

International Journal of Korean Studies (forthcoming 2016 -- Fall/Winter 2015 issue),
Disseminated with the permission of the International Council on Korean Studies (ICKS)

HUMAN RIGHTS AND HUMANITARIAN PLANNING FOR CRISIS IN NORTH KOREA

Roberta Cohen

Non Resident Senior Fellow, The Brookings Institution, and Co-Chair Emeritus, Committee for Human Rights in North Korea (HRNK)

Abstract

There has been little or no planning by the human rights and humanitarian communities for the possibility of radical change on the Korean Peninsula that could lead to a humanitarian crisis. Providing protection and assistance for the population is obviously the most immediate challenge but other pertinent issues include efforts to safeguard the more than 100,000 political prisoners held in secret *kwanliso* camps as well as provide safety for South Korean, Japanese and other foreign abductees and their families. Preparatory steps for transitional justice and accountability will be essential to deter retribution and create a foundation for the rule of law. And managing migration so as to minimize potentially overwhelming refugee and internally displaced population flows will be critical to stability. International approaches such as Rights Up Front and the Responsibility to Protect (R2P) may need to be applied. Success will depend upon effectively planning for and addressing human rights and humanitarian concerns.

Keywords: North Korea, South Korea, human rights, humanitarian, reunification, political prisoners, refugees, IDPs, accountability, transitional justice, United Nations

Introduction

In military and political circles, contingency plans abound for North Korea based on different scenarios -- political evolution in the North leading to peaceful reunification with South Korea, collapse of the Kim regime, fighting among military factions, and a possible takeover by foreign forces. Whatever the scenario, there has been little or no input from human rights and humanitarian actors in the design of the contingency plans. Yet, adequate food, medicines, potable water and sanitation will need to be provided in any scenario involving disruption or turmoil in the North. And in the case of mass migration, protection, assistance and developmental solutions will be required for refugees and internally displaced persons (IDPs).

Essential too will be the creation of a secure environment to safeguard the North Korean population from violence, human rights abuse and criminal activity. And plans will be needed to achieve political transition, economic recovery, the establishment of the rule of law, and transitional justice encompassing accountability and steps toward reconciliation.

In sum, human rights and humanitarian concerns should figure prominently in any scenario. Yet, the relevant actors have not yet come together to prepare. One reason is that no established forum exists to bring human rights and humanitarian groups together and no call has been made to do so. More importantly, there is little common ground. For humanitarian actors, even talking about change in North Korea violates their *modus operandi* of neutrality, impartiality and cooperation with the government. Any planning, they fear, could create the appearance of their seeking to unravel the regime (aka ‘regime change’) and lead to government restrictions on their operations or expulsion from the country. The preservation of access, however limited, is a goal of its own. Human rights advocates by contrast seek reform openly by exposing violations, raising public awareness and making recommendations for civil, political, economic and social change. Accountability also figures prominently to ensure that those who have perpetrated crimes against humanity are held responsible. Humanitarian groups and those who ‘engage’ with North Korea often tend instead to emphasize reconciliation. To prepare for eventual reunification, however, both groups will need to be involved to ensure that their concerns are reflected in contingency planning.

This paper seeks to identify some of the human rights and humanitarian concerns that will need attention in the event of a change in the North, for example:

- Protecting, assisting and finding solutions for North Korea’s political prison population of more than 100,000, and those abducted from abroad;
- Identifying who should be held accountable for the Kim regime’s crimes and abuses, the most effective judicial arrangement and how transitional justice should be introduced; and
- Effectively managing refugee flows and internal displacement.

The paper gives particular attention to the rescue of political prisoners since this tends to be overlooked in contingency planning. It also examines the application of the United Nations’ Human Rights Up Front (HRuF) approach to North Korea, which could encourage early involvement of humanitarian and development organizations on the ground with human rights concerns. And it discusses the UN doctrine of the responsibility to protect (R2P) given the likelihood that military forces, whether of South Korea, the United States or of China, will be involved in any effort to stabilize the situation.

Scenarios that actually take place could of course defy all planning: for example, if China were to absorb the North economically and then seek to dominate the country politically¹ (possibly even militarily) and thereby thwart reunification. To be sure, standing in the way would be

opposition from South Korea, the US, Japan and other states, the United Nations, and doubtless from North Koreans as well.

This paper is based on the assumption that change will occur in North Korea, that South Korea and the United States as well as China will play significant roles and that given Korea's history, the United Nations and its military command will also be substantially involved. Even though the scenario and timing cannot be known, the sooner preparations are made, the more likely it will be that problems inherent to reunification will be anticipated and addressed.

Saving Political Prisoners in the *Kwanliso* Camps

One of the most daunting human rights challenges in any upheaval, whether peaceful or violent, will be the protection of North Korea's large number of political prisoners held in camps hidden from public view. There are an estimated 80,000 to 120,000 incarcerated in four political prison or penal labor camps (known as the *kwanliso* or *controlled areas*).² Satellite photographs and testimonies pinpoint the camps to be in the mountains of North and South Hamgyong provinces and in South Pyongan. Information about additional camps might turn up in the higher resolution satellite photographs to which governments and intelligence agencies have access.

The North Korean government denies the existence of the *kwanliso* and has threatened prison guards, released inmates and communities near the camps with severe reprisals if any information is disclosed. Most of the *kwanliso* prisoners are incarcerated for life and denied contact with the outside world,³ having committed -- in the eyes of the regime -- acts of disloyalty like criticizing the Kim family and its policies, trying to defect to South Korea, having a family member who cooperated with the Japanese, organizing a Christian service, or getting caught up on the wrong side of factional political disputes. There are no formal charges or trials. Entire families have been sent to the camps on the basis of guilt by association.

Over the past five decades, more than one hundred thousand are believed to have perished from a combination of deliberate starvation, torture, brutality, forced labor, illnesses and executions in these camps. The United Nations Commission of Inquiry (COI), set up by the Human Rights Council in 2013 found crimes against humanity to be committed in the political prison camps,⁴ and called for their immediate dismantlement and the referral of the situation to the International Criminal Court (ICC). The United Nations General Assembly endorsed this.⁵

In the event of an armed conflict or revolution, camp authorities "have received orders to kill all prisoners," according to former prison guard Ahn Myong-chol, in order "'to eliminate any evidence' about the existence of the camps."⁶ The initial order appears to have been given by Kim Il-sung, and later reaffirmed by Kim Jong-il. "Drills" also have been held "on how to kill large numbers of prisoners in a short period of time."⁷ Guards from other camps, as well as former prison officials, have confirmed this account.

There are several compelling reasons why rescuing prisoners at a time of chaos should be given a high priority. The camps and their brutality have come to symbolize a principal way in which the Kim regime has maintained itself in power. Rescuing the prisoners and making clear that those responsible will be held accountable will signal the end of a regime based on terror and punishment. The UN's own credibility will be on the line if it does not show readiness to act on the well-publicized findings and recommendations it has long reiterated concerning the camps. It is also in these facilities that the most acute cases of hunger, disease and ill-treatment will be found, making it essential that humanitarian organizations launch immediate rescue efforts. The comparisons increasingly drawn between camp conditions in North Korea and those in concentration camps during World War II⁸ behoove the United Nations, given its founding, to take strong action. The Nazis' efforts to hide evidence of the camps and murder inmates only increased the enormous importance of survivors being rescued and of camp artifacts being maintained. Both served as testament to the crimes of the Third Reich and became the touchstone of international efforts to develop concepts of war crimes and crimes against humanity and punish those responsible.

There is far greater awareness today of North Korea's camps so that an expectation has developed that efforts will be made to save the prisoners in the event of disruption or turmoil. The accounts of prison survivors have flooded the airwaves as have the reports of NGOs (e.g. *Hidden Gulag* by the Committee for Human Rights in North Korea⁹). Extensive editorials and news stories worldwide have focused on the camps while CNN has shown the satellite photographs pinpointing their location. In 2013, the UN High Commissioner for Human Rights met for the first time with camp survivors.¹⁰ That same year, the US Secretary of State John Kerry, in his confirmation hearings before the Senate, described "the prisoners of gulags in North Korea" as an important issue for the United States.¹¹ The website of the UN now carries the testimonies of North Korea's camp survivors, and UN resolutions regularly call for the dismantlement of the camps and the release of "all political prisoners unconditionally and without any delay."¹² Failing to try to save the prisoners would be a shameful legacy for the international community.

Particular attention will need to be paid to women prisoners whose plight is detailed in the COI report.¹³ Many have been subjected to brutal treatment and will need protection against potential sexual assaults by other prisoners, guards, or the local population. If Chinese military forces are involved in liberating the camps -- some of the largest *kwanliso* camps are nearest geographically to China -- their troops will need to be sensitized. At the end of the Second World War, Red Army troops are known to have engaged in "a sexual rampage" in the camp of Ravensbruck holding women prisoners: "Countless inmates were raped: the young and the old; the sick and the well."¹⁴

The Chinese government has regularly voted against resolutions at the UN condemning North Korea's practices.¹⁵ Neither has it been willing to hold talks with the United States and South Korea over contingency plans in the event of a collapse, reportedly because of its alliance with

North Korea and the fear that such talks, if they became known, could affect stability in the country. China also might be keeping its plans confidential especially if they involve any takeover of areas rich with minerals and ports. Further, China might see the rescue of North Korean prisoners as a threat to its own practice of punishing political dissenters. Nonetheless, the US and South Korea should be making known to China their concerns about the camps and of the need to respect and save prisoners. China did in 2014 announce that it had closed some of its own reeducation camps (although some contend it just moved prisoners around).¹⁶ While often insensitive to world opinion, China could gain credit internationally and with any 'new Korea' by supporting the rescue and rehabilitation of the Kim regime's political prisoners. The Human Rights Council has called on states with relations with the DPRK to "use their influence" to encourage North Korea to "close political prison camps."¹⁷

In preparation for gaining timely access to the camps, a 2013 Rand study recommended that intelligence be amassed in advance, in particular

"...on the activities of the prison staff, their potential preparations to defend or destroy the camps, the defenses in and around the camps (e.g. any minefields or electrified fences), and information about the camp command staff."¹⁸

Former prisoners estimate roughly one guard per 50 prisoners or a total of 2,400 to 4,000 in the *kwanliso* today, in addition to a higher number of security service and administrative personnel. In Camp 16, the largest of the camps, there are reports of elevated guard posts "equipped with machine guns" that according to one escapee are meant to "massacre prisoners in emergency situations."¹⁹

The goals of a military operation would be to take over the camps, establish order (subduing guards who have not fled as well as any military personnel around the camps), prevent the killings or abuse of prisoners -- including their use as hostages, and collect data and information for trials.²⁰ Foreign military personnel would initially have to run the camps, take into custody those in charge, and provide safe conditions for a contingent of aid workers to bring in food, medical supplies, clothing and other needed items.

Those entering the camps will need to know how to protect themselves from likely infectious diseases like tuberculosis which has spiked in North Korea and undoubtedly in the camps.²¹ Special skills and special foods will also be needed in dealing with extreme malnutrition and emaciation. Substantial numbers are reported to die each year from starvation or nutritional deficiency and have diseases such as pellagra²² as well as vector-borne and diarrheal disease resulting from the absence of adequate water and sanitation facilities. Others may suffer from black lung disease contracted while performing forced labour in coal mines. Making arrangements for organizations like the International Committee of the Red Cross (ICRC), which has an office in Pyongyang, to go into the camps will be essential. So too will the involvement of UN humanitarian agencies.²³ The World Food Program (WFP) is reported to have operations in some of the very provinces where the camps are located while the World Health Organization

(WHO) operates a Health in Prison Program in other countries and should be expected to develop a plan for the health of North Korean prisoners; and also look into rumored accounts of medical experimentation in the camps.²⁴ UNICEF's expertise with children will need to be called upon, especially for those children who were dispatched to the camps with their families or placed in the camps after trying to depart the country illegally, and have undergone mistreatment and starvation. Women subjected to forced abortions or infanticide, whether in detention centers, prisons or the *kwanliso*, will need special attention as well.

Health workers with experience in dealing with psychological trauma will be essential since all the prisoners, especially those in the 'total control zones' will have been subjected to inhuman treatment on a sustained basis and may be physically and psychologically damaged. It would be useful to identify North Koreans who were formerly held in prisons and detention facilities and are now in South Korea and other countries and would elect to receive special training to go into the camps and help with prisoners' rehabilitation. Having undergone the experience and understanding the language and culture, they will know better than anyone the challenges and how to overcome them. Setting up a corps of defectors would need to be worked out in advance so as to be activated readily when the time comes.

How and where to relocate liberated prisoners will need to be addressed, including reuniting them with family members, securing possible employment for them and a reparation plan. Indeed, a special office should be set up for prisoners' rehabilitation and resettlement. Many survivors of the *kwanliso* simply cannot be expected to resume their lives and find jobs and houses outside the camps unassisted. After being incarcerated for so long, they might not know where to go or what to do.²⁵ It may be instructive to look at the experiences from the opening of camps after World War II and also the Soviet gulag to see what can be gleaned about what is best to do and what not to do for brutally treated prisoners.²⁶

Accountability and Transitional Justice

Holding those responsible for crimes against humanity should be expected of a new Korea. Although sometimes after human rights and humanitarian emergencies, the quest for reconciliation and peace supersedes the quest for justice, the systematic, widespread and grave crimes committed by North Korea's Kim regime against so many of its people and for so long will be hard to relegate to a secondary position. The COI's 400-page report documented decades-long governmental crimes against humanity:

...extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation.²⁷

Ignoring this litany of crimes will prove difficult in light of the record compiled to date and UN resolutions since 2014 calling for referral of North Korea's human rights situation to the ICC. In addition, a joint statement in 2015 of Presidents Barack Obama and Park Geun-hye expressed their governments' commitment to "ensure accountability" for human rights violations in the DPRK.²⁸ UN Secretary-General Ban Ki-moon has also emphasized the need for accountability:

Efforts to engage the Government of the Democratic People's Republic of Korea to improve the human rights situation in the country must go hand in hand with efforts to hold perpetrators of crimes accountable.²⁹

Of course, North Koreans who spent much of their lives adulating the Kim regime, or who were directly involved with or benefitted from the regime may not be so ready to hold their leaders accountable. There are also South Koreans who deny or minimize North Korea's criminal record. But this makes the educational value of dealing with the regime's crimes even more essential. The introduction of human rights principles as a unifying force to underpin a new Korea should be a central goal. It should also help deter North Korea's many victims of violations from taking the law into their own hands in what is called 'retributive justice.'

Making it known that trials will be held should help reinforce the collection of evidence by the COI. The Seoul office, set up in 2015 by the UN High Commissioner for Human Rights (OHCHR), is intended to continue the COI's work of identifying state institutions and individuals to facilitate "United Nations efforts to prosecute...those most responsible for crimes against humanity."³⁰ And institutions like the Data Base Center for North Korean Human Rights (NKDB), the National Human Rights Commission of Korea, and various NGOs have also been collecting names and evidence. Should outside military forces become involved, they too should be called upon to turn over information that could be used in trials.

Who exactly would be held responsible would have to be carefully determined but should begin with those who gave the orders, namely Kim Jong-un and his top lieutenants in the Workers' Party and National Defense Commission. Even if not directly involved in committing crimes against humanity, they would still be considered personally liable if crimes were perpetrated by persons under their control or they failed to prevent them. In a letter to Kim Jong-un, accompanying the COI report, Justice Michael Kirby, COI chair, explained that any official "who commits, orders, solicits or aids and abets crimes against humanity incurs criminal responsibility."³¹ And of course, those who carried out serious crimes would necessarily be subject to prosecution, among these security forces personnel, prison or border guards, or officials from the military, Public Prosecutor's Office, judiciary or Workers' Party.

At the same time, not all collaborators or bystanders would need to be tried. Many could be dealt with by fora such as truth commissions or investigative commissions (employed in the past by South Korea), combined when appropriate with select amnesties, lustration (i.e., removal from positions of authority) and reparations agreements. Some government offices will need to be disbanded such as the State Security Department with its principal agents tried

or retired, depending on their role. But in the case of the “million man army,” it would not be possible or wise to try most defense officials and military officers as it “would only increase animosity and make integration more difficult.”³² Similarly, not all members of North Korea’s elite have been associated with political crimes and should be assured they will not be prosecuted; indeed, many will be needed to participate in the country’s transition and development. However, dividing members of the elite one from another on possible criminal responsibility grounds should begin now with the identification of certain categories of officials to be banned from public office or case by case removals based on evidence.³³ The Presidential Committee for Unification Preparation in South Korea has reportedly developed a plan for classifying and dealing with elite figures in the Workers’ Party, the military and other institutions.³⁴

Announcing accountability in advance might conceivably serve as a deterrent to criminal acts. Some North Korean officials, it is reported, have been modifying their practices out of fear of accountability, resulting for example in their not carrying out forced abortions in detention centers, not torturing prisoners in long term labor facilities (the *kyo-hwa-so*) or not imprisoning entire families.³⁵ Yet, these reports are based on anecdotal information; no actual policy changes are known to have taken place. Many relatives and colleagues of Jang Sung-taek were reported to have been exiled or imprisoned after his execution, underscoring the continued usage of guilt by association. Nonetheless, it does stand to reason that some officials might think twice if they were aware of the possibility of trials. While some might destroy evidence and flee, those who commit serious crimes often leave detailed records; and some may even try to trade information in exchange for amnesty.

Bringing the case of North Korea before the ICC will be challenging. North Korea has not accepted the court, so a referral of the case (while the DPRK is standing) would have to be made by the Security Council, and China and Russia can be expected to cast a veto. “To bring human rights issues to the International Criminal Court does not help improve a country’s human rights conditions,” China has asserted.³⁶ South Korea, for its part, has signed the Rome Statute, but probably could not bring a case until reunification, although some debate exists about this matter.³⁷ The ICC, however, might not be the most, or the only, effective judicial forum to use in the case of North Korea. The court can act on crimes committed only after July 2002 whereas the crimes against humanity committed in North Korea extend back over many decades. The court furthermore could be expected to prosecute only the most serious cases, whereas the number of North Koreans meriting prosecution would be far larger. Some have proposed a special or *ad hoc* international tribunal as an alternative solution. But the track records of such tribunals (e.g., the former Yugoslavia³⁸ and Rwanda) have been mixed, the costs prohibitive, and the Security Council would have to be involved. A tribunal established by the General Assembly has recently been suggested based on the ‘Uniting for peace’ resolution at the time of the Korean War and the principle of universal jurisdiction.³⁹

Perhaps the most effective might be a ‘hybrid court,’ that is, a domestic court with an international component set up in association with the United Nations.⁴⁰ A domestic court would be tailored to the needs of the Korean situation and ensure its educational value for all Koreans, while the inclusion of international judges and prosecutors would overcome the potential criticism of ‘victor’s justice’ and likely prove more impartial and credible. An Asan Institute poll of more than 1,000 South Koreans over the age of 19 found that 48.8 percent of the respondents believed the international community should play the leading role in a process of redress for human right abuses in North Korea whereas 29.2 percent favored the Korean government’s undertaking this on its own.⁴¹ Some international lawyers have suggested that a hybrid tribunal for North Korea be established by a multilateral treaty with the UN General Assembly, in which the US, Japan, Australia and other countries in the region participate as well.⁴²

A special effort will be required to ensure that China not impede the holding of trials. Although China did not veto special UN tribunals on Rwanda and the former Yugoslavia, it has to date expressed opposition to international court proceedings against North Korea. It may also need to be persuaded to turn over to a Korean or international tribunal North Korean political or military leaders who might flee into China because they are wanted for crimes against humanity. An important consideration for China will be whether its own officials will be implicated in such trials. The COI report found that Chinese officials might be “aiding and abetting crimes against humanity” by collaborating with North Korea in forcibly repatriating North Koreans to conditions of danger.⁴³ In the case of Cambodia, where a hybrid domestic/international tribunal was set up by the UN to try the Khmer Rouge, China dropped its objections to the trials when it became clear that its relationship with the Khmer Rouge would not be highlighted.⁴⁴

David Tolbert, President of the International Center for Transitional Justice and former deputy chief prosecutor of the International Criminal Tribunal for the Former Yugoslavia has recommended that steps be taken now to prepare the groundwork for accountability and transitional justice for North Koreans.⁴⁵ This would mean the continued identification of institutions and individuals responsible, maintaining national and international awareness of the human rights abuses committed, and the building of knowledge in South Korea and the Korean diaspora of transitional justice. Application of such justice would entail deciding on the most effective method of accountability – the ICC, a specialized tribunal or a hybrid court as well as whether to try persons in absentia, and/or have countries apply universal jurisdiction. Transitional justice would also include working out how to make procedures such as truth commissions, reparations agreements and reconciliation processes effective in a reunified Korea as well as introducing the rule of law, legal and institutional reforms and property restitution in the North. South Korea’s experience with some of these steps, given its own political transformation, should be of help, but involvement by North Koreans in the decision-making must be a prominent part of the process if transitional justice is to work effectively.⁴⁶

Managing Migration

The protection of refugees and internally displaced persons will be a major concern in the event of turmoil or change in the North. Often it is predicted that China and South Korea will be overrun by refugees. According to a Council on Foreign Relations report, South Korean planners have projected “scenarios in which up to one million refugees might flee the North,” most going to China and South Korea with lesser numbers to Russia and Japan.⁴⁷ But such analyses often underestimate the barriers to refugee flows.

China for one might seal its borders to avert the mass entry of North Koreans. Although tens, if not hundreds of thousands of North Koreans fled over the border into China during the great famine in the 1990s, China’s policies are different today. China continues to tolerate thousands of North Koreans residing illegally in its territory, but over the past two decades has forcibly pushed back tens of thousands who sought entry, erected restrictive barriers at its borders and stationed more troops there to keep North Koreans out. Leaked Chinese contingency plans, (whose authenticity is not confirmed), speak of the creation of camps or special zones inside North Korea to prevent military activity from being organized by North Korean refugees in China’s border areas.⁴⁸ Such camps and zones would presumably keep North Koreans out of China but enable a Chinese presence in the North to help it uphold its economic and political interests. Overall, China can probably be expected to act as a barrier to mass exodus. It might also be reluctant to allow in large numbers of North Koreans because they could upset the demography of historically disputed border areas between China and North Korea or place undue economic strain on China’s undeveloped regions.⁴⁹

North Koreans heading toward South Korea will come up against the heavily mined Demilitarized Zone (DMZ) where the location of mines has become unpredictable because of flooding. The situation in fact has been described as a “humanitarian crisis in the making” by a US military officer who has been stationed there.⁵⁰ North Korean military units might also be concentrated at the DMZ and threaten potential refugees. Of course, tunnels reported underneath could provide an escape route, as could Highway One from Kaesong, or boats at sea, but none of these options can be easily accomplished.

If order can be restored rapidly in the North by international troops (e.g. from South Korea, the US or US/UN command forces, and China), preferably under an agreed UN framework, and access to food and medicines made available, many North Koreans might stay put, at least initially. And if their survival is not at risk, North Koreans can be urged to stay in their home areas for the time being until order is restored. The contingency plans of South Korea, the United States and China are all reported to have stabilization as a top priority based on averting refugee outflows and helping people survive *where they are*. North Koreans might also of their own accord choose to find a safer part of their own country to which to flee. In emergency situations, most people prefer to remain displaced in their own country rather than cross

borders. They may be strongly attached to their country, have limited resources, be too old or infirm to make the trek, or find it too challenging to adapt to new languages or lifestyles in a neighboring state. Moreover, if opportunities and incentives are provided to North Koreans to contribute to the building and transformation of their country, they may wait and see whether prospects exist for a better life at home. Some thousands of North Koreans who earlier defected to the South and other countries may seek to return to the North to assist with reunification and development, especially if given support and incentives to do so.

Only if North Korea is beset by unmitigated violence, civil war or impending starvation, and aid and security does not come fast or adequately enough, will overwhelming numbers seek immediately to flee outside the country. Yet China has already made clear that it “will never allow a war or chaos to occur on its doorstep.”⁵¹ Here it is hoped that South Korea, the US and China will consider it in their interests to reach an understanding in cooperation with the UN to establish order in the North, avoid a broader conflict and provide assistance and protection to those at risk inside.

There will of course be certain groups in North Korea that will seek to flee across borders no matter what the scenario, and their numbers may be significant. They include:

- The Kim family and top Kim regime officials (from the Workers’ Party, the State Security Department, the Ministry of People’s Security, and the military), their families and aides who presumably would try to negotiate refuge with China to avoid retribution and prosecution (estimated at 10,000).⁵²
- The top one to five percent of the favored elite in Pyongyang who fear reprisals or retributive loss of employment, privileges and influence. Their numbers could range in the tens of thousands and they may seek to go to China or Russia or even South Korea.⁵³
- Ethnic Koreans from South Korea or Japan who will want to return to their countries having been forcibly taken by North Korea (mostly in connection with the Korean War) or who went to North Korea as part of an organized movement from Japan and then were kept in the DPRK against their will. Although the overall total of such persons is estimated to be close to 200,000, many may be advanced in years or no longer alive.⁵⁴ South Korea and Japan will most assuredly take in those originating from their countries who wish to return.
- Foreigners abducted from Japan and also from other countries, numbering possibly in the hundreds who would seek to depart. Japan will seek to bring back abductees and has asked the US to assure their safety.⁵⁵

- South Korean prisoners of war long detained in the North, now estimated to number 500 to 600.⁵⁶
- North Koreans with relatives in other countries who would like to join them, seeing little future for themselves in the North. This could account for a substantial number although entry to countries other than South Korea might present problems.

Not known is the extent to which China is ready to take in certain groups from North Korea such as its 'high command.' A Chinese military contingency plan mentioned above reportedly speaks of placing "key military and political figures" in camps and investigative facilities along the border in order to prevent their assassination and their organizing military activity with other forces.⁵⁷ What is feared is unsubdued military units seeking to establish a foothold of resistance among refugees at border areas. Some sources report Chinese preparations for placing up to 300,000 people in a special zone.⁵⁸

South Korea, by contrast, is legally and politically obligated to allow in North Koreans because its Constitution considers all North Koreans to be citizens. The only exceptions are North Koreans who are deemed criminals (a category that will require reinterpreting, given North Korea's usage of the term⁵⁹) and those who have committed crimes against humanity. However, South Korea will not want to jeopardize the economic progress and stability of its country by taking in too quickly large numbers of North Koreans it cannot easily absorb. A significant number of the 29,000 North Koreans already in the South have found it difficult to adjust to a fast moving, democratic and capitalistic society. A South Korean government task force has envisaged that 200,000 North Koreans will be permitted to relocate to the South but not until the first three years of reunification, followed by calibrated increases, resulting in a total of a million and a half during the first decade.⁶⁰ Whether South Korea plans to set up camps in the event of an unmanageable emergency overflow remains to be seen.⁶¹

South Korea needs to develop, in cooperation with the UN High Commissioner for Refugees (UNHCR), a plan to assure that emergency displacement over borders is effectively and humanely managed. Some of the more challenging questions will involve: 1) criteria for determining which North Koreans the South should take in immediately (e.g. to bring about family reunifications or to mitigate personal risks); 2) steps to ensure that refugee or IDP camps, if set up on or near the border, do not become armed and destabilizing; 3) where to put the Kim regime and its high command (prior to trials) and which states will take in large numbers of the favored elite who fear reprisals at home. The overall plan would have to include China, Russia, Japan, and other states (e.g., Mongolia, South Asian and other countries) that have a history of taking in North Koreans or allowing them to transit.

Ultimately, however, agreement on how migration issues will be dealt with will depend in large measure on a consensus among South Korea, the US and China. On what terms China is ready to accept a reunified Korea under South Korean leadership is not known. China has long feared North-South reunification as a potential means of expanding US influence and troops on its border. Agreement would therefore need to be reached that a Seoul-led reunified nation would not pose threats to its neighbors or bring US troops to the Chinese border, but would work with them to bring stability and economic growth to the entire peninsula and region. Reunification could take place in stages, allowing for a consensual process to develop between North and South Koreans as well as consultations with outside states.

At the same time, a Korea reunified under South Korean leadership would have to enact special policies and laws to deal with IDPs. Those displaced in the North and those fleeing from North to South would no longer be considered refugees but rather persons forcibly uprooted *within their own country* by conflict, human rights violations or disasters (according to the IDP definition⁶²). The principal responsibility to care for IDPs would rest with South Korea which has no doubt been putting aside resources for absorbing those coming to the South. But when it comes to those internally displaced in the Northern part of the country as a result of disruption, it would be wise for a newly reunified Korea to cooperate with the international community which has experience in dealing with such populations. Specifically, the UN Office for the Coordination of Humanitarian Affairs (OCHA) should be invited to serve as the overall coordinating body for the protection, assistance and early recovery of IDPs in the northern part of the country and to organize funding appeals from donors. Under OCHA's 'cluster' system, different international agencies are expected to assume leadership in their areas of expertise. UNHCR, for example, would act as lead in the case of camp management, emergency shelter and protection, while UNICEF, WFP, UNDP and others would lead in sectors such as food, medicine, health care, sanitation, child protection and early recovery. The UN Special Rapporteur on the Human Rights of Internally Displaced Persons (an independent expert under OHCHR) could be expected to help with the development of a policy or law on IDPs, based on the UN Guiding Principles on Internal Displacement, so that all phases of displacement, including return, resettlement and reintegration, can be addressed.

Because not all internal movement in the North will be *forced*, however, thereby triggering the 'IDP regime,' attention must also be paid to *voluntary* migration. Long standing restrictions on internal movement in the North could make North Koreans cautious about relocating, but it is also possible that this new found freedom might embolden some to pull up roots. Significant numbers, for example, residing in undeveloped and poverty stricken rural areas may decide to relocate to cities like Pyongyang with better electricity, consumer goods and jobs. And should state enterprises collapse or the military be demobilized or efforts at recovery not happen fast enough, many North Koreans may seek to head south, especially if they have relatives there. A framework for migration will need to be developed since unmanaged massive voluntary migration can also reach crisis proportions and there will be need to balance freedom of

movement in a reunified Korea with public safety and health. Indeed, the International Organization for Migration (IOM) should be asked to become involved.

Although plans will clearly be needed, international and UN agencies have been reluctant thus far to become involved in such preparations, given the political sensitivities and the need for international authorization for such steps. They can, however, quietly, agency by agency, begin to draw up plans, or they might see fit to do so jointly under a different umbrella – a regional disaster response framework. North Korea is vulnerable to flooding and to the effects of climate change, so that agencies can be expected to engage in natural disaster arrangements.⁶³ Such planning could include the stockpiling of unperishable goods as well as standby arrangements with different governments (e.g. South Korea, China, Japan, the US) to make perishable supplies available in the event of an emergency. The emergency in fact could cover not only a natural disaster but an unnamed political disruption.

The UN Human Rights up Front Strategy and North Korea

One way to engage UN agencies on the ground with human rights and humanitarian concerns is for the UN to apply its Human Rights Up Front approach (HRuF) to North Korea. Introduced into the UN by Secretary-General Ban Ki-moon in 2013, HRuF calls upon the entire UN system to be involved in developing “a system wide strategy” for a country if it faces serious violations of human rights.⁶⁴ Its application to the DPRK would mean that all relevant UN agencies, in particular those engaged on the ground, would agree upon steps to take to monitor and promote human rights. The COI report has called for this as has the Special Rapporteur for human rights in the DPRK.⁶⁵ And the Secretary-General has expressed his support for applying HRuF.⁶⁶ His latest report to the General Assembly for the first time devotes a special section to the role humanitarian organizations can play in addressing human rights.⁶⁷

The clearest way to accomplish this would be to make reference to human rights in the UN’s Strategic Framework for the DPRK which sets forth the priorities of the UN in North Korea and which is negotiated with the government by the UN Resident Coordinator who serves as head of the Country Team (CT). Humanitarian organizations would then have an entry point for raising with North Korean authorities the human rights principles the DPRK itself accepted at the UN’s Universal Periodic Review (UPR) in 2014.⁶⁸ These principles include non-discrimination in food distribution, access to the most vulnerable and gender equality. They are important to raise with North Korea because they affect humanitarian operations on the ground. The COI report found that North Korea’s *songbun* system, which classifies citizens by political loyalty, has a discriminatory impact on North Koreans when it comes to food distribution, healthcare, education and housing, areas in which UN agencies are engaged.⁶⁹ The COI report also found “pervasive” and “official” discrimination against women which needs to be addressed.⁷⁰ And since the stated goal of humanitarian agencies is to reach the most vulnerable, the UN should be thinking about how to gain access to prisons, detention centers and the penal labor camps (*kwanliso*). The UN General Assembly in its 2015 resolution

specifically listed political prisoners as one of the most vulnerable groups suffering from chronic malnutrition whose conditions, it says, should be monitored.⁷¹

Making an effort to gain access to prisons, however challenging, could produce health benefits for the entire society. The WHO has found that in countries where TB is rife, such as North Korea,⁷² “effective TB control in prison” can protect not only prisoners, staff and visitors, but “the community at large.”⁷³ The application of HRuF to North Korea would mean seeking to gain entry to the prisons in an effort to curb the spread of TB. Similarly, for agencies like the UN Economic and Social Commission for Asia and the Pacific (ESCAP), the application of HRuF would mean ensuring that the training programs it sponsors for North Koreans include adequate numbers of women and that any training in business management emphasizes freedom of information, unrestricted access to the internet, and the UN Global Compact’s principles on labor standards. UNESCO for its part should be looking into how to introduce into North Korea educational programs on human rights, which North Korea accepted at the UPR and which UNESCO regularly conducts throughout the world.

Incorporating human rights objectives into the UN system’s policies and programs with North Korea would not only create a foundation for more effective humanitarian and development programming right now but contribute to a more effective response should there be disruption in North Korea. To date, international staff have been cautious in carrying forward human rights recommendations so as not to interfere with their access and cooperation with the government, but adding a human rights dimension to their work would benefit the host country and better prepare it for reunification. As a recent HRNK-JBI paper observed, “If the UN values its presence in the country and ability to work with the DPRK government above all other principles, it risks buttressing the regime and its grave abuses and thus unintentionally supporting its persistent resistance to reform and evolution.”⁷⁴ The agencies would do well to heed the 2015 call of the General Assembly to them to implement the human rights recommendations in the COI report.⁷⁵

The Responsibility to Protect (R2P)

Applying the UN concept of the Responsibility to Protect (R2P) to North Korea was first raised by the COI report, which called upon the international community to “accept its responsibility to protect” the population given North Korea’s unwillingness to do so. The international response, the report said, had been inadequate for decades despite “the role played by the international community (and by the great powers in particular) in the division of the Korean peninsula.”⁷⁶

Despite R2P’s compelling logic, the UN has hesitated to apply it to North Korea owing to the country’s inaccessibility, autocratic leadership, nuclear capability and huge army. China’s Security Council veto could also be expected to prevent R2P’s application while Western countries and South Korea might not be inclined to invoke the concept as well. Controversy has surrounded R2P’s application, especially since the military intervention in Libya in 2011 and its

resulting 'regime change.' Nonetheless, at the behest of Australia, France and the United States, the Security Council in 2014 voted by 11 to 2 (China, Russia) to place the North Korean human rights situation on the Council's agenda. This step linked the nature of the regime to regional and international peace and security although no explicit mention of R2P was made.

Were there to be severe turmoil and mass killings on the Korean peninsula, the R2P concept might become a more realistic option. Secretary-General Ban Ki-moon, for example, in speaking in April 2014 about the lawlessness in the Central African Republic said "the world agreed on our collective responsibility to protect a population when the state is unwilling or unable to do that basic job."⁷⁷ The UN Security Council five days later authorized the deployment of UN troops and police with the mandate to protect civilians, support a political transition, facilitate humanitarian assistance and promote human rights and accountability.⁷⁸

In the case of North Korea, the presence of South Korean military forces, US forces and a United Nations Command (UNC) under the US, as well as nearby Chinese troops, would undoubtedly pre-empt the need for recruiting new troops for a UN peacekeeping mission. What will need to be worked out is the extent to which South Korea, the US and China can coordinate their interventions so that the North is stabilized and reunification, or some other agreed solution, can take place with as little bloodshed and disruption as possible. The value of a UN framework (the involvement of the United Nations in the Korean War gives it the foundation for playing a strong role) would be to bring international legitimacy to the process, ensure that outside powers work together effectively, and that R2P's emphasis on civilian protection and the prevention of serious human rights crimes be given a prominent place. If Security Council agreement were not possible, a General Assembly resolution could be sought.

Ideally an international military mission would be authorized to stabilize the North, promote security for civilians, protect aid workers and their material assistance, and have the authority to detain and hold for trial those suspected of crimes against humanity. International humanitarian actors would address emergency needs and work to maintain the civilian character of aid while development agencies and the corporate community would be turned to in order to promote recovery and rebuilding. Agricultural reforms would need to be a significant part of any recovery phase in order to overcome the chronic food insecurity resulting from North Korea's failed agricultural policies. Organizations like the Food and Agriculture Organization (FAO) and WFP should be tapped to help in promoting such reforms. In addition, a sizeable human rights and protection component under OHCHR would need to be part of any military mission to assist with the establishment of rule of law programs, an independent judiciary, human rights institutions, local elections, a political transition, and a transitional justice program.

Most significantly, North Korean defectors should be encouraged to play an important role as a bridge. Some have become expert in the principles of international human rights, testifying before and providing information to UN bodies. They could help make human rights education a central part of the transition, which will be essential since the North Korean people have been

so heavily indoctrinated and kept in the dark about their rights and governmental responsibilities. Other defectors also have skills to offer, among these broadcasting and telecommunications,⁷⁹ and should receive training in developing them so that they are equipped to play an important role in the transition.

Concluding Comment

Considerable planning and coordination will be needed among governments, international organizations, non-governmental organizations and civil society to assure that humanitarian and human rights concerns are addressed in the event of an upheaval in North Korea. Advance planning should contribute to finding solutions for issues such as the rescue of political prisoners, transitional justice and accountability, and the management of internal and external migration. And states should not be the only ones with contingency plans. International organizations and NGOs have been behind in such planning. They should begin now to develop plans for how best to deal with handling change in North Korea and building a cohesive unified Korea based on international human rights and humanitarian standards.

Notes

¹ See Andrew Natsios, "Transitional Justice in North Korea Following a Change of Regime: An Exploration of Four Possible Scenarios," *Transitional Justice in Unified Korea*, eds. Baek Buhm-suk & Ruti G. Teitel, The Asan Institute for Policy Studies, Palgrave Macmillan, 2015, pp. 224-227 [henceforth *Transitional Justice*].

² See UN General Assembly, Report of the commission of inquiry on human rights in the Democratic People's Republic of Korea, A/HRC/25/63, 7 February 2014, para. 61 [henceforth COI report].

³ COI report, para. 59; and UN General Assembly, Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea, A/HRC/25/CRP.1, 7 February 2014, para. 729 [henceforth COI report 2].

⁴ COI report 2, para. 1033.

⁵ UN General Assembly, Resolution on Situation of human rights in the DPRK, A/RES/69/188, December 18, 2014, operative para. 2 (a) (ii).

⁶ COI report 2, para. 732.

⁷ Ibid.

⁸ COI report, para. 60.

⁹ David Hawk, *The Hidden Gulag*, Second edition, Committee for Human Rights in North Korea, 2012.

¹⁰ See Roberta Cohen, "The High Commissioner for Human Rights and North Korea," in F. Gaer and C. Broecker, eds., *The United Nations High Commissioner for Human Rights: Conscience for the World*, Martinus Nijhoff, 2014, pp. 300-1.

¹¹ John Kerry, Opening Statement at Nomination Hearing, U.S. Senate Committee on Foreign Relations, January 24, 2013.

¹² See for example UN General Assembly, Resolution on Situation of human rights in the DPRK, A/RES/69/188, December 18, 2014, operative para. 2 (a) (ii); and UN Human Rights Council, Resolution on Situation of human rights in the DPRK, A/HRC/RES/25/25, March 26, 2014, operative para. 2 (e).

¹³ COI report 2, paras. 763-766.

¹⁴ Roger Moorhouse, book review, *Washington Post*, May 31, 2015, of *Ravensbruck: Life and Death in Hitler's Concentration Camp for Women*, by Sarah Helm, Doubleday, 2015.

-
- ¹⁵ In 2014 and 2015, China voted against the resolution in the General Assembly on human rights in the DPRK. The 2015 vote was 119 to 19 (including China) with 48 abstentions.
- ¹⁶ Dennis Lynch, "China Closes Re-education Through Labor Camps," *International Business Times*, January 10, 2014.
- ¹⁷ UN Human Rights Council, Resolution on Situation of human rights in the DPRK, A/HRC/RES/25/25, March 26, 2014, operative para. 16.
- ¹⁸ Bruce W. Bennett, *Preparing for the Possibility of a North Korean Collapse*, Rand Corporation, 2013, pp. 237, 243-4.
- ¹⁹ "North Korea Imagery Analysis of Camp 16," HRNK and All Source Analysis, December 15, 2015, p. 4.
- ²⁰ *Ibid.* pp. 241-3.
- ²¹ From fewer than 50 cases per 100,000 persons in 1994, the number increased to 380 cases per 100,000 in 2011, according to the World Health Organization, see Megan Phelan, "Science Reporter in North Korea Investigates Efforts to Fight TB," American Association for the Advancement of Science (AAAS), April 25, 2013. In 2014, some 5,000 died of TB, see "North Korea Launches First National TB Survey," *VOA News*, November 18, 2015.
- ²² COI report 2, para. 769.
- ²³ See Roberta Cohen, "Must U.N. agencies also fail in North Korea?" *38 North*, April 21, 2015.
- ²⁴ See https://en.wikipedia.org/wiki/Human_experimentation_in_North_Korea
- ²⁵ David Hawk, *North Korea's Hidden Gulag: Interpreting Reports of Changes in the Prison Camps*, Committee for Human Rights in North Korea, 2013, pp. 27-29.
- ²⁶ See, for example, Eric Lichtblau, "Surviving the Nazis, Only to Be Jailed by America," *New York Times*, February 8, 2015.
- ²⁷ COI report, paras. 75-6.
- ²⁸ Joint Statement on North Korea, The Nelson Report, October 16, 2015
- ²⁹ UN General Assembly, Report of the Secretary-General on the Situation of human rights in the DPRK, A/70/393, September 25, 2015, para. 67.
- ³⁰ COI report, para. 94 (c).
- ³¹ COI report, Annex 1, Correspondence with the Supreme Leader of the DPRK and First Secretary of the Workers' Party of Korea, Kim Jong-un, January 20, 2014.
- ³² "North Korea's million man army in post-unification Korea," *NKNews*, May 31, 2015.
- ³³ See Lavinia Stan, "Confronting North Korean Communist Abuses" *Transitional Justice*, op. cit. p. 147; and Cho Jung-hyun, "Transitional Justice in a Reunified Korea: Some Initial Observations," *Transitional Justice*, op. cit. pp. 212-214, 217.
- ³⁴ "Forced unification is being studied," *Korea JoongAng Daily*, March 11, 2015. See also "Is Peaceful Korean Unification Possible?" *New York Times* editorial, December 12, 2014; and Seong-Phil Hong, "Transitional Justice in North Korea: Accountability for Human Rights Atrocities," Center for Strategic and International Studies, August 20-21, 2010.
- ³⁵ See O. Yi and D.S. Hong, "Start Thinking Now About Transitional Justice in a Post-Transition North Korea," PacNet #51, Center for Strategic and International Studies, July 11, 2013; David Hawk, Interview, October 2013; KINU reports cited in Roberta Cohen, "Human Rights in North Korea: Addressing the Challenges," *International Journal of Korean Unification Studies*, KINU, Vol. 22, No. 2, 2013, pp. 47-49; "NK carries out public execution of nearly 1,400 people since 2000: report," *Yonhap*, July 1, 2014; "Refugee testimony hints at slight improvement in NKorean prisons," *The Hankyoreh*, July 2, 2015; and Lee Sang Yong, "Marginal improvement at 'kyohwaso' amid international pressure," *NK News*, November 25, 2015.
- ³⁶ Foreign Ministry Spokesperson Hua Chunying's Regular Press Conference, February 17, 2014, at <http://www.china-un.org/eng/fyrth/t1129283.htm>
- ³⁷ See, for example, comments of David Scheffer and Morse Tan, Panel on Accountability, International Bar Association conference on US Policy toward North Korea, Johns Hopkins SAIS, at <https://www.youtube.com/watch?v=6rVT3A89pgI>
- ³⁸ The Yugoslav tribunal brought to justice 120 serious offenders, leading Bosnia to set up a domestic court to deal with lesser offenders.

-
- ³⁹ UN General Assembly, Report of the Special Rapporteur on the situation of human rights in the DPRK, A/HRC/31/70, paras. 33-35, 37, January 19, 2016.
- ⁴⁰ See comments of David Scheffer, Morse Tan, Param Preet Singh, Michael Kirby and David Tolbert, IBA Panel on Accountability, op.cit.; and Morse Tan, *North Korea, International Law and the Dual Crises: Narrative and Constructive Engagement*, Routledge, 2015.
- ⁴¹ The Asan Institute for Policy Studies, *ASAN POLL: Survey on South Korean Perceptions of Transitional Justice in Post-Unification Korea*, Seoul, 2013.
- ⁴² See comments of David Scheffer, IBA Panel on Accountability, op. cit.
- ⁴³ COI report, Annex II, pp. 30-35; and COI report 2, paras. 51, 90 (f), 436. See also Roberta Cohen, "China's Forced Repatriation of North Korean Refugees Incurs United Nations Censure," *International Journal of Korean Studies*, Spring/Summer 2014.
- ⁴⁴ Interview with Sophie Richardson, Human Rights Watch, 2013.
- ⁴⁵ See comments of David Tolbert, op. cit. IBA Panel on Accountability.
- ⁴⁶ See Lavinia Stan, "Confronting North Korean Communist Abuses: Some Possible Markers," *Transitional Justice*, op. cit. pp. 143-149. See also Baek Buhm-Suk, Lisa Collins, and Kim Yuri, "Epilogue," *Transitional Justice in Unified Korea*, pp. 242-244.
- ⁴⁷ Council on Foreign Relations, *Preparing for Sudden Change in North Korea*, 2009.
- ⁴⁸ "Report: China's Military Prepared for Collapse Scenario," *Daily NK*, May 5, 2014.
- ⁴⁹ Cohen, "China's Forced Repatriation of North Korean Refugees," op. cit.
- ⁵⁰ Interview with Col. David Maxwell, November 15, 2019.
- ⁵¹ *The Chosun Ilbo*, April 30, 2014.
- ⁵² The overall estimates of personnel in these offices are: 50,000 in the SSD, 310,000 in the MPS and 10,000 in the Military Security Command, Interview with Robert Collins, May 11, 2014; and see Ken E. Gause, *Coercion, Control, Surveillance and Punishment: An Examination of the North Korean Police State*, Committee for Human Rights in North Korea, 2012, pp. 17, 27 and 37.
- ⁵³ Collins, *ibid.*
- ⁵⁴ COI report, paras. 64-73; see also Yoshi Yamamoto, *Taken: North Korea's Criminal Abduction of Citizens of Other Countries*, Committee for Human Rights in North Korea, 2011.
- ⁵⁵ "Japan has asked U.S. to rescue North Korea abductees if a crisis breaks out," *The Japan News*, July 31, 2015.
- ⁵⁶ "Human rights organization to sue Kim Jong Un over POWs," *NK News*, June 17, 2015.
- ⁵⁷ "Report: China's Military Prepared for Collapse Scenario," *Daily NK*, May 5, 2014.
- ⁵⁸ See Richard Bush, "China's Response to Collapse in North Korea," Center for Security Studies, Angelo State University, November 14, 2013.
- ⁵⁹ Given that North Korea considers it criminal to watch a South Korean DVD, leave the country, complain about lack of food or medicine, or read the Bible, the "criminal" status meted out to North Koreans would have to be reconsidered, see Cho Jung-hyun, "Transitional Justice in a Reunified Korea: Some Initial Observations," *Transitional Justice*, op. cit. p. 216.
- ⁶⁰ Marcus Noland, "Unification planning: the South Korean government gets serious," *North Korea: Witness to Transformation* (blog), November 13, 2014.
- ⁶¹ See Bennett, *Preparing for the Possibility*, op. cit., p. 74.
- ⁶² Guiding Principles on Internal Displacement, Introduction (2), at <http://www.ohchr.org/EN/Issues/IDPersons/Pages/Standards.aspx>
- ⁶³ Kim Eunjee, "Experts: N. Korea Expresses Vulnerability to Effects of Climate Change," *VOA*, November 23, 2015.
- ⁶⁴ See "Rights Up Front," May 2014, at <http://www.un.org/sg/rightsupfront/doc/RuFAP-summary-General-Assembly.htm>; see also Secretary-General Ban Ki-moon, "'Human Rights Up Front' Initiative," at <http://www.un.org/sg/rightsupfront/>
- ⁶⁵ COI report, para. 94 (g) and COI report 2, para 1209. See also UN General Assembly, Report of the UN Special Rapporteur on Human Rights in the DPRK, October 24, 2014, A/69/33701, paras. 22-24.
- ⁶⁶ UN General Assembly, Report of the UN Special Rapporteur, *ibid.* para. 24.
- ⁶⁷ UN General Assembly, Report of the UN Secretary-General on the Situation of human rights in the DPRK, A/70/393, paras. 61-65, September 25, 2015.

-
- ⁶⁸ UN General Assembly, Report of the Working Group on the Universal Periodic Review: DPRK, July 2, 2014, A/HRC/27/10; and Add. 1, September 12, 2014.
- ⁶⁹ COI report, paras. 32-33, 39.
- ⁷⁰ COI report 2, paras. 350, 352, 354.
- ⁷¹ See UN General Assembly, Resolution on the Situation of human rights in the DPRK, A/C.3/70/L.35, October 30, 2015, para. 4.
- ⁷² See Daniel Wertz, "A Chance for Progress in North Korean Human Rights," *The Diplomat*, November 11, 2014.
- ⁷³ World Health Organization, at <http://www.who.int/tb/challenges/prisons/en/>; and <http://www.euro.who.int/en/health-topics/health-determinants/prisons-and-health/who-health-in-prisons-programme-hipp>.
- ⁷⁴ "How to Implement the UN's Human Rights up Front Strategy (HRuF) in the DPRK: Suggested Questions and Recommendations for UN Agencies, Funds and Programs," the Committee for Human Rights in North Korea (HRNK) and the Jacob Blaustein Institute for the Advancement of Human Rights (JBI), June 2015.
- ⁷⁵ UN General Assembly, Resolution on the Situation of human rights, op. cit., para. 16.
- ⁷⁶ COI report, para. 86.
- ⁷⁷ Global Centre for the Responsibility to Protect, Central African Republic, at http://www.globalr2p.org/regions/central_african_republic
- ⁷⁸ UN Security Council, Resolution 2149 on Central African Republic, April 10, 2014.
- ⁷⁹ Sandra Fahy, "Internal Migration in North Korea: Preparation for Governmental Disruption," *Asia Policy*, No. 20, July 2015, pp. 137-141.