

20th Annual Timothy A. Gelatt  
Dialogue on the Rule of Law in East Asia

# International Human Rights: North Korea, China and the UN

Tuesday, November 11, 2014

1:30–7:00 p.m.

Greenberg Lounge

40 Washington Square South

NYU School of Law



THE COMMITTEE FOR  
HUMAN RIGHTS IN NORTH KOREA  
북한인권위원회



U.S. | Asia | Law | Institute

New York University School of Law

# International Human Rights: North Korea, China and the UN

## 1:30 p.m. Welcome

**Jerome Cohen**, Professor and Co-Director, US-Asia Law Institute, NYU School of Law;  
Adjunct Senior Fellow for Asia, Council on Foreign Relations

**Greg Scarlatoiu**, Executive Director, The Committee for Human Rights in North Korea

## 1:40 p.m. The Current Context

### Keynote: An Overview: The DPRK and the World

**Stephen Bosworth**, Senior Fellow, Harvard Kennedy School of Government; Chairman,  
US-Korea Institute, Johns Hopkins University; Former US Ambassador to South Korea, US Special Representative for North Korea Policy; Dean, Fletcher School of Law and Diplomacy at Tufts University

### Comment: Are We Prisoners of Korean History?

**Charles Armstrong**, Korea Foundation Professor of Korean Studies in the Social Sciences,  
Columbia University

**Discussion Moderator: Dr. Myung-Soo Lee**, Senior Research Scholar, US-Asia Law Institute,  
NYU School of Law

## 2:30 p.m. The Refugee Problem, International Law and China's Role

### My Struggles as a Defector in North Korea, China and South Korea

**Hyeonseo Lee**, Refugee Activist

### China's Forced Repatriation of North Korean Refugees and International Law

**Roberta Cohen**, Non-Resident Senior Fellow, Brookings Institution;  
Co-Chair, The Committee for Human Rights in North Korea

### Rescuing North Korean Refugees: The Story of Asia's Underground Railroad

**Melanie Kirkpatrick**, Senior Fellow, Hudson Institute;  
author of *Escape from North Korea: The Untold Story of Asia's Underground Railroad*

**Discussion Moderator: Philip Alston**, John Norton Pomeroy Professor of Law;  
Faculty Director and Co-Chair, Center for Human Rights and Global Justice, NYU School of Law

## 3:45 p.m. Coffee Break

## **4:00 p.m. The UN's Role in Protecting North Korean Human Rights**

### **What the UN Can, and Cannot, Do to Promote Human Rights Protection in the DPRK**

**David Hawk**, Senior Advisor to The Committee for Human Rights in North Korea

## **North Korean Human Rights: No Longer Out-Competed by Nukes and Missiles?**

**Greg Scarlatoiu**, Executive Director, The Committee for Human Rights in North Korea

**Discussion Moderator: Ryan Goodman**, Anne and Joel Ehrenkranz Professor of Law;  
Co-Chair, Center for Human Rights and Global Justice, NYU School of Law

## **5:15 p.m. Options in Dealing with North Korea**

### **Keynote: Is a Fresh Approach Realistic?**

**Donald Gregg**, Chairman, Pacific Century Institute; former US Ambassador to South Korea;  
former CIA and White House advisor on national security

### **Comment: Reflections on the Future**

**Winston Lord**, Chairman, International Rescue Committee; former US Ambassador to China;  
former Assistant Secretary of State for East Asia and the Pacific

**Discussion Moderator: Jerome Cohen**, Professor and Co-Director, US-Asia Law Institute,  
NYU School of Law; Adjunct Senior Fellow for Asia, Council on Foreign Relations

## **6:15 p.m. Reception**

This program is co-sponsored by the Council on Foreign Relations' Winston Lord Roundtable on US Foreign Policy and the Rule of Law in Asia, the Hurford Foundation, Humanity in Action, and The New York Democracy Forum (a joint initiative of the National Endowment for Democracy and the Foreign Policy Association).

## Speaker Biographies

**Stephen Bosworth (Keynote)** is a Senior Fellow at the Belfer Center for Science and International Affairs at the Harvard Kennedy School of Government. He is also Chairman of the US-Korea Institute at Johns Hopkins' Paul H. Nitze School of Advanced International Studies. He served as Dean of the Fletcher School of Law and Diplomacy at Tufts University from 2001-2013 and as the Payne Lecturer at FSI Stanford, Shorenstein APARC from 2013-2014. Amb. Bosworth had an extensive career in the United States Foreign Service, including service as Ambassador to Tunisia (1979-1981), to the Philippines (1984-1987), and to the Republic of Korea (1997-2001). He also served in a number of senior positions in the Department of State, including Director of Policy Planning and, most recently, US Special Representative for North Korea Policy for the Obama administration (2009-2011). Amb. Bosworth was the founding Executive Director of the Korean Peninsula Energy Development Organization from 1995-1997 and the President of the United States Japan Foundation from 1987-1995. In 2006, he co-authored the book *Chasing the Sun, Rethinking East Asian Policy*. Amb. Bosworth is on the Board of Governors of the Boston Museum of Fine Arts and a trustee of the Austen Riggs Center. He is a graduate of Dartmouth College where he served on the Board of Trustees from 1992-2002.

**Donald Gregg (Keynote)** is chairman of the Pacific Century Institute in Los Angeles and chairman emeritus of the Korea Society in New York City. He was formerly U.S. Ambassador to South Korea and CIA and White House advisor on national security. Following graduation from Williams College in 1951, Ambassador Gregg joined the Central Intelligence Agency (CIA), and over the next quarter century was assigned to Japan, Burma, Vietnam and Korea. He was seconded to the National Security Council staff in 1979, where he was in charge of intelligence activities and Asian policy affairs. In 1982, Gregg was asked by then Vice President George Bush to become his national security advisor. He then retired from the CIA, and was awarded its highest decoration, the Distinguished Intelligence Medal. In September 1989, Gregg began his service as the United States Ambassador to Korea. Prior to his departure from Korea in 1993, he received the Department of Defense Medal for Distinguished Public Service, an honorary doctoral degree from Sogang University, and a decoration from the prime minister of Korea. In March 1993, Gregg retired from a 43-year career in the United States government to become the president and chairman of the Korea Society. He has been chairman emeritus since 2009. In 2012 Gregg was appointed chairman of the Pacific Century Institute.

**Philip Alston** is the John Norton Pomeroy Professor of Law and Faculty Director and Co-Chair of the Center for Human Rights and Global Justice at the NYU School of Law. Philip Alston teaches international law, international criminal law, and a range of human rights subjects. He has degrees in law and economics from the University of Melbourne and a JSD from Berkeley. He previously taught at the European University Institute, the Australian National University, Harvard Law School, and the Fletcher School of Law and Diplomacy. He was one of the founders of both the European and the Australian and New Zealand societies of international law and was editor-in-chief of the *European Journal of International Law* from 1996 through 2007. In 2014, he was appointed by the UN Human Rights Council as its Special Rapporteur on extreme poverty and human rights. From 2004 to 2010, he was UN Special Rapporteur on extrajudicial executions, undertaking official missions to Sri Lanka, Nigeria, the Democratic Republic of the Congo, the Philippines, Israel, Lebanon, Albania, Kenya, Brazil, Central African Republic, Afghanistan, and the United States. He has also been on the Independent International Commission on Kyrgyzstan (2011) and the UN

Group of Experts on Darfur (2007) and served as Special Adviser to the UN High Commissioner for Human Rights on the Millennium Development Goals (2002-07); chairperson (1991-98) and rapporteur (1987-91) of the UN Committee on Economic, Social, and Cultural Rights; and UNICEF's Senior Legal Adviser on children's rights (1986-92).

**Charles Armstrong** is the Korea Foundation Professor of Korean Studies in the Social Sciences at Columbia University. Professor Armstrong teaches courses on Korean history, US-East Asian relations, the Vietnam War, and approaches to international and global history. He is a frequent commentator in the US and foreign mass media on contemporary Korean, East Asian, and Asian-American affairs. Professor Armstrong's latest book is *Tyranny of the Weak: North Korea and the World, 1950-1990* (Cornell University Press, 2013). He is also writing the Modern East Asia volume for the Wiley-Blackwell series Concise History of the Modern World, to be published in 2014. His next research project is concerned with trans-Pacific Cold War culture and US-East Asian relations. Professor Armstrong's recent books include *The Koreas* (Routledge, 2007); *Puk Chos n Tansaeng*, the Korean translation of *The North Korean Revolution, 1945-1950* (Seoul: Booksea, 2006; originally Cornell University Press, 2003); *Korea at the Center: Dynamics of Regionalism in Northeast Asia* (M. E. Sharpe, 2006, coeditor); and *Korean Society: Civil Society, Democracy, and the State* (Routledge, 2002, editor; 2nd edition, 2006). Professor Armstrong received his BA from Yale, MA from the London School of Economics, and PhD from the University of Chicago.

**Jerome Cohen** is a professor of law and co-director of the US-Asia Law Institute at the NYU School of Law, and adjunct senior fellow for Asia Studies at the Council on Foreign Relations. A professor at NYU School of Law since 1990, Cohen is the senior American expert on East Asian Law. As Jeremiah Smith Professor, associate dean, and director of East Asian legal Studies at Harvard Law School from 1964 to 1979, he helped pioneer the introduction of East Asian legal systems and perspectives into American legal curricula. The US-Asia Law Institute, which he co-leads, sponsors many extracurricular programs, conducts research on contemporary legal developments in China and Taiwan, organizes conferences and exchanges with experts from both sides of the Taiwan Strait, and participates in training programs for Chinese legal specialists in the United States and China. Cohen, who formerly served as C.V. Starr Senior Fellow and director of Asian Studies at the Council of Foreign Relations, remains adjunct senior fellow there and is responsible for the Winston Lord Round Table on US Foreign Policy and the Rule of Law in Asia. Professor Cohen is a Phi Beta Kappa graduate of Yale College (BA 1951). He spent the academic year 1951-1952 as a Fulbright Scholar in France and graduated, in 1955, from Yale Law School, where he was Editor-in-Chief of the Yale Law Journal. He was Law Secretary to Chief Justice Earl Warren of the United States Supreme Court in the 1955 term and Law Secretary to Justice Felix Frankfurter of the Supreme Court in the 1956 term.

**Roberta Cohen** is a Non-Resident Senior Fellow in Foreign Policy Studies of the Brookings Institution, specializing in human rights and humanitarian issues. She co-founded and co-directed the Brookings Project on Internal Displacement, served as Senior Adviser to the Representative of the UN Secretary-General on Internally Displaced Persons (1994-2010), and co-authored the first major study on the subject, *Masses in Flight* (Brookings, 1998). For her work on internal displacement, she was co-winner of the Grawemeyer Award for Ideas Improving World Order. As concerns North Korea, Cohen has co-chaired the Committee for Human Rights in North Korea since 2011, has published a series of widely quoted articles and op-eds in major journals and newspapers, and has addressed major audiences. Earlier, she served on US delegations to the Organization for Security and Cooperation in Europe, the UN General Assembly and the UN Commission on Human Rights, served as a Deputy Assistant Secretary of

State for Human Rights in the State Department's first human rights bureau, and as a consultant to the United Nations High Commissioner for Refugees (UNHCR), the World Bank, and NGOs. She is a member of the Committee on Conscience of the Holocaust Memorial Museum, a Senior Fellow at Georgetown University's Institute for the Study of International Migration, and an Adjunct Associate Professor at American University's Washington College of Law. She has an honorary doctorate in law from the University of Bern, an MA with distinction from the Johns Hopkins School of Advanced International Studies and a BA in history from Barnard College.

**Ryan Goodman** is the Anne and Joel Ehrenkranz Professor of Law and Co-Chair of the Center for Human Rights and Global Justice at the NYU School of Law. In addition to his posts at NYU School of Law, Goodman is an associated member of the Department of Sociology and an affiliated member of the Department of Politics at NYU. Before joining the Law School, he was the Rita E. Hauser Professor of Human Rights and Humanitarian Law and director of the Human Rights Program at Harvard Law School. Goodman has published articles in leading law reviews and has also co-authored several books, two of which include *Socializing States: Promoting Human Rights Through International Law* with Derek Jinks (2013) (winner of top annual book award by the American Society of International Law), and *International Human Rights*, with Philip Alston (2012). His work makes significant contributions to the evaluation of human rights treaties, to the law of armed conflict, and to international law more generally. The US Supreme Court relied on Goodman's amicus briefs in *Hamdan v. Rumsfeld* when it overturned the government's system of military commissions, and in *Lawrence v. Texas*, when it overturned an anti-sodomy statute. Goodman received his BA in government and philosophy from the University of Texas at Austin. He earned his JD from Yale Law School and a PhD in sociology from Yale University. He is a member of the board of editors of the *American Journal of International Law*, a member of the US Department of State's Advisory Committee on International Law, and a member of the Council on Foreign Relations. He is also the co-editor-in-chief of the civil liberties and national security blog, *Just Security*.

**David Hawk** is former Executive Director of the United States section of Amnesty International in 1974. A prominent human rights researcher and advocate, he later served on the Board of Directors of AIUSA and became a founding member of the Board of Directors of Human Rights Watch/Asia. In 1981, while based in Thailand to monitor the situation of Cambodian refugees and famine relief, Hawk kicked off groundbreaking investigation, documentation, and analysis of the Khmer Rouge. In August 1995 Hawk traveled to Rwanda to document genocidal massacres for the US Committee for Refugees, and in 1996 he returned to Kigali on mission for Amnesty International. In the mid-to-late 1990s, he directed the Cambodia Office of the UN High Commissioner for Human Rights, helping to train and sustain fledgling Cambodian human rights civil society organizations, monitor current violations, and stand up for accountability. Returning to the USA in 1999, Hawk consulted for the Washington, DC-based Landmine Survivors Network, advocating the landmine ban and disability rights conventions, and assisting in humanitarian aid for landmine victims in Cambodia and Vietnam. Since 2002, Hawk has focused on the grievous situation of human rights in North Korea, authoring three editions of the report *Hidden Gulag* for the Committee for Human Rights in North Korea (HRNK). A former All-American athlete, Hawk was educated at Cornell, Columbia, and Oxford universities, and Union Theological Seminary. Currently he is HRNK Senior Advisor and Visiting Scholar at the Columbia University Institute for the Study of Human Rights, and teaches at Hunter College, City University of New York.

**Melanie Kirkpatrick** is a writer-journalist based in Connecticut and a senior fellow at the Hudson Institute. She contributes reviews and commentary to various publications, including the opinion pages of the *Wall Street Journal*, for which she worked from 1980 until mid-2009. Her book, *Escape from North Korea: The Untold Story of Asia's Underground Railroad*, was published by Encounter Books. At the *Wall Street Journal*, she was deputy editor of the editorial page from 2006-2009 and a longtime member of the editorial board. As a deputy editor, she was responsible for the editorial page's coverage of international issues and oversaw the opinion pages of the *Wall Street Journal* in Asia and Europe, the *Far Eastern Economic Review* and the U.S. columnists on foreign affairs. She wrote editorials and op-ed articles on foreign affairs. She was also co-editor of several editions of the *Index of Economic Freedom*, published annually by the *Journal* and the Heritage Foundation; the index evaluates and ranks the world's economies. Kirkpatrick spent 10 years in Asia, working for the *Wall Street Journal Asia* in Hong Kong and, prior to that, for a division of Time-Life Books in Tokyo. She received the 2001 Mary Morgan Hewett Award for Women in Journalism from the Friends of the East-West Center in Honolulu. The annual award recognizes a journalist who has demonstrated commitment, hard work and expanding influence throughout her career. She received a bachelor's degree from Princeton University and a master's degree in English from the University of Toronto. She was a Gannett Newspaper Foundation Fellow in Asian studies at the University of Hawaii. She is a member of the Council on Foreign Relations; a trustee of Princeton in Asia, an internship program in Asia for young graduates of American universities; and a director of the America for Bulgaria Foundation.

**Hyeonseo Lee** grew up in North Korea but escaped to China in 1997. In 2008, after more than 10 years there, she came to Seoul, South Korea, where she struggled to adjust to life in the bustling city. North Korean defectors often have a hard time in South Korea, she noted in the *Wall Street Journal*: "We defectors have to start from scratch. Prejudice against North Koreans and icy stares were other obstacles that were hard to cope with." Now a student at Hankuk University of Foreign Studies, she has become an advocate for fellow refugees, even helping close relatives leave North Korea after they were targeted. Her dream? As she told the *Korea Times*, she'd like to work at the UN or an NGO that advocates for the human rights of North Koreans, including their right to be treated as political refugees.

**Myung-Soo Lee** was born in Seoul, Korea, and holds a master's degree (LLM) and doctoral degree (SJD) from Harvard Law School in public international law and conflict resolution. She is currently a Senior Research Scholar at the US-Asia Law Institute at the NYU School of Law. Her current research interests include legal issues concerning North Korea's economic development and engagement with the international community, public international law issues related to the establishment of rule of law and the advancement of human rights, and comparative legal analysis involving East Asian countries. Lee has held many prestigious positions over the course of her career. She was a McArthur Scholar and Research Fellow at the Program on Non-Violent Sanctions at the Center for International Affairs at Harvard University and collaborated with the Harvard Negotiation Project/Conflict Management Group. She later worked as Director of Research of East Asian Legal Studies at Harvard Law School and subsequently as a Research Fellow at New York University School of Law. Her articles include "The Legal Status of Submerged Rock: Parang Island of ROK and Zhongsha Islands of PRC," "The Role and Dynamics of Nongovernmental Actors in Contemporary Korea," "Living Together on the Korean Peninsula: Legal Problems and Approach Facing a Divided Nation," and "North Korea and International Law: Theory and Practice in Post-Cold War Era." Lee received her bachelor's degree in law and master's degree in international law from Korea University.

**Winston Lord** is currently Chairman of the International Rescue Committee and was formerly Assistant Secretary of State for East Asia and Pacific Affairs. He was sworn in as Assistant Secretary of State for East Asian and Pacific Affairs by then President-elect Clinton and Secretary of State-designate Christopher and confirmed by the Senate. Among the awards Ambassador Lord has received are the State Department's Distinguished Honor Award and the Defense Department's Outstanding Performance Award. After graduating magna cum laude from Yale University in 1959, Ambassador Lord obtained an MA at the Fletcher School of Law and Diplomacy in 1960. He has received several honorary degrees.

**Greg Scarlatoiu** is Executive Director of the Committee for Human Rights in North Korea (HRNK) in Washington, DC, tasked with researching and reporting as well as conducting educational and outreach programs. An experienced lecturer on North Korean human rights, political security and economic issues on the Korean peninsula, Scarlatoiu has appeared as an expert witness at three Congressional hearings on North Korean human rights. Scarlatoiu was formerly Director of Public Affairs and Business Issues of the Korea Economic Institute (KEI) in Washington, DC He has eighteen years of Korean and English language broadcasting experience for TV and radio stations including Radio Free Asia, Korea Broadcasting System, Hyundai Broadcasting System, and Arirang TV. For eleven years, he has been authoring and broadcasting the weekly Scarlatoiu Column to North Korea, for Radio Free Asia. Intimately familiar with Korea and Northeast Asia, Scarlatoiu has over six years' experience in international development consulting, having delivered field technical assistance under missions funded by USAID, the World Bank and the Asian Development Bank. He has conducted eleven annual surveys of compliance with International Labor Organization (ILO) core Conventions in the Republic of Korea. He holds a master of arts in law and diplomacy (MALD) from the Fletcher School, Tufts University; and an MA and BA from Seoul National University, Department of International Relations. He is fluent in Korean, French, and Romanian.