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“Here to help? The challenges of providing human rights protection and humanitarian assistance to North Koreans.”

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Here to help? The challenges of providing human rights protection and humanitarian assistance to North Koreans

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Abstract

Why is there a growing divide between experts working on humanitarian aid delivery and human rights advocacy in North Korea when the two areas are defined as complementary to each other? How does this divide affect the objectives of both expert communities? What should be done about the divide? This paper strives to answer these questions by arguing that different goals and supporters led to the divide. The hypothesis will test whether the divide has harmed both objectives in the form of slashed funding and neglect of issues. In response to this effect, this paper will recommend that collaborating and focusing on preventing problems will be crucial in achieving sustainable gains for both sides.

Keywords: North Korea, humanitarian aid, human rights, divide, politics, ideology, professional

Chapter 1

Introduction

This paper stems from a puzzle. Why would two communities working on North Korea conflict with each other when they appear to be working towards the same goal of improving people's lives? One group of humanitarian aid workers focuses on alleviating suffering by providing food, medicine, disaster relief, etc. Another group of human rights advocates aims to protect civil and political rights such as the freedom from torture and slavery, freedom of expression, etc. Both groups consist of large organizations that work on other regions such as Mercy Corps for aid and Amnesty International for rights, in addition to organizations with mandates specific to North Korea such as Christian Friends of Korea for aid and the Committee for Human Rights in North Korea (HRNK) for rights. At first glance, it is easy to think that they must be working towards the same goals, or even think of them as the same kind of groups. Even the Bush administration used the term 'humanitarian assistance' interchangeably to fund human rights organizations for a bill called the North Korean Human Rights Act of 2004 (US Congress 2004). The definitions of humanitarian aid and human rights indeed overlap due to a broad interpretation of both

terms, but professionals working on these two areas describe an increasing divide, as seen in North Korea.

As the two communities pursue their agendas, conflicts intensify through criticisms against each other. For example, human rights advocates criticized humanitarian aid in a report that claims as much as “30 percent of food aid [to North Korea] is diverted” to its political elite (Haggard and Noland 2005). Humanitarian aid is ineffective, according to this line of argument, because cash ‘handouts’ have been diverted mainly to North Korea’s nuclear development program and luxury goods (Habib 2011; Lee 2007). Meanwhile, other scholars have countered this criticism by arguing that human rights advocates “shame North Korea into making tactical concessions” (Goedde 2018; Feffer 2010; Weingartner 2013). Although human rights advocates try to liberalize and improve living conditions, critics argue that “naming and shaming” campaigns actually worsen situations (Yeo 2014; Schouten 2010; Jannuzi 2014).

In the face of harsh criticisms against each other, both communities have experienced setbacks as seen in slashed funding and neglect of their agendas during bilateral negotiations. Although these setbacks are not caused solely by this divide, international aid funding to North Korea has consistently decreased from \$103.9 million in 2012 to \$22.9 million in 2018

(UN 2018). Human rights funding has also dwindled because of the 43% cut by the U.S. State Department in 2018 and 92.6% cut by the Korean government in 2016 (O'Carroll 2018, Ryall 2018, Human Rights Watch 2019). In addition, during bilateral summits with Kim Jong Un, both the United States and South Korea have ignored human rights at the negotiation table. While the two communities on human rights and humanitarian aid may need each other's help to overcome these setbacks, they remain in a stalemate.

Regarding this curious divide, three questions arise. *Why* is there a divide between humanitarian aid and human rights? *How* does this divide affect the objectives of both expert communities? *What* should be done about the divide? This paper strives to answer these questions by first arguing that actors' different goals and supporters lead to the divide. Then, it will contend that this divide has harmed both objectives in the form of slashed funding and neglect of issues during bilateral summits. In response, this paper will suggest that collaborating and focusing on preventing humanitarian and human rights crises will be crucial in achieving sustainable gains for both sides.

To recognize a divide, the definitions section of Chapter 1 will first define the two terms: humanitarian aid and human rights. The literature

review section will then better contextualize the divide within the scholarly debate and identify the literature gap to which this research can contribute. After the literature review, this chapter will explore why North Korea is a worthwhile case study. Next, the methods section will summarize two factors that may cause the divide: different goals and supporters. After evaluating causes for the divide, it will introduce the hypothesis of whether the divide ultimately hinders the objectives of the two communities. The methods section will illustrate who the actors are in the aid and rights community. The unit of analysis will be ‘actors,’ which is defined as ‘aid workers,’ and ‘rights advocates’ working on North Korean issues. In addition to the above terms, the encompassing concepts ‘organizations,’ ‘communities,’ and ‘expert communities’ will be used interchangeably for this paper. Lastly, the methods section will outline the rest of the paper.

Definitions

In order to recognize the conflict between the aid and rights community, this section will define the two communities and outline how the definitions overlap. First, what is so ‘humanitarian’ about humanitarian aid, compared to other forms of foreign aid? Humanitarian aid is defined as an action that attempts “to save lives, alleviate suffering and maintain human dignity during and in the aftermath of crises, as well as to prevent

and strengthen preparedness,” according to the Organisation for Economic Co-operation and Development (OECD). Humanitarian aid improves people’s lives under four principles: humanity, neutrality, impartiality, and independence (Bagshaw 2012).

‘Classical’ humanitarian aid is the delivery of material aid strictly based on these humanitarian principles (Hilhorst 2018). Food, clean water, and medical aid are forms of immediate aid as they alleviate the suffering of those who are starving, sick, or dying right now. In the context of North Korea, the majority of funding for humanitarian aid has been dedicated to food aid at times of disaster (North Korea in the World 2017). While distinguished by some scholars as ‘development aid’ that is separate from humanitarian aid (Jang 2017), other scholars categorize infrastructure construction or delivery of necessary material for disaster prevention, agriculture, medical facilities, and transportation as a form of humanitarian aid that alleviates suffering in the long-term (Muggah 2013). Along these lines, scholars classify development aid as part of humanitarian aid as it brings “planned, incremental, and sustainable change” (Monico et al. 2014, Bess & Link 2011, Fink & Redaelli 2011, Estes 1993).

Then, what are human rights? The United Nations defines human rights as rights inherent to all human beings regardless of race, sex,

nationality, ethnicity, language, religion, or any other status (UN 1948, UN 2016). With roots from seventeenth and eighteenth century liberalism, the concept of human rights first emerged from the harrowing conditions of World War II, most notably in the Universal Declaration of Human Rights (Wronka 2013, Randall 2013). Human rights are guided by five principles: “human dignity; non-discrimination; civil and political rights; economic, social, and cultural rights; and solidarity rights” (Wronka 2013).

Of these principles, the last three divide human rights into three broad categories of civil and political rights (negative rights); social, economic, and cultural rights (positive rights); and solidarity rights (group rights) (Randall 2013, Vasak 1977). Civil and political rights are negative rights because they protect against state interference and include the right to life and liberty and freedom from torture and slavery (OHCHR 1966a; Randall 2013). Social, economic, and cultural rights are positive rights because the state must work to meet these basic needs such as the rights to food, housing, clothing, education, and work (OHCHR 1966b; Randall 2013; UN 1948). Although recognition of this third category is still disputed, solidarity rights encompass group rights to development, a clean environment, and peace (Griffin 2008, Wellman 2000).

Of these three kinds of rights, human rights organizations in the foreign policy context have focused mainly on highlighting civil and political rights violations. This focus can be traced back to the Cold War era when these rights were associated with Western liberal thought, compared to social, economic, and cultural rights associated with Communist countries (Randall 2013). Most notably, the UN's Human Rights Committee (OHCHR) was explicitly established to monitor compliance with these civil and political rights (OHCHR 1966a). Civil and political rights violations in the context of North Korea have mainly referred to the incarceration of 100,000 political prisoners (U.S. Department of State 2017). In contrast, humanitarian aid organizations have invoked obligations of social, economic, and cultural rights in the context of delivering aid (Müller 2013).

The reason the two areas overlap stems from broad definitions on both sides. From the perspective of human rights, the basic spirit of human rights and humanitarian aid is “mutually complementary,” especially in the context of armed conflicts (United Nations 2011). Considering that the two Koreas are still at war, human rights advocates and some aid workers view aid from a rights perspective, arguing that aid should be implemented to “promote and protect” basic human rights (United Nations 2011, Cotterrell 2005). Beyond rights advocates' narrow focus on civil and political rights

that protect against state intervention, international human rights law (IHRL) also includes rights that aid organizations often invoke such as the social, economic, and cultural rights that oblige states to provide for people's basic needs and welfare (Randall 2013). In contrast, the improvement of human rights standards can be understood as helping realize humanitarianism from the perspective of aid (Jhe 2011). In response, legal scholars have argued that *lex specialis*, the more specific law, should be applied in overlapping circumstances, leaving the distinction blurry at best (Kolb and Gaggioli 2013).

Due to this overlap in definition, the distinction of aid and rights organizations on the ground has become an increasingly hard task. For humanitarian aid organizations, the concept of 'new humanitarianism' has expanded the category of organizations to include those that advocate human rights alongside aid delivery. 'New humanitarianism' is defined as a 'human rights-based' approach that embeds human rights into aid delivery (Fox 2002). While 'classical humanitarianism' has been the gold standard for identifying humanitarian aid activities, other scholars advocate for aid delivery under the 'moral banner' of 'new humanitarianism,' arguing it would be a "naive illusion" to think that aid can be politically neutral (Fox 2002). Doctors Beyond Borders is an example of a 'new humanitarian'

group while well-known ‘classical’ aid groups in North Korea include the Red Cross, UNICEF, and WHO.

This paper, however, contests that distinguishing aid and rights organizations is possible by using the distinction between ‘classical’ versus ‘new’ humanitarianism. North Korea has denied access to all organizations that follow this definition of ‘new humanitarianism’ including organizations such as Doctors Beyond Borders (MSF) (Savage 2002, Magone et. al 2012). Through the process of elimination, the only remaining aid organizations working on the ground in North Korea are classical humanitarian aid organizations.

In the case of North Korea, permission by the recipient regime to deliver aid is another simple heuristic that helps distinguish classical humanitarian organizations from those that incorporate advocacy. Without permission from the regime, some human rights organizations provide what could be considered humanitarian aid in a broader definition. Human rights organizations deliver this ‘aid’ either inside or outside the regime. ‘Aid’ delivered outside the regime is in the form of financial, legal, and material support to defectors who have already escaped the country for political or economic reasons. A small minority of rights groups directly provide aid by throwing bottles in the ocean or sending balloons in the sky. These packages

are usually filled with rice, flyers, and USB devices that contain information about the outside world.

The important practical distinction of what could be considered ‘aid’ by human rights organizations is that the North Korean regime does not grant permission. North Korea, China, and Southeast Asian countries either legally prohibit or do not explicitly permit these activities. Foreign governments such as the United States, South Korea, and Japan, however, allow or even fund these activities. A possible reason, from the perspective of the North Korean regime, is that the flow of information and a shift in power dynamics can accompany these activities (Savage 2002).

Just as humanitarian aid can encompass human rights activities under the definition of ‘new humanitarianism,’ rights advocates can interpret humanitarian aid activities through the context of human rights. According to broader definitions, large organizations working on human rights such as “Amnesty International, Human Rights Watch, and the United Nations [OHCHR] have treated the lack of food and basic needs in North Korea as a human rights problem” (Yeo 2014). While the delivery of food is conventionally considered the domain of humanitarian aid, rights advocates often chime in on issues of aid delivery and discuss these issues within the framework of human rights.

Rights advocacy, in a narrower sense, revolves around civil and political rights of citizens including the freedom of expression, political participation, freedom from torture, a right to life, and the freedom of movement. The delivery of aid material with the permission of the recipient country is more accurately categorized as humanitarian aid activities for this research. Human rights advocacy, in practice, focuses on human rights violations by the North Korean regime such as political prison camps.

When either definition is taken to its extreme, any kind of human rights or humanitarian aid activity can be labeled as the other category, making distinction increasingly difficult. This difficulty, however, illustrates the value of a narrower interpretation because it allows people to recognize a divide among these seemingly similar groups of professionals and the impact of the divide. Having defined the terms of the analysis, the next section will look at how the issue fits into the broader debates of political science and what insights scholars provide.

Literature Review

Now that the definitions section has defined the two areas, the literature review will examine Transnational Advocacy Networks (TANs), an umbrella term for both humanitarian aid and human rights organizations. TANs are known to work on marginal ideas for which "sustained mass

mobilization is unlikely" (Keck and Sikkink 1998). Despite the odds, TANs successfully advocate for issues by exerting leverage and requiring accountability through information and symbolic politics (Keck and Sikkink 1998). TANs establish wide resonance by appealing for protection to the most vulnerable population, especially infants and children. Aid workers and rights advocates are great examples of actors highlighting political prisoners, children, and mothers who do not have civil, political rights or access to basic needs such as food, medicine, and clean water.

Some scholars argue that the influence of TANs is limited because they are "reactive" to situations rather than bringing sustainable change (Schmitz 2018). In the case of aid, initiatives often start ad-hoc in response to large disasters (Franke et al. 2011). Without local capacity, recipient countries often start to rely on this large influx of aid (Chu 2017). Similarly, critics argue human rights advocates should move beyond "naming and shaming" by being "responsive to local demands" and shifting their attention to the prevention of human rights violations (Schmitz 2018). The first step in addressing these limitations is to "take a closer look at the internal dynamics of participant NGOs" (Schmitz 2018). This paper aims to present effective ways of improving rights advocacy and aid delivery by

following this recommendation of analyzing TANs and “activists as the central protagonists” (Yeo 2018; Tarrow 2005).

Although previous articles separately analyze the use of aid and rights for political aims (Yeo 2011 38 North, Erez 2017), this paper is distinctive because it investigates the interaction between the two areas of aid and rights. There has arguably been no reconciliation or formal cooperation between the two communities (R. Cohen 2016), and surprisingly few scholarly articles measure the impact of a divide among actors in the area of humanitarian aid and human rights. In the case of North Korea, articles often allude to *a* divide, in the context of the broader progressive and conservative political conflict, but do not define exactly what this divide entails (Taylor 2011, Moon 2014, Goedde 2018).

This gap in literature means that there is a large potential for improvement. Core attitudes towards North Korea remain one of the most bipartisan issues in the U.S., yet policymakers and professionals still experience a political divide in practice (Pew Research Center 2017). This research seeks to translate this consensus over to the divide by providing information that can be used to navigate through this policy space. Scholars have hinted at the idea that this divide has been harmful (Reidhead 2018,

Savage 2002, Zadeh-Cummings 2017). This research attempts to evaluate this claim by measuring the impact and providing policy recommendations.

Why North Korea?

Of all countries, why should North Korea be an important case study? Stakes in the case of North Korea are high because it is experiencing one of the worst crises of human suffering in the world, in addition to being strategically important. Since the 'Pivot to Asia' strategy of the Obama administration and North Korea's nuclear developments, the country has been at the crosshairs of colliding strategic interests with the Korean War being an example (Fishel 2017). For years to come, policy on North Korea represents how the U.S. will respond to increasing influences such as China and Russia. Not to mention, an uncoordinated policy agenda can worsen the suffering of citizens in North Korea from both a shortfall in aid and ongoing human rights violations. For humanitarian aid, about 1-3 million people starved during the 1990s famine, and 11 million continue to be undernourished (Lee 2008, Crossette 1999, UNRC DPRK 2019). Critics point out that sanctions are used in response to human rights violations (Drury 2006, Park and Walsch 2016, Lopez 2013), and these sanctions have caused at least 4,000 deaths a year (Park 2019). For human rights, 100,000 citizens continue to be imprisoned in political prison camps (U.S.

Department of State 2019; Cohen 2015; Hallett 2005). Critics go on to argue that up to 30% of aid was diverted to its political elite, allowing the regime to continue oppressing its people and pose a nuclear threat to the world (Haggard 2005).

The North Korea case exemplifies the broader divide between aid and rights because it presents a more simple view of the divide. As a dictatorship that strictly controls the kind of organizations that enter its border, North Korea offers a clearer distinction among the involved actors and therefore the divide. Digging into the North Korea case will yield patterns that are also found in the broader divide between aid and rights that persists throughout the world. Lessons from the North Korea divide will facilitate working professionals and policymakers better navigate through U.S. policies towards other countries that receive aid and have human rights concerns such as South Sudan or Myanmar. What's more, exploring the cause, effect, and solution to the political divide over North Korea can be especially salient nowadays when people try to grapple with political polarization in general.

Methods

This paper will first attempt to answer *why* the divide exists by looking at two factors and then test the hypothesis of *how* the division

between the humanitarian aid and human rights community has affected their objectives. The paper will conclude with *what* actions can improve the situation. In Chapter 2, this paper argues that two overarching factors cause the divide: different goals and different supporters. From the perspective of the rational actor model, in which actors try to maximize their goals (Allison 1971), different ideological and professional goals can translate into diverging interests and action (Stengel 2017, Alden 2017). While goals provide insight into the divide from the actors' level, the second factor on different supporters provides a more macro, structural viewpoint from which funding, political, and historical affiliation shape the divide.

Actors can have various goals based on ideology depending on their attitudes toward issues, as opposed to professional goals that concern the individual's incentives. This paper will be analyzing diverging ideological goals concerning civil and political rights versus social and economic rights, rights-based versus needs-based approaches, democratization, and religious motivations. The 'needs-based approach' emphasizes the 'freedom from want' that corresponds with social, economic, and cultural rights, while a 'rights-based approach' mainly focuses on the 'freedom from fear' in terms of civil and political rights (Newman 2017). While some groups think that democratization will come gradually as income levels rise, other groups

believe civil and political rights must come upfront to bring democracy.

Actors also differ in religious affiliations, which inform why they engage in different activities of aid delivery or human rights advocacy.

In addition to ideological goals, actors' professional goals differ because different kinds of people are attracted to each community and they have diverging personal incentives. Humanitarian aid workers tend to have a background in international social work and an explicitly religious motivation. Human rights advocates tend to have backgrounds in security and foreign policy. North Korean human rights advocates tend to be conservative-leaning while aid workers are more liberal.

Case studies on how actors view public health in North Korea and use satellite imagery will illustrate how actors have different political and physical incentives. The paper will observe that humanitarian aid organizations physically work close to the North Korean regime because it has to directly deliver aid. To continue delivering aid, workers have the political incentive to maintain relationships with the recipient regime. Whereas, human rights organizations do not have the same political incentive to develop ties with the regime. Human rights advocates can maintain physical distance due to their access to defectors/interviewees and

remote satellite imagery analysis. These different incentives, in addition to their backgrounds, influence their professional goals.

For the second overarching factor, the two communities have different financial and political supporters. The executive and legislative branches mainly fund the aid and rights community respectively, leading to different levels of funding. The level of funding for humanitarian aid fluctuates largely depending on the presidential administration. In contrast, funding for human rights organizations remains relatively constant due to legislative support through the National Endowment for Democracy (NED).

Furthermore, the entrenched political affiliation of various supporters reinforces the divide, making cooperation harder. Support for specific issues persist throughout time, and sometimes completely flip due to political reasons. From the Reagan administration to the George W. Bush administration, human rights advocacy was linked with neoconservative leadership that was more ‘tough’ on North Korea. In contrast, humanitarian aid was linked with liberal leadership that wanted to engage North Korea, most notably the Clinton administration. Attempts to criticize for the sake of criticism have bolstered a sense of inertia, taking on a life of its own. An urge to differentiate from the other side, however, has also led to complete flips in positions. Examples of polarization and flip in position include the

Bush administration's Anything But Clinton (ABC) stance after Clinton's engagement strategy (Steinberg 2003) and the Democrats' sharp turn against engagement policies during the Trump administration (Shorrock 2019b; 2019a; Kelly 2020).

After exploring potential reasons behind the divide, Chapter 3 will measure the impact of the divide. The hypothesis will inductively test whether the divide has been harmful to the objectives of both communities through performance metrics during times of low cooperation. The increase or decrease in aid funding levels will be the performance metric that determines the success of humanitarian aid. For human rights, the combination of Freedom House's Freedom Index, the number of relevant legislation, and media awareness will serve as the performance metrics of success in human rights advocacy.

Under the assumption that each community working on their agendas would normally increase their respective metrics, the decrease of either or both of the metrics during times of low cooperation will demonstrate that the divide harmed the objectives of the two communities. The result of the test can support or refute the hypothesis that the divide was harmful, or even reject the idea that the divide impacts performance. Data regarding performance metrics will come from databases published by

organizations including the United Nations Office for the Coordination of Humanitarian Affairs' (OCHA) Financial Tracking Service for aid funding levels, the Freedom House's Freedom Index for the amount of civil and political freedom, the United Nations resolutions from the General Assembly, Human Rights Council, and Security Council for international resolutions, U.S. Congress for domestic legislation, and Google Trends for media awareness.

To provide deeper analysis in Chapter 2 and inform the performance metrics of Chapter 3, this paper identifies several NGOs operating on the ground. For humanitarian aid, chosen organizations directly provide goods such as food, medicine, agricultural goods, and disaster relief material with permission from the recipient government. The list of groups was based on the Congressional Research Service's identification of humanitarian aid organizations working in North Korea. USAID and UN data on past aid amounts corroborate this identification.

Humanitarian aid groups analyzed in this paper include World Vision, Mercy Corps, Samaritan's Purse, Global Resource Services, and Christian Friends of Korea. These aid groups aim to alleviate suffering mostly through food aid, notably during the North Korean famine from 1994 to 1998 (Natsios 1999). In response to criticism that rice can be easily

diverted to the political elite (Haggard 2005), aid organizations have since expanded their range of activities from food aid to include aid items that are more sustainable and politically neutral. NGOs such as World Vision and the Eugene Bell Foundation have provided other forms of aid directly to North Korea such as establishing goat and soybean farms, providing medicine for tuberculosis patients, and digging wells (Yeo 2011). While large aid groups such as World Vision, Mercy Corps, and Samaritan's Purse deliver aid to many other regions, groups such as the Christian Friends of Korea, Global Resource Services, and Eugene Bell Foundation deliver aid solely to North Korea.

For human rights, chosen organizations raise awareness on downtrodden human rights conditions in North Korea with a focus on political prison camps. Human rights organizations analyzed in the paper include member organizations of the North Korea Freedom Coalition, those identified by Andrew Yeo in his article, and groups that state in their 990 tax forms of receiving funding for North Korea related work: Defense Forum Foundation, Institute on Religion and Democracy, HRNK, Liberty in North Korea, Citizens' Alliance, Amnesty International, and Human Rights Watch. One can also safely argue that organizations participating in the International Coalition to Stop Crimes Against Humanity in North Korea

(ICNK) advocate for human rights in North Korea. While some organizations such as Amnesty International, Human Rights Watch, and the Institute on Religion and Democracy work on other issues and regions, North Korea is the sole mandate for other groups such as HRNK, Liberty in North Korea, and Citizens' Alliance.

In response to the question of *why* there is a divide, Chapter 2 will argue that two overarching factors cause the divide: different goals and different supporters. To the question of *how* the divide impacts the agendas of each community, Chapter 3 will argue that performance metrics show harmful effects. To the question of *what* should be done about this divide, Chapter 4 presents recommendations that collaborating and focusing on preventing problems will be crucial in achieving sustainable gains for both sides.

* This publication version in the Macksey Journal only includes Chapter 1, and the full version can be found in paperback and e-book versions on Amazon.com. Search “Jessup Jong” or “Human Suffering in North Korea.”

* Appendix I

Two factors that lead to the divide

1. Different Goals (Individual level)

Ideological Goals

Engagement / Pressure

Theory of change

Level of analysis

Social, economic, and cultural rights / Civil and political Rights

/

needs versus rights-based approach

Religious motivations

Professional Goals

Attracts different kinds of people

Actors' Incentives (Relationship with North Korea is different)

2. Different Supporters (Systemic level)

Different Financial Support

Different Political Affiliation

Rigid support and flip in issues based on historical partisanship

Human rights - linked with neoconservative congressional leadership

Spearheaded by the Bush administration under the Freedom Agenda

Humanitarian aid - linked with liberal leadership

Engagement efforts spearheaded by the Clinton administration

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