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THE PENIN

North Korea Human Rights on the UN General Assembly Agenda

Published December 9, 2020

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Category: [North Korea](#)



In the next few days, the United Nations General Assembly will approve a resolution on “The Situation of human rights in the Democratic People’s Republic of Korea.” The text of the 11 page resolution reviews the human rights abuses that the UN Commission of Inquiry on North Korea’s human rights documented (2013-2014), as well as abuses discussed in the October 2020 report to the General Assembly by Tomas Ojea Quintana, the UN Special Rapporteur on DPRK human rights. This report focuses on the human rights

Received by NSD/FARA Registration Unit 12/10/2020 10:29:32 AM

consequences for the people of North Korea from their government's efforts to deal with the COVID-19 pandemic. The Special Rapporteur also discusses the significant decline in the number of North Koreans who have been able to leave the North, and he criticizes North Korea's treatment of those who wish to leave and the Chinese government for its policy of returning refugees or escapees to the North, where they are imprisoned and abused.

The resolution was approved by the Third Committee, a committee of the General Assembly which deals with social, humanitarian and cultural affairs. This is a committee of the whole, with every member of the General Assembly also a member of the Third Committee. The resolution "condemns, in the strongest terms, the systematic, widespread and gross violations by its [North Korean] authorities." It also expresses "very serious concern about persistent reports of torture and sexual and gender-based violence." The resolution critical of North Korean human rights was approved by consensus (without the need of a recorded vote). Of seven human rights resolutions considered by the Third Committee, only two, including the North Korean resolution, were approved by consensus.

The North Korean representative, of course, said that his government "categorically rejects" the resolution as "a political plot that has nothing to do with human rights." He declared that "the forcible adoption of this resolution constitutes a hostile policy aimed at overthrowing our system." He denounced the document as "cooked-up political slander" which was written by "hostile forces" who are "harboring a sinister intent against the DPRK."

Even those countries who spoke against the resolution, however, did not defend North Korea's human rights. They opposed any "country-specific resolutions," which some argued "use human rights issues for political purposes." It is noteworthy that the countries who spoke against country-specific resolutions were largely countries whose own human rights records have been criticized—Belarus, China, the Russian Federation, Azerbaijan, Burundi, Venezuela and others.

United States Position on the Resolution

The U.S. representative to the Third Committee said the United States was a co-sponsor of the draft resolution, which she said "promotes accountability related to the human rights situation in the DPRK." The representative said the draft resolution sends a clear message that these abuses must stop, and the perpetrators must be held accountable. Although

the U.S. delegate said that the United States was a co-sponsor of the resolution, the United States was not included on the list of original sponsors of the resolution which was drafted under the leadership of the European Union when the resolution was originally introduced. The U.S. decision to sponsor apparently came after the introduction of the resolution.

The U.S. statement made reference to an earlier statement on issues related to the International Criminal Court (ICC). The language of the resolution (point 12) is similar to statements that the United States has accepted in the past on North Korea and the ICC. The relevant paragraph in the resolution said that the General Assembly:

“Encourages the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People’s Republic of Korea to the International Criminal Court and consideration of further sanctions in order to target effectively those who appear to be most responsible for human rights violations that the commission has said may constitute crimes against humanity;”

In previous resolutions on North Korean human rights, the United States has sponsored and endorsed resolutions with this language at the UN Human Rights Council and the General Assembly. Since the United States is not a party to the Rome Treaty establishing the ICC, the U.S. has taken the position that American citizens are not within the jurisdiction of the ICC unless the referral is made by the Security Council, where the United States holds a veto over substantive actions by the Council.

In March of 2020, the UN Human Rights Council in Geneva also received a report from Special Rapporteur Quintana on North Korea’s human rights situation, and the Human Rights Council adopted a resolution sharply critical of human rights abuses in the DPRK. Since the United States withdrew from participation in the Human Rights Council in June 2018, however, the U.S. has not sponsored resolutions or even made a statement acknowledging action by the Human Rights Council.

We have seen no sign this December that the United States will play a positive role in supporting discussion of North Korea's human rights abuses in the UN Security Council. Thanks to U.S. leadership in 2014, 2015, 2016, and 2017 the Security Council had four spirited and significant debates on this human rights issue. It is noteworthy that the last of those discussions in 2017 took place almost a year after Donald Trump became U.S.

President. The Trump Administration reversed its policy and did not press for a Security Council discussion in 2018. The following year, in December 2019, the Trump Administration refused to sign a letter calling for such a discussion in the Security Council and by this action prevented a discussion of North Korea's human rights.

Japan's Position on the Resolution

The Japanese representative at this recent meeting of the Third Committee spoke on North Korea's human rights violations which took place in the 1970s and 1980s, when Japanese citizens were forcibly abducted by North Korean agents. "These serious human rights violations are of great concern and have affected the lives and safety of our people," he said. He also specifically praised the reference to these Japanese abductions in the report prepared for the General Assembly by UN Special Rapporteur Quintana.

The delegate also reacted politely to the comments of the North Korean delegate that were undiplomatically and harshly critical of Japan. The North Korean delegate denounced Japan for its "blood-stained past" on the Korean peninsula, and labeled Japan a "disgraceful war criminal state" which has committed "Class A human rights crimes." The criticisms in this diatribe against Japan related to events three-quarters of a century ago, and were not the responsibility of the current democratic government of Japan.

It is noteworthy that Japan was an original sponsor of the North Korea resolution in the General Assembly when it was introduced this fall. This suggests more backbone in Tokyo's position on North Korea's human rights violations. Until early this year, Japan took the lead on the effort to create a consensus draft resolution critical of North Korea's human rights for the UN Human Rights Council in Geneva, which is dealt with annually in March. In a noteworthy departure from past practice, however, Japan did not lead the effort in March 2020, suggesting Tokyo was backing away from criticism of North Korea on human rights. The apparently tougher line in October may be the result of criticism of the government from family members of Japanese abductees or the failure of North Korea to respond to Tokyo's moderation on human rights earlier this year.

The Proxy Fight between Fiji and Bahrain for Leadership of the UN Human Rights Council May be a Sign of Impending Change

Since the United States withdrew from any participation in the UN Human Rights Council, authoritarian human rights abusers have become more assertive in that UN body. The latest sign that under a Biden Administration the United States is likely to reengage with the Human Rights Council is a curious fight for the presidency of that UN organization.

The Fiji delegate to the Human Rights Council was the candidate of the Asia-Pacific regional bloc for the post for the last several months. Fiji's ambassador, Nazhat Shameem Khan, is the first female High Court judge of Fiji, a former prosecutor, and a diplomat well regarded by European and delegates of other countries. It is the Asia-Pacific group's turn to hold the Council presidency, and the Fiji ambassador appeared to be a shoo-in. But three days before the deadline for nominations, Bahrain unexpectedly announced its candidacy and called on Fiji's delegate to withdraw.

Bahrain is not a particularly shining example of human rights. It is also a close ally of Saudi Arabia, which is notorious for human rights violations, including the murder of Jamal Khashoggi at the Saudi consulate in Istanbul. Saudi Arabia was humiliated by failing to win election to the Human Rights Council this fall, although such "champions" of human rights as Russia and China were elected. Already Syria, which is closely allied with Russia, has announced it will join the effort to block Fiji's bid for Council leadership.

Politics and geography, not human rights records are the basis of selection for the elected 47 seats on the Human Rights Council. But there are occasions when a country's human rights record do have meaning. The important element is having strong countries with a good human rights record willing to engage at the Human Rights Council. Unfortunately, former Trump National Security Advisor John Bolton was not willing to press for our human rights values in the international arena, and at his urging, the United States withdrew from participation in 2018.

It may be that Russia, China, Saudi Arabia, and other international human rights violators are expecting a stronger U.S. presence at the Human Rights Council with the change in the American presidency. They may be seeking to line up their cards to protect their right to

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violate. More assertive leadership from the United States in the Human Rights Council, as well as the General Assembly and the Security Council can bring additional pressure to bear on North Korea.

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