



HUMAN RIGHTS IN NORTH KOREA: PRESSURE AND ENGAGEMENT

Gabriel Jonsson

Over a year since its report was published, what are the implications and limitations of the UN Commission of Inquiry's investigation into human rights violations in North Korea, and what is the best strategy for the international community to pursue in dealing with the issue? Gabriel Jonsson argues that a two-pronged strategy which continues to apply pressure at the same time as seeking dialogue with Pyongyang could constitute a better approach.

In February last year, the UN Commission of Inquiry (COI) on Human Rights in the Democratic People's Republic of Korea (DPRK) issued a report with its findings based on a year-long study. The report condemned the DPRK for numerous and severe human rights violations. Based on the report, on November 18, a UN resolution proposed to refer those responsible in North Korea to the International Criminal Court (ICC). North Korea has protested strongly against both the COI and the subsequent UN resolution. Indeed, there is no evidence that it has taken steps to ameliorate its human rights record. This policy brief examines the implications and limitations of the COI regarding the situation of human rights in North Korea, arguing that a dual-track strategy of maintaining external pressure while at the same time engaging in dialogue on the issue may yield some small but positive improvements.

Human Rights and the COI

The COI concluded its February 2014 report, following its year-long investigation based on the inquiries of 320 witnesses abroad and satellite images, that crimes against humanity have been committed in North Korea. The report charges that these include murder, executions, enslavement, torture, rape, forced abortions, sexual violence, forced disappearances, and the imprisonment of 80,000-120,000 political prisoners in camps. It is also charged that the persecution of individuals takes place on political, religious, racial, and gender grounds. While the dire human rights situation in the country has long been known, the report is important as the most comprehensive study on the issue to have been made so far.

On November 18, the UN General Assembly Third Committee responsible for human rights overwhelmingly adopted a condemnatory resolution of the large-scale human rights violations in North Korea based on the COI report. The resolution calls for referring those responsible for the atrocities, including North Korean leader Kim Jong-un, to the ICC. Furthermore, on December 22, the UN Security Council for the first time held a special meeting about the humanitarian situation in North Korea which was assessed to be "so extreme that it also threatened global stability." During the meeting, condemnations of human rights violations in the country were repeated. However, no vote was made whether to refer Kim Jong-un or other high-level North Korean officials to the ICC.

North Korea, through the official Korean Central News Agency, quickly rejected the findings of the COI as having "no relevance" and argued that it was being wielded as a tool to overthrow the government; the United States was also criticized for double standards, with the issue being raised of its treatment of suspected terrorists. For its part, China has declared that it would not back any step referring North Korea to the ICC, further arguing that the COI report lacked credibility. Since China and Russia, among other countries, are expected to block all attempts to bring those responsible to the ICC, this thwarts the accomplishment of anything more than a non-binding General Assembly resolution. Consequently, it is hard to expect that any further measures will be taken. And even if further measures were to be taken, an obstacle in the ICC is that its jurisdiction does not cover crimes before June 2002 when its statute was enforced.



Pressure and Engagement

In spite of the limitations of the COI and its likely impact, this is not to say that North Korea is immune to external pressure. One recent example was the release last November of two Americans, Kenneth Bae and Matthew Miller, imprisoned by Pyongyang. According to Koh Yu Hwan, Professor of North Korea studies at Dongguk University in Seoul, this was seen as a desire by Pyongyang to mitigate international pressure and thwart calls for holding the regime accountable for human rights violations. In other areas, too, Pyongyang has been forced to take stock of its actions. For instance, the fact that it has so far failed to follow up with a widely expected fourth nuclear test can possibly be attributed to the negative repercussions of doing so. This demonstrates that external pressure can, albeit perhaps only in a very limited way, cause Pyongyang to rethink its policies, even if concrete actions towards improving its human rights record are yet to be seen.

Since human rights have become highly politicized in global politics, the international community should not only focus its work to improve the human rights situation in North Korea through the UN but also show greater consistency in its own human rights approach. Although the North Korean government's regular claim that the United States is the worst abuser of human rights can be easily dismissed, they still have a point by highlighting its conduct such as treatment of suspected terrorists or training and export of arms to foreign militaries involved in committing human rights violations. Contradictions or double standards are also obvious in policies in regard to other countries. While setting a better example may not necessarily make North Korea revise its policies, it makes it harder for Pyongyang to deflect from the issue and adds to pressure.

It should also be acknowledged, however, that solely the use of condemnation and pressure has limits in getting Pyongyang to address its human rights record. Accordingly, the concept of human rights could be reframed or widened to include human security and the meeting of basic human needs. In so doing, focus could be put on women's, children's, and disabled people's rights, which are potentially less politically charged and so could represent a starting point for human rights discussions with North Korea. Indeed, before the November 18 resolution, there were signs that North Korean officials were more amenable to discussing human rights following the COI report and the international focus on the issue. North Korea had even invited

the EU Special Representative for Human Rights and the UN's Special Rapporteur for North Korean Human Rights to Pyongyang for dialogue. While this situation has since changed with North Korea reacting angrily to the resolution, a more proactive engagement through dialogue could have a role to play in supplementing the UN framework.

Conclusion

The final outcome of the COI Report on North Korea's human rights violations cannot be predicted with certainty. Notwithstanding, it is hard to expect a rapid change in the human rights situation in North Korea under the present regime. Yet notable examples of Pyongyang being sensitive to external criticism indicate that some small progress cannot be excluded. In so doing, continued pressure by the global community through the UN, policy revisions by major powers, and an engagement strategy that seeks entry points for dialogue to approach the human rights issue with Pyongyang could play an important role in the process.

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