

UNMAKING VIOLENCE OF THE INTERNATIONAL COMMUNITY: POLITICS OF CATEGORIZATION AND FORCED REPATRIATION OF NORTH KOREAN “MIGRANT WORKERS”

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ABSTRACT

This thesis is an inquiry into the politics of categorization, representations of people as part of ‘forced labour’ or ‘slavery’ and the UN sanctions. In particular, these broad issues are a matter of concern in the context of the UN Security Council decision to repatriate North Korean ‘migrant workers’ from the UN Member states by the end of 2019. The thesis asks the question *how has the category of North Korean migrant workers been produced in international politics?* By means of poststructuralist discourse analysis and application of wide range of critical theories including postcolonial studies and critical legal studies it shows how in being represented as passive, absent of any voice ‘items’ people are further perceived by the Security Council in a similar way due to its punishment-centered structure.

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INTRODUCTION

When North Korea (the DPRK) comes to the forefront of any discussion, two broad questions become a matter of concern both for policy makers and academics. The first question is how can the DPRK be made to shut down its nuclear program and to obey the international nuclear non-proliferation regime. In this context, North Korea is portrayed as an irresponsible ‘rogue state,’ which foreign policy is seen to constitute one of the most profound threats to international security.¹ The second question is how the same state can be made to obey the universal human rights norms and to stop committing violence against its own people. In that context, the North Korean regime is seen as perpetuating illegal as well as immoral acts of restricting freedom of North Korean nationals and pursuing wide-spread purges to keep itself in power.²

These two questions have long informed international responses to the DPRK’s both foreign and domestic policies and have turned into one of the most stringent sanctions regimes in the United Nations history. Apart from imposing multiple restrictions on trade with the DPRK, and freezing assets of North Korean companies and individuals, international sanctions have long been the means of governing mobility of North Korean citizens through imposing travel bans on the individuals responsible for or related to the state’s nuclear program. The year 2017 has become especially significant in this respect. UN Security Council (UNSC) Resolution 2375 prohibited UN Member States to issue new visas to North Korean citizens working abroad,³ while Resolution

¹ See Benjamin Habib, “The Enforcement Problem in Resolution 2094 and the United Nations Security Council Sanctions Regime: Sanctioning North Korea,” *Australian Journal of International Affairs* 70, no. 1 (2016): 50–68, <http://dx.doi.org/10.1080/10357718.2015.1095278>; Jongseok Woo, “Songun Politics and the Political Weakness of the Military in North Korea: An Institutional Account,” *Problems of Post-Communism* 63, no. 4 (2016): 253–262, <https://doi.org/10.1080/10758216.2016.1145065>; Gary Samore, “North Korean Verification: Good Enough for Government Work?,” *Bulletin of the Atomic Scientists* 74, no. 5 (2018): 312–16, <https://doi.org/10.1080/00963402.2018.1507787>.

² See Rhoda E. Howard-Hassmann, “State-Induced Famine and Penal Starvation in North Korea,” *Genocide Studies and Prevention* 7, no. 2–3 (Summer/Winter 2012): 147–65, <https://doi.org/10.1353/gsp.2012.0018>; Paul Liem, “Peace as a North Korean Human Right,” *Critical Asian Studies* 46, no. 1 (2014): 113–26, <https://doi.org/10.1080/14672715.2014.863580>; Morse Tan, “International Humanitarian Law and North Korea: Another Angle for Accountability,” *Marquette Law Review* 98, no. 3 (Spring 2015), <http://scholarship.law.marquette.edu/mulr>.

³ UN Security Council, Resolution 2375, S/RES/2375, ¶ 17 (September 11, 2017), <http://unscr.com/en/resolutions/2375>

2397, the latest to date, explicitly obliges UN Member States to repatriate all the DPRK migrant workers.⁴

What marks the significance of the 2017 resolutions is that they signify the change of the UNSC migration management by shifting from imposing travel bans on certain individuals responsible for the state nuclear program to prohibiting migration for work purposes of ordinary people from the DPRK. The decision to repatriate those who might have no relation to the state's foreign policy seems to be justified once these people are perceived as those working "for the purpose of generating foreign export earnings that the DPRK uses to support its prohibited nuclear and ballistic missile programs."⁵ It becomes more complicated, though, once it is put against the UN claims that in the state to which people have to be repatriated crimes against humanity "are essential components of a political system that has moved far from the ideals on which it claims to be founded" and that "the gravity, scale and nature of these violations reveal a State that does not have any parallel in the contemporary world. Political scientists of the twentieth century characterized this type of political organization as a totalitarian State: a State that does not content itself with ensuring the authoritarian rule of a small group of people, but seeks to dominate every aspect of its citizens' lives and terrorizes them from within."⁶

This thesis starts by exploring the tension between the UNSC authorization to repatriate people *to* North Korea and claims about human rights violations *inside* the state. My aim is to understand the relationship between these two, or as I will show it further, between representations of people as 'victims' of multiple oppressions and policies of forced movement that UNSC obliges Member States to adopt. By means of discourse analysis and applying a wide range of critical theories including postcolonial and critical legal studies, I seek to understand how the category of 'North Korean migrant workers' has been produced in international politics. The question arises

⁴ UN Security Council, Resolution 2397, S/RES/2397, ¶ 8 (December 22, 2017), [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2397\(2017\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2397(2017))

⁵ UN Security Council, Resolution 2397, S/RES/2397, ¶ 8

⁶ Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, A/HRC/25/63, p. 15 (February 7, 2014).

from two broad theoretical propositions. First, ‘migrant workers,’ ‘overseas workers,’ and ‘foreign laborers’ are not the intrinsic qualities but rather the result of assigning qualifications to people. For Butler assigning a particular characteristic, a category to a person “proves to be a juridical procedure through which subjects are both constituted and foreclosed,” meaning that through the practice of categorization the subject is constituted as part of this category and reduced to it, so that personal differences between members of the group are silenced.⁷ For Rancière, categorization is the essential component of making visible some people and not others, of assigning ‘parts’ to people in the society.⁸ This political practice is what he calls ‘the police,’ through which a particular regime of ‘partition of the sensible’ is established, so that each of the elements of this regime is assigned specific category while those who are not qualified at all are made invisible.⁹ For both Butler and Ranciere categorization is related to how a particular subject comes into being through being assigned a category, rather than how categories merely designate commonality of social groups. Categorization in this sense is the performative practice through which both the particular political order is reproduced, and a moment of capturing a particular aspect of someone’s life in discourse while simultaneously excluding its other qualities.

By insisting on categorization as a discursive practice I do not aim to downplay the actual experience of persons – many people cross the border for their own reasons and often face direct violence both during migration and in the country of destination. However, qualification of people in a particular way emphasizes only a certain aspect of personal experience and, most important, *shapes* this experience by establishing possibilities for making sense of what a subject is and what should be done with it, or in other words who a ‘migrant worker’ from North Korea is, why their work abroad is a problem and what can be done to them. In the case of ‘migrant workers’ from North Korea the experience implies not only working in harsh conditions abroad, but also the very

⁷ Judith Butler and Gayatri Chakravorti Spivak, *Who Sings the Nation-State?: Language, Politics, Belonging* (New York: Seagull Books, 2007), 22.

⁸ Jacques Rancière, *Disagreement: Politics and Philosophy* (Minneapolis: University of Minnesota Press, 1998).

⁹ Jacques Ranciere, “Ten Theses on Politics,” *Theory & Event* 5, no. 3 (2001): 14, <https://doi.org/10.1353/tae.2001.0028>.

condition of being *abroad*, being a *migrant* and not a *citizen*, being a national of the DPRK and being forced to come back to a particular state that is claimed to be the home of worldwide violence. A ‘migrant worker,’ is written into existence by the particular regime of “global (im)mobility,”¹⁰ which captures the living body through differentiating it from other people, including those whose mobility is seen as unnatural, such as refugees. For Butler this ‘writing’ of the subject by discourse is also what creates the subject’s experience by providing the norms in which thinking about oneself and, hence, both surrendering to the scripts provided by discourse and their transformation for oneself is possible: “There is no making of oneself (*poiesis*) outside of a mode of subjectivation (*assujettissement*) and, hence, no self-making outside of the norms that orchestrate the possible forms that a subject may take.”¹¹

Yet, the insistence on the discursive and performative production of ‘migrant workers’ is not enough per se to understand both tension between human rights discourse and the politics of repatriation, as well as what ‘repatriation’ means in this context. Therefore, I ask the research question *how has the category of ‘migrant workers from North Korea’ been produced in international politics?* I seek to uncover the dominant representations of different people reduced to this category, or the particular texts that give meaning to a ‘migrant worker’ and ways in which ‘migrant workers’ are positioned in relation to other subjects. I do this by looking at the documents produced by various UN bodies, including UNSC resolutions and meeting records, reports of the 1718 Sanctions Committee and its Panel of Experts, resolutions and reports of UN human rights bodies and media articles. I focus on the UN for its decisive role in instituting mobility regulations of people from North Korea, but I extend my analysis further to the reports of non-governmental organizations and private research centers that happened to be important for the ‘problem’ of migration from North Korea to become one of the issues on the UN agenda.

¹⁰ Anna M. Agathangelou and Heather M. Turcotte, “Postcolonial Theories and Challenges to ‘First World-Isms,’” in *Gender Matters in Global Politics: A Feminist Introduction to International Relations*, ed. Laura J. Shepherd (Abingdon: Routledge, 2010), 44–58.

¹¹ Judith Butler, *Giving an Account of Oneself* (New York: Fordham University Press, 2005), 17.

As much as this thesis is an inquiry into the politics of categorization, it also explores the mechanisms of institutional knowledge production, for as I will show it in the later chapters, the UN expert bodies enforcing sanctions regime and the structure of sanctions against North Korea have their specific dynamics that contribute to the interplay between victimization, authority of scientific knowledge and commodity centered approach of economic sanctions, all of which taken together *produce living people as commodified 'slaves' that have to be treated in the same way as other goods or commodities in the context of sanctions regime.*

The thesis proceeds in the following way. Chapter one serves as an overview of both the place of 'regular' migration in the UN migration management and of the history of how labour migration from the DPRK turned into the 'problem' for UN. Giving an account of how labour migration from North Korea turned into a problem is necessary because of the virtual absence of any critical research on the current topic and in order to show how both repatriation policies and problematization of migrants' presence abroad have been contingent.

Chapter two deepens the analysis by drawing the cartography of representations of 'migrant workers' and their position in the human rights discourse that is further divided into the 'forced labor' and 'economic migration' discourses.

The next two chapters tease out the particular aspects of these discourses, namely representations of people's agency, the role of expert bodies in the UN and punishment-centered approach of economic sanctions. Chapter 3 discusses representations of agency by drawing on postcolonial insights and recent critical slavery studies literature and shows power dynamics in naming people 'slaves,' the hierarchies these representations create in reducing 'slavery' to be the anachronic feature of 'barbaric' totalitarianism and in making other forms of oppression invisible.

Finally, Chapter four looks into how the 'slavery' discourse is institutionalized by the technical and punishment-centered nature of UNSC sanctions and, hence, leaves little space for the Security Council to treat people differently than other prohibited items, which makes ban on

the trade in people, materialized as authorization for repatriation, the only solution the body can come up with.

CHAPTER 1. LABOR MIGRATION FROM NORTH KOREA

In September 2016 in the New York Declaration for Refugees and Migrants UN Member States expressed their determination to “save lives” and “combat with all the means at our disposal the abuses and exploitation suffered by countless refugees and migrants in vulnerable situations,” acknowledged their “shared responsibility to manage large movements of refugees and migrants in a humane, sensitive, compassionate and people-centered manner” and expressed willingness to “facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.”¹² The Declaration established a pathway for the adoption of Global Compact for Migration, the first international document expressing commitments to regulate migration by stating 23 objectives for the international community.¹³ Previous attempts to include migration into the UN system of mobility governance were mostly evolving around the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families which was adopted in 1990, entered into force in 2003 but still remains unratified by most states.¹⁴ The Convention was aimed at addressing the often-precarious life conditions of people working abroad and unlike current UN attempts to address migration, was aimed at securing people’s rights and providing a specific framework that would bind Member States to ensure that rights of foreigners who work on their territory are protected.¹⁵

Two months after the New York Declaration was signed, UN Security Council resolution 2321 expressed “concern that DPRK nationals are sent to work in other States for the purpose of earning hard currency that the DPRK uses for its nuclear and ballistic missile programmes” and

¹² New York Declaration for Refugees and Migrants, A/RES/71/1, 2-4 (September 19, 2016).

¹³ Global Compact for Safe, Orderly and Regular Migration, , ¶ 16,

https://refugeesmigrants.un.org/sites/default/files/180713_agreed_outcome_global_compact_for_migration.pdf

¹⁴ Paul De Guchteneire and Antoine Pecoud, “Introduction: The UN Convention on Migrant Workers’ Rights,” in *Migration and Human Rights: The United Nations Convention on Migrant Workers’ Rights* (New York: Cambridge University Press, 2009), 1.

¹⁵ De Guchteneire and Pecoud, 8.

called Member states “to exercise vigilance over this practice.”¹⁶ The paragraph, which at that point did not have any legal implications, marked the first time the issue of labor migration emerged in the UNSC resolutions targeting North Korea. Previous sanctions against the DPRK for its continuous development of nuclear weapons had already been governing people’s mobility. Yet, they had been ‘targeted’ as opposed to ‘comprehensive,’¹⁷ meaning that they were restricted to imposing travel bans on companies and individuals related to the state’s illegal activities abroad or responsible for acquiring funds for the nuclear program.

Why juxtapose the two texts produced in different contexts by different UN bodies with various degrees of authority? Apart from being adopted in the same year with the time difference of two months, these texts show that international human mobility governance, previously addressed by the UN only through its refugee protection mechanisms, is becoming more and more important for the organization. As the UN has been at the forefront of international refugee protection regime since the adoption of 1951 Geneva Convention, so far the academic attention has been mostly drawn to the organization’s role in developing and strengthening international refugee law. For example, international lawyers have been debating about the extent of the application of the non-refoulement principle which prohibits refugees and asylum seekers to be returned to the countries where there is a risk of being persecuted,¹⁸ about UN efforts to address the newly emerging types of people’s forced movement, such as climate change induced

¹⁶ UN Security Council, Resolution 2321, S/RES/2321, ¶ 34 (November 30, 2016).

¹⁷ Thomas J. Biersteker, “Targeted Sanctions and Individual Human Rights,” *International Journal: Canada’s Journal of Global Policy Analysis* 65, no. 1 (2010): 100.

¹⁸ See Michelle Foster, “Non-Refoulement on the Basis of Socio- Economic Deprivation: The Scope of Complementary Protection in International Human Rights Law,” *New Zealand Law Review* 2009, no. 1 (2009): 257–310; Udara Jayasinghe and Sasha Baglay, “Protecting Victims of Human Trafficking Within a ‘Non-Refoulement’ Framework: Is Complementary Protection an Effective Alternative in Canada and Australia?,” *International Journal of Refugee Law* 23, no. 3 (2011): 489–520.

refugees,¹⁹ and about the refugee law's application to people not mentioned in the Geneva Convention, for example women or queer.²⁰

For critical scholars studying international migration, the distinctions between different categories of migrants, such as 'regular' and 'irregular,' 'legal' and 'illegal' migration are problematic, since they produce the subjects rather than merely designate their essential characteristics. For example, Roxanne Doty shows how border controls produce such a phenomenon as illegal migration by imposing restrictions on free movement.²¹ The attempt to regulate migration and distinguish between those who are allowed to come to the state and who are not is, in this sense, the political practice through which the boundaries of national community are constantly reenacted. Tellez et al. argue in a similar vein that neoliberalism and strict migration policies related to it commodify migrants and endanger them through producing phenomenon of smuggling.²² The critical border studies literature looks into how the body of the migrant turns into the site of drawing boundaries and is used to secure national political identities and how it is produced in sites other than physical borders, for example passports, and by new technologies such as surveillance.²³ Other studies show how migrants transform the space surrounding them²⁴ and

¹⁹ Walter Kalin, "Conceptualising Climate-Induced Displacement," in *Climate Change and Displacement. Multidisciplinary Perspectives* (Oxford: Hart Publishing, 2010), 81–103; Sri Wartini, "Regulation Urgency of Climate Change Refugees Protection in the Perspective of International Law," *Jurnal Dinamika Hukum* 17, no. 1 (2017): 15–22.

²⁰ Jasmine Dawson and Paula Gerber, "Assessing the Refugee Claims of LGBTI People: Is the DSSH Model Useful for Determining Claims by Women for Asylum Based on Sexual Orientation?," *International Journal of Refugee Law* 29, no. 2 (2017): 292–322; Nora Honkala, "'She, of Course, Holds No Political Opinions': Gendered Political Opinion Ground in Women's Forced Marriage Asylum Claims," *Social & Legal Studies* 26, no. 2 (2017): 166–187.

²¹ Roxanne Lynn Doty, *The Law into Their Own Hands: Immigration and the Politics of Exceptionalism* (Tucson: The University of Arizona Press, 2009), 10.

²² Michelle Tellez, William Paul Simmons, and Mariana del Hierro, "Border Crossings and Sexual Conquest in the Age of Neoliberalism in the Sonoran Desert," *International Feminist Journal of Politics* 20, no. 4 (2018): 524–41.

²³ See Mark B. Salter, "The Global Visa Regime and the Political Technologies of the International Self: Borders, Bodies, Biopolitics," *Alternatives: Global, Local, Political* 31, no. 2 (June 2006): 167–89; Nick Vaughan-Williams, "The Shooting of Jean Charles de Menezes: New Border Politics?," *Alternatives* 32 (2007): 117–95; Nick Vaughan-Williams, *Border Politics: The Limits of Sovereign Power* (Edinburgh: University of Edinburgh Press, 2009); Nick Vaughan-Williams, *Europe's Border Crisis: Biopolitical Security and Beyond* (Oxford: Oxford University Press, 2015).

²⁴ Max J. Andrucki and Jen Dickinson, "Rethinking Centers and Margins in Geography: Bodies, Life Course, and the Performance of Transnational Space," *Annals of the Association of American Geographers* 105, no. 1 (2015): 203–18.

how they resist state violence by challenging the concept citizenship.²⁵ Yet, critical scholarship on migration does not take into account the UN's role in migration governance, which also reflects the wider lack of interest in the organization from critical scholarship apart from peacekeeping issues.²⁶

1.1 Human mobility and North Korea

A year after the resolution 2321 was adopted, the UNSC found the solution to the 'problem' of migration from North Korea in forced repatriation. The word 'repatriation,' while being similar to the more habitually used 'deportation,' and 'expulsion,' is different from these two in designating the voluntary as well as forced practice and in specifically signifying people's return to their country of origin. Human mobility, and in particular, practice of repatriation has been present on the UNSC agenda long before the labour migration turned into the 'problem' of international security and was mostly pronounced in the context of Chinese authorities' repatriation of North Korean refugees and the DPRK's refusal to repatriate foreign nationals. Unlike current attempts to repatriate North Korean 'migrant workers,' these two issues are consistent with allegations of human rights violations by the DPRK, since they both refer to the state's violation of human dignity and to violations of international law. Repatriation of North Koreans by China started in 1990s, when due to the famine people started to flee the country on a large scale. Currently, the border between China and DPRK is the site of primary destination for North Korean refugees who either find relatives there and stay with them or move forward to other states to seek refuge there or acquire citizenship in the case of coming to South Korea.²⁷ Since the international community recognizes these people as refugees, their return to the DPRK is

²⁵ Peter Nyers and Kim Rygiel, *Citizenship, Migrant Activism and the Politics of Movement* (London: Routledge, 2014); Engin F. Isin, "Performative Citizenship," in *The Oxford Handbook of Citizenship*, ed. Ayelet Shachar, Rainer Bauboeck, Irene Bloemraad, and Maarten Vink (Oxford: Oxford University Press, 2017), 500–523.

²⁶ For an example of critical research on the UN peacekeeping system see Marc G. Doucet, *Reforming 21st Century Peacekeeping Operations: Governmentalities of Security, Protection, and Police* (New York: Routledge, 2017).

²⁷ Hae Yeon Choo, "Gendered Modernity and Ethnicized Citizenship: North Korean Settlers in Contemporary South Korea," *Gender and Society* 20, no. 5 (October 2006): 582.

prohibited by non-refoulement principle, which has been emphasized by the UN Commission of Inquiry on human rights violations in the DPRK.²⁸

Repatriation of foreign nationals detained in the DPRK has been the point of tension between North Korea and Japan due to the abductions of foreigners conducted by the DPRK in 1970s-1980s that have been acknowledged by Kim Jong-Il in 2002.²⁹ South Korea has also been accusing North Korea of abducting and detaining South Korean citizens with number of missing persons reaching 500.³⁰ In this case, North Korea is accused of committing illegal activities abroad and operating through its network of agents in order to commit acts that violate sovereignty of other states. Abductions of foreign citizens are linked to other accusations of North Korea, namely that the state finances terrorist activities abroad, acquires funds through trade in drugs and human trafficking, producing the image of the state secretly acting in other states and extending the violence it commits against its people to the other countries.

Regulation of human mobility from and to North Korea, thus, has been a matter of concern for the UN before the labour migration came up in the agenda of the international organization. The categories that the international community was concerned about were different, though. Moreover, these concerns have been consistent with the general framing of North Korea as a violent state that oppresses its people, since both in case of repatriation of refugees by Chinese authorities and in the case of abductions committed by the DPRK the very fact of being present and moved to the territory of the state has been considered violent and dangerous for the people.

²⁸ Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, A/HRC/25/63, ¶ 43 (February 7, 2014), <https://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/CommissionInquiryonHRinDPRK.aspx>.

²⁹ Linus Hagstrom and Ulv Hanssen, "The North Korean Abduction Issue: Emotions, Securitisation and the Reconstruction of Japanese Identity from 'Aggressor' to 'Victim' and from 'Pacifist' to 'Normal,'" *The Pacific Review* 28, no. 1 (2015): 71–93.

³⁰ Brad Williams and Erik Mobrand, "Explaining Divergent Responses to the North Korean Abductions Issue in Japan and South Korea," *The Journal of Asian Studies* 69, no. 2 (2010): 507–536.

1.2 The ‘Problem’ of Labor Migration from North Korea

As it has been mentioned before, resolution 2321 marked the point in time in which labour migration from North Korea turned into the problem for Security Council. However, the phenomenon of North Korean people coming to work abroad started long before that, after the agreement was signed between North Korea and the Soviet Union in 1967.³¹ Testimonies of people who have worked abroad and managed to escape North Korea later, provided in the reports of NGOs focusing on human rights violations by the DPRK, refer mostly to 1980s and 1990s experience of working in Soviet Union and later Russia, suggesting that migration for work purposes has been quite stable to at least one country throughout this time.³² Yet, it has not been a problem for the UN until mid-2010s. How has the issue come up in the UNSC agenda?

Although labour migration from North Korea is a recent ‘problem’ for the UN, the international attention was drawn to it much earlier. In the beginning of 2000s, following the DPRK’s renewal of the nuclear program and naming North Korea one of the “axis of evil” states,³³ the general interest in North Korea’s activities increased and media reported about exploitation of North Korean migrant workers abroad.³⁴ The media coverage of migration from North Korea was not related to nuclear proliferation at all, though, and aimed at shedding light on the working conditions of people. Throughout 2000s and 2010s media continued to issue investigations into the life of North Koreans working abroad, with major western newspapers publishing articles about North Korean people working in Russia, China, Mongolia, Qatar and many other countries.³⁵

³¹ Yejoon Rim, “Human Rights of North Korean Migrant Workers: Opportunity to Work or Risk of Forced Labour?,” *Netherlands Quarterly of Human Rights* 35, no. 1 (2017): 53.

³² Report of the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea, A/HRC/25/63 (February 7, 2014), <https://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/CommissionInquiryonHRinDPRK.aspx>; Marte Boonen et al., “North Korean Forced Labour in the EU, the Polish Case: How the Supply of a Captive DPRK Workforce Fits Our Demand for Cheap Labour” (Leiden Asia Centre, 2016), <https://www.njb.nl/Uploads/2016/7/Final-report-Slaves-to-the-System.pdf>.

³³ George Bush, “Text of President Bush’s 2002 State of the Union Address,” *Washington Post*, January 22, 2002, <https://www.washingtonpost.com/wp-srv/onpolitics/transcripts/sou012902.htm>.

³⁴ James Brooke, “Russia Finds in North Korea a Source of Cheap Labor,” *The New York Times*, May 18, 2003, <https://www.nytimes.com/2003/05/18/world/russia-finds-in-north-korea-a-source-of-cheap-labor.html>.

³⁵ Cho Jong Ik, “Overseas North Koreans Work like Kim Jong Il’s Slaves,” *Daily NK*, April 29, 2011, <https://www.dailynk.com/english/overseas-north-koreans-work-like-k/>; Pete Pattison, “North Koreans Working as ‘State-Sponsored Slaves’ in Qatar,” *The Guardian*, November 7, 2014, <https://www.theguardian.com/global->

When labour migration was articulated as a ‘problem’ in the Security Council, it happened in the context of the DPRK’s nuclear program and alleged use of people’s income for obtaining cash necessary for buying parts for building missiles prohibited by the sanctions regime. However, the first time labor migration came up in the United Nations documents happened in a different setting, namely in the context of human rights violations by the regime. In 2014 the United Nations Commission of Inquiry (UN COI) published its report on the human rights violations by the DPRK.³⁶ It focused on violations of political freedoms, suppression of any opposition to the regime by the state and on the system of political prison camps. Later the same year Asan Institute for Policy Studies, a South Korea-based research center published a report with a goal of extending the COI findings to the “situation of ordinary North Koreans,” meaning migrant workers and people working at the state’s nuclear facilities. The report drew attention of NGOs to labour migration from North Korea, which further sent letters to the UN Human Rights Council in order to bring Council’s attention to the human rights conditions of North Koreans working abroad.³⁷ UN Special Rapporteur on the situation of human rights in the DPRK took the issue into consideration in March 2015³⁸ and further delivered the results of his investigation to the General Assembly in the end of 2015.³⁹ UN High Commissioner for Human Rights made a similar report to the Human Rights Council in February 2016.⁴⁰ Since that time, ‘regular’ migration from the

development/2014/nov/07/north-koreans-working-state-sponsored-slaves-qatar; Choe Sang-Hun, “North Korea Exports Forced Laborers for Profit, Rights Groups Say,” *The New York Times*, February 19, 2015, <https://www.nytimes.com/2015/02/20/world/asia/north-koreans-toil-in-slavelike-conditions-abroad-rights-groups-say.html>.

³⁶ Report of the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea, A/HRC/25/63.

³⁷ Shin Chang-Hoon and Go Myong-Hyun, “Beyond the UN COI Report on Human Rights in North Korea” (Asan Institute for Policy Studies, 2014).

³⁸ Report of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea, Marzuki Darusman, A/HRC/28/71 (March 18, 2015), <https://www.securitycouncilreport.org/un-documents/document/ahrc2871.php>.

³⁹ Report of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea, A/70/362 (September 8, 2015), <https://www.securitycouncilreport.org/un-documents/document/a70362.php>

⁴⁰ Role and achievements of the Office of the United Nations High Commissioner for Human Rights with regard to the situation of human rights in the Democratic People’s Republic of Korea: Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/31/38 (February 1, 2016), <https://www.securitycouncilreport.org/un-documents/document/ahrc3138.php>.

DPRK was constantly discussed in UN human rights bodies, in Security Council and in its Panel of Experts that is responsible for overseeing implementation of existing sanctions against the DPRK and suggesting new mechanisms of enforcing sanctions regime.

This brief account of how international response to the migration from the DPRK changed from indifference to treating it as a security problem shows that repatriation of migrant workers that was finally institutionalized by the UNSC resolution 2397 has not been proposed as the solution to the ‘problem’ for most of the time that labour migration has been considered as a ‘problem.’ Instead, since the beginning of 2000s it was human rights of North Korean nationals working abroad and their working conditions that has been at the forefront of all the NGO reports, media and the UN. Therefore, it was the call not to repatriate all the people, but rather to states and companies to overlook the working conditions of migrants. In other words, what turned out to be completely inconsistent with the human rights discourse emphasizing violence of the regime against its own people, started as the continuation of the same discourse and its extension to the international dimension. Such a shift in prioritizing articulation of people in the non-proliferation discourse instead of articulating them as part of human rights discourse is also consistent with the development of the UN system of migration management that failed in attempts to secure workers’ rights during 1990s and 2000s and is gradually shifting to attempts to *regulate* migration as such and address its causes.

Most important, the ‘migrant workers’ came up in the UN agenda as a particular category of people that should be distinguished from North Koreans living in the state, from refugees whose repatriation is prohibited and from the nationals of the rest of the world, whose forced detention in the DPRK is, unlike the same policy being suggested towards migrant workers, the international problem. In the next chapter I look deeper into how this differentiation takes place in the human rights discourse and sanctions discourse by teasing out the specific representations of people living abroad.

CHAPTER 2. FORCED TO WORK AND/OR WILLING TO MIGRATE? REPRESENTING THE 'MIGRANT WORKERS'

As the previous chapter shows, labour migration from North Korea has been a matter of concern for the international community in two contexts, namely, human rights violations and nuclear non-proliferation. Both of them often overlap and constitute 'North Korea as a problem' in itself. Although labour migration from the DPRK has been positioned as part of the nuclear non-proliferation agenda separately from human rights issues, it relied heavily on the existing representations of people as being exploited by the North Korean regime. Therefore, in this chapter I focus primarily on how people from North Korea working abroad have been inserted into the human rights discourse and how this discourse gave meaning to the category of 'migrant workers' by positioning them relationally to other subjects. In particular, I conduct what Neumann and Dunn call a 'predicate analysis' which "examines the verbs, adverbs, and adjectives that are attached to nouns within specific texts."⁴¹ To see how discourse positions subjects relationally, I look at how subjects were further linked to and differentiated from each other by what Laclau and Mouffe call relations of equivalence and difference.⁴²

IR scholarship that draws on Laclau and Mouffe's discourse theory usually identifies several discourses or narratives that overtly compete with each other for meanings of signifiers.⁴³ In this sense, the task of discourse analysis is to show contestation between different modes of how subjects are articulated and to show alternatives to the hegemonic representations of the social.⁴⁴ As the latter analysis shows, in the case of labour migration from North Korea such a contestation primarily consisted in defining a 'migrant worker' either as an 'economic migrant'

⁴¹ Kevin C. Dunn and Iver Neumann, *Undertaking Discourse Analysis for Social Research* (Ann Arbor: University of Michigan Press, 2016), 111.

⁴² Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, 2nd ed. (London: Verso, 2001), 127-134.

⁴³ See e.g. Lene Hansen, *Security as Practice Discourse Analysis and the Bosnian War* (New York: Routledge, 2006); Charlotte Epstein, *The Power of Words in International Relations Birth of an Anti-Whaling Discourse* (Cambridge: The MIT Press, 2008); Eva Herschinger, *Constructing Global Enemies: Hegemony and Identity in International Discourses on Terrorism and Drug Prohibition* (Abingdon: Routledge, 2010).

⁴⁴ Marianne Jorgensen and Louise J. Phillips, *Discourse Analysis as Theory and Method* (London: Sage, 2002), 24.

and a subject with their own autonomy and a will to be a ‘migrant worker,’ or as a silent and oppressed object who cannot speak for themselves.

2.1. The ‘Forced Labor’ Discourse

For the human rights discourse, the DPRK is not only “an all-encompassing indoctrination machine” that lacks any humanity and suppresses individuality of its people as it is emphasized by the UN Commission of Inquiry report,⁴⁵ but also an omnipresent criminal that commits the worst possible crime in the world of sovereign states, that is, violates their sovereignty by participating in illegal activities in other countries through abducting their citizens, participating in drugs trade and acquiring illegal income. The ‘Other’ that poses a threat to the humanity in large by perpetrating crimes against humanity on its territory, is posed as an actively expanding threat that transgresses boundaries of the sovereign states. Such an image of an expanding ‘Other’ that constantly tries to break the boundary between the inside and outside of national states, is further deployed in the context of labour migration from North Korea and is turned into a representation of the DPRK as being the same ‘indoctrination machine’ in relation to its nationals working in other countries as it is in relation to people living in the DPRK. The discourse focuses on the idea that work performed by North Korean migrants is a ‘forced labour,’ in which the DPRK is the agent of applying force in relation to its citizens and people are taken abroad and made to work against their will. The emphasis is directed towards the harsh working conditions for North Korean nationals and on the exploitation of people by the regime. For example, in his report to the General Assembly, Special Rapporteur on the situation of human rights in the DPRK devotes a section to the human rights violations of migrant workers and among others, mentions that “Workers are forced to work sometimes up to 20 hours per day, with only one or two rest days per month,” that ‘agents’ of the regime confiscate their passports, that people are ‘forbidden to return’ home, people with families living in the DPRK are usually hired “to ensure that they will fully comply

⁴⁵ Report of the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea, ¶ 27.

while abroad.”⁴⁶ The ‘forced labour’ discourse emphasizes people’s helplessness and exploitation, since they have to work a lot, risk punishment and, most important, they are not willing to do this kind of work. People are portrayed to be held in remote and secret ‘labour camps,’ where they work in prison-like conditions. The documentary of 7 parts made by *Vice* is particularly illuminating in this respect, since each part of the project portrays ‘labor’ camps as remote hidden places far in Siberia, yet somehow the shooting group easily manages to find locals who know everything about these ‘secret places’.⁴⁷ People are further represented as not being capable of enjoying the basic freedoms, and, as the 2016 OHCHR report mentions, “are subject to lengthy working hours and oversight and limitations on their movement.”⁴⁸ References to facts that people with families are chosen for overseas work are deployed to show that the state captures workers’ bodies under the tight control in the ‘camps’ so that they are not capable of escaping the grip of the state and seeking asylum.⁴⁹ Yet, the data produced for the UN Special Rapporteur and private research centers is based on the interviews with the defectors who managed to flee the control of the regime and find safe place in other countries.

Furthermore, as it is exploitation and passiveness of people that the discourse is centered around, denunciation and accusation of those responsible for the exploitation is its key part, or in other words, it is the passiveness of people and the actions of the regime that discourse concentrates on. The ‘forced labour’ discourse specifically addresses migrants as being “sent abroad by their Government”⁵⁰ and that their salaries are appropriated “in part to support the “royal

⁴⁶ Report of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea, A/70/362 (September 8, 2015), ¶ 24-33.

⁴⁷ Shane Smith, “North Korean Labor Camps,” *Vice News*, 2011-2012, <https://www.youtube.com/watch?v=awQDLoOnkdI&list=PLBA9D6F13DEBC3D9E>.

⁴⁸ Role and achievements of the Office of the United Nations High Commissioner for Human Rights with regard to the situation of human rights in the Democratic People’s Republic of Korea, A/HRC/31/38, ¶ 34.

⁴⁹ Written statement^{*} submitted by the People for Successful Corean Reunification, a non-governmental organization in special consultative status, A/HRC/28/NGO/51, 3 (February 20, 2015).

⁵⁰ Report of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea, Marzuki Darusman, A/HRC/28/71, ¶ 19.

court economy,” enabling the ruling Kim family to maintain its hold on power by bribing government and military officials with luxurious presents, ensuring their loyalty.”⁵¹

As Saara Särmä suggests in her work on visual representations of what she calls ‘nuclear wannabies,’ the figures of North Korean leaders are fictionalized in the West and condition assumptions about the nation as a whole.⁵² In relation to Kim Jong-il, the health of his physical body and especially lack of visuals that would depict his state of health were projected to speculate about the health of North Korean society and were used as a form of “cultural governance” that created images of the health west and ill North Korea.⁵³ In a similar vein, Kim Jong-il’s son and successor Kim Jong-un has been depicted as a symbol of abnormal and unhealthy ruler that has no restraint in his diet and love towards luxuries, as well as in his exploitation of people. His image as a person who uses the nation to “fatten the private coffers,” to use words of Ahn Myeong-chul,⁵⁴ has been constantly juxtaposed with the representations of population that is in need of foreign humanitarian aid. Similarly, North Koreans living abroad have been portrayed as suffering because of the ambitions, greed and desire for power of the state’s leadership.

Similarly to how the UN COI report invokes notion of responsibility to protect by stating that the international community “must accept its responsibility to protect the people of the Democratic People’s Republic of Korea from crimes against humanity, because the Government of the Democratic People’s Republic of Korea has manifestly failed to do so,”⁵⁵ the representations of aggressive regime and victimized people exploited abroad are opposed to the image of the UN Member States that have responsibility to “Combat the practice of forced labour by the Democratic People’s Republic of Korea of overseas workers operating on their territories, including by conducting thorough inspections at worksites on a regular basis and forcefully repatriating those

⁵¹ Written statement* submitted by the People for Successful Korean Reunification, a non-governmental organization in special consultative status, A/HRC/28/NGO/51, 3 (February 20, 2015).

⁵² Saara Särmä, “Junk Feminism and Nuclear Wannabies: Collaging Parodies of Iran and North Korea” (PhD diss., University of Tampere, 2014), 105.

⁵³ Särmä, “Junk Feminism and Nuclear Wannabies,” 108.

⁵⁴ Sang-Hun, “North Korea Exports Forced Laborers for Profit, Rights Groups Say.”

⁵⁵ Report of the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea, ¶ 86.

responsible for violations.”⁵⁶ However, in this context the responsibility implies Member States overseeing labor standards in their own territory and, hence, maintaining the image of the international community that does not allow such forms of exploitation as ‘forced labour’ to be practiced inside its boundaries. Thus, as the 2016 letter from NGO People for Successful Korean Unification to the UN Special Rapporteur on human rights states, “it is their [Member States’] responsibility to ensure that those working within their borders enjoy standards of labour of the level required by the various ILO conventions.”⁵⁷ However, in this case the international community is split into its normal members and those who align with North Korean government, so that the states in which migrant workers live are seen as collaborators of the DPRK’s regime and, thus, have to be punished as well. As a result, the accountability of the DPRK for the exploitation of people is further extended to other states that are seen as being in the same position of exploiting people as North Korea is.

‘Migrant workers,’ thus, are positioned ambiguously both as being different from the international community, for the responsibility of the UN Member states is to abide with the international labour standards rather than protect North Korean people, and simultaneously differentiated from the DPRK’s regime by representing migrant workers and the regime as separate sides of the hierarchical dichotomy between the criminal/victim, exploiter/oppressed. Migrant workers are represented as objects both of the DPRK’s criminal network and of the global labour norms that are exploited and are sent abroad as an extension of the DPRK’s disregard towards its own people.

⁵⁶ Report of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea, A/70/362, ¶ 82 (f).

⁵⁷ Written statement^{*} submitted by the People for Successful Korean Reunification, a non-governmental organization in special consultative status, A/HRC/31/NGO/177, 2 (February 24, 2016).

2.2. “Economic Migration” Discourse

As the title “Russia finds in North Korea a source of cheap labour” of the New York Times 2003 article suggests,⁵⁸ the idea that people are the objects of trade relationships between some states, such as Russia and China, and the DPRK has been at the forefront of the international attention to migration from North Korea from the very beginning of its status as an international problem. Yet, the content of this article suggests a different narrative of this migration, one that has been wide-spread in the beginning of 2000s and addressed migration from North Korea as a way of earning money for *people* rather than *states* and portrayed the complexity of people’s experience of working abroad. In this narrative people are referred to as “economic migrants” and “guest workers” who earn “close to the local minimum wage,” “are allowed to keep 100\$[out of 400]” which they “send home to their families or carry back on their yearly vacations.”⁵⁹ Portrayed in this light, ‘migrant workers’ are seen to be going abroad for the opportunities to improve living conditions of their families who live in “now the poorest nation in Northeast Asia.”⁶⁰ People are represented as ‘migrant workers’ who face the same exploitation as migrants from other countries do. As an employer interview in the article states: “I have friends in California who employ Mexicans. I think North Koreans work just as hard.”⁶¹ Working conditions are described as harsh, since “they often work 16-hour days, living in apartments they are renovating,” can be “harshly punished for talking about North Korea to foreigners” and are under constant supervision.⁶² Yet, representations of North Korean nationals as ‘economic migrants’ differentiate them from the category produced by the ‘forced labour’ discourse by insistence on people’s agency, for ‘they considered themselves lucky to be working in Russia and hoped to renew their contracts.’⁶³

Although people work abroad and not in their country of origin, responsibility for their harsh working conditions is delegated to the DPRK. The state is portrayed as keeping the tight

⁵⁸ Brooke, “Russia Finds in North Korea a Source of Cheap Labor.”

⁵⁹ Brooke, “Russia Finds in North Korea a Source of Cheap Labor.”.

⁶⁰ Brooke, “Russia Finds in North Korea a Source of Cheap Labor.”.

⁶¹ Brooke, “Russia Finds in North Korea a Source of Cheap Labor.”.

⁶² Brooke, “Russia Finds in North Korea a Source of Cheap Labor.”.

⁶³ Brooke, “Russia Finds in North Korea a Source of Cheap Labor.”.

grip over its people even when they work outside its jurisdiction by sending the special party representatives who overlook migrants' labour abroad and are 'punishing' their supervisees. These representations of the DPRK differ from the 'forced labour' discourse since in contrast to it, states where migrants work are seen as passive recipients of foreign labour who are linked to the DPRK as its trading partners but are simultaneously differentiated from North Korea through disentangling them from being accountable for exploitation. In other words, the DPRK is differentiated from other states and the regime is portrayed as exploiting people abroad but not 'forcing' them to leave their home country. Furthermore, it is North Korean companies that make arrangements with foreign enterprises and uphold the salaries of their employees and send it directly to the state. These companies are represented as an extension of the state abroad and as continuing activities of their state even in other countries through deploying constant ideological propaganda. In contrast, foreign employers of migrants are represented as credible informants who empathise with migrants and understand that their working conditions are harsh, but at the same time are not responsible for exploitation of the people.

2.3. 'Migrant Workers' as Objects of Violence And Attempts to Govern Them

As Laclau and Mouffe suggest, merging differences between subjects so that they are linked into the chains of equivalence requires establishment of antagonistic relations, since the community cannot be defined with reference to its positive content.⁶⁴ Laclau further elaborated on this impossibility of commonality in the community by claiming that the more subjects or demands are included into the chain of equivalence, the easier it becomes for the chain to break due to the irreconcilable differences between its elements.⁶⁵ Antagonism establishes commonality by means of excluding other subjects beyond the boundaries of the community and linking them into the antagonized chain of equivalence.⁶⁶ For David Campbell, such a practice of producing threats is

⁶⁴ Laclau and Mouffe, *Hegemony and Socialist Strategy*, 128-129.

⁶⁵ Ernesto Laclau, *Emancipation(s)* (London: Verso, 2007), 41-42.

⁶⁶ Laclau and Mouffe, *Hegemony and Socialist Strategy*, 129.

the performative condition for the state to emerge and once the state stops distinguishing outside and inside through producing dangers to the state, it will cease to exist, as the boundaries that distinguish what and who belongs to the community will fall down.⁶⁷ Similarly, in the ‘human rights’ discourse the international community represents the only “conscience of humanity”⁶⁸ that people living in the DPRK are linked to and, thus, the discursive field is reduced to two antagonistic poles. However, in the ‘forced labour’ discourse ‘migrant workers’ disrupt such a clear distinction between the international community and its totalitarian Other by becoming the object over which contestation between singular states and the DPRK should be performed. ‘Migrant workers’ do not fully belong to the ‘international community,’ as they have to be ‘saved’ but not made equal to citizens of other countries, neither are they fully linked to the international community’s ‘Other,’ as this antagonized subject is the reason for why people suffer. In other words, ‘migrant workers’ appear as an object that does not fully belong to either of the chains of equivalence and that has to be subjected to a particular form of governance, fully withdrawn from any relations with the ‘Other’ and positioned into the ‘international community,’ even though as its partial member and the object of international norms that regulate labor rights. People are reduced to the body that is captivated by the North Korean authorities but that has to be governed by the states in which labour is performed.

Apart from pointing out that people cannot exercise any freedoms while they work abroad and, thus, exist in the UN Member States as coerced laborers, people are represented as being treated like disposable bodies, whose health conditions can be disregarded and who are subjected to torture and arbitrary deaths. In this sense, the ‘forced labour’ discourse represents ‘migrant workers’ as being reduced to what Agamben describes as *homo sacer*, a dispensable body that is deprived of state protection and yet cannot be killed for divine purposes.⁶⁹ For Agamben, politics

⁶⁷ David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity* (Minneapolis: University of Minnesota Press, 1992), 8-11.

⁶⁸ Report of the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea, ¶ 86.

⁶⁹ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998), 70.

consists in inclusion of bare life, reduced to life as such, into the political order by means of its exclusion from political qualifications.⁷⁰ This inclusive exclusion, as he argues, is the function of the sovereign that stands both inside and outside the law due to having legal power to suspend law.⁷¹ Yet, in the case of North Korean ‘migrant workers’ the sovereign who excludes this life from the political order is ambiguous, for it is the DPRK authorities that subject people to inhumane working conditions and it is states where people work that exclude these people from their legal framework by allowing labour to be performed in remote ‘labour camps.’ However, the distinction between the DPRK and UN Member States where ‘migrant workers’ live is made according to their role in reducing people to life deprived of political existence. While the DPRK authorities clearly force people to work and create the conditions under which their lives are dispensable, such violence is portrayed as an extension of the violent ‘Other’ beyond its spatial boundaries. Other states, while being linked to this violence, are still regarded as allowing it to occur rather than producing it. Hence, representations of people as ‘bare life’ delineate what the ‘Other’ is and what the international community cannot be, where the violence towards people can occur and where it cannot. The violence of the DPRK is essentialized as its ‘normal’ action, while for the ‘international community’ such violence is the extension of the ‘Other’ that should be fought against rather than the regular treatment of people who cannot be qualified as its full members.

The ‘forced labour’ discourse emphasizes the lack of any subject position that could be attributed to ‘migrant workers.’ As Jenny Edkins and Veronique Pin-Fat argue, this exception captures the body through the relations of violence that desubjectifies the person rather than through relations of power that create them as subjects of a particular social order.⁷² What the ‘forced labour’ discourse suggests instead is rearticulation of people as subjects with rights and,

⁷⁰ Agamben, *Homo Sacer*, 8.

⁷¹ Agamben, 15.

⁷² Jenny Edkins and Veronique Pin-Fat, “Introduction: Life, Power, Resistance,” in *Sovereign Lives: Power in Global Politics*, ed. Jenny Edkins, Veronique Pin-Fat and Michael Shapiro (New York: Routledge, 2004), 4.

therefore, as subjects of the specific socio-political order in which they are made visible, but simultaneously recognized as requiring specific and partial rights that do not extend to the political rights and instead are reduced to their being as a category that is based on labour. To bring Rancière here once again: the regime of the ‘police,’ which assigns qualifications to persons and establishes a particular regime of what is visible in the society and what is not, who has the right to speak and who does not,⁷³ is substituted by a different regime in which ‘migrant workers’ are assigned category and reduced to it, but simultaneously given voice in its absence. ‘Forced labour’ discourse is based on the idea of making ‘migrant workers’ visible in the legal order, yet this becoming visible is argued for on the basis of bringing people into this legal order as a particular category that has to be governed. As Jenny Edkins notes, these arguments do not emancipate people, who suffer, and lack attention to the person who is suffering, but rather include them into the existing regime as a group that has to be dealt with according to the state logic of governance for which a person is an object that has to be treated impersonally, without any care for who the person is.⁷⁴ Thus, the ‘forced labour’ discourse insists on a different mode of subjectivating a migrant worker by making them a legally laboring subject rather than invisible and silent subordinates of the machine-like DPRK, yet such a mode of subjectification does not necessarily emancipate those who are represented as oppressed.

The ‘forced labour’ discourse represents ‘migrant workers’ as being reduced to bare life and problematizes this reduction to be acceptable in the international community. Claims about ‘migrant workers’ absence from the regime of ‘partition of the sensible’ are normative since they delineate what kind of labour is acceptable in the international community and what conditions of life can exist only under the rule of the violent Other that does not comply with the norms that the international community enforces. Yet, the potential for a different mode of creating migrant workers is suspended by the very representations of their reduction to the silent object and by

⁷³ Rancière, *Disagreement: Politics and Philosophy*, 28-29.

⁷⁴ Jenny Edkins, *Missing: Persons and Politics* (Ithaca: Cornell University Press, 2011), 7.

insisting on the impossibility of resistance on behalf of the oppressed people. People have been articulated differently as being exploited but mediating the experience of exploitation precisely by using the possibility to work abroad. The alternative has become countered over time though by insisting on the deception being used to attract people for foreign labour and by claims that “Although conditions may be better overall for North Korean workers abroad than for most North Koreans, one should not forget that conditions in North Korea cannot serve as a means of comparison for ethical and humane conditions given the preponderance of evidence demonstrating that human rights violations and food insecurity in North Korea are pervasive.”⁷⁵ But which life can serve as a comparison and what does this comparison imply?

⁷⁵ Written statement submitted by the People for Successful Corean Reunification, a non-governmental organization in special consultative status, A/HRC/28/NGO/51, 3 (February 20, 2015).

CHAPTER 3. 'SLAVERY,' 'FORCED LABOUR' AND REPRESENTATIONS OF THE OPPRESSED

As the previous chapter suggests, the key element of representing people from North Korea working abroad was the 'forced' nature of their labour that further portrayed people as being devoid both of any political characteristics and of their agency in choosing what kind of work they would perform. These representations further delineate subjects according to normative framework in which all the abnormal treatment of people is attributed to the DPRK's regime, while the existence of violence towards 'migrant workers' outside North Korea is positioned as the permission by the UN Member States for the foreign regime to extend its violence rather than as violence committed by these states. This chapter further analyses such representations of people as being stripped of their agency and shows how representations of violence, while being used to argue for a different mode of articulating 'migrant workers' in which they would be recognized as subjects of rights, reproduce violence that they are attributing to the 'abnormal'. The chapter focuses on representations of people as being 'forced' to work and as being represented as 'modern slaves.' I argue that such representations perform a double move of representation that Spivak writes about in her discussion of the epistemic violence and transparency of Western intellectual.⁷⁶ 'Migrant workers' are represented textually as subjects that cannot exercise any agency, yet through this they are also represented politically, spoken for by the international community that justifies its superiority in relation to mute objects or 'items' and instead of emancipating further silences those it claims to be oppressed.

⁷⁶ Gayatri Chakravorti Spivak, "Can the Subaltern Speak?," in *Colonial Discourse and Post-Colonial Theory: A Reader* (New York: Columbia University Press, 1993), 70.

3.1. 'Forced Labour' and 'Modern Slavery'

“Forced labour refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities. Forced labour, contemporary forms of slavery, debt bondage and human trafficking are closely related terms though not identical in a legal sense. Most situations of slavery or human trafficking are however covered by ILO's definition of forced labour.”⁷⁷

As this definition of ‘forced labour’ provided by the International Labour Organization suggests, the term ‘forced labour’ is a cover concept that includes ‘most situations of slavery or human trafficking’. This umbrella position of the term has not, however, prevented the Security Council members from emphasizing that “Whether inside or outside the Democratic People’s Republic of Korea, it [the working conditions of the DPRK nationals] is modern slavery.”⁷⁸ So far, scholars have been mostly concerned about ‘modern slavery’ from a legal perspective and have been arguing about the possible measures to address this issue.⁷⁹ However, some scholars have taken a critical perspective on what ‘modern slavery,’ ‘forced labour’ and related form of exploitation designate and simultaneously conceal. As Chuang argues, current modern slavery campaigns focus on criminalizing slavery and seeking justice for the cases of exploitation, in this case concentrating on punishing those who are responsible for exploiting people.⁸⁰ Landau and Marshall further point out that ‘modern slavery’ advocates represent slavery as a deviation of

⁷⁷ “The meanings of Forced Labour,” International Labour Organization, accessed May 30, 2019, https://www.ilo.org/global/topics/forced-labour/news/WCMS_237569/lang--en/index.htm.

⁷⁸ UN Security Council, Meeting Record 7830, S/PV.7830, 10 (December 9, 2016), <https://undocs.org/S/PV.7830>.

⁷⁹ See e.g. Erika R. George and Scarlet R. Smith, “In Good Company: How Corporate Social Responsibility Can Protect Rights and Aid Efforts to End Child Sex Trafficking and Modern Slavery,” *New York University Journal of International Law and Politics* 46, no. 1 (2013): 55–114; Julie A. Gutierrez, “Less than Transparent: How California’s Effort to Shine Light on Modern Slavery May Ultimately Keep Consumers in the Dark,” *Loyola Journal of Public Interest Law* 19, no. 1 (2017): 57–82.

⁸⁰ Janie A. Chuang, “Exploitation Creep and the Unmaking of Human Trafficking Law,” *The American Journal of International Law* 108, no. 4 (2014): 636.

contemporary market that has nothing in common with more conventional forms of inequality produced by capitalism.⁸¹ Fudge further shows that such an individualized approach towards ‘modern slavery’ is the only possible solution against the phenomenon under the discourse that creates a binary opposition between slavery and free labour and, thus, withdraws the systemic roots of ‘forced labour’ and related forms of exploitation from being addressed.⁸² The term ‘modern slavery’ in its turn, is highly ambiguous and includes multiple forms of exploitation with their different specific traits, including child labour, human trafficking, sex work and bonded labour among others.⁸³ According to international law, ‘forced labour’ and ‘slavery’ designate different phenomena, where the forced labour is defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily,”⁸⁴ and slavery is defined as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.”⁸⁵ From the legal point of view, the difference, between the ‘forced labour’ and ‘slavery’ consists in what kind of subject each term designates. The ‘forced labour’ term emphasises coercion and lack of will in performing a certain type of activity. It designates the kind of activity that is performed by someone, which is coercion. ‘Modern slavery,’ however, signifies stronger relations of exploitation, in which a person is considered a ‘thing,’ an ‘item’ over which the rights of ownership are extended. The term, thus, designates both the structure of the relations between people and what kind of persons are involved in this structure, namely, ‘slaves’.

However, ‘modern slavery’ conflates this distinction and instead embraces multiple forms of exploitation as being equal to slavery. O’Connell Davidson argues that ‘modern slavery’ lacks any precise definition and that instead

⁸¹ Ingrid Landau and Shelley Marshall, “Should Australia Be Embracing the Modern Slavery Model of Regulation,” *Federal Law Review* 46, no. 2 (2018): 322.

⁸² Judy Fudge, “Modern Slavery, Unfree Labour and the Labour Market: The Social Dynamics of Legal Characterization,” *Social & Legal Studies* 27, no. 4 (2018): 429.

⁸³ Julia O’Connell Davidson, *Modern Slavery: The Margins of Freedom* (Basingstoke: Palgrave Macmillan, 2015), 3.

⁸⁴ International Labour Organization, Forced Labour Convention, art.2 (1930), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029.

⁸⁵ Slavery Convention, art. 1 (1) (1926), <https://www.ohchr.org/Documents/ProfessionalInterest/slavery.pdf>.

“a series of stock phrases and highly dubious statistics about it are circulated, repeated so often and so earnestly that they have taken on the mantle of incontrovertible truths. Speculation on the enormity of the problem is presented as ‘fact’, even though the next ‘fact’ to be unfurled is invariably that it is impossible to measure the scale of this hidden, criminal trade.”⁸⁶

The introduction of what is called ‘forced labour’ into the ‘modern slavery’ discourse, thus, further eliminates any differences between the two phenomena and produces the image of those who are subjected to ‘forced labour’ as living under the same conditions as ‘slaves.’ Similarly, in this logic representations of North Korean migrant workers as ‘slaves’ of the regime rather than merely exploited by it, turns their representations as those of agentless dispensable life into the image of people as ‘items’ who cannot be treated as any kind of living being. Representations of a person as ‘bare life,’ discussed earlier, turn into representing a person as being deprived of life and turned into a ‘thing.’

O’Connell Davidson shows that contemporary anti-slavery discourse is taken forward by liberal states which “call for action against a peculiarly morally repugnant form of suffering, but since this wrong is presented as exceptional to, and incompatible with, the dominant political and economic world order, their project is readily allied to a celebration of the existing status quo.”⁸⁷ Slavery or forced labour, then, is used to distinguish the liberal market societies as being normatively superior to the societies where the form of exploitation that is referred to as a matter of past exists, though in its ‘modern’ form.

Portrayed as being subjected to ‘forced labour’ or ‘modern slavery’ migrant workers from North Korea are, thus, framed as people who do not exercise any agency and who are further both forced to work and are the object of possession of the North Korean regime. The normative boundary between the international community and the DPRK is further strengthened, so that

⁸⁶ O’Connell Davidson, *Modern Slavery: The Margins of Freedom*, 3.

⁸⁷ O’Connell Davidson, *Modern Slavery*, 12.

instead of being reduced of any political characteristics and not exercising any rights, they are seen as being deprived of any humanity at all and as reduced to the ‘items’.

3.2. Representing the Suffering

Suffering captures the imagination of those who do not suffer. Representations of people as ‘slaves’ or as those who are subjected to ‘forced labour’ not only produce certain normative binaries in which the West or the international community is portrayed as a space emptied of these forms of oppression, but also invokes the responsibility for doing something with the exploitation that has no place in contemporary society. Responsibility and the necessity to save people is, however, achieved by unequally positioning those who produce these representations and those who are represented. Lilie Chouliaraki argues that representations of suffering unequally position people who experience suffering and the spectator, or as she puts it: “who watches and who suffers reflects the manner in which differences in economic resources, political stability, governmental regimes and everyday life enter the global landscape of information.”⁸⁸ Although Chouliaraki and others who write about the relations between the observer and the observed⁸⁹ focus on the hierarchies produced in the relations of looking at something, textual representation produce similar dichotomies by simply making someone or something appear as an object of representation. North Korean ‘migrant workers,’ thus, in being reduced to the ‘slaves’ or to those who are forced to work, are simultaneously positioned in relation to those who are not slaves and, thus, are capable of speaking for them.

This dynamics of writing ‘slaves’ as those who are exploited and ‘owned’ by the DPRK’s authorities and positioning of ‘migrant workers’ as those who cannot speak for themselves and are produced as objects of those who speak symbolizes the double move of representation as the aesthetic practice of textual writing of the subject and the political practice of claiming knowledge

⁸⁸ Lilie Chouliaraki, *The Spectatorship of Suffering* (London: SAGE Publications, 2006), 4.

⁸⁹ See e.g. David Shim, *Visual Politics and North Korea: Seeing Is Believing* (Abingdon: Routledge, 2014).

about the oppressed that Spivak writes about in her discussion of the role of intellectual in producing knowledge about the postcolonial subject.⁹⁰ ‘Migrant workers’ are represented as people who lack any agency and who are totally suppressed by the Other that aggressively expands beyond any national boundaries, but this textual representation of people as lacking any voice and as being held in the conditions that strip them of any humanity further contributes to the production of those who represent them in making the claims of the oppressed visible by articulating these claims in the international institutions. Apart from establishing double hierarchies, in which the international community is represented as a superior subject both textually and by claiming to speak for the oppressed, the ‘forced labour’ discourse and its ‘slavery’ continuation paradoxically produce ‘migrant workers’ as not being capable to speak for themselves while being based largely on the testimonials of the people who used to work abroad and managed to escape from the labour camps. References to testimonials and interviews are used in almost all the accounts of labour migration from North Korea, be it the stories that point out at people’s lives in remote Siberian labour camps or the reports which mention that people working abroad choose their work on their own and live in the better conditions than they would if they worked in the DPRK. However, the ‘forced labour’ and ‘slavery’ discourses differ from the less extreme representations of people as exploited but having agency ‘economic migrants.’ While the latter bring these voices to show that their experience includes suffering but is one of the few ways to avoid violence, the former *brings voices of different people to claim that these people do not have any voice.*

3.3. Production of ‘Modern Slavery’ Through Naming People ‘Slaves’

At this stage the argument of this thesis may be misunderstood to be pointing out that North Korean people working abroad are not exploited or that their voices that are used in papers such as *beyond the UN COI report*,⁹¹ do not matter. To specify it once again: I do not claim to know what the lives

⁹⁰ Spivak, “Can the Subaltern Speak?” 70-71.

⁹¹ Chang-Hoon and Myong-Hyun, “Beyond the UN COI Report on Human Rights in North Korea.”

of multiple people from North Korea crossing the border and working at different sites in many countries really are, at least because claiming to know the true experience of hundreds of thousands of people with their personal reasons for migrating and different degrees of being subjected to exploitation, would be to perform the same task of categorizing people into the homogenous group all members of which suffer and suffer equally. As Stern, Hellberg and Hansson write, the grip of power is never total and people “choose alternatives and act within (and even peek beyond?) the conditions of possibility that governing discourses define and that material circumstances dictate.”⁹² The representations of ‘migrant workers’ as a homogenous group, however, indeed produce at least one element of commonness in their experience, that is, being created as a category and silenced through the claims that *all* these people are silent. According to Herschinger, representation inevitably involves loss of any meaning that could be attributed to the signifier to express the subjects it represents – any representation produces homogeneity and rejects differences between those who are represented.⁹³ In other words, representations of people as being reduced to ‘slaves’ deny their agency and together with this deny possibilities for resistance. As Elina Penttinen points out, the experiences of healing and recovering from violence are as important to show as violence itself, since by focusing solely on suffering “we are stuck in a worldview or a belief system of human beings as passive victims of circumstances” and “we lag behind in creating new knowledge of how to build practices, which would indeed increase well-being, joy and self-healing in the world.”⁹⁴ Exclusive focus on violence does not immediately lead to its cessation and instead reproduces that very violence.

Penttinen primarily writes against disciplinary focus on violence and suffering. Yet, her argument emphasizes the role of writing and speaking about the oppressed in reproducing violence towards people. The practice of knowledge production, in her view, poses ontological questions

⁹² Maria Stern, Sofie Hellberg, and Stina Hansson, “Studying the Agency of Being Governed? An Introduction,” in *Studying the Agency of Being Governed*, ed. Stina Hansson, Sofie Hellberg and Maria Stern (Abingdon: Routledge, 2015), 1.

⁹³ Herschinger, *Constructing Global Enemies*, 35-36.

⁹⁴ Elina Penttinen, *Joy and International Relations: A New Methodology* (New York: Routledge, 2013), 3.

about human being and, as she claims, the focus on suffering limits not only the possible ways in which a person can be represented in writing, but also how a person can be thought in the first place.⁹⁵ Similarly, Zalewski and Stern emphasise that feminist attempts to address gender violence have been performatively reproducing gendered categories through constructing the category or the subject that has to be represented.⁹⁶ Categorisation in this sense imposes constraints on the way people can be thought. This refers back to Ranciere's understanding of the 'police' as a particular regime of the 'partition of the sensible.'⁹⁷ The 'sensible' that is present in the 'police' refers not only to what subjects are created as subjects with rights, but also to the impossibility of any presence of the disqualified apart from the political practice that consists in reinscribing political imaginary so that the possibility that a subject speaks is made conceivable.⁹⁸

These representations of someone as being reduced to the 'item' that cannot even be thought to exercise some degree of agency do not lead directly to any particular political response, though. However, as the next chapter shows, representations of people as 'items' fit into the logics of the Security Council sanctions that operate as the institution of punishment and as a ban on trade in commodities.

⁹⁵ Penttinen, *Joy and International Relations*, 10.

⁹⁶ Maria Stern and Marysia Zalewski, "Feminist Fatigue(s): Reflections on Feminism and Familiar Fables of Militarisation," *Review of International Studies* 35, no. 3 (July 2009): 615-616.

⁹⁷ Ranciere, "Ten Theses on Politics," 8.

⁹⁸ Ranciere, 11.

CHAPTER 4. VIOLENCE OF LAW, VIOLENCE OF SANCTIONS AND THE EXPERT POLICE ORDER

Said writes that what he calls Orientalism is not merely a number of textual representations of the 'Orient' that establish 'West' as a superior subject in relation to the 'East,' but also an institutionalized through material relations way of dealing with the 'Orient.'⁹⁹ Colonial and postcolonial discourse does not consist in merely writing the postcolonial subject in a hierarchical way and in the act of representation through portraying this subject as being silent and in need of being spoken for. Rather, like the 'uncivilised' 'East,' the 'oppressed' have to be treated and dealt with in some way or another. This chapter looks at the structure of the UN sanctions against North Korea as the most well-known way of dealing with the DPRK. Sanctions operate as a means of reinscribing international law, in the case of sanctions against the DPRK the nuclear non-proliferation regime. Simultaneously, sanctions draw on representations of North Korea and its people, including those working abroad, and materialize these representations into different variations of ban on certain activities.

4.1. *Sanctions Regime*

The sanctions are, perhaps, the most well-known tool of treating the DPRK, since the regime of punishing North Korea for its continuous nuclear program has been expanding since 2006 and currently presents long list of materials and natural resources that are banned from being the object of trade between the DPRK and other UN Member States. Sanctions have been introduced in 2006 with resolution 1718 that imposed arms embargo on the DPRK, prohibited export of items necessary for building missiles and for nuclear facilities and imposed ban on the export of

⁹⁹ Edward Said, *Orientalism* (London: Penguin Books, 1977), 2-3.

luxury goods into the DPRK.¹⁰⁰ Also, the resolution authorized UN Member States to freeze assets of persons responsible for the state's nuclear and missile programs and imposed travel bans on these people.

As the sanctions regime expanded in the next decade, its structure remained relatively stable. Ban on trade in certain items was strengthened by the Security Council's decision to limit or prohibit trade in natural resources with North Korea which was initiated by the resolution 2270.¹⁰¹ Other extensions of the sanctions regime included introduction of new mechanisms to oversee the implementation of sanctions, such as establishment of the Panel of Experts by the resolution 1874,¹⁰² and the extension of list of individuals targeted by assets freeze and travel ban. The Security Council also prohibited the DPRK's participation in different international activities, such as opening of new banks abroad by the resolution 2094.¹⁰³

The sanctions regime, thus, establishes several kinds of punishment in relation to the DPRK, in particular, individual sanctions, which acknowledge personal accountability of particular people or corporate accountability of companies for participating in North Korea's illegal activities; ban on trade in certain items that can be used to create arms or to obtain necessary financial resources, and ban on certain activities of the state abroad. International sanctions are usually distinguished into two types, namely targeted, which impose restrictions on activities of particular persons, and comprehensive, which prohibit trade with the state in general.¹⁰⁴ Yet, in the case of North Korea the distinction between these two types wanes since sanctions embrace almost all North Korean international trade and financial operations.

¹⁰⁰ UN Security Council Resolution 1718, S/RES/1718 (October 14, 2006), <http://unscr.com/en/resolutions/1718>.

¹⁰¹ UN Security Council Resolution 2270, S/RES/2270 (March 2, 2016), [https://undocs.org/S/RES/2270\(2016\)](https://undocs.org/S/RES/2270(2016)).

¹⁰² UN Security Council Resolution 1874, S/RES/1874 (June 12, 2009), <http://unscr.com/en/resolutions/1874>.

¹⁰³ UN Security Council Resolution 2094, S/RES/2094 (March 7, 2013), [https://undocs.org/ru/S/RES/2094\(2013\)](https://undocs.org/ru/S/RES/2094(2013)).

¹⁰⁴ Francesco Giumelli, "Understanding United Nations Targeted Sanctions: An Empirical Analysis," *International Affairs* 91, no. 6 (2015): 1351.

As the types of bans included into the sanctions against the DPRK suggest, the exclusion of the DPRK from the international community occurs by means of establishing a boundary that separates individuals from access to the international community based on their *responsibility* for committing a crime and that bans exchange in items based on their *usage* by these individuals and by the state as a tool that enables the crime to be committed. The subject positions in the structure of sanctions are, thus, reduced to those of the Other who commits the crime, the international community whose norms are endangered and, therefore, against whom the crime has been committed, the Security Council that represents the international community and institutes punishment and the objects that the Other uses to conduct illegal actions.

4.2. International Law and Ethical Violence

David Kennedy points out that international institutions, in particular the UN, present themselves as the guardians of international law and of the “fabric” of the international community rather than as norms makers.¹⁰⁵ Such a self-representation implies neutrality of the international law that provides a common ground for mediation of the sovereign interests.¹⁰⁶ For Kennedy, however, the post-1945 international law based on the UN Charter is rather “a constitutional regime of legitimate justifications” for the use of force that is to be subject to interpretation by the decentralized international elites who praise and reproduce the ‘international community’ in the name of ethics.¹⁰⁷ In other words, for Kennedy the international law constitutes the international community and is produced as a foundation for this community, the existence of which is a final goal of ethical projects. Butler argues that ethics and morality, however, constitute a particular type of violence that comes up once a particular type of morality is endangered and, hence, seizes to be collective or universal.¹⁰⁸ Law and international law are particular types of this violence. As

¹⁰⁵ David Kennedy, *Of War and Law* (Princeton: Princeton University Press, 2006), 77.

¹⁰⁶ Kennedy, *Of War and Law*, 68.

¹⁰⁷ Kennedy, *Of War and Law*, 78..

¹⁰⁸ Butler, *Giving an Account of Oneself*, 4-5.

Martti Koskenniemi observes, international law functions as a means of constructing a hegemonic order in the name of universal principles and always conveys some particular meanings that are expressed in a language that masks its particularity.¹⁰⁹ Law in this sense is an attempt to reaffirm the collectivity that Butler writes about under the conditions of its partial inexistence. In this sense, international law is presented as both neutral due to its image of a means by which different states' interests are mediated and moral as it reinscribes collective norms when their common acceptance is disputed.

Violence does not need to be targeting directly one body of a criminal responsible for violations of law as the international tribunals and the International Criminal Court do to be considered violence of law. In *Critique of Violence* Benjamin distinguishes between the "lawmaking" and "law-preserving violence."¹¹⁰ For Benjamin the former exists as means of installing a particular legal order, while the latter is this order itself.¹¹¹ The distinction between the two types of violence is suspended in the legal function of the police that, as Benjamin writes "is lawmaking, because its characteristic function is not the promulgation of laws but the assertion of legal claims for any decree, and law-preserving, because it is at the disposal of these ends."¹¹² Butler further writes that these two types of violence coexist in law as such since "for a law to be preserved is for its binding status to be reasserted. That reassertion binds the law again, and so repeats the founding act in a regulated way."¹¹³

Sanctions authorized by the UN Security Council illustrate such a double function of law by means of their legal status as binding for all the states and serve as a source of international law

¹⁰⁹ Martti Koskenniemi, "International Law and Hegemony: A Reconfiguration.," *Cambridge Review of International Affairs* 17, no. 2 (July 2004): 199.

¹¹⁰ Walter Benjamin, "Critique of Violence," in *Walter Benjamin: Selected Writings*, ed. Marcus Bullock and Michael W. Jennings (Cambridge: The Belknap Press of Harvard University Press, 1996), 241.

¹¹¹ Benjamin, "Critique of Violence," 241.

¹¹² Benjamin, 243.

¹¹³ Judith Butler, "Critique, Coercion, and Sacred Life in Benjamin's "Critique of Violence,"" in *Political Theologies: Public Religions in a Post-Secular World*, ed. Hent de Vries and Lawrence E. Sullivan (New York: Fordham University Press, 2006), 202.

while simultaneously being introduced into the international law as means of its enforcement.¹¹⁴ In the context of the sanctions against the DPRK, UNSC resolutions are used to enforce North Korea to comply with the international nuclear non-proliferation regime, yet simultaneously they found a new legal order, which illegalises the DPRK's trade relations with other states, confines certain nationals to the boundaries of North Korea and that all the Member States should comply with.

4.3. Punishing the Criminal and Confiscating the Arm

The order that the sanctions establish operates as complementary to the normative framework that allowed sanctions regime to be established in the first place. This implies that sanctions exist primarily as a form of punishment for violating the norms and enforce the norms through the negation of what cannot be accepted in the international community. In other words, sanctions do not affirm a particular political order and do not include new elements into the international community, but rather constitute the international community through exclusion.

Such a structure that focuses on finding those who are responsible for putting the normative order into the question, is reinforced and further institutionalized through the use of expert knowledge. Upon its creation, the Panel of Experts was authorized to oversee the implementation of the existing sanctions and to suggest measures on the improvement of the sanctions regime.¹¹⁵ Throughout the next years the Panel submitted several hundred pages long annual reports containing highly technical information about the characteristics of the missiles, satellite photos of industrial complexes in the DPRK, passport photos of those who, according to the Panel, have been involved in the illegal activities. In the context of labour migration from North Korea, the Panel started to investigate relationship between 'migrant workerks' and the DPRK's attempts to obtain bulk cash only in 2017, already after the exploitation of workers and confiscation of their

¹¹⁴ Michael Brzoska, "International Sanctions before and beyond UN Sanctions," *International Affairs* 91, no. 6 (2015): 1339–40.

¹¹⁵ UN Security Council, Resolution 1874, S/RES/1874, ¶ 26 (June 12, 2009).

salaries has been brought to the attention of the Security Council. The report of the Panel covers labour migration in two contexts, namely, involvement of workers in the arms production in Namibia,¹¹⁶ and in construction works in Poland.¹¹⁷ However, it does not focus on the human rights violations of workers. Instead, the report shows how much money each North Korean national who comes back to the DPRK from abroad carries with them, what are the industries in which people work and what are the specific details of the North Korean companies that operate abroad and make agreements with non-DPRK companies for employing North Korean workers. The focus, thus, is not so much on how people work, but rather on providing enough evidence and technical data to include companies into the sanctions list.

Yet, as David Kennedy writes, the difference between the technical language of expert work and the ideological language of politicians is not as sharp as it is usually supposed to be.¹¹⁸ Experts delineate their space as that of authoritative knowledge to make a particular issue seem relevant for the high politics.¹¹⁹ Similarly, the beginning of reports by the Panel of Experts starts with discussions of why their reports should continue to be published and why sanctions should be strengthened. The language used in these sections differs from technical data provided further on and contains familiar juxtapositions of the regime “continuing its efforts to bolster the national defence” at the expense of and while talking about “improving the civilian economy.”¹²⁰ The regime is portrayed as deepening “its international isolation, with the exception of several traditional relationships with countries in Asia and Africa”¹²¹ and as continuing violations of international law. However, even these introductory parts focus on what the subject that has to be punished has done. Kennedy argues that experts have strong voice in making preferences and

¹¹⁶ Report of the Panel of Experts established pursuant to resolution 1874 (2009), S/2017/150, ¶ 110-114 (January 30, 2017).

¹¹⁷ Report of the Panel of Experts established pursuant to resolution 1874 (2009), 164-177.

¹¹⁸ David Kennedy, *A World of Struggle: How Power, Law and Expertise Shape Global Political Economy* (Princeton: Princeton University Press, 2016), 114.

¹¹⁹ Kennedy, *A World of Struggle*, 114.

¹²⁰ Report of the Panel of Experts established pursuant to resolution 1874 (2009), S/2016/157, ¶ 4 (January 16, 2016).

¹²¹ Report of the Panel of Experts established pursuant to resolution 1874 (2009), S/2017/150, ¶ 4 (January 30, 2017).

providing authority over a certain decision, they exercise “the power of *expert* consensus,”¹²² but in case of the sanctions experts remain in the institutional structure that authorizes them to work in line with their mandate, according to which they should continue to produce knowledge about how the sanctions regime could be strengthened and, therefore, who and how should be punished. Experts widen and strengthen sanctions, as well as reassert their approach centered on finding those who are guilty and the means through which the crime is committed.

4.4. Ban on Trade in ‘Slaves’

If sanctions operate as a way of inscribing a legal order that seeks to preserve another order to ground the impossible ‘international community’ in a common base, how is labour migration from the DPRK and the discussion of reduction of ‘migrant workers’ to ‘forced labourers’ and ‘slaves’ related to all of this?

Representations of someone in a particular way do not automatically imply a particular policy to be adopted, or in other words, although a subject is created through being represented in a particular way, the exact way it would be treated cannot be reduced to causal relationships.¹²³ When ‘migrant workers from North Korea’ were produced as a category that needs specific attention and when this category was assigned specific meanings that further limited possible ways in which people could be thought, no exact policy could be suggested. However, representations of people as not having any agency and even more so as ‘slaves’ perfectly fit the logic of sanctions against the DPRK that focus on punishing those who are responsible for the nuclear program and on limiting opportunities for the regime to acquire funds through trade. Hence, by being positioned into the sanctions regime people represented as ‘slaves’ that lack any humanity and are the ‘property’ of the regime were not only textually represented as such or represented as being spoken for by the international community, but also *treated as other items like arms, luxury goods, refined*

¹²² Kennedy, *A World of Struggle*, 118

¹²³ David Shim, *Visual Politics and North Korea: Seeing Is Believing* (Abingdon: Routledge, 2014), 25.

oil and others that are traded by the regime. The solution the problem of acquiring bulk cash through exploiting people abroad, was found in the preexisting way of treating other commodities, which is, to ban trade in it.

In case of persons ‘ban on trade’ meant repatriation.

CONCLUSION

In this thesis I seeked to find out how has the category of North Korean migrant workers been produced in the international politics. The question arises from the tension between the claims about human rights violation inside the DPRK and the UN Security Council's authorization to repatriate North Korean 'migrant workers' by the end of 2019. I suggest that this tension has been rather enabled by the human rights discourse and its variations in relation to 'migrant workers,' namely, by positioning 'migrant workers' into the 'forced labor' discourse and by further representations of people as slaves. These representations not only reduce any agency on behalf of the people, but also dehumanize them by representing people as a property that has lost any possibilities for resistance. While I argued that such representations do not lead directly to repatriation, the structure of the UNSC sanctions that assigns limited number of positions to people who are targeted by the sanctions regime further constrained possibilities for finding 'solution to the problem' of labor migration from North Korea. By being represented as 'slaves' people were reduced to 'items' that the sanctions regime was ready to deal with by treating them as other commodities and banning 'trade' in them, which in relation to people meant forced repatriation.

This thesis provides contribution to the existing literature on the UN migration management and on the politics of categorizations, specifically in the international institutions, in relation to which theoretical arguments about performative and discursive production of categories have been rarely applied. The thesis, however, does not touch upon the ethical of research and specifically, does not question what is my own role as a writer who uses the same categories that he condemns. Future research on this topic could benefit from current contributions to IR from the so-called 'narrative turn' that specifically suspends third person perspective and addresses positionality of the researcher in what is researched.¹²⁴

¹²⁴ See e.g. Elizabeth Dauphinee, "The Ethics of Autoethnography," *Review of International Studies* 36, no. 4 (2010): 799–818; Elizabeth Dauphinee, *The Politics of Exile* (Abingdon: Routledge, 2013); L. H. M. Ling, *Imagining World Politics: Sihar & Shenya, a Fable for Our Times* (London: Routledge, 2014); Erzsebet Strausz, *Writing the Self*

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