

## **Human Rights in North Korea: An International Issue or a Sovereign Matter?**

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### **INTRODUCTION**

**T**here is no question that human rights are universal and inalienable. Recognizing the inherent dignity of all members of the human family, the international community has established a variety of international treaties to protect those rights. North Korea also joined the International Covenant on Economic, Social and Cultural Rights (Covenant A), and the International Covenant on Civil and Political Rights (Covenant B) in 1981, the Convention on the Rights of the Child in 1990, and the Convention on the Elimination of All Forms of Discrimination Against Women in 2001. Thus, when it signed on, it accepted the precepts of those treaties to safeguard the fundamental human rights of its people. However, the chronic economic crisis and testimony of recent defectors have uncovered the intolerable violations of human rights in North Korea to the outside world.

This paper is a critical review of the question of human rights in North Korea, especially focusing on the following aspects: actual human rights conditions in North Korea, concerns of the international community, and finally North Korea's response.

### THE REALITY OF HUMAN RIGHTS IN NORTH KOREA

Provisions of the two International Covenants on human rights that North Korea did indeed join, are criteria for evaluating its human rights situation. Regarding the economic, social and cultural rights of North Koreans, the serious food-shortage problem, mainly caused by the disintegration of the central rationing system, must be considered. According to *Choson Sinbo*, the official bulletin of *Chongryon* (Federation of Korean Residents in Japan Supporting North Korea), “agricultural production in the mid-1990s decreased severely nationwide, including in traditional grain-producing regions such as Hwanghae Province,” it points to the lack of fertilizer and the electricity shortage as major causes.<sup>1)</sup> Under these circumstances, the basic conditions for survival have been compromised since the mid-1990s, leading to massive starvation. The international community strongly suspects that the food distribution by the North Korean authorities has favored the privileged class, mostly living in the Pyongyang. Recently, starvation deaths have decreased because North Koreans, knowing that they cannot rely on the central government for food, have adapted themselves to the black market economy. Secondly, many of the frail and elderly have already died as a result of the lengthy famine. Thirdly, international assistance has streamlined food delivery.<sup>2)</sup>

With specific regard to the free medical care of which North Korean authorities have long boasted, medical services in North Korea appear defunct, mainly due to the economic difficulties in recent years. Basic medical supplies such as sphygmomanometers, thermometers, syringes, and above all, medicines, are not available. This has no doubt led to many deaths that could have been

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1) *Choson Sinbo*, April 12, 2002.

2) Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2002* (Seoul: KINU, 2001), pp. 17-24.

prevented under normal conditions.<sup>3)</sup> As a result, North Korean authorities have even encouraged people to seek out folk remedies.

The free education system, central to North Korean propaganda in the past, exists in name only. First, the government cannot provide textbooks. The percentage of school attendance (20 percent for the secondary schools, 30-40 percent for the colleges) is deplorably low, and college students must depend on family funds to complete their educations.<sup>4)</sup> Although freedom of occupational choice was written into the Constitution, jobs are being assigned arbitrarily by the Party and government authorities. It is worth noting that even the enforcement arm of the regime, which once held special privileges, have also been affected by the economic woes in recent years.<sup>5)</sup>

The record on public executions in North Korea reveals the symbolic violation of civil and political rights. It was not until recent publications by Amnesty International (AI)<sup>6)</sup> that a large number of public executions in North Korea became known to the outside world. According to statements by North Korean refugees, public executions have become commonplace across the nation since 1995. The overwhelming majority of those put to death in prisons and concentration camps have been individuals opposed to the regime or those committing economic offenses such as stealing state property.<sup>7)</sup> Although North Korea emphatically denies this, it once admitted to at least one case when concrete evidence was presented in a review of the second periodic report on Covenant B by the UN Human Rights Committee.<sup>8)</sup>

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3) *Ibid.*, pp. 32-40; *The Yonhap News Agency*, July 3, 2001.

4) *Ibid.*, pp. 47-52; *The Yonhap News Agency*, July 12, 2002.

5) *Ibid.*, pp. 5, 43-47.

6) Amnesty International, "Democratic People's Republic of Korea (North Korea): Public Executions: Converging Testimonies" (AI Index: ASA 24/01/97 22/01/1997).

7) KINU, *op. cit.*, pp. 56-64.

8) UN Human Rights Committee, "Record of the 1,944th Meeting: Democratic People's Republic of Korea, 23/10/2001," CCPR/C/SR 1944.

**Table 1. The 3 Classes and 51 Sub-classes**

Nucleus Class (28%)	Those with backgrounds as laborers, employed farmers (farm serfs), poor farmers, and administration clerical workers, Korean Workers' Party cadre members, survivors of revolutionary fighters (killed in anti-Japan struggles), survivors of patriotic fighters (killed as noncombatants during the Korean War), revolutionary intellectuals (trained by North Korea after national liberation), families of those killed during the Korean War, rear-area families (families of active People's Army officers and men), and honored families (family of service members wounded during the Korean War).
Unstable Class (45%)	Those from the families of small merchants, handicraftsmen, small factory owners, or small- and medium-sized service traders, unaffiliated persons from South Korea, families of those who went to the South (1st Category); families of those who went to the South (2nd Category); People who were once medium-scale farmers and capitalists, families of those who went to the South (3rd Category); those who were repatriated from China, intellectuals trained before national liberation, those deemed as lazy and corrupt, tavern hostesses, worshippers of the occult, followers of Confucianism, those who were once locally influential figures, and economic offenders.
Hostile Class (27%)	Those from the families of wealthy farmers, merchants, industrialists, or landowners, or those whose private assets have been totally confiscated, pro-Japan and pro-US individuals, reactionary bureaucrats, defectors from the South, Christians, Buddhists, Catholics, expelled party members, expelled public officials, those who helped South Korea during the war, families of anyone arrested or imprisoned, spies, anti-party and counter-revolutionary sectarians, families of those who were executed, former prison inmates, and political prisoners.

Source: Ministry of Unification, *An Overview of North Korea* (Seoul: Ministry of Unification, 1995), p. 276.

In order to better understand the real human rights conditions in North Korea, it is important to look at a number of political prisoners' camps where the majority of infringements on human

rights are thought to take place.<sup>9)</sup> As a result of testimony by defectors who had actually been in prison camps, and even members of the camp staff, the terrible conditions that exist are now public knowledge. In spite of the shroud of secrecy veiling the North, due to its lengthy isolation, *Country Reports on Human Rights Practices* issued by the U.S. State Department estimates that approximately 100,000 prisoners could occupy about ten camps. In addition, there are a number of labor training camps in major cities where innocent people are incarcerated without due process of law.<sup>10)</sup>

While North Korea has boasted of its policy of *indok* or “benevolent virtue,” it regularly violates all fundamentals of equality. The entire populace is classified into three categories, the “nucleus class,” the “unstable class,” and “hostile class.” (See Table 1) Authorities thus discriminate against citizens in matters of college admission, military service, and job assignments. Moreover, freedom of travel and movement have also been limited by the “travel certificate system,” especially after the food shortage worsened. Freedom of assembly and freedom of association are also unknown in the North, as evidenced by the absence of private organizations. Only extra-governmental bodies led by the Workers’ Party are allowed.<sup>11)</sup> Regardless of North Korea’s assertion that its Constitution guarantees freedom of religion, the international community has concluded that there is no freedom of religion in North Korea.<sup>12)</sup> In

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9) Confinement Facilities in North Korea

	Economic Criminals and Criminals Found Guilty of Violent Crimes	Political Criminals
Supervising Institution	Ministry of Public Security	State Security Agency
Confinement Facilities	Rehabilitation Centers, Labor Training Camps	Concentration Camps

Source: KINU, *op. cit.*, p. 69.

10) KINU, *op. cit.*, pp. 72-73, 147-172.

11) *Ibid.*, pp. 82-146.

12) UN Human Rights Committee, “Second Periodic Report: Democratic People’s

reports, for example, the *Annual Report on International Religious Freedom* drawn up by the U.S. State Department, North Korea has been named a country supporting religious suppression.

### RESPONSE BY THE INTERNATIONAL COMMUNITY

The question of human rights in North Korea has recently topped the list of issues in the international community, mainly as a result of the growing interest of international organizations, non-governmental organizations (NGOs) such as AI, and various countries. Also included are the efforts of several human rights-related institutions at the UN. After a two-year review, for example, the UN Sub-Commission on the Promotion and Protection of Human Rights adopted a resolution against North Korea, mostly based on civil and political rights such as freedom of movement.<sup>13</sup> Several countries and NGOs have also raised the question of human rights in North Korea, mostly by relying on Item 9—the question of violation of human rights and fundamental freedoms in any part of the world—at the annual UN Commission on Human Rights.

After reviewing the second periodic report of Covenant B submitted by North Korea in 2000, the UN Human Rights Committee concluded in July 2001 that the general human rights conditions of North Korea were far below the satisfactory level. The Committee also made several recommendations for the improvement of human rights in North Korea as follows: impartiality and independence of the judiciary; review and amendment of death-penalty-related criminal

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Republic of Korea, 04/05/2000," CCPR/C/PRK/2000/2 (State Party Report); *The Yonhap News Agency*, May 1, 2002; August 26, 2002.

13) UN Sub-Commission on the Promotion and Protection of Human Rights, "Situation of Human Rights in the Democratic People's Republic of Korea Sub-Commission Resolution, 1997/3," E/CN.4/SUB.2/RES/1997/3; Situation of human rights in the Democratic People's Republic of Korea Sub-Commission resolution, 1998/2," E/CN.4/SUB.2/RES/1998/2.

**Table 2. Crimes Subject to Capital Punishment in North Korea**

Sedition against sovereignty	Capital punishment may be handed down to the leader(s) of armed revolt in an attempt to topple the state sovereignty; others are subject to appropriate prison terms.
Treason against the fatherland	Capital punishment may be given to those criminals who attempted to topple the Republic and fled the country. Applied in especially serious cases.
Treason against the people	Capital punishment may be given to those who, as Koreans, participated in oppressions or persecutions of the national liberation movement in collusion with the imperialists under their direction, including those who sold out the nation or national interest, particularly in serious cases.
Terrorist acts	Capital punishment is applicable to those who committed terror on the leaders and people with the aim of resisting against the Republic, particularly serious cases.
Premeditated murder	Capital punishment is given to those who committed murder out of greed, jealousy, base motivations, or to conceal other serious and egregious crimes, or to threaten many lives. Also imposed on people whose responsibility is to support or care for human beings.

Source: Korea Institute for National Unification, *White Paper on Human Rights in North Korea* (Seoul: KINU, 2002), p. 55.

codes (See Table 2) as required under the Covenant, along with halting public executions; easier access to territory by international human rights organizations and allowing accessibility to vital human rights information; allowing independent internal and international inspection of prisons, concentration camps, rehabilitation centers and other areas of detention or imprisonment; making concerted efforts to reduce infant mortality and increase life expectancy; and establishing a national human rights institution.<sup>14)</sup>

14) UN Human Rights Committee, "Concluding Observations of the Human Rights

Among the countries involved, the U.S. has assumed the leadership role for improved human rights conditions in North Korea. Rather than dealing with the human rights issue in official meetings with North Korean authorities, however, it has indirectly approached the issue by relying on the Annual Human Rights Reports by the State Department, speeches at the UN, and so on.

The inauguration of President Bush has ushered in some changes, however, in terms of U.S. policy toward human rights problems in North Korea. Specifically, President Bush has bluntly criticized the North, led by Kim Jong-il, saying it is “unable to take care of its hungry people,” and that it has “closed itself off from the outside world.” Arguing for freedom of the people, particularly individual freedom, Bush also indicates that he intends to discuss the matter directly with North Korean authorities.<sup>15)</sup> Stating that “the U.S. government is very concerned about human rights and refugee issues in North Korea,”<sup>16)</sup> Thomas C. Hubbard, U.S. ambassador to South Korea, also indicated in March 2002 that human rights should be on the agenda in negotiations with North Korea. In addition to the above-mentioned efforts by the U.S. government, the U.S. Committee for Human Rights in North Korea has also taken an active part in raising several human rights issues in North Korea dealing with concentration camps, rehabilitation centers, starvation and refugees.

In addition to the U.S., members of the European Union have also raised concerns about the human rights situation in North Korea, through speeches at the UN and also through separate dialogues with North Korean authorities.

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Committee: Democratic People’s Republic of Korea, 27/08/2001,” CCPR/CO/72/PRK (Concluding Observations/Comments).

15) *The Yonhap News Agency*, February 20, 2000.

16) *The Yonhap News Agency*, May 21, 2002.

## THE RESPONSE OF NORTH KOREA

### *Human Rights as a Tool for Neo-Colonialism*

The North has regarded the international proposal on human rights as a political issue that directly impacts its stability and security. North Korea's strong opposition to such international efforts stems from the perception that the human rights issue had been used by Western countries to promote their imperialistic goals to destroy socialist countries during the Cold War era.<sup>17)</sup> In the post-Cold War era that lacks the previous balance of international power, the North Korean authorities believe that Western imperialists are taking advantage of that vacuum by pursuing global hegemony. Unlike the Cold War era, however, they cannot use aggressive means as easily. Instead, they have created a philosophical smokescreen, i.e., such as human rights and freedom, in order to establish a neo-colonialist international order to invade and plunder non-Western countries.<sup>18)</sup>

The North looks upon western efforts to put human rights on the international agenda as a move to impose its own "superior" political model on the rest of the world.<sup>19)</sup> In response, North Korea has resorted to a rationale of cultural relativism,<sup>20)</sup> saying that it has the right to its own standards<sup>21)</sup> corresponding to the demands and interests of North Koreans themselves,<sup>22)</sup> pointing out that no single

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17) Kim Il-sung, *Kim Il-sung Anthology*, Vol. 32 (Pyongyang: Korea Workers' Party Press, 1986), p. 537.

18) *Rodong Shinmun*, January 12, 2000.

19) *Rodong Shinmun*, January 8, 2000.

20) About the Cultural Relativism, John J. Tilley, "Cultural Relativism," *Human Rights Quarterly*, Vol. 22, No. 2 (May 2000).

21) *Rodong Shinmun*, March 16, 2001.

22) Kim Il-sung, *Kim Il-sung Anthology*, Vol. 44 (Pyongyang: Korea Workers' Party Press, 1996), p. 371; *Rodong Shinmun*, March 2, 2001.

universal criterion applies to all the countries in the world. However, the North has yet to establish concrete standards for the promotion of human rights for its people.

*Response Based on the "Principle of Sovereignty"*

Under the current international structure in which nations are still major actors, the principle of sovereignty<sup>23)</sup> has been used as a weapon to stave off human rights-related criticism from the international arena. In fact, North Korean authorities have also relied on that principle in dealing with international suggestions for the improved human rights conditions for its people. Insisting that state sovereignty is preeminent, the North holds that a discussion of human rights has no merit without the presence of strong state sovereignty.<sup>24)</sup>

The international community has promoted human rights issues under two principles: (1) Human rights are universal rights that know no boundaries. (2) Suggestions from the international community for improving human rights is not interference in the domestic affairs of other countries.<sup>25)</sup> Yet North Korea insists it is a violation of the principles of sovereignty. In one example, a North Korean representative insisted at the 56th UN Commission on Human Rights on March 29, 2002 that the sovereignty principle should be fully guaranteed before discussing the human rights issue. He said that while some powerful countries have tried to redefine

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23) After the end of the Cold War new analyses for relation between human right and principles of the sovereignty have been risen, such as the UN's response that intends to interpret "the menace to peace" broadly and the appearance of the concept of the individual sovereignty. Choi Ui-chul, *Human Rights and International Relations, and Human Rights of North Korea* (Seoul: Paeksan Materials, 2001), pp. 54-59.

24) Kim Jong-il, *Kim Jong-il Anthology*, Vol. 13 (Pyongyang: Korea Workers' Party Press, 1998), p. 477.

25) *Rodong Shinmun*, January 12, 2000.

the principle of sovereignty in an attempt to guarantee the universality of human rights, it was only an excuse to interfere in the political affairs of smaller, weaker countries. He concluded that the sovereignty principle should be reinforced rather than being misused.<sup>26)</sup> In short, North Korea perceives the sovereignty principle as an independent variable and the human rights issue, a dependent variable.

The representative also pointed out a multitude of humanitarian interventions by the international community in several regions, mentioning that as a result, many innocent people had been killed and infrastructure destroyed.<sup>27)</sup> He also criticized that it was a violation of sovereignty and general international law provided in the UN Charter.<sup>28)</sup>

According to North Korea, such intervention has been directly reflected in UN politics. The North Korean representative at the UN Commission on Human Rights on April 6, 1999 alluded to the “dual standard of the UN Commission”<sup>29)</sup> arguing that while there had been serious infringements of human rights in the west, they had been ignored by pro-western countries, while the large majority of countries with non-western socio-political systems that had been seeking to strengthen their autonomies were targeted for “humanitarian intervention.”

### *The U.S., A Self-Appointed Human Rights Arbiter?*

North Korea believes the U.S., more than any other nation, is using the human rights issue as a means to intervene in the domestic affairs of other countries.<sup>30)</sup> It accuses the U.S. of holding up its

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26) Statement by The Delegation of the Democratic People's Republic of Korea to the Fifty-Sixth Session of the Commission on Human Rights (March 29, 2000).

27) *Ibid.*

28) *The Korean Central News Agency (KCNA)*, September 18, 2000.

29) *KCNA*, April 14, 1999.

standard as the universal model, and of attempting to force others to accept the American value system.<sup>31)</sup> One of its main targets, they say, is destroying the North Korean socialist system.<sup>32)</sup>

In calling into question the qualifications of the U.S. as a self-appointed judge,<sup>33)</sup> North Korea points to many protracted problems in the U.S.:<sup>34)</sup> Homeless people on the streets, joblessness and extreme poverty; high crime rates; anti-Semitism and racial discrimination; political violence; and the mass media acting as the government mouthpiece. The North also cites surveillance by federal agencies of progressive social groups and its members, including ordinary citizens. It also mentions that the freedoms of speech, press and demonstration are suppressed, and that reform-minded activists are persecuted and expelled.

#### *Countermeasures by North Korean Authorities*

As evidenced by its effects to deal with a number of international proposals, North Korea appears to be observing the rules of several international covenants on human rights. As part of its duties as a member country of Covenant A and Covenant B and the Convention on the Rights of the Child, North Korea, for example, had submitted its first periodic report. It failed, however, to submit regular reports every five years. When the UN Sub-Commission on the Promotion and Protection of Human Rights lodged a resolution against it in 1997 and 1998, the North threatened to withdraw from covenant B.<sup>35)</sup>

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30) *Rodong Shinmun*, May 22, 1998; October 27, 1998; April 9, 2001.

31) *KCNA*, December 26, 1998.

32) *Minju Chosun*, March 4, 2000.

33) *Rodong Shinmun*, March 19, 2001.

34) *KCNA*, March 6, 1999; March 9, 1999; *Minju Chosun*, March 9, 2000; *Rodong Shinmun*, June 24, 1995; May 20, 2000; May 25, 2000; March 19, 2001.

35) About the withdrawal announcement of North Korea, Kim Myoung-ki, *Human Right of North Korean and International Law* (Seoul: Bubsu, 2000), pp. 69-94; UN

Yet, in a turnaround, it finally submitted the second periodic report of covenant B to the UN Commission on Human Rights in March 2000.

One of the reasons for North Korea's change of heart is the severity of its economic woes. Pyongyang now realizes it needs to emerge from international isolation in order to receive some help from the international community. While the submission of state reports and legal revisions is a step in the right direction, such minor attempts have not translated into any practical improvement of human rights conditions.

Another feature of North Korea's countermeasures is seen in different strategies it takes toward different countries. In fact, North Korea had already held human rights-related dialogues with the EU in 2001, and it is reported that North Korean officials had received training on human rights somewhere in Sweden. In other words, North Korea has shown some cooperation with the EU in order to clean up its negative image in the international arena.<sup>36)</sup> In contrast, it has remained critical of the U.S. This strategy can be understood as an attempt to wrest itself from intense U.S. pressure, by cooperating only with the EU.

North Korea has also tried to comply with suggestions from NGOs, specifically, by inviting AI personnel to its concentration camps and rehabilitation centers in North Korea in 1995. However, North Korean authorities turned down the latest request from the UN Commission on Human Rights for NGO officials to enter to its detention facilities, saying that after their last visit, AI personnel had distorted the facts about conditions in the North.

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Documents, "Continuing of Obligations under International Human Rights Treaties Sub-Commission Resolution, 1999/5," E/CN.4/SUB.2/RES/1999/5.

36) *The Yonhap News Agency*, February 26, 2002.

## CONCLUSION

Poor human rights conditions in North Korea appear to stem from systemic features such as the socialist system and one-man rule. More specifically, the concept of human rights in North Korea is founded upon the notion of class. According to the North's definition of human rights, the connotation of "human" does not apply to all human beings, but to a specific group of people (i.e. class). According to *Rodong Shinmun*, the Party newspaper, "Human rights is a class-dependent concept. Based on the concept of human rights we are referring to, suppressive policies against a few antagonistic classes can be understood in the overall promotion of human rights in the sense that such a policy promotes rights for all the socialist classes including workers, farmers, and intellectuals."<sup>37)</sup>

In addition to class-based human rights in North Korea, the North argues that it is founded upon the notion of collectivity, i.e., collective interest and responsibility should come first before the basic rights of the individual. The socialist constitution emphasizes that a collective philosophy, as evidenced by the following phrase: "One for all, and all for one." They also argue that a capitalist society puts individual interests before collective ones, leading not only to conflictive social inequality among people, but also to the situation in which the rich get richer and the poor get poorer. They suggest that by setting collective interests above individual ones, collectivism results in the convergence of individual and collective interests.

Along with class- and collectivity-based features of human rights, the one-man rule in North Korea can also be said to affect the human rights conditions of ordinary North Koreans. As we can see from the fact that the constitution was named the "Kim Il-sung Constitution" and the year of his birth was designated as the

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37) *Rodong Shinmun*, June 24, 1995.

beginning of North Korea's chronology, absolute loyalty toward the one ruler has been a matter of the highest priority. In fact, the ruler's directives take precedence over the Constitution, and his ten-point party principles function as the basic regulations control people's daily lives. In order to maintain such a long period of one-man rule, North Korean authorities have, therefore, depended not only on ideological education as a way to prevent the ideology of capitalism and individualism from being disseminated, but also on the frequent use of physical force by government police. North Korea claims that it protects economic, social, and cultural rights, but there is no evidence supporting those claims.

Although the North has blamed poor human rights conditions on U.S. economic sanctions and natural disasters, the underlying reasons appear to lie in systemic problems, among others: outdated technology mainly caused by the long period of isolation from the international arena, the lack of materials, the lack of tangible incentives inherent in the collective method of production, and a lack of necessary supplies owing to the scarcity of energy.

We have witnessed some cooperative gestures by North Korean authorities in recent years, which can be explained by the North's strong recognition that without assistance from the international community, they cannot overcome current economic problems. More specifically, North Korean authorities seem to be trying to meet demands from the international community such as the UN, as we can see from the recent attempt to revise existing laws. If we consider the telling statements by those who have fled from North Korea, however, it seems clear that there is still a long way to go before such partial efforts will translate into real improvements in human rights conditions for North Koreans.

It is now time for South Korea, in cooperation with the international community, to find a better solution to poor human rights conditions of North Koreans. Important to note at this point is that perception of the leadership must also change in order to bring about improvements in human rights conditions. In addition, human

rights-related dialogues focusing on practical matters in the international community (i.e. dialogue between EU and North Korea) should be held more frequently.<sup>38)</sup> In the meantime, the international community should also make efforts to persuade North Korean authorities that the international proposals for the improvements have nothing to do with its system's stability. For that purpose, closer diplomatic relations between the U.S. and North Korea should be established. In addition, any specific suggestion for the change in Covenant B, for example, should be made through international organizations, not directly by the U.S. government.

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38) Several suggestions in the concluding observations of Human Rights Committee on the North Korea's second periodic report (August 27, 2001), and 13-point recommendations of the U.S. Commission on International Religious Freedom will be good guidelines. Human Rights Committee, *op. cit.*; United States Commission on International Religious Freedom, "Report on the Democratic People's Republic of Korea," [<http://uscirf.gov>].