SPECIAL SECTION ON NORTH KOREA

NORTH KOREAN HUMAN RIGHTS AND THE INTERNATIONAL COMMUNITY: RESPONDING TO THE UN COMMISSION OF INQUIRY

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Introduction

Of all the difficult conversations to have with the Democratic People’s Republic of Korea (DPRK) regime, the one over human rights has proven the most troubling for the international community. Once human rights issues are placed on the table, diplomatic efforts become quickly de-railed. Because of this, and because issues such as non-proliferation are seen as more pressing than human rights, there has been a conspicuous absence of any official, systematic response to the question of human rights violations in North Korea. Of course, most human rights campaigns experience some amount of politicisation. This is unsurprising, given the deeply political nature of the very concept of human rights. The North Korean human rights issue, however, suffers from this phenomenon more than most, tied up as it is with wider ideological battles that hark back to the circumstances of the division of the Korean peninsula.¹ In this context, the 2014 report delivered by the United Nations (UN) Commission of Inquiry (COI) into North Korean human rights represents an effort to move above and beyond the politicisation of the issue and was largely successful in this regard, as discussed below.

From the perspective of the international community of states, the report asked – and answered – two important questions. Does the state of human rights violations in the DPRK require an international response? If so, how can such a response be incorporated into security, economic and humanitarian dealings with North Korea? After spending some time

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¹ For an account of the circumstances under which the DPRK was established, see Bruce Cumings, Korea’s Place in the Sun - A Modern History (2nd edn, W.W. Norton and Company 2005) Ch.3 and Andrei Lankov, The real North Korea: life and politics in the failed Stalinist utopia (OUP 2013) Ch.1.

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answering the first question definitively in the affirmative, the report’s detailed findings went on to answer the second with a comprehensive blueprint for action. The question now is, to what degree will this blueprint – with its broad-ranging recommendations – be adopted by the international community? What is the most likely response to the inquiry? Non-state actors have been leading the conversation about these issues since the late 1990s and any response at the state level will thus not take place in a vacuum but will instead feed into conversations that are already taking place. The international community is now facing the central questions of what approach will best bring about human rights compliant outcomes in North Korea, and who has responsibility for taking action. These are the very issues that have occupied the attention of the transnational North Korean human rights community – from activists to humanitarian workers – over the past decade and a half, and there is much that policy makers can learn from these conversations. This article examines the central ideas behind the wide variety of policy options open to the international community, through a parsing of these non-state realm debates in an effort to predict the opportunities and challenges that face states as they seek to respond to the COI’s findings.

I. The UN COI into North Korean Human Rights: Goals and Achievements

There has long been a broad understanding within the international community that the human rights situation in North Korea is egregious and a response is required. In this sense, the COI report has served to add further legitimacy to those who argue for the urgent nature of any such response. From the mid-1990s, when information about human rights violations first started trickling out of the country, until the report was commissioned in 2013, the documentation and verification of the testimonies of North Koreans had been largely left in the hands of human rights advocates and humanitarian workers. While the most headline-grabbing outcomes of the report – specifically, the recommendation to refer the DPRK to the International Criminal Court (ICC), discussed later – have gained the majority of press coverage, the COI has in fact had multiple goals and successes.

The process through which human rights norms are internalised in domestic practices has been the subject of scholarly investigation. Here, International Relations scholars have drawn on the insights of social constructivism and social movement theory to investigate the ways in which non-state actors are successful in placing an issue on the international agenda and, subsequently, in bringing about change in both