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## Two Legacies as Different as Good and Evil

By Jared Genser



Kim Jong-il and Vaclav Havel. Photo / AP

In a strange, and some might say divinely inspired juxtaposition, Václav Havel and Kim Jong-il died around the same time about a week ago.

Their lives and their impact on people's lives were extraordinarily different. It is therefore unsurprising that much as Havel was himself deeply concerned about the fate of the 24 million people of North Korea, there is little evidence to suggest Kim had much concern about anyone but himself. But what is troubling is that analysis of the impact of Kim's death by most experts and commentators has ignored Havel's observations about North Korea. Havel suffered under the yolk of oppression in Soviet-occupied Czechoslovakia as a dissident playwright, poet, and polemicist. His writings, actions, and years in prison inspired his people to rise up against their totalitarian government, culminating in the Velvet Revolution and his election as President. He spent 13 years in office, being one of a few dissidents who have become effective Presidents.

And in his post-presidential years, he personally provided enormous aid and support to dissident movements and oppressed people around the world who yearned to be free.

But his enduring legacy will be his analysis of totalitarianism, what enables it to succeed, and how to oppose it. In simplified form, he often said "truth and love must prevail over lies and hate." On the other hand, Kim was a man on his own mission - to enrich himself, maintain power at any price, and to crush anyone who stood in his way. He was, in short, his father's son. It is hard to overstate the level of oppression he exerted on the population of the Hermit Kingdom. The abuses in North Korea under his rule were among the most severe in the world in the last 20 years.

As pro bono counsel to Havel, Elie Wiesel and former Norwegian Prime Minister Kjell Magne Bondevik, I worked with the Committee on Human Rights in North Korea and produced two reports on the human rights and humanitarian situation in the country.

The reports urged the invocation of the responsibility to protect doctrine, the obligation that all states have to prevent mass atrocities.

We concluded that North Korea was committing crimes against humanity against its own people. During its late 1990s famine, some one million people and perhaps many more died, and the population remains at constant risk of starvation with some 37 per cent of children chronically malnourished.

North Korea also operates a vast gulag system, with some 200,000 people imprisoned for real or imagined offences. These camps impose a brutal regimen on their populations, including forced labour, starvation-level rations, and widespread torture. It is estimated more than 400,000 people have died in these camps in the past two decades. In that context, we urged the United Nations to create a commission of inquiry into crimes against humanity going on in North Korea.

Such an action would both document what has been happening and make recommendations on how the situation could be improved. It would also put pressure on the regime to engage with the United Nations on these critical issues.

Most of the analysis about the impact of Kim Jong-il's death has focused on questions about the stability of the new regime, its nuclear weapons programme, and what all this might mean for China, South Korea, and the world. I suspect this would not have been Havel's focus. I vividly recall a conversation with him about our work on North Korea where he made a simple observation - that the North Korean people's greatest concerns are their own survival and the abuses they suffer, not the country's nuclear programme.

Havel's profound truth should not be forgotten. While the external impact of North Korea on the world is an obvious focus, the international community continues to have an unfulfilled obligation to help ameliorate the suffering of the North Korean people.

Jared Genser is a human rights lawyer and co-editor of *The Responsibility to Protect: The Promise of Stopping Mass Atrocities in Our Times* (Oxford University Press, 2011)