



South Africa's

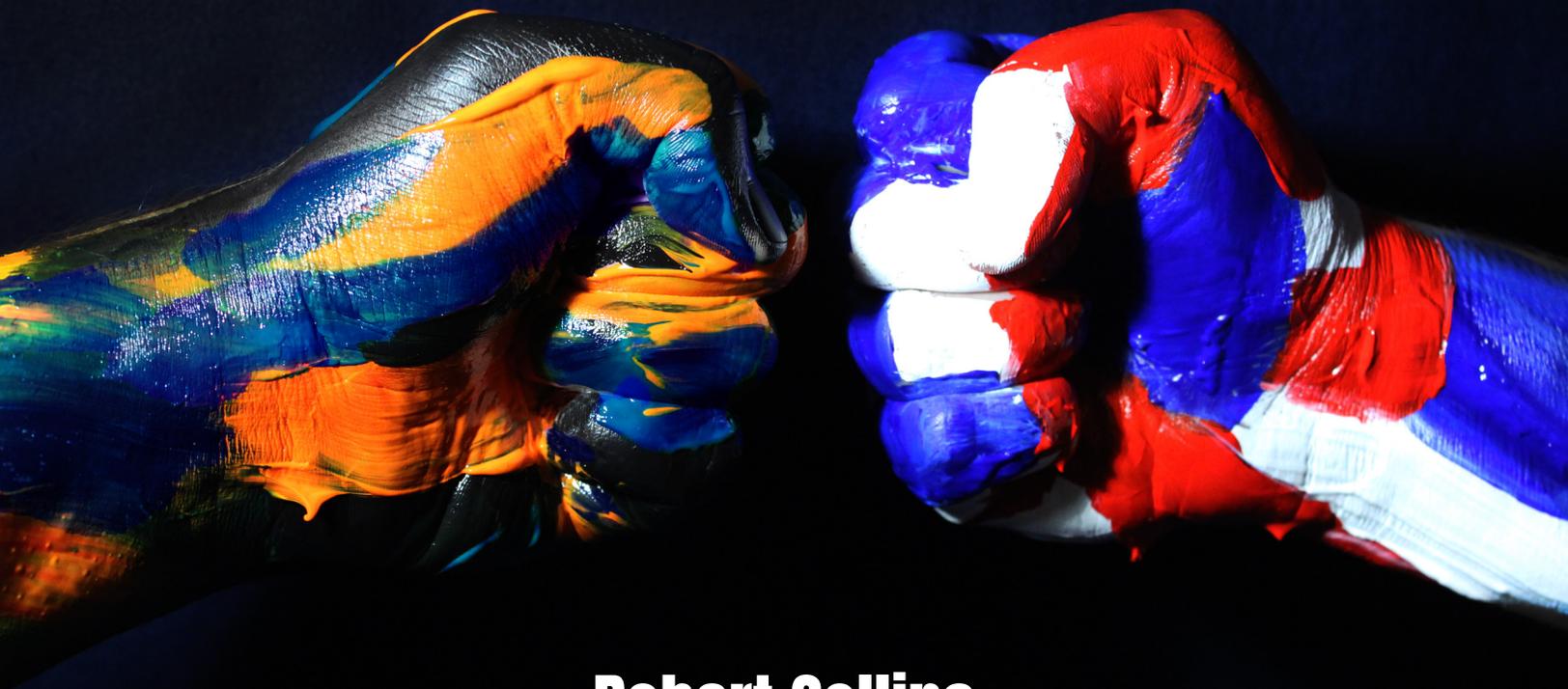
APARTHEID



North Korea's

SONGBUN

Parallels in Crimes Against Humanity



Robert Collins

South Africa's

APARTHEID



North Korea's

SONGBUN

Parallels in Crimes Against Humanity

Robert Collins

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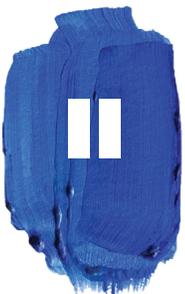
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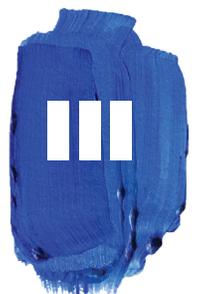


Dedicated to:

The late Congressman Stephen Solarz, former HRNK Co-chair

The Honorable Richard V. Allen, former HRNK Co-chair and former U.S. National
Security Advisor

Helen-Louise Hunter, author, “Kim Il-song’s North Korea” and former HRNK Secretary



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ABOUT THE COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA

The Committee for Human Rights in North Korea (HRNK) is the leading U.S.-based nonpartisan, non-governmental organization in the field of North Korean human rights research and advocacy, tasked to focus international attention on human rights abuses in that country. It is HRNK's mission to persistently remind policymakers, opinion leaders, and the general public that more than 20 million North Koreans need our attention. Since its establishment in October 2001, HRNK has played an important intellectual leadership role in North Korean human rights issues by publishing over 40 major reports (available at <https://www.hrnk.org/publications/hrnkpublications.php>). Recent reports have addressed issues including political prison camps, the dominant role that Pyongyang plays in North Korea's political system, North Korea's state sponsorship of terrorism, the role of illicit activities in the North

Korean economy, the structure of the internal security apparatus, the *songbun* social classification system, and the abduction of foreign citizens. HRNK is now the first non-governmental organization that solely focuses on North Korean human rights issues to receive consultative status at the United Nations (UN). It was also the first organization to propose that the human rights situation in North Korea be addressed by the UN Security Council. HRNK was directly and actively involved in all stages of the process supporting the work of the UN Commission of Inquiry (COI) on North Korean human rights. Its reports have been cited numerous times in the report of the COI, the reports of the UN Special Rapporteur on North Korean human rights, a report by the UN Office of the High Commissioner for Human Rights, a report of the UN Secretary-General António Guterres, and several U.S. Department of State Democratic People's Republic of Korea Human Rights Reports. HRNK has also regularly been invited to provide expert testimony before the U.S. Congress.



ABOUT THE AUTHOR



Robert M. Collins completed 37 years of service as a soldier and U.S. Department of the Army civilian employee. He served 31 years in various assignments with the U.S. military in Korea, including several liaison positions with the Republic of Korea Armed Forces. Mr. Collins' final assignment was as Chief of Strategy, ROK-US Combined Forces Command, serving the four-star American commander as a political analyst for planning on Korean Peninsula and Northeast Asian security issues. He received the Sam-il Medal (Republic of Korea Order of National Security Medal, Fourth Class) from President Lee Myung-bak and the U.S. Army Decoration for Exceptional Civilian Service by the Secretary of the Army. Mr. Collins

earned a B.A. in Asian History from the University of Maryland in 1977, and a M.A. in International Politics, focusing on North Korean Politics, from Dankook University in 1988. Mr. Collins is a Senior Advisor at HRNK, where he conducts interviews with North Korean escapees in South Korea to gather information for North Korean population and human rights data. He is the author of *Marked For Life: Songbun, North Korea's Social Classification System*; *Pyongyang Republic: North Korea's Capital of Human Rights Denial*; *From Cradle to Grave: The Path of North Korean Innocents*; *Denied From the Start: Human Rights at the Local Level in North Korea*; and *North Korea's Organization and Guidance Department: The Control Tower of Human Rights Denial*, which were published by HRNK.



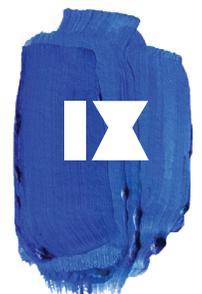
ACKNOWLEDGMENTS

The author would like to thank Greg Scarlatoiu, Executive Director for the Committee for Human Rights in North Korea (HRNK) for his direction and support; Amanda Mortwedt Oh, HRNK Human Rights Attorney for her legal insights; Chuck Downs, former Executive Director for HRNK for his concepts; and David Tolbert for this initiative. He would also like to thank Rosa Park for her editorial work, painting for the front and back cover as well as for the inside of the publication, photography for the cover, and graphic design work; Hayley Noah for her work on the bibliography, footnotes, table of contents, acronyms, and background research on the crime of *apartheid*; Gabrielle Henig for her background research on the crime of *apartheid*; Benjamin Fu for his editorial and graphic design review of the report; Jeune Kim for the translation of the Resident Registration Project Reference Manual Table of Contents; Junsoung Kim and Doohyun Kim for their transcription of the Resident Registration Project Reference Manual Table of Contents; and Ross Tokola for his hands-on contributions to the cover of the report.



ACRONYMS

COI	Commission of Inquiry
DPRK	Democratic People's Republic of Korea
KPA	Korean People's Army
KWP	Korean Workers' Party
NKPPC	North Korean Provisional People's Committee
OGD	Organization and Guidance Department
RIP	Resident Investigation Project
RRP	Resident Registration Project



FOREWORD

South Africa's Apartheid and North Korea's Songbun: Parallels in Crimes against Humanity by Robert Collins underlines similarities between two systematically, deliberately, and thoroughly discriminatory repressive systems. This project began with expert testimony Collins submitted as part of a joint investigation and documentation project scrutinizing human rights violations committed at North Korea's short-term detention facilities, conducted by the Committee for Human Rights in North Korea (HRNK) and the International Bar Association (IBA). Collins' unparalleled understanding of the North Korean regime and the depth of his analysis of North Korea's policy of human rights denial persuaded the joint investigation team that his testimony must be developed into a stand-alone publication.

The latest Collins report adds to his many contributions to understanding North Korea's levers of power, the dominant role of the Korean Workers' Party and the key elites, the chain of command and control responsible for crimes against humanity, and other egregious human rights violations as well as the extent of the oppression brought onto all levels of North Korean society. Together with Collins' *North Korea's Organization and Guidance Department: The Control Tower of Human Rights Denial* (2019), *Denied from the Start: Human Rights*

at the Local Level in North Korea (2018), *From Cradle to Grave: The Path of North Korean Innocents* (2017), *Pyongyang Republic: North Korea's Capital of Human Rights Denial* (2016), and *Marked for Life: Songbun, North Korea's Social Classification System* (2012), *South Africa's Apartheid and North Korea's Songbun* provides invaluable insight for decision makers, diplomats, scholars, and human rights defenders.

The point of Collins' most recent report is not that *songbun* is *apartheid*. What the author demonstrates through his meticulous documentation and thorough analysis is that both *songbun* and *apartheid* are systematically discriminatory. Just like *apartheid* before, *songbun* continues to crush the people of North Korea, through the drafting, application and implementation of laws and a legal system absolutely controlled by one party. In the case of South Africa, the fundamental distinctive feature of *apartheid* was race. In the case of North Korea, that distinctive feature is perceived loyalty to the regime.

Together with HRNK colleagues, I have spent countless hours with human rights defenders from all around the world, in conference rooms and virtual conferences. While we all address different racial, cultural, historical, social, political, economic, religious, and ideological environments, we are firmly united by a common bond: deep concern for safeguarding the individual human rights inscribed in international and municipal laws and treaties. The North



Korean regime has been committing crimes so egregious that comparisons have been made with the Nazi Holocaust and the Soviet Gulag. North Korea's *songbun* system of social classification is so appallingly oppressive that parallels can be made with South Africa's *apartheid*. The point of our international engagement is not to force comparisons, but rather to listen and learn from colleagues sharing the common goal of human rights and justice, to build on parallels and precedents in order to help enact positive change on the Korean peninsula.

Rather than pressing comparisons between *apartheid* and *songbun*, Collins' report reminds us that it was coordinated, unwavering international action that put an end to South Africa's abysmal racial discrimination system. It is only organized, methodical, patient, unrelenting international pressure and action that can bring freedom, justice, and human rights to the people of North Korea.

Greg Scarlatoiu
Executive Director



EXECUTIVE SUMMARY

This report argues that a parallel of *apartheid* exists today in North Korea, which is *songbun*, North Korea's discriminatory social class system. While not arguing for an equivocation to South African *apartheid*, the report raises the issue of whether there can be a contemporary acknowledgment or application of *apartheid* as defined in the Rome Statute of the International Criminal Court ("Rome Statute") and in the International Convention on the Suppression and Punishment of the Crime of Apartheid ("*Apartheid* Convention"). Robert Collins makes the case, using a parallel analysis, that North Korea's discriminatory *songbun* system, rooted in discrimination based on social class but with racial elements, may serve as a contemporary form of *apartheid* as also highlighted by prominent experts, including Navi Pillay, former UN High Commissioner for Human Rights and President of the Rwanda Tribunal, and Michael Kirby, former Chair of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea and Justice of the High Court of Australia.

Since 2012, Robert Collins' report on North Korea's *songbun* has provided the structure for those interested in learning about the Kim family regime's policies and practices related to classifying and treating North Korean people.

As Mr. Collins has made clear, *songbun* is deeply held in discrimination based on perceived political loyalty to the Kim regime and impacts all major areas of life. North Korean escapees have spoken out about its impacts on everything from their career opportunities to marriage in North Korea. *Songbun* continues to be a suppressive policy of the Kim regime, which the UN Commission of Inquiry on human rights in the Democratic People's Republic of Korea (COI) discussed in its 2014 findings of crimes against humanity, stating, "discrimination on the basis of gender and *songbun* is used to maintain a rigid social structure that is less likely to produce challenges to the political system."

Mr. Collins' report discusses the following: (1) South African and North Korean legislation and political documents, which serve as the foundation for implementing these discriminatory systems; (2) an overview of the South African system of *apartheid*, highlighting the classification of people based on race under the Population Registration Act; (3) North Korea's *songbun* system, explaining the intricacies of classifying people into a three category and fifty-one sub-category caste system, imposed by the Korean Workers' Party at the behest of the Supreme Leader; (4) the issue of both South African and North Korean policies that forcibly relocated entire populations and families, of which devastating effects are still felt today (with such policies still continuing in North Korea); and (5) potential legal considerations for arguing North Korea's *songbun* is a modern-day



apartheid based on a broader application of the *Apartheid* Convention and Article 7 of the Rome Statute. In addition, page 53 of the report describes the discriminatory racial aspects of the *songbun* system that should be considered in an *apartheid* argument.

Ultimately, Mr. Collins highlights a possible novel perspective on the examination of the crime of *apartheid*: Is contemporary *apartheid* being committed by the North Korean regime? Mr. Collins' scholarship and foresight continue to inspire our analysis of North Korea and its relationship with international law and human rights norms.

Amanda Mortwedt Oh
Human Rights Attorney



INTRODUCTION



The question presented in this report is whether North Korea's *songbun* system may constitute the crime of *apartheid* based on a contemporary and broader application of *apartheid* under international law and *jus cogens* (peremptory norms). Using a parallel analysis with South African *apartheid*, North Korea's discriminatory *songbun* system is rooted in discrimination based on social class, but with racial elements, which may serve as a contemporary form of *apartheid*. The following is an argument for viewing *songbun* as a modern form of *apartheid*, sometimes referred to as "political *apartheid*," and whether this should constitute a crime against humanity under Article 7 of the Rome Statute.

The International Convention on the Suppression and Punishment of the Crime of *Apartheid*, held under the United Nations General Assembly, included *apartheid* as a crime against humanity in 1973. Article 7 of the Rome Statute of the International Criminal Court lists *apartheid* as a crime against humanity, defined as "inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime."¹

.....

1 Article 7 of the Rome Statute of the International Criminal Court, Rome, July 17, 1998, United Nations Treaty Series, vol. 2187, no.

Similarly, the practices and policies of *songbun* (North Korea's social classification system) were found by the United Nations Human Rights Council's Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (COI) to constitute crimes against humanity. The COI came to the conclusion that "These crimes against humanity entail extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation." The COI further found that "crimes against humanity are ongoing in the Democratic People's Republic of Korea because the policies, institutions and patterns of impunity that lie at their heart remain in place."² While *apartheid* focused primarily on racial discrimination with some political factors, *songbun* focuses primarily on political factors, such as family background and individual political actions, with some racial aspects as well. However, the parallels between the two sets of crimes against humanity are striking.

.....

38544, available from <https://www.icc-cpi.int/resource/library/official-journal/rome-statute.aspx#article7>.

2 UN Human Rights Council, Report of the commission of inquiry on human rights in the Democratic People's Republic of Korea, February 7, 2014, A/HRC/25/63, available from <https://www.ohchr.org/en/hrbodies/hrc/coidprk/pages/reportofthecommissionofinquirydprk.aspx>.



Figure 1: The chart below offers a concise comparison of *apartheid* and *songbun*

South Africa's **APARTHEID**

- the state passed laws which paved the way for “grand *apartheid*”, which was centered on separating races on a large scale
- compelled people to live in separate places defined by race
- formalized racial classification and introduced an identity card, specifying their racial group, for all persons over the age of eighteen
- the state determined where one lived according to race and each race was allotted their own area, which was used in later years as a basis for forced removal
- the state passed laws suppressing resistance, banning disorderly gatherings as well as certain organizations that were deemed to be threatening to the government
- the education system for African students was designed to prepare black people for life as a laboring class
- separate facilities were established based on race
- intermarriage was prohibited
- there was an exploitation of labor, including forced labor, in certain instances

North Korea's **SONGBUN**

- the state instituted class distinction based on background and birth origin
- compelled people to live in separate places defined by background and birth origin
- formalized background classification and introduced an identity card for all persons over the age of seventeen, specifying their background and birth origin group
- state determined where one lived according to background and birth origin, which began as a basis of forced relocation
- state passed laws suppressing resistance; disorderly gatherings were banned, as were certain organizations that were deemed threatening to the party and government
- system of education was designed to prepare lower classes for lives as a laboring class
- separate facilities on the basis of background and birth origin, particularly housing, health facilities, workplace, higher education
- exploitation of labor in certain instances, both domestically and internationally



LEGISLATION AND DOCUMENTS



Both South Africa and North Korea produced legislation and political documents that justified their crimes against humanity under the *apartheid* and *songbun* social classification systems respectively. It is critical to understand that South Africa's all-white National Party compelled the South African government to enact all such legislation just as North Korea's Korean Workers' Party (KWP) compelled the Democratic People's Republic of Korea³ (DPRK) government and its institutions to do the same.

Whereas the South African government utilized a Western approach to legislation passed by a national legislature, albeit being directed by the National Party, undemocratic, and built on a racial hierarchy, North Korea employed a totalitarian approach to lawmaking. The personal directives of the Kim regime's Supreme Leader were above the KWP charter and the state constitution. Supporting the supreme leader's preeminence was the ubiquitous monitoring conducted by the KWP Organization and Guidance Department (OGD) of every North Korean's compliance with the Ten Great Principles of Monolithic Ideology, which compelled every North Korean to adhere to the leader's directives. The ten principles, which have a total of 65 sub-principles, are:

.....

3 Official name of North Korea.

It is critical to understand that South Africa's all-white National Party compelled the South African government to enact all such legislation just as North Korea's Korean Workers' Party (KWP) compelled the Democratic People's Republic of Korea (DPRK) government and its institutions to do the same.



1. Struggle with all your life to paint the entire society with the one color of the Great Leader Kim Il-sung's revolutionary thought.
2. Respect and revere highly and with loyalty the Great Leader Kim Il-sung.
3. Make absolute the authority of the Great Leader Kim Il-sung.
4. Accept the Great Leader Kim Il-sung's revolutionary thought as your belief and take the Great Leader's instructions as your creed.
5. Observe absolutely the principle of unconditional execution in carrying out the instructions of the Great Leader Kim Il-sung.
6. Rally the unity of ideological intellect and revolutionary solidarity around the Great Leader Kim Il-sung.
7. Learn from the Great Leader Kim Il-sung and master communist dignity, the methods of revolutionary projects, and the people's work styles.
8. Preserve dearly the political life the Great Leader Kim Il-sung has bestowed upon you and repay loyally for the Great Leader's boundless political trust and considerations with high political awareness and skill.
9. Establish a strong organizational discipline so that the entire Party, the entire people, and the entire military will operate uniformly under the sole leadership of the Great Leader Kim Il-sung.

10. The great revolutionary accomplishments pioneered by the Great Leader Kim Il-sung must be succeeded and perfected by hereditary successions until the end.⁴

Compliance with these principles is mandated by the KWP OGD for every North Korean starting in late elementary school, either weekly or bi-weekly, until the end of one's life. This process provides the ideological basis for the Supreme Leader's directives to be above the law, and to be, in fact, the law itself. To that point, according to Kim Jong-il, father of current Supreme Leader Kim Jong-un, the North Korean legal system and national laws are instruments of the working class and working masses. "Consequently, laws should be interpreted by the North Korean legal system from the perspective of the KWP and the working class."⁵

.....
 4 "What Are the 'Ten Principles'?" *Daily NK*, August 9, 2013, <https://www.dailynk.com/english/what-are-the-ten-principles/>.

5 Kim Jong-il, "On Strengthening the Socialist Lawful Living," in *The Kim Jong-il Collections*, vol.7 (Pyongyang: Korean Workers' Party Publishing House, 1996), 342.





SOUTH AFRICA'S APARTHEID



7

Enacted in 1950 and abolished in 1991, the Population Registration Act served as the basis for all other *apartheid*-focused legislation. This legislation categorized every person in South Africa as “white, black, or coloured.” The legislation was later modified to include Asians (primarily those from India). The legislation served as the basis for determining social and political rights, educational opportunities, and economic status. The South African government set up the Office for Race Classification to oversee the classification process.⁶ This office employed the following criteria for classifying the ethnicity of each person living in South Africa, which directly impacted the civil rights opportunities for each assessed individual:

- Characteristics of the person's head hair
- Characteristics of the person's other hair
- Skin color
- Facial features
- Home language and especially the knowledge of Afrikaans
- Area where the person lives, the person's friends and acquaintances
- Employment
- Socioeconomic status
- Eating and drinking habits⁷

Figure 2 shows an example of a South African government classification document for an individual during *apartheid*.

.....
6 This task by the Office for Race Classification parallels one of the duties of the KWP OGD.

.....
7 Deborah Posel, “What’s in a name? Racial categorizations under *apartheid* and their afterlife,” *African e-Journals Project, Michigan State University*, 2001, 62.



Figure 2. Race classification document based on South Africa's 1950 Population Registration Act⁸

BI-260263) BUN 0401753
REPUBLIC VAN SUID - AFRIKA
REPUBLIC OF SOUTH AFRICA

Sy Ed., Prof., Dr., Ds., Mnr., Mev., Mej. 1988-03-18
The Hon., Prof., Dr., Rev., Mr., Mrs., Miss.

[REDACTED] STREET *10*
CLAREMONT
7700

Neem asseblief kennis dat —
Please note that —

VAN [REDACTED]
SURNAME [REDACTED]
VOORNAME [REDACTED]
FORENAMES [REDACTED]

GEBOORTE-INSKRYWINGSNOMMER
BIRTH ENTRY NUMBER [REDACTED] 5138 00 3

is vir die doeleindes van die bevolkingsregistrasiewet, 1950, in die
has, for the purposes of the Population Registration Act, 1950, been
Bevolkingsregister opgeneem is as lid van die
included in the Population Register as a member of the

bevolkingsgroep.
population group.

WHITE

OP LAS VAN DIE DIREKTEUR-GENERAAL VAN BINNELANDSE SAKE
BY ORDER OF THE DIRECTOR-GENERAL OF HOME AFFAIRS
86/649/D

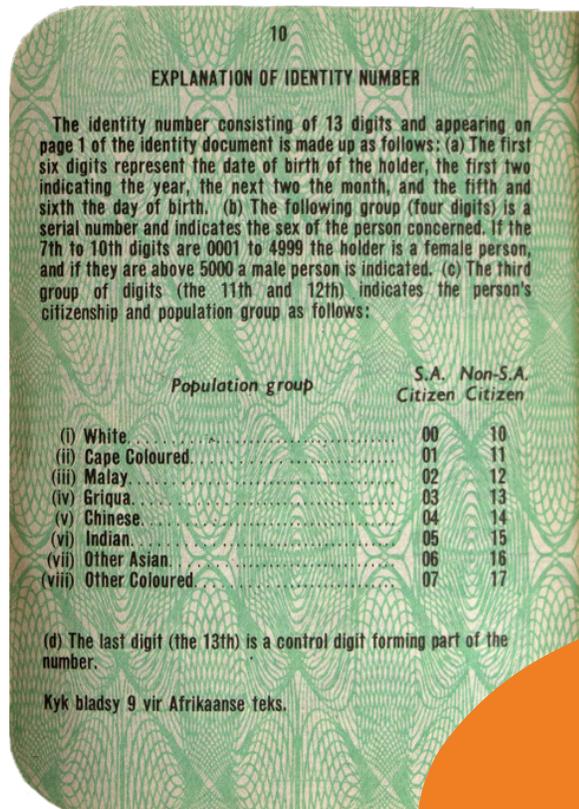
.....
8 Government of South Africa, "Race classification certificate issued in terms of the Population Registration Act," *Wikipedia*, July 20, 2010, https://en.wikipedia.org/wiki/Population_Registration_Act,_1950#/media/File:Population_registration_certificate_South_Africa_1988.jpg.



For use in overall official instruction, the graphic below shows an example of a South African government classification document providing guidance on classifying individuals.

Other documents were used for restrictive purposes. For example, the document in Figure 4 was referred to as a “dompass,” which was an authorization document to move from Bantu settlements to employment sites outside the Bantu settlements.

Figure 3. Race classification document based on South Africa’s 1950 Population Registration Act⁹



9 Government of South Africa, “Explanation of South African identity numbers in an identity document during apartheid in terms of official White, Coloured and Indian population subgroups,” *Wikipedia*, July 4, 2014, https://en.wikipedia.org/wiki/Population_Registration_Act,_1950#/media/File:ApartheidPopulationGroups.jpg.

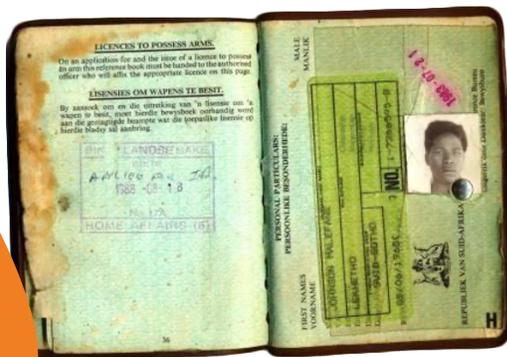


The following supporting legislation complemented South Africa's Population Registration Act and consolidated *apartheid's* intent:

- Prohibition of Mixed Marriages, which banned all interracial marriages
- Immorality Amendment Act #21 of 1950, which banned sexual relations between whites and blacks
- The Population Registration Act #30 of 1950, which classified people according to their racial characteristics
- Group Areas Act and Segregation Act #41 of 1950, which banned all races from living in the same area
- Suppression of Communism Act #40 of 1950, which banned the Communist Party in South Africa
- Bantu Building Workers Act# 27 of 1951
- Separate Representation of Voters Act #46 of 1951
- Prevention of illegal squatting Act #52 of 1951, which banned the illegal formation of squatter camps
- Bantu Authorities Act #68 of 1951, which established areas where blacks were allowed to live
- Natives Law Amendment Act of 1952
- Native Pass Laws Act #67 of 1952, which provided for settlement of labor disputes
- Bantu Education Act #47 of 1953
- Reservations of Separate Amenities Act #69 of 1953¹¹

The impact of *apartheid* on South African society is articulated simply in the graph on the next page.¹² The red arrows represent aspects of how South African laws impacted non-whites. The yellow arrows represent aspects of *apartheid's* benefits to South African whites and the purple arrows represent aspects of resistance to *apartheid*.

Figure 4. Example of a “dompass”¹⁰



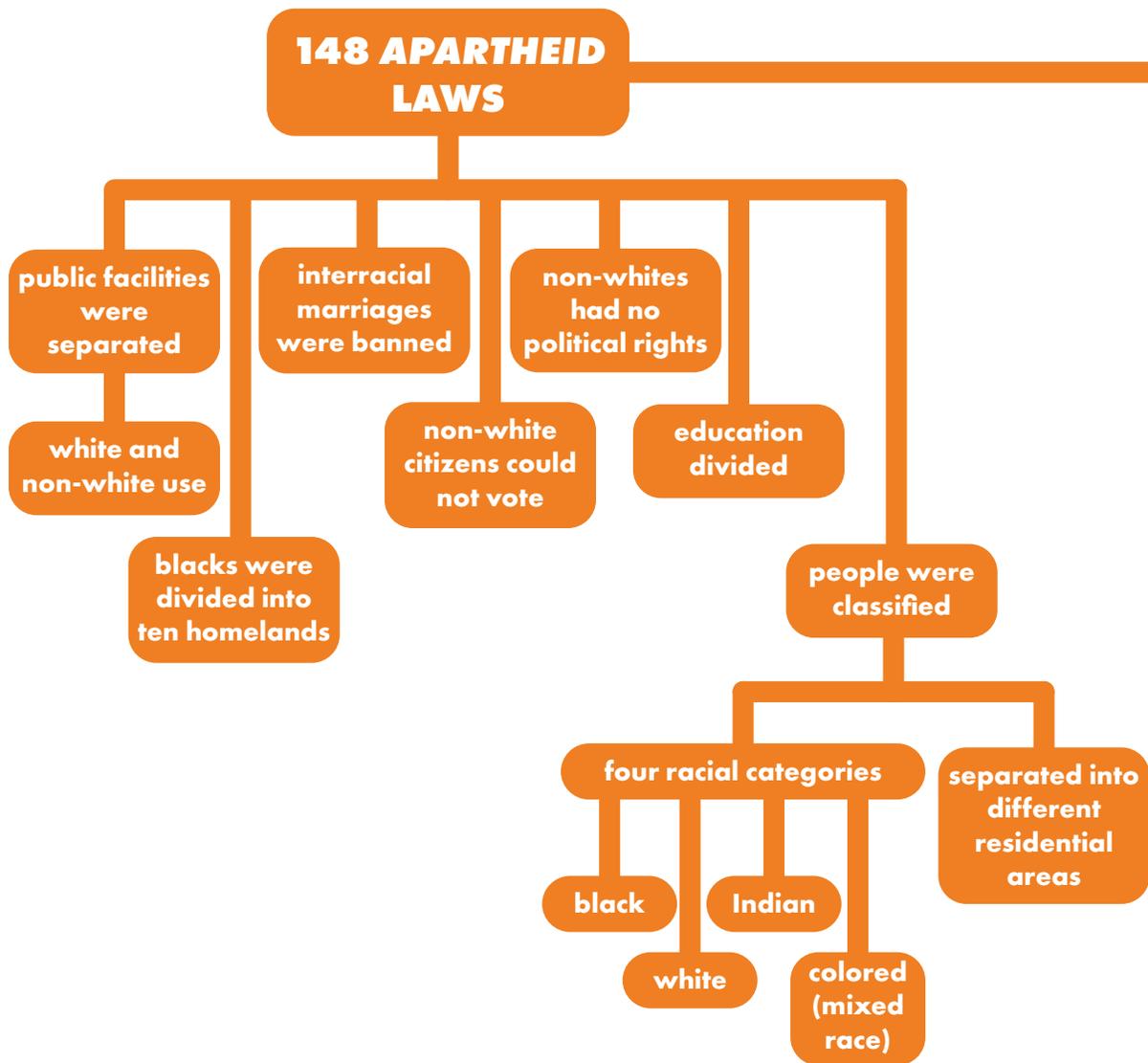
10 “Apartheid Laws,” Negative effects of Apartheid, accessed July 23, 2020, <https://sites.google.com/site/negativeeffectsofapartheid/home/apartheid-laws>.

11 Ibid.

12 Ibid.

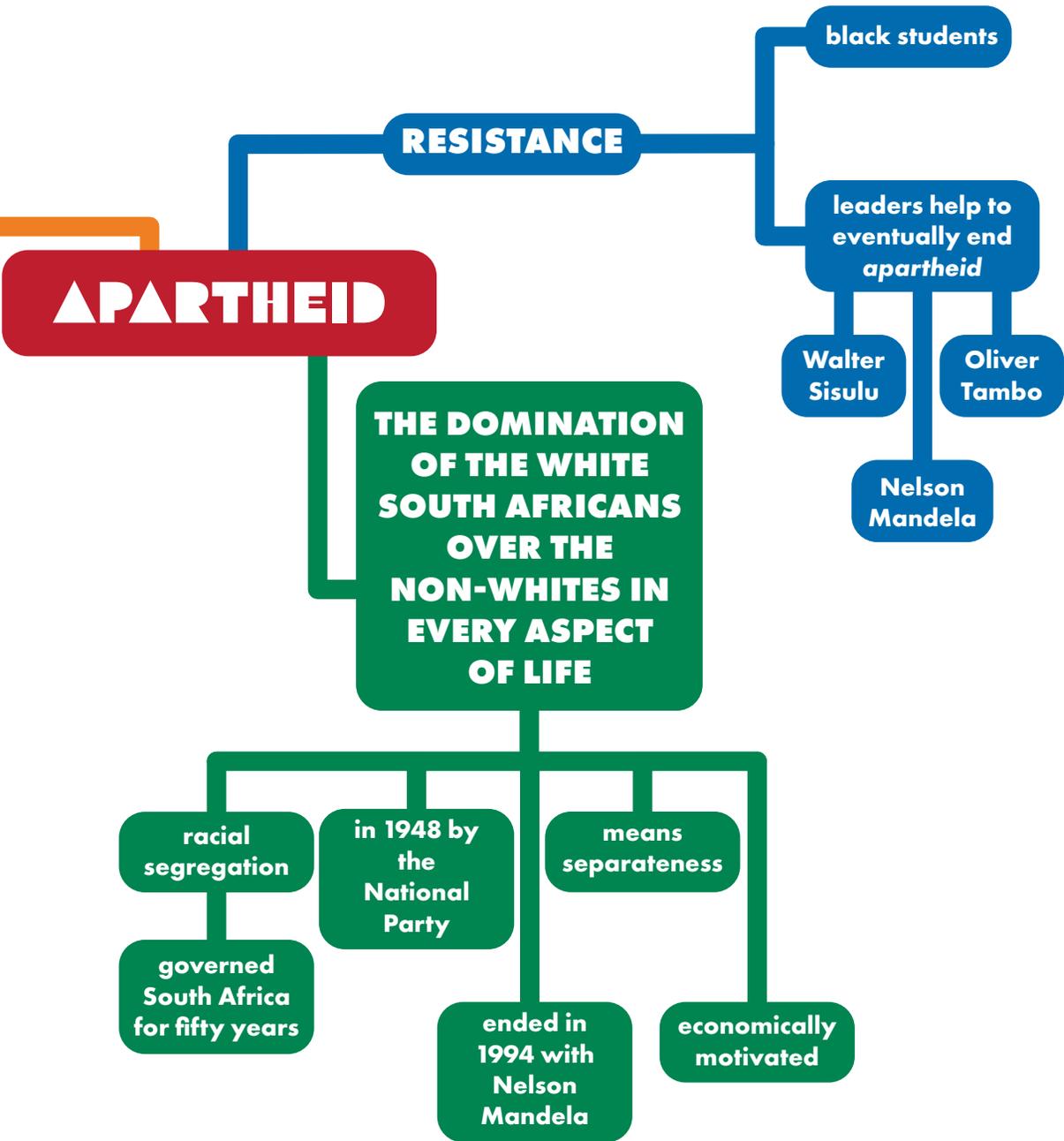


Figure 5. The Impacts of Apartheid¹³



.....
13 Ibid.





NORTH KOREA'S SONGBUN

14

The Kim regime's *songbun* classification system parallels each step of South Africa's classification process, albeit based far more on party policy by the KWP rather than on DPRK government legislation—the opposite of South Africa's *apartheid*. Both have various components, but the *songbun* classification system's components—some different, some the same—incorporate much more detail. As soon as the Soviet Union's 25th Army moved into the northern half of Korea above the 38th parallel after the end of World War II, ethnic Korean communist revolutionaries who accompanied them began revolutionizing the criteria for North Korea's version of patriotism and deserved citizenship. These Korean communist revolutionaries established the North Korean Provisional People's Committee (NKPPC), which instituted policies and practices that focused power on peasants, workers, and communist intellectuals at the expense of the pro-Japanese Koreans and landlords.¹⁴ On March 7, 1946, the NKPPC instituted a declaration of the "Classification of pro-Japan and Anti-Korean Elements."¹⁵

.....

14 Kim Yong-gi, "Kyechung Pulpyongdung Kucho-wa Kyechung Chongchaek" [Class Inequality Structure and Class Policy] in *Pukhan Sahoi-ui Pyonhwa* [North Korean Society's Structure and Change], ed. Ko Hyun-ok et al. (Seoul: Kyongnam University Far East Studies Research Institute, 1990), 199.

15 Lee Song Ro, *북한의 사회불평등구조 - 기원과 심화과정, 정치경제적 함의를 중심으로* [North Korea's Societal Inequality Structure: Focus on Origins, Intensification Process and the Political-Economic Meaning] (Seoul: Haenam Publishing, 2008), 52-53.

The NKPPC branded all Koreans who were landowners, businessmen, religious personnel, and those that collaborated with the Japanese during their 1910–1945 occupation of Korea as "counter-revolutionaries," executing or imprisoning them, or sending them to live in isolated mountainous areas of northern North Korea. In 1957, the KWP Politburo began to formalize this process and issued a proclamation titled "On the Transformation of the Struggle with Counterrevolutionary Elements into an All-People All-Party Movement."¹⁶ This officially initiated the *songbun* social classification system. The KWP then issued a directive known as the "May 30 Resolution" that initiated *songbun* as an official party-state platform. This was followed by the DPRK government's only legislation on *songbun* issues—"Cabinet Decree No.149" that instituted the large-scale relocation of "unreliables."¹⁷ Under the justification of "internal security reasons," those in the "hostile class" were removed from within 20 kilometers from the east and west coastlines and

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16 Andrei Lankov, "The Repressive System And The Political Control In North Korea," in *Severnaia Koreia: vchera i segodnia* [North Korea: Yesterday and Today] (Moscow: Vostochnaia literatura, 1995), http://www.fortunecity.com/meltingpot/champion/65/control_lankov.htm.

17 Kim Yong-gu, "Pukhanui Chumin Songbun mit Sasang Komto (2) - 50 Yontae Chungangdang Chipchung Chitolul Chungshimuro" [North Korean Residents' *Songbun* and Ideological Investigations (2) - Focus on Party Central Committee's Intensified Guidance of the 1950's], *Anjong Pojang* no. 205 (1988): 70-75.; Lankov, "The Repressive System."



The NKPPC branded all Koreans who were landowners, businessmen, religious personnel, and those that collaborated with the Japanese during their 1910–1945 occupation of Korea as “counter-revolutionaries,” executing or imprisoning them, or sending them to live in isolated mountainous areas of northern North Korea.

the demilitarized zone between North Korea and South Korea, from within 50 kilometers of Pyongyang and Kaesong, and from within 20 kilometers of other large cities.¹⁸ These measures directly parallel the intent of South Africa’s Population Registration Act. On the next page is a listing of North Korea’s official documents and KWP-led projects that instituted *songbun*’s social classification process. Each step either intensified the process or modified it.

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18 Lee, 북한의 사회불평등구조 [North Korea’s Societal Inequality Structure], 310.



Figure 6: Songbun Background Investigation Projects¹⁹ (The charts in Figures 6 and 7 were used in a previous publication for the Committee for Human Rights in North Korea titled *Marked for Life: Songbun, North Korea's Social Classification System*.²⁰)

Project	Period	Description
KWP Intensive Guidance Project	December 1958–December 1960	Exposing, punishing, and forcing relocation of impure elements to remote mountain villages
Resident Registration Project (RRP)	April 1966–March 1967	Classification based on family background to arm a million-man army (investigate 3 direct generations and all relatives of the wife and mother who are separated up to the 6th degree of relationship)
Classification Project for Division of Populace into 3 Classes and 51 Sub-categories	April 1967–June 1970	Based on the re-registration project, the entire population is divided into the Core (Loyal) Class, Wavering Class and Hostile Class, and then further divided into 51 sub-categories
Resident Investigation Project (RIP)	February 1972–1974	Investigate and determine the inclinations of the people based on discussions concerning North-South relations and then classify people based on those who can be believed, those whose beliefs are somewhat dubious, and those believed to be anti-state
Citizen Identification Card Inspection Project	January 1980–December 1980	To expose impure elements, increase control, and inspect and renew citizen identification cards according to Kim Jong-il's orders

19 Republic of Korea Ministry of Unification, *Pukhan Kaeyo 2009* [North Korea 2009] (Seoul: Ministry of Unification, 2009), 322.

20 See Robert Collins, *Marked for Life: Songbun, North Korea's Social Classification System* (Washington, DC: Committee for Human Rights in North Korea, 2012), 106-107, https://www.hrnk.org/uploads/pdfs/HRNK_Songbun_Web.pdf.

Project concerning repatriated Koreans and defectors from South Korea	April 1980–October 1980	Classify repatriated Koreans who entered North Korea, including those who defected to North Korea into an additional 13 sub-categories and update related surveillance projects
Project concerning Koreans repatriated from Japan to North Korea	January 1981–April 1981	Collect details of the data on former Korean residents in Japan who repatriated to North Korea and modernize surveillance data
Citizen Identification Card Renewal Project	November 1983–March 1984	Renewal of citizen identification cards and update <i>songbun</i> dossier for all residents
Resident Reinvestigation Project	October 1989–December 1990 (*in some sources this date is March 1984–October 1989)	Review and re-index resident registration; develop background data on separated families (those families separated between North and South Korea during the Korean War)
Adoption of the Citizen Registration Law	November 1997	Birth certificate, citizenship certificate, Pyongyang citizen card issuance
Renewing Citizenship Cards	Feb. 1998–Oct 1998	Change passport style to credit card style.
Citizenship Card Exchange	April 2004	Change of citizenship card from vinyl-coating style to a notebook-style

The classification process of the *songbun* system begins at birth for every North Korean citizen. Children under the age of 17 are classified the same way as their parents. At the age of 17, the national police located in every community initiates a background investigation of every person, usually when they are seniors in high school. Upon completion of the investigation, a local police investigator presents the results to his police chief, who then recommends a *songbun* social classification to the local KWP committee chair and the *songbun* classification of that individual is determined. The investigation form, example seen on the next pages, parallels the document in Figure 2.

The classification process of the songbun system begins at birth for every North Korean citizen. Children under the age of 17 are classified the same way as their parents.



Figure 7: North Korean Resident Registration File²¹

North Korean Resident Registration File							
Page 1							
Individual #: Onchon 2194				Resident File #: Taedong 28641			
Name	Ri Chung-song	Other name	M/F	Birth date	1941.9.18	Race	Choson (Korean)
Place of Birth		South Pyongan Province, Taedong County, Wau-ri			Party Entrance Date	1963.4.6	
Chulsin Songbun	Peasant	Social Songbun	Soldier	Class: Discharged Soldier	Connection with Foreign Country		China
Handicaps and Physical Characteristics: (blank)							
Family and Relatives							
Relation	Name	Birth date	Number	Remark			
Father	Ri Tae-won	1924.2.9	Onchon 21922				
Mother	Ri Mae-nyo	1926.11.28	Onchon 2193				
Wife	Pak Chun-ae	1943.2.11	Onchon 2195				
Son	Ri Chung-il	1960.9.18	Onchon 2196				
2 nd son	Ri Chung-hyok	1967.8.9	Taedong 12811				
Younger brother	Ri Un-hyok	1943.2.9	Onchon 2197				
Younger brother	Ri Un-shil	1947.12.9	Onchon 2198				
Father's Cousin	Ri Tae-hyok	1928.3.9	Pyongsong 12	China			
Father's Cousin	Ri Tae-yop	1926.12.9	Sunchon 291				

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²¹ Kim Sang-son and Ri Song-hi, *Resident Registration Project Reference Manual*, ed. Ri Pang-sun (Pyongyang: Social Safety Department Publishing House, 1993), 36-37.

Party Election Data			Awards					
From	To	Elected Service	Date	Citation	Medal	Date	Citation	Award
1982.10.2	1986.8.7	Candidate Member of Taedong County Party Committee	1961.4.5	Combat Hero	Military Hero (3)			
			1972.4.2	Work Hero	National Flag Level 3 (2)			
			1982.2.6	Work Hero	National Flag Level 2			

Diploma and Honors				Criminal Sanctions			
Date	Diploma / Honors	Changes	From	To	Crime	Prison Location	
(Blank)							
(Blank)							
Citizen Card Issue				Picture		Marital Status	
Date	Number	Reason			Date	Spouse Name	Changes



Class Foundation and Socio-political Life Record

Ri Chung-song was born the oldest son of Ri Tae-won who was a tenant farmer of 2,000 pyong of dry fields (1 pyong = 3.3 square meters), 1,000 pyong of rice fields. After liberation, his father was allocated 2,000 pyong of rice fields and 1,000 pyong of dry fields to farm. There were no problems during the Korean War. In August 1955, father became part of a cooperative farm. He attended elementary and middle school.

Interviewees include: South Pyongan Province, Taedong County Wau-ri Cooperative Farm

- Kim Hyong-su, 52, male, KWP member
- O Kil-hun, 59, male, KWP member
- Pyon Il-jae, 56, male, KWP member
- Cho Chae-il, 58, male, KWP member
- Ri Kil-song, 59, male, KWP member

1991.4.25

Entered KPA 1957.5.1 and served as squad leader in Unit 724. Discharged 1963.7.6 and worked at Taedong County cooperative farm since then.

Interviewees include:

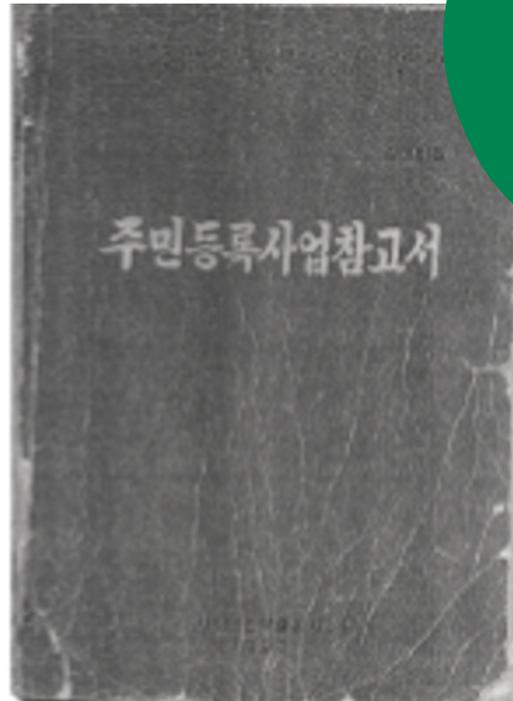
- KPA Unit 724 Political Section chief Ri Kil-su, male, 51, KWP member
- South Pyongan Province, Taedong County Township Cooperative Farm party secretary Ri Mun-hak, male, 52, KWP member

1991.6.27



These forms are dictated by the Resident Registration Project Reference Manual (see next page). The investigator also uses and adheres to two documents issued by the KWP: the Task Guide Manual on Each Class and Social Stratum of the Masses and the *Songbun* Classification Guide. South Africa's Population Registration Act contains parallels to the content in these documents.

Figure 8. Cover Page of the Resident Registration Project Reference Manual²²



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22 Ibid.

Resident Registration Project Reference Manual Table of Contents (Korean and English)

차례

I. 주민등록사업

1. 주민료해사업
 - 1) 주민료해사업에서 지켜야 할 원칙
 - 2) 주민료해대상과 그에 대한 장악
 - 3) 주민료해사업분담
 - 4) 주민료해내용
 - 5) 주민료해방법
2. 주민대장을 만들고 배렬하는 사업
 - 6) 주민대장을 만드는데서 지켜야 할 원칙
 - 7) 주민대장을 만들어야 할 대상
 - 8) 주민등록카드와 주민대장 No 6을 쓰는 방법
 - 9) 찾기표를 쓰는 방법
 - 10) 주민대장근거자료집을 만드는 방법
 - 11) 주민대장을 매는 방법
 - 12) 주민대장번호 제정과 등록방법
 - 13) 본인번호 제정과 등록방법
 - 14) 주민대장배렬

II. 주민등록사업을 정상화하고 주민 료해를 심화시키기 위한 사업

1. 새로 제기되는 대상들에 대한 료해사업
 - 1) 새로 제기되는 료해대상과 그에 대한 장악사업
 - 2) 새로 제기되는 대상들에 대한 료해사업
2. 주민들의 사회정치생활변동료해를 정상화하고 심화시키기 위한 사업
 - 1) 본인 및 한집안가족들의 사회정치 생활변동을 료해하기 위한 사업
 - 2) 따로사는 가족, 친척들의 사회정치 생활변동을 료해하기 위한 사업
 - 3) 남반부 또는 다른나라에 살고있는 가족, 친척들에 대한 료해 사업
 - 4) 사회정치생활변동료해를 정상화하도록 장악과 검열을 강화하기 위한 사업
3. 주민료해를 더욱 심화시키기 위한 사업
 - 1) 료해를 심화시켜야 할 대상
 - 2) 료해를 심화시켜야 할 대상장악방법
 - 3) 료해를 심화시켜야 할 대상들에 대한 료해 방법
 - 4) 완전히 료해하지 하지 못하였거나 잘못 료해 된 대상들을 료해한 자료처리
 - 5) 주민료해를 심화시키고 정상화하기 위한 보증인료해



4. 주민대장을 완성하기 위한 자료 등록 및 통보 사업
 - 1) 자료 정리 및 통보 사업에서 지켜야 할 원칙
 - 2) 주민대장정리방법
 - 3) 자료통보방법
5. 주민료해를 위한 자료교환
6. 주민대장을 넘겨주고 받기 위한 사업
 - 1) 주민대장이관사업에서 지켜야 할 원칙
 - 2) 주민대장을 넘겨주고 받는 절차와 방법

III. 주민대장 보관 및 리용

1. 주민대장보관관리
 - 1) 주민대장보관질서
 - 2) 찾기표보관관리
 - 3) 주민대장근거자료집 보관질서
2. 주민대장의 리용
 - 1) 주민대장의 리용
 - 2) 주민대장 리용에서 엄격한 규률을 세우기 위한 사업
 - 3) 주민대장열람대상
3. 주민대장실사
 - 1) 주요대장실사를 정상적으로 진행하기 위한 방법
 - 2) 주민대장실사방법

IV. 주민들의 성분 및 계층 규정사업

1. 성분 및 계층 규정 절차와 방법
 - 1) 성분 및 계층 규정에서 지켜야 할 원칙
 - 2) 성분 및 계층 규정대상과 대상장악방법
 - 3) 성분 및 계층 규정 절차와 방법
2. 성분 및 계층 규정기준
 - 1) 성분규정기준
 - 2) 계층규정기준

V. 주민등록사업 조직과 지도, 주민등록일군들의 임무

1. 주민등록사업 조직과 지도
 - 2) 호위사업지역과 중요지대 주민료해사업을 심화시키기 위한 사업
 - 3) 격변하는 정세의 요구에 맞게 주민 료해사업을 심화시키고 정상화하기 위한 사업
 - 4) 새로운 자료들로 주민대상을 보충완성하고 주민대상보관관리리용사업에서 엄격한 규률과 질서를 세우기 위한 사업
 - 5) 주민대장열람에서 엄격한 제도와 질서를 세우기 위한 사업
 - 6) 일군들속에서 주민등록사업을 중시하는 기풍을 세우기 위한 사업
 - 7) 주민등록사업에 대한 총화사업

2. 주민등록일군들의 임무
 - 1) 도안전국 부국장 (주민등록담당)의 임무
 - 2) 도안전국 처장 (주민등록담당)의 임무
 - 3) 도안전국 주민등록처 지도원들의 임무
 - 4) 시, 군 안전부 주민등록일군들의 임무
 - 5) 중앙기관 (국가안전보위부, 호의사령부, 91훈련소 포함) 주민료해일군들의 임무

VI. 부록

1. 주민등록일군들이 가지고있어야 할 문건
2. 주민등록사업에서 쓰이는 말풀이
3. 주민등록사업직관도
4. 가족, 친척 료해범위에 속한 촌수알아보기표

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 - 1) Principles for Resident Investigation Tasks
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 - 3) Assigning Resident Investigation Tasks
 - 4) Topics/Contents of Resident Investigations
 - 5) How to Conduct Resident Investigations
2. Task of Creating and Distributing Resident Documents
 - 1) Principles for Creating Resident Documents
 - 2) Purpose of Creating Resident Documents
 - 3) How to use Resident Registration Cards and Resident Document No. 6
 - 4) How to Use Search List Table
 - 5) How to Use a Resident Document as a Basis for Reference
 - 6) How to Group Resident Documents
 - 7) How to Number Resident Documents
 - 8) How to Establish and Register an Individual Number
 - 9) Arranging Resident Documents

II. Tasks to Standardize Resident Registration and to Intensify Resident Registration Investigations

1. Investigation Tasks for Newly Raised/Filed/Identified Targets
 - 1) Newly Identified Targets of Investigation and Tasks for Control
 - 2) Investigation Tasks for Newly Identified Targets
2. Tasks to Standardize and Deepen Investigations Concerning Change in the Social and Political Lives of Residents
 - 1) Tasks to Investigate Changes in the Social and Political Lives of Target and Target's Family Household
 - 2) Tasks to Investigate Changes in the Social and Political Lives of Family and Relatives Living Apart
 - 3) Tasks to Investigate Family and Relatives Living in the South or in Other Countries
 - 4) Tasks to Reinforce Standardization of Investigations of Change in Social and Political Life
3. Tasks to Further Intensifying Resident Investigations
 - 1) Targets for Intensified Investigations
 - 2) How to Control Targets for Intensified Investigations
 - 3) How to Conduct Investigations of Targets for Intensified Investigations

- 4) Process for Investigating Targets That Have Not Been Thoroughly or Incorrectly Investigated
- 5) Guarantees for Intensifying and Standardizing Resident Investigation Materials
- 4. Tasks to Register and Promote Materials for Perfecting Resident Documents
 - 1) Principles to Follow When Handling and Promoting Materials
 - 2) How to Handle Resident Documents
 - 3) How to Promote Materials
- 5. Exchanging Materials for Resident Investigations
- 6. Tasks for Exchanging Resident Documents
 - 1) Principles for Resident Documents at Public Sites
 - 2) Steps and Procedures for how to Exchange Resident Documents

III. Resident Documents Storage and Usage

- 1. Resident Document Storage Management
 - 1) Resident Document Storage Principles
 - 2) Search Documents Storage Management
 - 3) Storage Principles for Resident Document's Evidence
- 2. Resident Document Usage
 - 1) Resident Document Usage
 - 2) Tasks to Establish Strict Regulations for Resident Document Usage
 - 3) Access to Resident Documents
- 3. Resident Document Inspection
 - 1) How to Conduct Normal Resident Document Inspection
 - 2) How to Inspect Resident Documents

IV. Resident *Songbun* Social Classification and Maintenance Tasks

- 1. Steps and Procedures for *Songbun* Social Classification and Maintenance
 - 1) Principles to Follow for *Songbun* Social Classification and Maintenance
 - 2) Targets for *Songbun* Social Classification and Maintenance and How to Control Targets
 - 3) Steps and Procedures for *Songbun* Social Classification and Maintenance
- 4. Standards for *Songbun* Social Classification and Maintenance
 - 1) Standards for *Songbun* Maintenance
 - 2) Standards for Classification Regulations



V. Organization and Guidance for Resident Registration Tasks, Mission of Resident Registration Officials

1. Organization and Guidance for Resident Registration Tasks
 - 1) Tasks for Intensifying Resident Investigations in Guarded and Important Regions/Areas
 - 2) Tasks to Intensify and Standardize Resident Investigations to Meet the Demands of Rapidly Changing Circumstances
 - 3) Tasks to Supplement and Complete Resident Documents with New Materials and Tasks to Establish Strict Principles and Regulations for Resident Document Storage and Usage
 - 4) Tasks to Establish Strict Principles and Institutions for Reading Resident Documents
 - 5) Tasks to Establish Importance of Resident Registration Tasks Among Officials
 - 6) Self-critique Tasks Regarding Resident Registration
2. Mission of Resident Registration Officials
 - 1) Mission of the Deputy Director of the Provincial Police (Responsible for Resident Registration)
 - 2) Mission of the Chief of the Provincial Police (Responsible for Resident Registration)
 - 3) Mission of Resident Registration Guidance Officers of the Provincial Police
 - 4) Mission of Resident Registration Officials by City and County Police
 - 5) The Mission of Resident Investigation Officials of the Central Agencies (including Ministry of State Security, Guard Command, and the 91st Training Center)²³

VI. Addendum

1. Items that Resident Registration Officials Must Have
2. Interpretations of Resident Registration Tasks
3. Resident Registration Tasks Related to Direct Plan
4. Looking Into the Degree of Kinship During Investigation of Family and Kin

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23 The title of "91st Training Center" is a former term for the Pyongyang Defense Command.



Figure 14: Tables Showing *Songbun* Categories²⁴

#	Songbun Category	Songbun Category Description	Party Policy
1	Laborer (Basic background)	Peasants, hired agricultural workers, and laborers whose positions were unchanged before and after liberation and whose social <i>songbun</i> was laborer	Core class
2	Hired agricultural workers	Those who came from historically peasant families	Core class
3	Poor farmers	Those who made their livelihood by farming their own land with at least 50% mixed crops	Core class
4	White collar workers	Those who worked in the Party, government, administration, economic, cultural, or education field after liberation	Core class
5	Those who were intellectuals after liberation	Those who received a high school education in North Korea or other communist countries after liberation	Core class (Those educated overseas were placed under surveillance but remained part of core class)

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 24 Do Kyung-ok et al., "White Paper on Human Rights in North Korea 2017," (Seoul: Korea Institute for National Unification, 2017) 241-242, <https://www.kinu.or.kr/www/jsp/prg/api/div.jsp?menuIdx=340&category=41&thisPage=1&biibliold=1485069>.

6	Revolutionaries' Families	Families of those who were sacrificed in the anti-Japanese struggle	<ul style="list-style-type: none"> • Treated as core class • Appointed to party, government, military positions • Those unable to further serve given maximum social security benefits
7	Families of Patriots	Families of non-combatant patriots killed in the Korean War	<ul style="list-style-type: none"> • Treated as core class • Appointed to party, government, military positions • Those unable to further serve given maximum social security benefits
8	Families of Korean War dead	Those who died in the Korean War	Core class
9	Families of soldiers killed in Korean War	Families of soldiers killed in the Korean War	Core class
10	Rear area families	Families of active duty soldiers	Core class
11	Honored soldiers	Those who served in the Korean War	Core class
12	Post-liberation laborers	During the socialist revolution process after liberation, those who became laborers but were formerly middle/small merchants, industrialists, intellectuals, or rich farmers	Past <i>songbun</i> background and current activities require surveillance and supervision
13	Rich farmers	Farmers who hire one or more agricultural workers Farmers who hire workers for the planting/harvesting season	Must consider as resistance elements due to strong indications and subject to surveillance

14	National capitalists	Merchants who were national capitalists	Classified as resistance elements and subject to general surveillance
15	Landlords	At the time of land reform in 1946, those who had 5 chongbo of land or more confiscated ²⁵ Those who cultivated up to 3 chongbo of land	Subject to special surveillance
16	Pro-Japan and pro-U.S. individuals	Those who carried out pro-Japan or pro-U.S. activities	Subject to strict surveillance
17	Reactionary elements	Those who served the Japanese during the Japanese colonial period	Subject to strict surveillance
18	Those from the South (first category)	Families of rich farmers, landlords, national capitalists, pro-Japanese, pro-U.S., or reactionaries who came north during the Korean War	Subject to strict surveillance
19	Those from the South (second category)	Laborers and farmers who committed crimes and then came north during the Korean War	Subject to general surveillance
20	Those expelled from the party	Failed to carry out party mission and therefore expelled from the Party	Special surveillance based on reason for removal from the Party
21	Those fired from their jobs	Cadre who were fired from positions after appointment	Problem data recorded in their files

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 25 One chongbo equals 3,000 pyong. One pyong is 35.58 square feet. Therefore, one chongbo is 106,740 square feet.



22	Those who worked for the enemy	Those who surrendered who worked for the ROK-side police, security units or government during ROK occupation of the north during Korean War	Treated in same manner as those Removed from the Party
23	Families of those arrested or jailed	Families of those sentenced to jail time	Treated in same manner as those removed from the Party
24	Spies	Those arrested as infiltrators or spies or associated with either	Treated in same manner as those removed from the Party
25	Anti-party, anti-revolution factionalists	Those from the South Korean Labor Party in 1957 Others purged for anti-Kim Il-sung actions	Treated in same manner as those removed from the Party
26	Families of those executed	Families of those who were executed for anti-party activity after the Korean War	Treated in same manner as those removed from the Party
27	Those released from prison for political crimes	Those released from prison after serving sentence or for political crimes	Treated in same manner as those removed from the Party
28	Those who are lazy	Those who are lazy all of their life and causing trouble	General surveillance based on defining them as capable of being anti-revolutionaries during crisis
29	Hostesses	Shamans, fortune tellers, prostitutes, hostesses	General surveillance based on defining them as capable of being anti-revolutionaries during crisis

30	Those guilty of economic crimes	Those who serve jail time for theft, armed robbery, embezzlement	General surveillance based on defining them as capable of being anti-revolutionaries during crisis
31	Members of the Democratic Party	Families of those who were active in the Korea Socialist Democratic Party	Special surveillance based on position in Democratic Party
32	Chondo religion, Chongu Party members	Former believers of Chondo religion or the Chongu Party	Special surveillance based on position in Democratic Party
33	Koreans repatriated from China	Those returning from Northeast Asia after 1957	Other than Party members, returnees should be subject to surveillance
34	Koreans repatriated from Japan	Repatriated Koreans who formerly lived in Japan	Chosen Soren cadre join the Party and the rest placed under surveillance
35	Those who enter North Korea	Those who enter North Korea after liberation	Strict surveillance of those who enter North Korea after liberation, but not those who enter after liberation
36	Intelligentsia educated before liberation	Those who graduated from high school during Japanese colonial period	Part of this group subject to surveillance
37	Protestant Christians	Protestant believer at the end of the Korean War	Special surveillance
38	Buddhists	Buddhist believer at the end of the Korean War	Special surveillance
39	Catholic Christians	Catholic believer at the end of the Korean War	Special surveillance

40	Out-of-area student or well-known person	Those who studied overseas or out-of-area or were famous locally	General surveillance
41	Independent farmer	Farmer who makes his livelihood on his own land	Treated as wavering class and ideologically indoctrinated
42	Small businessman	Does not have own facilities but moves from location to location	Ideologically indoctrinated
43	Mid-level businessman	Merchant who owned his own residence and shop	Treated as wavering class and convinced to change ideologically
44	Artisans	Those who made their own products	Ideologically indoctrinated
45	Small factory owners	Those who owned their own small factory	General surveillance
46	Medium service traders	Owned their own facilities and buildings and hired employees	Convinced to change ideologically and treated as wavering class as much as possible
47	Small service traders	Made their living as small service traders	Ideologically indoctrinated
48	Those from the South (third category)	Families of laborers and peasants from South Korea who were not guilty of political crime	Ideologically indoctrinated
49	No assigned category	Those who did not enter a political party	Ideologically indoctrinated
50	Party member	Party member	Core class, treated as cadre
51	Capitalist	Those who lost all of their commercial assets to nationalization after 1946	Strict surveillance



Over time, these categories were modified, deleted, or supplemented with new categories as socio-political situations changed.

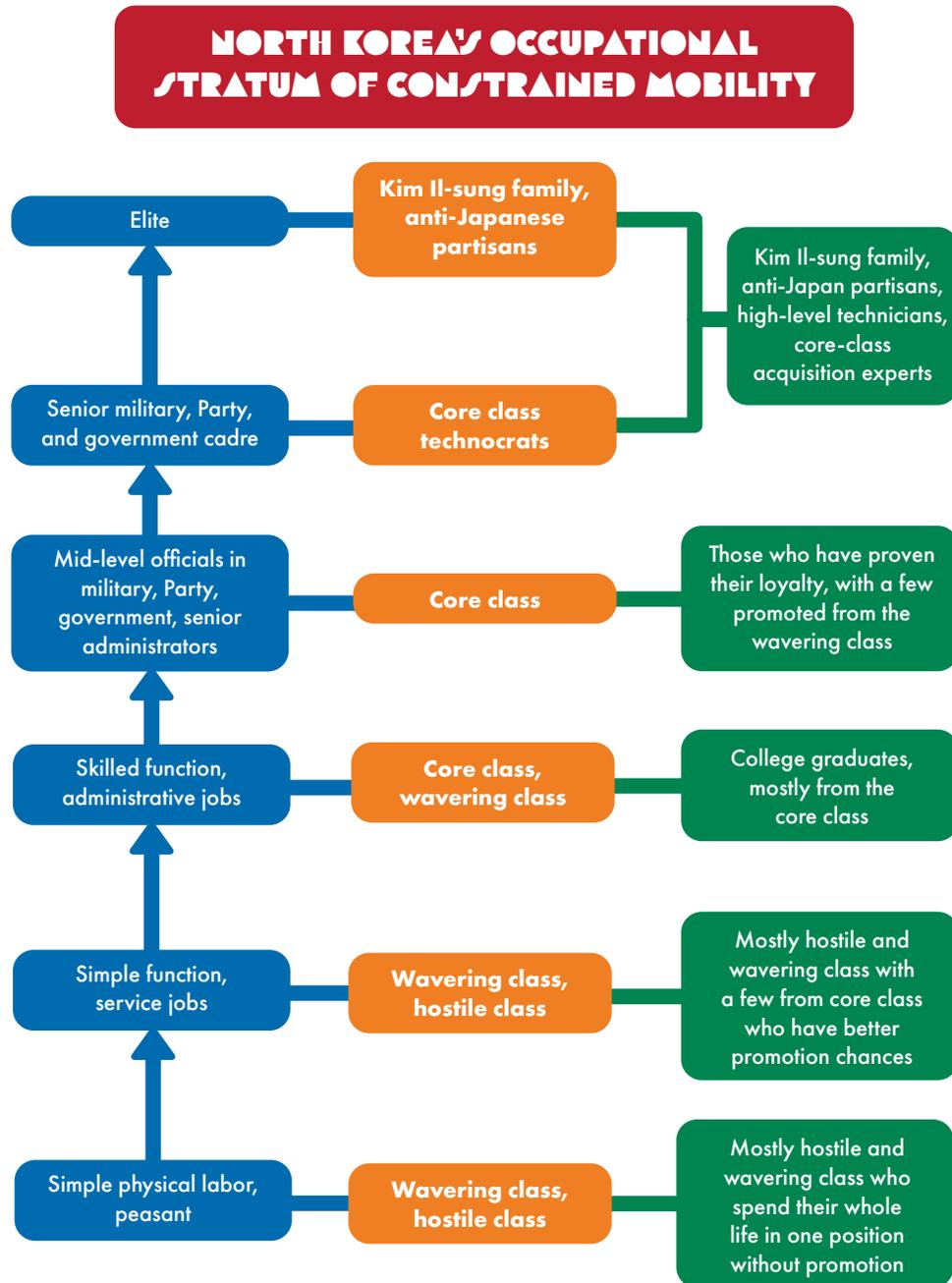
While DPRK legislation or supporting KWP policies does not specifically address interclass marriage, every North Korean knows that marriage between classes is highly discouraged by the citizens themselves. Of the loyal, wavering, and hostile classes, intermarriage between classes directly impacts education, housing, food security, economic opportunity, and healthcare, but most of all—opportunity. For a member of the loyal class to marry a hostile class member is risking not only his or her livelihood, but also that of their family members. The Kim regime has always employed the concept of *yeon-jwa-je* “guilt by association” to ensure entire families are punished for the crime of just one member of the family. Consequently, if a man from the loyal class marries a woman from the hostile class, that man’s parents and children will suffer irreparable harm to their way of life. Similar to how South Africans lived under *apartheid*, the majority of North Koreans are aware of their social status under *songbun* and why they are treated accordingly.

Labor restrictions most likely had and have the greatest impact on the daily lives of those disenfranchised by *apartheid* and *songbun*. *Apartheid* impacted the quality of life of every non-white South African. *Songbun* continues to impact the quality of life of every

North Korean who is not part of the elite classes. Non-white African workers were excluded from industrial relations through South Africa’s Native Labor Act of 1953. Economic opportunity, quality of healthcare, education opportunities, and housing were all impacted by this legislation. In North Korea, a similar impact resulted from *songbun* classifications. The figure on the next page demonstrates how this works.

Similar to how South Africans lived under apartheid, the majority of North Koreans are aware of their social status under songbun and why they are treated accordingly.

Figure 15. North Korea's Occupational Stratum²⁶



LOCATING POLICIES



Both South Africa and North Korea devised and implemented plans to relocate portions of their populations that they intended to disenfranchise, isolate, and/or imprison. Both *apartheid* and *songbun* were used as justifications to establish localities that would prevent the oppressed South African blacks and North Korea's hostile class from living freely within their respective countries.

Both apartheid and songbun were used as justifications to establish localities that would compel the oppressed South African blacks and North Korea's hostile class from living freely within their respective countries.

South Africa's white National Party established "Bantustan" territories for black Africans only. Ten territories were established by the 1970 Bantu Homelands Citizenship Act and residents of these territories were denied South African citizenship, thus being deprived of political and civil rights in South Africa.²⁷ South African blacks were forced to live in these areas and suffered from poor healthcare, malnutrition, civil rights denial, family disintegration, and a lack of economic opportunities.²⁸ Just over ten percent of the South African population was forcibly relocated to these Bantustan territories.²⁹ Consequently, the number of South Africans stripped of their citizenship between 1960 and 1984 totaled eight million.³⁰

The following figure depicts where these areas of forced separation are in South Africa.

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27 Amy McKenna, "Bantustan," *Encyclopedia Britannica*, accessed August 8, 2020, <https://www.britannica.com/topic/Bantustan>.

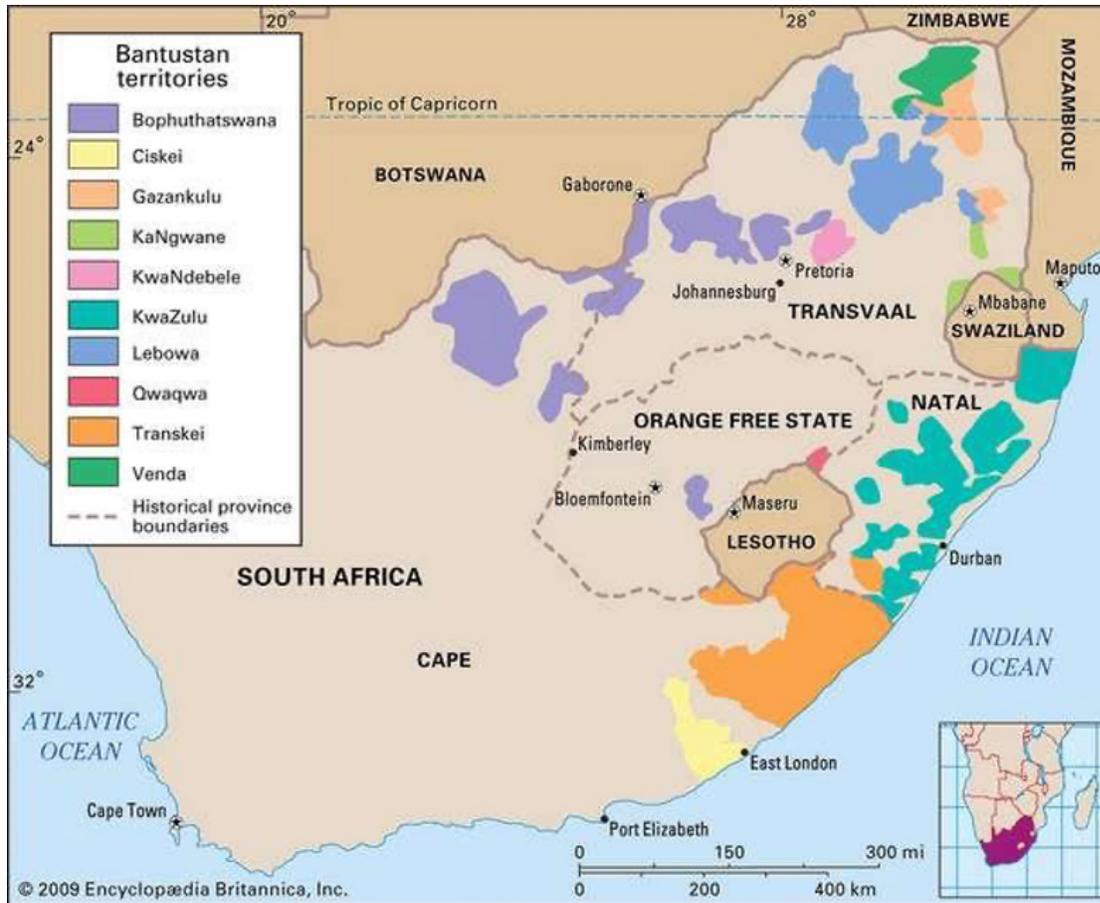
28 Meredith Turshen, "Health and Human Rights in a South African Bantustan," *Social Science and Medicine* 22, no. 4 (1986): 887-892, doi: 10.1016/0277-9536(86)90161-9.

29 At the time, that was 3.5 million people. See Dhuru V. Soni and Brij Maharaj, "Emerging Urban Forms In Rural South Africa," *Antipode* 23, no.1 (1991): 54, <https://doi.org/10.1111/j.1467-8330.1991.tb00402.x>.

30 Turshen, "Health and Human Rights," 887.



Figure 16. South Africa's Bantustan territories³¹



31 McKenna, "Bantustan."

In parallel actions and policy and based on the Intensive Guidance Project of the KWP and the KWP's May 30th Resolution, approximately 3,200,000 people, or one-third of all North Koreans, were classified into the hostile class. Cabinet Decree No.149 resulted in 70,000 of these individuals being forced to relocate to mountainous and isolated areas of northern North Korea and 6,000 being sent to prison.³² North Korea's KWP banned songbun's hostile class from residence in the capital city of Pyongyang and its vicinity as well as anywhere near the demilitarized zone separating North Korea from South Korea (Republic of Korea). The justification was that members of the hostile class could not be trusted within or near areas of importance to regime security and national security.³³

Parallel to South Africa's use of the "dompass" document to restrict the movement of non-whites into white-controlled territory, North Korea's Kim regime issues two different national identification cards, as shown in Figures 17 and 18. For those not living in Pyongyang, North Korean residents receive a general "Resident Card" as seen in Figure 17. Beginning in 1997, the privileged elite and trusted loyal class living in Pyongyang or special areas under Pyongyang's jurisdiction get a specific "Pyongyang Honored

Identification Card" when they live in Pyongyang, as shown in Figure 18.

Figure 17. North Korea's standard identification card for those living outside Pyongyang³⁴



32 Lee 북한의 사회불평등구조 [North Korea's Societal Inequality Structure], 72-73.

33 Kim, "Pukhanui Chumin Songbun" [North Korean Residents' Songbun], 70-75.

34 Kim Min-jun, "북한의 주민등록증인 공민증, 이렇게 생겼습니다 (North Korea's Citizenship Card Equivalent to Resident Registration Card, Looks Like This), Naver, November 18, 2016, <https://blog.naver.com/minjune98/220864876298>.

Figure 18. North Korea's "Pyongyang Honorary Citizen Card" for those living in Pyongyang³⁵



35 Soha Dong, "계급사회의 민낯을 보여주는 '평양시민증' '공민증'" [Pyongyang Citizenship Card showing the unfamiliarity of class society], Naver, May 5, 2019, <https://blog.naver.com/zerocando/221530263098>.

According to the *Pyongyang City Management Law*, the party-state delineates who can live in Pyongyang. Furthermore, the more elite one's status, the closer to downtown Pyongyang one can live. Based on one's political performance, one can have one's *Pyongyang Honorary Citizen Card* confiscated, leading to banishment from the city.

According to the *Pyongyang City Management Law*, the party-state delineates who can live in Pyongyang. Furthermore, the higher one's status, the closer to downtown Pyongyang one can live. Based on one's political performance, one can have one's *Pyongyang Honorary Citizen Card* confiscated, leading to banishment from the city.³⁶

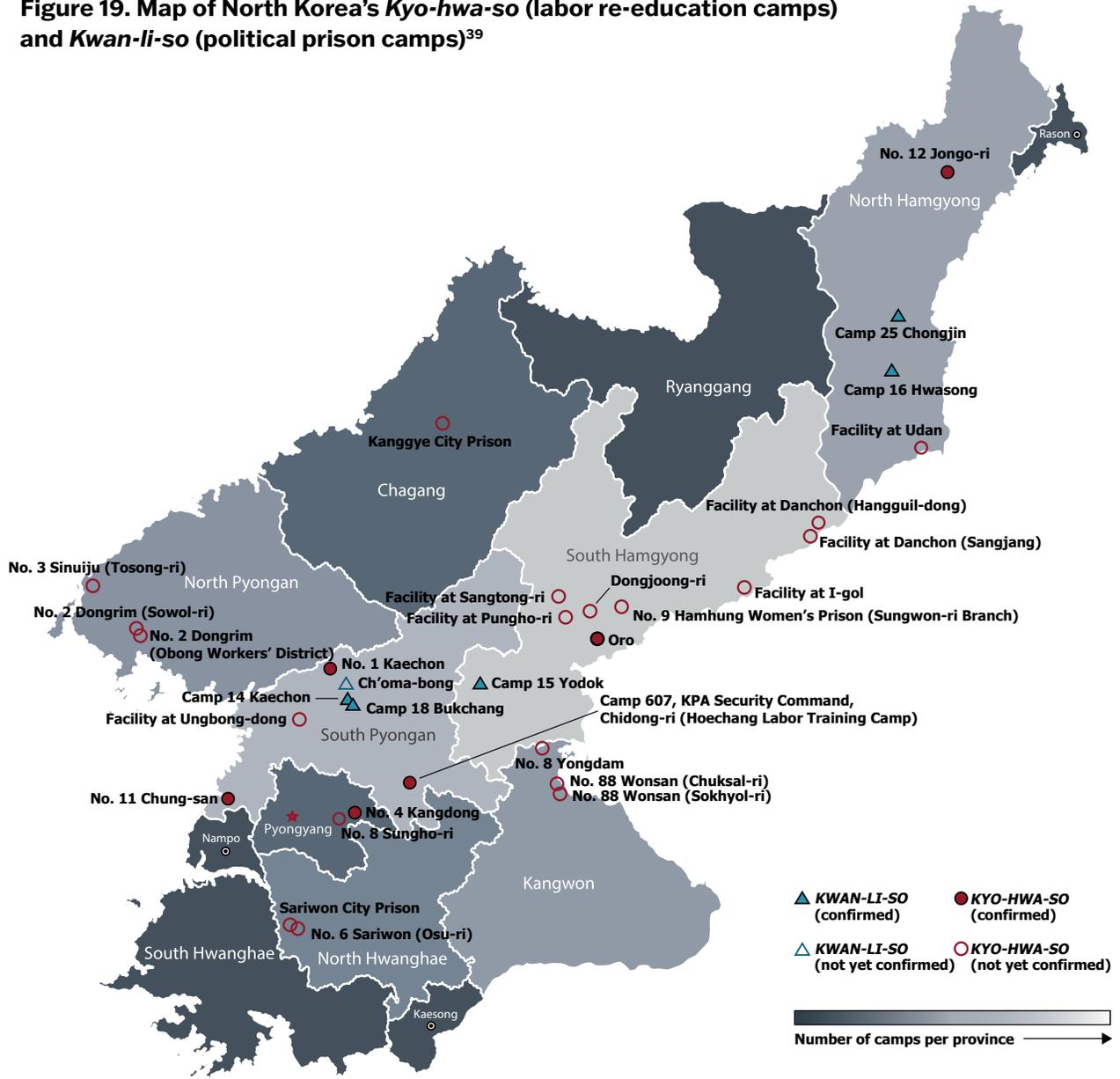
Eventually, many of the remote mountainous areas became political prison camps for those found guilty of "betraying the supreme leader." The total population of internees at the political prison camps numbers approximately 120,000, while the number in the long-term prison camps is estimated at above 70,000.³⁷ A very recent estimate by DailyNK places the current number of political prisoners at 160,000.³⁸ The figure on the next page depicts where these prisons are.

.....
36 Ibid.

37 David Hawk with Amanda Mortwedt Oh, *The Parallel Gulag: North Korea's "An Jeon Bu" Prison Camps* (Washington, DC: Committee for Human Rights in North Korea, 2017), 7, https://www.hrnk.org/uploads/pdfs/Hawk_The_Parallel_Gulag_Web.pdf.

38 Lee Ho Jin, "How has Kim Jung Un changed his country's prison camps?" *Daily NK*, August 10, 2020, <https://www.dailynk.com/english/how-has-kim-jong-un-changed-prison-camps/>.

Figure 19. Map of North Korea's *Kyo-hwa-so* (labor re-education camps) and *Kwan-li-so* (political prison camps)³⁹



39 Hawk and Oh, *The Parallel Gulag*.



Though there is no known North Korean law addressing the establishment and maintenance of North Korea's political prison camps, there are the directives from the Kim regime's Supreme Leader, which are regarded as the highest law in North Korea.⁴⁰ On November 19, 2005, Kim Jong-il issued the following directive titled "Commanding General Comrade Kim Jong-il's Words to Senior Cadre of the State Security Department" (now the Ministry of State Security). The directive states:

"My dear comrades, you are being called to uphold the revolutionary spirit, resist the yellow wind of capitalism and ensure that not a single citizen defects from North Korea. We have steadily reformed the ideology of the people since we won liberation from Japan. We have done enough of it. Now, we must give traitors a taste of the proletarian dictatorship. The roots of poisonous grasses must be pulled up. Any compromise means death in the class struggle.

My dear comrades, you should not compromise under any circumstance or show the slightest mercy on those who drop from the ranks of our revolution. We will stick to our methods at all costs.

We must show the people that the last of traitors are eliminated even at the cost of gun-shots in public. We must expand camps for political prisoners in strategic locations and maintain strict control over them. Now, we are fighting an invisible war with class foes. The confused elements at home are more dangerous than the enemy outside. My dear comrades, you are fighters at the forefront of the revolution. I sleep comfortably because all of you are out there. Let's work hard through the upcoming generations to accomplish the great work of the Juche Revolution that the Supreme Generalissimo initiated from the peak of Mount Paektu."

.....
40 Many find this statement to be an exaggeration but every one of the 33,000 North Korean escapees living in South Korea will attest to this fact.

This directive is a clear order to the Ministry of State Security to establish and maintain political prison camps.⁴¹

The Bantustan territories had a catastrophic impact on the families that were forcibly relocated there, the North Korean political prison camps are designed for life imprisonment for most internees. Furthermore, many of the members of the hostile class who are not in prisons are forced to live in isolated mountainous areas where they are employed in strictly low-skilled labor jobs, such as mining.

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41 Kim Hi-Tae and Peter Jung, *The Persecuted Catacomb Christians of North Korea*, (Seoul: Justice for North Korea, 2014), quoted in Robert Collins and Amanda Mortwedt Oh, *From Cradle to Grave: The Path of the North Korean Innocents* (Washington, DC: Committee for Human Rights in North Korea, 2017), 25, https://www.hrnk.org/uploads/pdfs/Collins_Cradle_to_Grave_WEB_FINALFINAL.pdf.

**LEGAL
PARALLELS
BETWEEN
SOUTH
AFRICAN
AND NORTH
KOREAN
CRIMES
AGAINST
HUMANITY**

48

Article 7 of the Rome Statute defines crimes against humanity as follows:

- (a) Murder;**
- (b) Extermination;**
- (c) Enslavement;**
- (d) Deportation or forcible transfer of population;**
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;**
- (f) Torture;**
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;**
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;**
- (i) Enforced disappearance of persons;**
- (j) The crime of apartheid;**
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.⁴²**

.....
42 Article 7 of the Rome Statute of the International Criminal Court.

In every case of the above crimes, South Africa under the National Party and North Korea under the KWP were and are guilty of each to a significant degree.⁴³ Although South Africa's crimes against humanity focus primarily on *apartheid* and North Korea's crimes against humanity focus on persecution against identifiable groups, every other Article 7 crime is an integral component to each regime's crimes against humanity. Individual identifications of crimes in each category are too numerous to identify and catalogue here, but survivor testimony, eyewitness accounts, and other reporting provide ample evidence of these crimes perpetrated by both regimes.

Rome Statute, Article (2)(h) defines the crime of *apartheid* as:

inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.

It is important to note that North Korea employs its own form of racism in its crimes against humanity. Under the Kim regime, North Korean ideology has always

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43 The temporal jurisdiction under the Rome Statute began in 2002, when it entered into force. Thus, South Africa under *apartheid* does not fall, strictly legally speaking, under the jurisdiction of the Rome Statute.



stressed that the Korean race is superior over all other races and nations.⁴⁴ If there is Chinese ethnicity in one's family, then one is never socially classified under the upper loyal class. One could make it as far as the middle wavering class, provided one worked diligently and supported all KWP policies within the respective area of work (institutional or geographic).

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44 B.R. Myers, "North Korea's Race Problem," *Foreign Policy*, February 11, 2010, <https://foreignpolicy.com/2010/02/11/north-koreas-race-problem/>.



**THE ARGUMENT
FOR NORTH
KOREAN SONGBUN
TO CONSTITUTE
CONTEMPORARY
APARTHEID**

Notably, after the landmark 2014 COI report found evidence of crimes against humanity occurring in North Korea, Chair of the COI Justice Michael Kirby stated that North Korea must “abolish immediately and completely the discriminatory *Songbun* system,” describing it as “**an apartheid of social class**” (emphasis added).⁴⁵ The COI report highlighted the critical structural role of North Korea’s use of “discrimination on the basis of gender and *songbun*” to “maintain a rigid social structure” and therefore commit crimes against humanity.⁴⁶

Subsequently, Navi Pillay, the former UN High Commissioner for Human Rights and President of the Rwanda Tribunal, addressed an audience in Seoul in 2015 calling North Korea’s caste system of *songbun* a new example of *apartheid*.⁴⁷

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45 United Nations, Human Rights Council, “Statement by Mr Michael Kirby Chair of the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea to the 25th session of the Human Rights Council,” Geneva, March 17, 2014, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14385&LangID=E>.

46 United Nations Commission of Inquiry on Human Rights in the DPRK, *Report of the Detailed Findings of the Commission of Inquiry on human rights in the Democratic People’s Republic of Korea*, A/HRC/25/CRP.1, para. 1225(g), February 7, 2014, <https://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/CommissionInquiryonHRinDPRK.aspx>.

47 Elizabeth Shim, “Ex-UN official: North Korean caste system is the new apartheid,” *UPI*, October 22, 2015, https://www.upi.com/Top_News/World-News/2015/10/22/Ex-UN-

More recently, in 2017, the War Crimes Committee of the International Bar Association (IBA) held an Inquiry on North Korea’s alleged crimes against humanity, finding all crimes, except for the crime against *apartheid*, have been committed in North Korea. The IBA noted that the decision was made with the facts presented at the time and evidence may later be submitted that could make the designation of *apartheid* applicable (despite the fact that North Korea has not ratified or acceded to the *Apartheid* Convention or the Rome Statute).⁴⁸

As the previous information in this report details, North Korea’s *songbun* system is relatively robust and complicated, breaking individual North Koreans down into three main categories and 51 sub-categories. One could also view *songbun* as “political *apartheid*,” as the Kim family regime has a caste system that ensures the elites—those most loyal to the Kim family—dominate those groups deemed and categorized as less loyal. The oppression is rooted in family history, social classification, and sometimes race, and North Koreans are with few exceptions unable to break free of this systematic oppression. Their *songbun* classification dominates their lives from cradle to grave, impacting where they

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official-North-Korean-caste-system-is-the-new-apartheid/1571445526152/.

48 War Crimes Committee of the International Bar Association, *Report: Inquiry on Crimes Against Humanity in North Korean Political Prisons* (London: International Bar Association, 2017).



live, their education, their partners, their occupations, their party membership, and their overall status in North Korea.

While the *songbun* system today in North Korea should be viewed as modern-day *apartheid* based on this social and political discriminatory system, there are racial elements involved in these categories too.

In specific instances, while the overarching classification system centers on social classification based on political loyalty to the Kim family regime, it is important to also note that North Korea employs its own form of racism in its crimes against humanity. Under the Kim regime, North Korean ideology has always stressed that the Korean race is superior to all other races and nations.⁴⁹ There are two main instances of this based on race or ethnicity.

(1) CHINESE

As discussed, if there is Chinese ethnicity in one's family, then one is never socially classified under the upper loyal class (upper third). One could make it as far as the middle wavering class, provided one worked diligently and supported all KWP policies within the respective area of work (institutional or geographic).

(2) JAPANESE

However, the worst case of racial

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49 B.R. Myers, "North Korea's Race Problem."

discrimination is having Japanese background. In 1960, there was a great migration of Koreans back from Japan who had been brought to Japan decades before to work in factories during World War II. They remained in Japan until North Korea offered them repatriation to the motherland. Known in Japan as Zainichi Koreans, 97% of them were from southern Korea. The number of Koreans who accepted repatriation in 1960 and 1961 to North Korea was approximately 93,000 (North Korea needed laborers).⁵⁰ Many brought back Japanese spouses and their children. Upon arrival, their *songbun* social classification and subsequent treatment were based on their background with the Japanese and their origins from southern Korea.

Of course, there were exceptions to every rule in North Korea based on talents and capabilities that the Kim regime wanted to exploit. Even in the ruling Kim line, there is one woman who was half-Japanese. Kim Jong-un's father, Kim Jong-il, found her so pretty that he made her his concubine. This was none other than Ko Yong-hui, Kim Jong-un's mother.

(3) *Jus Cogens* (Peremptory Norms)

While it seems generally accepted that the *Apartheid* Convention was referring specifically to South Africa and is not

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50 Yoshi Yamamoto, *Taken! North Korea's Criminal Abduction of Citizens of Other Countries* (Washington, DC: Committee for Human Rights in North Korea, 2011), 11, https://www.hrnk.org/uploads/pdfs/Taken_LQ.pdf.



broadly applicable,⁵¹ some scholars argue that the application of the crime of *apartheid* should not only address *apartheid* in South Africa but post-South African *apartheid* cases as well. Some argue that the treaty has now become customary international law and arguably *jus cogens*, and thus a peremptory norm of international law that is not subject to derogation or avoidance.⁵² One of the main points of this argument comes from the inclusion of the crime of *apartheid* in the Rome Statute, which did not enter into force until 2002. As John Dugard has written, “It may be concluded that the *Apartheid* Convention is dead as far as the original cause for its creation—*apartheid* in South Africa—is concerned, but that it lives on as a species of the crime against humanity, under both customary international law and the Rome Statute of the International Criminal Court.”⁵³ Arguing for the acknowledgement of *apartheid* beyond South Africa, he continues:

That the Apartheid Convention is intended to apply to situations other than South Africa is confirmed by its endorsement in a wider context in instruments adopted before and after the fall of apartheid. In 1977, Additional Protocol I of the Geneva Conventions of 1949 recognized apartheid as a “grave breach” of the Protocol (art. 85, paragraph 4 (c)) without any geographical limitation. Apartheid features as a crime in the Draft Code of Crimes against the Peace and Security of Mankind adopted by the International Law Commission on first reading in 1991 without any reference to South Africa and in 1996 the Draft Code adopted on second reading recognized institutionalized racial discrimination as species of crime against humanity in article 18 (f) and explained in its commentary that this “is in fact the crime of apartheid under a more general denomination” (Report of the International Law Commission on the work of its forty-eighth session (A/51/10), p. 49). In 1998, the Rome Statute of the International Criminal Court included the “crime of apartheid” as a form of crime against humanity (art. 7).⁵⁴

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 51 See, for example, Carola Lingaas, “The concept of Race in the law of apartheid,” in *The Concept of Race in International Criminal Law*, 142-186 (London: Routledge, 2019).

52 See, for example, John Dugard, “Convention on the Suppression and Punishment of the Crime of Apartheid: Introductory Note.” *Audiovisual Library of International Law*, accessed May 26, 2020, <https://legal.un.org/avl/ha/cspca/cspca.html>.

53 John Dugard, “Convention on the Suppression and Punishment of the Crime of Apartheid: Introductory Note.”

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 54 Ibid.



CONCLUSION



To that effect, the concepts of South Africa's apartheid and North Korea's songbun have parallel components whose consequences make them both inherently crimes against humanity.

As discussed, there are resounding similarities with North Korean *songbun* and South African *apartheid* in terms of oppression by one group over another and systematic discrimination impacting access to food and medicine, for example. While the *Apartheid* Convention seems to discuss the traditional notion of *apartheid* based on the crime of *apartheid* in South Africa, the 2002 Rome Statute's inclusion of the crime as a crime against humanity, for one, allows for a broader application, allowing us to consider whether evidence suggests that North Korea's Kim Jong-un should be held accountable for the crime of *apartheid* as a crime against humanity.

The crimes against humanity associated with *apartheid* and the *songbun* social-classification system served the political objectives, policies and practices of South Africa's National Party and North Korea's Korean Workers' Party. To that effect, the concepts of South Africa's *apartheid* and North Korea's *songbun* have parallel components whose consequences make them both inherently crimes against humanity. Policies and practices grounded in both concepts suppress and deny opportunity, rights and privileges to systematically targeted segments of the population.



ANNEX I: APPLICABLE LAWS TO APARTHEID IN NORTH KOREA

Three treaties apply to the crime of *apartheid*: (1) the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);⁵⁵ (2) the International Convention on the Suppression and Punishment of the Crime of *Apartheid* (*Apartheid* Convention);⁵⁶ and (3) the Rome Statute of the International Criminal Court (Rome Statute).⁵⁷

(1) The ICERD

The ICERD went into force on March 7, 1966. It defined “**racial discrimination**” in Article 1 as “any **distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin** which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life” (emphasis added). Article 3 states, “States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.” On December 16, 1966,

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55 UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD), December 21, 1965, United Nations, Treaty Series, vol. 660, p. 195, https://treaties.un.org/doc/Treaties/1969/03/19690312%2008-49%20AM/Ch_IV_2p.pdf.

56 UN General Assembly, *International Convention on the Suppression and Punishment of the Crime of Apartheid* (*Apartheid* Convention), July 18, 1976, A/RES/3068 (XXVIII), https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.10_International%20Convention%20on%20the%20Suppression%20and%20Punishment%20of%20the%20Crime%20of%20Apartheid.pdf.

57 Article 7, Crimes against humanity, “Rome Statute of the International Criminal Court,” July 17, 1998, in force on July 1, 2002, *United Nations, Treaty Series*, vol. 2187, No. 38544, <https://www.icc-cpi.int/resourcelibrary/official-journal/rome-statute.aspx#article7>.



the UN General Assembly passed a resolution (2202 A (XXI)) condemning *apartheid* in South Africa as a crime against humanity.⁵⁸

South Africa signed the ICERD in 1994. However, North Korea is not a signatory to the ICERD.⁵⁹

(2) The *Apartheid* Convention

Four UN Member States originally opposed the *Apartheid* Convention: Portugal; South Africa; the United Kingdom; and the United States. However, the *Apartheid* Convention came into force on July 18, 1976. These four countries never ratified or acceded to the Convention, and neither did North Korea or South Korea.⁶⁰

The *Apartheid* Convention provides the more expansive definition of *apartheid* compared to the Rome Statute (see (3) below). Article 1(1) declares *apartheid* a crime against humanity and—

that inhuman acts resulting from the policies and practices of apartheid and similar policies and practices of racial segregation and discrimination, as defined in article II of the Convention, are crimes violating the principles of international law, in particular the purposes and principles of the Charter of the United Nations, and constituting a serious threat to international peace and security.

Article 2 states—

“the crime of apartheid”, which shall include similar policies and practices of racial segregation and discrimination as practised in southern Africa, shall apply to the following inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them:

(a) Denial to a member or members of a racial group or groups of the right to life and liberty of person:

.....

58 UN General Assembly, Twenty-first session, *The policies of apartheid of the Government of the Republic of South Africa* (2202 A (XXI)), [https://undocs.org/en/A/RES/2202\(XXI\)](https://undocs.org/en/A/RES/2202(XXI)).

59 The United States signed the ICERD in 1966. The Republic of Korea signed the ICERD in 1978. See more at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&clang=_en.

60 Ibid.



(i) By murder of members of a racial group or groups;

(ii) By the infliction upon the members of a racial group or groups of serious bodily or mental harm, by the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment;

(iii) By arbitrary arrest and illegal imprisonment of the members of a racial group or groups;

(b) Deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part;

(c) Any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to form recognized trade unions, the right to education, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association;

d) Any measures including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof;

(e) Exploitation of the labour of the members of a racial group or groups, in particular by submitting them to forced labour;

(f) Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid. (emphasis added)

The key language in Art. 2 above is that inhuman acts, listed in (a) through (f) above, are “committed for the purpose of establishing and maintaining **domination by one racial group of persons over any other racial group** of persons and systematically oppressing them” (emphasis added).



(3) The Rome Statute

Article 7(1)(j) of the Rome Statute lists “the crime of *apartheid*” as a crime against humanity “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.” Article (2)(h) then defines the crime of *apartheid* as “inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.”

“Racial group” is an important term in this article. Identical to the *Apartheid* Convention in this way, the Rome Statute defines *apartheid*, but not *racial group*. As such, it appears that the most difficult aspect of proving the crime of *apartheid* is the usage of the term “racial group.”

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