

Discussion Paper:

# Implications of the Right to Development for the Democratic People's Republic of Korea

## and other United Nations Member States



UNITED NATIONS  
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## Table of Contents

- I. Introduction / 5**
- II. The Right to Development / 5**
- III. The DPRK State as the primary duty bearer / 6**
- IV. The obligations of the wider international community under the right to development / 8**
  - IV.I Provision of aid / 9
  - IV.II Moving beyond humanitarian assistance / 10
  - IV.III Imposition of sanctions / 11
  - IV.IV Trade and investment relations / 12
  - IV.V Disarmament / 13
- V. Concluding thoughts / 14**

## I. Introduction

“Economic development” is the declared priority policy objective for the Democratic People’s Republic of Korea (DPRK). At the Eighth Congress of the Workers’ Party of Korea, held from 5-12 January 2021 in Pyongyang, President Kim Jong Un acknowledged the shortcomings of the country’s Five Year Strategy for National Economic Development (2016–2020) and reiterated the importance of striving for economic development and an improvement in the people’s standard of living.<sup>1</sup> In 2019, the DPRK reported to the United Nations Human Rights Council that it had “oriented the country’s economic development towards creating an affluent and cultured life of the people”.<sup>2</sup>

This paper considers the goal of “economic development” through the prism of the United Nations Declaration on the Right to Development. In doing so, it aims to unpack some of the human rights obligations the right to development holds for the primary duty bearer – the DPRK State – as well as the implications for other UN member states engaging with the DPRK.

## II. The Right to Development

The 1986 United Nations Declaration on the Right to Development provides a broad concept of development to cover human well-being:

*“[D]evelopment is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.”<sup>3</sup>*

Development is therefore a process through which all universally recognized human rights – civil, political, economic, social and cultural rights – can be realized.<sup>4</sup>

Under the right to development, the state assumes obligations towards all individuals and peoples at three broad levels:

- (a) internally, through the formulation of national development policies and programmes affecting persons within their jurisdictions;
- (b) internationally, through the adoption and implementation of policies extending beyond

<sup>1</sup> NCKN, “On Report Made by Supreme Leader Kim Jong Un at Eighth Party Congress of WPK”, 09 January 2021.

<sup>2</sup> Working Group on the Universal Periodic Review Thirty-third session; National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Democratic People’s Republic of Korea; (Distr.: 20 February 2019), A/HRC/WG.6/33/PRK/1, para. 34.

<sup>3</sup> Declaration on the Right to Development, G.A. res. 41/128, annex, 41 U.N. GAOR Supp. (No. 53) at 186, U.N. Doc. A/41/53 (1986), preamble.

<sup>4</sup> Ibid, Article 1.

their jurisdictions; and  
 (c) collectively, through global and regional partnerships.<sup>5</sup>

### III. The DPRK State as the primary duty bearer

The realization of the right to an adequate standard of living is central to the right to development. Article 8 of the Declaration states that:

*“States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income.”*

The DPRK has translated this aspiration into legally binding obligations through its ratification of some of the core United Nations human rights treaties, including the International Covenant on Economic, Social and Cultural Rights.<sup>6</sup> It has also included references to upholding key human rights in its Constitution.<sup>7</sup>

Under the International Covenant on Economic, Social and Cultural Rights, the state has an obligation “to take steps... to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant”.<sup>8</sup> The Committee on Economic, Social and Cultural Rights, which is responsible for monitoring implementation of the Covenant, has clarified that “a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights is incumbent upon every State party. Thus, for example, a State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, prima facie, failing to discharge its obligations under the Covenant.”<sup>9</sup>

The Committee has acknowledged that different states have different capacities to fulfil their legally binding obligations under the Covenant, but has emphasised that “[i]n order for a State party to be able to attribute its failure to meet at least its minimum core obligations to a lack of available resources it must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a

<sup>5</sup> See OHCHR Factsheet 37, Frequently Asked Questions on the Right to Development (2016), p. 4.

<sup>6</sup> See also Convention on the Elimination of All Forms of Discrimination against Women, Arts. 13–15; Convention on the Rights of the Child, Arts. 3, 24 and 27; Convention on the Rights of Persons with Disabilities, Art. 28.

<sup>7</sup> The Socialist Constitution of the Democratic People's Republic of Korea commits the State to “respect and protect human rights” (Article 8) and to “the steady improvement of the material and cultural standards of the people” (Article 25), and refers to “rights recognized by international law” (Article 15). It lays down a range of rights guaranteed by the State, including “the material and cultural wellbeing of all its citizens” (Article 64) “the right to work” with the guarantee that “all able-bodied citizens may choose occupations in accordance with their wishes and skills” (Article 70) as well as rights such as “freedom of speech, the press, assembly, demonstration and association” (Article 67) and the “right to vote” (Article 66).

<sup>8</sup> International Covenant on Economic, Social and Cultural Rights, Article 2.

<sup>9</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 3 on “The Nature of States Parties' Obligations” (Article 2, Para. 1, of the Covenant), para. 10.

matter of priority, those minimum obligations.”<sup>10</sup>

This requires a level of transparency from the state, including providing access to the United Nations to assess the reality on the ground as well as providing data and other evidence to verify the state’s claims regarding the lack of resources to fulfil its treaty obligations.<sup>11</sup>

In the DPRK, reports suggest that more than 40 percent of the population are food insecure.<sup>12</sup> Access to healthcare – particularly those living in rural areas – is limited, resulting in a high maternal mortality rate and diarrhoea and pneumonia being the leading cause of death among children under-five.<sup>13</sup> While the State provides education, children from economically disadvantaged families are unable to continue their education due to economic reasons.<sup>14</sup> The right to development highlights the interplay between different economic and social rights, including the rights to food, health and education. For instance, food insecurity is connected to poor outcomes concerning health and education, with poor diets contributing to high under-five mortality rates and incidents of tuberculosis and low rates of school attendance.<sup>15</sup> Another illustration of the interlinkages is that young children who lack access to clean water and sanitation are regularly exposed to the risk of waterborne diseases – for example, diarrhoea – which are among the leading causes of child mortality in DPRK and one of the key underlying causes of acute malnutrition.<sup>16</sup>

Furthermore, the right to development highlights the interconnectedness and interrelatedness of the whole spectrum of a state’s obligations under international human rights law, including civil and political rights. Article 6 (2, 3) of the Declaration affirms that “[a]ll human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights”. Furthermore, “States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights”.

As Article 2 of the Declaration states, “The human person is the central subject of development and should be the active participant and beneficiary of the right to development”, with development policies formulated “on the basis of their active, free and meaningful participation in development”. This also requires the state to undertake “effective measures” to “ensure that women have an active role in the development process”(Article 8).

Provisions in the Declaration concerning democratic participation in the process of development, contained in Articles 1-2 and 8, are also anchored in legally binding instruments that the Democratic People’s

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<sup>10</sup> Ibid.

<sup>11</sup> Regarding the paucity of data and other evidence from within the DPRK to assess compliance with international human rights obligations, see OHCHR report “The price is rights: the violation of the right to an adequate standard of living in the Democratic People’s Republic of Korea”, May 2019, p. 14.

<sup>12</sup> Office for the Coordination of Humanitarian Affairs, DPR Korea Needs and Priorities 2020 (2020), pp. 5, 14, 22, 23, 36 and 38.

<sup>13</sup> Central Bureau of Statistic, Socio-Economic Demographic Health Survey (Pyongyang, 2014), cited in DPR Korea Needs and Priorities 2020, p. 14.

<sup>14</sup> White Paper on Human Rights in North Korea 2020, (Korea Institute for National Unification, September 2020), pp. 357-8.

<sup>15</sup> Office for the Coordination of Humanitarian Affairs, DPR Korea Needs and Priorities 2020 (2020), pp. 18, 40, 42, 47 and 53.

<sup>16</sup> Ibid., p. 44.

Republic of Korea has ratified, which includes the International Covenant on Civil and Political Rights.<sup>17</sup> Concerns have been consistently raised by the international community regarding the alleged violation of civil and political rights in the DPRK essential to democratic participation.<sup>18</sup>

Pertinent interlinkages include the role of civil and political rights as a means of ensuring the realization of the right to an adequate standard of living, including the right to food. People's participation is central to a system of good governance, by which the production and distribution of resources is directed towards meeting the needs of the people. For example, a free media that increases public awareness and informs public debate; an elected legislature whose members represent the views and concerns of their constituents; a civic space where people are free to express themselves and to organize peacefully:<sup>19</sup> these all can ensure the alarm is raised over impending problems – such as food shortages – and thereby inform the state's distribution of resources to realize people's economic, social and cultural rights. Furthermore, other civil and political rights – such as access to an independent judiciary and the rule of law - help to ensure that human rights obligations committed to at the international level are protected and properly implemented at the national level.

However, the Declaration does not reduce civil and political rights to simply a means of ensuring the enjoyment of economic, social and cultural rights. Rather, it counters tendencies to restrict the concept of development to economic growth, measured in terms such as Gross Domestic Product. Article 2 states that only through the active participation of the people in the process of development, individually and collectively, can the “free and complete fulfilment of the human being” be ensured. The Declaration thereby recognises that the realization of civil and political rights is also an end in itself – a fundamental feature of successful development, essential to the inherent dignity of the human person.

## IV. The obligations of the wider international community under the right to development

Article 3, paragraph 3, and Articles 4 to 7 of the Declaration on the Right to Development point to the duty of states to cooperate for the establishment of an international order through which the right to development can be fully realized. This is anchored in legally binding instruments under international law,

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<sup>17</sup> International Covenant on Civil and Political Rights, Art. 25; Convention on the Elimination of All Forms of Discrimination against Women, Arts. 7 and 14; Convention on the Rights of the Child, Arts. 12 and 15; Convention on the Rights of Persons with Disabilities, Arts. 9, 21 and 29–30.

<sup>18</sup> Recommendations of the Human Rights Committee (72nd session), consideration of 2nd period report of the Democratic People's Republic of Korea, adopted 26 July 2001, CCPR/CO/72/PRK, paras. 8, 11, 22-25 and 27; Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea, 7 February 2014, A/HRC/25/CRP.1, pp. 45-74, 350; Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, 1 May 2020, A/HRC/43/58, pp. 6, 9-10; Report of the Secretary-General to the General Assembly, situation of human rights in the Democratic People's Republic of Korea, 30 July 2020, A/75/271, pp. 6-7; White Paper on Human Rights in North Korea 2020, (Korea Institute for National Unification, September 2020), pp. 193-255.

<sup>19</sup> International Covenant on Civil and Political Rights, Arts. 14, 19, 21, 22 and 25.

including the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights (Article 2), the Convention on the Rights of Persons with Disabilities (Article 32), the Convention on the Rights of the Child (Articles 4 and 23), as well as Article 28 of the Universal Declaration of Human Rights. It is also reflected in Goal 17 of the 2030 Sustainable Development Agenda, which seeks global partnerships to achieve the Sustainable Development Goals (SDGs).

This brings into consideration the role of other states in relation to the provision of aid, capacity development, sanctions, trade and investment relations, and disarmament.

## IV.1 Provision of aid

The provision of aid is one means by which the international community can foster an international order that supports the realization of the right to development for all. Humanitarian agencies operating in the DPRK struggle to raise sufficient funds to finance their operations: in 2020, only 28 per cent of the UN inter-agency appeal was funded. The situation is further exacerbated by the Government's own access restrictions placed on humanitarian actors.

The former Special Rapporteur on the right to food, Mr. Olivier De Schutter, has sought to clarify the nature of obligations of donor states towards developing states. In his report to the Human Rights Council in 2009, he referred to development cooperation as "one aspect of a broader obligation of international assistance and co-operation, which may include, but is not limited to, the transfer of resources."<sup>20</sup> Arjun Sengupta, the former independent expert on the right to development, has proposed "development compacts" whereby developing countries would commit to fulfil human rights, including through human rights-based approaches to development, which the international community in turn would commit to supporting, including financially.<sup>21</sup>

Commitments by states to provide aid to support development have been laid out in target 17.2 of the SDGs,<sup>22</sup> the Addis Ababa Action Agenda on Finance for Development,<sup>23</sup> and the Food and Agriculture Organization's Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security.

Furthermore, SDG 10 aims to reduce inequality within and among countries. This Goal highlights the broader historical and structural factors essential to fulfilling the right to development, which goes beyond

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<sup>20</sup> Report of the Special Rapporteur on the right to food, Mr. Olivier De Schutter, "The Role of Development Cooperation and Food Aid in Realizing the Right to Adequate Food: Moving from Charity to Obligation", 6 Feb 2009, A/HRC/10/005.

<sup>21</sup> Fifth Report of the Independent Expert on the Right to Development, 18 September 2002, E/CN.4/2002/WG.18/6, para. 14. Even though the DPRK does not satisfy the membership requirements sought by the international financial institutions, such as the World Bank Group, development financing through multi-donor trust funds is still possible.

<sup>22</sup> SDG 17.2: "Developed countries to implement fully their official development assistance commitments, including the commitment by many developed countries to achieve the target of 0.7 per cent of ODA [overseas development assistance]/GNI [gross national income] to developing countries and 0.15 to 0.20 per cent of ODA/GNI to least developed countries; ODA providers are encouraged to consider setting a target to provide at least 0.20 per cent of ODA/GNI to least developed countries."

<sup>23</sup> Resolution adopted by the General Assembly on 27 July 2015, Addis Ababa Action Agenda of the Third International Conference on Financing for Development (Addis Ababa Action Agenda), 17 August 2015, A/RES/69/313.

the simple transfer of resources from rich to poor countries through overseas development aid (as well as remittances and foreign direct investment). This includes securing fairer trading rules, promoting productive capacities in developing countries and tackling debt bondage, alongside developing good governance at the national level. Moreover, the 2030 Agenda and the SDGs set out not just to meet needs, but to reduce risk, vulnerability and overall levels of need, providing a frame of reference for humanitarian and development actors to contribute to the SDG pledge to “leave no one behind”. However, this requires commitments both from member states to support development and receiving countries to facilitate the receipt of such development assistance.

## IV.II Moving beyond humanitarian assistance

Globally, the volume, cost and length of humanitarian assistance over the past 10-years has grown exponentially, mainly due to the protracted nature of crises and scarce development action in many contexts where vulnerability is at its highest.

The right to development helps to highlight the obligations of the state to move beyond a humanitarian approach, and towards a development approach that addresses underlying vulnerabilities and causes of situations in which people’s human rights are denied. This requires the primary state concerned – in this case the DPRK – to introduce long-term and profound reforms aimed towards inclusive, equitable and sustainable development.

For instance, to ensure food is available where it is needed, states must facilitate functioning food production, processing, distribution and market systems.<sup>24</sup> International law places an obligation on states not to interfere directly or indirectly with a person’s access to adequate food, including through market activity.<sup>25</sup> In the DPRK, this requires the state to provide a legal and institutional framework that enables informal market structures to play their role in realizing sustainable and inclusive food security.<sup>26</sup>

Furthermore, when food is produced, processed and distributed by private actors or entities, the state has a positive obligation to facilitate “people’s access to and utilization of resources and means to ensure their livelihood, including food security”.<sup>27</sup> The obligation of states extends to those who are unable to access their economic rights through private initiative, as clarified by the Committee on Economic, Social and Cultural Rights: “[W]henever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly.”<sup>28</sup>

<sup>24</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 12, para. 12; FAO, Voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security, guidelines 2.3 to 2.6. See also Report of the Special Rapporteur on the Right to Food, Mission to Niger, 23 January 2002, E/CN.4/2002/58/Add.1, para. 58.

<sup>25</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 12, paras. 15 and 19.

<sup>26</sup> For more analysis of the situation in the DPRK in this regard, see OHCHR report “The price is rights: the violation of the right to an adequate standard of living in the Democratic People’s Republic of Korea”, May 2019.

<sup>27</sup> Supra note 25, para. 15.

<sup>28</sup> Ibid.

The right to development also encourages other states to move beyond a humanitarian approach to overseas assistance – addressing only the immediate needs and symptoms – and towards a development approach that addresses underlying vulnerabilities and root causes. This includes considering the role that sanctions may play in helping or hindering development actors – including within the United Nations system – to move beyond humanitarian assistance in-country and towards development programmes focused on improving the capacities of the state to fulfil the right to development. Therefore, member states will need to evaluate the commitment of the state targeted by sanctions to direct resources to fulfilling the right to development, and away from areas that threaten international peace and security.<sup>29</sup>

### IV.III Imposition of sanctions

The DPRK is subject to a combination of unilateral and multilateral United Nations sanctions that place restrictions on DPRK-related trade, investment and financial transactions. United Nations sanctions, as mandated under Chapter VII of the UN Charter as a measure to maintain or restore international peace and security, have been in place since 2006 following the DPRK's first nuclear test. The latest set of sanctions was adopted in 2017 following the DPRK's sixth nuclear test and further intercontinental ballistic missile tests.<sup>30</sup>

When implementing sanctions, member states continue to have human rights obligations under international human rights law. These have been spelled out by the Committee on Economic, Social and Cultural Rights, including in relation to the right to an adequate standard of living.

In its General Comment no. 8 clarifying the legal obligations of states parties to the Covenant, the Committee has stated:

*“[S]anctions should always take full account of the provisions of the International Covenant on Economic, Social and Cultural Rights. The Committee does not in any way call into question the necessity for the imposition of sanctions in appropriate cases in accordance with Chapter VII of the Charter of the United Nations or other applicable international law. But those provisions of the Charter that relate to human rights (Articles 1, 55 and 56) must still be considered to be fully applicable in such cases.”<sup>31</sup>*

While paragraph 10 of the General Comment affirms that it is the state targeted by sanctions that remains the primary duty bearer in the fulfilment of economic, social and cultural rights, paragraphs 12 to 14 address the obligations of member states imposing sanctions. It clarifies that people's “rights must be taken

<sup>29</sup> The maintenance of international peace and security is enshrined in Article 1 of the UN Charter as one of the primary purposes of the organisation, together with promoting and encouraging respect for human rights.

<sup>30</sup> UNSC Resolution 1718, S/RES/1718, Oct. 14, 2006; UNSC Resolution 1874, S/RES/1874, Jun. 12, 2009; UNSC Resolution 2087, S/RES/2087, Jan. 22, 2013; UNSC Resolution 2094, S/RES/2094, Mar. 7, 2013; UNSC Resolution 2270, S/RES/2270, Mar. 2, 2016; UNSC Resolution 2321, S/RES/2321, Nov. 30, 2016; UNSC Resolution 2371, S/RES/2371, Aug. 5, 2017; UNSC Resolution 2375, S/RES/2375, Sep. 11, 2017; UNSC Resolution 2397, S/RES/2397, Dec. 22, 2017.

<sup>31</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 8 on “The relationship between economic sanctions and respect for economic, social and cultural rights”, para. 1. See also General Comment No. 14 from the same Committee on “The right to the highest attainable standard of health”, para. 41.

fully into account when designing an appropriate sanctions regime.<sup>32</sup> This includes establishing effective monitoring throughout the period sanctions are in force, providing necessary exemptions to goods and services, more precise targeting of the vulnerabilities of those whose behaviour the international community wishes to change, and taking steps to respond to any disproportionate suffering experienced by vulnerable groups within the targeted country.<sup>33</sup> The General Comment goes on to stress that decisions can be taken to reduce the suffering of vulnerable groups and minimize other adverse consequences to people's rights without jeopardizing the policy aim of sanctions.

On the other hand, the failure of member states to implement United Nations sanctions adopted under Chapter VII of the UN Charter undermines efforts by the UN Security Council to maintain international peace and security and thereby create an environment in which the right to development can be fulfilled. This makes it imperative for the states targeted with sanctions to provide access to United Nations monitors and provide adequate and credible data and other evidence – as required by the UN human rights treaties to which it is state party – to enable an accurate analysis of the human rights and humanitarian impact of sanctions.<sup>34</sup>

#### IV.IV Trade and investment relations

Progress towards denuclearization and the normalization of relations could lead to the easing of sanctions, which would enable states to develop trade and investment relations with the DPRK. Alluding to this potential, the 27 April 2018 Panmunjeom Declaration, following an inter-Korean summit, agreed to implement projects to “promote balanced economic growth and co-prosperity”. The subsequent 19 September 2018 Pyongyang Declaration agreed, “as conditions ripe”, to “normalizing the Gaeseong industrial complex and the Mt. Geumgang Tourism Project, and to discuss the issue of forming a west coast joint special economic zone and an east coast joint tourism zone.”

Article 3 of the Declaration on the Right to Development helps to highlight the obligations of states seeking to establish trade and investment relations with other states.<sup>35</sup> The implication is that all international agreements, including in the area of trade and investment, should be evaluated to ensure they contribute to the realization of the right to development as defined by the Declaration.

In other words, states have an obligation to ensure that trade and investment relations help realize a form of development in which the human person is the central subject and its active participant and beneficiary. At the very least, states are under an obligation to ensure they do not make trade and investment agreements that violate their own international human rights obligations, including in relation

<sup>32</sup> *Ibid.*, (General Comment No. 8), para. 12.

<sup>33</sup> The United Nations Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights has proposed human rights impact assessments for unilateral sanctions. See his reports A/HRC/36/44, 26 July 2017, Annex II, para. 13(a); A/HRC/39/54, 30 August 2018, paras. 14–19.

<sup>34</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 3 on “The Nature of States Parties’ Obligations” (Article 2, Para. 1, of the Covenant), para. 10.

<sup>35</sup> Article 3: “States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development”.

to the treatment and conditions of workers, and their fair remuneration. The UN Guiding Principles on Business and Human Rights<sup>36</sup> and the guiding principles on human rights impact assessments of trade and investment agreements<sup>37</sup> provide the tools for states to ensure they fulfil these obligations.

## IV.V Disarmament

The denuclearization of the Korean peninsula is a priority of the international community to ensure sustainable peace and security. The prioritization by the DPRK of enhancing military and nuclear capabilities has an obvious impact on the level of resources being directed towards the realization of the right to development.

The Declaration on the Right to Development highlights the interconnectedness of peace and security, development and human rights. Broadening the scope of what a conducive international environment for development means, Article 7 states:

*“All States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries.”*

Furthermore, the preamble reaffirms that “there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries.”

This highlights the importance of rebalancing defence expenditure to ensure adequate resources are directed to the welfare of the people within the state’s jurisdiction.<sup>38</sup> It also highlights the part played by other states in creating an environment where states feel secure to commit to such a reallocation of resources.

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<sup>36</sup> “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework”, report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, 21 March 2011, A/HRC/17/31.

<sup>37</sup> Report of the Special Rapporteur on the right to food, Olivier De Schutter, “Guiding principles on human rights impact assessments of trade and investment agreements”, 19 Dec 2011, A/HRC/19/59/Add.5.

<sup>38</sup> The DPRK maintains one of the world’s largest standing armies, comprising over 1.2 million people, accounting for about 5 per cent of the total population. The Government is reported to spend nearly a quarter of its gross domestic product (GDP) on its military, according to U.S. State Department estimates (source: <https://www.cfr.org/background/north-koreas-military-capabilities>). However, the State Department has also acknowledged that “the quality of military expenditure data is so poor [...] estimates of its GDP and military expenditures might be assigned an ‘n/a’” (cited in OHCHR, “The price is rights: the violation of the right to an adequate standard of living in the Democratic People’s Republic of Korea”, May 2019, p. 12).

## V. Concluding thoughts

Discussions involving the DPRK tend to take place in silos, with peace and security, development and human rights all travelling on separate tracks. Narrow conceptions of development support this tendency.

The right to development offers a means of broadening such concepts, and bringing these disparate tracks together, highlighting the interlinkages between violations of civil, political, economic, social and cultural rights. Moreover, it illustrates how development, and peace and security can only be attained in a just and sustainable manner through the realization of all fundamental human rights.

The right to development serves as a useful framework to unpack the full range of obligations of the DPRK State under human rights law, as well as the full range of obligations other states have in relation to the human rights situation in the DPRK. This brings the focus of attention towards the obligations of the DPRK State to instigate reforms to its institutional, legal and policy frameworks in order to improve the situation of human rights, including the right to development. Furthermore, this framework enables us to consider how other states and stakeholders have the potential to shape policies of engagement and diplomacy in the pursuit of a more peaceful and secure Korean Peninsula in which the rights of all people are upheld.

During the DPRK's third Universal Periodic Review in 2019, the DPRK Government committed itself to implementing 132 recommendations proposed by fellow UN member states to improve the situation of human rights in the country. Many of these recommendations touched upon elements relevant to the realization of the right to development, including cooperation with international organizations in the fields of health, education, nutrition and food security;<sup>39</sup> the redirecting of public spending to fulfil the right of all people in the DPRK to a standard of living adequate for their health and well-being, in line with the SDGs;<sup>40</sup> and the fulfilment of its commitments under ratified human rights instruments,<sup>41</sup> including civil and political rights under the ICCPR<sup>42</sup> and economic, social, cultural rights under the ICESCR.<sup>43</sup>

The successful implementation of these UPR recommendations is therefore one of the means through which the DPRK State can, in cooperation with the international community, pursue the realization of the right to development for the people of the DPRK. Furthermore, verifiable progress by the DPRK in implementing these recommendations can act as important benchmarks for the international community, which can build trust and confidence and be integrated into broader peace and security diplomacy being pursued by member states and the wider international community.

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<sup>39</sup> Report of the Working Group on the Universal Periodic Review, Democratic People's Republic of Korea, 25 June 2019, Human Rights Council forty-second session, A/HRC/42/10, paras. 126.63, 126.64, 126.65, 126.66, 126.108, 126.109.

<sup>40</sup> *Ibid.*, para. 126.100; specifically SDGs 1, 2 and 3.

<sup>41</sup> *Ibid.*, paras. 126.36, 126.44, 126.45, 126.46, 126.147, 126.83.

<sup>42</sup> *Ibid.*, paras. 126.113, 126.114, 126.136, 126.137, 126.138, 126.139, 126.140, 126.141, 126.142, 126.143, 126.144, 126.146.

<sup>43</sup> *Ibid.*, paras. 126.150, 126.151, 126.152, 126.153, 126.154, 126.155, 126.156, 126.157, 126.159, 126.160, 126.161, 126.162, 126.163, 126.164, 126.165, 126.166, 126.167, 126.168, 126.169, 126.170, 126.171, 126.180, 126.188, 126.193, 126.196, 126.198.



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