

The International Trend to Improve North Korean Human Rights and the Choice for South Korea

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Online Series CO 12-15

Recently interest in the North Korean human rights within South Korean society has gained renewed traction with the news story that unfolded in mid-February of a group of North Korean escapees in China and the international movement in opposition to their forcible repatriation. Boosted by a hunger strike by a member of South Korea's National Assembly and support from certain celebrities, the level of interest in North Korean human rights and the forced repatriations issue was more than sufficient to draw action by domestic and international NGOs. Also, a recent report submitted to the Human Rights Council by UN Special Rapporteur for North Korean Human Rights Marzuki Darusman urged countries in the region to abide by the principle of non-refoulement in regard to North Korean escapees residing in China. Taking note of the renewed interest in North Korean human rights that has been spurred by the escapees issue, this paper looks at the recent international trend in this regard and analyzes its implications.

Last March 22nd at the 19th session of the UN Human Rights Council, a new resolution on North Korean human rights proposed by the EU and Japan was adopted without a vote. Such resolutions had been consistently adopted since the first was proposed in 2003 to the UN Commission

on Human Rights, the predecessor to the Human Rights Council, and were continued under the Human Rights Council when it was formed in 2006. These resolutions have continuously been adopted every year through a process of debate and voting. This year Cuba, which had requested a vote on the resolution in previous years, made no separate request, and China and Russia, which had traditionally blocked adoption by consensus, merely opted to disassociate from the resolution saying they could not consent to the resolution's adoption. As a result, the resolution was adopted without a vote. The mere fact that this resolution was adopted without a vote reflects the international community's alarm about the severity of North Korea's human rights situation and shows their strong determination to improve this state of affairs.

In fact the contents of this year's resolution are no different from the resolutions of previous years. It expressed concern about the continuously deteriorating human rights situation in North Korea, describing current abuses in the country as grave, widespread, and systematic. It also expressed concern that North Korea is not carrying through with follow-up measures to the Universal Periodic Review (UPR) process. Furthermore the resolution extended the mandate of UN Special Rapporteur Darusman, which began in June 2010, for another year. The text expressed concern that North Korea has not cooperated with the special rapporteur's mission and has not allowed him to visit the country, and it called for the North's cooperation. Finally, it expressed concern for the humanitarian crisis in North Korea and called for humanitarian aid to be carried out continuously without obstructions and appropriately monitored.

This is the same content that has been adopted in North Korean human rights resolutions year after year, but what is noteworthy about this year's resolution is that the international community has reached a more organized and systematic consensus on the urgency and importance of North Korean human rights issues. Despite the view in some quarters that human rights discussion can only cause unnecessary tension in relations among sovereign states, and particularly the South Korean view that the special nature of inter-Korean relations should have greater emphasis, international public opinion on this matter has already reached the point that North Korea's human rights situation can no longer be overlooked.

This increasing sense of urgency about resolving the North Korean human rights situation has not been limited to the UN resolution on North Korean human rights. On March 28th, the US House Foreign Relations Committee approved the "Bill to Reauthorize the North Korean Human Rights Act," which extends the authority of

the original act, first adopted in 2004, until 2017. The bill particularly expresses the need for the US government to play a strong role in regard to the issue of forced repatriations in China. It was passed unanimously by the House. Meanwhile, the International Coalition to Stop Crimes against Humanity in North Korea (ICNK), a coalition of domestic and international human rights groups, held a press conference on April 3rd at which they reported on the situation at North Korea's political prisons, where they estimate that approximately 10,000 inmates die each year, and urged the UN General Assembly and Security Council to establish a "Commission of Inquiry" on North Korea's crimes against humanity. In addition, international human rights NGOs such as Human Rights Watch and Amnesty International have also noted the inhumanity of North Korea's human rights conditions and sought to form international confederations through various means.

Ultimately the core problem is to prepare a practical strategy for improvement that can guarantee both the universality and the peculiarity of North Korean human rights, through a series of international movements to improve the situation. As is widely known, the international community has identified the human rights violations taking place in North Korea as "crimes against humanity" and is advancing a proposal to directly involve the International Criminal Court (ICC). This discussion has included the suggestion that a Commission of Inquiry, such as that which was applied in the cases of Libya, Syria, and Sri Lanka, might be applied to the North Korean case as well. The international community has continuously and systematically complained of North Korea's human rights violations, using bilateral and multilateral channels to improve the situation. If they make direct use of the current UN system, it will be difficult for North Korea to unconditionally oppose this trend.

Despite various positive developments such as the adoption without a vote of the UNHRC's North Korean Human Rights Resolution and the 5-year extension of the US Human Rights Act, there are still clear obstacles to progress. Many countries like China and Russia oppose the internationalization of the North Korean human rights issue and argue that UN resolutions are a tool used to pressure fringe countries to abide by the standards set by advanced Western countries. However, as was seen in China's recent decision to allow the surviving family of the late POW Paek Jong Gyu to travel to South Korea, the policies of major countries can gradually be changed through coordinated pressure from the international human rights movement. This is an important reason to discuss passage of the North Korean Human Rights Act in South Korea. Considering the international trend of concern for North Korean human rights, South Korea needs to minimize the

differences between the ruling and opposition parties and reach agreement on an appropriate line in order to add its energy to the international efforts to improve North Korea's human rights.

Since November 2008 the ROK government has participated in the joint proposal of the Resolution on North Korean Human Rights in the UN General Assembly. South Korea also hosted the G20 Summit in 2010 and the Nuclear Security Summit in 2012, demonstrating its participation in the highest levels of international summits in the economic and security fields. On this basis, it must turn its energy toward more direct participation in the international movement to improve North Korean human rights. In international relations, the scope of human rights, unlike political and economic issues, extends beyond the limited interests of competing nations; it originates from a fundamental search for innate human values. The time has come for the South Korean government to acknowledge the universality of North Korean human rights and make more direct efforts to formulate proposals in cooperation with the international community. Furthermore, we should endeavor to expand the international and domestic interest in North Korean human rights which was spurred by China's repatriations to encompass all the human rights issues in North Korean society, and deploy our national resourcefulness to ensure that this effort lays the foundation for a unified Korea.