is that there are no major differences between the arguments except if moral principles could be reduced to generally applicable statements or not and if moral principles are valid to culture. These differences are although dependent on the chosen argument and interpretations. Since the differences are small, it is concluded that the differences are not remarkable due to their low impact on the result of this study.

4.4 Concluding Remarks

![Figure 3. The major finding from the analysis](image)
Even if Table 1 is a summary of the result of this study, there is something else that can be drawn from the analysis. Figure 3 is a Venn diagram that was created to highlight the main concluding remarks. Figure 3 illustrates that there are characteristics of both moral relativism and moral universalism which creates a moral reality since the analysis shows that the OHCHR’s arguments could be derived from both moral theories. To clarify, it seems like the foundation of the OHCHR’s arguments are more similar to the moral universalism theory, but in reality, the OHCHR’s recommendations and the ongoing situations in both Myanmar and the DPRK are a reflection of the moral relativism theory. Meaning that it is possible to argue that both moral theories create some sort of moral reality.

What is shown from section 2.1 Previous Research is that moral realism is some sort of ‘in-between theory’ of moral relativism and moral universalism. Sauer (2019:340) argues that it is implausible to suggest that realism predicts zero disagreements since there are no perfect disagreements or that no one ever disagrees with anyone, which seems suitable since it was possible to argue for both moral theories in the analysis. Sauer (2019:341) continued and assumed that there is some threshold of disagreement, meaning that there is a limit that decides when each person thinks something is ‘right’ or ‘wrong’. Connecting this to this study, the threshold here seems to be the personal interpretation of prevention from the RtoP adoption.

The RtoP (2011:12) report states that the just cause threshold is that there must ‘be serious and irreparable harm occurring to human beings of the following kind: large scale loss of life and large scale of ‘ethnic cleansing’ if a military intervention is to be warranted’. Therefore, the threshold in this study could be seen as this study’s interpretation of prevention since the inclusion of the interpretation made it easier to separate the moral theories apart due to none of the OHCHR’s arguments indicated that military intervention should be the direct consequence if neither of the governments would change their behavior. This means that the collected material gave support for this study’s personal interpretation from a moral relativism perspective since the OHCHR’s arguments contained recommendations and sanctions and not a military intervention, as this study’s personal interpretation from a moral universalism assumed.

For some people it is probably obvious that the OHCHR, and the UN for that matter, are founded on the idea of universalism but what this study’s shows is that this idea might not reflect the reality. This also gives an indication that moral universalism is a sort of an ideal
type the OHCHR strives for but as Esaiasson et al. (2017:140) stated earlier, ‘ideal types should be seen as simplified versions of reality’. This would also be in accordance with Harman’s (2015:855, 858) study who found it plausible to view moral relativism as a version of moral realism since moral relativism is a claim about reality which means that everything is always relative depending on what you compare it to. Additionally, this discussion also makes it possible to question if moral universalism scholars really could argue that moral realism is false, as Sauer (2018:339) highlighted.

On the other hand, since the UDHR is an example that there are many countries who share the same moral values as Ivic (2018:223) and Lahiri (2009:81) stated, it is important to bear in mind that the moral relativism theory does not exclude the possibility to share the same values. Meaning that it is possible for many countries to share the same moral principles, but those moral principles could be relative to others. Lahiri (2009:91) conclusion about that the concept of human rights, international law and crimes against humanity are new terms that are a part of global efforts to bring a universalist, equal and common moral justice to all peoples, could be in line with what the OHCHR tries to emphasize. Which are also written in for instance Article 55(e) of the UN Charter.

Another thing as previous scholars states is that the concept of RtoP has been criticized for “dangerously undermin[ing] sovereignty’ since certain conditions of RtoP calls for outside interference which in turn disregards the principle of non-intervention in Article 2(7) of the UN Charter (Dederer 2014:156). Since one can assume that the OHCHR also wants to respect the UN Charter and its Member States, one possible reason for why the OHCHR’s arguments did not give an indication of a military intervention, could be the respect towards sovereignty. Another reason could be that the OHCHR does not give recommendations of a military intervention to the UN in these types of reports.

Even so, based on the result of this analysis it seems that a combination of moral relativism and moral universalism creates a form of moral reality. Based on this, it is possible to question how effective the OHCHR’s recommendations towards the government of Myanmar and the DPRK are since those governments clearly do not share the same universal values the OHCHR wants to implement. Meaning, are there any other approaches or methods the OHCHR should try? To answer that question, it requires another study.
5. Conclusion

The following section presents the conclusion of the study together with a concluding discussion which ends with recommendations for future research.

The aim of this study was to answer if the OHCHR arguments regarding the human rights violations in Myanmar and the DPRK are more similar to the moral relativism theory or more similar to the moral universalism theory and if there were any differences between the arguments. The study also aimed to investigate if prevention from the RtoP adoption can be interpreted from these moral theories. An interpretation of the RtoP is seen as valid if it would gain support from the collected material.

The conclusion of this study is that the OHCHR’s arguments are more similar to the moral universalism theory. There were also no remarkable differences between the arguments, but it is assumed that the OHCHR uses a more careful approach towards the DPRK compared to Myanmar due to the DPRK’s nuclear weapons. Also, the RtoP adoption could be interpreted from a moral relativism perspective which is that the OHCHR wants to prevent human rights violations by sanctions and recommendations. This study interpreted the RtoP adoption from a moral universalism perspective as that the OHCHR wanted to prevent human rights violations by a military intervention. The analysis did not find the support it needed for this interpretation since a military intervention was not mentioned in any of the arguments or reports.

A major finding of this study is that the characteristics of both moral theories creates some sort of moral reality. It implies that moral principles are relative but it is at the same time, possible to argue from moral universalism perspective as well since the moral relativism theory does not exclude the possibility that many countries share the same moral principles.

5.1 Concluding Discussion

Even if this study was able to draw some specific conclusions with the help of the two ideal types, the polar ideal types used in the analysis were not as different as originally thought.
This was shown in the analysis where there were several examples of how the two polar ideal types could be viewed as a mixture of both. Meaning that the center of the imagined line between the ideal types could either be interpreted as zero, i.e. the argument is not similar to moral relativism or moral universalism, or as a mixture of both which would not fully answer this study’s research question. Therefore, some more specific guidelines could have been implemented in this study, even if it was possible to draw many conclusions from this analysis anyway.

This study also uses an idea centered approach meaning that the researcher presents the arguments that the researcher thinks are the most influential (Beckman 2005:17). Therefore, bear in mind that the result is entirely dependent on the chosen arguments which means that the outcome of this study could have been different if other arguments were chosen. By using this approach, there is also the risk that the researcher ‘force’ the material onto the ideal types which consequently mean that the researcher could attribute the material to something that is not there (Bergström and Svärd (2018:166).

Regarding the collected reports from the OHCHR, it should be mentioned that the reports are written by different rapporteurs and the purpose of each report might contain some small differences, which can compromise the comparison between the two cases. Further, it needs to be highlighted that the DPRK is a closed country, meaning that it is hard, even for the OHCHR, to collect up to date information about the situation in the DPRK. Which consequently means that there is a risk that the information can be somewhat distorted and not 100 percent reliable since a lot of the information is based on witness testimonies.

5.2 Future Research

For future research, it is possible with a descriptive idea analysis to use an actor centered approach compared to this study’s idea centered approach to see if the OHCHR’s role could be derived to any of the two moral theories or perhaps from a moral realism perspective. Another idea for future research could be to use the same structure of this paper but only apply the moral realism theory to more cases and strengthen the validity of this study’s result.
6. References


