

“Humanitarian Warfare” against the DPRK or “Conflict Resolution”? The UN Human Rights Inquiry on North Korea

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A small demonstration that took place across the street from the UN on Wednesday, October 22 was a sign of the problem represented by the Commission of Inquiry (COI) report by the UN Human Rights Council on North Korea. The COI report had been issued in March 2014.

The demonstrators carried posters challenging the action by the UN. The posters portrayed the sentiment that the report and UN actions around the report represented an injustice. These posters included statements such as:

“Stop Using N Korean Human Right as a Weapon for Another Korean War, “Stop Shameful Hypocrisy Pretending Human Rights Defender”, “Stop Psychological Warfare on the Korean Peninsula “, “Remember S. Korean National Security Law An Extreme Human Rights Violation !!!”, “Guantanamo Bay Detention Camp, Human Rights???””, “Human Rights, Why Only N.Korea???””, “Mind Your Business in the U.S.A.???”

The reason the issues raised by the demonstration are important is that the UN has not attempted any impartial investigation of the Korean conflict to determine its roots and how to find a resolution. The signs carried by these demonstrators provide clues to the context in which this Commission of Inquiry operated. If the COI report is intended as a weapon to start another Korean War, as one of the signs proposed, then the actions the Human Rights Council are but a pretext for an aggressive action against a sovereign nation. Another poster asked if the Human Rights Council considered violations of human rights such as the Guantanamo Bay Detention Camp in the US or the National Security Law in South Korea? These are well documented examples of serious Human Rights abuses, but instead of doing something to condemn such documented abuses, the Human Rights Council is targeting North Korea where there is little actual evidence that could be recognized in a court of law of any such human rights abuses. Instead the kinds of claims being substituted for evidence are testimony of defectors, and supposed satellite images. In the Iraq case in 2003, such so called evidence proved inaccurate, yet provided a pretext for the US invasion and regime change activity. Similar false claims were used as a pretext for the NATO war against Libya in 2011.

This protest held outside the UN at noon was in response to an event being held at the UN later in the day. The event, sponsored by the permanent missions of Panama, Botswana, and Australia was to present the testimony of two North Koreans who had defected to South

Korea and who were making a plea that member states support an upcoming resolution by the EU and Japan against North Korea.

The DPRK had not been invited to offer its position, but its representatives did attend the event. They were called on only as part of the question period at the end of the event.

During the question period, the DPRK representatives raised the criticism that the COI report did not make any effort to be an all sided report. Instead it only presented the testimony of the defectors, of critics of North Korea.

The content of the testimony presented at the Oct 22 UN meeting included often repeated claims of harsh treatment, but missing were clear statements of what the circumstances were of the situations being described. Nor was there any effort to provide factual evidence supporting the claims.

The head of the Commission of Inquiry, the Australian Judge Michael Kirby played a major role in this meeting at the UN. In response to a comment from the DPRK representatives that the soliciting of the testimony from the defector witnesses was politically motivated, Judge Kirby responded that his experience as a judge was such that he knew how to conduct such questioning.

His response failed to acknowledge that the role he is playing in the UN process is not the same as in a national court of law, where there are expected to be standards for evidence and due process for the accused. Also in a national court of law there are in general appeals processes for the accused, as well as the right of the accused to confront those who are making the accusations. No such rights are accorded to the accused by the process that the Judge is involved in. Instead he is acting as a prosecutor with no rights for the accused to provide a defense.

At the UN meeting, the representatives of both Panama and Botswana spoke about their interest in fulfilling the obligations of the Responsibility to Protect (R2P) framework as part of why they are supporting taking action against North Korea. The problem with such statements is that they are ignoring the abuse that occurred by NATO in Libya under the mantle of R2P.

This event at the UN on Wednesday, October 22, was directed at urging support for actions at the UN directed against North Korea. But another event a few days earlier demonstrated the need for a very different approach to the question of the stalemate in efforts to resolve the conflicts that exist between the US/EU and North Korea.

This event which took place on Monday, October 20, was sponsored by the US Council on Foreign Relations (CFR) and was chaired by Donald Gregg, a former US Ambassador to South Korea.(1)

The program featured Gregg interviewing Jang Il Hun who is the Deputy Ambassador for the DPRK Mission to the UN, with time provided for questions from those in the audience. Ambassador Jang is the DPRK representative for the New York channel for contact between the DPRK and the US. The US has no formal diplomatic relations with the DPRK.

The tone of most of the CFR event provided a striking contrast to the UN meeting held a few days later.

Introducing the topic of the program, Ambassador Gregg referred to a program held earlier in the year with Judge Kirby discussing the COI report process. During this earlier program at CFR Ambassador Gregg asked Judge Kirby if he had noticed any improvement in the situation in North Korea. Judge Kirby responded that he had observed improvement under Kim Jung Un. As Gregg noted, however, this judgment was not reflected in the COI report. (2)

Also the issue of the stalemate in relations between the US and the DPRK was raised. Ambassador Jang was asked what could be done to help to make a breakthrough to end the stalemate. In general it was agreed that neither accusations regarding human rights problems nor even efforts to revive the long stalled six party talks process would be a helpful direction. Instead a visit by a friendly group organized by the Council of Foreign Relations was proposed and Ambassador Jang responded that if he received a detailed proposal for such a visit, he could make recommendations about it to his capital.(3)

These three situations demonstrate that there are substantive issues to be discussed through a diplomatic process with the DPRK. The program at the CFR in particular demonstrated that if an effort is made to resolve problems with the DPRK, progress is possible. Meanwhile actions being taken by nations like Japan and the EU in particular who are threatening to bring a resolution against the DPRK, can only deepen the conflicts. And holding meetings inside or outside the UN where defector witnesses are encouraged to urge member nations of the UN to condemn the DPRK are but acts to fan the flames of hostility and conflict. The demonstration in front of the UN and the CFR meeting, though held outside the UN, reveal that the obligations of the UN Charter are obligations that can be met. And that the process of conflict resolution needs the broad participation of all those who can contribute to its success. There seem to be two tactics being used in international relations with the DPRK. Either hold punishment meetings or encourage dialogue. The UN Charter supports only the latter efforts.

Notes

(1) <http://www.cfr.org/north-korea/conversation-jang-il-hun/p33642>

(2) Gregg: “And I asked him, as I was the commentator, about 50 years, and have you noticed any changes during that period? And he said, yes, there have been improvements under Kim Jong-un, which I wish he’d said that in his report, but he at least said it in response to my — to my question.”

(3) JANG: Yes. If I receive any detailed proposal concerning the proposed visit, then I can make recommendations for my colleagues in the capital

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