



HoMMUNC

Social, Humanitarian and Cultural Affairs
Committee (SOCHUM)

Chair: Jacqueline Maier
Moderator: Erica Cantor

Dear Delegates,

Welcome to HoMMUNC XXIX! My name is Jacqueline Maier and I am so excited to serve as your chair on HoMMUNC's SOCHUM. I am a senior at the Horace Mann School and one of the Secretaries-General of Horace Mann's Model UN Team. I am interested in all aspects of history, ranging from art history to contemporary international events. Outside of my Model UN sphere (which is a very small sphere), I am a mentor and tutor to younger students and play varsity field hockey. Model UN has played an essential and unexpected role in my high school career. It has taught me invaluable lessons about leadership and compromise. Model UN has the ability to make us better speakers and listeners.

Over the few hours we spend together at HoMMUNC, I hope you will glean a portion of the knowledge and merits Model UN has to offer. Erica and I eagerly anticipate a day of passionate debate on the subjects of the Status of Refugees from North Korea and the Right to Privacy. My intention for our committee is that while striving to obtain a solution to these prevalent international dilemmas, you will grow as a leader and thinker.

SOCHUM was established in 1948 in response to the Universal Declaration of Human Rights. SOCHUM is tasked with the goals of better compliance to human rights in every region and the promotion of international peace and security. This committee's agenda must always endeavor to adhere to the aforementioned goals. Throughout the day, you will have to be both compromising and unwavering in your beliefs in the interest of an effective and positive solution. Your ideas will be both disputed and encouraged. In the attached background guide, you will begin your research. I do expect that you continue your research elsewhere so that the committee may partake in inventive and productive diplomatic dialogue. I truly look forward to SOCHUM XXIX!

Sincerely,

Jacqueline Maier

Topic A: Refugees of the Democratic People's Republic of Korea
Introduction

North Korea is one of the most suppressed countries in the world. The communist country has been led by dictators since 1948, completely isolated from the rest of the world. North Koreans are deprived of basic human rights, and a shocking number of North Koreans are subject to routine torture. An estimated two million people have died in North Korea since the mid-1990s as a result of famine, economic mismanagement, harsh living conditions, and executions. The country has endured multiple natural disasters, forcing the ideologically self-reliant State to be completely dependent on foreign aid to feed millions of its people.ⁱ The chokehold under which the North Korean government holds its people has allowed for only a finite number of refugees to successfully escape. The tense relations between the North Korean government and the international community have made it difficult for defectors to settle comfortably.



Figure 1 Map of North Korea



History

In the wake of World War II, the Korean Peninsula was divided: Soviet troops occupied the north, and US troops occupied the South. When the Soviet troops occupied the north, the US arbitrarily chose to push to the 38 parallel. After the

Korean War, the 38 parallel became the formal border between the north and the south.

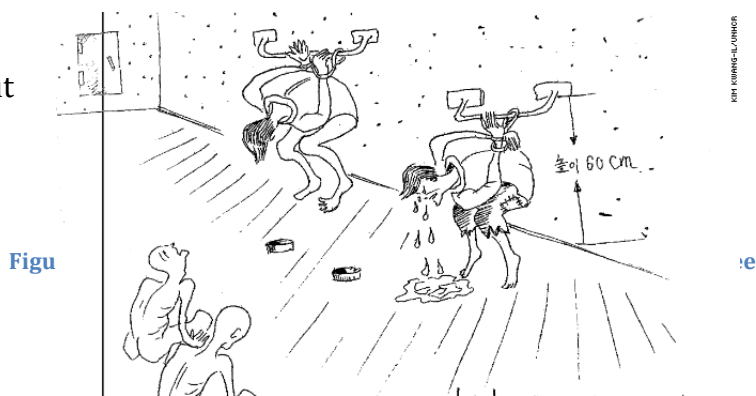
This arbitrary border split up many families. During World War II, when the Japanese occupied the Korean peninsula, Koreans were deployed to many different countries around the world on behalf of the Japanese military or left their homes as a result of economic motivations; nevertheless, Koreans were displaced all over the world. When North Korea adopted communist and isolationist policies, displaced North Koreans could not re-enter the country, and families were left separated. Communist North Korea was backed by China and Russia, and the South allied with the US.

The Soviet's presence led to the creation of the Korean Workers' Party (KWP), the region's communist party.ⁱⁱ The Democratic People's Republic of Korea was officially established in 1948. Kim Il Sung was the State's first dictator, officially referred to as the "Eternal President of the Republic." North Korea became completely isolated and self-reliant under Kim Il Sung; he sealed the borders and kept them heavily guarded. Kim Il Sung created political labor camps for North Korean individuals, and often those individual's entire families, who expressed any kind of opposition to the government. Many sent to the camps did not survive as a result of the harsh living conditions. The camps have remained present in North Korea, even after the death of Kim Il Sung. When Kim Il Sung died in 1994, his son Kim Jong Il became the second Head of State in North Korea. He led with the same totalitarian rule as his father.

As a result of natural disaster, North Korea lacks adequate food, water, and many other resources necessary to sustaining life. The country, despite the self-reliant principles under which it is lead, is dependent on international relief agencies to feed the population. 100,000 people were left homeless and without food after extreme flooding in 1995. Between 2.8 and 3.5 million people died between 1995 and 1999 as a result of the famine following the extreme flooding.ⁱⁱⁱ According to a survey by the World Food Program (WFP), 34% of the entire population was undernourished as of 1996.^{iv} The country was hit again by heavy flooding in 2012.^v North Korea applied for international aid, and accepted help from South Korea, the United States, and the United Nations.

The famine breakout in 1994 has caused thousands to seek asylum in South Korea and China. China, however, has returned refugees to North Korea, as China and North Korea have been allies since the State's establishment. In doing so, China breaks the 1951 UN Convention on the Status of Refugees and the 1967 Protocol, the Refugee Convention. As a party to the formerly stated documents, China cannot, by international law, send refugees back to live under the terror in North Korea.

China has sent discovered refugees back to North Korea, where the policy firmly stands that returned defectors are to be tortured, put into slave labor, and/or publically executed. According to the accounts of refugees, these are common



human rights violations in North Korea. These human rights violations are not exclusively used against returned defectors. Kim Jong Il arrested people for all sorts of “political crimes,” including listening to foreign radio broadcasts.^{vi} As of 2004, there were reportedly 200,000 people in the camps, 1% of the entire North Korean population. Defectors and refugees have reported that the regime frequently executes political prisoners, returned defectors, and suspected spies.

Current Situation

The conditions in the DPRK have only worsened in recent years, leading to many North Koreans’ fleeing. Kim Jong Il died in 2011, and his son Kim Jong Un became the next Head of State. Kim Jong Un continued the prison camps originally started by his grandfather. Amnesty International has estimated hundreds of thousands of people are held in these detention facilities and deprived of their human rights.^{vii} As of 2013, it was estimated that 1 in 10 North Koreans suffers from malnutrition. As a result of these inhumane living conditions, many North Koreans try to escape.

North Korean defectors have to face numerous life-threatening obstacles in order to make it to South Korea. Defectors must cross the heavily guarded North Korean border, travel through China, Laos, and then Thailand until they can seek asylum in South Korea. The border guards in North Korea work under shoot-to-kill orders. China and Laos, both communist countries, are known for returning defectors to North Korea to be killed. Local officials in the two countries, however, have ensured safe paths for the refugees as the cost of bribery and, often times,

sexual abuse. After having journeyed past the border and through China and Laos, refugees reach Thailand, where they are detained until South Korean officials process their refugee claims.

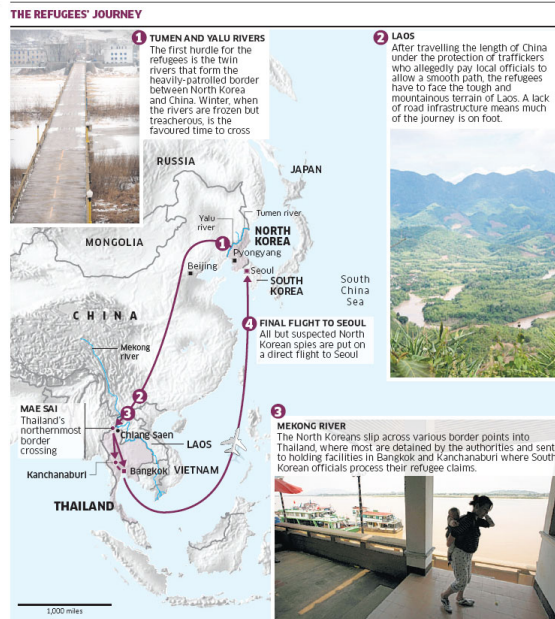
VICE News has published the accounts of North Korean women who have made their way to Seoul, South Korea. The women were subject to sex-slavery, rape, and numerous other abuses. A male North Korean defector gave his accounts of his escape. In North Korea, he said he was an illicit cross-border trader, meaning he would sneak back and forth between North Korea and China to sell Chinese iron and jewelry in North Korea. He spent 20 months in a North Korean prison camp after having gotten caught. In 2000, the defector crossed the Tureen River into China and travelled through China for 353 days to get to Mongolia. The Mongolian government sends North Korean defectors to South Korea. The refugee listed the few items he brought with him on his long journey to Mongolia; among the items was a safety pin to swallow in case he got sent back to North Korea. "If I had been repatriated to North Korea, I would have tried to kill myself."^{viii} If sent back to North Korea, the government would have executed him.

VICE reported that less than 25,000 North Koreans have ever successfully escaped. According to the NGO, Life Funds for North Korean Refugees, there are 100,000-300,000 defectors hiding in Russia and China.

South Koreans' discrimination against North Koreans makes refugees' settling difficult. According to the account of a male refugee on VICE News, no company in South Korea would employ him, because they could easily tell he was North Korean by his accent. According to a professor from Free University of Berlin,

2,000
have
countries
settling in

Koreans
Korea from
separated
February



North Korean defectors
sought asylum in third
because of difficulty
South Korea.^{ix}

Many South
have family in North
whom they have been
since the Korean War. In
2014, North Korea held

the first family reunion visit in four years. Many of the family members had not had any form of contact with their family across the border nor were many people aware if their family members were alive. The emotional reunion was closely supervised by North Korean workers.^x

International Action

The International community has a weak relationship with the North Korean government. North Korea rarely reaches out to the international community; however, after the 2012 floods, they applied for international aid. The World Food Program (WFP) has created a \$200 million two-year operation targeting 2.4 million women and children. Assessments that the WFP orchestrated in 2013 suggest that there has been progress in fighting famine in the DPRK.^{xi} The United States, while aiding North Korea with one hand, has implemented harsh economic sanctions with the other.

American and Japanese NGO's have been devoted to aiding North Korean refugees. The US Committee for Human Rights in North Korea has been focusing on collecting and publishing accurate data on North Korea in an effort to raise awareness. Reliable information on the matter remains scarce as North Korea has repeatedly failed to reply to UN requests to visit and observe the human rights situation.^{xii} Life Funds for North Korean Refugees is a Japanese NGO that has aided refugees through funneling them into Japan and raising money and awareness of the North Korean refugee crisis.^{xiii} Japanese discrimination against North Koreans, however, has made living in Japan hard for many refugees.

Bloc Positions

Western Bloc:

The United States' stance on the North Korean refugee crisis is complicated by the imminent threat North Korea's nuclear program poses to the US. Between 2011 and 2004, the US admitted only 122 refugees. US Congress passed the North Korean Human Rights Act in 2004 to supply funding, raise awareness, and aid the settlement of refugees. The act was reauthorized in 2008. ^{xiv}

The European Union has aided North Korea, providing food to more than half a million people. EU nations have granted political asylum to many North Korean defectors, most notably Britain, Germany, Denmark, and Sweden.^{xv}

Asia:

South Korea has bad relations with North Korea and constantly finds itself going head to head with the North Korean government. South Korea serves as a place of refuge for North Korean defectors.

China is North Korea's closest ally. China frequently risks relations with Western nations as it backs North Korea. China repatriates North Korean defectors, disallowing them to seek asylum in China. Asia's support for North Korea is split between communist and capitalist countries. For example, communist Laos is known for returning refugees.

Middle East/North Africa:

Middle Eastern policy on the crisis remains divided. China binds many Middle Eastern countries to North Korea. Middle Eastern countries with diplomatic relations to the DPRK include Syria, Egypt, Iran, Kuwait, Libya. Syria has had close and warm relations with DPRK leadership. These nations would not provide refugees with asylum.^{xvi}

Possible Solutions

It is imperative that awareness of the North Korean living conditions be spread through international campaigns, as most people are unaware of the human rights situation in North Korea because of the lack of evidence. The international community could put pressure on China to follow the 1951 UN Convention on the Status of Refugees and the 1967 Protocol, the Refugee Convention. The international community could create efforts to seek out refugees and ensure they safely attain

asylum. International campaigns could be created to discontinue the discrimination against North Korean refugees.

Questions to Answer:

1. How can the international community influence North Korea and China to cooperate?
2. What can be done to fortify evidence against North Korea?
3. How should the international community treat refugees? Where can these refugees go, and what can be done to ensure easy assimilation into the society they end up in?
4. What can the international community do about the separated Korean families?

Topic B: Right to Privacy

Maintaining the right to privacy is vital to ensure freedom and equality to humans internationally. As technology advances, the right to privacy human is increasingly violated on both the international and domestic level. Information and data sharing between the private sector and governments, within governments, and between governments violates individuals' privacy and deprives them of their human rights.

The right to privacy ensures individuals are not unrightfully intruded upon and their private information remains private. Article 12 of the Universal Declaration of Human Rights states, "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the lawful right to protection against such interference or attacks."^{xvii} In addition to the protection against intrusion into private life, Article 8 of the European Convention on Human Rights also includes the right to "data protection," guarding individuals from improper collecting, storing, and sharing of private data.^{xviii}

Large corporations often find themselves violating human rights, as frequently store and share client information with other companies and governments, often without the user's knowledge. Companies, such as Google, who share user information, are party to human rights violations.

Governments frequently unrightfully monitor the online activity of individuals on a mass scale. According to a report released by UN High Commissioner for Human Rights, "governmental mass surveillance is 'emerging as a

dangerous habit rather than an exceptional measure' and practices in many States reveal a lack of adequate national legislation and/or enforcement, weak procedural safeguards, and ineffective oversight."^{xix} Countries, such as Russia, China, and the DPRK, ignore the right to privacy, in addition to many other human rights violations. More recently it came to light, however, that the United States was leading mass surveillance and increasingly requesting information from search engines, such as Google.

History

The technology which allows the right to privacy to be manipulated is recent; however, defending individuals from the scrutiny of wrongful surveillance has been an issue for much longer. Since communist revolutions in the mid-20th century countries, such as Russia, China, and the DPRK, has been closely spying on their people. The form of communism adopted by the formerly stated countries most nearly resembles "raw communism," defined by Karl Marx as "the positive abolition of private property as human self-alienation, means the real appropriation of human entity by and for man."^{xx} Communist ideology promotes a lack of privacy, making unjust intrusions common in communist countries, despite the right to privacy guaranteed by the 1948 UN Declaration of Human Rights.

From 1929 to 1953, Josef Stalin held the Soviet Union and its people in a chokehold, single handedly controlling the entire nation and all aspects of life. Stalinist Russia was marked by Stalin's totalitarian dictatorship, the loss of personal freedoms and rights, and the implementation of state censorship, secret police, and

arbitrary arrests.^{xxi} The Soviet secret police, the KGB, infiltrated the Soviets' lives through censorship and spying. After the 1990 fall of the Soviet Union, the FSB was established as the new secret police, implementing similar methods of spying as the KGB. After the Soviet Union's communist revolution, communism began to spread as corrupt and totalitarian governments emerged modeled after the Soviet Union. In 1977, Czech citizens smuggled out of Czechoslovakia signed a manifesto condemning the government in Prague for tapping phones, conducting searches of homes, and censoring the mail. The manifesto established "Charter 77" to promote human and civil rights in the communist country.^{xxii} China turned communist in 1950 and proceeded to monitor and spy on all activities of the Chinese people. In the digital age, the Chinese government closely monitors all internet activity, cell phone conversations, etc. Unlike Soviet Russia's KGB's punishments to any and all who oppose the government, China instills fear to its people by punishing only the loudest most subversive contributors. This technique is called "killing the chicken to frighten the monkeys."^{xxiii} China's close ally, North Korea, takes invasion of privacy to the next level. North Korea has been ranked as the most oppressive and secluded country in the world. North Korea was ranked as the least free and most corrupt country in the world by a US crafted report in 2012.^{xxiv} A 2011 statistics report

showed that less than 0.05 for every 1000 had cell phone subscriptions, and less than 0.05 people for every 1000 were internet users. States deliberately deprive their citizens the right to privacy as it conflicts with political ideologies and philosophies under which the governments are lead, thereby committing human rights violations.

xxv

The US, the self-proclaimed leader of the free world, has disregarded the right to privacy on



In North Korea, the number of Internet users is only 605 (0.00%)

several occasions. Most notably President Bush authorized the National Security Agency (NSA) to wiretap Americans in the wake of 9/11. The NSA spied on Americans thought to be linked to Al-Qaeda, as well as collected and analyzed mass telephone and email communications.^{xxvi} In doing so, the US obstructed many American's right to privacy.^{xxvii}

Current Situation

In 2012, Russia's Kremlin, Vladimir Putin, implemented a new surveillance plan called the "Single Register." The "Single Register" was created to ban and monitor websites across the entire country of Russia, whereas websites could only be banned regionally before. The technology created for the "Single Register" allows Internet Service Providers (ISPs) to not only filter activity on a mass scale but to also monitor internet activity. The system includes deep packet inspection (DPI)

technology, allowing network providers to open digital messages and to even alter the message.^{xxviii}

In East Africa July 2014, a bill to delete section 36 Article 31 of the Constitution would give the National Intelligence Service (NIS) the ability to access any digital messages without warrant. The section states, "the right to privacy may be limited in respect of a person suspected to have committed an offence to the extent that the privacy of a person's communications may be investigated, monitored or otherwise interfered with." The NIS is trying to further extend their capabilities by amending Article 31 to allow the spies to track anyone who is under investigation, whereas the spy agency is only able to track those who have committed an offense.^{xxix} The NIS is effectively trying to legalize the actions of the NSA in the US from 2001.

In 2013, Edward Snowden revealed that the NSA had been collecting and monitoring phone records of millions of Americans. UN High Commissioner for Human Rights, Navi Pillay, said "surveillance without adequate safeguards to protect the right to privacy actually risk impacting negatively on the enjoyment of human rights and fundamental freedoms"; however, the US sees Snowden as a



terrorist and traitor. Pillay included in a 2014 report to be released to SOCHUM and the Human Rights Council that "revelations" from 2013 heightened concerns of the NSA

and the General Communications Headquarters in the United Kingdom of Great Britain and Northern Ireland having created technology to monitor global internet traffic, Americans' calling records and electronic address books, along with other digital communications content. Snowden's leak also led to concern the US had hacked German Chancellor Angela Merkel's private cell phone. According to the Huffington Post, the NSA had been spying on Merkel since 2002, and Obama found out in 2010 and allowed the wiretapping to continue.^{xxx}

It was reported by "Spiegel" that Israel had wiretapped US Secretary of State John Kerry's phone during 2014's summer Middle East talks. According to "reliable sources," Israel intelligence intercepted Kerry's calls during the talks and used the information gained during the talks. Kerry reportedly used non-encrypted technology while on some calls with high ranking negotiating partners, so Israel intelligence was able to intercept the calls over satellite.^{xxxi}

International Action

The United Nations is concerned about the effects of electronic surveillance, interception of digital communications and collection of personal data will have on Human Rights. The General Assembly recently adopted a consensus resolution on the right to privacy, crafted by Brazil and Germany, asking all countries to put an end to violations of this "tenet of democracy." The text, "Right to Privacy in the Digital Age," reaffirmed the right to privacy is a human right and declared that people have the same rights online as they do offline. The document instructed States to "respect and protect the right to privacy, including in the context of digital

communication.” Additionally, the text holds governments responsible for upholding the right to privacy despite public security justifications.

The resolution calls on States to increase transparency through independent, domestic oversight committees. UN High Commissioner for Human Rights, Navi Pillay, in July, called the lack of transparency in governmental surveillance policies “disturbing.” The Social, Humanitarian, and Cultural Committee (SOCHUM) requested the UN High Commissioner for Human Rights to submit a report on the right to privacy, domestic and extraterritorial surveillance, and the interception and collection of digital communications and data.

The European court passed the “Right to be Forgotten,” which states, “Individuals have the right - under certain conditions - to ask search engines to remove links with personal information about them.” The ruling’s applicability will be judged under a “case-by-case assessment,” as to not obstruct any individual’s rights to the freedom of expression.

The ruling states that search engines must respect users' right to be forgotten, regardless of the location of a search engine's physical server. The EU Court said in its ruling, "Google can therefore not escape its responsibilities under European Law when handling personal data by saying it's a search engine. EU data protection law applies and so does the right to be forgotten."^{xxxii}

In response to the European court ruling, Google plans to send a group of executives and legal experts around Europe in September to have meetings on Google's online privacy policy. The

company created a website allowing people to suggest what else the company should do in response to the ruling. The group plans to release a report with recommendations on how to respond to Europe's "right to be forgotten."^{xxxiii}

Bloc Positions:

Western Bloc:

The United States has obstructed the Right to Privacy on a mass scale and aims to continue retrieving the information of Americans as shown by numerous

Perceptions about freedom from government surveillance

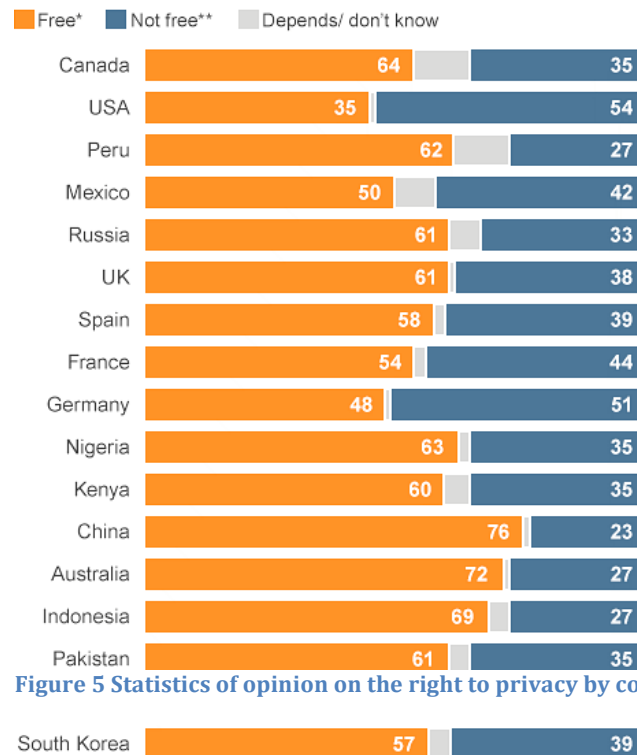


Figure 5 Statistics of opinion on the right to privacy by country

*"totally free" and "somewhat free" vs **"not very free" and "not at all free"

governmental requests for Google to share user information. Nevertheless, the United States ambassador commented on the draft resolution “The Right to Privacy in the Digital Age” the vital role the right to privacy and the freedom of expression both on and offline play in democracy.

European nations are strong supporters of the right to privacy. European countries, such as Austria, Germany, Lichtenstein, Norway, and Switzerland, have been heavily involved in promoting the Right to Privacy. The formerly stated EU nations, along with Brazil and Mexico co-sponsored a seminar on “The Right to Privacy in the Digital Age.” Many of these nations have also expressed their outrage about the United States’ actions and the Edward Snowden leaks.

Asia:

China and North Korea are opposed to the promotion of the Right to Privacy. North Korea stated that the promotion of the right to privacy is only in reaction to the massive espionage and surveillance of the US, specifically targeting Head of State. The DPRK noted that targeting Heads of State is a violation of national sovereignty as Heads of State are symbols of state sovereignty.

Southeast Asian States are in support of the right to privacy both offline and online. Indonesia and Singapore both promote privacy.

Middle East:

Many Middle Eastern countries’ actions have opposed the right to privacy. This is clear through Israel’s actions, along with the surveillance present in many

other Middle Eastern countries. Qatar, however, has national legislation observing the right to privacy.

Possible Solutions:

States could agree to make independent national oversight bureaus to monitor surveillance. Private sector companies should be urged to not release any private information to governments. Both private sector companies, like Google, and governments should increase transparency about data sharing and collecting with users. It is necessary that standard safeguards be created and dialogue be promoted to ensure that violations of the right to privacy discontinue.

Questions to Answer:

1. How should transparency between people, governments, and private sector companies be increased in the digital age? How can SOCHUM find a way to make sure States maintain transparency?
2. How can States ensure private sector companies will cooperate in upholding the right to privacy?
3. How should States restore confidence in individuals that their governments are respecting their privacy?
4. What should happen to States if the terms of a resolution are broken?

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