

Civil Society Responses to Human Insecurity in North Korea: How Human Rights
and Humanitarianism Intersect in Closed Authoritarian Contexts

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A dissertation

submitted in partial fulfillment of the
requirements for the degree of

Doctor of Philosophy

University of Washington

2024

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Abstract

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This dissertation explores intersections between international human rights and humanitarian organisations working in closed authoritarian contexts. Using North Korea as a case study, it looks at South Korean and North American NGOs as well as the United Nation's Office of the High Commissioner of Human Rights (OHCHR) and Office for the Coordination of Humanitarian Affairs (OCHA) and explores their strategies in response to human insecurity in North Korea. Each of the three papers examines a different area of intersection: the first considers women's rights in North Korea from a methodological perspective. It examines how a feminist lens that centres women's voices and emphasises their diversity and intersectionality can be applied when local populations are inaccessible. The second article

proposes a framework through which to evaluate human rights and humanitarian organisations' strategies in response to human insecurity in North Korea: the engagement to accountability continuum. The third looks at the constraints imposed on humanitarian and human rights organisations by North Korean, South Korean and US governments, and examines how they adapt to these restrictions. Sources include UN and NGO reports, field work and in-depth qualitative interviews with staff members working at NGOs and IOs responding to human insecurity in North Korea, as well as policy advisors, journalists, and academic experts. The dissertation offers tools for incorporating feminist methodologies in human rights research, and its findings show that human rights and humanitarianism intersect in ways that have not previously been considered. Both groups tend to advocate for some combination of engagement and accountability, both are constrained by democratic and authoritarian governments, and both adapt to these constraints in similar ways.

Acknowledgements

This research grew out of my experience as a practitioner, first working in Seoul at an NGO that investigates and documents human rights violations in North Korea, and later, at the UN in Geneva. I am so grateful to the human rights activists that inspired this research; I have learned so much from you and your extraordinary passion for what you do.

I am deeply indebted to my interviewees. Thank you so much for being so open to my research and for introducing me to your broader communities. I would also like to thank all the people who preferred not to speak on the record, but who still took the time to share their perspectives with me and help me learn and grow as a researcher.

Thank you to my committee; Sabine Lang, Clark Sorensen and Stephen Meyers. I couldn't have hoped for a more supportive team! Thank you for helping me to structure my ideas and put them to paper, thank you for your hours of reading each draft, and thank you for your encouraging pedagogy. Sabine, thank you for all the check ins, thank you for the thoughtful and meticulous feedback, thank you for your kindness and guidance. Clark, thank you for your humour and anecdotes, I will miss coming to your office to chat! Stephen, thank you for your enduring optimism, you really helped me feel confident in my capacity as an academic.

I'm also very grateful to Sara Curran and Jessica Beyer. I've learned so much from you, and it's been a delight to work with such a lovely group of people. I don't want to imagine what these past four years would have been like without your support.

Thank you to my cohort, your companionship during this program has made it so much easier, and it's been really rewarding to see you all move on your respective paths these past few years.

Thank you to all my dear friends for your continual cheerleading, for expanding my worldviews and for making Seattle feel like home. I am truly grateful to have you in my life.

Thank you to my father and my brothers for your love and encouragement.

Thank you to my love, Rizki. Thank you for encouraging me to apply for this PhD in the first place, thank you for always being there, and thank you for continually helping me grow as a person.

And lastly, I want to thank the person growing inside me, for making me more even more excited than I thought I would be to finish this PhD. I can't wait to meet you!

Abbreviations

AFSC	American Friends Service Committee
CEDAW	The Convention on the Elimination of All Forms of Discrimination Against Women
COI	United Nations Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea
DPRK	Democratic People’s Republic of Korea
FAO	Food and Agriculture Organisation
HRNK	The Committee for Human Rights in North Korea
ICRC	The International Committee of the Red Cross
INGO	International Non-Governmental Organisation
IO	International Organisation
KNCKK	Korea NGO Council for Cooperation with North Korea
LPPRW	Law on the Protection and Promotion of the Rights of Women
MSF	Médecins Sans Frontières
NCNK	The National Committee on North Korea
NGO	Non-Governmental Organisation
NKDB	The Database Center for North Korean Human Rights
OCHA	The Office of the Coordination of Humanitarian Affairs
OHCHR	The Office of the High Commissioner of Human Rights
PDS	Public Distribution System
UN	The United Nations
UNDP	The United Nations Development Programme
UNFPA	The United Nations Population Fund

UNICEF	The United Nations Children’s Fund
UPR	Universal Periodic Review of the Human Rights Council
UNSC	The United Nations Security Council
US	The United States
WFP	The World Food Program

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Introduction

Once considered distinct fields with separate goals, the growing overlap between human rights and humanitarianism is the subject of much academic discussion. Traditionally, human rights advocates have engaged in confrontational tactics designed to shame perpetrators of rights abuses.¹ Relying on international law as the basis of their claims, rights advocates seek long-term change.² In contrast, older understandings of humanitarianism emphasise neutrality and impartiality, which is interpreted by some as effective complicity with offending regimes.³ Old humanitarianism is also distinct from human rights in terms of its reasoning and scope: it focuses on immediate need rather than the structural causes of that need,⁴ and uses language that emphasises medical necessity and moral duty rather than legal obligations.⁵

These distinctions are becoming increasingly outdated: scholars have found that humanitarianism has moved towards a rights-based approach that recognises the systemic causes of human insecurity and rejects impartiality. Instead, new humanitarianism favours advocacy and bearing witness to rights violations.⁶ At the same time, many human rights

¹ Emilie M. Hafner-Burton, 'Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem', *International Organization* 62, no. 4 (2008).

² Erica Bornstein and Peter Redfield, 'An Introduction to the Anthropology of Humanitarianism', in *Forces of compassion: Humanitarianism between ethics and politics*, ed. Erica Bornstein and Peter Redfield (School for Advanced Research Press, 2011): 1-30; Richard Wilson and Richard D. Brown, *Humanitarianism and Suffering: the Mobilization of Empathy through Narrative* (Cambridge University Press, 2008).

³ Hugo Slim, *Humanitarian Ethics: a Guide to the Morality of Aid in War and Disaster* (Oxford University Press, 2015); Michael Barnett and Jack Snyder, 'The Grand Strategies of Humanitarianism' in *Humanitarianism in Question: Politics, Power, Ethics*, ed. Michael Barnett and Thomas Weiss (Cornell University Press, 2008): 143-171.

⁴ Craig Calhoun, 'A World of Emergencies: Fear, Intervention, and the Limits of Cosmopolitan Order', *The Canadian Review of Sociology and Anthropology* 41, no. 4 (2004): 373-395; Mariella Pandolfi, 'Humanitarianism and Its Discontents' in *Forces of compassion: Humanitarianism between ethics and politics*, ed. Erica Bornstein and Peter Redfield (School for Advanced Research Press, 2011): 227-248.

⁵ Bornstein and Redfield, 'An Introduction'.

⁶ Barnett and Snyder, 'The Grand Strategies'; Monica Adami, 'A Disorder of the Humanitarian Sector: The New v Old Humanitarianism Debate', *Disasters* 45, no. 2 (2019); Dorothea Hilhorst and Bram J. Jansen,

advocates are moving towards a more inclusive understanding of rights which includes social and economic issues that are closely aligned with humanitarian work.⁷

In authoritarian contexts, however, aid groups are often dependent on the host regime for access to local populations and permission to carry out their projects. This can mean that the hallmarks of new humanitarianism, outspoken advocacy and intervention that addresses the root causes of humanitarian need, are off the table. Nonetheless, I argue that in authoritarian contexts, human rights and humanitarianism intersect in other ways that have not yet been explored in the literature. Each chapter of this dissertation is a stand-alone article that explores a different area of overlap between the two fields, using North Korea as a case study.

This dissertation takes an interdisciplinary approach and relies on the concept of human security, a comprehensive framework that includes both human protection and empowerment.⁸ By examining both humanitarian and human rights work together, this research offers a fresh lens through which to understand the tactics of NGOs and IOs working in a closed authoritarian context. The framework of intersections between human rights and humanitarianism guides this research. While each chapter examines a different aspect of human security and how organisations are working towards it, they all engage with these organisations' dilemma of what strategies are most likely to be effective in addressing humanitarian need and human rights violations in a highly challenging environment.

⁷ 'Constructing Rights and Wrongs in Humanitarian Action: Contributions from a Sociology of Praxis', *Sociology* 46, no. 5 (2012): 891–905.

⁷ Paul J. Nelson and Ellen Dorsey, *New Rights Advocacy* (Georgetown University Press, 2008).

⁸ UN General Assembly, *Resolution adopted by the General Assembly on 10 September 2012 66/290. Follow-up to paragraph 14, A/RES/66/290*, 25 Oct. 2012, para. 3(b).

Layout

The first chapter, *A Feminist Approach to Women's Rights in North Korea: Gender Role Stereotyping and Men's Violence Against Women*, explores a central topic at the intersection of human rights and humanitarianism in the North Korean context: women's rights. It asks how feminist methodologies that seek to elevate women's voices and emphasise their diversity and intersectionality can be applied in a context where we cannot access local populations. North Korea has a longstanding history of claiming to promote women's rights, and it has engaged with issues around gender equality both at the UN and with humanitarians on the ground. This has provided an opening for humanitarian groups to develop programs to address women's access to food, water, and medicine, and has contributed to an increase in human rights research and advocacy around women's rights in the last ten years. However, the literature on North Korean women's rights tends to emphasise women's vulnerability in the face of exploitation, violence and neglect. I explore how feminist methodologies can offer an alternative approach for North Korea experts, by acknowledging the diversity of women's experiences across time, space and identities, avoiding generalisations, highlighting women's autonomy, and avoiding discourse that implies that women need saving, or that there is a hierarchy between rights advocates and rights recipients.

This methodological piece is then followed by the second chapter, *The Engagement to Accountability Continuum: How Humanitarian and Human Rights Organisations Address Human Insecurity in North Korea*, which examines the ways in which human rights and humanitarian organisations' strategies are informed by their overarching approach to the North Korean government. It situates organisations on the engagement to accountability continuum, reflecting the range approaches they have adopted. The continuum shows the

degree to which organisations advocate for dialogue and cooperation with the Kim regime versus the extent to which they seek to hold the government accountable for the harms it has inflicted on the North Korean population. While humanitarian actors are traditionally understood as proponents of the former approach and human rights actors as proponents of the latter, I find that their perspectives actually intersect in several ways. I argue that different factors inform each organisation's position on the continuum, including the types of rights they support, the kinds of advocacy they engage in, their discourse style and how they understand responsibility for human insecurity. By considering how these actors position themselves on the global political stage, this chapter incorporates scholarship on international relations and global diplomacy as well as literature on human rights, humanitarianism, and NGOs/IOs.

The final chapter, *Responding to Human Insecurity in the Face of Geopolitical Tensions: How Humanitarian and Human Rights Organisations Adapt to Governmental Constraints*, considers the restrictions placed on NGOs and IOs by US, South Korean and North Korean governments, and the ways in which these organisations adapt to these constraints.

Expanding the framework of adaptive capacity proposed by Li and Farid,⁹ this chapter explores the different components of organisations' ability to adapt, including the value of their work, the sensitivity of the issues they are working on, their ties with government, their reputational authority, and their ties with other organisations, or the network they belong to. Importantly, humanitarian and human rights organisations working in other authoritarian contexts experience similar limitations to their work, and networks play a central role in their capacity to adapt to these restrictions. By exploring organisations' adaptive capacity in the

⁹ Hui Li and May Farid, 'Stay or exit: How do international nongovernmental organizations respond to institutional pressures under authoritarianism?', *Regulation & Governance* 17, no. 2 (2023): 512-530.

North Korean context, this chapter offers new ways to understand how NGOs and IOs continue to respond to human insecurity in the face of constraints resulting from broader geopolitical tensions.

Methods

This dissertation relies on multiple data sources. These include in-depth interviews with staff at humanitarian and human rights NGOs and IOs, field work in Seoul, South Korea and Washington D.C., press conferences, NGO and UN reports and mission statements, literary works and public talks. Interviewees were located in South Korea or North America. Some were prior contacts and some were recruited through snowball sampling.

The in-depth interviews were conducted with twenty-four humanitarian workers, human rights activists and researchers, United Nations staff, and policy analysts.¹⁰ These interviews were partly conducted online in 2020 and 2021 and partly in person in 2022 in Seoul, South Korea and in Washington, D.C. All of the organisations in the sample are focused on global efforts to address humanitarian need or human rights violations experienced by North Koreans, and all interviews were conducted in English. The sample is evenly distributed in terms of location where the organisation is based (South Korea or North America) and type of organisation (humanitarian, human rights, policy think tank).

In addition, I had off-the-record conversations with twenty-three humanitarian workers, journalists, scholars researching North Korean human rights and humanitarianism, peace

¹⁰ This research received an exemption from the University of Washington Human Subjects Division (IRB ID: STUDY00010195).

activists, policymakers, and embassy staff. My data were supplemented with multiple events related to humanitarianism and human rights in North Korea organised by NGOs, which I attended both in person and online. Speakers at these events included government representatives, UN officials, activists, policy analysts, and scholars. I also reviewed memoirs by North Korean escapees as well as by humanitarian actors with experience working in North Korea.

Most participants in this research requested the removal of all identifying information. The small size of the humanitarian and human rights community means identifying some participants could result in others being identified through process of elimination. Accordingly, all data have been anonymised, including reports by organisations in the sample.

Relevance to academic and practitioner literature

This dissertation seeks to contribute to academic literature on humanitarianism and human rights by considering how existing theories and frameworks apply in a closed authoritarian context. North Korea provides a valuable case study through which to explore different dimensions of authoritarianism that impact human rights and humanitarian actors, including harsh restrictions around access to the country, global actors' politicisation of human rights and humanitarianism in the context of the military/nuclear threat posed by the regime, and a lack of independent domestic civil society.

Not being able to access the country, or only being able to access it under narrow conditions, means that (1) human rights practitioners are unable to monitor the human rights situation

and directly verify accusations of human rights violations; (2) humanitarian workers' understanding of the extent of humanitarian need remains limited to certain populations in the specific locations they are authorised to visit; (3) consequently, practitioners are unable to verify government data on human security indicators; (4) human rights advocates are unable to engage in advocacy campaigns on the ground; and (5) humanitarian groups self-censor in order to maintain their access.

In large part because of North Korea's nuclear capability, global actors like the US and South Korea have politicised human rights advocacy and humanitarian aid. While this can entail increased support for their work, it also means that human rights issues have been de-emphasised during periods of détente, which negatively impacts global attention on rights advocates' work. On the humanitarian side, sanctions implemented in response to North Korean provocations have impeded aid projects by making it more difficult for humanitarian organisations to get permission to travel to North Korea, to access global banking channels, and to obtain resources central to their aid efforts.

North Korea's lack of independent civil society also has a profound impact on human rights and humanitarian activity. In the absence of local advocacy, international rights groups are unable to connect to local networks, which would otherwise serve as a source of information and a platform through which to extend global rights campaigns to local contexts. This also means that local populations are unable to access or communicate with global advocates, leaving them unable to represent themselves in international discourse about their rights. Similarly, global humanitarian actors cannot work with local aid partners who would give them a more accurate understanding of the needs of different groups. This means that US and

international organisations in particular are liable to develop aid projects that are at odds with local cultural norms, or that fail to address the needs of less visible portions of the population.

While North Korea as a whole is an extreme government to engage with, none of the dimensions outlined above are unique to the North Korean context; human rights and humanitarian organisations face similar situations in other authoritarian regimes. This dissertation expands existing literature on responses to human insecurity in authoritarian contexts by exploring NGO and IO strategies in this particularly challenging environment.

This research also contributes to the literature on human security in North Korea: very few studies explore human rights and humanitarianism together, let alone how they intersect. With North Korea's closure of its borders since the beginning of the COVID-19 pandemic, there has been very limited data on human security in the country since 2019: escapee numbers have dropped sharply and most humanitarian actors have lost their access. By looking at the work of NGOs and IOs, this research offers a fresh analysis of human rights and humanitarianism that avoids recycling well-covered data.

Finally, this dissertation seeks to make a contribution to the human rights and humanitarian communities by building on practitioner knowledge about how their work intersects in the North Korean context. Often positioned at odds with one another, my research shows that their work is in fact complementary, and cooperation between both groups can serve as a foundation for new ways to approach human insecurity in North Korea. Research participants welcomed this approach, and I hope this research will be as helpful to them as they hoped.

Women's Rights in North Korea: Applying a Feminist Approach to Gender Role Stereotyping and Men's Violence Against Women

Abstract

Scholars and practitioners alike are paying increasing attention to North Korean women's rights, but they remain unable to obtain direct accounts from women living inside the country, complicating efforts to interpret the implications of human rights violations on the women who experience them. This article problematises narratives that treat North Korean women as inherently vulnerable, and instead explores how feminist approaches can be applied to discussions of North Korean women's rights, particularly around gender role stereotyping and men's violence against women. Relying on source triangulation between academic literature, interviews with human rights and humanitarian actors, field research, and human rights organisations' reports, this article finds that while women's voices remain largely inaccessible, feminist methodologies can still be applied by considering power from a relational and dynamic perspective, by highlighting the ways that women exercise their agency, and by considering their position in society through a contextualised and nuanced lens. While women in North Korea face extreme levels of rights violations, they are at the forefront of societal change as they actively subvert the regime through their work at the black markets.

Introduction

Scholars and practitioners alike are paying increasing attention to North Korean women's rights, but they remain unable to obtain direct accounts from women living inside the country, complicating efforts to interpret the implications of human rights violations on the women who experience them. Rhetoric that emphasises women's vulnerability in the face of a powerful, male-dominated state is popular, and while this is a persuasive narrative that helps build momentum behind the North Korean human rights movement, it risks having a disempowering effect on the women experiencing rights violations. This article looks at men's violence against women and gender role stereotyping in North Korea to explore how a feminist approach that problematises disempowering frameworks around women's rights can be applied in a closed authoritarian context. The article encourages researchers to tackle essentialist and reductive assumptions by considering issues of representation, power dynamics, and agency versus victimhood.¹

A signatory to one of the key international instruments for women's rights, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), North Korea claims a lasting commitment to gender equality. Escapee testimonials tell a different story: they describe North Korea as a highly patriarchal society where women experience a range of human rights violations. These include discriminatory laws, poor access to justice, trafficking, low levels of representation in public and political life, gender stereotyping and

¹ Chandra Mohanty, 'Under Western Eyes: Feminist Scholarship and Colonial Discourses', *Feminist Review* 30, no. 30 (1988): 61–88; Chilla Bulbeck, *Re-orienting Western Feminisms: Women's Diversity in a Postcolonial World* (Cambridge: Cambridge University Press, 1998); Audre Lorde, *Sister Outsider: Essays and Speeches* (New York: Crossing Press, 1984).

violence.² This paper focuses on the latter two because of their centrality in discussions around women's rights in North Korea. From a feminist perspective, the two are intimately connected: men's violence against women is a tool to maintain the subordination of women and is therefore rooted in gender stereotypes and gender inequality.³

Because direct accounts from women living in North Korea are inaccessible to outside researchers, this paper relies on data triangulation. Two different types of data triangulation are used: perspectives-based triangulation and methodological triangulation.⁴ First, methodological triangulation, or the use a range of different types of sources, is used to gain nuanced insights into the current state of women's rights in North Korea. These sources include academic publications, interviews and field work by the author with people working on North Korean women's rights, reports by human rights organisations, and documentation related to CEDAW's 2017 review of North Korea. Interviewees had experience working with or interviewing North Korean women, either as part of human rights advocacy and research efforts or in the context of humanitarian work. Field work was conducted with policy advisors, journalists, scholars, and peace activists. Both interviews and field work were conducted between 2020 and 2022.

Second, perspectives-based triangulation, or considering multiple analytical perspectives, is used to understand the different ways that women's rights are framed in the North Korean context. The perspectives looked at here include publications by scholars in international

² United Nations Committee on the Elimination of All Forms of Discrimination Against Women, *Concluding observations on the combined second to fourth periodic reports of the Democratic People's Republic of Korea*, CEDAW/C/PRK/CO/2-4. 2017.

³ Lourdes Peroni, 'Violence against Migrant Women: The Istanbul Convention through a Postcolonial Feminist Lens'. *Feminist Legal Studies* 24, no. 1 (2016): 49-67; Yejoon Rim, 'Legislation Related to Violence against Women in North Korea'. *International Journal of Korean Unification Studies* 28, no. 1 (2019): 2.

⁴ Norman K. Denzin, *The Research Act: A Theoretical Introduction to Sociological Methods* (New York: McGraw-Hill, 1970): 28; Er-Win Tan, 'Source Triangulation as an Instrument of Research on North Korea'. *North Korean Review* 15, no. 1 (2019): 34-50.

relations, public policy, law, economics, and sociology, as well as reports released by human rights experts at the United Nation's Office of the High Commissioner (OHCHR) and at Human Rights Watch.

This article begins by discussing some of the limitations inherent to the North Korean context, namely a lack of independent civil society that could helm a rights movement, provide data on the rights situation, and coordinate with global rights actors. It gives an overview of how the application of global rights norms in local contexts is typically understood in human rights literature, before considering what norm translation looks like from a feminist perspective and the extent to which it can be applied in North Korea. After this brief outline, the paper delves into postcolonial and intersectional feminist methodologies and how they can be implemented in the North Korean context. These methodologies entail dynamic and relational understandings of power, highlighting the diversity of women's experiences, and emphasising women's agency. Finally, gender role stereotyping and men's violence against women in North Korea are discussed. Here, I critique reductive narratives that treat women as inherently vulnerable, and instead offer alternative approaches built around feminist principles.

The human rights situation of North Korean women is complex and multifaceted. The growth of women-dominated black markets represents a significant societal change that challenges traditional gender roles and brings new opportunities for North Korean women to operate outside of the control of the regime, but it is also accompanied by high levels of violence. In addition to the extensive documentation of rights violations that is already being done, I argue that as scholars and practitioners, it is crucial that we consider our positionality, that we

emphasise the resilience of North Korean women, and that we move away from discourses that imply that women need saving.

Bringing global norms to the North Korean context

Despite North Korea's vocal opposition to Western rights norms, the regime claims to be committed to women's rights: it ratified CEDAW in 2001 and has incorporated many gender equality norms in its domestic legislation.⁵ This indicates that human rights advocates are not simply imposing an external framework on North Korea; instead, there is some level of acknowledgement of the importance of gender equality norms on the part of the North Korean government. This section discusses different theoretical approaches to the implementation of global norms in domestic settings, the assumptions these theories make about local contexts, and how these approaches rely on conditions that are absent in the North Korean case. Then, the core elements of feminist approaches to rights advocacy are discussed before exploring how they can be adapted to the North Korean context.

1. Limitations of Norm Diffusion and Norm Translation Approaches

Implementing global human rights norms across diverse cultural contexts is not a straightforward process. Scholars have approached this issue from many different angles, including Keck and Sikkink's boomerang model,⁶ Goodman and Jinks' tripartite model of

⁵ Rim, 'Legislation related to Violence', 10-13.

⁶ Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Cornell University Press, 1998).

social influence,⁷ Risse and Sikkink's spiral model,⁸ and Merry's model of norm translation.⁹ However, all of these frameworks rely on conditions which are not met in the North Korean case, including access to reliable and detailed information on local issues, access to local populations, the presence of domestic advocates, and interactive dialogue between international institutions, government, and local populations.

Keck and Sikkink's boomerang model⁶ and Risse and Sikkink's spiral model⁸ are renowned frameworks of norm diffusion. Both models depend upon the existence of domestic opposition to achieve rule-consistent behaviour, a condition which is entirely absent in the North Korean context. Although there is a strong transnational advocacy network that has been pressuring the government for decades, the repressive nature of the regime has stifled any domestic advocacy, so under these frameworks, there is no path forward for norm diffusion in North Korea.¹⁰

While these constructivist scholars recognise the agency of states to embrace or reject human rights, they fail to consider the agency of the rights holders themselves. Feminist scholars like Merry and Zwingel acknowledge the diversity and agency of local populations with their models of norm translation.¹¹ Here, transnational human rights norms can become part of local legal consciousness through a two-fold process of transplantation of programs and

⁷ Ryan Goodman and Derek Jinks, *Socializing States: Promoting Human Rights through International Law*. (Oxford University Press, 2013).

⁸ Thomas Risse and Kathryn Sikkink, 'The Socialization of International Human Rights Norms into Domestic Practices: Introduction'. *Cambridge Studies in International Relations* 66 (1999): 1-38.

⁹ Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (Oxford University Press, 2006); Sally Engle Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle'. *American Anthropologist* 108, no. 1 (2006): 38-51.

¹⁰ Patricia Goedde, 'Human Rights Diffusion in North Korea: The Impact of Transnational Legal Mobilization'. *Asian Journal of Law and Society* 5, no. 1 (2018): 175-203.

¹¹ Merry, *Human Rights and Gender Violence*; Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle,' in *American Anthropologist*; Susanne Zwingel, *Translating International Women's Rights: The CEDAW Convention in Context* (Palgrave Macmillan, 2016).

institutions to local contexts. The first element of the process is appropriation, where ideas, interventions and programs developed in one setting are replicated in another. This is followed by translation, where the structure and rhetoric of these programs is adjusted to fit local circumstances.¹² Notably, Merry argues that translation occurs in both directions: local activists translate locals' concerns up by framing them as human rights violations, and they translate global human rights norms down as a tool to grapple with these concerns.¹³

Merry notes an inherent tension in norm translation: for human rights to induce change, they must challenge existing norms and power relations, but to be adopted, they must be framed in local cultural terms.¹⁴ As such, global norms are often contested in local contexts.

Accordingly, Zwingel argues that norm translation is not a linear process: global norms are not static, rather they are interactive and change over time.¹⁵ In effect, she finds that the CEDAW Committee's interpretation of the treaty is continually evolving: according to her, norms are 'content-in-motion'.¹⁶ In addition, she notes that the process of the norm cascade and the internationalisation of global norms are not isomorphic processes, rather they differ across contexts.¹⁶

Both Merry and Zwingel's models of norm translation rely on two key assumptions that do not apply in the North Korean context. First, both authors assume that rights advocates have an in-depth understanding of local contexts, that they are familiar with local cultural norms and that they understand local women's needs and interests. This knowledge depends on access to these contexts, whether it be through access to local voices or direct, on the ground

¹² Merry, *Human Rights and Gender Violence*, 153.

¹³ Merry, 'Transnational Human Rights', 42.

¹⁴ Merry, 'Transnational Human Rights', 41.

¹⁵ Zwingel, *Translating International Women's Rights*, 16-17.

¹⁶ Zwingel, *Translating International Women's Rights*, 88.

access. In North Korea, the absence of any access means that there is very little available knowledge on women's experiences. The North Korean government is notoriously oppressive, preventing its citizens from moving freely in and out of the country, strictly limiting freedom of expression and largely preventing any outside access beyond tightly controlled tourism and humanitarian work, which has stopped entirely since the COVID-19 pandemic. Second, Merry and Zwingel assume that there is a push and pull between international institutions, states and local populations, giving norm translation a dynamic and interactive character. However, in the North Korean case, it does not appear that exchanges related to global norms reach beyond the state level: escapee testimonials indicate extremely poor knowledge of human rights among North Korean women.¹⁷ Despite North Korea's recent increase in engagement with CEDAW, the Sustainable Development Goals and the Universal Periodic Review, one human rights activist argued that if anything, the increase in women's economic power over the past 25 years has meant that they are exposed to even more human rights violations.¹⁸ As such, although the North Korean state engages with the UN regarding certain human rights norms, the closed nature of North Korean society means that this has not yet trickled down to the population. This raises questions of positionality for rights advocates and scholars alike when discussing North Korean experiences. Without being able to access the country, and without being able to interact with North Koreans currently living inside the country, how should we think about representation?

¹⁷ Citizen's Alliance for North Korean Human Rights (NKHR), *They Only Claim that Things Have Changed... Discrimination against Women in the Democratic People's Republic of Korea*. Seoul: Life & Human Rights Books, 2018: 13-14. Accessed November 9, 2023. <https://www.nkhr.or.kr/wp-content/uploads/2019/09/They-only-claim-that-things-have-changed...-Discrimination-against-Women-in-the-Democratic-Peoples-Republic-of-Korea-2.pdf?ckattempt=1>

¹⁸ Anonymous personal interview, April 14 2022.

2. Thinking about the Other: feminist approaches to human rights

This paper focuses primarily on postcolonial and intersectional feminisms and considers how they apply to human rights advocacy and research in the North Korean context. While postcolonial feminist theory focuses on critiquing power whereas intersectional theory is centred around examining different forms of inequality,¹⁹ their goals are complementary, and together, they offer a more nuanced and critical lens through which to analyse women's rights.

Postcolonial methodologies seek to move away from cultural essentialism, which understands cultures as homogenous, unchanging and belonging to a binary of Western and non-Western cultures.²⁰ Non-Western cultures are often treated as 'the Other', with local actors portrayed as needy and backwards: Tripp calls this the 'rescue paradigm'.²¹ For Mohanty, scholarly research is particularly guilty of othering women from the Global South, creating an image of an 'average third world woman' who is uneducated, poor, domestic, and victimised, in contrast to the modern, autonomous, educated Western woman.²² Reductive comparisons like this 'result in the colonisation of the specifics of daily existence and the complexities of political interests which women of different social classes and cultures represent and mobilise'.²³ Human rights discourse risks reproducing these categories by portraying international advocates as benevolent protectors and those seeking rights protections as under their protection, establishing a dichotomy of a modern, educated 'us' and a victimised,

¹⁹ Ina Kerner, 'Relations of Difference: Power and Inequality in Intersectional and Postcolonial Feminist Theories'. *Current Sociology* 65, no. 6 (2017): 846–66.

²⁰ Uma Narayan, 'Essence of Culture and a Sense of History: A Feminist Critique of Cultural Essentialism'. *Hypatia* 13, no. 2 (1998): 88, 94.

²¹ Aili Mari Tripp, 'Challenges in Transnational Feminist Mobilization', in *Global Feminism: Transnational Women's Activisms*, ed. Myra Marx Ferree, Aili Mari Tripp (New York: New York University Press: 2006), 481.

²² Chandra Mohanty, *Third World Women and the Politics of Feminism* (Bloomington: Indiana University Press, 1991), 56.

²³ Mohanty, *Third World Women*, 64.

backwards ‘other’.²⁴ These frameworks are popular in part because they appeal to donors.²⁵

However, it is also important to note that the category of ‘victim’ holds important legal implications in the context of human rights, and should not be discarded completely. Potential victims are the subjects of human rights law, and the recognition of victims reflects efforts to hold perpetrators accountable.²⁶ It is when victims of rights violations are portrayed as weak, passive, and powerless that this category becomes harmful.

For feminist scholars, rights discourse should be centred around those experiencing human rights violations and should be attentive to a multiplicity of experiences and perspectives.²⁷ This intersectional approach enables a more inclusive representation of rights violations as well as offering an alternative to dominant Western narratives. Postcolonial scholars also emphasise the importance of treating power as relational and highlighting actors’ agency where conventional frameworks often portray them as victims.²⁸ Intersectional discussions of women’s rights are not feasible in the North Korean context: only a small portion of the North Korean population has escaped and shared their stories, and they cannot be considered representative of the general population.²⁹ Instead, we can acknowledge the limitations inherent to our data, and explicitly note basic demographic information about the escapees being interviewed. We do, however, have enough data to explore multiple locations of power: between different actors, in different contexts, and at different moments.

²⁴ Shine Choi, *Re-Imagining North Korea in International Politics* (Routledge, 2015), 7.

²⁵ Elissa Helms, *Innocence and Victimhood: Gender, Nation, and Women’s Activism in Postwar Bosnia-Herzegovina* (Wisconsin: The University of Wisconsin Press, 2013), 47, 91.

²⁶ Makau Mutua, ‘Savages, victims, and saviors: The metaphor of human rights’. *Harvard International Law Journal* 42, no.1 (2001): 201; Valerie M. Meredith, 2009. ‘Victim Identity and Respect for Human Dignity: A Terminological Analysis’. *International Review of the Red Cross* 91, no. 874 (June 2009): 259–77.

²⁷ Johanna E. Bond, ‘International Intersectionality: A Theoretical and Pragmatic Exploration of Women’s International Human Rights Violations’. *Emory Law Journal* 52, no. 1 (2003): 71-186.

²⁸ Mohanty, *Third World*.

²⁹ This is further discussed in *Section II: Gender Role Stereotyping and Prejudice in North Korea*.

Considering power in relational terms and emphasising actors' agency can help to counter reductive and harmful depictions of the North Korean population. These depictions are common: Smith finds that caricatures of both North Korean society and the government are pervasive and have helped shape the public's perception of the isolationist state.³⁰ According to her,

[Caricatures] are persuasive because they ignore nuance, change and detail and portray a broad-brush picture in order to convey a simplistic message, often designed to support denigration of a particular target and avoid careful analysis.³⁰

In effect, Choi notes that discussions of the 1990s famine in North Korea create a dichotomy between a modern, educated international community and a starving, outdated North Korean society, a perception which persists today.³¹ For Choi, human rights approaches to North Korea often rely on a hierarchical understanding of North Korea's relationship with the international community, where the only solution to 'the problem of North Korea' is outside intervention.³² She contends that this reinforces an idealised image of the international self, in contrast to a subordinate and derogated Other.³² Tripp notes that in addition to widening the gap between 'us' and 'them', othering detracts attention away from issues that are most pressing for the majority of women in the target population.³³

Mohanty, Visweswaran and Ballestrin argue that othering can be avoided by acknowledging and exploring the heterogeneity of marginalised groups and by considering multiple, varied experiences: for them, these accounts provide a window into alternative practices and values

³⁰ Hazel Smith, *North Korea: Markets and Military Rule* (Cambridge University Press 2015), 20.

³¹ Choi, *Re-Imagining North Korea*, 7.

³² Choi, *Re-Imagining North Korea*, 201-211.

³³ Tripp, *Challenges in Transnational Feminist Mobilization*, 490.

and counter hegemonic Western narratives.³⁴ However, such perspectives are largely inaccessible in the North Korean context. The majority of scholarly research and advocacy on North Korean women's rights is based on escapee testimonials, but they cannot capture the full range of women's lived experiences in the country. As of January 2024, 24,536 women have fled from North to South Korea,³⁵ not nearly enough to be considered representative of the general population. In addition, escapees represent specific segments of the North Korean population: the majority come from the remote Northeastern provinces of North Korea where few elites live,³⁵ with many fleeing for economic reasons.³⁶ North Koreans from other regions and other social classes are therefore underrepresented, suggesting that escapee accounts can only provide a limited window into the full range of women's experiences in North Korea. Relying on the claims of an unrepresentative minority to draw conclusions about the broader population is inherently flawed, but in this context we are left with few other options. The documentation and analysis of the violations recounted by escapees remains critical, and in the absence of other sources, these accounts continue to play a major role in accountability efforts.

Despite these limitations, other elements of feminist approaches are still possible in discussions of North Korean women's rights. This means seeking a more in-depth and nuanced understanding of women's role in North Korean society, highlighting women's agency, and adopting a more dynamic and relational view of power.³⁷ According to Mohanty,

³⁴ Mohanty, *Third World Women*, 71; Kamala Visweswaran, *Fictions of Feminist Ethnography* (Minneapolis: University of Minnesota Press, 1994), 50; Luciana Ballestrin, 'Postcolonial and Decolonial Subaltern Feminisms'. *Postcolonial Studies* 25, no. 1 (2022): 113.

³⁵ Ministry of Unification, 'Policy on North Korean Defectors 통일부_영문', https://www.unikorea.go.kr/eng_unikorea/relations/statistics/defectors/.

³⁶ Sung Kyung Kim, 'I Am Well-Cooked Food: Survival Strategies of North Korean Female Border-Crossers and Possibilities for Empowerment'. *Inter-Asia Cultural Studies* 15, no. 4 (2014): 554.

³⁷ Zophia Edwards, 'Postcolonial Sociology as a Remedy for Global Diffusion Theory'. *The Sociological Review* 68, no. 6 (2020): 1182.

this means looking at ‘multiple intersections of structures of power and emphasis[ing] the *process* or *form* of ruling, not the frozen embodiment of it [sic]’.³⁸ Here, rather than understanding power in binary terms of oppressor/oppressed, considering the multiple forms domination can take in different locations and at different moments helps to avoid reductive understandings of power and enables a more complex understanding of identity.³⁹ When thinking about North Korean women, this means considering multiple facets of power, including political, economic, ideological and social power, but also power in terms of opportunities to operate outside of the control of the regime. This approach counters unidimensional discussions of rights violations where women are portrayed as passive victims of exploitation and abuse. Instead, considering the different forms of power they hold enables us to acknowledge their agency.

Women’s Rights in North Korea: Reframing Gender Role Stereotyping & Men’s Violence Against Women

This section considers how a feminist approach can be applied to analyses of gender role stereotyping and men’s violence against women working at black markets. It begins by providing a contextual overview how the North Korean state understands women’s societal role. I explore what womanhood and motherhood represent in North Korean society, the opportunities and constraints attached to these roles, and the ideological justifications behind protectionism and gender inequity. The key issue of black markets, or *jangmadang*, is then discussed. These markets lie at the heart of North Korea’s shifting economy. Women there

³⁸ Mohanty, *Third World Women*, 14.

³⁹ Mohanty, *Third World Women*, 64, 67.

work as entrepreneurs and display resilience and resourcefulness in the face of high levels of violence.

1. Gender Role Stereotyping and Prejudice in North Korea

North Korea is often described as a patriarchal society. While this is true, gender relations in North Korea are multifaceted and complex. Exploring these nuances, the specific ways that the state exerts control over women, and the spaces women have carved out for themselves allows us to develop a more in-depth and dynamic conceptualisation of North Korean culture that contextualises the human rights situation to help prevent assumptions of cultural inferiority.⁴⁰

The North Korean state claims a longstanding commitment to gender equality, as evidenced through its many legislative measures designed to protect women's rights. These include the Gender Equality Law of 1946, the 1978 Socialist Labour Law, the Family Law of 1990 and the 2010 Law on the Protection and Promotion of the Rights of Women (LPPRW).⁴¹

However, legislation on women's rights in North Korea favours a protectionist stance, including measures like guaranteeing women 'labour safety in conformity with the biological nature of women',⁴² allowing workplaces not to hire women where the work is deemed

⁴⁰ James, 'Shades of othering: Reflections on female circumcision/genital mutilation', in *Signs: Journal of Women in Culture and Society*, 1037.

⁴¹ Rim, 'Legislation related to Violence', 10-12.

⁴² Law on the Protection and Promotion of the Rights of Women (LPPRW), Art. 29, cited in Citizen's Alliance for North Korean Human Rights (NKHR). *Status of Women's Rights in the Context of Socio-Economic Changes in the DPRK*. Seoul: Life & Human Rights Books, 2013. Accessed November 9, 2023. <https://www.nkhr.or.kr/wp-content/uploads/2019/09/NKHR-Briefing-Report-No.7-Status-of-Womens-Rights-in-thd-Context-of-Socio-Economic-Changes-in-the-DPRK-2.pdf?ckattempt=1>

inappropriate for them,⁴³ and prohibiting women who are pregnant or who have infant children from working at night.⁴⁴

This protectionist approach can be traced back to early tensions in the international feminist movement. While some advocated for the acknowledgement of women's purported differences from men and sought to implement 'special protective legislation' to advance women's rights, others challenged those differences, arguing that they are constructs used to justify the subjugation of women.⁴⁵ Clearly a proponent of the former approach, the North Korean government sees occupational segregation as a form of protectionism: according to its 2016 report to CEDAW, 'standards of job assignment by economic sectors [are] laid down in consideration of women's physical constitution and characteristics'.⁴⁶ As such, all nurses, postal matter inspectors, telephone operators, and 'electric communications persons' must be women,⁴⁶ and women may not perform 'arduous, harmful or dangerous work'.⁴⁷ This segregation is also apparent in education: the government notes that while women cannot be subject to restrictions at university on account of their gender, an exception can be made for 'specially designated courses'.⁴⁸ These courses, according to the state, 'are unfit for women for reasons of their physical characteristics', and include mining engineering, navigation science and marine machinery, and welding technology.⁴⁹ One result of these measures is

⁴³ LPPRW, Art. 28.

⁴⁴ LPPRW, Art. 30.

⁴⁵ Suzy Kim, 'Revolutionary Mothers: Women in the North Korean Revolution, 1945–1950'. *Comparative Studies in Society and History* 52, no. 4 (2010): 761-762; Ann Snitow, *The Feminism of Uncertainty* (Duke University Press, 2015), 28-29.

⁴⁶ United Nations Committee on the Elimination of All Forms of Discrimination Against Women, *Consideration of reports submitted by States parties: Democratic People's Republic of Korea*, CEDAW/C/PRK//2-4/, 2016, para. 45.

⁴⁷ UN Committee on the Elimination of All Forms of Discrimination Against Women, CEDAW/C/PRK//2-4/, para. 30.

⁴⁸ UN Committee on the Elimination of All Forms of Discrimination Against Women, CEDAW/C/PRK//2-4/, para. para. 96.

⁴⁹ United Nations Committee on the Elimination of All Forms of Discrimination Against Women, *List of issues and questions in relation to the combined second to fourth periodic reports of the Democratic People's Republic of Korea: Replies of the Democratic People's Republic of Korea*, CEDAW/C/PRK/Q/2-4/Add.1, 2017, para. 54.

income inequality: despite legislation guaranteeing the right to equal pay, women are paid significantly less than men because their work is comparatively low-skilled.⁵⁰

It is difficult, if not impossible, to say how North Korean women feel about this protectionist approach, let alone how it impacts different women at different levels of society. Rhetoric that calls for the international community to step in to defend North Korean women's rights risks reproducing a framework of protectionism, albeit it in a different format, thereby suggesting that North Korean women are powerless and in need of saving. Without being able to access the country and speak directly to North Korean women, this type of discourse can be disempowering, regardless of its proponents' intentions. Instead, feminist approaches demand that we take a critical perspective on women's assigned role in North Korean society without speaking for them or acting on their behalf. This means interrogating the particularities of the cultural context in which women's rights are being violated to avoid universalising women's experiences of oppression.

Here, we can look at how the North Korean state understands womanhood, and how this understanding is used to justify its protectionist stance towards woman. Evidently, a core element of this perspective is that women are seen as inherently vulnerable and less physically strong than men. But it also reflects the standpoint that women's primary role is a reproductive one. Under this view, women must be granted special protections in order to ensure that their reproductive and caregiving capacities are not compromised: the welfare of future generations is dependent upon their physical wellbeing. This prioritisation of collective harmony over individual interests can be traced back hundreds of years to Confucianist

⁵⁰ Kyungja Jung and Bronwen Dalton. 'Rhetoric versus Reality for the Women of North Korea: Mothers of the Revolution'. *Asian Survey* 46, no. 5 (2006): 751.

traditions imported from China.⁵¹ In North Korea, the subordination of the individual to society is further reinforced by the influence of Marxism, which understands individuals as dependent upon society for the realisation of their rights, justifying the prioritisation of societal needs.⁵¹ In the context of women's rights, this emphasis on the collective good is compounded by women's role as mothers. For Ertürk, the framing of women in relation to children, families and men can create tensions with simultaneous framings of women as autonomous persons with individual rights.⁵² As such, she contends that 'women's identity carries the symbols of collective identity, such that the assertion of group boundaries necessarily suppresses women's individuality'.⁵³

In North Korea, collectivism is less about prioritising the needs of the community than it is about prioritising the interests of the state. For the North Korean government, the family is the foundation of society. In effect, the Family Law describes family as 'the basic unit of social life in society'.⁵⁴ According to S. Kim, the North Korean state fuses women's domesticity with their role as modern citizens, thereby making the family a symbol of national identity.⁵⁵ Indeed, women are often seen as 'ideological reproducers' because in raising their children, they also teach and transfer ideological and cultural traditions.⁵⁶ This view remains influential today: in its report to CEDAW in 2016, the government emphasised the importance of 'women devoting themselves for the good of the society and collective,

⁵¹ Robert Weatherley and Jiyoung Song, 'The Evolution of Human Rights Thinking in North Korea'. *Journal of Communist Studies and Transition Politics* 24, no. 2 (2008): 274.

⁵² Yakın Ertürk, 'Turkey's Modern Paradoxes', in *Global Feminism: Transnational Women's Activism, Organizing, and Human Rights*, ed. Myra Marx Ferree and Aili Mari Trip (NYU Press: 2006), 142-143.

⁵³ Ertürk, 'Turkey's Modern Paradoxes', 130.

⁵⁴ Democratic People's Republic of Korea, *Family Law*, adopted 2009, Art. 3, <https://www.lawandnorthkorea.com/laws/family-law-2009>

⁵⁵ Kim, 'Revolutionary Mothers: Women in the North Korean Revolution, 1945-1950', in *Comparative Studies in Society and History*, 750.

⁵⁶ Floya Anthias and Nira Yuval-Davis. *Woman-Nation-State* (London: Palgrave Macmillan, 1989), 9; Partha Chatterjee, 'Colonialism, Nationalism, and Colonized Women: The Contest in India'. *American Ethnologist* 16, no. 4 (1989): 626-627.

building harmonious family [sic] and being exemplary in the upbringing and education of children'.⁵⁷ For Funk, collectivist approaches that deny women's autonomy and undervalue their lives are detrimental to conceptions of the individual and their rights.⁵⁸

Zwingel notes that the CEDAW Committee understands motherhood as a social role rather than a biological trait, and requires a parallel 'construction of responsible fatherhood'.⁵⁹ In its review of the DPRK, the Committee repeatedly asked the North Korean government how it intends to address the discriminatory nature of these protective laws, but failed to elicit an explicit response from the North Korean delegation.⁶⁰ Instead, the North Korean delegation reiterated the government's efforts to 'eliminate some stereotypical attitudes towards women',⁶¹ to encourage women 'to pursue studies in traditionally male-dominated areas',⁶² and to increase awareness that women 'could contribute to society on an equal footing with men'.⁶² Because women's perceived role as both mothers and workers is so intimately connected to the regime's ideology, recognising women as independent rights holders carries additional implications in the North Korean context. Combined with the lack of independent domestic civil society,⁶³ this makes advocacy for equal access to employment and education all the more challenging.

⁵⁷ United Nations Committee on the Elimination of All Forms of Discrimination Against Women, *Consideration of reports submitted by States parties: Democratic People's Republic of Korea*, CEDAW/C/PRK//2-4/, 2016, para. 59.

⁵⁸ Nanette Funk, 'Feminism East and West', in *Gender Politics and Post-Communism*, ed. Nanette Funk and Magda Mueller (Routledge, 1993), 324.

⁵⁹ Zwingel, *Translating International Women's Rights*, 86.

⁶⁰ United Nations Committee on the Elimination of All Forms of Discrimination Against Women, *List of issues and questions in relation to the combined second to fourth periodic reports of the Democratic People's Republic of Korea*, CEDAW/C/PRK/Q/2-4/, 2017, paras. 3 & 9; United Nations Committee on the Elimination of All Forms of Discrimination Against Women, *Summary record of the 1554th meeting*, CEDAW/C/SR.1554, 2017, paras. 39, 59 & 62.

⁶¹ United Nations Committee on the Elimination of All Forms of Discrimination Against Women, *Summary record of the 1554th meeting*, CEDAW/C/SR.1554, 2017, para. 70.

⁶² United Nations Committee on the Elimination of All Forms of Discrimination Against Women, *Summary record of the 1554th meeting*, para. 65.

⁶³ Justin Hastings, Daniel Wertz, and Andrew Yeo, *Market Activities & the Building Blocks of Civil Society in North Korea* (Washington DC: National Committee on North Korea, 2021), 34.

By acknowledging how ideas around womanhood, motherhood, family and the state are intertwined in North Korean society and their implications in terms of the different expectations placed on women, we can contextualise our analyses of women's rights and avoid sweeping generalisations. Without knowing how North Korean women perceive their position in society and what motherhood represents to them, it is important that we as researchers are not dismissive of discourse that positions women at the centre of family life. Implementing women's rights means ensuring their right to choose to have a family and to decide what kind of role they play within that family, and in the North Korean context, we cannot say with certainty whether women are able to make that choice. For instance, the Database Center for North Korean Human Rights (NKDB) found in its interviews of 60 North Koreans from the border city Hyesan that arranged marriages are commonplace, but at the same time the divorce rate is on the rise as women gain economic power.⁶⁴ Marriage and divorce practices in other parts of North Korea remain largely unknown. As such, it is crucial that we avoid basing advocacy on assumptions about women's preferences – doing so can have a disempowering effect.

2. Violence and opportunity at black markets

We have comparatively more data on black markets, or *jangmadang*, and women's activity there: they have been studied from a range of different perspectives in recent years.⁶⁵ Central

⁶⁴ Database Center for North Korean Human Rights (NKDB), 'The 60th NKDB Monthly Briefing and Discussion on North Korean Human Rights' 2021, <https://en.nkdb.org/activitynews/?idx=8824004&bmode=view>

⁶⁵ Jeong-ah Cho, Ji Sun Yee, Hee Young Yi, *Daily Lives of North Korean Women and Gender Politics*. Seoul: Korean Institute for National Unification (KINU), 2020; Stephan Haggard and Marcus Noland, 'Gender in Transition: The Case of North Korea'. *World Development* 41 (2013): 51-66; Hastings, Wertz & Yeo, *Market Activities*; Human Rights Watch, 'You Cry at Night but Don't Know Why' *Sexual Violence against Women in North Korea*, 2018. Accessed November 9 2023. www.hrw.org/report/2018/11/02/you-cry-night-dont-know-

to the North Korean economy and the gradual erosion of the state's control over its population, jangmadang offer an unusual opportunity to explore how North Korean women are exercising their agency. This section will examine some of the disempowering discourse used by researchers to discuss the rights violations experienced by women working at these markets, as well as exploring alternative frameworks that treat them as agential actors.

Black markets came into existence relatively recently in response to the collapse of the Public Distribution System (PDS) in the 1990s. No longer receiving food from the state, North Koreans have increasingly relied on markets to obtain both income and commodities.⁶⁶ While black markets have been tolerated by North Korean authorities, they remain technically illegal, as evidenced by sporadic government crackdowns.⁶⁷ In order to operate their stalls, market participants must pay bribes to government officials.⁶⁸ COVID-19 border closures in January 2020 and heightened government crackdowns have severely disrupted market activity in recent years,⁶⁹ but due to the uncertainty surrounding the evolving nature of the situation, this article looks at market activity prior to the outbreak of the pandemic.

Hastings and colleagues note that these markets are a form of semi-autonomous social organisation, and while they have not necessarily led to regime subversion, they nonetheless show that North Koreans are not simply passive recipients of state ideology.⁷⁰ Women are at

[why/sexual-violence-against-women-north-korea](#); Kyungja Jung, Bronwen Dalton, Jacqueline Willis, 'From patriarchal socialism to grassroots capitalism: The role of female entrepreneurs in the transition of North Korea'. *Women's Studies International Forum* 68. (2018); Sea Young Kim and Leif-Eric Easley, 'The Neglected North Korean Crisis: Women's Rights'. *Ethics & International Affairs* 35, no. 1 (2021): 19-29; Yeo, Andrew, *State, Society and Markets in North Korea* (Cambridge University Press, 2021).

⁶⁶ Philo Kim, 'The Segmented Marketization of North Korea and Its Sociopolitical Implications'. *Asian Perspective* 42, no. 1 (2018): 5.

⁶⁷ Andrei Lankov, *North of the DMZ: Essays on Daily Life in North Korea* (McFarland, 2014), 252.

⁶⁸ Jung, Dalton & Willis, 'From patriarchal socialism to grassroots capitalism: The role of female entrepreneurs in the transition of North Korea', in *Women's Studies International Forum*, 25.

⁶⁹ Yeo, *State, Society and Markets*, 66.

⁷⁰ Hastings, Wertz & Yeo, *Market Activities*, 25-27.

the forefront of this shift: female entrepreneurs now outnumber males in North Korea in the lower echelons of the market economy.⁷¹ This is because women, unlike men, are not obligated to remain at their state-run workplaces and can instead work at the markets.⁷² While men are able to pay bribes to their employers and leave their workplace if they have a more lucrative opportunity,⁷³ they do not participate in markets to the extent that women do. Officially, men have been banned from working in the markets since 2004-5 because working for the government is seen as ‘more politically advanced “man’s work”’.⁷⁴ Nonetheless officials at all levels of the state hierarchy are motivated to support the continuation of informal markets so that they can make money through the bribes they receive,⁷⁵ leading Koen and Beom to conclude that marketisation has evolved from a ‘bottom-up survival process to one partly managed from the top’.⁷⁶

In recent years, markets have become the primary source of food, with roughly 60% of North Koreans buying food there and approximately 80% of household income coming from markets.⁷⁷ This means that black market activity has become North Korea’s ‘de facto real economy’.⁷⁷ Because women play such a significant role in the markets, they have become key players in the national economy:⁷⁸ as a human rights worker noted, ‘[the state is] seeing how much power women can have, not just supporting their families but sustaining the North

⁷¹ Hastings, Wertz & Yeo, *Market Activities*, 11; Jung, Dalton & Willis, ‘From patriarchal socialism to grassroots capitalism: The role of female entrepreneurs in the transition of North Korea’, in *Women’s Studies International Forum*, 19.

⁷² Hastings, *A Most Enterprising Country*, 50.

⁷³ Andrei Lankov, Peter Ward, Ho-yeol Yoo, Ji-young Kim, ‘North Korea’s New Capitalists and Their Workers: Business Practice and Labor Relations’. *Communist and Post-Communist Studies* 50, no. 3 (2017): 158-159.

⁷⁴ Haggard and Noland, *Gender in Transition*, 53.

⁷⁵ Hastings, *A Most Enterprising Country*, 184.

⁷⁶ Vincent Koen and Byong-Joon Beom, ‘North Korea: the Last Transition Economy?’ OECD Economics Department Working Papers, no. 1607. Paris, France: OECD, 2020, 33.

⁷⁷ Jung, Dalton & Willis, ‘From patriarchal socialism to grassroots capitalism: The role of female entrepreneurs in the transition of North Korea’, in *Women’s Studies International Forum*, 19.

⁷⁸ Kim and Easley, ‘The Neglected North Korean Crisis: Women’s Rights’, in *Ethics & International Affairs*, 21.

Korean state as a whole.’⁷⁹ Although women’s participation in the jangmadang is primarily a response to economic necessity rather than an organised movement for their empowerment, framing market activity as an imposition that women are forced to engage in negates their agency. Instead, a feminist approach demands that we consider the spaces that North Korean women have carved out for themselves within those markets, where they are able to exercise some degree of choice and can explore alternate roles outside of those imposed on them by the state.

Market activity has enabled women to exercise their autonomy in new ways: women participating in markets travel, learn to navigate the system, and gather in small groups, leading to ‘a limited increase in personal freedom’.⁸⁰ As such, S. Kim argues that the North Korean patriarchal system, in its alienation of women from the public sphere and the formal economy, paradoxically affords them greater mobility than their male counterparts.⁸¹ In addition, it appears that women’s attitudes towards their spouses are also changing: as women have become the breadwinners of the family, they are beginning to recognise themselves as such, leading some escapees to describe the patriarchy in North Korea as becoming destabilised.⁸² However, despite these changes, escapee testimonials indicate that traditional gender roles and male dominance remain prevalent in North Korean society.⁸³ Human rights activists agree: one human rights advocate noted that ‘even with the changing role of women in North Korea, it doesn’t mean the patriarchy is being shaken or is being dismantled’.⁷⁹ Although we lack the data to complete an intersectional analysis of how these changes have

⁷⁹ Interview with human rights worker, April 14 2022.

⁸⁰ Smith, *North Korea: Markets & Military*, 229.

⁸¹ Kim, ‘Revolutionary Mothers: Women in the North Korean Revolution, 1945–1950’, in *Comparative Studies in Society and History*, 557.

⁸² Jung, Dalton & Willis, ‘From patriarchal socialism to grassroots capitalism: The role of female entrepreneurs in the transition of North Korea’, in *Women's Studies International Forum*, 24.

⁸³ Rim, ‘Legislation related to Violence’, 25.

impacted different groups of women, we do know that changes in gender roles have not been consistent across North Korea. Instead, the extent and rate of these changes varies across regions, with proximity to the Chinese border increasing trading opportunities.⁸⁴

2.1 Bribery, smuggling and violence at the marketplace

In tandem with the opportunities provided by markets, market activity is also fraught with risk. The violence men commit against women at these markets is central to any discussion of North Korean women's rights, but it is crucial that we treat women's vulnerability as relational rather than an intrinsic gender trait.⁸⁵ This means being reflective about what vulnerability represents in the context of women's rights, discussing violence within the context of the Kim regime and moving away from rhetoric that paints women as perpetual victims. Literature that describes North Korean women as 'easily becom[ing] victims',⁸⁶ 'highly vulnerable to becoming victims',⁸⁷ or 'fall[ing] into traps'⁸⁸ often replace more nuanced discussions around women's experiences of violence.

The violence men commit against women working at markets is often in the form of bribes, extracted by male North Korean officials from women engaging in illicit market activity in exchange for being able to trade. These bribes frequently entail sexual violence and abuse, perpetrated by government officials such as police, soldiers, prosecutors and inspectors on

⁸⁴ Citizen's Alliance for North Korean Human Rights (NKHR), *Status of Women's Rights*, 15.

⁸⁵ Peroni, 'Violence against Migrant Women', 54-55.

⁸⁶ Eunyong Kim, Minwoo Yun, and Cordula von Denkowski, 'Violence Against North Korean Refugee Women: Doubly Victimized By Repatriation and Premigration Traumatic Experiences'. *Violence against Women* 28, no. 10 (2022): 2424-47.

⁸⁷ Jina Yang, 'Women's Rights in the DPRK: Discrepancies between International and Domestic Legal Instruments in Promoting Women's Rights and the Reality Reflected by North Korean Defectors'. *Cornell International Law Journal* 51, no. 1 (2018): 219-43.

⁸⁸ Kyung-Ae Park, 2011. 'Economic Crisis, Women's Changing Economic Roles, and Their Implications for Women's Status in North Korea'. *Pacific Review* 24, no. 2. (2011): 159-77. doi:10.1080/09512748.2011.566349.

trains.⁸⁹ While high-level connections can insulate women traders from such abuse, those without such connections must resign themselves to ‘barely scraping by’, unable to expand their business without being preyed upon.⁸⁹ As well as sexual abuse occurring in the form of bribery, women traders are frequently harassed as a form of punishment. According to the UN Commission of Inquiry (COI) report, officials punish female market participants by inflicting sexual violence and abuse with impunity.⁹⁰ These violations are perpetrated by a range of officials: according to the COI, ‘the male dominated state, agents who police the marketplace, inspectors on trains, and soldiers are increasingly committing acts of sexual assault on women in public spaces’.⁹⁰

Although the Criminal Law of 2015 does penalise gender-based violence,⁹¹ it does not appear to be consistently implemented, if at all. North Korean women interviewed by Human Rights Watch said that sexual violence is not considered a serious offence by police,⁹² and Citizen’s Alliance notes that there are no reported cases of sexual harassment in the country and there are no available statistics on violence against women.⁹³ When questioned about incidences of sexual harassment and violence, North Korean delegate Jang Il Hoon told the CEDAW Committee that ‘in my country, sexual violence, harassment, and even domestic violence and marital rape, those are very strange words ... those phenomena do not happen so frequently. So it is not a social issue of much importance’.⁹⁴ While a ‘mechanism of complaints and petition’ does exist according to North Korean representatives, it appears that women rarely

⁸⁹ Human Rights Watch, *You Cry at Night*.

⁹⁰ United Nations, General Assembly, *Report of the commission of inquiry on human rights in the Democratic People’s Republic of Korea*, A/HRC/25/CRP.1 7 February 2014, para. 318. Accessed November 9, 2023. <https://www.ohchr.org/en/hr-bodies/hrc/co-idprk/commission-inquiryon-h-rin-dprk>

⁹¹ Democratic People’s Republic of Korea, *Criminal Law of the Democratic People’s Republic of Korea*, adopted 2015, Art. 293 & 294. Translated by Daye Gang. <https://www.lawandnorthkorea.com/laws/criminal-law-2015>

⁹² Human Rights Watch, *You Cry at Night*, 8.

⁹³ Citizen’s Alliance for North Korean Human Rights (NKHR), *They Only Claim*, 13-14.

⁹⁴ Citizen’s Alliance for North Korean Human Rights (NKHR), *They Only Claim*, 81.

report the violence perpetrated against them.⁹⁵ According to escapee testimonials, this is largely due to three reasons: first, they do not expect any measures to be taken and, second, they fear reprisals.⁹⁶ Here, women voicing their grievances against men in their official capacities as employees of the state represents a threat to the state, and the state's response is to simply ignore these complaints or to retaliate in an effort to silence these women. Thirdly, women escapees describe being socialised to feel shame when they experience abuse,⁹⁷ which discourages them from reporting any sexual violence for fear of being stigmatised. This cultural factor is important to consider under a postcolonial feminist perspective: any discussion of men's violence against women needs to be sensitive to the emotional ramifications they can have for the women involved.

The taboos surrounding sexual violence in North Korea also make the documentation of these types of rights abuses a particularly traumatic process for those giving testimony.

Additionally, some may not even recognise that what they experienced was in fact sexual violence.⁹⁸ To inform them risks retraumatising them as well as imposing an unwanted narrative of victimhood. As noted by the former UN Special Rapporteur on Violence Against Women, 'violence is not an isolated incident targeting vulnerable women but a systematically

⁹⁵ United Nations Committee on the Elimination of All Forms of Discrimination Against Women, *List of issues and questions in relation to the combined second to fourth periodic reports of the Democratic People's Republic of Korea*, para. 15.

⁹⁶ Rim, 'Legislation related to Violence', 25; Citizen's Alliance for North Korean Human Rights (NKHR). *Situation in the Democratic People's Republic of Korea: Submission for the Committee on the Elimination of Discrimination Against Women*. 2017, 8. Accessed 9 November 2023. <https://www.nkhr.or.kr/en/publications/nkhr-research-reports/submission-situation-in-the-democratic-peoples-republic-of-korea-submission-for-the-committee-on-the-elimination-of-discrimination-against-women-68th-session-2017/>

⁹⁷ Database Center for North Korean Human Rights (NKDB). *Database Center for North Korean Human Rights Submission to the CEDAW Committee for its 68th Session*. 2017. Accessed 9 November 2023. https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/PRK/INT_CEDAW_NGO_PRK_29168_E.pdf

⁹⁸ Human Rights Watch, *You Cry at Night*, 30.

used tool of patriarchal control to ensure that “women stay in their place”.⁹⁹ Telling escapees that they are, in fact, victims of sexual violence reinscribes their vulnerability and may disempower them even further. A South Korean human rights activist told me that in this scenario, advocates from Western countries would likely inform the person that they experienced sexual violence, while she herself prefers a gentler approach and feels it is not her role to do so.¹⁰⁰

As Gilson notes, the concept of victimisation carries connotations of weakness, powerlessness, and exploitability.¹⁰¹ For her, ‘there is often a misfit between the dominant concept of victim, which is static, dichotomous, and unambiguous, and people’s experiences, which are variable, diverse, and ambiguous’.¹⁰² Unfortunately, narratives of victimhood remain prevalent in human rights discourse: Human Rights Watch describes North Korean women as being ‘sexually preyed upon’¹⁰³ and as ‘rape victim[s]’¹⁰⁴, and OHCHR describes women as being ‘subjected to torture and ill-treatment’ and at ‘increased risk to sexual violence’.¹⁰⁵ Ehrlich argues these representations of violence against women in the passive voice influence our interpretation of agency and responsibility.¹⁰⁶ In effect, when women are described as being at ‘increased risk to sexual violence’, the responsibility of the perpetrators

⁹⁹ United Nations Office of the High Commissioner of Human Rights. *15 Years of The United Nations Special Rapporteur on Violence Against Women, its Causes and Consequences*, 2009, 35. Accessed 9 November 2023. <https://www.unwomen.org/en/docs/2009/1/15-years-of-the-un-special-rapporteur-on-violence-against-women>

¹⁰⁰ Interview with human rights worker, May 20 2022.

¹⁰¹ Erinn Cunniff Gilson, ‘Vulnerability and Victimization: Rethinking Key Concepts in Feminist Discourses on Sexual Violence’. *Signs: Journal of Women in Culture and Society* 42, no. 1 (2016): 79.

¹⁰² Gilson, ‘Vulnerability and Victimization’, 80.

¹⁰³ Human Rights Watch, ‘*You Cry at Night*’, 6, 57.

¹⁰⁴ Human Rights Watch, ‘*You Cry at Night*’, 8, 72, 3, 34, 36.

¹⁰⁵ United Nations Office of the High Commissioner of Human Rights. ‘*I Still Feel the Pain...’ Human Rights Violations Against Women Detained in the Democratic People’s Republic of Korea*, 28 July 2020, 30. Accessed 9 November 2023.

https://www.ohchr.org/sites/default/files/Documents/Countries/KP/HR_Violations_against_Women_DPRK_EN.pdf

¹⁰⁶ Susan Ehrlich. *Representing Rape: Language and Sexual Consent* (Routledge, 2001), 61.

of that violence is minimised, and women are characterised as inherently vulnerable.¹⁰⁷

Instead, feminist approaches demand that we use language that recognises women's agency and puts perpetrators' responsibility for acts of violence front and centre.

2.2 The erosion of state control through market activity

Market activity, and women's participation in these markets, may have a long term effect on North Koreans' human rights outside of international advocacy. Although this shift is occurring absent the vocalisation of any human rights norms, discussing its broader implications is central to a feminist approach to North Korean women's rights. Women at these markets are playing a key role in the North Koreans' growing distrust of their government, and acknowledging this allows us to recognise their power and agency. As such, Hastings argues that 'the central state faces a quandary where the bottom of the food chain is also the least politically dependent on the state'.¹⁰⁸

According to Yeo, markets can undermine state authority and legitimacy in three ways: first, citizens' increasing reliance on markets rather than on the state may lead them to question the legitimacy of the regime. Second, the corruption and bribery fostered by marketisation can also erode state authority. Finally, as well as allowing North Koreans to sell and purchase Chinese products, these markets have enabled the proliferation of outside information, often in the form of foreign media on USB drives.¹⁰⁹ This flow of information is helping to subvert decades of authoritarian control,¹¹⁰ which Baek calls 'an information revolution in slow

¹⁰⁷ Lourdes Peroni and Alexandra Timmer, 'Vulnerable Groups: The Promise of an Emerging Concept in European Human Rights Convention Law.' *International Journal of Constitutional Law* 11, no. 4 (2013): 1073.

¹⁰⁸ Hastings, *A Most Enterprising Country*, 108.

¹⁰⁹ Yeo, *State, Society and Markets*, 12-13.

¹¹⁰ Sandra Fahy, *Dying for Rights: Putting North Korea's Human Rights Abuses on the Record* (Columbia University Press, 2019), 8.

motion'.¹¹¹ The implications of these flows of new information are far-reaching: Baek argues that

North Koreans' repeat exposure to foreign information is creating consequential changes in the country. Such micro-changes may be economic and social in nature, rather than political, at the present time. However, these far-reaching and irreversible changes have been eroding citizens' trust and belief in the North Korean leadership, and may have a lasting impact by weakening this closed regime.¹¹²

Although women participating in markets may be more motivated by economic need than a desire to undermine the regime, they are nonetheless actively helping distribute subversive information at great risk to themselves. In effect, they must carefully strategise in order to survive in this high-risk environment. In addition to securing goods to sell on the markets, they must build relationships with officials and brokers to access information and protection, build trading networks, and resolve business disputes in an unregulated environment.¹¹³ This kind of strategising is not dissimilar to that done by civil society organisations in other contexts, leading Hastings and colleagues to argue that black markets have fostered conditions that are conducive to the development of civil society, including the establishment of networks of trust and reciprocal relations and the development of shared norms among market participants.¹¹⁴

As Park notes, the marketisation of North Korea and the consequent increase in women's autonomy is not a result of women's awareness of their rights or their desire for economic

¹¹¹ Jieun Baek, 'Breaking Through: North Korea's Information Underground and Transnational Advocacy Networks', in *North Korean Human Rights: Activists and Networks*, ed. Andrew Yeo and Danielle L. Chubb (Cambridge University Press, 2018), 264.

¹¹² Baek, 'Breaking Through', 250.

¹¹³ Hastings, Wertz & Yeo, *Market Activities*, 13-20.

¹¹⁴ Hastings, Wertz & Yeo, *Market Activities*, 34-36.

independence.¹¹⁵ Although domestic rights advocacy and claims-making may not be in the realm of possibility for North Korean women given the level of government control, other factors have resulted in this societal shift that has had very real effects on women's daily lives. It is important to note here that neither international advocates nor human rights rhetoric have been involved in this process, but its impact on women's rights is significant given North Korea's history of suppression. Equally importantly, the changes brought about by marketisation have not resulted in the implementation of any human rights – yet. To be optimistic about the future of gender equality in North Korea is to recognise that change will be incremental and very gradual. Nonetheless, markets offer enormous potential in the North Korean context, where government domination has had a profound effect on generations of North Koreans, and previous international advocacy has not led to any tangible change on the ground.

Conclusions

The injustice and horror of state-sanctioned discrimination and violence against women can serve as a galvanising force for human rights advocates, spurring investigations of rights violations and helping build movements for accountability and change. However, the language used by human rights researchers and advocates often unintentionally frames women as passive victims exploited by male perpetrators. These narratives, paradoxically intended to help women, can have deeply harmful consequences by denying the diversity of women's experiences, negating their autonomy, and reinforcing the idea that local women need to be rescued by global actors.

¹¹⁵ Kyung-Ae Park, 'Economic Crisis', 171.

Feminist methodologies offer an alternative way to frame women's rights violations that centres their voices, emphasises a multiplicity of perspectives and identities, contextualises violations culturally and historically, and considers power through a relational lens. North Korea presents a particularly challenging context in which to apply this approach due to our inability to access local actors and our overall lack of data on women's experiences inside the country. This lack of information means that human rights discourse has the potential to shape global perceptions about North Korean women, making it all the more important that these narratives emphasise the extraordinary strength, resilience and courage that we know that these women display at the black markets and elsewhere. This means being sensitive to local cultural contexts, avoiding generalisations and acknowledging that women's experiences are diverse across space, time and identities, using language that does not assume any hierarchy between rights recipients and rights advocates, emphasising women's autonomy, and avoiding any narrative that perpetuates the idea of women needing to be saved.

The Engagement to Accountability Continuum: How Humanitarian and Human Rights Organisations Address Human Insecurity in North Korea

Abstract

This article introduces the engagement to accountability continuum, a framework that shows how international human rights and humanitarian organisations contribute to global responses to human insecurity in authoritarian contexts. This framework sheds new light on existing theories outlining the convergence between human rights and humanitarianism, and underscores a central dilemma in the formulation of global responses to human insecurity: whether or not to cooperate with authoritarian governments. This paper considers North Korea as a case study: its extreme degree of isolation has put considerable pressure on human rights and humanitarian actors to craft effective strategies, making it a particularly instructive context in which to explore the engagement to accountability continuum. Sources include empirical data on international, South Korean, and North American human rights and humanitarian organisations working to address human insecurity there. The author finds that few organisations advocate solely for engagement or accountability: instead, the nuance in their approaches can be captured on a continuum, informed by four factors: (1) which category of rights they are involved in, (2) what kind of advocacy they engage in, (3) what style of discourse they employ, and (4) who they hold responsible for human insecurity in North Korea.

Introduction

In 2018, I was working in the Asia Pacific Department at the United Nations Office of the High Commissioner for Human Rights in Geneva, Switzerland. I assisted the Special Rapporteur on human rights in North Korea, Tomás Ojea Quintana, who was visiting for the spring session of the Human Rights Council, when the first US – North Korea summit was announced. This announcement took us by surprise. Recognising it as an unprecedented opportunity, different UN and governmental actors debated the best way to leverage it. Some argued that global attention on North Korea would provide an invaluable window to draw attention to rights violations and place pressure on the North Korean government. Others saw it as a signal of North Korea's willingness to build dialogue and feared that raising human rights issues risked alienating the regime. These arguments echo a longstanding debate among organisations addressing human insecurity in the country that is typically understood as having two sides: the engagement approach that prioritises creating space for dialogue and cooperation with the North Korean government, and the accountability approach that calls out the regime's mistreatment of its population and demands justice.¹ The engagement approach is criticised by proponents of accountability for legitimising the regime and downplaying its human rights violations, while the accountability approach is criticised by proponents of engagement for failing to result in any tangible consequences for the North Korean population.² Human rights organisations, as the groups collecting evidence of rights violations, and humanitarian organisations, as the actors delivering aid to North Koreans, are at the forefront of this debate. In practice, most humanitarian and human rights actors support

¹ Danielle Chubb and Nazanin Zadeh-Cummings, 'International Engagement with North Korea: Disability, Human Rights and Humanitarian Aid', *Third World Quarterly* 44, no. 1 (2023): 135.

² Stephan Sonnenberg and Patricia Goedde, 'Accountability for Human Rights Crimes in North Korea: Jurisdictional Dilemmas in South Korea', *Asian Perspective* 47, no. 3 (2023): 514; Joshua Stanton, Sung-Yoon Lee, and Bruce Klingner, 'Getting Tough on North Korea: How to Hit Pyongyang Where It Hurts', *Foreign Affairs* 96 (2017).

some combination of engagement and accountability, with different factors informing their stance.

This article proposes the engagement to accountability continuum to understand how these groups address human insecurity in North Korea and identifies the factors that inform their strategies. The concept of human security is used here because it focuses on human interests rather than those of the state, and it encompasses both humanitarian need and the full realisation of human rights.³ Coined by the United Nations Development Programme (UNDP) in 1994, human security has two main components: freedom from fear, intended to protect individuals from violence and other threats to civil and political freedoms, and freedom from want, which is related to social and economic development.⁴ This article looks at North American, South Korean, and UN civil society actors engaged in human rights and humanitarianism in the North Korean context. The United States, South Korea and the UN play a central role in global responses to human insecurity in North Korea. The UN is a leading humanitarian actor in the North Korean context in terms of gathering funding, implementing projects and monitoring aid distribution,⁵ but the majority of humanitarian NGOs working in North Korea are American and South Korean.⁶ The UN has also helmed efforts to hold North Korea accountable for its human rights violations, most notably through the establishment of the Commission of Inquiry in 2013, for which the advocacy and research

³ Alexander Gilder, 'Human Security', in *Palgrave Encyclopedia of Peace and Conflict Studies*, (Rochester, NY, 2021); Mary Kaldor, 'Human Security', in *The Handbook of Global Security Policy*, (John Wiley & Sons, Ltd, 2014).

⁴ Robert J. Hanlon and Kenneth Christie, *Freedom from Fear, Freedom from Want: An Introduction to Human Security*, 1st edition ed. (University of Toronto Press, 2016): 5-9.

⁵ Jong-Woon Lee, 'The Geopolitics of Humanitarian Assistance to North Korea under International Sanctions', *Journal of the Economic Geographical Society of Korea* 22, no. 4 (2019): 414.

⁶ Nazanin Zadeh-Cummings, 'Humanitarians in the Hermit Kingdom: Ngos, Aid, and Access in the Dprk (Dissertation)', (City University of Hong Kong, 2019):101.

of US and South Korean NGOs played a critical role.⁷ This article presents four factors, inductively generated, that shape each organisation's position on the continuum: (1) which category of rights they are involved in, (2) what kind of advocacy they engage in, (3) what style of discourse they employ, and (4) who they hold responsible for human insecurity in North Korea.

North Korea offers a particularly instructive case study through which to explore the strategies of humanitarian and human rights actors: they share the goal of ensuring human security and they are both forced to navigate geopolitical tensions and the regime's hostility to their work, but the constraints specific to each group means that there are also tensions between their approaches. Existing literature on old and new humanitarianisms and their relation to human rights do not apply in a closed authoritarian context like North Korea. Instead, this article offers a novel framework through which to explore how their approaches align and how they deviate. It begins with a description of methods, followed by an outline of the work of international, North American, and South Korean humanitarian and human rights organisations in the North Korean context. Next, an overview of the various branches of the UN and their work related to North Korea is provided, and finally the engagement to accountability continuum and the four factors shaping each organisation's position on the continuum are discussed.

The North Korean regime has self-isolated even further since the COVID-19 pandemic,⁸ and consequently humanitarian and human rights actors are largely unable to access updated

⁷ Hosaniak, Joanna, 'NGOs As Discursive Catalysts at the United Nations and Beyond: An Activist's Perspective'. In *North Korean Human Rights*, ed. Andrew Yeo and Danielle Chubb (Cambridge University Press, 2018): 134.

⁸ Marcus Noland, 'North Korean Food Insecurity: Is Famine on the Horizon?', (East-West Center, 2022): 2.

information on the current situation.⁹ Preliminary evidence suggests that both the level of repression and the level of humanitarian need have increased dramatically since the regime closed its borders,¹⁰ but in order to avoid speculation, this paper mainly considers human rights and humanitarian activity prior to 2020.

Methods

This article is based on multiple data sources, including field work in Seoul, South Korea and Washington D.C., in-depth interviews with staff at human rights and humanitarian organisations, NGO and UN reports and mission statements, press conferences, public talks and literary works. Interviewees were located in South Korea or North America and were either prior contacts or were recruited through snowball sampling. I drew upon contacts I had built working at a North Korean human rights NGO in South Korea in 2016, at the UN's OHCHR in 2017-2018, and through academic connections at the University of Washington. Because of the sensitive nature of humanitarian and human rights work in North Korea, respondents were understandably wary of external researchers. To build rapport, I first arranged off-the-record in-person meetings or phone calls with potential participants to introduce myself and my research, to explore potential topics of discussion during the interview, and to establish participants' preferences in terms of anonymity. I also offered participants the option of reviewing the research findings prior to publication, which several accepted.

⁹ 'Situation of Human Rights in the Democratic People's Republic of Korea: Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, Tomás Ojea Quintana*', (United Nations General Assembly, 2022).

¹⁰ 'North Korea: Covid-19 Used to Crush Rights | Human Rights Watch', (2023); Noland, 'North Korean Food Insecurity'.

I completed in-depth interviews with twenty-four human rights activists and researchers, humanitarian workers, United Nations staff, and policy analysts. These interviews were conducted remotely in 2020 and 2021 and in person in 2022 in Seoul, South Korea and in Washington, D.C. All organisations in the sample are engaged in global efforts to address human insecurity in North Korea, and all interviews were conducted in English. The sample is evenly distributed in terms of type of organisation (human rights, humanitarian, policy think tank) and the location where they are based (South Korea, North America).

In addition, I had twenty-three off-the-record conversations with humanitarian workers, scholars researching North Korean human rights and humanitarianism, journalists, policymakers, embassy staff, and peace activists. To supplement my data, I attended and reviewed recordings of multiple events related to human rights and humanitarianism in North Korea organised by NGOs, both in person and online. These events included speakers such as UN officials, government representatives, activists, scholars, and policy analysts. I also reviewed memoirs by humanitarian actors with experience working in North Korea as well as memoirs by North Korean escapees.

Because this article focuses on human security, its sample includes UN offices related to humanitarianism and human rights, namely the Office of the High Commissioner of Human Rights (OHCHR) and the Office for the Coordination of Humanitarian Affairs (OCHA). While the UN Security Council's (UNSC) sanctions regime is discussed, the UNSC is not one of the organisations included in the sample.¹¹

¹¹ The author was not able to gain access to UN humanitarian agencies like UNICEF, FAO, WHO and they are therefore not included in the sample.

Interviews and written materials were analysed using inductive thematic analysis.¹² First, all interviews were open coded to establish initial categories and help inform the article's theoretical framework.¹³ These initial categories were then refined through focused coding, resulting in the themes and subthemes listed in the appendix. After establishing the theoretical framework of this paper, the interviews were re-coded according to that framework.¹⁴ Reports and mission statements by the organisations in my sample were also analysed according to these themes and subthemes.

The majority of participants in this research requested that all identifying information be removed. The human rights and humanitarian community working in the North Korean context is relatively small, so all data have been anonymised to avoid the possibility of any participants being identified through process of elimination. Reports by organisations in the sample have also been anonymised.

Humanitarianism in North Korea

Up until the COVID-19 pandemic, international organisations (IOs), non-governmental organisations (NGOs), and bilateral organisations were responding to humanitarian need in North Korea.¹⁵ The most recent OCHA report on the humanitarian situation in North Korea estimates that over 10 million North Koreans are in need of humanitarian assistance: issues include chronic food insecurity, mal- and under-nutrition, limited access to clean water and

¹² Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology', *Qualitative Research in Psychology* 3, no. 2 (2006).

¹³ John Lofland et al., *Analyzing Social Settings: A Guide to Qualitative Observation and Analysis* (Belmont, CA: Wadsworth Publishing, 2005): 201.

¹⁴ See Table 2 of the Appendix.

¹⁵ Nazanin Zadeh-Cummings and Lauren Harris, 'The Impact of Sanctions against North Korea on Humanitarian Aid', *Journal of Humanitarian Affairs* 2, no. 1 (2020): 44.

sanitation, and a lack of quality healthcare.¹⁶ North Korea has been a recipient of international humanitarian aid for over two decades: its first request for assistance came in 1995 in response to a devastating famine.¹⁷ The North Korean government claimed that this famine was a result of natural disaster, including severe floods in July and August 1995.¹⁸ In reality, however, the famine was also caused by several other factors, including the regime's diversion of resources to weaponry,¹⁹ the end of fraternal aid from the Soviet Union,²⁰ mismanagement of national agricultural programs and consequently food distribution²¹ and the regime's unwillingness to import food due to its doctrine of self-reliance.²²

While aid organisations have been unable to address the structural causes of the humanitarian situation in North Korea, they have delivered food, medical supplies, medicine and agricultural support.²³ However, their work has been obstructed in several ways. First, international sanctions have severely limited humanitarians' ability to deliver aid in a timely and effective manner.²⁴ In addition to UN and US sanctions, South Korean humanitarian NGOs were particularly impacted by sanctions imposed by the South Korean government in 2010 which limit aid to emergency relief, leaving many NGOs unable to enter North Korea at all.²⁵ Nonetheless, South Korean NGOs have adapted to these restrictions by shifting their

¹⁶ UN Office of the Coordination of Humanitarian Affairs (OCHA), *DPR Korea Needs and Priorities Plan 2020*. April 2020.

¹⁷ Jiyoung Kim, 'The Politics of Foreign Aid in North Korea', *The Korean Journal of International Studies* 12, no. 2 (2014): 428.

¹⁸ Marcus Noland, 'Famine and Reform in North Korea*', *Asian Economic Papers* 3, no. 2 (2004): 6.

¹⁹ Roberta Cohen, 'Sanctions Hurt but Are Not the Main Impediment to Humanitarian Operations in North Korea', *Asia Policy* 13, no. 3 (2018): 38.

²⁰ Zadeh-Cummings & Harris, 'The Impact of Sanctions', 46.

²¹ Andrei Lankov, *The Real North Korea: Life and Politics in the Failed Stalinist Utopia* (New York, NY: Oxford University Press, 2014): 63.

²² Stephan Haggard & Marcus Noland, *Hard Target: Sanctions, Inducements, and the Case of North Korea*, 1st edition ed. (Stanford, California: Stanford University Press, 2017).

²³ Jong-Woon Lee, 'The Geopolitics of Humanitarian Assistance to North Korea under International Sanctions', *Journal of the Economic Geographical Society of Korea* 22, no. 4 (2019): 408, 415-416.

²⁴ Zadeh-Cummings & Harris, 'The Impact of Sanctions', 50; Cohen, 'Sanctions Hurt', 39-40; Dong Jin Kim and Andrew Ikhyun Kim, 'Global Health Diplomacy and North Korea in the Covid-19 Era', *International Affairs* 98, no. 3 (2022): 924.

²⁵ Lee, 'The Geopolitics of Humanitarian Assistance', 411.

focus to peace advocacy, educational campaigns directed towards the South Korean and global publics, and cooperating with international NGOs.²⁶ US NGOs have also been significantly impacted by sanctions, but until the COVID-19 pandemic, they have largely maintained their presence.²⁷

Second, the regime's foreign policy has negatively impacted aid flows through its adversarial stance towards donors, its consistent violation of humanitarian norms, and its unwillingness to undertake necessary agricultural reforms, making it politically difficult for donors to fund aid programs on a large scale.²⁸

Third, despite the significant level of humanitarian need in North Korea, the government has imposed considerable restrictions on aid organisations, including intense monitoring and limiting access to populations in need.²⁹ For some organisations like Médecins Sans Frontières (MSF) and Oxfam, these restrictions were intolerable, leading them to leave North Korea between 1998 and 2000.³⁰ In the years since, access has improved somewhat, but it remains a significant obstacle for aid groups.³¹

While UN agencies delivering aid to North Korea have offices in Pyongyang, South Korean and US NGOs remain non-resident due to a lack of diplomatic relations between North Korea and the two states.³² Aid projects in North Korea are diverse, and include short term

²⁶ Nazanin Zadeh-Cummings, 'Shaping the Humanitarian Arena: South Korean, American, and Christian Ngos in North Korea', in *Korea and the Global Society*, (Routledge, 2023): 24; Anonymous personal interview, 19th May 2022.

²⁷ Zadeh-Cummings, 'Shaping the Humanitarian Arena': 26.

²⁸ Haggard & Noland, *Hard Target*, 136.

²⁹ Haggard & Noland, *Hard Target*, 80.

³⁰ Scott Snyder, 'American Religious Ngos in North Korea: A Paradoxical Relationship', *Ethics & International Affairs* 21, no. 4 (2007): 424; Mi Ae Taylor and Mark E. Manyin, 'Non-Governmental Organizations' Activities in North Korea', (Congressional Research Service, 2011): 4.

³¹ Kim & Kim, 'Global Health Diplomacy', 924; Zadeh-Cummings & Harris, 'The Impact of Sanctions', 45.

³² Kim & Kim, 'Global Health Diplomacy', 923.

humanitarian efforts to address e.g., food and medicine shortages, educational programs such as medical training, and longer-term projects to support the country's development like agricultural initiatives.³³ Although the latter has been officially banned by sanctions, aid organisations continue to pursue development programs, though to a lesser degree and without labelling them as such,³⁴ so they are included in this research. There is no reliable data on total amounts of aid delivered to North Korea nor on how aid is used once delivered, but estimates of total aid sent to North Korea up to 2019 range between \$2 billion and \$3.5 billion.³⁵

North Korean human rights advocacy

The North Korean state is a notorious perpetrator of human rights abuses, and many experts describe the level of repression in the country as unparalleled in the modern world.³⁶ Domestic opposition is non-existent in North Korea, and it follows that there is also a lack of domestic human rights advocacy.³⁷ Instead, a transnational advocacy network of North American, South Korean and European NGOs as well as international agencies has formed that has successfully raised awareness and lobbied on behalf of North Koreans in various global arenas.³⁸

³³ Andrew Yeo, 'North Korean Human Rights Discourse and Advocacy in the United States', in *North Korean Human Rights: Activists and Networks*, eds. Andrew Yeo and Danielle Chubb (Cambridge University Press, 2018): 316.

³⁴ Anonymous personal interviews, 10th May 2022, 9th November 2020, 27th October 2020.

³⁵ Becky Christofferson and Stephan Haggard, 'Aid to North Korea: A Survey of Open Source Data', *North Korean Review* 17, no. 1 (2021).

³⁶ Andrew Yeo & Danielle Chubb, *North Korean Human Rights: Activists and Networks* (Cambridge University Press, 2018): 7; Hanns Günther Hilpert and Frédéric Krumbein, 'Human Rights in North Korea: A European Perspective', *The Journal of East Asian affairs* 30, no. 1 (2016): 68; 'Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea', (United Nations, 2014), para. 1211.

³⁷ Patricia Goedde, 'Human Rights Diffusion in North Korea: The Impact of Transnational Legal Mobilization', in *North Korean Human Rights*, eds. Andrew Yeo and Danielle Chubb (Cambridge University Press, 2018): 177.

³⁸ Andrew Yeo & Danielle Chubb, *North Korean Human Rights*, 5.

The UN's Office of the High Commissioner of Human Rights (OHCHR) has arguably been the most influential in terms of North Korean human rights advocacy. The elevation of victims' voices at the UN level and the persistent advocacy of NGOs led to the establishment of the Commission of Inquiry (COI) at the UN in 2013.³⁹ The 2014 COI report, a landmark document, resulted in four key developments: first, it led to the permanent tabling of North Korean rights violations on the UN Security Council agenda. Second, the report facilitated a push for legislation on North Korean human rights in the U.S. and in South Korea. Third, it resulted in the establishment of a UN Office in Seoul dedicated solely to the investigation of North Korean rights violations. Finally, it encouraged a drive for increased documentation of rights violations under an accountability framework.⁴⁰

NGOs focused on North Korean human rights advocacy are concentrated in South Korea, Japan, the United States, and the European Union. This article focuses on the South Korean and North American rights movements. In South Korea, NGOs are divided along political lines, with the progressive movement advocating for strategies of cooperation and non-adversarial engagement, while conservatives argue that change should be induced by any means possible.⁴¹ In the United States, North Korean human rights advocacy has largely focused on civil and political rights, although in more recent years this has developed into a more diverse campaign that acknowledges the interdependence of all categories of rights.⁴² US policy views North Korean human rights and nuclear security as inherently connected,⁴³

³⁹ Hosaniak, Joanna, 'NGOs As Discursive Catalysts', 134.

⁴⁰ Patricia Goedde, 'Human Rights Diffusion', 183, 184, 224.

⁴¹ Jacob Reidhead, 'A Prisoner's Dilemma of Movement Nationalization: North Korean Human Rights in South Korea, 1990–2016', in *North Korean Human Rights: Activists and Networks*, eds. Andrew Yeo and Danielle Chubb (Cambridge: Cambridge University Press, 2018): 32.

⁴² Andrew Yeo, 'North Korean Human Rights Discourse', 78; Danielle Chubb, 'North Korean Human Rights and the International Community: Responding to the Un Commission of Inquiry', *Asia-Pacific Journal on Human Rights and the Law* 15, no. 1 (2014): 60.

⁴³ Patricia Goedde, 'Human Rights Diffusion', 184.

leading many US advocates to frame human rights violations as a security issue.⁴⁴ In practice, however, human rights are often neglected in favour of nuclear security in international negotiations, as was the case during the US-North Korean summit in 2018.⁴⁵

North Korea and the UN

The UN has a complex relationship with North Korea that is informed by several factors. These include global tensions dating back to the Korean War, the nuclear threat posed by the regime, and its humanitarian and human rights situation. Understanding this context helps illustrate how the organisation and its various offices present both a potential threat and a potential opportunity to the authoritarian state. This section provides a brief overview of the historical context informing the UN's stance on North Korea, before discussing its humanitarian and human rights activity vis-à-vis the regime.

In 1948 the UN recognised South Korea as the only 'lawful government' in the Korean peninsula,⁴⁶ undermining the North's perceived legitimacy. As Ford points out, when the US intervened in the Korean War it did so under the flag of the United Nations, further contributing to North Korea's problematic relationship with the UN.⁴⁷ Neither North nor South Korea belonged to the UN until both were admitted in 1981. In response to North Korea's first nuclear test in 2006, the UN Security Council (UNSC) adopted Resolution 1718, which established the Sanctions Committee on North Korea. In the years since then the

⁴⁴ Andrew Yeo, 'North Korean Human Rights Discourse', 62.

⁴⁵ Andrew Yeo & Danielle Chubb, *North Korean Human Rights*, 228.

⁴⁶ 'The Problem of the Independence of Korea', United Nations General Assembly, 187th Plenary Meeting ed. (1948).

⁴⁷ Glyn Ford, *Talking to North Korea: Ending the Nuclear Standoff*, (London: Pluto Press, 2018): 233.

regime conducted five more nuclear tests,⁴⁸ and the UNSC has responded with an increasingly restrictive sanctions regime. However, the five permanent members of the Security Council interpret the nuclear threat posed by North Korea differently according to their geopolitical priorities.⁴⁹ As a result, the UN has struggled to form a unified response to the regime's military provocations, both in terms of sanctions adoption and implementation. North Korea has also taken advantage of its isolation from the international community: Albrecht argues that 'the more the government is chastised and isolated, the more it can exploit and enjoy that grey area in the international legal system it has cut out for itself'.⁵⁰

The UN Security Council has noted the potential of adverse impacts of sanctions on the civilian population of North Korea and accords humanitarian exemptions on a case-by-case basis.⁵¹ However, in practice, aid agencies' work continues to be hampered by increasingly tough sanctions.⁵² In addition, Park and colleagues find that the exemption process is so lengthy it has had severe repercussions on aid agencies' ability to meet North Koreans' needs.⁵³ Nonetheless, UN humanitarian agencies have delivered substantial humanitarian aid to the country since the late 1990s.⁵⁴ The regime has leveraged its nuclear capability to place restrictive conditions on the distribution of aid, conditions which Lankov argues would not be accepted from another country.⁵⁵

⁴⁸ Hazel Smith, 'The Ethics of United Nations Sanctions on North Korea: Effectiveness, Necessity and Proportionality', *Critical Asian Studies* 52, no. 2 (2020):182.

⁴⁹ Anne Wu, 'Denuclearization of the DPRK - a Role for the United Nations?', (Korea Economic Institute (KEI)): 2.

⁵⁰ Eduardo Zachary Albrecht, 'North Korea & the Un Security Council: Action, Reaction, Trust, and Mistrust', (International Peace Institute, 2013): 8.

⁵¹ 'Resolution 2375 (2017)', United Nations Security Council, (2017), para. 26.

⁵² Hazel Smith, 'The Ethics of United Nations Sanctions', 194; ⁵² Zadeh-Cummings & Harris, 'The Impact of Sanctions'.

⁵³ Kee Park, Miles Kim, and Jessup Jong, 'The Human Costs of Un Sanctions and Funding Shortfalls for Humanitarian Aid in North Korea', in 38 North, (2019).

⁵⁴ Ford, *Talking to North Korea*, 233.

⁵⁵ Lankov, *The Real North Korea*, 313.

The UN's Office of the High Commissioner for Human Rights (OHCHR) is also heavily focused on North Korea's human rights situation, particularly since the launch of the Commission of Inquiry (COI) in 2013. The COI report calls for both full accountability for rights violations in North Korea and human rights dialogue with the North Korean government.⁵⁶ The UN has continued to pursue this two-pronged approach in the years since: in 2015, the UN Human Rights Office was established in Seoul, with dual goals of establishing accountability in North Korea and pursuing engagement and capacity-building with the North Korean government.⁵⁷ The North Korean response has been mixed: although the Kim regime has been resistant to human rights compliance and monitoring in general, seeing them as poorly veiled attempts at foreign imperialism,⁵⁸ North Korea is nonetheless a regular participant in UN human rights mechanisms. Today, the UN is the only international organisation North Korea is a member of, and joining its treaties and participating in its mechanisms provides the state recognition it covets. Most recently, it submitted a voluntary national review of its implementation of the Sustainable Development Goals in 2021, it participated in the Universal Periodic Review in 2019, in the review processes of the Committee on the Elimination of All Forms of Discrimination Against Women and the Committee on the Rights of the Child in 2017, and invited the Special Rapporteur on the Rights of Persons with Disabilities into the country, also in 2017. In this way, the UN plays complex and multifaceted roles in relation to North Korea. The UN Security Council presents a threat to North Korea through its sanctions regime and its convening power of major global players opposed to North Korean military provocations. OHCHR's calls for accountability for rights violations are similarly a cause for concern for the North Korean government.

⁵⁶ 'Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea', (United Nations, 2014).

⁵⁷ UN Office of the High Commissioner Seoul. 'Who We Are | OHCHR Seoul'. Accessed 31 March 2024. <https://seoul.ohchr.org/en/node/92>.

⁵⁸ Patricia Goedde, 'Human Rights Diffusion', 181, 195.

Simultaneously, OHCHR offers opportunities for North Korea to be recognised on the global stage, while UN agencies like OCHA, the World Health Organisation (WHO), and the UN Children's Fund (UNICEF) provide urgently needed humanitarian aid.

The engagement to accountability continuum

1. The engagement vs. accountability debate

Two seemingly incompatible approaches have dominated efforts to respond to human insecurity in North Korea: accountability, or the documentation of rights abuses and identification of perpetrators in preparation for transitional justice processes, and engagement, or efforts to build dialogue and cooperation between the North Korean government and the international community.⁵⁹ While governments, NGOs and IOs have adopted different elements of each approach at different times, this article focuses on NGOs and UN Offices as the actors most directly involved in human rights and humanitarian efforts in North Korea. Engagement is portrayed by its opponents as a form of appeasement, and even as a reward for North Korea's bad behaviour.⁶⁰ On the other hand, the accountability approach risks alienating the North Korean government and limiting opportunities for international cooperation around human rights implementation.⁶¹ In reality, few organisations adopt an either-or approach: instead, most advocate for some combination of engagement and accountability. To accurately reflect the diversity of NGO and IO approaches, Sharp proposes considering engagement and accountability as poles on a continuum instead of a binary.⁶²

⁵⁹ Chubb, 'North Korean Human Rights'; Patricia Goedde, 'Human Rights Diffusion'.

⁶⁰ Victor Cha and David Kang, *Nuclear North Korea: A Debate on Engagement Strategies*, (Columbia University Press, 2018): 3.

⁶¹ Patricia Goedde, 'Human Rights Diffusion', 172.

⁶² Dustin N. Sharp, 'Human Rights Fact-Finding and the Reproduction of Hierarchies', in *The Transformation of Human Rights Fact-Finding*, eds. Philip Alston and Sarah Knuckey (Oxford University Press, 2016).

This article builds on this concept by considering the different elements that factor into where each organisation is situated on the continuum and the potential trade-offs they entail.

Conceptualising organisational approaches on a continuum instead of a binary provides a more nuanced understanding of their work, the ways in which they overlap, and how they relate to the broader geopolitical context in which they operate.

2. The engagement to accountability continuum: an overview

The continuum is laid out as follows:

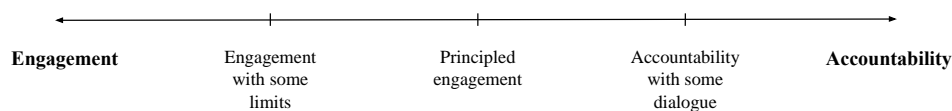


Image 1: The engagement to accountability continuum (Gonser)

Where an organisation is situated on the engagement to accountability continuum is indicative of their position on what strategies hold the most potential for effecting change in North Korea. Importantly, the continuum depicts the *stated goals* of each organisation, not how successful they are in achieving those goals. While this article also considers the work carried out by these organisations, the constraints imposed on them (e.g., sanctions, limited resources, limited access) means that their work is not necessarily reflective of their perspective on how to meaningfully achieve human security in North Korea. In this way, a human rights organisation may advocate for a combination of both engagement and accountability but may not have any open line of dialogue with North Korean officials.

Nonetheless, this framework helps understand the range of different responses to human insecurity at an organisational level and translates their implications at a global level.

Engagement is understood as ‘the attempt to influence the political behaviour of a target state through the comprehensive establishment and enhancement of contacts with that state across multiple issue areas (i.e., diplomatic, military, economic, cultural). Engagement can take different forms depending on the perspective of each organisation.’⁶³ Some define engagement loosely as any dialogue with North Korean officials; these organisations tend to fall on the far end of the engagement side of the continuum. Others see engagement as coming to a shared agreement with North Korean representatives; they typically advocate for engagement with some limits. Others still understand engagement as entailing some kind of concession on the part of the North Korean government (e.g., permitting monitoring and evaluation of aid, or inviting UN human rights officials to visit the country); these organisations generally promote principled engagement or accountability with some dialogue. To achieve any of the above forms of engagement, reciprocity is crucial. Some organisations, particularly those focused on human rights, may advocate for engagement but may not receive any response from the North Korean side due to the latter’s suspicion of their work. As aforementioned, the engagement to accountability continuum considers each organisation’s stated goals rather than the implementation of these goals, so these organisations are situated on the engagement end of the continuum because they view dialogue and cooperation with the North Korean state as a path forward.

⁶³ Evan Resnick, 'Defining Engagement', *Journal of International Affairs* 54, no. 2 (2001): 559.

Here, accountability refers to criminal accountability of the North Korean state, or the prosecution of actors responsible for human rights violations.⁶⁴ In this context, accountability identifies states as duty bearers and its population as rights-holders.⁶⁵ Mechanisms for accountability include international criminal proceedings, domestic litigation, sanctions, truth commissions.⁶⁶ Because of the ongoing nature of repression in North Korea, this article considers efforts that support future accountability processes, including the documentation of human rights violations and putting North Korea's human rights record on the public agenda. 'Naming and shaming' is a tactic often used by human rights actors to raise awareness about rights issues and pressure governments into action.⁶⁷ Once a government has committed to upholding human rights standards, as North Korea has, rights advocates can then leverage discrepancies between those commitments and practice to shame the government in question.⁶⁸ This shame is then used to pressure the offending government, either directly via their reputation, their access to resources, or their legitimacy, or indirectly by encouraging other governments and international organisations to exert pressure.⁶⁹ While organisations advocating for principled engagement, accountability with some dialogue, and straight accountability can engage in both documentation and naming and shaming, accountability efforts by organisations that promote engagement with some limits typically entails bearing witness to human rights violations without necessarily publicising those testimonials. In the

⁶⁴ While other forms of accountability, such as financial accountability, are important in the context of NGOs, this article is focused on NGO activity vis-à-vis the North Korean government rather than evaluating the internal dynamics of the NGOs in question. Neil J. Kritz, 'Coming to Terms with Atrocities: A Review of Accountability Mechanisms for Mass Violations of Human Rights', *Law and Contemporary Problems* 59, no. 4 (1996).

⁶⁵ Alicia Ely Yamin, 'Beyond Compassion: The Central Role of Accountability in Applying a Human Rights Framework to Health', *Health and Human Rights* 10, no. 2 (2008): 1.

⁶⁶ Kritz, 'Coming to Terms'.

⁶⁷ Emilie M. Hafner-Burton, 'Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem', *International Organization* 62, no. 4 (2008); Thomas J. Biersteker, 'UN Targeted Sanctions as Signals: Naming and Shaming or Naming and Stigmatizing?', in *The Politics of Leverage in International Relations: Name, Shame, and Sanction*, ed. H. Richard Friman (Palgrave Macmillan, 2015).

⁶⁸ Margaret E. Keck and Kathryn Sikkink, 'Transnational Advocacy Networks in International and Regional Politics', *International Social Science Journal* 51, no. 159 (1999): 97-98; Rebecca Adler-Nissen, 'Stigma Management in International Relations: Transgressive Identities, Norms, and Order in International Society', *International Organization* 68, no. 1 (2014).

⁶⁹ Peter Uvin, *Human Rights and Development*, (Bloomfield, CT: Kumarian Press, 2004): 57.

North Korean context, tools used for accountability include the documentation of human rights violations for future transitional justice processes, the preservation of evidence of these violations, the collection of data on perpetrators, the collection of data on locations of violations using satellite imagery, and publicising findings through human rights campaigns and the media.

Where each organisation is situated on the engagement to accountability continuum depends on their stance on four different issues: (a) *categories of rights*, or whether they emphasise civil and political rights or social and economic rights; (b) *types of advocacy*, or whether they engage in peace advocacy, advocacy against sanctions, or rights advocacy; (c) *discourse style*, or whether they employ legalistic discourse, discourse that emphasises morality, or discourse that seeks to humanise North Koreans; and (d) *allocation of responsibility*, or whether they blame the regime for human insecurity or consider the broader geopolitical and historical context as a contributing factor. In practice, each organisation's approach is nuanced, and they may advocate for a combination of tactics or they may prioritise one approach without excluding others entirely. Each factor is discussed in further detail in section 4.

3. The UN as a central actor on the continuum

The UN is situated at the centre of the continuum, reflecting its dual approach of pursuing both engagement and accountability, or principled engagement. OHCHR and OCHA, the two UN organisations included in this sample, do not necessarily engage in both tactics to the same degree or at the time: in effect, a primary strength of the UN is its range of specialised

agencies that allow it to pursue multiple strategies independently.⁷⁰ Nonetheless, I argue that the UN's overall approach has been balanced between engagement and accountability: it is the only organisation in my sample that has fostered dialogue with North Korea around human rights, in addition to maintaining a humanitarian presence inside the country prior to the COVID border closures. While this article does distinguish between the work of OCHA and that of OHCHR, they are positioned on the continuum under the umbrella of the UN as one organisation because their goals are broadly aligned. In effect, OHCHR aims to 'constructively engage' with North Korea on human rights,⁷¹ and OCHA seeks to pursue 'principled and robust engagement' with the regime.⁷²

The UN's 'two-pronged approach' is not without controversy: while some NGOs are supportive of this tactic,⁷³ others describe it as 'polarising'.⁷⁴ Furthermore, the UN's status as a global, intergovernmental body carries significant limitations: some NGOs note that UN staff are not necessarily familiar with local cultural norms,⁷⁵ they may be reluctant to attend NGO roundtables in case doing so would compromise their claim to impartiality,⁷⁶ and they can be inconsistent in their approach due to frequent staff rotations.⁷⁷

In addition to its centrality on the continuum due to its approach towards North Korea, the UN also plays a central role for humanitarian and human rights NGOs' activity. While these NGOs are private actors that operate independently from the UN, they often turn to the UN as

⁷⁰ Esther Im, 'The United Nations and North Korea: Denuclearization and Human Security', Stimson Center, (2021).

⁷¹ UN Office of the High Commissioner of Human Rights (OHCHR), *High Commissioner's keynote address to the Korea Global Forum for Peace 2022*. Seoul, 30 August 2022.

⁷² UN Office of the Coordination of Humanitarian Affairs (OCHA), *DPR Korea Needs and Priorities Plan 2020*. April 2020.

⁷³ Anonymous personal interview: 7 February 2022.

⁷⁴ Anonymous personal interview: 4 January 2022.

⁷⁵ Anonymous personal interview: 25 April 2022.

⁷⁶ Anonymous personal interview: 19 May 2022.

⁷⁷ Anonymous personal interview: 19 February 2020.

a global platform through which to disseminate their findings to a broader audience. In addition, OHCHR serves a capacity building function, training human rights NGOs in interviewing techniques and protocols for collecting evidence of rights violations.⁷⁸ For its part, OCHA facilitates communication and information sharing across humanitarian organisations including NGOs through regular meetings.⁷⁹

4. The continuum as a sum of four parts

As stated above, several factors inform where each organisation is positioned on the continuum: (a) what type of rights they focus on, (b) what kind of advocacy they engage in, (c) what style of discourse they employ, and (d) who they hold responsible for human insecurity in North Korea.

4.1 Type of rights

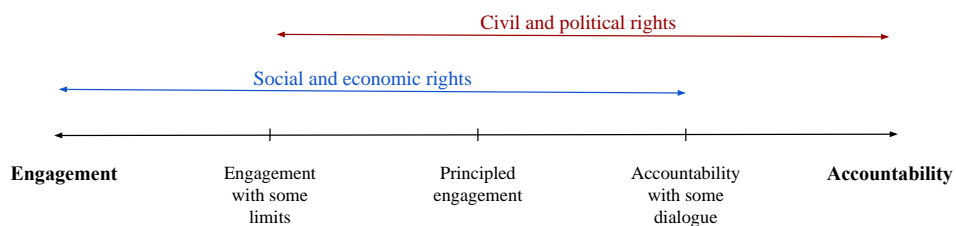


Image 2: Type of rights (Gonser)

⁷⁸ Anonymous personal interview: 19 April 2022.

⁷⁹ Anonymous personal interviews: 10 May 2022, 25 April 2022, 19 May 2022, 19 February 2020.

Traditionally, civil and political rights have been associated with ‘naming and shaming’ tactics; that is documenting rights abuses, identifying violators of rights and holding them accountable by shaming them publicly.⁸⁰ For NGOs in the North Korean context, this holds true: an emphasis on civil and political rights generally signifies a focus on accountability while efforts to initiate dialogue and cooperation with North Korea typically involve social and economic rights.⁸¹ This is not to say that organisations engage only in one approach or the other; rather, many organisations are involved in both to differing degrees. Here, the engagement to accountability continuum allows us to visualise these nuances (see image 1). The UN maintains dialogue with North Korea around both civil and political *and* social and economic rights, putting it at the centre of the continuum. It is important to note that most humanitarian NGOs working in North Korea do not publicly use a language of rights: they fear that doing so would compromise their access to the country.⁸² Nonetheless, in interviews they describe themselves as addressing social and economic rights through their development and assistance programs, and even some civil and political rights such as the right to life.⁸³ In this way, humanitarian organisations on the far end of the engagement side of the continuum may not engage in any type of advocacy that uses a language of rights, but they are included here because their work is so closely aligned with social and economic rights norms.

The type of rights an organisation promotes also has implications in terms of the extent to which they pursue cooperation with the North Korean government: confrontational advocacy around civil and political rights has generally not been conducive to cooperation, while

⁸⁰ Mary Robinson, ‘Advancing economic, social, and cultural rights: The way forward’, *Human Rights Quarterly* 26, no. 4 (2004): 866-872; Kenneth Roth, ‘Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization’, *Human Rights Quarterly* 26, no. 1 (2004): 63–73.

⁸¹ Chubb, ‘North Korean Human Rights’, 58.

⁸² David Chandler, ‘The Road to Military Humanitarianism: How the Human Rights NGOs Shaped a New Humanitarian Agenda’, *Human Rights Quarterly* 23, no. 3 (2001): 678–700; Chubb, ‘North Korean Human Rights’, 51.

⁸³ Anonymous personal interviews, 25 April 2022, 19 May 2022, 5 April 2021, 9 November 2020, 27 October 2020.

advocacy around social and economic rights often takes a more conciliatory stance. This is not always the case: the promotion of economic and social rights can entail an assertive approach of holding governments accountable.⁸⁴ However, in the North Korean context, many humanitarian and human rights groups are seizing engagement around social and economic rights as an opportunity for dialogue that has not been possible around civil and political rights. This is a reflection of several factors: (1) the nature of each category of rights and which actors are involved in addressing them; (2) North Korea's status as a developing country; and (3) how North Korea has responded to advocacy around each category of rights in the past.

Firstly, each category of rights carries different implications in terms of responsibility. Civil and political rights are often framed as 'negative' rights because they call for states to abstain from engaging in behaviour that violates human dignity, while economic, social and cultural rights require 'positive' action on the part of the state to progressively realise and promote certain social outcomes.⁸⁵ In this way, advocacy around civil and political rights directly accuses the offending state of failing to fulfil its duties and violating the rights of its citizens. This framing implies that North Korea is an unreliable actor because of its status as perpetrator of civil and political rights violations, so cooperation is not feasible.

On the other hand, the promotion of social and economic rights entails acknowledging North Korea's status as a developing country,⁸⁶ and accordingly its lack of resources and limited capacity to fully implement all human rights. In this way, North Korea can avoid culpability and frame its poor social and economic rights record through factors out of its control like

⁸⁴ Robinson, 'Advancing economic', 870.

⁸⁵ Uvin, *Human Rights*, 38-39.

⁸⁶ UN Trade & Development (UNCTAD), 'Annexe: Classification of Economies', in *UNCTAD Handbook of Statistics 2022*.

limited arable land, frequent natural disasters, and lack of access to resources due to international sanctions. Under this approach, cooperation with external actors is essential to receive the technical and material assistance necessary for the progressive realisation of social and economic rights.⁸⁷ Here, human rights and humanitarian actors seek to cooperate with the North Korean government, with the hope of maintaining a long-term working relationship.

Lastly, North Korea's previous responses to engagement efforts around each category of rights informs the extent to which human rights and humanitarian actors pursue continued cooperation. Human rights and humanitarian actors have sought to work with the North Korean government to implement social and economic rights because it is in this domain that the regime has been most receptive to international cooperation in the past. In effect, the DPRK government has largely rejected UPR recommendations related to civil and political rights while it has generally accepted those related to social, economic, and cultural rights.⁸⁸ This relative openness can partly be explained through the alignment of this category of rights with the regime's proclaimed socialist ideology: a legacy of Cold War-era divisions, social and economic rights were championed by the Soviet bloc.⁸⁹ It also allows the North Korean government to boast its laws and policies defending social and economic rights, despite poor enforcement of those laws. In this way, North Korea's receptiveness to social and economic rights make it a comparatively more reliable actor in this domain than in civil and political rights. Indeed, the government's consistent denial of any civil and political rights violations and marked hostility towards such claims has further entrenched human

⁸⁷ United Nations, Committee on Economic Social and Cultural Rights. *Fact Sheet No. 16 (Rev. 1): The Committee on Economic, Social and Cultural Rights (Archive)*, 1991.

⁸⁸ Youngjun Kim, 2019, pp. 1–42, *North Korea's Relations with China and Russia in the Security Realm* (National Bureau of Asian Research, 2019): 1-42.

⁸⁹ Goedde, 'Human Rights Diffusion'; Makau Mutua, *Human rights: A political and cultural critique* (University of Pennsylvania Press, 2002): 2.

rights and humanitarian NGOs' low expectations on potentials for engagement with the state on these issues.

The UN, however, is an exception: it stands out as the only organisation in my sample that has fostered dialogue with the North Korean government around civil and political rights. This dialogue has not been consistent, and it does not appear to have resulted in significant changes in the implementation of these rights,⁹⁰ but it nonetheless represents a significant departure from the track records of NGOs. Although the regime has frequently responded to the OHCHR's accusations of civil and political rights violations with denials and even allegations of UN advocacy serving as a plot to overthrow the regime,⁹¹ it has on occasion engaged more substantively with OHCHR around this category of rights. In effect, the regime has submitted detailed reports outlining laws, policies and data which are claimed to defend civil and political rights⁹² and the North Korean delegation to the UN even participated in human rights training in Geneva in May 2019.⁹³ While this engagement is limited to high-level dialogue and does not appear to have resulted in any significant changes for the North Korean population, the regime's engagement with UN mechanisms and use of human rights

⁹⁰ Human Rights Watch, 'North Korea: Events of 2023', accessed 24 April 2024, <https://www.hrw.org/world-report/2024/country-chapters/north-korea>; Amnesty International, 'North Korea 2023', accessed 24 April 2024, <https://www.amnesty.org/en/location/asia-and-the-pacific/east-asia/north-korea/report-korea-democratic-peoples-republic-of/>.

⁹¹ DPRK Ministry of Foreign Affairs, 'Press Statement of DPRK Permanent Representative to UN Office and Other International Organizations in Geneva', *KCNA Watch*, 6 Apr. 2023, <https://kcnawatch.org/newstream/1680773625-473039848/press-statement-of-dprk-permanent-representative-to-un-office-and-other-international-organizations-in-geneva/>.

⁹² UN General Assembly, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Democratic People's Republic of Korea*, A/HRC/WG.6/33/PRK/1, 2019; UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), *Consideration of reports submitted by States parties under article 18 of the Convention: Second, third and fourth periodic reports of States parties due in 2014: Democratic People's Republic of Korea*, CEDAW/C/PRK/2-4, 2016; Patricia Goedde, 'Legal Mobilization for Human Rights Protection in North Korea: Furthering Discourse or Discord?', *Human Rights Quarterly* 32, no. 3 (2010): 552.

⁹³ UN General Assembly, *Situation of human rights in the Democratic People's Republic of Korea: Note by the Secretary-General*, A/75/271, 2020: para. 47.

language, including relating to civil and political rights, is significant.⁹⁴ Although the UN's advocacy around civil and political rights is not necessarily conducive to cooperation in and of itself, it is not detrimental to it either. Here, North Korea's general hostility towards this category of rights is attenuated by the benefits it accrues by participating in UN human rights mechanisms; namely, the legitimacy this participation affords.

Although each category of rights and their consequent strategic implications may appear dichotomous, in reality, most organisations at a minimum recognise the importance of both, with many engaging in advocacy around both. Human rights NGOs – known for their strong focus on naming and shaming – are increasingly engaging with social and economic rights, particularly around the Sustainable Development Goals, the right to health, the right to food, and children's rights.⁹⁵ Humanitarian NGOs promoting engagement may not publicly discuss civil and political rights, but in interviews several humanitarian actors acknowledged the importance of addressing these rights.⁹⁶

⁹⁴ Sandra Fahy, *Dying for Rights: Putting North Korea's Human Rights Abuses on the Record* (New York: Columbia University Press, 2019), 197.

⁹⁵ Anonymous personal interview: 3 May 2022

⁹⁶ Anonymous personal interviews: 25 April 2022, 19 May 2022, 27 October 2020.

4.2 Type of advocacy

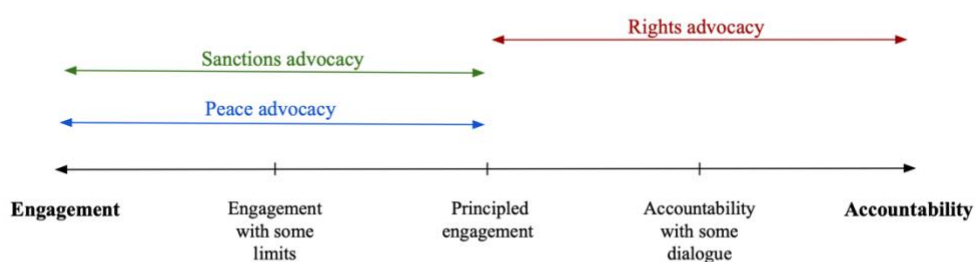


Image 3: Type of advocacy (Gonser)

Where human rights and humanitarian organisations are situated on the continuum also depends on the type of advocacy they engage in. Here, I consider three forms of advocacy: (1) human rights advocacy, (2) peace advocacy, and (3) advocacy against sanctions.

4.2.1 Rights advocacy

Organisations engaging in human rights advocacy generally fall on the accountability end of the continuum, with the type of rights they are advocating for determining how far they are towards the centre. This is because rights advocacy generally involves collecting evidence of rights violations, identifying perpetrators, and calling for a remedy, hallmarks of accountability.⁹⁷ Here, I distinguish rights advocacy from the softer forms of engagement with different categories of rights discussed above: rights advocacy entails the public use of a

⁹⁷ Ted Piccone, *UN Human rights commissions of inquiry: the quest for accountability*, Brookings, 2017.

language of rights and is therefore avoided by most humanitarian NGOs that fall on the engagement end of the continuum.⁹⁸

It follows that rights advocacy and its proclivity towards accountability is generally not conducive to cooperation with the North Korean government: this form of advocacy involves calling out the regime for its failure to ensure the wellbeing, dignity, and security of its citizens, accusations which North Korea routinely dismisses as a ‘conspiracy’ and a ‘smear campaign’.⁹⁹ Recognising the unlikelihood of any North Korean dialogue around their rights advocacy, NGOs pursuing this type of advocacy instead have the goal of raising public awareness, building momentum behind the North Korean human rights movement, influencing domestic foreign policy, and pressuring the North Korean government.¹⁰⁰

4.2.2 Peace advocacy

Because they depend upon the North Korean government to be able to carry out their projects, humanitarian NGOs in the North Korean context only engage in advocacy around issues that are in line with the regime’s interests. One of these issues is peace advocacy, which many humanitarian NGOs engage in through national and global campaigning, educational programs, and cultural and sport exchanges.¹⁰¹ Peace advocates are situated on the engagement end of the continuum. While no organisation in my sample is against peace, only proponents of engagement advocate specifically for peace. The organisations in my sample who advocate for peace do not use a language of rights but they do describe a

⁹⁸ Anonymous personal interviews: 27 October 2020, 10 May 2022.

⁹⁹ DPRK Ministry of Foreign Affairs, ‘Press Statement’.

¹⁰⁰ Anonymous personal interviews: 7 February 2022, 6 October 2022.

¹⁰¹ Anonymous personal interviews: 27 October 2020, 9 November 2020, 6 November 2020, 25 April 2022, 19 May 2022.

commitment to justice,¹⁰² indicating that they do not belong to the more radical peace advocacy groups. This is likely a reflection of sampling bias: groups advocating solely for peace are probably suspicious of research related to North Korean human rights.

Both North and South Korean governments want a peace treaty: peace would mean the end of economic sanctions and the free flow of aid and trade.¹⁰³ Accordingly, peace advocacy can serve as a tool that enables cooperation: by affirming their shared goals, peace advocates establish a basis for dialogue with the Kim regime. For many peace advocates, peace is a precondition for any improvement in the human rights situation:¹⁰⁴ as one interviewee argued, North Korea's strong authoritarian rule is seen as a form of protection against the threat of foreign attack.¹⁰⁵ In this way, the contentious nature of peace advocacy in the North Korean context harkens back to narrow debates around 'justice vs. peace'.¹⁰⁶

Many human rights actors view peace advocacy with suspicion: those engaging in it are seen as 'very ideologically driven'¹⁰⁷ and overly sympathetic to the North Korean regime,¹⁰⁸ going against human rights norms of impartiality. One human rights actor argued that peace advocacy is 'almost a way to kind of put North Korean human rights issues under the rug and to pursue peace without any conditions, without any preconditions. So, peace for peace's sake.'¹⁰⁹ Here, it is important to note that the goal of peace in and of itself is not contested among the organisations in my sample; rather it is the question of whether peace is a

¹⁰² Anonymous personal interviews: 27 October 2020, 9 November 2020

¹⁰³ William Overholt, 'Overview', in *North Korea: Peace? Nuclear War?* (Mossavar-Rahmani Center for Business and Government, 2019): 25-26.

¹⁰⁴ Anonymous personal interviews: 25 April 2022, 27 October 2020, Anon. web page: April 30 2019.

¹⁰⁵ Anonymous personal interview: 25 April 2022.

¹⁰⁶ Chandra Lekha Sriram, *Resolving Conflicts and Pursuing Accountability: Beyond 'Justice Versus Peace'*, in 'Palgrave Advances in Peacebuilding. Palgrave Advances', ed. Oliver P. Richmond, (London: Palgrave Macmillan, 2010): 282.

¹⁰⁷ Anonymous personal interview: 27 December 2021.

¹⁰⁸ Anonymous personal interviews: 27 January 2022, 27 December 2021.

¹⁰⁹ Anonymous personal interview: 27 December 2021.

prerequisite to addressing human insecurity that proponents of engagement and proponents of accountability are divided upon. Again, the UN is an exception here: it advocates for a human rights-centred peace process.¹¹⁰

4.2.3 Sanctions advocacy

Organisations situated closer to the engagement end of the continuum also engage in sanctions advocacy, which entails calling out restrictions imposed on North Korea by actors like the UN and the US. These sanctions have been enacted in response to the regime's military provocations and its human rights violations,¹¹¹ and are aimed at weapons-related materials and the North Korean elite.¹¹² In reality, however, sanctions have not functioned as intended. The state has proven economically and politically resilient to them, and instead they pose a serious threat to North Koreans' right to food¹¹³ and they severely impede humanitarian operations.¹¹⁴ Another type of advocacy that does not run counter to North Korean interests, speaking out against sanctions allows NGOs supporting engagement to position themselves as empathetic to the North Korean population and is therefore conducive to cooperation.

Although UN humanitarian agencies have been significantly impacted by the North Korean sanctions regime,¹¹⁵ as members of the same institution they are bound to respect the Security

¹¹⁰ UN Office of the High Commissioner for Human Rights (OHCHR), *Laying the human rights foundations for peace*, 2020.

¹¹¹ Markus Bell and Geoffrey Fattig, 'Socializing a Nuclear North Korea: Human Security in Northeast Asia', *North Korean Review* 14, no. 1 (2018): 34; Smith, 'The Ethics of United Nations Sanctions'.

¹¹² Human Rights Watch, "*You Cry at Night but Don't Know Why*" *Sexual Violence against Women in North Korea*, 2018.

¹¹³ Smith, 'The Ethics of United Nations Sanctions'.

¹¹⁴ Zadeh-Cummings and Harris, 'The Impact of Sanctions'.

¹¹⁵ Anonymous personal interviews: 10 May 2022, 27 October 2020, 10 May 2022; UN Office for the Coordination of Humanitarian Affairs (OCHA), *DPR Korea Needs and Priorities*, 5.

Council's implementation of UN sanctions and do not engage in any sanctions advocacy beyond acknowledging their humanitarian impact. Nonetheless, OCHA does informally brief the Sanctions Committee on their humanitarian impact, with the goal of ensuring that the Committee and member states incorporate human rights considerations when designing sanctions.¹¹⁶ As one human rights officer noted, 'it is the mandate of the Security Council to pursue peace and security. And sanctions is one of the prime means they have available'.¹¹⁷ While OHCHR is limited to subtle advocacy around sanctions,¹¹⁸ the UN Special Rapporteur on the Human Rights Situation in the DPRK (hereafter the Special Rapporteur), however, is able to publicly critique the UN sanctions regime. Although mandate holders like the Special Rapporteur are supported by the OHCHR, they are independent of the UN and therefore can speak more freely than UN staff might.¹¹⁹ As such, Tomás Ojea Quintana, the Special Rapporteur from 2016 to 2022, repeatedly expressed concern that sanctions were contributing to the ongoing deterioration of the human rights situation in the country.¹²⁰

Interestingly, while these sanctions have very clear human rights implications for the North Korean population, the human rights organisations in my sample do not engage in any sanctions advocacy. When asked why, respondents gave a range of reasons: some explained that doing so would compromise their apolitical stance,¹²¹ others claimed that sanctions are

¹¹⁶ '1718 DPRK Sanctions Committee: Panel of Experts Mandate Renewal', Security Council Report. Accessed 24 April 2024. <https://www.securitycouncilreport.org/whatsinblue/2020/03/1718-dprk-sanctions-committee-panel-of-experts-mandate-renewal.php>

¹¹⁷ Anonymous personal interview: 19 April 2022

¹¹⁸ UN Office of the High Commissioner for Human Rights Seoul, *Discussion Paper: Implications of the Right to Development for the Democratic People's Republic of Korea and other United Nations Member States*, 2021: 11, 12.

¹¹⁹ 'Special Procedures of the Human Rights Council', UN Office of the High Commissioner for Human Rights (OHCHR). Accessed 24 April 2024. <https://www.ohchr.org/en/special-procedures-human-rights-council/special-procedures-human-rights-council>

¹²⁰ UN General Assembly, *Situation of human rights in the Democratic People's Republic of Korea: Report of the Secretary-General*, A/77/247, 2022; UN General Assembly, *Situation of human rights in the Democratic People's Republic of Korea: Note by the Secretary-General*, A/76/392, 2021; UN General Assembly, *Situation of human rights in the Democratic People's Republic of Korea: Note by the Secretary-General*, A/74/275, 2019.

¹²¹ Anonymous personal interview: 19 October 2021

outside their remit,¹²² and others stated that they do not anticipate that sanctions advocacy would be impactful.¹²³ This reluctance to engage with the topic of sanctions could be interpreted as evidence of NGOs catering to UN interests, but they do not speak out about the human rights impact of US sanctions either. Another possible explanation is that a portion of the sanctions enacted against North Korea are in response to the regime’s human rights record,¹²⁴ so critiquing sanctions would undermine human rights NGOs’ calls for accountability.

4.3 Discourse style and content

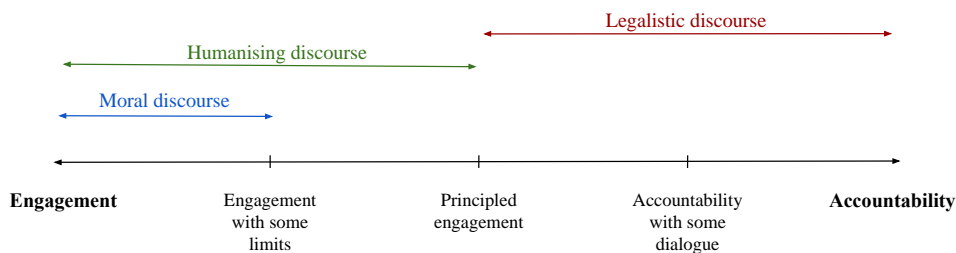


Image 4: Discourse style (Gonser)

Depending on where an organisation is situated on the engagement to accountability continuum, the style of discourse they employ varies. An emphasis on accountability typically entails employing legal language that outlines the rights of the North Korean population and the obligations of the state.¹²⁵ Legal discourse is argumentative by nature: it

¹²² Anonymous personal interview: 27 December 2021

¹²³ Anonymous personal interview: 27 October 2022

¹²⁴ US Department of the Treasury, *Treasury Sanctions North Korean Officials and Entities in Response to the Regime’s Serious Human Rights Abuses and Censorship*, 2018.

¹²⁵ Vijay K. Bhatia, Christopher N. Candlin, and Jan Engberg, *Legal Discourse across Cultures and Systems* (Hong Kong: Hong Kong University Press, 2008): 9.

selectively frames social issues as injustices that demand remedy.¹²⁶ Here, human rights actors harness their reputation as legal experts: by collecting and presenting facts using a framework of international law, they create ‘an authoritative interpretation of the facts’.¹²⁷ In this way, the use of legal discourse implies authority and institutional legitimacy,¹²⁸ putting weight behind human rights actors’ calls for accountability.

While some human rights NGOs are staffed with lawyers and are adept at legal discourse, others have benefited from capacity building by OHCHR staff, particularly around NGO participation in human rights mechanisms and the gathering of evidence for future accountability processes.¹²⁹ By offering a platform through which human rights NGOs can share their findings and publicise their research, and by providing training around legal standards and evidentiary practices, the UN is a central actor for these NGOs in this regard.

The more NGOs support engagement, on the other hand, the less they employ this legal discourse. This is not to say that legalese is totally absent from the discourse of proponents of engagement – many refer to international norms and obligations, particularly under humanitarian law – but this type of language becomes secondary to two other discourse styles: a moral one and a humanising one. Moral discourse typically emphasises human need and critiques hardline policies that seek to isolate North Korea even further: here, the ‘right’ thing to do is to respond to the suffering of the North Korean people. This is reflective of cleavages between human rights and humanitarianism: as Bornstein and Redfield note, human rights language is ‘fundamentally legalistic and philosophical: justice defines well-

¹²⁶ Peter Goodrich, *Legal discourse: Studies in Linguistics, Rhetoric and Legal Analysis* (Springer, 1990): 167.

¹²⁷ Ron Dudai, Can You Describe This? in *Humanitarianism and Suffering: the Mobilization of Empathy through Narrative*, ed. Richard Wilson, and Richard D. Brown (Cambridge University Press, 2008): 250.

¹²⁸ Goodrich, *Legal Discourse*, 171.

¹²⁹ Anonymous personal interview: 19 April 2022

being’, whereas the language of aid is ‘both moral and broadly medical, identifying well-being through species-level needs and health’.¹³⁰

Humanising discourse¹³¹ is even more prevalent among proponents of engagement. In the North Korean context, this type of discourse is a rejection of prevailing narratives which depict North Koreans as ‘crazy’, blindly obeying an irrational leader and supporting a rogue regime.¹³² Instead, humanising narratives highlight North Koreans’ strength and resilience¹³³ and emphasise a diversity of stories to remind their audience that there is more to North Korea than the nuclear threat it poses.¹³⁴

Humanising discourse, by moving away from accusatory rhetoric, is conducive to cooperation with the North Korean government, as is moral discourse through its critique of hawkish policies. The impact of legal discourse on cooperation is not as clear cut: it depends on the type of rights in question. As discussed above, while legal language used by NGOs in support of civil and political rights tends to alienate North Korea, legal discourse around social and economic rights can provide an opportunity for dialogue and cooperation.

¹³⁰ Erica Bornstein and Peter Redfield, ‘An Introduction to the Anthropology of Humanitarianism’, in *Forces of compassion: Humanitarianism between ethics and politics*, ed. Erica Bornstein and Peter Redfield (School for Advanced Research Press, 2011): 6.

¹³¹ Shawna Shapiro, ‘Toward a Humanizing Discourse in Research, Policy, and Practice with Refugee Communities’, in *Refugee Resettlement in the United States*, ed. Marnie K. Watson and Pritha Gopalan (Routledge, 2022): 12-18.

¹³² Victor Cha and David Kang, *Nuclear North Korea : a Debate on Engagement Strategies* (Columbia University Press, 2018): 3.

¹³³ Anonymous personal interview: 5 April 2021

¹³⁴ Anonymous personal interviews: 27 October 2021, 9 November 2020, 27 October 2020a

4.4 Allocation of Responsibility

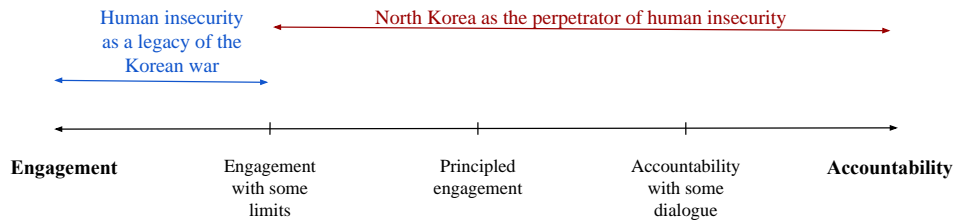


Image 5: Allocation of responsibility (Gonser)

Finally, where an organisation is situated on the engagement to accountability continuum also entails differences in how they allocate responsibility for human insecurity in North Korea. Organisations that advocate for accountability place the blame squarely on North Korea and tend to use strong language when doing so.¹³⁵ Under this view, North Korean isolation is voluntary and the elite is intentionally violating the rights of the North Korean population so that they can maintain power. Proponents of engagement, on the other hand, emphasise the international community's responsibility to resolve crises instead of placing all the blame on North Korea.¹³⁶ This perspective notes that North Korea has always been under threat of foreign invasion and the subjugation of North Koreans is a reaction to the national security threat the regime faces.

Justifications around food insecurity illustrate this divide: proponents of accountability argue that the regime has wilfully prioritised its military at the cost of its population's nutritional

¹³⁵ Anonymous reports: December 2021; August 2021; June 2022.

¹³⁶ Cha & Kang, *Nuclear North Korea*, 5.

needs, white proponents of engagement contend that the prolonged state of war on the Korean Peninsula, and North Korea's consequent need to defend itself, are to blame for this neglect of social welfare.¹³⁷ In this way, how organisations allocate blame is connected to peace: the solution under this view is a peace treaty.

While no organisations in my sample deny all governmental responsibility for human insecurity, those on the far end of the engagement side of the continuum de-emphasise this view or only acknowledge it off the record or under condition of anonymity. Instead of calling out the North Korean government for failing to fulfil the rights and needs of its citizens, which would likely compromise any efforts to foster cooperation with the regime, these organisations prefer to contextualise human insecurity within the broader geopolitical setting. By emphasising context, organisations avoid more confrontational tactics, making dialogue more likely. On the other hand, pro-accountability organisations tend to be wary of perspectives that invoke other factors such as US involvement or general foreign hostility to the regime: for them, such arguments are typically brought by the regime's apologists to gloss over the government's brutality,¹³⁸ further underlining their view that the North Korean government is inherently unreliable.

The UN is once again an exception to this divide. In accordance with its strategy of constructive engagement, the UN recognises the role that the regime has played in fostering human insecurity in the country,¹³⁹ but it also acknowledges the impact of other factors, such

¹³⁷ Anonymous report: June 2018; Anonymous personal interviews: 5 April 2021, 25 April 2022.

¹³⁸ Anonymous personal interviews: 27 January 2021, 27 December 2021

¹³⁹ UN General Assembly, *Situation of human rights in the Democratic People's Republic of Korea: Report of the Secretary-General*, A/77/247, 2022.

as natural disasters,¹⁴⁰ the legacy of the forced division of the Korean Peninsula, and the continued ramifications of the ongoing war.¹⁴¹

Conclusions

The engagement to accountability continuum offers a new framework through which to understand the nuances of humanitarian and human rights work in authoritarian contexts. Torn between calling for justice for human rights violations and cooperating with offending governments to address the immediate needs of affected populations, humanitarian and human rights groups adopt a range of different strategies depending on where they are situated on the continuum.

This article looked at North Korea as a case study through which to explore the nuances of this framework and finds that the type of rights an organisation focuses on, the kinds of advocacy they engage in, the style of discourse they employ and who they hold responsible for human insecurity in North Korea are all factors that inform each organisation's position on the continuum. The UN and its offices occupy the centremost position of the engagement to accountability continuum with its multifaceted approach that combines humanitarian activities, human rights advocacy, and dialogue around rights obligations.

The dilemma of whether or not to pursue cooperation with the North Korean state lies at the centre of this framework. Advocating for social and economic rights, relying on discourse that brings North Korean lives to the fore, engaging in peace advocacy and advocacy against

¹⁴⁰ UN Office for the Coordination of Humanitarian Affairs, *DPR Korea Needs and Priorities*.

¹⁴¹ See footnote 139 above.

sanctions and acknowledging the impact of the Korean war on the humanitarian and human rights situation in the country are all conducive to cooperation with the North Korean regime, while advocating for civil and political rights, using legalistic discourse, engaging in rights advocacy and blaming the government for human insecurity all make cooperation unlikely. This is not to say that organisations pursuing accountability do not hope for cooperation with the North Korean government to achieve transitional justice; rather they acknowledge the unlikelihood of this scenario.

In other contexts, humanitarian and human rights organisations face similar constraints, including limited access to populations on the ground, poor data, international sanctions, and governments that are suspicious of foreign intervention. Just as some organisations in this sample have applied their experience to other humanitarian and human rights contexts, I hope that scholars find the engagement to accountability continuum useful in understanding approaches to human insecurity in other parts of the world, and in exploring openings for dialogue and cooperation.

Appendix

Table 1: Initial themes/subthemes

Theme/subtheme	Definition
Accountability/engagement	
Tools for accountability	How organisations pursue accountability
Tools for engagement	How organisations pursue engagement
Barriers to accountability	Factors limiting opportunities to pursue accountability
Barriers to engagement	Factors limiting opportunities to pursue engagement
Shared goals	Goals shared by proponents of accountability and proponents of engagement
Distinct goals	Goals unique to either proponents of accountability or proponents of engagement
Advocacy	
Audience	The audience(s) targeted through advocacy
Tools	How organisations engage in advocacy
Goal: awareness raising	Advocacy aimed at raising awareness about North Korea
Goal: peace	Advocacy aimed at establishing peace on the Korean peninsula
Goal: justice	Advocacy geared towards justice
Goal: sanctions exemptions	Advocacy aimed at decreasing the burden of sanctions on organisations working in North Korea
Changing the narrative	Efforts to counter outdated and/or inaccurate perceptions of North Korea and North Koreans
Community	How organisations build community within their field and across fields
Generational Divide	Generational gaps between actors working in the North Korean context
Human rights/humanitarianism	
Tensions	Tensions between human rights and humanitarian groups
Geopolitics	The broader geopolitical context and its impact on humanitarian and human rights work
Complementarity	The ways in which human rights work and humanitarian work can complement each other
Cooperation	Instances where human rights and humanitarian actors have cooperated, or potential opportunities for cooperation
Information	Information sharing between actors, including between humanitarian and human rights groups as well as information shared with North Koreans

Temporal framework	Long term / short term projects and goals
Politics	
Geopolitical context	The broader geopolitical context and how it impacts human rights and humanitarian work
Political orientation	Indications of how each organisation/actor situates themselves politically
Regime collapse/unification	How each organisation envisions the future of the North Korean regime
Relationship with the North Korean government	Organisations'/actors' relationships with the North Korean government/North Korean government officials
Victimhood/agency	Discourse that emphasises North Koreans' victimhood / discourse that treats North Koreans as agential actors.
Relationships of trust	
North Korea's distrust of the international community	Emphasis on the need to build trust with North Korea
The international community's distrust of North Korea	Emphasis on the international community's distrust of North Korea rendering cooperation moot

Table 2: Accountability – engagement continuum themes/subthemes

Theme/subtheme	Definition
Division of rights	
Civil and political rights	Who is responsible for advocating for and implementing civil and political rights and what role these rights play in the North Korean context
Social and economic rights	Who is responsible for advocating for and implementing social and economic rights and what role these rights play in the North Korean context
Advocacy	
Peace advocacy	Advocating for peace on the Korean Peninsula
Sanctions exemptions advocacy	Advocating for humanitarian exemptions to sanctions
Rights advocacy	Advocating for North Koreans' human rights
Discourse style	
Moral discourse	Discourse that appeals to the audience's sense of morality and evokes human need
Legalistic discourse	Discourse that outlines evidence, legal obligations, perpetrators and potential remedies
Humanising discourse	Discourse that refutes prevailing narratives that are focused on security or that caricature North Koreans and instead

	emphasises North Koreans' humanity and diversity
Actor(s) responsible for human insecurity	
North Korean authoritarianism	This view places the blame on the North Korean regime as a perpetrator of rights abuses that continually threatens the international community
Authoritarianism contextualised	This perspective contextualises North Korean authoritarianism as a response to national insecurity: the legacy of the Korean war has forced the government to prioritise its military over its population

Responding to Human Insecurity in the Face of Geopolitical Tensions: How Humanitarian and Human Rights Organisations Adapt to Governmental Constraints

Abstract

This article considers the restrictions democratic and authoritarian governments place on non-governmental and international organisations responding to human insecurity in closed authoritarian contexts, and the ways in which these organisations adapt to these constraints. It shows how US and South Korean governments limit humanitarian and human rights organisations' responses to human insecurity in North Korea through the politicisation of human insecurity in addition to the constraints imposed by the North Korean government. It expands on the framework of adaptive capacity proposed by Li and Farid (2023), which includes four different components of organisations' ability to adapt: the value of their work, the sensitivity of the issues they are working on, their ties with government, and their reputational authority. In addition, this study finds that organisations' ties with one other, or the networks they belong to, play a central role in their capacity to adapt to these restrictions. These networks increase their persuasive power, they facilitate a broader audience to their demands, and they enable information sharing and coordinated strategising. Importantly, humanitarian and human rights organisations working in other authoritarian contexts experience similar limitations to their work. By exploring organisations' adaptive capacity in the North Korean context, this paper offers new ways to understand how NGOs and IOs continue to respond to human insecurity in the face of constraints resulting from broader geopolitical tensions.

Introduction

Human rights and humanitarian NGOs working in the North Korean context are staffed by people who typically have a longstanding commitment to their work; they are dedicated to the cause of human security and some even identify as ‘lifers’ who are ‘in it for the long haul’.¹ While there are many internal divisions within the movement for human security in North Korea, there is also considerable mutual support across organisations: these actors recognise that their strength lies in numbers. At the core of the networks they have formed are shared experiences of constraints to their work: both rights and aid organisations face particularly challenging conditions working in the North Korean context. These restrictions are imposed by the North Korean government, but also by South Korean and US governments in response to North Korean provocations. They include limits to organisations’ access to local populations, restrictions around aid monitoring and rights campaigning, lengthy approval processes for aid projects, and legal investigations against NGOs.

These constraints have had a significant impact on organisations’ ability to conduct their work, and exploring the ways in which they have adapted to these limitations is central to understanding how aid and rights actors respond to human insecurity in North Korea.

Alongside other factors like their ties to government, their reputational authority, the value of their work and the sensitivity of the issues they are working on, these networks play an important role in human rights and humanitarian organisations’ adaptive capacity. This paper explores the ways in which these actors are constrained by North Korean, US, and South

¹ Anonymous personal interview, 27 December 2022.

Korean governments,² and how these different factors work to increase their capacity to adapt to these constraints.

While this article considers North Korea as a case study, the framework used here applies across authoritarian contexts, where to differing degrees, other human rights and humanitarian groups face similar conditions. These include regimes that are suspicious of foreign intervention and impose conditions on NGO access, democratic governments that facilitate and withhold aid as a policy tool, and sanctions regimes that impede humanitarian projects. This paper is intended to expand on existing research on responses to human insecurity in authoritarian contexts by exploring how organisations adapt in a particularly restrictive environment.

Theoretical framework

This article considers humanitarian and human rights organisations' adaptive capacity, or their ability to adjust strategically to a changing environment. The term adaptive capacity was introduced by Luers and colleagues in the context of agricultural vulnerability to climate change. They define it as 'the extent to which a system can modify its circumstances to move

² This paper focuses on these three governments to reflect the constraints experienced by the organisations in this sample, which are located in South Korea and North America. The United Nations plays a complex role in these dynamics: while UN aid agencies and UN's Office of the High Commissioner of Human Rights (OHCHR) face constraints that are in many ways similar to those experienced by NGOs, the UN Security Council oversees a sanctions regime that acts as an effective constraint on humanitarian activity. Because the Security Council is composed of member states, with the US as a permanent member, I treat UN sanctions as an (inter)governmental constraint.

to a less vulnerable position'.³ In the context of organisations, adaptive capacity means responding dynamically to changes, thereby increasing organisational resilience overall.⁴

Li and Farid consider the adaptive capacity of INGOs working in authoritarian contexts. For them, adaptive capacity, or organisations' 'ability to absorb political pressures and make strategic adaptations', depends on four different factors:

- *Issue sensitivity*, or the degree of sensitivity of the issues that INGOs work on;
- *Value-add*, or the extent to which INGOs contribute to the state;
- *Government ties*, or the degree of an INGO's embeddedness with the state; and
- *Reputational authority*, or the way that an INGO is perceived by a broader audience, and the extent to which it can garner support from other key players.⁵

This analysis expands Li and Farid's framework by considering a broader range of actors: I argue that while authoritarian governments play a major role in restricting civil society, power dynamics between global actors (democratic *and* authoritarian states) are also central to understanding this tightening. In effect, in authoritarian contexts human rights and humanitarianism become politicised, and democratic governments can also restrict civil society space in pursuit of broader policy goals.⁶ This can look like sanctions that curtail

³ Amy Luers, David B. Lobell, Leonard S. Sklar, C. Lee Addams, and Pamela A. Matson, 'A method for quantifying vulnerability, applied to the agricultural system of the Yaqui Valley, Mexico', *Global environmental change* 13, no. 4 (2003): 259.

⁴ Udo Staber and Jörg Sydow, 'Organizational Adaptive Capacity: A Structuration Perspective', *Journal of management inquiry* 11, no. 4 (2002): 410-411; Erica P. Dalziell and Sonia T. McManus, 'Resilience, Vulnerability, and Adaptive Capacity: Implications for System Performance.' (paper presented at the International Forum for Engineering Decision making (IFED); Stoos, Switzerland December 6-8 2004).

⁵ Hui Li and May Farid, 'Stay or exit: How do international nongovernmental organizations respond to institutional pressures under authoritarianism?', *Regulation & Governance* 17, no. 2 (2023): 512-530.

⁶ Olav Stokke, 'Aid and political conditionality: Core issues and state of the art', *Aid and political conditionality* 82 (1995): 1-87; Nicholas Guilhot, *The democracy makers: Human rights and the politics of global order*, Columbia University Press, 2005.

humanitarian activity, the sidelining of human rights issues in diplomatic negotiations, or even reductions in government cooperation with these organisations.

In addition, this article considers how NGOs and IOs adapt to these constraints *together* through network activity as well as examining their individual adaptive capacity as Li and Farid have done. Previous research has found a complex relationship between authoritarianism and civil society networks: while authoritarianism encourages the formation of domestic networks as a way for local activists to resist political pressure, it can also undermine coalition-building efforts because it increases the risk posed to domestic activists who are being monitored.⁷ For transnational civil society groups, authoritarianism tends to stimulate the growth of transnational networks.⁸ This paper considers the extent to which organisations leverage their networks to increase their adaptive capacity, adding a fifth component to adaptive capacity: *network ties*.

NGOs are often framed as being in competition with one another, each vying for public attention, funding and sympathy.⁹ While there is some competition among NGOs working in the North Korean context, particularly around reporting and research, this is attenuated by several factors. First, there are only a small number of organisations working in this field, so relatively few are competing for the same sources of funding. Second, most NGOs are specialised in one or several aspects of human security or are focused on specific locations in North Korea, limiting the extent to which their activities overlap. Third, while levels of public attention on North Korea are highly dependent on the geopolitical situation, they

⁷ Paola Rivetti, 'Political activism in Iran: strategies for survival, possibilities for resistance and authoritarianism', *Democratization* 24, no. 6 (2017): 1188.

⁸ Adam Simpson, 'An 'activist diaspora' as a response to authoritarianism in Myanmar: the role of transnational activism in promoting political reform' in *Civil Society Activism under Authoritarian Rule*, ed. Francesco Cavatorta (Routledge, 2012): 189.

⁹ Clifford Bob, 'Merchants of Morality', *Foreign Policy*, no. 129 (2002): 37.

remain low overall, particularly regarding human security. This means that a spotlight on one organisation could provide an opening for other organisations to spread information about their work. Fourth, the lack of comprehensive data on North Korean human security incentivises information sharing among organisations, benefiting the human rights and humanitarian movements overall. Fifth, NGOs working in this field are small in size, so organisations are more likely to gain the attention of governments as a group. This means that networks hold significant potential for human rights and humanitarian organisations as a tool that allows them to increase their influence and the scope of their advocacy.

Methods

This article relies on several data sources, including field work in Seoul, South Korea and Washington D.C., in-depth interviews with staff at humanitarian and human rights organisations, NGO and UN mission statements and reports, press conferences, literary works, and public talks. Interviewees were located in North America or South Korea and were recruited through snowball sampling or were already existing contacts.

I completed in-depth qualitative interviews with twenty-four humanitarian workers, human rights activists and researchers, United Nations staff, and policy analysts. These interviews were conducted over zoom in 2020 and 2021 and in person in 2022 during trips to Seoul, South Korea and Washington, D.C. All organisations in this study participate in global efforts to address human insecurity in North Korea, and all interviews were conducted in English. The sample is evenly distributed in terms of location where the organisations are based (South Korea, North America) and type of organisation (human rights, humanitarian, policy think tank).

Additionally, I talked off-the-record with twenty-three humanitarian workers, scholars researching North Korean human rights and humanitarianism, journalists, policymakers, embassy staff, and peace activists. This fieldwork and these interviews were supplemented with multiple NGO events related to human rights and humanitarianism in North Korea, which I attended both in person and online. Speakers included activists, scholars, UN officials, government representatives, and policy analysts. I also reviewed memoirs by North Korean escapees as well as by humanitarian actors with experience working in North Korea.

Most participants in this research participated on the condition of anonymity. Because of the small size of the human rights and humanitarian community working in the North Korean context, all data have been anonymised to avoid the possibility of any participants being identified through process of elimination. Reports by organisations in the sample have also been anonymised.

The actors at the centre of geopolitical tensions

This paper focuses on constraints imposed on NGOs and IOs by North Korean, South Korean, and US governments. North Korea's restrictions on human rights and humanitarian activity are informed by its perception of international intervention as a threat, whereas the constraints imposed by South Korea and the US are a reflection of these governments' use of human rights and humanitarianism as foreign policy tools. This means that different administrations have alternated between supporting and impeding these organisations' work in accordance with their broader approach to the Kim regime.

North Korea remains the primary actor imposing constraints on human rights and humanitarian actors. The regime perceives their work as highly sensitive: human rights advocacy poses a direct threat to its legitimacy, and humanitarian actors, as one of the few groups with direct contact with North Koreans, can potentially bear witness to and publicly discuss rights violations occurring inside the country. While the Kim regime has adopted an insular stance, emphasising self-reliance¹⁰ and labelling accusations of rights violations as a violation of its sovereignty,¹¹ the regime simultaneously seeks recognition at the international level. The regime's stance towards the outside world has fluctuated between hostility and engagement, and as this paper will show, human rights and humanitarian actors have often borne the brunt of these shifts.

South Korea has a complex relationship with its neighbour, reflecting both the continued state of war between the two nations and their shared goal of unification. South Korea's approach to the Kim regime has alternated under different administrations, with some favouring confrontational tactics and others opting to prioritise engagement. This paper considers the administrations of Park Geun-Hye (2013-2017) and Moon Jae-In (2017-2022).

Despite advertising a policy of *Trustpolitik* designed to build trust between the Koreans,¹² Park Geun-Hye adopted a hard-line approach to the Kim regime. During her presidency, she closed the Kaesong Industrial Complex, a collaborative economic development project with North Korea, arguing that its profits contributed both to North's nuclear program and the

¹⁰ Stephan Haggard and Marcus Noland, *Famine in North Korea: Markets, Aid, and Reform* (Columbia University Press, 2007): 24.

¹¹ Sandra Fahy, *Dying for Rights: Putting North Korea's Human Rights Abuses on the Record* (Columbia University Press, 2019): 198.

¹² Geetha Govindasamy, Tan Er-Win, and Chang Kyoo Park, 'Failure of An Inter-Korean Policy: The Case of Trustpolitik', *WILAYAH: The International Journal of East Asian Studies* 8, no. 1 (2019): 1.

funding of the elite.¹³ In addition, she halted the delivery of aid and cut off all communication with North Korea.¹⁴ Humanitarian workers in my sample noted an effective lack of cooperation between the Koreas under President Park. In line with Park's confrontational stance, there was considerable positive progress for the human rights movement during this time: most notably, the South Korean government adopted the North Korean Human Rights Act in 2016 that affirmed the government's commitment to human rights as part of its North Korea policy.¹⁵

President Moon Jae-In, the son of North Korean escapees, was elected in 2017. He eschewed confrontational tactics in favour of a revival of the Sunshine Policy, a policy first adopted in 1998 by then President Kim Dae Jung with the goal of promoting peaceful inter-Korean cooperation. Nonetheless, Moon supported both dialogue and sanctions, the latter on the condition that they be designed to bring the Kim regime to the negotiating table.¹⁶ As such, Moon's policies included economic cooperation between the two Koreas, restarting the six-party talks, and establishing inter-Korean policy through legislation that is ratifiable by both the North's Supreme People's Assembly and the South's National Assembly.¹⁷ President Moon opted to sideline any discussion of human rights out of fear that North Korea might perceive rights rhetoric as a provocation.¹⁸

¹³ Sheena Chestnut Greitens, 'Better Late than Never: Why Closing Kaesong Is the Right Call', Brookings, 2016, www.brookings.edu/opinions/better-late-than-never-why-closing-kaesong-is-the-right-call/.

¹⁴ Glyn Ford, *Talking to North Korea : Ending the Nuclear Standoff* (Pluto Press, 2018): 214-215; Inhan Kim, 'No More Sunshine: The Limits of Engagement with North Korea', *The Washington Quarterly* 40, no. 4 (2017): 168.

¹⁵ Sarah A. Son, 'South Korea's North Korean Image Problem: Human Rights Under the Spotlight', *Asian Studies Review* 42, no. 4 (2018): 663, 670.

¹⁶ Kim, 'No More Sunshine', 167-168.

¹⁷ See footnote 17 above.

¹⁸ Tae EunMin, *Evaluating the US-South Korea Summit Meeting and Future Prospects: Remaining Challenges from the Summit* (Korean Institute for National Unification, 2021): 6-7.

Overall, the United States has sought to pressure North Korea, in contrast to South Korean presidents like Moon Jae-In. Here, the Obama (2009-2016) and Trump (2017-2020) Administrations are considered. The Obama Administration adopted a policy of ‘strategic patience’ towards North Korea under which it would not negotiate with North Korea without the regime demonstrating a commitment to denuclearisation.¹⁹ Confronted with collapsed talks and agreements, North Korean provocations, and the regime’s refusal to denuclearise, the US imposed escalating sanctions during the two terms of the Obama Administration.²⁰ However, the Obama Administration delinked human rights issues from nuclear negotiations,²¹ weakening the momentum behind the US human rights movement.

In November 2017, Trump announced that the period of ‘strategic patience’ was over.²² Trump’s election coincided with an escalation in North Korea’s development and testing of nuclear weapons and long range missiles,²³ and the Trump Administration prioritised North Korea’s nuclear capability under the view that it posed an urgent security threat to the United States.²⁴ While Trump began his term with an aggressive stance towards North Korea, threatening ‘fire and fury’ and linking security concerns to human rights, he later stopped discussing rights when he met with Kim Jong Un in June 2018, February 2019 and June

¹⁹ Hyun Kim, ‘Comparing North Korea Policies of the Obama and Trump Administrations’, *Nanzan review of American studies: a journal of Center for American Studies* 39 (2017): 50.

²⁰ Hazel Smith, *North Korea: Markets and Military Rule* (Cambridge University Press, 2015): 318; Kim ‘Comparing North Korean Policies’, 51.

²¹ Smith, ‘North Korea’, 313.

²² Bruce Cumings, ‘Obama, Trump and North Korea’ in *The United States in the Indo-Pacific*, ed. Oliver Turner and Inderjeet Parmar (Manchester University Press, 2020): 79-93.

²³ Michael Kirby, ‘North Korea and human rights: The view from the United Nations’ in *China and Human Rights in North Korea: Debating a “Developmental Approach” in Northeast Asia*, ed. Baogang He, David Hundt, and Chengxin Pan (Routledge, 2021): 31.

²⁴ Kim, ‘Comparing North Korean Policies’, 45.

2019.²⁵ In 2018, Trump implied that the US would provide economic aid to North Korea if it denuclearised, but after talks fell through this never came to fruition.²⁶

In sum, while North Korea's stance towards human rights and humanitarian actors has been consistently obstructive, South Korea and the US have alternated between supporting their activities and de-emphasising or even impeding their work. This has put humanitarian and human rights organisations in a vulnerable position, leaving them to alter their strategies to adapt to these constraints.

NGOs' and IOs' adaptive capacity in the North Korean case

An independent domestic civil society does not exist in North Korea, leaving international human rights and humanitarian organisations to respond to human insecurity in the country. While these organisations share the goal of improving the wellbeing and livelihood of North Koreans, the approaches they espouse are typically viewed as incompatible with one another: humanitarian organisations prioritise continued access and cooperation with the North Korean government, while human rights organisations engage in confrontational advocacy that is threatening to the Kim regime. As such, they have formed distinct advocacy networks around human rights and humanitarianism that rarely interact with one another. Nonetheless, they experience similar constraints to their work in the North Korean context and they adapt to these constraints in parallel ways. Their respective networks play an important role in their adaptive capacity, increasing their global influence and facilitating joint strategising.

²⁵ Suk Hi Kim, 'The Assessment of President Donald Trump's North Korean Policy', *North Korean Review* 16, no. 2 (2020): 122; Danielle Chubb and Andrew Yeo, 'Human Rights, Nuclear Security and the Question of Engagement with North Korea', *Australian Journal of International Affairs* 73, no. 3 (2019): 228.

²⁶ Dong Jin Kim and Andrew Ikhyun Kim, 'Global health diplomacy and North Korea in the COVID-19 era', *International Affairs* 98, no. 3 (2022): 928.

Here, NGOs' and IOs adaptive capacity will be considered in the face of three different types of constraints: (1) limits to their access to North Korea and North Koreans; (2) limits to the scope of their activities; and (3) legal challenges brought against them.

1. Limits to access

1.1 Imposed by the North Korean government

Authoritarian regimes often limit or completely deny international human rights actors access to the country,²⁷ and North Korea is no exception. The Kim regime has never allowed human rights NGOs to enter the country, reflecting the authoritarian view that human rights monitoring poses a threat to regime survival.²⁸ Under this perspective, if the regime were to allow human rights actors to enter the country and monitor the domestic human rights situation, questions around its legitimacy would be supported with concrete, verified evidence. In the absence of on the ground documentation of rights violations, North Korea can instead dismiss abuses as politically motivated fabrications by escapees, as it has done repeatedly in the past.²⁹

²⁷ Darren Hawkins, 'Human Rights Norms and Networks in Authoritarian Chile' in *Restructuring World Politics*, ed. Sanjeev Khagram, James V. Riker and Katheryn Sikkink (University of Minnesota Press, 2002): 47-70; Andrew Heiss, 'NGOs and authoritarianism', in *Routledge handbook of NGOs and international relations*, ed. Thomas Davies (Routledge, 2019). 557.

²⁸ Rana Siu Inboden, *Defending the Global Human Rights System from Authoritarian Assault: How Democracies Can Retake the Initiative* (National Endowment for Democracy, July 2023): 12; Jingyun Dai and Anthony J. Spires, 'Advocacy in an authoritarian state: How grassroots environmental NGOs influence local governments in China', *The China Journal* 79, no. 1 (2018): 62-83.

²⁹ Fahy, *Dying for Rights*, 231.

Limits to access imposed by the North Korean government

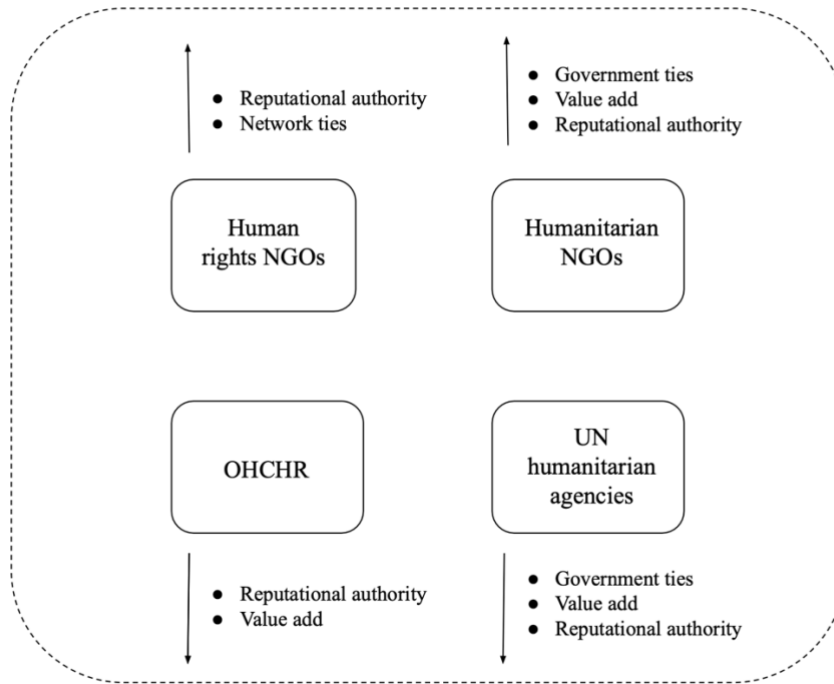


Fig. 1: Organisations' adaptive capacity to limits to access imposed by the North Korean government (Gonser)

The sensitive nature of human rights advocacy inhibits organisations' ability to adapt to this constraint, forcing them to rely on escapee accounts for their research. To compensate for their lack of direct access to North Korea, human rights advocates adopt careful sampling criteria, use mixed methods and triangulate multiple sources.³⁰ Thanks to their diligent data collection, rights groups have been able to gather reliable evidence of a range of human rights violations that is used in advocacy campaigns, academic literature, and foreign policy. Here, they leverage their reputational authority: they present human rights data under the framework of international legal obligations, reinforcing their status as legal experts.³¹

³⁰ Jay Song, 'North Korea as a method: A critical review', *Journal of Korean Studies* 26, no. 2 (2021): 205-228.

³¹ Ron Dudai, 'Can You Describe This?' in *Humanitarianism and Suffering: the Mobilization of Empathy through Narrative*, ed. Richard Wilson and Richard D. Brown (Cambridge University Press, 2008): 25; Erica Bornstein and Peter Redfield, *Forces of compassion: Humanitarianism between ethics and politics* (School for Advanced Research Press, 2011): 6.

Network ties with the UN's OHCHR play an important role in human rights NGOs' adaptive capacity, both in terms of data collection and the dissemination of their findings. OHCHR has provided training to NGOs to ensure that the data they collect meet evidentiary standards for future accountability processes, thereby allowing their data to be used beyond each NGO's advocacy. Thanks to these same network ties, NGOs are also able to communicate their findings to a broader audience than they would otherwise have access to: they share their data and analyses with UN special procedures of the Human Rights Council, UN human rights treaty bodies, and the Universal Periodic Review of the Human Rights Council (UPR). Outside of the UN, NGO networks are also a valuable resource for rights actors to collectively strategise around expanding the reach of their data. These typically look like events 'focused on broadening impact and advocacy and information access'³² that bring different human rights NGOs together.

While OHCHR has also been unable to access North Korea, the regime has offered some very limited windows of conditional access to independent experts. This reflects the reputational authority of UN actors and the value, or the potential leverage that engagement with OHCHR can offer to authoritarian states,³³ including gaining concessions on the wording of Security Council resolutions. In 2014, the government invited then UN Special Rapporteur Marzuki Darusman into the country on the condition that controversial paragraphs be deleted from the 2014 General Assembly resolution.³⁴ In 2017, the regime invited then Special Rapporteur Tomás Ojea Quintana, again with a condition: that he not

³² Anonymous personal interview, 27 December 2022.

³³ Bonny Ibhawoh, 'Human rights and the politics of regime legitimation in Africa' in *Expanding Perspectives on Human Rights in Africa*, ed. R. Izarali, O. Masakure, and B. Ibhawoh (Routledge, 2019): 21-22.

³⁴ Roberta Cohen, 'An R2p Framework for North Korea', *Global Responsibility to Protect* 8, no. 4 (2016): 414.

come in his official capacity.³⁵ Both experts declined these invitations. When it came to the less sensitive issue of disability rights, however, a UN independent expert did visit the country, marking the first time that such an expert entered North Korea. This visit occurred in 2017, when the then UN Special Rapporteur on the Rights of People with Disabilities, Catalina Devandas-Aguilar, visited North Korea for five days.³⁶

Authoritarian regimes also limit humanitarian organisations' access by imposing conditions on aid groups' access.³⁷ Here, limits to access are justified as a way to protect state sovereignty, which is seen as under threat by external political actors.³⁸ In the North Korean context, the regime has placed conditions on both UN and NGO humanitarian operations, including only allowing non-Korean speakers into the country³⁹ and limiting aid workers' freedom of movement.⁴⁰ While these restrictions caused some aid groups to withdraw from the country, such as Médecins Sans Frontières (MSF) and Oxfam between 1998 and 2000,⁴¹ the organisations that chose to stay have succeeded in widening their access over time. They have gained access to more regions in North Korea, and Korean speakers are now allowed in the country.⁴² Several components of their adaptive capacity have been central to these concessions: first, they have built ties with government officials over the years through trust-

³⁵ UN General Assembly, *Situation of human rights in the Democratic People's Republic of Korea: Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea*, A/72/394, 2017: para. 11.

³⁶ Danielle Chubb and Nazanin Zadeh-Cummings, 'International Engagement with North Korea: Disability, Human Rights and Humanitarian Aid', *Third World Quarterly* 44, no. 1 (2023): 135.

³⁷ Reinoud Leenders and Kholoud Mansour, 'Humanitarianism, State Sovereignty, and Authoritarian Regime Maintenance in the Syrian War', *Political Science Quarterly* 133, no. 2 (2018): 230; Wooyeal Paik, 'Authoritarianism and Humanitarian Aid: Regime Stability and External Relief in China and Myanmar', *Pacific Review* 24, no. 4 (2011): 455.

³⁸ Andrew J. Cunningham, 'Introduction: Authoritarian practices and humanitarian negotiations', in *Authoritarian Practices and Humanitarian Negotiations*, ed. A. Cunningham (Routledge, 2023): 9.

³⁹ Mi Ae Taylor and Mark E. Manyin, *Non-Governmental Organizations' Activities in North Korea*, Congressional Research Service, 2011: 1.

⁴⁰ Roberta Cohen, 'Sanctions hurt but are not the main impediment to humanitarian operations in North Korea', *Asia Policy* 13, no. 3. (2018): 35.

⁴¹ Scott Snyder, 'American religious NGOs in North Korea: A paradoxical relationship', *Ethics & International Affairs* 21, no.4 (2007): 424; Taylor and Manyin, *Non-Governmental Organizations' Activities*, 4.

⁴² Taylor and Manyin, *Non-Governmental Organizations' Activities*, 1.

building and decades of continued assistance. Second, their work is highly valuable to the North Korean government: there is an ‘immediate, urgent need’ for assistance.⁴³ Lastly, humanitarian actors allay concerns about the sensitive nature of their work by relying on their reputational authority as neutral, apolitical actors: they frame their work as ‘value-driven’⁴⁴ and emphasise that ‘giving sick kids food is not a political act. It’s a human act’.⁴⁵ However, humanitarian actors’ ability to access the country has narrowed to an extreme extent since the North Korean government introduced strict border restrictions in response to the COVID-19 pandemic: most aid groups have been unable to return to the country since 2020.⁴⁶

1.2 Imposed by US and South Korean governments

Travel sanctions are often used as a foreign policy tool to pressure authoritarian governments. Smart sanctions, where travel bans are imposed on specific individuals and entities, are increasingly popular,⁴⁷ but in some cases travel sanctions go further by prohibiting the travel of citizens from one country to another.⁴⁸ This is the case with North Korea: both South Korea and the US have banned their citizens from entering the country.⁴⁹ While humanitarian exemptions are in place for both of these bans, they have nonetheless had a major impact on humanitarian operations. US travel sanctions have meant that aid organisations face a considerable administrative burden in the form of applying for licences and special passports

⁴³ Anonymous personal interview, 19 February 2020.

⁴⁴ Anonymous personal interview, 27 October 2020.

⁴⁵ Anonymous personal interview, 9 November 2020.

⁴⁶ UN Human Rights Council, *Situation of human rights in the Democratic People’s Republic of Korea: Report of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea*, A/HRC/52/65, 2023, para. 4.

⁴⁷ Alice Debarre, *Making Sanctions Smarter: Safeguarding Humanitarian Action* (International Peace Institute, 2019): 2.

⁴⁸ Sheikh Hared Majid, Patrick Maluki, and Steven Handa, ‘The Human Cost of Sanctions: How Economic Penalties Affect Innocent Populations’, *Journal of African Interdisciplinary Studies* 7, no. 7 (2023): 90.

⁴⁹ Daniel Wertz, *Special Report: Understanding U.S. and International Sanctions on North Korea* (The National Committee on North Korea, 2020).

since the travel ban was imposed in 2017, significantly impeding their ability to access the country and deliver aid in a timely manner.⁵⁰ South Korea's May 24 Measures of 2010, which include a travel ban, have halted the on-the-ground operations of most South Korean humanitarian NGOs.⁵¹ Here, while it is the authoritarian regime's behaviour that results in sanctions, democratic governments are the ones designing and implementing these sanctions.

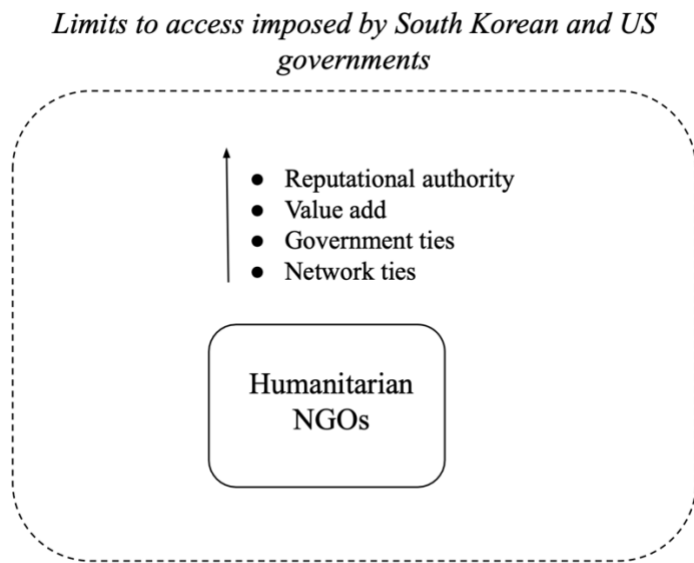


Fig. 2: Organisations' adaptive capacity to limits to access imposed by South Korean and US governments (Gonser)

Humanitarian NGOs have adapted to these constraints by expanding the scope of their activities to include advocacy for sanctions exemptions. This advocacy is directed towards domestic governments, the UN, and the general public. Here, NGOs' reputational authority as apolitical practitioners with direct experience of the adverse effects of sanctions plays a central role; it makes their advocacy persuasive. The moral value of their work is also crucial:

⁵⁰ Nazanin Zadeh-Cummings and Lauren Harris, 'The impact of sanctions against north korea on humanitarian aid', *Journal of Humanitarian Affairs* 2, no. 1 (2020): 50.

⁵¹ Jong-Woon Lee, 'The Geopolitics of Humanitarian Assistance to North Korea under International Sanctions', *Journal of the Economic Geographical Society of Korea* 22 no. 4 (2019): 413.

under this perspective, governments have an ethical obligation not to interfere with the provision of aid. In addition, sanctions advocacy often entails the use of government ties, where NGOs reach out to government officials to relay the consequences sanctions have had on humanitarian assistance. Lastly, network ties are particularly valuable in responding to sanctions, with some NGOs playing a convening role to facilitate network activity. In South Korea, it is the Korea NGO Council for Cooperation with North Korea (KNCCCK) which plays this role. KNCCCK is an umbrella organisation composed of over fifty South Korean humanitarian NGOs whose goal is to encourage cooperation and information sharing. KNCCCK facilitates coordination between its members around joint advocacy campaigns against South Korean sanctions: as a humanitarian worker noted, ‘since more than ten years, we’ve had the same situation ... so we have to work together and we have to respond together’.⁵² US humanitarian NGOs also rely on network ties to adapt to sanctions, most notably since the US tightened its sanctions regime in 2017. Here, the National Committee on North Korea (NCNK), another NGO, plays a convening role. NCNK is also an NGO dedicated to engagement with North Korea and it counts a more diverse membership than KNCCCK, including human rights actors, journalists, and academics. NCNK provides support to humanitarian NGOs in navigating sanctions regulations, and it also brings humanitarian actors together to strategise and synchronise their messaging around sanctions.

NGOs’ advocacy has had mixed results: while the May 24 Measures remain in place, the US government has revised its policy on humanitarian assistance to facilitate the flow of aid to North Korea, including by streamlining licensing and exemption requests.⁵³

⁵² Anonymous personal interview, 19 May 2022.

⁵³ Hamish Macdonald, ‘U.S. to ease humanitarian-related travel, shipments to North Korea’, *NK News*. 10 January 2019.

2. Limits to organisational activities

2.1 Imposed by the North Korean government

In addition to placing restrictions on humanitarian organisations' access, authoritarian regimes also constrict humanitarian space in other ways. These include suppressing humanitarian advocacy,⁵⁴ preventing the monitoring of aid distribution,⁵⁵ limiting communication with local non-state actors,⁵⁶ and directly managing aid.⁵⁷

In North Korea, the government has restricted humanitarian space in multiple ways, again reflecting the perceived sensitivity of humanitarian assistance.⁵⁸ First, it has refused to accept standard UN language around the Sustainable Development Goals, changing the first goal from 'eradicating poverty' to 'improving people's livelihood'.⁵⁹ As a member of the UN Country Team noted, 'how do you address the issue of inequality or access to food if there's no poverty?'⁶⁰ While UN agencies have shown considerable willingness to compromise with the regime, they are inclined to push back against government restrictions they deem unacceptable: another member of the UN country team said that 'if you have a good

⁵⁴ Oliver Walton, 'Dealing with authoritarian regimes' in 'The Routledge Companion to Humanitarian Action', ed. Roger Mac Ginty and Jenny H. Peterson (London: Routledge, 2015): 338.

⁵⁵ Shin-wha Lee, 'International Engagement in North Korea's Humanitarian Crisis: The Role of State and Non-State Actors', *East Asia* 20 (2003): 80.

⁵⁶ Anaïde Nahikian and Emmanuel Tronc, 'Humanitarian Negotiation: Challenges and compromise in hard-to-reach areas', in *Authoritarian Practices and Humanitarian Negotiations*, ed. Andrew Cunningham (Routledge, 2023): 53.

⁵⁷ See footnote 56 above.

⁵⁸ Because they do not have a presence inside the country, human rights organisations' activities are not restricted by the North Korean government.

⁵⁹ Democratic People's Republic of Korea (DPRK), *Voluntary National Review On the Implementation of the 2030 Agenda for Sustainable Development*, June 2021,

https://sustainabledevelopment.un.org/content/documents/282482021_VNR_Report_DPRK.pdf, 9-11.

⁶⁰ Anonymous personal interview, 10 May 2022a.

relationship with the North Korean government, it means that you're probably not doing something right because the way they limit your work, your job is to expand that window.'⁶¹ Their ability to push back against the government while maintaining a presence in the country reflects their reputational authority as UN officials, as well as the value that their agencies represent as part of an institution that North Korea holds in high regard.

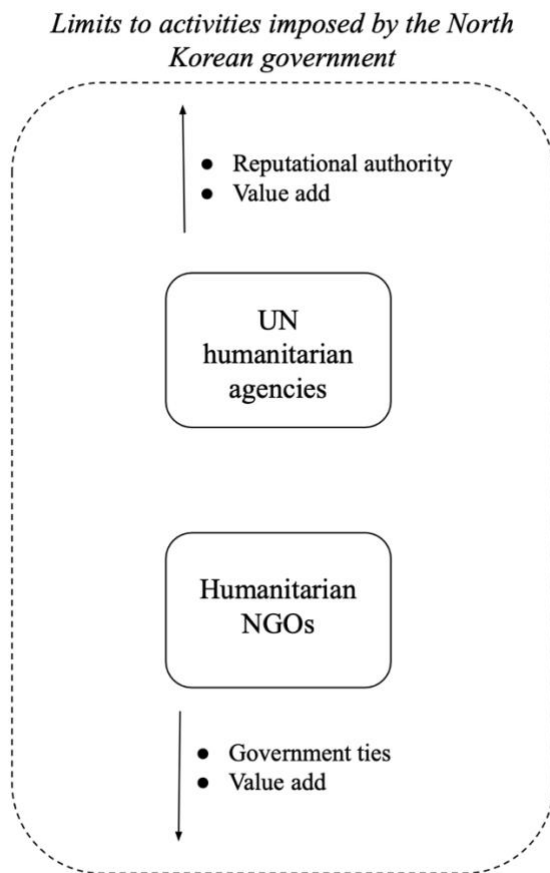


Fig. 3: Organisations' adaptive capacity to limits to activities imposed by the North Korean government (Gonser)

Secondly, the regime has also limited aid organisations' ability to monitor aid distribution.⁶²

UN agencies and NGOs have adapted to this constraint somewhat differently. UN agencies

⁶¹ Anonymous personal interview, 27 October 2020.

⁶² Andrew Yeo, 'Evaluating the scope of people-to-people engagement in North Korea, 1995-2012', *Asian Perspective* 41, no. 2 (2017): 327.

have pushed back against North Korea and insisted on maintaining UN standards around monitoring, again reflecting their reputational authority and the value that cooperation with the UN as a whole represents to the regime. NGOs, on the other hand, lack this reputational authority, so they focus on forging government ties through trust-building and cooperative partnerships with North Korean officials to increase their ability to monitor aid.

Lastly, and perhaps most significantly, the North Korean government has not tolerated any form of dissent or advocacy against the regime on behalf of humanitarian organisations. UN agencies do have slightly more leverage, reflecting their reputational authority: they have at times used human rights language regarding North Korea. However, the discourse of UN agencies with a presence in North Korea remains considerably muted in comparison to OHCHR: '[addressing] the lack of political rights ... would make it impossible for [UN agencies] to work'.⁶³ Humanitarian NGOs are even more conservative in their discourse, entirely avoiding any language that could be interpreted as critiquing the regime.⁶⁴

Humanitarian organisations do not display adaptive capacity to this constraint: they have accepted the government's condition of not publicly speaking out against the regime, preferring to address the humanitarian need in the country rather than risk losing their access entirely.⁶⁵ Instead, they see public denunciation of the regime as falling under the purview of human rights organisations.

⁶³ Anonymous personal interview, 10 May 2022b.

⁶⁴ Chubb and Zadeh-Cummings, 'International Engagement', 137.

⁶⁵ Cohen, 'Sanctions Hurt', 37.

2.3 Imposed by South Korean and US governments

Sanctions regimes targeting authoritarian governments can significantly impede humanitarian operations by restricting the goods that can be imported, imposing bureaucratic burdens on aid agencies in the form of lengthy exemptions procedures, and creating challenges around banking.⁶⁶ In the North Korean case, the United States and South Korea impose restrictions on humanitarian NGOs' access to North Korea through both multilateral and unilateral sanctions. The UN Security Council has imposed sanctions on North Korea since its first nuclear test in 2006;⁶⁷ and although Resolution 2397 established humanitarian exemptions in 2017,⁶⁸ aid organisations have found that UN sanctions have nonetheless impeded their ability to effectively and rapidly deliver aid.⁶⁹

The US sanctions regime complements UN sanctions, increasing the comprehensiveness of sanctions as a whole against North Korea.⁷⁰ South Korean sanctions prohibit most inter-Korean cooperation, although they have fluctuated considerably under different administrations.⁷¹ Together, these sanctions regimes have disrupted banking channels, led to delays in obtaining supplies and delivering aid, made it increasingly difficult to obtain licences, forced aid organisations to spend more money and time navigating the exemptions process, and exacerbated the uncertainty surround humanitarian operations in the country.⁷² For NGOs, sanctions have had the additional consequence of eroding decades of trust- and

⁶⁶ Debarre, *Making Sanctions Smarter*, 3.

⁶⁷ Cohen, 'Sanctions Hurt', 39.

⁶⁸ UN Security Council, *Resolution 2397 (2017)*, 22 December 2017, para. 25.

⁶⁹ Zadeh-Cummings and Harris, 'The Impact of Sanctions', 50.

⁷⁰ Simone Zani, 'Sanctions against North Korea: A Descriptive Analysis of their Economic Impact (2000–2020)', *Peace Economics, Peace Science and Public Policy* 28, no. 4 (2023): 333; Wertz, *Special Report*, 10.

⁷¹ Wertz, *Special Report*, 26-27.

⁷² Cohen, 'Sanctions Hurt', 39-40; Zadeh-Cummings and Harris, 'The Impact of Sanctions', 50; Wertz, *Special Report*, 29-30.

relationship-building with their North Korean counterparts.⁷³ As one humanitarian worker put it, ‘sanctions have been increasingly tough . . . and they have increasingly reduced space for humanitarian aid’.⁷⁴

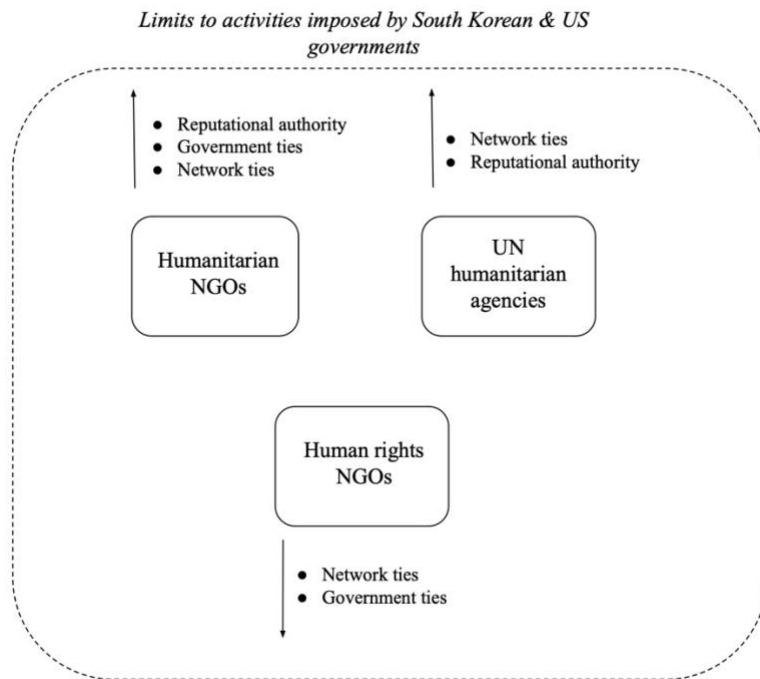


Fig. 4: Organisations’ adaptive capacity to limits to activities imposed by South Korean & US governments (Gonser)

Humanitarian organisations have adapted to these constraints in three ways. First, they rely on their reputational authority as independent, apolitical actors to emphasise that the assistance they provide is not intended to support the regime or to signal any kind of political position. While all humanitarian organisations in this sample acknowledge that their work is political because of the geopolitical situation surrounding North Korea, they insist on their independence as actors operating within this space. Second, NGOs rely on their government ties to advocate to government officials to facilitate further and broader sanctions

⁷³ See footnote 69 above.

⁷⁴ Anonymous personal interview, 27 October 2020.

exemptions. Lastly, NGOs lean on their network ties, as discussed earlier, to share information and coordinate their sanctions advocacy.

Network ties also play an important role in UN agencies' adaptation to sanctions restrictions, but in a different way than for NGOs. UN agencies have an obligation to respect UN Security Council sanctions, so while they do acknowledge and discuss their humanitarian impact, they do not engage in sanctions advocacy per se. As one human rights officer noted, 'it is the mandate of the Security Council to pursue peace and security. And sanctions is one of the prime means they have available'.⁷⁵ Instead, the Office of the Coordination of Humanitarian Affairs (OCHA) uses its network ties to provide informal briefings to the Sanctions Committee on the humanitarian consequences of sanctions. Its goal is to ensure the incorporation of human rights considerations when the Committee and member states design sanctions.⁷⁶

In addition, network ties allow UN aid agencies to communicate their concerns around sanctions to mechanisms such as the UN Special Rapporteur on human rights in North Korea, who can then advocate more publicly. As independent mandate holders, Special Rapporteurs are not subject to the same constraints as UN staff and are thereby able to openly critique the UN sanctions regime. As such, Tomás Ojea Quintana, the Special Rapporteur from 2016 to 2022, expressed concern that sanctions were contributing to the ongoing deterioration of the human rights situation in the country on several occasions, including economic, social, and cultural rights.⁷⁷

⁷⁵ Anonymous personal interview: 19 April 2022

⁷⁶ 1718 DPRK Sanctions Committee: Panel of Experts Mandate Renewal', Security Council Report. Accessed 24 April 2024. <https://www.securitycouncilreport.org/whatsinblue/2020/03/1718-dprk-sanctions-committee-panel-of-experts-mandate-renewal.php>

⁷⁷ UN General Assembly, *Situation of human rights in the Democratic People's Republic of Korea: Report of the Secretary-General*, A/77/247, 2022; UN General Assembly, *Situation of human rights in the Democratic*

Human rights groups face considerably fewer limits to their activities; without a presence in the country North Korea cannot constrain rights organisations in any way, and their work is not subject to any sanctions regime. South Korean human rights NGOs do face some limitations, however. First, the South Korean government prohibited the flying of informational leaflets about human rights across the border into North Korea in 2020; an activity which activists and some rights NGOs had been engaging in for decades.⁷⁸ This ban was justified through the argument that the leaflets caused tension with the North, negatively impacting President Moon's efforts to pursue inter-Korean dialogue and cooperation.⁷⁹

In another instance of the South Korean government seeking to limit NGO activity, in 2020 the Database Center for North Korean Human Rights (NKDB) was suspended from accessing newly arrived North Korean escapees at the government facility Hanawon, where escapees spend their first three months in South Korea. Prior to this, NKDB, an NGO that collects data around, monitors, and analyses rights violations in North Korea, was among three groups including the South Korean government and the UN that were able to interview escapees at this facility.⁸⁰ The data collected there informed NKDB's annual White Paper on North Korean Human Rights, a resource used widely by advocates and governments including OHCHR and the US State Department.⁸¹

People's Republic of Korea: Note by the Secretary-General, A/76/392, 2021; UN General Assembly. *Situation of human rights in the Democratic People's Republic of Korea: Note by the Secretary-General*, A/74/275, 2019.

⁷⁸ Robert King, 'South Korea Bans Balloons Carrying Leaflets to the North. Foreign Policy Problems Will Follow', *Center for Strategic and International Studies*, 2020.

⁷⁹ See footnote 78 above.

⁸⁰ Ifang Bremer and Shreyas Reddy, 'Seoul to Allow Private Groups to Interview New North Korean Defectors Again', *NK News*, 23 Jan. 2023, www-nknews-org.offcampus.lib.washington.edu/2023/01/seoul-to-allow-private-groups-to-interview-new-north-korean-defectors-again/.

⁸¹ See e.g., UN Office of the High Commissioner of Human Rights (OHCHR), *"I still feel the pain..." Human rights violations against women detained in the Democratic People's Republic of Korea, 2020*; US State Department, *2022 Report on International Religious Freedom: Democratic People's Republic of Korea (DPRK)*, 2022.

In both instances, NGOs adapted by relying on their network ties to advocate against these constraints. In the case of the anti-leaflet law, international groups came to the defence of leaflet launchers, including Human Rights Watch and the UN Seoul Office.⁸² Additionally, close to 30 South Korean human rights groups banded together to file a constitutional complaint in December 2020 requesting an injunction against the law.⁸³ Eventually, their advocacy was successful: in 2023, under the new Yoon Administration, the law was struck down by South Korea's Constitutional Court.⁸⁴ NKDB relied on their government ties and international networks to advocate for continued access to newly arrived escapees. In perhaps the most significant show of support, then Special Rapporteur Tomás Ojea Quintana spoke about the importance of allowing civil society to interview escapees at Hanawon.⁸⁵ In 2023, again under the new Yoon Administration, the South Korean government re-opened access to Hanawon, although under more restrictive terms than before.⁸⁶

3. Government investigations into human rights and humanitarian activity

The last type of constraint experienced by both human rights and humanitarian NGOs in this study is legal investigations brought by democratic governments. While NGOs working in

⁸² William Gallo, 'South Korea Faces Criticism for Crackdown on Leaflet Launchers' *VOA News*, 22 July 2020, https://www.voanews.com/a/east-asia-pacific_south-korea-faces-criticism-crackdown-leaflet-launchers/6193221.html

⁸³ Library of Congress, *South Korea: Amended Law Criminalizes Sending Leaflets to North Korea by Balloon*, 19 January 2021, <https://www.loc.gov/item/global-legal-monitor/2021-01-19/south-korea-amended-law-criminalizes-sending-leaflets-to-north-korea-by-balloon/#:~:text=They%20claim%20that%20the%20new,injunction%20against%20the%20new%20law.>

⁸⁴ Tong-Hyung Kim, 'South Korea's Constitutional Court Strikes down Law Banning Anti-Pyongyang Leafletting', *AP News*, 26 Sept. 2023, apnews.com/article/south-korea-propaganda-leaflets-kim-jong-un-b3e8c5dd05c50e1d91dafca807b91b35.

⁸⁵ UN Human Rights Council, *Situation of human rights in the Democratic People's Republic of Korea: Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea*, A/HRC/46/51, 19 March 2021, para. 40.

⁸⁶ Bremer and Reddy, 'Seoul to Allow Private Groups'.

authoritarian contexts are no stranger to this type of pressure,⁸⁷ investigations are usually led by the authoritarian state in question, not democratic governments. In the North Korean context, however, the sensitivity of human rights and humanitarianism and their use as foreign policy tools by the US and South Korea has put these NGOs in a particularly vulnerable position.

In South Korea, twenty-five human rights and resettlement NGOs working in the North Korean context were placed under investigation by the government in 2020.⁸⁸ This was broadly interpreted as an intimidation tactic designed to silence rights organisations while the Moon administration pursued dialogue and cooperation with the North Korean government. As one human rights worker noted, ‘it’s a very toxic environment for North Korean human rights organisations [in South Korea]’.⁸⁹ The US government has not launched investigations on the same scale as the South Korean government, but in early 2018 it did place a humanitarian NGO, American Friends Service Committee (AFSC), under investigation regarding sanctions compliance,⁹⁰ causing concern among the US humanitarian community as a whole. The investigation, lasting several months, forced AFSC, which has had a presence in North Korea dating back to 1953, to devote funds intended for aid on legal fees.⁹¹ This led to general uncertainty among US humanitarian groups around the legality of their operations. At the same time, the Trump administration halted all communication with humanitarian

⁸⁷ See e.g., Freek van der Vet, Freek, ‘“When They Come for You”: Legal Mobilization in New Authoritarian Russia’, *Law & Society Review* 52, no. 2 (2018): 301–36; Alex Vatanka, ‘The Authoritarian Resurgence: Iran Abroad’, *Journal of Democracy* 26, no. 2 (2015): 61-70; Jude Howell, K. R. Fisher and X. Shang, ‘Accountability and Legitimacy of NGOs under Authoritarianism: The Case of China’, *Third World Quarterly* 41, no. 1 (2020): 113–32.

⁸⁸ The Committee for Human Rights in North Korea (HRNK), *Oppression of the North Korea Human Rights Movement by the ROK Administration*, 12 August 2020, <https://www.hrnk.org/events/announcements-view.php?id=75>

⁸⁹ Anonymous personal interview, 27 January 2022.

⁹⁰ Chad O’Carroll, ‘Not-for-profit was targeted in U.S. sanctions investigation, sparking NGO fears’, *NK News*, 5 February 2020, <https://www-nknews-org.offcampus.lib.washington.edu/2020/02/not-for-profit-was-targeted-in-u-s-sanctions-investigation-sparking-ngo-fears/>

⁹¹ See footnote 88 above.

NGOs: as one interviewee remarked, ‘it appeared the targeting of humanitarian NGOs was part of the overall pressure campaign against North Korea’.⁹²

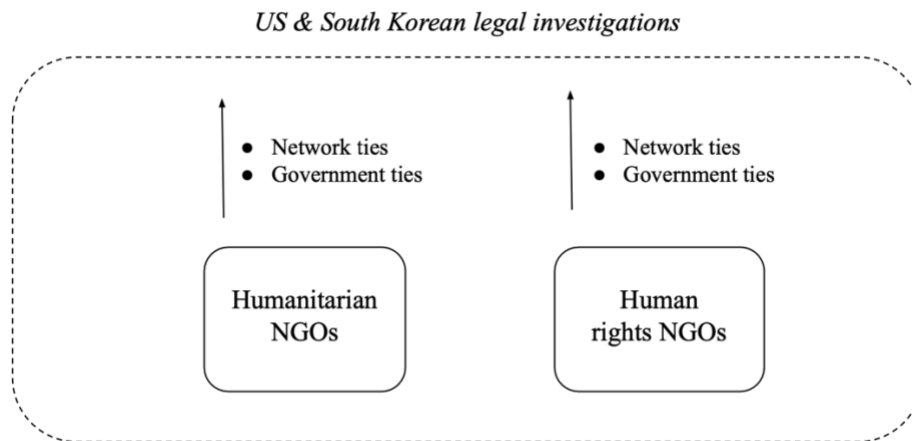


Fig. 5: Organisations’ adaptive capacity to legal investigations brought by US & South Korean governments (Gonser)

In both cases NGOs’ network ties played a central role in their adaptive capacity to these investigations. Because the US investigation into AFSC was related to sanctions compliance, I treat NGOs’ advocacy against sanctions as an adaptive strategy to the implications of such an investigation on the US humanitarian community as a whole. Both network ties and government ties were central to this effort, and it was somewhat successful: in 2021, the State Department introduced multiple-entry passports for humanitarian groups, reducing the bureaucratic burden of navigating sanctions requirements.⁹³

⁹² Anonymous personal interview, 6 October 2022.

⁹³ Jeongmin Kim, ‘US introduces “multiple-entry” passports for aid workers visiting North Korea’, *NK News*, 15 Sep. 2021, <https://www.nknews.org/2021/09/us-introduces-multiple-entry-passports-for-aid-workers-visiting-north-korea/#:~:text=News-,US%20introduces%20'multiple%2Dentry'%20passports%20for,aid%20workers%20visiting%20North%20Korea&text=The%20U.S.%20has%20introduced%20a.website%20showed%20earlier%20this%20week>

In the South Korean case, rights groups and escapee-led organisations banded together to form a joint countermeasure committee.⁹⁴ Through their network, South Korean NGOs leveraged their government ties to conduct advocacy towards government officials in South Korea and in the US to push back against this constraint. In a meaningful show of transnational support, US high-level officials and rights activists signed a joint open letter to President Moon urging his administration to ‘review [its] policy of intimidating and harassing North Korean human rights organisations’.⁹⁵

Conclusions

This article examined the ways in which humanitarian and human rights organisations working in the North Korean context are constrained by governments and how they adapt to these constraints. The North Korean government as well as South Korean and US governments all impose restrictions on these organisations: they impede their access to local populations, they restrict the scope of humanitarian and human rights activity, and South Korean and US governments have placed some organisations under investigation, putting the continuation of their work into question. As I have shown, these organisations display extraordinary resilience when confronted with these constraints, adapting their strategies and advocating for a loosening of restrictions. Network ties between organisations are central to their adaptive capacity: networks increase their persuasive power, they facilitate a broader audience to their demands, and they enable information sharing and coordinated strategising.

⁹⁴ Jeongmin Kim, ‘Seoul court suspends plan to revoke North Korean human rights group’s permit’ *NK News*, 13 August 2020, <https://www-nknews-org.offcampus.lib.washington.edu/2020/08/seoul-court-decides-in-favor-of-defector-group-revoked-of-corporate-permit/>

⁹⁵ See footnote 89 above.

This article makes several contributions. First, it expands existing knowledge on humanitarianism and human rights in authoritarian contexts by considering North Korea as a case study. Together, the conditions practitioners face in North Korea are unique, but they exist in different forms and to different degrees in other contexts. In Gaza, humanitarian NGOs also struggle to obtain visas from Israel and gain access to local populations. In Colombia, human rights groups face censorship and violence on behalf of the state as they draw attention to injustices. In Syria, sanctions limiting banking have impeded humanitarian aid. Exploring the nuances of the North Korea context helps improve understandings of human security under authoritarianism more broadly.

Second, this paper makes a contribution to the literature on intersections between human rights and humanitarianism. While existing research explores how aid groups are increasingly engaging in advocacy and considering the systemic causes of humanitarian need, and how rights actors' focus on social and economic rights is growing, this piece offers an alternative lens through which to consider how the two fields overlap: through their adaptive capacity. This approach highlights the dynamic and relational character of humanitarianism and human rights: as their environments change, so do their strategies.

Third, this research broadens the scope of Li and Farid's framework and offers new ways of thinking about the constraints organisations face and the ways in which they adapt.

Authoritarian regimes are not the only actors shrinking humanitarian and human rights spaces: democratic governments play an important role too. Similarly, I argue that networks need to be incorporated in understandings of organisations' adaptive capacity: they can increase organisations' power on the global stage.

This leads to the fourth contribution: this study expands on research that portrays NGOs as exclusively competitive. I show that in a closed authoritarian context, networks increase the persuasiveness of organisations' advocacy, improve their ability to pressure governments, and offer valuable opportunities for organisations to collectively strategise in an information-scarce context.

Lastly, this paper makes a contribution to the practitioner world. By highlighting similarities across human rights and humanitarian organisations, organisations located in South Korea and in North America, NGOs and UN organisations, I hope this research can serve as a foundation for further coalition building to help make the humanitarian and human rights communities even stronger.

Conclusions

This research examined intersections between human rights and humanitarianism in the North Korean context with the goal of understanding how organisations propose to address human insecurity in the country, the challenges they face and how they adapt to them, and the openings they have found for their work. I conclude with a summary of the research findings of each chapter, before discussing the contributions this dissertation offers to academics and practitioners. Lastly, I propose areas for future research.

Research findings

The first chapter considers women's rights, a central field of overlap between human rights and humanitarianism, from a methodological perspective. I adopt a feminist lens to explore the implications of conventional narratives about women in North Korea and offer alternative ways of framing their experiences and the roles that they play. In the North Korean context, there is very limited access to information on the situation on the ground, and rights discourse about North Korean women tends to rely on language that emphasises their vulnerability to exploitation and abuse in support of calls to hold the regime accountable. This makes it particularly challenging to adopt a feminist framework that centres women's voices, that recognises their intersectionality and the diversity of their experiences, and that highlights their agency. I find that it is crucial that we acknowledge the limitations inherent to the North Korean context: accounts by women who have escaped North Korea are not necessarily representative across time, space or different identities. This means avoiding generalisations and instead situating each account. In addition, I encourage human rights experts to emphasise women's autonomy while also calling attention to the regime's violations: without

being able to directly communicate with North Korean women living inside the country, researchers risk making assumptions that can have a disempowering effect.

The second chapter delves into human rights and humanitarian organisations' strategies in response to human insecurity in North Korea. It relies on the engagement to accountability continuum, a framework that allows a nuanced understanding of the range of positions each organisation adopts, from approaches that focus on dialogue and reconciliation to strict calls to hold the regime accountable for its rights violations. Different factors inform each organisation's position on the continuum, including the types of rights each organisation supports, the kind of advocacy they engage in, their discourse style, and how they understand responsibility for human insecurity. I find that organisations that promote engagement tend to focus on social and economic rights, engage in peace advocacy and advocacy against sanctions, adopt a humanising and moral discourse, and consider the impact of the Korean war on the current state of human insecurity in North Korea rather than solely blaming the regime. Contrastingly, organisations that advocate for holding the North Korean government accountable typically emphasise civil and political rights, engage in rights advocacy, use legalistic discourse, and consider North Korea as solely responsible for human insecurity in the country. By situating these factors on a continuum, I show that human rights and humanitarian groups do not exist on the opposite ends of a binary; rather there is significant overlap in the ways that they talk about their work, who their audiences are, how they position themselves within global politics, and how they envision change in North Korea.

The last chapter looks at the ways in which these human rights and humanitarian organisations are restricted by North Korean, South Korean and US governments, and how

they adapt to these constraints. It extends Li and Farid's framework of adaptive capacity¹ by considering how organisations' network ties impact their ability to adapt, in addition to the value of their work, the sensitivity of the issues they are working on, their ties with government, and their reputational authority. I find that organisations face three types of constraints: (1) limitations to their ability to access North Korea and North Koreans, (2) restrictions on the scope of activities they are able to carry out, and (3) government investigations into their work. These investigations are carried out by South Korean and US governments, while limitations to organisations' access and activities are imposed both by the North Korean government and by democratic governments through sanctions. Network ties play an important, empowering role in organisations' responses to these restrictions. They facilitate the dissemination of NGO advocacy, both by allowing smaller NGOs to connect with UN actors and by enabling these NGOs to come together to engage in joint advocacy. They also allow UN actors to communicate directly with other branches of the UN, thereby influencing UN policy and informing UN advocacy. Other tools are also important to organisations' adaptive capacity, including their reputation as neutral actors with specialised expertise, their ties to governments, and the globally recognised value of their work.

Contributions

This dissertation makes several contributions: to academic fields including international relations, area studies on North Korea, and research on authoritarian systems, and to practitioner literature. First, by considering North Korea as a case study, this dissertation offers insights that are applicable in other authoritarian contexts. Issues like strict limits to

¹ Hui Li and May Farid, 'Stay or exit: How do international nongovernmental organizations respond to institutional pressures under authoritarianism?', *Regulation & Governance* 17, no. 2 (2023): 512-530.

access to local populations, a lack of comprehensive, verifiable data on the full extent of humanitarian need and rights abuses, and sanctions regimes that impede humanitarian operations, all exist in different permutations in other contexts. I hope that the findings of this dissertation are instructive for researchers looking at other cases around the world and that they inform future research into methodological tools for approaching closed contexts, into organisations' adaptive capacity, and into the ways that they generate meaning.

Second, it fills a gap in the literature by considering how new humanitarianism² applies in a closed authoritarian context. Some elements are absent in the North Korean context: humanitarian actors avoid any discourse related to human rights, they emphasise their neutrality, and they do not publicly consider the role the regime has played in perpetuating human insecurity. Doing so would likely result in the government cutting off their access: there is no space for these approaches in this context. Nonetheless, they do incorporate some aspects of new humanitarianism: they consider human security from a long-term perspective, many organisations have adopted a peace-building agenda, and they engage in advocacy against sanctions (which they view as compatible with their status as neutral actors).

This dissertation also contributes to international relations literature by offering fresh ways to understand intersections between human rights and humanitarianism: in the North Korean context, both types of organisations are forced to adapt to particularly restrictive conditions: they not only face constraints imposed by the Kim regime, but their work is also heavily

² Monica Adami, 'A Disorder of the Humanitarian Sector: The New v Old Humanitarianism Debate', *Disasters* 45, no. 2 (2019); Dorothea Hilhorst and Bram J. Jansen, 'Constructing Rights and Wrongs in Humanitarian Action: Contributions from a Sociology of Praxis', *Sociology* 46, no. 5 (2012): 891–905; Miriam I. Ticktin, *Casualties of care immigration and the politics of humanitarianism in France* (Berkeley: University of California Press, 2011).

impacted by democratic governments' responses to the regime's provocations. These governments use human rights and humanitarianism as policy tools, providing and withdrawing support as geopolitical tensions and administrations change and imposing sanctions that impede the effectiveness and timeliness of humanitarian operations. Organisations adapt to these constraints in similar ways, again highlighting the overlap between their approaches.

In addition, these fields intersect through the ways that organisations propose to approach North Korea. While human rights actors' confrontational tactics and humanitarians' pursuit of engagement may appear diametrically opposed, this dissertation unpacks the range of different strategies organisations adopt and shows that in fact, there is considerable overlap between both groups.

Lastly, it contributes to practitioner literature. The perspectives of human rights advocates and humanitarian workers are the foundation of this research, and by bringing them into conversation with academic debates, I offer a fresh lens of analysis on their work. I hope that this dissertation inspires future collaboration between humanitarian and human rights organisations working in the North Korean context, allowing them to form stronger and more effective responses to human insecurity in the country. Their knowledge and experience are complementary in several regards, beginning with the kinds of issues each group is focused on: much of humanitarian assistance responds to the social and economic rights of aid recipients, including the rights to food, health, water and sanitation. Humanitarians' presence inside North Korea also means that they have insights that human rights actors, who are unable to enter the country, lack. In particular, humanitarian groups have extensive experience negotiating the scope of humanitarian projects with North Korean officials,

navigating the parts of the system that they interact with, and expanding access to certain regions and populations. This experience could support human rights negotiations by providing context on which aspects of human security the regime is most responsive to and which communication styles are most effective. Similarly, human rights actors' expertise can complement humanitarian activity. Humanitarian NGOs avoid any language that could be interpreted as critiquing the North Korean government, including acknowledging the systemic causes of humanitarian need, because doing so would likely result in the regime cutting off their access. Human rights NGOs do not have access to begin with, so they are better positioned to speak out against the regime and could function as advocates for humanitarians' concerns about the system within which they are distributing aid. Finally, humanitarianism and human rights in North Korea lie at the centre of geopolitical tensions; both types of organisations share the experience of being either constrained or supported by governments depending on the political climate. If rights groups and aid organisations formed networks together, they would increase the weight of their advocacy in the face of these constraints, and they would gain access to an even wider audience.

Areas for further research

This dissertation focuses on humanitarian and human rights NGOs based in South Korea and North America, but there are many more in Europe. Future research could explore how my findings apply to European NGOs: where would they be situated on the engagement to accountability continuum? Are they constrained by European governments in the same way that the NGOs in my sample are constrained by South Korean and US governments? Do they display similar adaptive capacity?

The UN organisations included in this sample are limited to the Office of the High Commissioner of Human Rights (OHCHR) and the Office for the Coordination of Humanitarian Affairs (OCHA). Future research might focus on the entire range of UN bodies working to respond to human insecurity in North Korea, including the United Nations Children's Fund (UNICEF), the World Food Program (WFP), the United Nations Development Programme (UNDP), the Food and Agriculture Organisation (FAO), and the United Nations Population Fund (UNFPA), and consider how they interact with their human rights counterparts as well as humanitarian NGOs. Such a study could be expanded even further by considering other international aid organisations like the International Committee of the Red Cross (ICRC) and Médecins Sans Frontières (MSF) among others.

Lastly, while my research offers new ways to think about how human rights and humanitarian organisations generate meaning and adapt to the constraints imposed on them, future research could test and potentially expand these frameworks to other authoritarian contexts. This could mean exploring the extent to which the different factors informing an organisation's position on the engagement to accountability continuum apply to NGOs working in other countries, and considering whether organisations are similarly reliant on networks to adapt to restrictions imposed on them by governments. This would demonstrate the generalisability of my findings and strengthen academic understandings of how organisations respond to human insecurity in authoritarian regimes.

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