

THE WASHINGTON POST

NORTH KOREA ISSUE

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RIGHTS CHALLENGE

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CHALLENGE*

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North Korea challenges international peace and security. Its proved human rights abuses demand accountability of those responsible. But are these two imperatives compatible?

Preserving peace and security and upholding universal human rights and justice were included in the preamble to the UN Charter of 1945. However, generally the UN tries to keep the subjects separate. Human rights tend to be very divisive and emotional. The tricky business of securing international peace requires cool heads and quiet diplomacy. Human rights demand redress for wrongs that cannot be easily compromised. Peace and security necessitates delicate footwork to preserve safety and prevent conflict. Compromise and accommodation are usually the name of that game.

The UN Commission of Inquiry on North Korea (COI) was established in 2013. It delivered its report to the UN Human Rights Council in March 2014. The report disclosed 'systematic, widespread and gross human rights violations'. In many instances the violations were found to

* Chair of the UN Commission of Inquiry on Human Rights Abuses in North Korea (2013-14). Past Justice of the High Court of Australia.

constitute crimes against humanity. 'The gravity, scale and nature of these violations reveal a state that does not have any parallel in the contemporary world.'

The crimes carefully collected in the report included extermination and murder of political enemies; enslavement, torture, imprisonment, rape, forced abortions and other sexual violence. The list goes on to persecution on political, religious, racial and gender grounds; forced transfer of populations; and the enforced disappearance of persons. Detention camps are proved by satellite images. But the details are filled in by the harrowing testimony of witnesses. They came in large numbers to tell their stories and to demand action by the United Nations. We must respond to their pleas: their testimonies are online. It will reproach the world until we act.

The Human Rights Council condemned North Korea. It sent the Commission report to the General Assembly. It recommended referral to the Security Council. By large votes of the General Assembly, the nations of the world responded. Attempts of the North Korea regime to frustrate or delay engagement of the Security Council failed. The Security Council, potentially, had a unique power. It held the keys to confer jurisdiction on the International Court to put on trial those in North Korea responsible for the crimes once proved. Under a principle of international law, leaders who, having the power, fail to prevent or punish crimes against humanity are themselves liable for those crimes. Potentially, that includes Kim Jong-un, the Supreme Leader of North Korea.

In December 2014, a procedural motion was adopted by the Security Council placed the human rights abused of North Korea on the Council's agenda. But a majority (11 of the 15 member states agreed). The Council voted to do this. On procedural votes, the permanent members of the Security Council do not enjoy a veto.

In December 2015, led by United States ambassador to the Security Council (Samantha Power) once again voted to take the issues of North Korea under the attention of the Council. Only China and the Russian Federation voted against. The Chinese ambassador declared North Korea was no danger to peace and security. Within days, he was proved wrong.

In January 2016 North Korea conducted its fourth nuclear weapons test. In February 2016, it conducted a long range missile test. The action of North Korea was an affront to China. The connections between security and human rights were demonstrated for all to see. Unanimously the Security Council voted for tough new sanctions by the world community. Reliable reports suggest that China has taken strong steps of its own to uphold the new sanctions.

But what can we do to pick up the challenge of the COI report? What can we do to respond to the crimes against humanity described in the COI report? Just as patient dialogue in the Security Council ultimately achieved action on sanctions, so careful diplomacy behind closed doors should explore the ways of answering the cries of the victims. A quiet resolve of nations should be created to fulfil commitment voiced by the international community in 1945 when the UN was established. Crimes against humanity are not just human rights violations. They demand

steps to ensure accountability. This was the resolve that put Nazi tyrants in the dock at Nuremburg. 'Never again' we said when confronted by their crimes. Yet now we face new crimes and new evidence. We must not turn away.

Human rights and peace and security are not divorced. Self-evidently, a country of violence, cruelty and danger is potentially unstable. Nuclear proliferation, missiles and submarine technology render North Korea a danger to itself and its neighbours. Responding to security concerns will never be adequate so long as grievous human rights violations remain to imperil the peace. This is why the recent unanimous vote of the Security Council on sanction is a good step. It shows the unanimity can be built in the face of existential dangers. Isolation, secrecy and silence are no longer options for dealing with North Korea. All members of the UN now have the COI report on what goes on there. No longer can we say 'We did not know'. Now we do know. And our knowledge demands our response.