

A chronic protection problem: the DPRK and the Responsibility to Protect

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Until recently, the human rights situation in the Democratic People's Republic of Korea (DPRK) had elicited relatively little attention from institutions, activists and analysts concerned with the implementation of the Responsibility to Protect (R2P) and protection of populations from genocide, war crimes, ethnic cleansing and crimes against humanity. However, on 18 November 2014, the Third Committee of the United Nations General Assembly passed a resolution that referred to R2P and called on the UN Security Council to refer the situation in the DPRK to the International Criminal Court (ICC) and adopt targeted sanctions. Although it remains to be seen whether the Security Council will take up this challenge, ten of the Council's 15 members indicated privately their support for the initiative.

The new impetus for international engagement on human rights in the DPRK stemmed directly from the UN Human Rights Council's Commission of Inquiry (CoI) on Human Rights in the DPRK, which in February 2014 reported that 'systematic, widespread and gross human rights violations have been and are being committed by the DPRK'. In many instances, it found, these violations constituted crimes against humanity. What is more, they resulted not from the isolated excesses of state officials but were 'essential components of a political system which has moved far from the ideals on which it claims to be founded'. According to the CoI, the situation in the DPRK constituted a uniquely systematic affront to the shared values embodied in international human rights and humanitarian law. As the commission explained, 'the gravity, scale and nature of these violations reveal a State that does not have any parallel in the contemporary world'. The CoI specifically called on the international community to accept its responsibility to protect the population in the DPRK since the government there had 'manifestly failed' to do so. Although the commission's findings were rejected outright by the DPRK and some specific elements (relating to refugees) were rejected by neighbouring China, the CoI succeeded in presenting credible evidence of the systematic commission of crimes against humanity in the DPRK, encouraging the international community to view the situation in the country through the lens of R2P (generating greater interest in this issue), pushing the UN's human rights machinery to augment its engagement with this issue, and persuading the UN Security Council to at least consider the question of human rights in the DPRK. In other words, the CoI has already made a valuable contribution to efforts to fulfil the R2P in the DPRK and has created the impetus for a new, heightened, phase of engagement.

This article examines the background to the General Assembly's decision to recommend that the Security Council take action in the name of protecting populations from crimes against humanity in the DPRK. It does so in three parts. First, I briefly explore how R2P relates to the situation in the DPRK. Second, turning to the situation in the DPRK, I consider the emerging body of evidence about the violations perpetrated in the DPRK and the question of whether these constitute crimes against humanity (or possibly, in some cases, genocide). This section also provides background on the international community's evolving engagement with human rights in the DPRK. In the wake of the General Assembly's resolution, the third section examines options for future international engagement on this issue.

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