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UNITED NATIONS FOUNDATION OF
THE UNITED STATES OF AMERICA
NEW YORK

WEDNESDAY, OCTOBER 22, 2014

ON THE PRESENTATION OF THE
LEO NEVAS AWARD

RIGHTS UP FRONT IN NORTH KOREA

Michael Kirby

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Michael Kirby^{*}

I am specially glad to receive this award in succession to United States Ambassador, Samantha Power. She follows in office to the United Nations, Eleanor Roosevelt first Chair of the United Nations Commission on Human Rights.

- * At my first school, in 1944 in Australia, I saw that great lady drive by on her way to visit soldiers wounded in the War that gave rise to the United Nations *Charter*;
- * As a boy, in 1949, I received from my teacher my first copy of the *Universal Declaration of Human Rights*;
- * As a youth in the 1950s at my high school, I met Herbert Evatt, the Australian third President of the General

^{*} Chair of the Commission of Inquiry on Human Rights Abuses in North Korea (2013-2014). Justice of the High Court of Australia (1996-2009).

Assembly who had declared the *Declaration* adopted to bind our world;

- * As a young man, in the International Commission of Jurists in Geneva, I worked with John Humphrey, the Canadian lawyer, who first drafted the *Declaration*;
- * In middle years, I worked for many United Nations agencies and with many fine people to translate the *Declaration* into action;
- * In the last year, in the Commission of Inquiry on North Korea, the United Nations came face to face once again with the banality of evil. I am a link, for the young, to the noble spirits who first established the United Nations and its principle of universal human rights.

The response of North Korea to our report was at first indifference, then attack, but then, as it sensed the outrage and resolve of the international community – and as the days of decision in the United Nations approached – it launched a charm offensive:

- * For the first time it began to engage, however inadequately, with Universal Periodic Review of its human rights record in the Human Rights Council;
- * For the first time it produced its own “rosy” report on its own human rights record – but reserving compliance with international law to its own “will and decision”;
- * Unexpectedly, its Supreme Leader’s effective deputy turned up at the Asian Games in Incheon and reopened dialogue with its neighbour suspended these past five years; and
- * It promised discussion for the first time with the European Union, including on its human rights; and admitted the existence of huge detention camps long denied.

These and other steps are much belated. Is their timing entirely coincidental? My message is clear and simple. The United Nations must stay the course. It must finish the task that the COI has commenced:

- * It must render those responsible for grave crimes against humanity, accountable;

- * It must put rights up front;
- * Where the nation itself fails so abjectly to protect the human rights of its own people, the United Nations must, as it promised in 2005, shoulder the *Responsibility to Protect* them. No ifs. No buts. R2P.

I flew to this ceremony from the IBA conference in Tokyo – the biggest conference of lawyers in the world. There once again, I heard the refugees and abductees from North Korea tell of their ordeals. The whole world knows now of these wrongs against the United Nations *Charter* and the *Universal Declaration of Human Rights* and treaty law. But not the people of North Korea. Once again I repeat the COI's offer to go to Pyongyang to bring the true message of the United Nations. It is simple. It is clear. All people are born with dignity and rights. And our world will not rest - nor its security be safeguarded – until the United Nations makes this promise, reality. Including in North Korea.