Addressing Sanctions on the DPRK Towards Peace

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Dedicated to the people of the Democratic People's Republic of Korea, and their tireless struggle against imperialism, and for peace.

"Peace secured by slavish submission is not peace"

- Kim Il-Sung

Korea is one!

Executive Summary

Since 1950, comprehensive sanctions have been implemented and enforced on the Democratic People's Republic of Korea (DPRK) by the United States and United Nations alike. These sanctions particularly became intense after 2006, and again after 2017. The stated goal of sanctions, denuclearizing the Korean peninsula, has not been achieved. The consequences of these sanctions for the civilian population of the DPRK have been catastrophic, with thousands of preventable deaths due to missing humanitarian aid, and slow to negative development of the nation's economy and infrastructure. To analyze this problem, we looked at current sanctions legislation at the United States and United Nations, and used existing research addressing the negative civilian impact of these sanctions. Looking at the problems faced by humanitarian organizations, we examined possible solutions. A total lift of these sanctions, while effective and humane, may not be politically feasible. As a result, we analyze different policy options and finalize a recommendation. We recommend that humanitarian exemptions are carefully crafted with consultation from humanitarian organizations, dual-use restrictions on sanctions are ended, and the travel ban put in place by President Trump in 2017 is ended/exempt for humanitarian organizations.

Introduction

The Korean War, also known as the Fatherland Liberation War in Korea, began 72 years ago on June 25, 1950. The horrors that the Korean people faced from United States bombings are not very well known amongst Americans, despite being well documented. The United States dropped more bombs on the northern Korean peninsula than they did in the Pacific Theater in all of World War II[1]. United States Air Force General Curtis LeMay, head of Strategic Air Command in the Korean War, estimated that the United States killed over 20% of the North Korean population over a period of 3 years[2]. Former American Secretary of State Dean Rusk claimed that they bombed "everything that moved in North Korea, every brick standing on top of another"[3]. The United States made an effort to destroy all of the nation's towns, destroying 85% of North Korean buildings[4]. The destruction of the northern Korean peninsula and its effects are still seen today; any nation that faced sheer destruction would take generations to fully recover.

It is also well known that the Korean War never officially ended, with the Korean Armistice Agreement in 1953 forming the Demilitarized Zone (DMZ) running close to the 38th parallel, and creating the current-day nation states of the Democratic People's Republic of Korea (DPRK) and the Republic of Korea (ROK). What is not as well known or discussed, however, is the sustained violence that Koreans have had to face since 1953.

Since the end of the Korean War, the people of the DPRK have had to face comprehensive sanctions from the United States and the United Nations alike, along with other key Western geopolitical players such as the European Union. This did not pose a problem until the 1990's - the DPRK enjoyed economic and political support from the Union of Soviet Socialist Republics (U.S.S.R.) and the People's Republic of China. In fact, they once enjoyed a better economy and stronger development than their southern Korean counterparts[5]. After the fall of the U.S.S.R., they were left without a superpower ally to support them developmentally. Due to sanctions, they were locked out of global financial institutions and systems, and had great difficulty entering these systems (and largely, still haven't been allowed to due to veto power by the United States). After developing nuclear capabilities and engaging in nuclear testing[6], sanctions by the United Nations began to pick up in 2006. After this first set of United Nations Security Council (UNSC) sanctions, more nuclear testing and tensions on the Korean peninsula prompted extremely comprehensive and intense

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[1] Foot, 1990
[2] Kohn & Harahan, 1988
[3] Harden, 2015
[4] Harden, 2017
[5] Seth, 2013
[6] This aspect will largely not be a part of this paper. I am approaching these sanctions from a very neutral humanitarian perspective, not a geopolitical one in the interests of either the United States or DPRK governments.

sanctions in 2017, which specifically has caused catastrophe in the DPRK, which will be outlined in the background section of this paper.

This technical report will explore the harm done by both the United States and the United Nations against the civilian population of the Democratic People's Republic of Korea via broad and comprehensive sanctions. Historical situation and background will be analyzed, to understand the full historical and geopolitical context of the Korean peninsula and the sanctions imposed on its northern population. Furthermore, we will explore possible policy options to address these failures and problems, and evaluate our policy alternatives thoroughly on a selected set of criteria. These sanctions are a pressing humanitarian issue, and one that is not engaged with by most Americans due to the "fear based narratives[7] put forward by politicians and media in the United States. This is not an ideological judgment of the politicians and media itself, but rather an acknowledgment of how this hinders productive discourse and collaboration, ultimately harming the civilian population of the DPRK.

[7] Jasper, 2018

Problem Statement

Since the start of the Korean War in 1950, comprehensive and thorough sanctions have been implemented against the Democratic People's Republic of Korea, via asset freezes, goods embargos, and locking the nation out of the international financial system. These sanctions have only become more severe since 2017. The current stated policy goal of these sanctions have been the denuclearization of the Korean peninsula, which has not happened, nor has progress been made. However, **sanctions by the United States and the United Nations on the DPRK have had highly negative effects on humanitarian aid, food security, healthcare quality/access, and overall development - harming the North Korean civilian population immensely. Specifically, vulnerable subpopulations such as women, children and the elderly have been disproportionately harmed by the sanctions enacted on the DPRK.** This paper will continue to assess the harm of sanctions, as well as evaluate them based on a selected and thorough set of criteria.

Client Overview

My client, to which I present this report, is the Americans Friends Service Committee (AFSC), a humanitarian organization that does work all around the world, including the Democratic People's Republic of Korea (DPRK). According to the organization's website, the organization's vision is "a just, peaceful, and sustainable world free of violence, inequality and oppression"; their mission includes "[working] with communities and partners worldwide to challenge unjust systems and promote lasting peace."[8]

The AFSC's goals in regards to the DPRK have two sides. The first one is on the side of politics and policy advocacy, where they strongly condemn the sanctions put into place by the United States on the DPRK, arguing that it has had catastrophic effects on the DPRK. They organize and lobby for easing and ending the comprehensive sanctions on the DPRK (along with other sanctioned nations such as Iran). They also advocate for similar policies such as ending the travel ban on the DPRK. Their other action includes direct humanitarian work with the DPRK, where they do agriculture and food, as well as medical aid and training. A lot of this work has been slowed and hindered by recent travel sanctions, as well as financial sanctions imposed on the DPRK. It is of immediate importance that their advocacy leads to change in sanctions and travel policy, as it will allow them and other humanitarian aid organizations to better effectively address issues that the civilians of the DPRK face in their everyday lives in food, agriculture, WaSH (water, sanitation, and hygiene), and medical care.

[8] American Friends Service Committee, 2020

Overall, their values are to end or ease sanctions for the dual goal of allowing the DPRK to develop, and so that their humanitarian work in the DPRK can happen more smoothly and effectively. This is all aligned with their organizational vision and mission, working with the civilians of the DPRK to develop against the violence of sanctions.

Background

The history of United States sanctions against the DPRK is a long one, with the status and intensity of sanctions fluctuating over the past 70 years. The genesis of sanctions was due to the DPRK being part of the international Soviet bloc, and was then intensified due to the Korean War. The main framework for early sanctions by the United States against the DPRK was the Trading with the Enemy Act of 1917. The Trading with the Enemy Act was meant to "define, regulate, and punish trading with the enemy" but has become more complex in its usage and intent during the Cold War. According the Benjamin Coates, the act has "became the basis for a project of worldwide economic sanctions applied by the United States at the discretion of the president during times of both war and peace"[9]. Before 1991, American sanctions on a country such as the DPRK was not as consequential as it is now. The Soviet Union was able to effectively "counter" the United States, and the DPRK (and other countries in similar situations, such as Cuba) could rely on the U.S.S.R., and to a lesser extent, China, to meet their development needs.

The scope and magnitude of sanctions are broad, with the DPRK being targeted by some of most comprehensive sanctions - even items as basic screws, bolts, nuts, and staples, or even boxes made with these materials holding any other items, are prohibited from entering the nation through UN Resolution 2397 (2017)[10], which set an extremely broad list of sanctioned goods and items restricted for the DPRK to import.

Sanctions have taken many different forms, from asset freezes and property seizures to total embargoes. Specifically, the sanctions on the DPRK are referred to as "comprehensive". Comprehensive sanctions mean that rather than simply being targeted at individuals, the DPRK is restricted from importing many goods necessary for proper development, and corporations and private farms are criminalized for doing any sort of commerce with the DPRK.

A frequent misunderstanding of sanctions is that they simply restrict and block trade between the United States and the targeted country, but this is not the case. Sanctions on the DPRK mandate that individuals or businesses cannot do trade or business with both the targeted country and the United States. Given the United States hegemonic power and large economy, companies are financially pressured to operate with the US and its developed market rather than the smaller and underdeveloped North Korean market. There is incentive for international firms to decide to operate and function with the United States rather than the DPRK.

Major problems arise when food, oil, fuel, construction/infrastructure material, and medicine do not enter the country. When these materials that are vital to development and quality of life are not entering targeted countries, the civilians suffer. Unfortunately, there is not much hard data or research

[9] Coates, 2018
[10] United Nations Security Council, 2017

that has been available or done, in large part due to the sanctions themselves - the sanctions restrict humanitarian organizations from entering the DPRK, and the United States has enforced a travel ban since 2017 - meaning that research cannot be effectively conducted . According to a report from 38North and Korea Peace Now!, there were approximately 3,968 preventable deaths in 2018 alone that can be attributed to sanctions-related delays and funding shortfalls that impact UN humanitarian programs in both nutrition and healthcare. The number of lives that may have been lost was calculated based on the difference between mortality rates with and without the interventions in the unreached population. Of those, 3,193 were children under the age of 5, and 72 were pregnant women. This does not even account for all of the preventable deaths from sanctions, as it only focuses on the sanction's effects on UN humanitarian programs, and not the country's development as a whole – the broad and comprehensive sanctions have slowed the rate of overall economic growth and development of several key industries such as food and healthcare, leading to a lower quality of life. In the same study, there were also a measured 535 deaths due to delays in humanitarian assistance[11].

Financial sanctions are also in place, with the flow of money and capital heavily restricted and banks discouraged and punished for engaging with the DPRK. United Nations measures such as Security Council Resolution 2321 enact bans on banking, economic, and financial cooperation with the DPRK. In the current global economy, restrictions on banking and financial channels hurt the DPRK and its development from the level of general financial activity in the nation, to blocking North Korean migrant workers in countries such as China from sending remittances to their families. The blocking of financial channels also restricts humanitarian work on the Korean peninsula, as the flow of money is needed in order to operate any organization. Without any available financial channels to send money in and out of the DPRK, paired with the travel ban on United States citizens entering the DPRK, humanitarian work has had limited effectiveness in recent years.

Sanctions on the DPRK have had overwhelmingly negative effects on their general development as well. On a macroeconomic scale, DPRK's GDP growth rate in 2016, before the recent implementation of US and UN sanctions, was +3.9%. In 2018, that number dipped to -4.1%, which has been widely interpreted as being caused by sanctions[12]. This is also before the COVID-19 pandemic, which caused another dip in GDP growth rate as well. China's trade with the DPRK was estimated at about $3 billion in 2013, plummeting to $0.2 billion in 2018 - this is notable because China is the DPRK's biggest ally and trading partner, yet sanctions enforcement affected their trade relationship greatly. After the COVID-19 lockdown in the DPRK, trade between China and the

[11] Park & Jong, 2019
[12] Lee, 2019

DPRK plunged about 80%[13]. The number of North Korean expatriate workers and their remittances fell drastically as well.

There is not much political salience on this issue in the United States. Sanctions on the DPRK, and DPRK policy as a whole, generally enjoys bipartisan support in Congress and politicians of both parties tend to be hard on Korea. The general American public tends to align with these stances, and not much large-scale organizing or strong movements challenging these sanctions are happening. Organizations such as Nodutdol, American Friends Service Committee, Women Cross DMZ and Korea Peace Now! have done work challenging these sanctions, including research and community organizing. However, there is much work to be done as these sanctions are very entrenched in US and UN policy. Other than actual Koreans across the peninsula, as well as key DPRK allies such as China and Russia, not many openly challenge these sanctions. The negative humanitarian impact that sanctions have had on Korea gets little to no attention from media, or even research, with only Korea-specific and anti-war organizations giving it attention.

The mechanisms with which sanctions are imposed are broad, and span many departments, agencies, branches of government, and key actors. The United States has implemented sanctions through legislation, presidential executive orders, and multiple executive branch departments, such as the Department of State and the Department of the Treasury, among others. Within the Department of the Treasury, the Office of Foreign Assets Control (OFAC), often described as the "most powerful yet most unknown" government agency, overlooks and enforces economic and trade sanctions in the pursuit of US national security and foreign policy objectives. Other agencies, such as the Bureau of Industry and Security and the Directorate of Defense Trade Controls play a part in enforcing different sanctions as well.

There is also authorizing legislation for sanctions, with the most prominent being the Trading with the Enemy Act of 1917. Others include the Foreign Assistance Act of 1961, the International Emergency Economic Powers Act of 1977, and the Export Administration Act of 1979. There is also legislation specifically addressed at the DPRK, such as Countering America's Adversaries Through Sanctions Act (CAATSA) of 2017. Sanctions have also been put into place via Executive Order, such as Trump's Executive Order 13810 in 2017. This executive order enforced more sanctions on the DPRK, making it a criminal offense to have engaged in at least one importation from or exportation to North Korea of any goods, services, or technology.

What is it that gives the sanctions the power it does? Simply put, the sheer economic dominance that the United States has over the world makes its sanctions crippling for any nation. The United States dollar accounts for 60% of all global foreign exchange reserves and 88% of all foreign

[13] Shin, 2021

exchange trading[14]. This global dependence on the US dollar has an effect on all global currencies, and makes any country - no matter their stage of development or geopolitical alliance - subject to United States economic activity and laws.

Targeted countries aren't the only victims of sanctions as well, due to global spillover effects. These spillover effects tend to fall on corporations and financial institutions that violate sanctions, or whose business was affected by sanctions – for example, an oil company that operates in Iran would be significantly negatively impacted by sanctions on Iran. In 2012, British bank HSBC paid $875 million in penalties to the United States Department of the Treasury[15] after violating US sanctions against Cuba, Libya, Myanmar, and Sudan, and French bank BNP Paribas paid $8.9 billion in penalties to OFAC in a similar 2014 case[16]. Both of these are not only some of the strongest, wealthiest banks in the world, but neither of them are American. When the United States has this much power over even extremely strong foreign financial institutions in regards to sanctions, the power that those sanctions have over small, underdeveloped countries such as the DPRK is devastating. Even if the DPRK does not directly trade with the United States, the financial institutions they may need to rely on generally do. Additionally, many firms choose not to deal with the DPRK even if they are allowed to, due to fear of OFAC penalties. This is referred to as *overcompliance*, and is a phenomenon that is very useful in effective analysis of sanctions policy.

At this point in time, easing or lifting sanctions on the DPRK is not being addressed by the United States or international organizations such as the United Nations, other than attempts to mediate by China or Russia. As a result, the negative effects of sanctions on North Koreans, especially women, have been visible. US and UN sanctions have severely limited the flow of nutrition, health, and hygiene aid from entering the DPRK. This manifests in multiple ways. For example, sanctions have delayed or prevented UN humanitarian assistance from entering the country, resulting in shortage of "acute malnutrition [aid], basic essential drugs, vitamin A, WaSH (water, sanitation, and hygiene), and emergency reproductive health kits"[17]. Also, due to travel sanctions (at this point in time, a complete and total ban on United States citizens entering the DPRK without special diplomatic approval from the US government) where United States citizens are not allowed to legally enter the United States, many humanitarian groups from outside the DPRK cannot enter the country, causing a lack of humanitarian work being done. Financial sanctions have caused humanitarian groups and NGOs operating within the DPRK to become extremely underfunded, lose external funding, and often just cease operation as a result. This lack of needed and necessary humanitarian aid reaching the Korean

[14] D'Antona, 2020
[15] U.S. Department of the Treasury, 2012
[16] Raymond, 2015
[17] Kim & Park, 2019

population has resulted in thousands of preventable deaths[18], mainly amongst children under 5, and with pregnant women being disproportionately affected.

Disproportionate Effects on Women

Sanctions on the DPRK have put immense economic and financial pressure on the textile and retail industries specifically - both of these industries mainly employ women (82% and 89%, respectively)[19]. This is due to less ability and channels to import materials and machinery necessary for production and operation, as well as less opportunity to export goods and make money. The pressure on these industries has led to increased unemployment and restricted socioeconomic mobility of women in the DPRK, leading to even worse outcomes. Due to the pressures from sanctions, rates of sexual and domestic violence, prostitution, and trafficking have increased, according to the Korea Peace Now! Study.

While sanctions on the DPRK have broad and wide-ranging negative effects for all of its citizens, women are particularly hurt by them. Sanctions interfere with women's livelihoods in the DPRK, with sanctions targeting the textile and retail trade industries. Women are highly represented in these industries, with women making up 82% of textile industry workers and 89% of retail trade workers. The economic downturn that has been enforced by sanctions has led to unemployment in these sectors, which have resulted in more harmful results for women. The economic pressure has led to increased rates of domestic violence, sexual violence[20], trafficking of women and prostitution[21]. Additionally, sanctions have negatively affected women's health, from reproductive and natal care to general medical care, safe drinking water, and sanitation. Korean women are particularly hurt from sanctions also due to the expectation of being family caretakers and integrated workers - sanctions have destabilized institutions such as public childcare and worker rations, contributing to this problem. This destabilization is mainly due to the government having to Generally, sanctions hurt women the most - a cross-national study of 146 countries from 1971-2005[22] showed that in the context of developing nations under sanctioned economic pressure, women disproportionately suffered from a degradation of status, discrimination, violence, and risks to social rights.

[18] Korea Peace Now!, 2019
[19] Central Bureau of Statistics, Democratic People's Republic of Korea, 2008
[20] Kim, 2014
[21] Buck et al., 1998
[22] Drury & Peksen, 2012

Evidence on Potential Solutions & Existing Research

The current state of research on sanctions on the DPRK is rather limited. This is due to limited data from the DPRK themselves, as well as a lack of research being conducted. The relative lack of thorough research on the DPRK is for a few reasons - the United States travel ban to the DPRK since 2017 has made traveling to the region for research near impossible, and there is relatively little interest from the American public, politicians, and academia to engage with the humanitarian and civilian side of the DPRK. The existing research has been done mainly by Korean diaspora organizations, organizations based in the Republic of Korea, and the United Nations. While we would like to comprehensively engage with research on the DPRK, the gaps in thorough research nudge us to look at case studies in other sanctioned nations, including Iraq and Syria.

One of the foundational pieces of research and work in understanding the situation of sanctions in the DPRK is from Korea Peace Now!, a Korean feminist organization operating in both the United States and Korea. Their 2019 report, "The Human Costs and Gendered Impact of Sanctions on North Korea", is a comprehensive report from an independent panel of experts, assessing the humanitarian and civilian impact of sanctions on the DPRK. They pay special attention to the specific consequences of sanctions on women in the DPRK.

My client, the AFSC published the multi-part "Engaging North Korea: A Toolkit for Protecting Humanitarian Channels amid 'Maximum Pressure'". This document goes over the AFSC's mission and reasons for engaging in humanitarian work with DPRK, against the actions of many other similar organizations. It also highlights the effects that sanctions have had on humanitarian aid and development in the DPRK, incorporating the political contexts of "fear-based narratives" and comparing current policies with United States sanctions policies on Iraq and other nations. They outline how fear-based narratives about the DPRK prevent not only research from happening, but also limit and prevent productive discourse about humanitarian aid and peace on the Korean peninsula. Much of the document is based on the AFSC's own experiences in the DPRK, and their own shifts in operation before and after more comprehensive United Nations sanctions and the United States travel ban were implemented in 2017. The research also draws on quantitative United Nations humanitarian organization research.

There is also a solid amount of evidence and studies on humanitarian exemptions in sanctions, even if not specific to the DPRK. Most of this work has been focused on Iraq, and to a lesser extent Syria. This research has spanned from the late 1990's to today. Much of the research on humanitarian exemptions with specific regard to the DPRK has been spearheaded by Nazanin Zadeh-Cummings. The majority of this research has been done qualitatively, with interviews with humanitarian organizations and engaging with them to see how humanitarian exemptions in sanctions, and sanctions as a whole, have helped and hurt their activity and operation in sanctioned nations. There is a

good amount of quantitative work as well, with various methodologies including tracking development factors affected by humanitarian organizational activity along with fluctuations in sanctions policy (for example, intensification of sanctions in 2017). While correlation here does not always mean causation, there are often shifts of such high magnitude in very specific humanitarian targeted areas that researchers can infer that restrictions on humanitarian aid activity at least, in part, is harming the development and well being of the civilians in the sanctioned country. Another item to look at is to simply look at bills such as United Nations Security Council Resolution 2397, and simply noting what is not allowed to enter the country. For example, ambulances, x-rays, ultrasound and cardiograph machines, and syringes and needles are prohibited from being imported into the DPRK. We can reasonably conclude that the shortcomings of the DPRK's medical infrastructure and widespread medical equipment shortage is at least in part due to these sanctions. Even if the sanctions were not causing these shortages, we can confidently say that it is certainly not helping the civilians of the DPRK.

Nazanin Zadeh-Cummings and Lauren Harris authored a paper entitled "The Impact of Sanctions against North Korean on Humanitarian Aid"[23], which focuses on the difficulties that humanitarian aid organizations face in the DPRK due to sanctions, via interviews with said groups and analysis of sanction policy. This paper wrestles with one of the most often suggested policy alternatives to the current sanctions placed on the DPRK - allowing for humanitarian exemptions.

Humanitarian exemptions to sanctions mean making humanitarian needs, aid and assistance – generally food and water aid, medicine, or things like masks – exempt from sanctions and allowed to flow freely into a sanctioned targeted nation. This concept has been explored with many countries, such as Syria, Iran, and Cuba. On one end, many of the humanitarian aid restrictions actually come from sanctioning nations - for example, the Republic of Korea's (ROK) "May 24 measures" prohibits organizations from delivering inter-Korean humanitarian aid without the approval of the Seoul-based government. This allows us to understand the multiple angles that this issue must be addressed, and the complexity of the sanctions and who they target. On another end, allowing for humanitarian exemptions often falls flat for multiple reasons. As outlined in Zadeh- Cummings and Harris, humanitarian exemptions in other contexts (such as Syria) usually apply to the import of materials into the targeted nation - for example, letting food, hygiene, medicine and other material forms of aid to enter the country. However, humanitarian aid is not just shipping items into a nation - it needs access to financial channels and communication, as well as people in the targeted country to administer. Additionally, humanitarian exemptions will always exclude things that humanitarian organizations

[23] Zadeh-Cummings & Harris, 2020

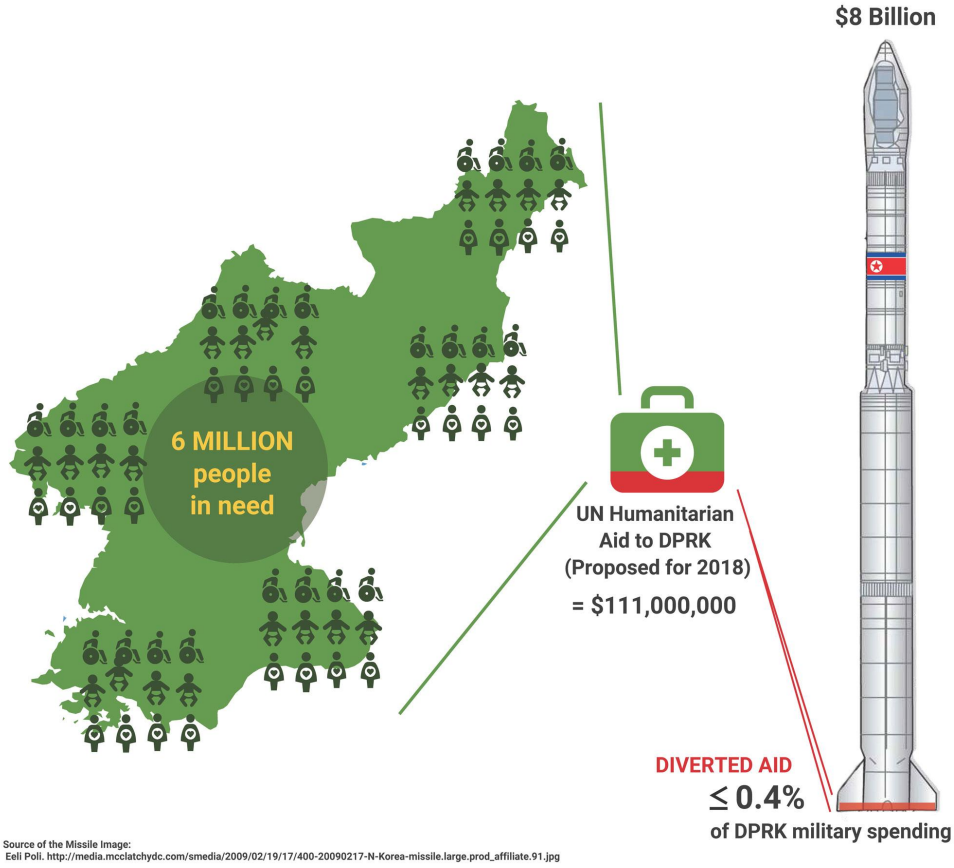
need to do, and it is difficult to efficiently make an all-encompassing "list" that does this well. For things like medical aid, professional training is needed for procedures and the administration of drugs.

In similar case studies of sanctioned nations such as Syria, as explored in a paper by Berlin-based group IMPACT[24] , the lack of breadth in what constitutes humanitarian exemptions, coupled with high levels of overcompliance by NGOs and humanitarian organizations, causes this policy alternative to have a somewhat limited harm reduction on the negative humanitarian effects that sanctions have. The IMPACT paper's methodology was to survey humanitarian organizations, NGOs, and non profit organizations that do work in Syria, and find out how they effectively operate in spite of sanctions enacted against Syria. Also explored in the IMPACT paper on Syria are more informal alternatives that are used to circumvent financial sanctions, both on the individual civilian level and on the NGO and humanitarian assistance level. Financial sanctions, which include wire and bank transfers, and generally the flow of money in and out a country, are often some of the most debilitating sanctions as it causes great harm to banks in a country and therefore the economy, as well as citizens, and NGOs operating in the country.

No direct research has been done on how effective the ending of sanctions is, as it has simply never happened[25] to observe. Most research on humanitarian exemptions is not studying whether humanitarian exemptions "work" or not, but rather, seeing how they aren't working. Humanitarian exemptions have been tried before in plenty of contexts, with similar shortcomings such as the continued dual-use provisions and lack of financial caveats to exemptions in sanctions. Dual use restrictions, according to the European Commission, are sanctions on "goods, software and technology that can be used for both civilian and military applications"[26]. These dual-use sanctions provisions tend to do much more harm than good, as it is extremely broad and vague, as nearly everything from roads to school/hospital construction materials can plausibly be used for "military applications". Anything that can potentially help civilians can potentially be considered "military application" as well, causing a lot of civilian humanitarian aid to be blocked. An argument against getting rid of these dual-use sanctions is that aid can be diverted to military budgets, known as "fungibility" of aid. However, research shows that this is not a valid critique. In 2018, the proposed United Nations humanitarian aid across all sectors amounted to $111 million. If *all* of that budget was applied to military - which is unlikely in itself that diverted aid would amount to less than 0.4% of the DPRK's military budget[27]. There is little to no actual evidence of humanitarian aid to the DPRK being

[24] Daher & Moret, 2020
[25] Without significant extraneous changes, such as large-scale regime change or the break-up of a nation-state
[26] European Union, 2021
[27] Park & Kim, 2018

diverted to military spending - but even if there was, the effect would be minimal. This dismisses the critique of fungibility of aid if getting rid of dual-use sanctions. While humanitarian exemptions have been tried before to limited success, in this research project we hope to learn from these past shortcomings and formulate sanctions policy that doesn't limit humanitarian impact to civilian populations.



In the AFSC report "Engaging North Korea", the document refers to "General License Number 5", a cooperation between the United States State Department, Office of Foreign Assets Control (OFAC), the U.S. Department of the Treasury, and a community of U.S. based NGOs operating with the DPRK. This marked a collaborative effort between the United States government agencies and humanitarian organizations to formulate humanitarian exemptions together - something that is not very common even today. This General License outlined certain provisions within American sanctions to assist humanitarian organizations, including landmark exemptions in NGO collaboration with the DPRK government and the ruling Workers Party of Korea (WPK). This General License was issued in 2016, and has unfortunately been rolled back after the intensification of sanctions in 2017. That being said, it is a good framework to build off of, and signals possible collaboration with the

United States government on humanitarian issues in the DPRK. Using prior collaboration examples and frameworks such as this, we can build new policy alternatives looking towards the future.

Criteria for Policy Option Evaluation

Criteria 1: Political Feasibility

Logistically, one of the most important criteria in interpreting policy alternatives would be political feasibility. This would be the likelihood of an alternative being enacted on the political end - for example, how likely the United States Congress or the United Nations Security Council would pass legislation or a resolution on the alternative.

When it comes to the broad goal of lifting or easing comprehensive sanctions, feasibility is generally limited. The United States has never lifted comprehensive sanctions on any country[28], with the temporary exception of Iran during the Iran-Iraq war. Most legislation that imposes sanctions on the DPRK and other nations passes with broad unanimous support, often passing unanimously. Even the most progressive of politicians tend to vote in support of sanctions on the DPRK. Both major parties tend to support sanctions, with both President Trump and President Biden supporting them. Barring large-scale change with US-DPRK relations in the near future, political feasibility is generally low for many alternatives. In order to make alternatives more politically feasible, a mix of lobbying and grassroots organizing would be ideal. Groups like my client, AFSC, do lobbying work in support of ending sanctions, while groups such as Nodutdol organize at the grassroots level. Sociopolitical movements such as these can be effective in improving political feasibility. The way this criteria would be measured is by analyzing key stakeholders and decision makers within Congress and the UN, and analyzing how they feel about the alternative in this context or similar ones. If enough of them would be possible to convince, we can pursue this alternative. We need to analyze diplomats and specific key nation's foreign policy when it comes to United Nations sanctions as well. For example, key DPRK allies such as Russia and China will help immensely in negotiating favorable sanctions policy within the United Nations Security Council, as well as the United Nations as a whole.

Criteria 2: Predicted Effectiveness on Civilian Population

The next piece of criteria in evaluating alternatives would be what the likely effectiveness of the policy on the well-being and development of the DPRK's civilian population would be. With a range of alternatives, it is integral to evaluate how much they would reduce the harm of sanctions on the civilian population of the DPRK. This is difficult to really measure for two main reasons, the first being that there is not much preliminary research or data on the DPRK that exists at the moment. The

[28] The only time the United States tends to lift sanctions is accompanying large scale changes in the sanctioned nation, such as regime change. For example, Axis powersGermany, Italy, and Japan were sanctioned, but when they had large scale changes after World War II, sanctions were lifted.

other reason is that there are not many case studies on this, either. Most of the time when sanctions are eased on a country, it is in reaction to a major event such as regime change, so the effect can not be properly measured, or even measured at all. We would have to look at the currently measured negative effects of sanctions on the DPRK, and work backwards - analyze how this harm could be reversed through a policy alternative. A way we can measure this criteria is by analyzing what sectors this would affect, and who. For example - cryptocurrency may mainly benefit migrant workers, rather than the general population. While the depth of effectiveness may be hard to measure, we can certainly measure the breadth and how many people are affected by certain alternatives. We can analyze what sections of the population would benefit from certain alternatives, and which ones would not.

A question we also may want to ask is whether the benefits of the alternative last or sustain. Will this alternative effectively change the structural issue, so that problems do not flare up due to geopolitical tensions or other developments? Or is this just a band aid solution to the problem? Sanctions have greatly harmed financial institutions, operations, and channels in the DPRK, such as banks and remittances from migrant workers in China. Alternatives should allow for things such as humanitarian work, but for more sustained and long lasting change, it is really important that the structural functioning of the DPRK is addressed as well. This would be measured qualitatively; I would look at what exactly the alternative addresses and whether this targets structural issues, or superficial ones. To be clear, the "superficial" issues can still be addressed, and may possibly be the only thing we can effectively work on at the moment.

Criteria 3: Effect on Non-Profit/Humanitarian Organization Activity

One of the major harms of sanctions on the DPRK is the highly negative effect that it is had on humanitarian organizations and their work in the DPRK. Due to policies such as the travel ban and extreme restriction of financial institutions in the DPRK, humanitarian work and aid can not be as effective as it can be. For example - one organization tried shipping a box of beans as food aid to the DPRK, and it took 6 months to enter the country due to sanctions. As my client, the AFSC, is a humanitarian organization, it would be fruitful to analyze how a policy alternative would impact their work in the nation. This would be measured more qualitatively, as there is existing and recent (post-2017 travel sanction) literature and research on this issue. Most of these include surveys and interviews with humanitarian organizations, discussing how sanctions have hindered their work and what can effectively be done to make their work more effective and efficient.

Policy Alternative Options

Policy Alternative 1: Status Quo

Our first policy alternative is maintaining the current status quo, which is sustaining the sanctions enacted on the DPRK by the United States and United Nations without any major or significant modifications.

Political Feasibility

This has the highest feasibility of all of our options. In the history of the United States, there's only been one example of comprehensive sanctions being lifted, and that was temporarily on Iran during the Iran-Iraq war. Comprehensive sanctions like the ones enacted on the DPRK are generally not lifted, as a full lift has little political feasibility. The status quo of United Nations sanctions on the DPRK are a little bit more volatile, due to the presence of key allies Russia and China on the United Nations Security Council. Russia and China together do not seem to have enough influence to make big reversals on United Nations sanction policy, but they have been key in negotiating more favorable terms for the DPRK if sanctions cannot be avoided. The United States also has veto power on the United Nations Security Council, so any efforts by Russia and China can be easily blocked by the United States and its allies.

Predicted Effectiveness on Civilian Population

While we might be nearing the end of the COVID-19 pandemics, the results and damage of the pandemic around the world will stay with us for years to come - and the DPRK is no exception. Due to a combination of strict sanction policy and the closing off of the country due to the pandemic, humanitarian organizations have had trouble getting into the DPRK, along with a food shortage of 860,000 metric tons (2.3 months of food use for the entire country's population)[29]. The two problems have only compounded on each other, and the DPRK, like every other country in the world, may take years to recover. Continuing sanctions and keeping the status quo would be harmful for this, with United Nations officials urging the United States and its allies to ease sanctions. This alternative only causes the issues to compound and hurts the DPRK's economy, institutions, and infrastructure more and more, which gives it low structural efficacy and developmental impact.

Effectiveness on Humanitarian Work

[29] Wainer, 2021

This alternative scores badly here as well, as nothing would change. Nonprofits and humanitarian organizations have shut down DPRK operations due to sanctions, specifically financial sanctions that make it near impossible to do meaningful work there.

Policy Alternative 2: Lifting of Comprehensive Sanctions

This alternative would simply to pressure the United States (and United Nations) to lift sanctions on the DPRK. In the United States, it would go along two paths. On one hand, groups such as Nodutdol do grassroots organizing against sanctions, and do protests and political education on the harm of sanctions on the DPRK and others. On the other hand, groups such as my client AFSC would do lobbying work, trying to persuade Congressional politicians on reversing the crippling sanctions. In general, pressure must be put on Congress. All legislation and policy is made from the top down here, and there's not much public input - we need to pressure those in Congress in order for this policy to pass. For the United States, this would involve legislative revision, amendment, and revocation. Specifically, this would involve the Trading with the Enemy Act of 1917, International Emergency Economic Powers Act, the North Korea Sanctions and Policy Enhancement Act of 2016, and the Countering America's Adversaries through Sanctions Act. These are many laws, all of which passed with bipartisan support and nearly unanimously. More sanctions policy, such as the 2017 travel sanctions enacted by President Trump, can be reversed through executive order. This would likely depend on the current President's beliefs and views on sanctions - based on President Joe Biden's viewpoints and rhetoric tough on the DPRK, this is unlikely to happen in this administration, barring significant developments. On the end of the United Nations, a resolution - likely put forward by allies Russia or China - reversing or amending previous resolutions would have to be passed. We can also pressure the United Nations in similar ways - large scale protests and grassroots organizing would be key, as well as leveraging the power of DPRK allies Russia and China. For both United States and United Nations sanctions, it's possible that all sanctions resolutions/laws cannot be addressed at once - key sanctions, such as U.N. Resolution 2094, which shuts the DPRK out of the international financial system, would likely be targeted as that structurally addresses the problems faced by sanctions.

Political Feasibility

Unfortunately, this is the least politically feasible of all possible policy alternatives. Sanctions policy comes from the "top", meaning Congress or the executive branch unilaterally constructs policy, with little to no public input or accountability - such is the case for much of foreign policy. Lobbying through non profits such as AFSC and grassroots organizing can definitely work to an extent, but the comprehensive sanctions wholesale may be too large to tackle. No comprehensive sanctions have been ended without significant external changes such as regime change in the targeted nation.

Predicted Humanitarian Effectiveness on Civilian Population

This would likely be the most effective alternative to pursue on the criteria of effectiveness on the civilian population. This would remove the root issue of our problem statement. Of course, this isn't a panacea to the DPRK's struggles, but would help significantly. Notably, this would help nearly all civilians in the DPRK, rather than specific sectors of society. This would also ease non profit and humanitarian work, as shipments for aid in the medical and food sectors would be simpler, as well as allowing travel of these groups into the DPRK. The measure of this would be difficult to measure quantitatively, as it is largely speculative - however, we can quantitatively measure the impact sanctions already have, and see the difference there. For example, the UN Panel of Experts banned import of items such as generators, electric batteries, and irrigation equipment[30]. A FAO/WFP report[31] concluded that the lack of importation of essential infrastructure has contributed heavily to food insecurity, "undoubtedly resulting in the levels of harvest losses increasing year after year... the country's oil consumption fell from 3.8 million metric tons in 1991 to only 0.75 million in 2017." The loss of infrastructure and oil consumption has led to food shortages, with food production dipping by double digits yearly[32]. We can easily see how sanctions and import restrictions have affected this. OF course, lifting sanctions won't completely solve it, but we can hopefully start to reverse the negative effects. Reversing these struggles would be helpful across many sectors at a very high level.

Given that we would be removing the root problem by pursuing this policy alternative, this policy option does very well in regard to structural efficacy and developmental impact. Sanctions have restricted a variety of goods to enter the country, both outright and through "dual-use" restrictions, where infrastructure that can *possibly* be used for military in addition to general infrastructure is banned. This category is so broad that it includes healthcare and telecommunications industries and their infrastructure[33]. The DPRK has also been completely cut out of the international financial market, with cash transfers and financial assistance being blocked. With these financial sanctions and overcompliance by banks, development of infrastructure and structural development is very difficult. Most sanctions that affect North Korean development came after 2016, with the UNSC resolutions having a near total ban on any sort of trade. This alternative would address these effects and allow the DPRK to develop infrastructure and institutions across many sectors, including key ones such as finance, health, and agriculture.

Effect on Non-Profit and Humanitarian Organizations

[30] UN Panel of Experts Report, 2019
[31] FAO & WFP, 2019
[32] UN Resident Coordinator for the DPRK, 2019
[33] European Union, 2000

Lifting comprehensive sanctions would have a very effective benefit to humanitarian work. Firstly, lifting the US travel ban via executive order would allow for movement of these humanitarian workers into the DPRK, allowing them to do more effective work. Mainly, addressing financial sanctions will be of utmost importance. According to the aforementioned UN Panels of Experts report, the banking channel that UN agencies used for humanitarian aid to the DPRK collapsed around late 2017. Additionally, many international banks have practiced "over compliance" or "de-risking", where they overall reject all DPRK related transactions or activity due to fear of sanctions. The Finnish non-profit Fida completely ended its humanitarian work due to the financial sanctions, citing that work was now near impossible[34]. There was also a measured 3,968 "preventable deaths" due to the diminishing humanitarian work as an effect of sanctions[35]. Much of this would be avoided when lifting sanctions, making this alternative an effective option for humanitarian organizations.

Alternative 3: Broadening and Refining Humanitarian Exemptions Language & Ending The Travel Ban

The third and final policy option to address this issue is a multifaceted one. According to the vast majority of literature and existing research on the effectiveness of humanitarian exemptions, the reason why they are often ineffective is not because of the inherent nature of humanitarian exemptions. Rather, it's the language surrounding their policy that is left vague and difficult to work with. These provisions are often made without consulting humanitarian organizations and their needs, leading to the exemptions being ineffective. One main part of this alternative would be to encourage cooperation between humanitarian organizations and sanctioning parties, so that humanitarian exemptions are effective and catered to humanitarian needs and purposes. This would include broadening language, and giving humanitarian organizations flexibility and freedom to operate how they see fit, rather than restricting them to certain goods, activities, or financial methods to operate. There is precedent for this, such as with OFAC, the U.S. Department of State, U.S. Department of the Treasury, and several U.S. based NGOs cooperating to develop General License 5 in 2016. There is also room for this in the United Nations, with multiple UN subsidiary humanitarian organizations and policy experts supporting broadening humanitarian exemptions, especially in the wake of the COVID-19 pandemic. Secondly, it is important to address dual-use restrictions within sanctions policy. Dual-use sanctions policy allows nearly all civilian aid and development to be plausibly blocked, as the language is vague. As mentioned in the Existing Evidence section of this report, concerns about fungibility of aid and diversion of humanitarian assistance to military spending is unfounded and inaccurate. Getting rid of these restrictions will be monumental in allowing for peaceful and productive development of the

[34] Hotham, 2019
[35] Park, Kim, and Jong, 2019

Korean peninsula. Finally, we will lobby for ending the United States travel ban, or at least extend exemption to humanitarian activity. There are currently clauses to allow for this, but there are many strings attached and hoops to jump through, delaying any possible travel significantly. It's important that humanitarian workers are able to travel to the DPRK in a timely manner, as face-to-face humanitarian work is more effective, and things like medical assistance (especially during the COVID-19 pandemic) are immediate and time-sensitive needs.

Political Feasibility

While addressing sanctions generally has low feasibility, humanitarian options have a higher one, due to its partial nature as well as it working in a more generous framework. At a time, humanitarian and developmental exemptions, in addition to "livelihood" exemptions, were in place for sanctions policy on the DPRK. However, especially after 2016, much of those exemptions have been stripped away. As of very recently, a new obstacle has formed, with the South Korean presidential election, and the new administration being hawkish on the DPRK, as opposed to the "Sunshine/Moonshine" policy of the previous Democratic Party (Korea). The United States travel ban to the DPRK is also structurally easier to lift, as it is just one executive order, as opposed to the complex United Nations resolutions that compounded over decades. The United Nations has also been acknowledging this during the pandemic - in fact, UNSC official Alena Douhan called for lifting all sanctions due to the humanitarian crisis from COVID-19. She said, sanctions "should be eased... basics like soap, ventilators for hospitals... keep people alive."[36] Additionally, provisions such as General License 5 from OFAC, the U.S. The Department of State and Department of the Treasury indicate a precedent to formulate frameworks beneficial to humanitarian organizations and the DPRK's civilian population within United States sanctions policies. This alternative isn't as high as status quo for feasibility, but scores higher than a complete lifting of the comprehensive sanctions.

Effectiveness on Civilian Population

This alternative would certainly have some effectiveness. Aid in the food, WaSH, and health sectors would be able to enter the country a bit easier, and a lift on the travel ban can make it easier for humanitarian and non profit organizations to physically do helpful work in the northern peninsula.As humanitarian aid targets the most vulnerable populations, such as rural/agricultural communities and women, the populations most hit by sanctions would be served. As there were close to 4,000 preventable deaths due to missing humanitarian aid, we can assume that much of this would be reversed.

[36] Douhan et al., 2020

This alternative lacks long term structural efficacy. We have a case study here, in the case of Afghanistan after President Biden enacted new sanctions. Humanitarian aid was allowed, but these exemptions lack specificity, and "none of them addresses the issue of international banks in their dealing with Afghan banks, hesitancy to deal with Afghan taxes, banking transactions for commercial imports" according to Shah Mehrabi, a member of Afghanistan's central bank board[37]. As the problem with sanctions isn't just in certain items and goods entering the economy but economic development and stability, humanitarian exemptions cannot address this root cause.

Effectiveness on Humanitarian organizations

This scores rather highly, as organizations can now travel and send aid to the DPRK much easier. However, there are still issues. Since this doesn't involve the easing of sanctions in financial institutions. Organizations such as the aforementioned Fida in Finland have cited financial system sanctions as making it near impossible to do humanitarian work. While this alternative would open more possibilities for humanitarian aid and activity, it certainly does not solve it.

[37] Fang, 2021

Recommendation

After developing an outcomes matrix, developing all the policy options, and weighing them by each of our criteria, I recommend that pursuing **broadened language in humanitarian exemptions to sanctions, paired with a lift on the United States travel ban to the DPRK,** is my overall policy recommendation.

This alternative is not as effective in its goals as a lift of comprehensive sanctions, as it doesn't efficiently address structural and developmental issues as well, specifically in the financial sector. That being said, the low political feasibility of lifting comprehensive sanctions, especially due to the new South Korean PPP administration, makes it rather difficult, and near impossible to pursue at the moment. Right now, the goal should be to allow civilians to receive humanitarian aid, prevent deaths, and improve Koreans' quality of living in any way we possibly can. Immediately, the most politically feasible way to do this is via broadening humanitarian exemptions, getting rid of "dual use" conditions, and getting rid of the United States travel ban executive order. The difficulty in this may vary, and will be explored more in the 'Implementation' section of this report. With United Nations Security Council experts and analysts urging for similar measures, especially in the face of the COVID-19 pandemic, there is definitely room to push for this change within the United Nations. Despite a handful of influential Congress People being aligned with our goals of addressing humanitarian aid to the DPRK, the United States will be more difficult to work with; this is especially true due to the U.S.-aligned PPP administration incoming in the Republic of Korea. That being said, there is precedent working with departments such as the Department of State, Department of the Treasury, and OFAC to formulate frameworks that are beneficial to humanitarian organizational aid and activity in the DPRK[38].

[38] See 'General License 5' in Existing Evidence section

Outcomes Matrix for Policy Options

	Political Feasibility	Civilian Effects	Humanitarian work effect	Structural and Development efficacy	Total
Status Quo	8/8	1/5	1/5	0/5	10/23
Lifting of Comprehensive Sanctions	2/8	4/5	4/5	5/5	15/23
Exemptions/ Travel	**6/8**	**3/5**	**4/5**	**3/5**	**16/23**

Implementation

There are a number of issues that may arise with the implementation of our policy alternative proposal of broadening humanitarian exemptions in sanctions, and jointedly ending the United States travel ban to the DPRK. These range from political issues, such as the recent South Korean presidential election and difficulty in the United States Congress, to more technical issues such as financial restrictions and vague language in policies and resolutions.

Stakeholders

There are many stakeholders in moving our recommendation forward. Firstly, there's the DPRK themselves, as the well-being of their citizens is a priority for them. Their diplomatic team will be instrumental in conveying the urgency of the issue, and negotiating terms. Along with them, key allies China and Russia are very important stakeholders, as they are geopolitical and United Nations powers that have negotiated favorable terms for the DPRK in sanctions resolutions[39] [40] [41]. Another main stakeholder is the United States, as they have been the leader in sanctioning the DPRK due to their geopolitical interests and history in the Korean Peninsula[42]. Another key stakeholder are non-profit, and non-governmental organizations who aim to do humanitarian work in the DPRK. The sanctions have debilitated their activity, and many are lobbying for more favorable terms that ease their operation and increase their effect on the civilians of the DPRK. Another major stakeholder is the Republic of Korea (ROK), who have been involved in joint efforts with the DPRK for reunification of the Korean Peninsula, and have had fluctuating sanction/trade, and geopolitical policies themselves.

The perspective of each stakeholder varies. The DPRK predictably supports the lifting and easing of sanctions as it affects their operation and population, not holding back in condemning the United States for this policy; claiming the US could "block the path to denuclearization on the Korean peninsula forever."[43] China and Russia's perspective is in support of the DPRK, as a challenge to US hegemony[44] and in line with historical alliances (in the case of Russia, continuing Soviet-DPRK relations). The US perspective is similar, but on the other end - the United States supports sanctions due to opposing geopolitical interests. To mitigate resistance, my client (AFSC) can work on lobbying Congress members - especially ones that have been open to this policy such as Rep. Barbara Lee, Rep. Ilhan Omar, and Rep Jan Schakowsky[45]. The ROK has been a mixed bag and volatile in the case of sanctions on the DPRK, but their perspective has generally been one of mutual reconciliation and a goal of Korean reunification. That being said, there may be a massive shift towards the US due to the very recent election, with Yoon Suk-Yeol aligning with the US more than the President Moon's

[39] Davenport, 2021
[40] Al Jazeera, 2022
[41] Reuters, 2021
[42] Reuters, 2021
[43] BBC, 2018
[44] Chenjun & McGregor, 2019
[45] Korea Peace Now! & Women Cross DMZ, 2021

"Moonshine policy"[46]. Humanitarian organizations such as the AFSC will also have a open and in support of our policy recommendation, as it would allow them to be more effective in their humanitarian activity.

What could go wrong?

Unfortunately, there's quite a bit that can go wrong in implementation. To start with, the incoming ROK administration and the soon to be ruling President Yoon and People's Power Party (PPP) is rather hostile to the DPRK, a marked shift from the pro-reunification Democratic Party and President Moon. President-elect Yoon claims he will appeal for the United States to deploy tactical nuclear weapons in the ROK, which would aggravate the geopolitical situation and may lead to even more restrictive sanctions policy[47]. President-elect Yoon's friendliness to the United States may also embolden the US to pursue more restrictive sanctions on the DPRK. Based on Yoon's campaign this seems likely, however campaign statements don't always reflect policy pursual - so we simply will have to wait and see what happens after inauguration. Another obstacle would be limited financial movement. A difficult scenario would be an opening up of humanitarian work in the DPRK, but with limited support from financial institutions with movement of capital - this is currently one of the main issues[48]. As with anything, capital is needed in order to effectively operate. Ideally, broadening humanitarian exemptions to sanctions would allow for room for humanitarian financial activity, but issues with overcompliance may cause financial institutions to not support humanitarian work. This is moderately likely - but broad enough exemptions can make this obstacle avoidable.

In conclusion, there's a variety of stakeholders and obstacles to be considered when we are pursuing our policy recommendation of broadening humanitarian exemptions and ending travel sanctions. With careful and effective planning and organizing, some of this can be avoided; many (geo)political issues may not be avoidable.

[46] Bernal, 2022
[47] YNA, 2021
[48] Hotham, 2019

Conclusion

Without a doubt, Western nations, and the United Nations' sanctions on the Democratic People's Republic of Korea have failed at their stated goals of denuclearization of the Korean peninsula. Rather, they've had a negative effect. They have greatly harmed the civilian populace of the DPRK, leading in thousands of deaths, negative development, and overall extremely harmful consequences on civilians. Specifically, vulnerable groups such as women and children are the most harmed.

Moreover, these sanctions do nothing at all to promote peace. Sanctions are often floated and proposed as a "non-violent" means of changing behavior, and a non-military way to evade war. But the fact is, they are violent. If we choose to understand violence as not just as direct physical harm, but also as the withholding of medicine, food, development, water, sanitation, and basic human needs, we can clearly see that these sanctions are violent. On top of that, they only increase tensions between the DPRK and the rest of the world, and only escalate the problems on the Korean peninsula.

If we truly care for peace, and the eventual reunification of the Korean peninsula, we must take action to stop the disastrous humanitarian effects of sanctions on the DPRK. We hope the policy options recommended by this report set the stage for peace and reunification on the Korean Peninsula.

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