

Humanitarian Intervention in North Korea?

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Preview

- 1. From Humanitarian Intervention to Responsibility to Protect**
- 2. Critical Issues about the 'Responsibility to Protect'**
- 3. Just War Theory and the Responsibility to Protect**
- 4. North Korea: Justification for United States to intervene?**

From humanitarian intervention to responsibility to protect

Humanitarian Intervention

- ‘the threat or use of force across state borders by a state (or a group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without permission of the state within whose territory force is applied’ (Holzgrefe 2003)

From humanitarian intervention to responsibility to protect (2)

Responsibility to Protect

- ‘sovereign states have a responsibility to protect their own citizens from avoidable catastrophe, but that when they are unwilling or unable to do so, that responsibility must be borne by the broader community of states.’ (*International Commission on Intervention and State Sovereignty* (ICISS) 2001)

From humanitarian intervention to responsibility to protect (3)

- United Nations Charter vs. UN Declaration of Human Rights
- Lessons from Rwanda and Kosovo
- ICISS
- US war in Iraq

Critical issues about the 'Responsibility to Protect'

1. Responsibility vs. Sovereignty

- 'Right to intervene' to 'Responsibility to protect'
- Disregard the Westphalian Sovereignty
- Irrelevant to military action
- Inclusion of 'responsibility to prevent, react and re-build'

Critical issues about the 'Responsibility to Protect' (2)

2. Weapon vs. Protection

- lack of objective guidelines for humanitarian military action
- ICISS recognizes the legitimate of the use of force in humanitarian operations

3. Human security after 911

- based on a people-centric world order than traditional state-centric
- civilian protection under the threat on terrorism

Critical issues about the 'Responsibility to Protect' (3)

4. War against terrorism

- Terrorism and failed states
- Failed state which failed to provide security, effective governance, rule of law, respect for human rights, economic growth, education and welfare.

Just War Theory and the R2P

- Just case
- Right intention
- Last Resort
- Proportional means
- Reasonable chance of success
- Right authority

North Korea: Justification for United States to intervene?

Just Cause?

1. Human Rights Records

■ Prison Camps (*kwan-li-so*) in North Korea

- 150,000 – 200,000 prisoners
- 6-7 camps
- Arduous physical tasks with long working hours
- Public executions are commonly used



North Korea: Justification for United States to intervene? (2)

■ North Korean refugees in China

- The withdrawal of food aid and natural disasters drove people out to China
- Mostly located in Yanbian region
- Bribed the border guards for protection, or raped the women
- Physical torture in camps during interrogation



North Korea: Justification for United States to intervene? (3)

- **Legal charge**

- ‘Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas’ (1986)
- Jilin Province local law: Requires the return of North Koreans who crossed the border illegally.
- ‘One who crosses the border without permission shall be punished by a sentence of three years or less of re-education’ (Article 17, North Korean Criminal Code)

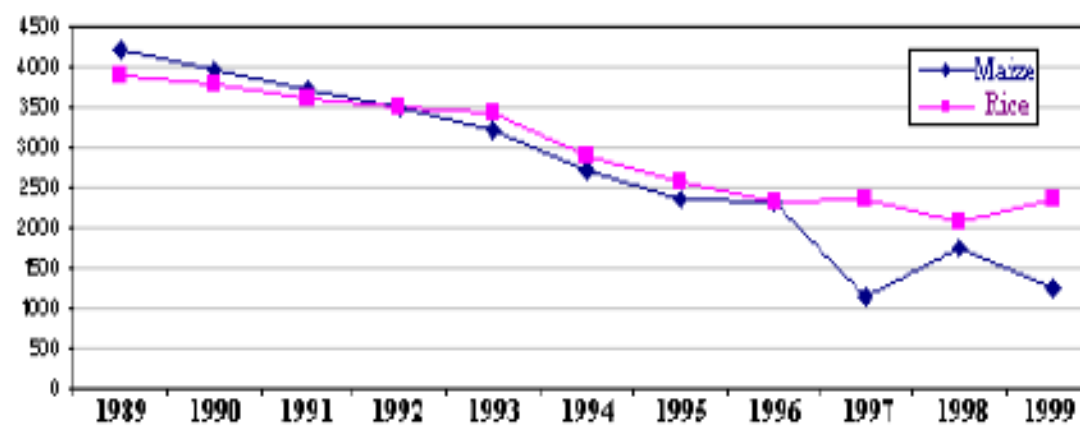
North Korea: Justification for United States to intervene? (4)

■ Food Shortages

Annual Grain Production

| Year | Production (tons) |
|------|-------------------|
| 1990 | 9,100,000 |
| 1994 | 7,083,000 |
| 1995 | 3,499,000 |
| 1996 | 2,502,000 |
| 1997 | 2,685,000 |
| 1998 | 3,202,000 |
| 1999 | 4,281,000 |
| 2000 | 3,262,000 |

Figure 2: Production of Rice and Maize in DPRK, 1989-1999 (1000 metric tons)



SOURCE: AMNESTY INT'L, *supra* note X, at 11 (using North Korean Government 2nd Periodic report to CESCR 22 tbl. 7 (2002)).

North Korea: Justification for United States to intervene? (5)

2. Last Resort ?

- Achievement of the Six-party Talks
 - Forming a multilateral security mechanism
 - Positive dialogue among parties
 - Working groups were created
 - Joint Declarations were implemented

North Korea: Justification for United States to intervene? (6)

NGOs involvement in North Korea

- SK Christian and Buddhist NGOs in NE China that work for NK refugees
- *Medecins Sans Frontieres* (MSF) keeps on providing food and development aids
- Friedrich Naumann Foundations (FNF) transfers economic knowledge to the NK officials for economic reform

Conclusion

- Will the change of HI to R2P alter the argument on supporting the US to intrude in NK?
- How can a direct and explicit military action solve the humanitarian crisis in NK?
- Will China support for a humanitarian intervention in NK?