



유럽북한인권협회
European Alliance
for Human Rights
in North Korea

A Truth Commission for a Future North Korea

Discussion Paper

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The European Alliance for Human Rights in North Korea was formed in January 2013 by a group of young activists, journalists, academics, and North Korean exiles. In founding EAHRNK, its members believed that new paths of knowledge were needed to discern how human rights continue to be violated in North Korea and why the efforts of the international community have failed to halt modern history's most enduring human tragedy.

In pursuit of a new understanding, we look to the factors that can lead to truly transformational change in North Korean society — from the *jangmadang* generation to the knowledge of the tens of thousands of North Koreans who have escaped their home country. We aspire to present informed perspectives on North Korea and for our work to move beyond borders, ideologies and geographical narratives. In travelling beyond the known compass points, our vision is simple: to improve the lives of North Koreans.

More information on EAHRNK can be found at: <http://www.eahrnk.org>

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Introduction

“Truth will ultimately prevail where there is pains to bring it to light”.

George Washington

Existential change will soon come to the Democratic People’s Republic of Korea (DPRK or North Korea). Whether change comes by way of collapse, rebellion, or reform is not known; but the execution of Jang Song-taek in December 2013, Hwang Pyong-so’s visit to Incheon in October 2014, and declining diplomatic cohesiveness are just minor indicators of a much larger, if less perceptible, erosion of institutional consistency in Pyongyang.¹

Those who now prepare for existential change in North Korea operate beyond a burden of proof. They prepare for change not in the hope that it may come, but with the knowledge that North Korea can no longer exist. Consensus or debate with academics or commentators is inconsequential. As transformation on the Korean peninsula fast approaches, it is in the interests of key stakeholders to take immediate steps to address a series of existential challenges that will soon face a new North Korean leadership likely to be bereft of compass points.²

The scale of the coming task is vastly more complex than narratives of unification or democratisation suggest. It is a task that requires realism and effective preparation for the responsibilities that will befall a new North Korean leadership and the international community — including preparation for mitigating the very worst effects of mass refugee flows, managing factional violence, securing nuclear stockpiles and conventional arms, and averting humanitarian disasters.

In this context, a reckoning of social justice will rank low on the first-day agenda for a new Pyongyang leadership and regional powers. The need for justice will, for better or worse, be naught in comparison to

¹ Changes in North Korean society are more obvious, if less important to the cohesiveness of DPRK state and system.

² There is little reason to assess proposals that include dialogue or engagement with the current DPRK Government. Such an approach has never and can never work. DPRK is not responsive to its citizens, its political class, or ‘normal’ self-interests of Westphalian states. Further, it will not be swayed by offers of political legitimacy, peace-deals, nuclear disarmament, human rights, humanitarian and economic aid, diplomacy, or other forms of engagement — critical or otherwise. Decades of history, combined with testimony from those who worked in DPRK political organs, confirms this. Change and reform for the North Korean leadership is equal to its ruin. DPRK’s rulers seek survival through nuclear weapons and the exploitation of its people. An end to these practices will mean an end to the DPRK.

securing nuclear stockpiles or negotiating with powerful actors. Yet this does not mean that justice for tens of millions of long-suffering North Koreans should be postponed to a distant future. The recent case of South Sudan reminds us that any newly established government that fails to adequately address historic abuses can quickly suffer under the weight of its own history and leave a legacy of social, economic, and political instability. Regional powers can ill afford for the same fate to befall North Korea.

In preparation for change, the international community must begin planning and tailoring a transitional justice mechanism that moves beyond comparative examples, suits the unique difficulties of North Korea, and accompanies any efforts for justice at the International Criminal Court.³ Victims will require a mechanism that befits an entire nation; that recognises North Korea's abuses as *sui generis*; that works within prevailing structures to effect extra-structural change; that offers a dedicated form of social accountability; and that swiftly leads North Korean society past sixty years of authoritarian rule towards a stable and peaceful future.

In such a situation, the international community should begin planning and establishing a Truth Commission. Focusing on victim testimony rather than justice *per se*, Archbishop Desmond Tutu, an architect of South Africa's own Truth and Reconciliation Commission, imagined the process as a 'third-way' between the mass trials of Nuremberg and Tokyo and the wholesale amnesties of transitional justice processes in Latin America. Unlike criminal trials, a Truth Commission would reach out to tens or hundreds of thousands of North Koreans to fully document and acknowledge their experiences, becoming a facilitator of catharsis, a platform for social self-examination, a tool for future judicial action, an early building block for nation-building, and an arbiter of restorative justice for victims.

Why must this process happen now? A fine line exists between national amnesia and mass retribution and all forms of transitional justice must deal with imperfect realities, but on balance a Truth Commission appears the most suitable *modus vivendi* for North Korea's future. Putting theory in practice requires not just effective planning, but also sufficient time — a commodity that will soon be in increasingly short supply. It is incumbent upon key stakeholders in a future North Korea and those who today work to protect North Korean human rights to prepare for tomorrow's North Korea. Access to justice is just one facet of this great task.

³ Prosecutions of those suspected of crimes against humanity is necessary, but justice extends beyond The Hague and it is unfeasible and undesirable to put the North Korean nation on trial given the oft-blurred lines between victim and perpetrator. Nor is it certain that victims will find peace through prosecutions of a small number of political elite.

A Truth Commission for North Korea

Justice for North Koreans is not inevitable; it must be established, supported, and executed. Preparing the groundwork for a Truth Commission (TC) that can be adopted by a future North Korean Government is one way of ensuring that a moral obligation and legal duty, as set out in both North and South Korean domestic law, treaty law, general international law, and customary international law, is fulfilled.

Historically, TCs have tended to be state-sanctioned, short-term, and internationally recognised non-judicial bodies. These bodies have investigated past abuses, primarily through collecting victim testimony in public enquiries, and issued authoritative public reports and series of recommendations for new or transitional leaderships. Established under varying banners, TCs have often been headed by a small group of expert commissioners who are aided by large organisational and research workforces. Often forming just one component of a comprehensive transitional justice strategy, TCs have exerted significant political impacts upon societies with legacies of human rights violations.

Owing to past successes, TCs are today heralded as necessary periods of reckoning for societies emerging from periods of mass violence. But it should be noted that they are not suitable for all scenarios. Some governments, such as Zimbabwe, have co-opted TCs for their own ends, while other commissions have fallen victim to political manoeuvring. In the context of North Korea, much will depend upon the future dynamics of Pyongyang and the available leverage of committed external actors, but if hurdles described in this paper can be overcome, a TC could provide ordinary citizens with an opportunity to speak truth to power and allow a new leadership to come to terms with its institutional legacy.

Will North Korea be ready for a TC? While a scenario for change in North Korea cannot be predicted, four important elements should first exist. First, a future North Korean Government must permit and support an examination of past abuses. Second, a future North Korean Government must have ended its predecessor's authoritarian practices, closed the country's concentration camp network, and begun repurposing tools of state repression, such as the Ministry of People's Security. Third, the international community must have completed a consultative phase in readiness for a TC and pooled sufficient funding for its operation. Fourth, the support and participation of North Korean victims and exiles must be actively sought in the commission's work.

Preparing for a North Korean Truth Commission

Effective TCs are preceded by timely consultation phases that are designed to suit a country's specific needs, organisational strengths and weaknesses, and lasting opportunities for state-society relations. A TC for North Korea should be no different. A consultation period should be initiated without delay to explore a mandate, ground the commission in available domestic and international law, identify potential commissioners, seek funding, explore opportunities for staff training, and begin a public outreach campaign.⁴ The following steps briefly review key considerations for this task.

Point 1. Establish the mandate of the commission

A mandate should precede all steps to establish a TC, its purpose being threefold:⁵ First, to set out the commission's functions. Second, to establish the purpose of inquiry. Third, to delineate all powers and processes that will empower commissioners and staff to fulfil their duties.

National governments are typically the legitimising and legal sources for mandates, but in the case of North Korea — where a government is in terminal decline, but not yet departed — a provisional mandate should be issued by a reputable international body so that the process of establishing a commission can begin. Starting the process once change has come to North Korea will be too late. Competing resources and needs will render justice an afterthought and consign accountability to an unknown future.

The process of establishing a mandate should not be instigated by the United Nations, who would likely be unwilling to actively participate in the establishment of accountability mechanisms for a future and unknowable state. Instead, such a process should be led by an internationally recognised body, or bodies, such as the Centre for Justice and Accountability or the International Centre for Transitional Justice,⁶ who could work free of the shackles of sovereignty.⁷

⁴ On average, this process can last between three and six months.

⁵ Drafting the TC's mandate is a foundational step. Be it to ensure justice, to allow truth to emerge, to foster peace and reconciliation across society, or to enhance security and stability, a well-defined mandate will establish the identity of the commission and spark social and political interest in planning for dramatic change in North Korea.

⁶ Lead actors at this stage should still communicate with key stakeholders, such as the United Nations Special Rapporteur.

⁷ As the next Government of North Korea undertakes its transition, negotiations on the transfer of the mandate can occur.

Consultations on the mandate should be led by experienced individuals from the fields of international law, transitional justice, human rights, humanitarian law, and post-conflict reconstruction, alongside an executive advisory panel of North Korean exiles. Open to public participation, consultations should strive to be transparent, democratic, and accountable and must be subject to the popular will of North Korean exiles. It would be inconceivable for a mandate to be issued without the participation of those it seeks to help. In many cases, consultations will include workshops, public hearings, debates, and fact-finding missions to the sites of former international TCs.⁸

Point 2. Define the focus of the investigation

Two core features of the mandate will be the establishment of the commission's purpose and the objectives of its investigation.

The purpose of the TC will present the motives for the commission and establish its mission, its legal grounding, its methodology, and its investigative priorities. A TC's objectives must be plainly worded and easy to interpret,⁹ for if a mandate fails to be descriptive or is too far-reaching, its scope is likely to be diminished.¹⁰ With a view to the work of the United Nations Commission of Inquiry on North Korea, the nine substantive human rights violations identified for investigation — violations of the right to food; violations associated with prison camps; torture and inhuman treatment; arbitrary arrest and detention; discrimination, in particular in the systemic denial and violation of basic human rights and fundamental freedoms; violations of the freedom of expression; violations of the right to life; violations of the freedom of individual movement; and enforced disappearances, including in the form of abductions of nationals of other states — would inform a commission's objectives well.

Point 3. Establish the scope of investigations

A consultation phase must establish whether the commission can investigate and receive testimony concerning violations that were perpetrated by North Korean agents outside of North Korean territory, such

⁸ Given the high proportion of social media usage in South Korea and the level of internet penetration, it would be advisable for the consultation to include outreach on platforms such as Kakao, Facebook, Twitter, and CyWorld, and for communication with victims to be channelled back through these sources. Ease of access and engagement with the North Korean diaspora beyond South Korea will be aided by an online process.

⁹ For example: '*Establish the truth about crimes and violations of human rights; Clarify the persons and institutions answerable for crimes; Identify the reasons for abuses; and Establish which groups suffered abuses.*'

¹⁰ For example, the mandate of the Truth and Reconciliation Commission of Liberia set an objective of promoting peace, reconciliation, and security through investigations that spanned violations of domestic civil law to international humanitarian law — an objective that was as exhaustive as it was unattainable.

as abductions or abuses committed against North Korean workers abroad. Political sensitivities will likely arise over this issue, particularly concerning abuses committed in China, but this is no reason not to pursue the matter. If initial conversations with international actors suggest that outward looking investigations will stall progress for a TC, areas of investigation may simply be deferred to a separate process, such as a future North Korean National Human Rights Commission.

Point 4. Enshrine the temporal scope of the commission and its time-span of investigation

Setting a lifespan for a TC will serve the interests of the future North Korean state and society and will ensure that the process maintains momentum. Recent TCs, such as those of Peru, East Timor, Liberia, and Sierra Leone, operated for a period of between two and three years, but given that North Korea's future political situation remains unknown, a functioning period ought to be flexible and allow for short-term extensions. Setting a time-span of investigations at an early stage will also be of importance to the commission's legal experts who will need to establish the timeframes that treaty laws, general international laws, and customary international laws became applicable to the North Korean Government's actions.¹¹

Point 5. Account for victim populations

Historically, TCs have failed to adequately address the participation of marginalised victim populations in their investigations, staffing, or final reports.¹² This is not only regrettable for victims, but also for future societal relations. TCs carry lasting political ramifications and offer societies opportunities to bring marginalised groups into the public and political spheres, establishing future access to justice and laying foundations for fundamental social change.

In the context of North Korea, and given the disproportionate suffering endured by North Korean women, a TC should mainstream gender awareness across its operations at an early stage — from the writing of its mandate and the recruitment of commissioners and staff to the creation of hearings and the questions asked of witnesses.¹³

¹¹ TCs generally consider and establish investigative time-spans to cover periods of the most severe abuses; for example, East Timor's investigations covered twenty-five years, Peru's covered twenty years, and Liberia's covered twenty-four years.

¹² Only 17% of testimonies in South Africa's Truth and Reconciliation Commission focused on violations endured by women, leaving lasting social scars and patterns of gender-based violence in society. Sri Lanka's truth-telling mechanism was also largely ignorant of the experiences of women and entrenched an existing discrimination of Tamil women through their exclusion.

¹³ During the consultation phase, aid may be sought from the United Nations Office of the High Commission of Human Rights, who part-funded a gender unit for Peru's TC, the United Nations Development Fund for Women, who trained

For instance, the TC must account for the fact that women have historically been less likely to testify about violations committed against themselves than those borne by male relatives, owing to fears of social discrimination or shame. Several initiatives may be trialled in the consultation phase to combat this issue, such as the use of workshops to familiarise women with the TC’s methodology; an outreach programme on media platforms; the use of community leaders and networks to foster trust in the TC’s processes; the appointment of specialist female commissioners that can head thematic or individual hearings for women; and the enshrining of gender as a key organising principle for the commission.

Point 6. Establish the powers of the commission

At the point that a transitional North Korean Government assumes control of the TC, the powers that it extends to the commission will determine the commission’s effectiveness and signal the willingness of the new leadership to embrace changes in the country’s human rights landscape. At the very least, a North Korean TC will require the ability to summon individuals for interview, provide protection to witnesses, issue penalties to those who refuse to fully cooperate, and to call upon public authorities to aid coordination of public hearings. Many commissions have held powers of subpoena, allowing commissioners to compel testimony from key witnesses, but given the necessary restructuring of the Ministry of People’s Security, this power is unlikely to be extended to a North Korean commission.

Point 7. Execute the commission’s recommendations

When crafting a mandate, explicit reference should be made to the duty of a transitional North Korean Government to consider the implementation of a TC’s recommendations. Attempts to impose a mandatory implementation of recommendations will not be desirable during the consultative phase and may create constitutional and legal challenges when a new North Korean Government is established. Instead, a commission’s mandate should urge a future North Korean Government to consider its recommendations and to issue a public response to the recommendations within a set period after receipt of the final report.

Point 8. Appointing commissioners

staff in gender matters for Sierra Leone’s commission, and civil society, who can mobilise and train female North Korean refugees to become staff on steering committees, statement-clerks, or expert advisers.

The credibility of commissioners lends considerable weight to any TC. Commissioners who are perceived to be independent of governmental and international pressures and are widely respected in their professions will ensure that the functioning of a TC is less likely to be overshadowed by organisational controversy.¹⁴

Given the unavoidable dearth of respected and impartial North Korean judges, lawyers, human rights experts, social psychologists, and gender experts, a North Korean TC must consider a ‘hybrid commission’ — a TC that is comprised of commissioners of differing nationalities. The success of the United Nations Commission of Inquiry, which was headed by nationals of Australia, Indonesia, and Serbia, lends weight to this suggestion. Following the identification of potential commissioners (recent TCs have operated with an average of eleven commissioners), consultations should be held with North Korean exiles to gauge public support.

Point 9. Staffing the commission

Although the functions of personnel correspond to a TC’s explicit mandate, commissions tend to command operational staffs of between 250-500 members.¹⁵ Commissions with sufficient time and resources can carefully select staff and provide specialist training during a consultative process, suggesting that time is directly relational to capacity. In 2006, Liberia’s TC trained over three hundred personnel as statement-clerks, investigators, and coordinators in preparation for its testimony sessions, which is a practice that should be replicated with North Korean exiles currently residing in South Korea and beyond.

Point 10. Raising funds for a commission

While their terms and motivations of investigations differ, TCs have been more cost-effective paths to justice than international tribunals. The 2016 budget of the International Criminal Court stood at \$173 million with a staff of over seven hundred, while a three-year TC can cost an estimated \$25.5 million.

¹⁴ For example, El Salvador’s commission was headed by commissioners from Venezuela, Colombia, and the United States, in addition to a wholly international staff, while Salvadorian civil society was side-lined. Twenty-three years on from the release of El Salvador’s report, few recommendations have been implemented, successive governments have failed to acknowledge its findings, and El Salvadorian society remains largely divorced from it process.

¹⁵ Staff generally include: a chair; an executive director; a communications team; an administrative and human resources unit; legal advisors; an investigations unit; specialists in international law, human rights, gender violence, political structures, health, and mental health; translators; statement-clerks; data-entry specialists; and security teams.

With increased budgets, commissions can travel widely within a country, employ higher numbers of staff, and engage with hundreds or thousands of witnesses.¹⁶ In many situations, a host government will fund a percentage of a commission's work, but in the case of North Korea funds are likely to be scarce and it is expected that the international community will offer significant financial aid. During the commission's consultative phase, a fund-raising strategy should be agreed upon and international donors approached, while the United States and South Korea should establish addendums to their North Korea Human Rights Acts that call for capacity building and funding in readiness for transitional justice in North Korea.

Point 11. Media Training

Communicating with victims and a wider national and international public is an essential component of modern commissions.¹⁷ In a scenario where North Korea's public broadcasting systems are unable to be immediately restructured to sufficiently aid a commission's on-the-ground work, thoughts may extend to the expansion of South Korea's media networks to the North. This merits careful consideration, but a consultative stage can explore such an option and prepare a communication strategy through the establishment of a dedicated Media Centre. A Media Centre would conduct training workshops for broadcasters, editors, and journalists on the functioning of a North Korean TC; establish a reporting code-of-conduct (especially for the coverage of witness testimonies and hearings); launch an official channel for the commission's dissemination of information; and create partnerships with refugee-led media who would distribute knowledge about the commission's consultative phase across the exiled community.

¹⁶ For instance, South Africa's highly successful commission was provided with an annual budget of \$18 million and was staffed by over three hundred personnel for its lifetime. In contrast, Chile's less successful TC was provided with a budget of \$1 million that funded sixty members of staff, while El Salvador's commission operated on \$2.5 million with just thirty staff.

¹⁷ Despite its ease of reading, Michael Kirby, Commissioner of the United Nations Commission of Inquiry on North Korea, has called for his report to be simplified for a general audience and distributed more widely across different media platforms.

The repurposing of North Korea's *inminban* system

The reconstruction of states that are defined as *post-conflict*, *post-collapse*, or *transitional* have historically been complex and multidimensional efforts. Nevertheless, one common denominator has been a lack of security, which has gone on to undermine efforts to establish political institutions, regain public order, rebuild economies, or increase state capacities.¹⁸ Within such situations of political, economic, and military upheaval, the primary victims are often ordinary citizens.

Given that the international community can affect, but not know, how change will come to North Korea, it is difficult to foresee how transitional reconstruction will transpire. But North Korea is not, and will hopefully never become, a structurally failed state. A strong framework of public institutions is embedded into the social fabric and will likely endure as the country enters its transitional phase. Some institutions will be unable to continue in their current forms, but this fact does not necessitate their destruction. Instead, it requires their considered repurposing for a new nation.

Fortuitously, an existing, if imperfect, institution exists in North Korea that can aid the work of a TC. That institution is the *inminban*.

Translated as 'people's units', *inminban* are the smallest administrative unit in the North Korean governing system and are currently utilised as a surveillance arm of the Korean Workers' Party to govern every North Korean citizen, specifically in the realm of organisational Party life-conduct beyond the workplace. Comprised of the residents of twenty-five to thirty households living in apartment blocks or small residential areas, membership of an *inminban* is compulsory and consists of weekly meetings that take place after work and on weekends, participation in mobilisation campaigns, and the monitoring of neighbours.

An effective and much abused means of communicating commands from the Party into the homes of every North Korean citizen, *inminban* have been ruthlessly efficient means of delivering central directives. In the context of a TC, this reach to every town, city, and corner of society is suitable for repurposing.

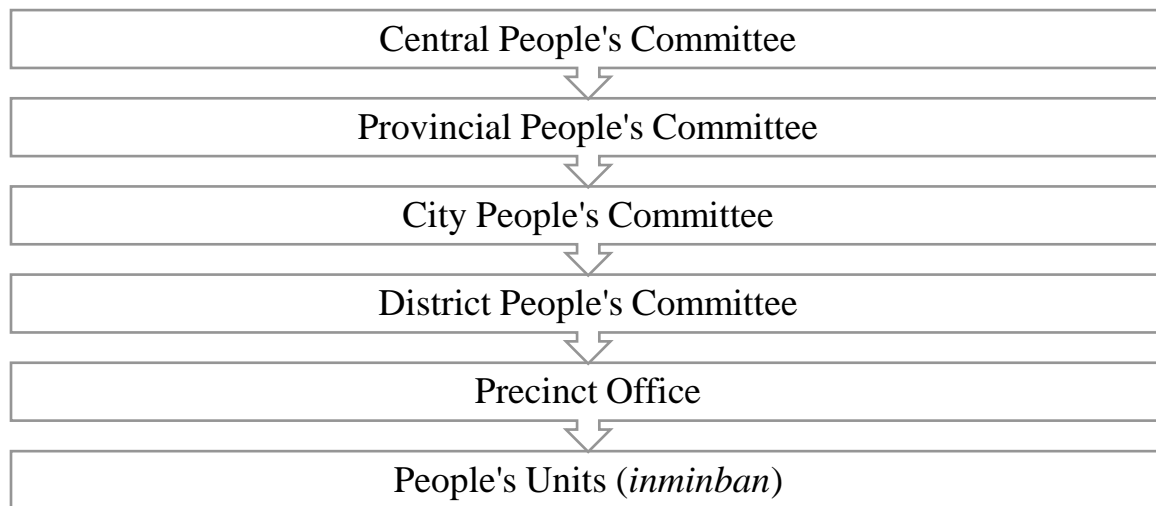
Within North Korea, there are 5.8 million households, ten provinces (including Pyongyang), twenty-four cities, thirty-two districts, and one hundred and fifty-two counties. This equates to the existence of roughly 190,000 *inminban* spread throughout the country's rural dwellings, urban apartment blocks, and residential

¹⁸ Post-Qaddafi Libya serves as a prime example of reconstruction efforts hindered by insecurity, allowing non-state actors to degrade political authority and undermine economic reforms.

areas. Many *inminban* in rural areas will have given way to market economy forces and corruption, but their structures and social understandings remain intact.

Each *inminban* — around twenty-five to thirty households consisting of two to four inhabitants — is headed by two cadres: an *Inminban* Overseer and a Heads-of-Household Overseer. *Inminban* Overseers are often housewives that are socially astute, capable of administrative duties, and who possess records of everyone within their respective areas. Their duties include holding and supervising meetings, monitoring the dwellings and movements of residents, and mobilising residents for campaigns. Heads-of-Household Overseers are generally male and appointed based on social prestige. They carry out similar tasks, such as organising meetings and calling heads of households for mobilisation.

Every *inminban* in North Korea is overseen by a Precinct Office — the smallest management unit in the North Korean system. Precinct Offices manage *inminban*, guide *Inminban* Overseers, and mobilise *inminban* within defined residential areas. Whereas *inminban* deal directly with residents, Precinct Offices deal only with *inminban* leaders. Overseers and Party Secretaries within Precinct Offices are appointed by District People’s Committees and this pattern is replicated further up the hierarchy in City and Provincial People’s Committees, ensuring that a line of command runs directly from Pyongyang to every citizen.



The nature of the current *inminban* system conceals its potential for re-appropriation by a North Korean TC. Given that a commission must quickly establish a field-based organisational structure for statement taking, public hearings, investigations, and public outreach, the *inminban* system, which operates in every province, city, and town, offers direct access to every North Korean citizen.

In real terms, statements and investigations — both integral components in any TC’s quest for ‘truth’ — could be taken directly from survivors and victims using the *inminban* system. Trained statement-takers could be placed in City People’s Committee Offices and work with North Korean individuals previously employed by the state to engage *inminban* and systematically document testimonies in each locality across the country.¹⁹

Similarly, hearings, which tend to be conducted in a handful of accessible locations over a combined period of several months, could be advertised and held through *inminban* and Precinct Offices. Witnesses could be called to testify at hearings based upon prior investigations and testimonies or at themed hearings that focus upon certain issues, such as gender-based violence, the concentration camp network, or abuses by a state institution.²⁰

Inminban are an effective and known means of organising North Koreans to attend statement-taking sessions, to advertise public hearings, to provide investigators with information on individuals, and to communicate information on the commission. Under the *inminban*, there has been little freedom of movement, meaning that experiences of abuse are localised and specific. Barring promotion, demotion, or bribery, North Koreans born in Pyongyang’s suburbs will still live in those suburbs, while those born in rural areas of Kangwon will still live in those areas of Kangwon. If an individual has moved away from a locality, an *inminban*’s overseers, local surveillance officers from the Ministries of People’s Security and State Security, and a City or District People’s Committee will have logged their movements, which aids statement-taking and creates comprehensive accounts of localised violations.²¹

Repurposing North Korea’s *inminban* system to suit a TC’s requirements will be challenging and carry ethical and logistical hurdles. Yet many elements of the *inminban* are undeniably well suited to a TC’s functioning. The reality of a state in transition demands ‘best’ rather than ‘better’ solutions.

¹⁹ This process would likely last for up to one year and be followed by further research from provincial investigation units and a series of public hearings that may last between three and six months. For example, South Africa’s Truth and Reconciliation Commission took over 21,000 statements.

²⁰ These processes — statement taking, investigations, and public hearings — would be supported by localised outreach units that oversee logistics and communicate information about the commission to the public.

²¹ Existing attitudes towards the *inminban* will need to be addressed through extensive outreach and publicity campaigns, but the repurposing of the *inminban* structure may become a means of re-appropriation, whereby North Koreans can reclaim a formerly abusive practice and utilise the institution in their favour.

Policy Recommendations

In a future North Korea, military security, economic security, and political security will dominate negotiations and discussions with the outside world. But if the international community were to neglect justice, negative long-term effects would ensue. The extent of suffering in North Korea demands not just moral and legal redress, but also a social reckoning. Enduring conflicts in countries to have held TCs, such as Haiti, and transitional states, such as Afghanistan and Iraq, show that societal insecurity intersects with military, economic, and political insecurities to degrade a state. Regional powers and international organisations should take immediate steps to ensure that future justice can be provided to North Koreans.

First, the United Nations, South Korea, China, the United States, Russia, and Japan should communicate their strategic reactions to systemic and absolute change on the Korean peninsula. Notwithstanding the publicly entrenched positions that each state has adopted towards Pyongyang, a stable future North Korean Government is in the interests of all actors, while the continuation of a nuclear North Korea is not. There exists no precedent for the signalling of intentions or the commencement of private dialogue between these powers on such an issue, so a qualified intermediary will be best placed to carry out this function. Dialogue does not necessarily indicate cooperation, but signalling and knowledge of intentions will be essential in times of approaching instability.

Second, dialogue on the planning and initiation of the consultation phase for a North Korean TC should begin immediately. This process does not require the immediate recognition or approval of regional powers and it is unlikely that the United Nations would be willing to publicly lead such an initiative. Instead, it is incumbent upon non-governmental organisations with sufficient foresight and expertise to fulfil this task. Nevertheless, both South Korea and the United States should designate significant funding for the planning of a TC consultation phase by adding addendums to their North Korea Human Rights Acts.

Third, a comprehensive and targeted information campaign in print, online, television, and radio should be implemented to ensure that stakeholders, and especially North Korean exiles and North Koreans in-country, receive knowledge about the transitional justice mechanisms that will be used in times to come. This may speed the path towards fundamental change in North Korea, but more importantly, will signal to perpetrators and victims that justice is to be glimpsed on the horizon.

Conclusion

When a major transition in North Korea occurs, a host of challenges will need to be immediately addressed. Justice for twenty-five million North Koreans must contend with imminent needs for a population that will require security and the most basic of provisions. But planning for justice is far from premature. For a North Korean state to function, it will rely upon stability and support from its people. The social chaos that has gripped post-Qaddafi Libya should compel regional stakeholders to plan for a smoother transition in North Korea.

A North Korean TC cannot be imposed upon a new North Korean Government and its people by the outside world. All efforts towards planning and establishing a transitional justice mechanism must bear this in mind. A commission ought to be established with the explicit aim of handing ownership to a new North Korean Government to assist it in coming to terms with its appalling legacy of human rights violations. For now, this is a task that falls to the international community, but will soon involve the North Korean people. Transformations are rarely predictable. But where change is imminent, preparation cannot happen soon enough.