

VOL 15 | Issue 2
Fall / Winter 2023

PEAR

YONSEI JOURNAL OF INTERNATIONAL STUDIES
PAPERS, ESSAYS, AND REVIEWS

**The Neoliberal Restructuring of Land:
A Relational Network Analysis of the
Land Conversion in Central Luzon,
Philippines**

*Rodalyn Apple Ariola
& Seung Woo Park*

**Pressured to Volunteer?
Societal Factors and the Motivation of
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Human Rights**

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LETTER FROM THE EDITOR

This issue of the PEAR Journal features articles highlighting the intersections of law, power, and society—all of which are forces crucial in shaping an ever-evolving world.

The first paper presents an urban study that historically maps out the connection between land conversion in the Philippines and social actors such as political leaders, international institutions, and the economic elites.

Following a similar approach of understanding societal forces, the second paper goes beyond economic and individual motivations, and examines the political and societal pressures that resulted in the “voluntary” migration of Korean men to West Germany in the 1960s.

The third paper tackles the effectiveness of the Washington Declaration in shaping the US-South Korean security alliance. It looks into the “credibility” element of nuclear deterrence—which is highly influenced by political will and public skepticism.

The fourth and final paper examines the role of international humanitarian law in dealing with emerging military strategies and weapons technologies. It attempts to reconcile existing legal frameworks and norms with the evolving pursuit for military power.

This issue also features an interview with the Deputy Director General of the Citizens’ Alliance for North Korean Human Rights, where she shares her profound insights on the human rights landscape in North Korea and explains the crucial role of advocacy and social action in addressing these issues.

I hope our readers find these articles to be informative and thought-provoking. These seemingly disparate topics converge at the crossroads of legal frameworks, power dynamics, and societal shifts—all of which are crucial in shaping the global community we live in. May each article offer a unique lens through which one can examine the relationships between these forces and see things from a more critical, unconventional perspective.

Finally, I would like to extend my gratitude to our staff editors, Tyler Nguyen, Deepanshi Sharma, Alexander Gonzalez, Natalie Renblad, and Amalie Schoeyen. Thank you for contributing to the success of this

edition and for your steadfast commitment and dedication to the journal. To our contributors, thank you for trusting us with your work and we wish you success in your respective fields!

Aldrin Joseph Aldea

Editor-in-Chief

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PAPERS & ESSAYS

The Neoliberal Restructuring of Land: A Relational Network Analysis of the Land Conversion in Central Luzon, Philippines

Rodaly Apple Ariola & Park Seung Woo

(Catholic University of Lille & Yeungnam University, respectively)

The neoliberal restructuring of the Philippines' economy has been taking place for more than five decades in the form of structural adjustment programs, prioritization of export-oriented economy, and privatization of land, among others. In pursuing the neoliberal dream to become globally competitive, the traditionally agricultural lands in the neighboring regions of Metropolitan Manila, the country's capital region, have been converted into export-processing zones, manufacturing, and industrial areas. The Central Luzon region at the north of Metro Manila portrays the exact case, with decision-makers rationalizing the land conversion in the region as the urban fringe expansion of the Philippines' capital region.

This research denounces this rhetoric of land conversion as an outcome of urban expansion. Instead, it suggests a critical urban study that historically maps out the connection between the social actors promoting neoliberal restructuring policies in the Philippines and the land conversion in the Central Luzon region. The research uses relational network methodology to identify the key actors behind the land conversion in the Central Luzon region, the relationship of these actors, and the intended and unintended outcomes of such relationships. It explores the interests of different social actors, including the former presidents Ferdinand Marcos and Corazon Aquino, the IMF-World Bank, and the economic elites who, as argued in this research, induced the earlier land conversions in Central Luzon.

The case of Central Luzon highlights that the rapid land

conversions from 1972 slowed down the land distribution for the farming and housing needs of the marginalized sections of the country. This research argues that rapid land conversion hiding under the discourses of urban expansion, globalization, and industrialization was the case in the Central Luzon region in the 1970s and 1990s. The research attempts to contribute to the field of international studies by shedding light on the global dimensions of neoliberal policies, demonstrating their influence on land-use transformations in a specific geographic context.

Introduction

At the turn of the twentieth century, the components of the Philippines' urbanization, such as high population density, housing growth, and infrastructure investments, which heavily tilted toward the capital region of Metropolitan Manila (or Metro Manila), have become noticeable in the other regions of the country. The national government and the development agencies of the Philippines rationalized these events as the expansion of Metro Manila's urban reach into the neighboring regions of Central Luzon at the north and Calabarzon at the south, making Metro Manila one of the largest manufacturing agglomerates in the world.¹ Seen this way, the country's economic prospects are vibrant, with domestic and foreign investments coming in the capital region and its neighboring areas.

Owing to these events, the Japan International Cooperation Agency (JICA) and the National Economic Development Authority (NEDA) conceptualized the term "Greater Capital Region" (GCR) to describe the sprawling urbanization and promising investment in Central Luzon and Calabarzon.² Behind the messaging of the GCR is the proposal by these agencies to improve the transport connectivity among the three "capital regions" of the Philippines, which includes the Metro Manila, Central Luzon, and Calabarzon regions. This transport connectivity is expected to bring more investments and social services to Central Luzon and Calabarzon, while providing solutions to Metro Manila's urban problems of high population density, pollution, and traffic congestion.³

Development agencies have strongly advocated the concept of urban expansion. However, relatively little has been said about how the country's urban growth started from its colonial history and continues to confine the vulnerable factions of the population on the limited arable

land left for their use. Even with the promises of the urban spaces to create more jobs, pay higher salaries, deliver faster services, and provide basic welfare to many, the prolonged problems of farmers having no land to till and urban housing vulnerable having no place to live are yet to be resolved.⁴ Viewed from this perspective, one could see that the issue of whether to convert (for housing use) or not convert (and retain for farming use) the agricultural land has been silenced by the grandiose narratives of urban sprawl, capital region, GDP increase, and investment flows in the country.

Bringing the concern of land conversion to light, this paper argues that the conceptualization of GCR and arguments of urban expansion and globalization need to be situated on how the traditionally agricultural lands of the country were converted for other uses. In the Philippines, land conversion refers to “the act of authorizing the change of the current use of a piece of land into some other use”.⁵ Critical studies are needed to understand the rapid urbanization that resulted in land conversion, as urban projects that should be for the region’s development can otherwise lead to underdevelopment and further marginalization of the farming population. The positive narratives of urban developments can gloss over the true intentions and resources of key actors involved in planning and executing land development projects and the resistance of the minorities affected by the projects.

Central Luzon, located north of Metro Manila, has been dubbed as the “next growth haven for entrepreneurs, and “PHL’s new growth center” due to its ongoing new urban developments and infrastructure projects, which include the construction of an expressway, a water port, and a railway route.⁶ Central Luzon, with its location, seems to be an ideal place for the realization of the neoliberal goals of the Philippines, especially as it was in this region where export-oriented industrialization (EOI) of the country came to materialize in the 1970s. Traditionally a place where the highest rice production in the country takes place, Central Luzon is now caught in the middle of being an industrial and agricultural economy and must prepare to respond to both the challenges and opportunities of an urbanized area.

The historical accounts of land conversion in the region are examined in this paper to elaborate on what has been argued by urban scholars – that land issues in the Philippines can only be understood by revisiting the neoclassical restructuring of the Philippines’ economy.⁷

The analytical approach used in this article draws from the relational network analysis of Dickens et al.⁸ As the authors advocate, three essential elements are fundamental in applying relational network analysis to empirical research. These are the actors in the network, their relationship, and the outcome of such ties.⁹ Accordingly, the study gives primacy to actors and their relationship to study macro concepts such as urbanization, development, and globalization as constructs rather than natural phenomena.¹⁰ This analysis can unfold the power relation, or what Kelly called the “political process,” to the grand narratives of infrastructure, business developments, and urban expansions.¹¹ It attempts to contribute to the field of International Studies by shedding light on the global dimensions of neoliberal policies, demonstrating their influence on land-use transformations in a specific geographic context.

This article proceeds as follows. Section two introduces the theoretical literature of the neoliberal actors and provides reasons why we need to rework the rhetoric of urban expansion into questions of historical and political processes. Section three carries the relational network analysis and discusses how we can use this framework to denounce the mainstream urban expansion discourse in Central Luzon. Section four examines the political processes of land conversion by revisiting the relevant narratives prevalent in Central Luzon from 1972 to 1992, before concluding the paper.

Literature Review

The importance of drawing a connection between urban development and neoliberalism is well-established in literature. For some scholars, neoliberalism is the key concept in understanding urban planning and development in a global context.¹² For others, the idea of urban space is the consequence of neoliberal policies imposed by the neoliberal state.¹³ This conceptual development follows the need to rework the academic question of what defined neoliberalism into one that captures political relationships in neoliberal concepts – How has neoliberalism been applied to a particular context? And by whom?

Neoliberal regimes are the main actors promoting neoliberal practices.¹⁴ In the case of urban planning, the consequences of neoliberal regimes are evident in how market-oriented economic growth is prioritized for the neoliberal dream of the state to be globally competitive.¹⁵ In many

societies, neoliberalism is shaped by the globalization of the economy, the attraction of international capital, and fewer restrictions on business operations.¹⁶

The Philippines exemplifies this with events such as free trade agreements, labor migration, infrastructure development, and land conversion, shaped by the country's globalization goal under neoliberal restructuring.¹⁷ One eminent event in the history of Central Luzon land development is the building of the Bataan Export Processing Zone (BEPZ) during the martial law of Ferdinand Marcos in 1972. Ferdinand Marcos approved the country's first export processing zone (EPZ) under Presidential Decree 66 (P.D. 66). The initiation of the EPZ by Marcos is believed to be in response to the advice of the International Monetary Fund (IMF) and World Bank (hereinafter referred to as IMF-World Bank) to launch export-oriented policy as a remedy to the economic difficulties brought by import-oriented policy.¹⁸ As the country's first EPZ, Bataan was meant to set an example of attracting foreign investments.¹⁹

Under a neoliberal regime, the state should ideally provide institutional arrangements favoring private property rights, the rule of law, and the free market.²⁰ However, class hierarchy and inequalities, in reality, lead to unfavorable consequences of neoliberal policies.²¹ Scholars argued that the state has always depended on neoliberal policies in the Philippines.²² Although it promotes poverty reduction, there is no effort to liberate the country from the neoliberal system that favors mostly the economic elites.²³

Methodology

The relational network analysis is an appropriate methodology for making sense of the land development processes in Central Luzon and the strategic engagement of the Philippine government to the global economy. By prioritizing relation and integrating this into the earlier works of network analysis (social-network theory, action-network theory), Dickens et al. suggest that we should understand the global economy by observing the patterns of relationships among actors in specific time and space.²⁴

As Dickens et al. advocated, three essential requirements are fundamental in applying relational network analysis to empirical research. The first is the identification of the actors in the network and their power or

control of key resources – whether physical, political, economic, social, or technological.²⁵ The second is the identification of how they exercise these powers through a network of relationships. And the third is the determination of the structural outcome of such a relationship.

Another critical aspect of relational network methodology, especially for this study, is the geographical lens of the analysis. For this methodology, it is inadequate to analyze a location based only on geographical scale because different geographical spaces (such as global, national, and regional) are associated with each other in reality.²⁶ One of the strengths of network analysis is that it questions the naturalization of concepts such as globalization, that political and business leaders justify for the adaptation of certain policies. Power is central to the analysis of relational network methodology to view these grandiose concepts as constructs rather than natural.²⁷

This study collected existing critical urban analyses in academic journals, books, and government reports related to this topic. It also used the speeches by the previous presidents of the country in the form of their State of the Nation Address (SONA), which is rich material covering the narratives and discourses of the government based on their priorities. The daily activities of the presidents, as documented by the Office of the President, are also used to uncover narratives. To capture the influences of the actors in the land conversion of Central Luzon, the study draws information from the time of Marcos' administration from 1972 to 1986 and Aquino's term from 1986 to 1992. In 1972, the initiation of infrastructure development in the region was heavily attributed to Marcos, who employed foreign debt to fund it. Subsequently, during the term of Aquino, the focus shifted towards utilizing private investment as a means to settle the aforementioned debts.

Discussion

1. Central Luzon from the 1970s and the Realization of the Region's Export Dream

During his State of the Nation Addresses (SONA), Ferdinand Marcos mentioned the province of Bataan in Central Luzon several times. In the 1972 SONA, Marcos talked about the housing projects in the provinces of Bataan, Bulacan, and Pampanga and the establishment of the Philippine Explosives Corporation in Bataan, which he described as “the first

manufacturer of dynamites and industrial explosives in the country.”²⁸ The year after that, in 1973, he discussed the Manila Bay Development Project, a lengthy highway project running from Cavite through Manila to Bataan.²⁹ In 1977, Marcos mentioned the Petrochemical Plants in Bataan, which he called the “dispersal of the industry to the countryside.”³⁰ Furthermore, in 1981, he spoke of the plan to enhance the Philippines’ exports by establishing additional zones throughout the country, similar to the export zones in Bataan, Baguio, and Mactan.³¹ One similarity of these four SONAs is the consistency in Marcos’ narratives that Bataan was meant to be an industrial province under his administration.

The SONA of Ferdinand Marcos in 1972 and 1981 revealed that the IMF-World Bank support pushed his confidence to initiate modernization projects in Central Luzon.³² With financial help from the World Bank, amounting to \$14.3 million, his government was able “to modernize rice storage and warehouse facilities.”³³ In 1981, he described that the success of the Bataan Export Processing Zone (BEPZ) was from the support of the World Bank investing “several million dollars” and the IMF committing one billion dollars for other export processing zones following the BEPZ.³⁴ Thus, although the country’s colonial period ended three decades before the 1970s, the relationship of the IMF-World Bank with the Marcos administration gave them direct access to the management and conversion of land in the country.

The declaration of P.D. No. 66 or the Creation of the Export Processing Zone Authority and Revisiting Republic Act No. 5490 of 1972 exposed the ambition of the Marcos administration to gamble on the export trade potential of the Philippines. P.D. No. 66, signed by Marcos, intended to “encourage and promote foreign commerce” to secure the country’s position at the “center of international trade.”³⁵ Such declaration of the Philippines’ position in world trade carries what Dickens et al. refer to as “discursive power,” which is the actors’ resource in covering and advancing their intentions in the land.³⁶ This amounts to key evidence that the neoliberal restructuring of the Marcos administration, with the directives of the IMF-World Bank, triggered the earlier land conversion in many parts of the Central Luzon region.

Another case of land conversion in the region concerns the vast forest land in Mariveles Bataan, which was considered unclassified forest land until early 1972. In 1969, the Marcos administration assigned Mariveles as the first Foreign Trade Zone in the country.³⁷ In January

of 1972, Marcos ordered the Bureau of Forestry to expedite the classification of the Mariveles' lands into alienable and disposable land. The daily activity journal of Marcos as President recorded this event, which mentioned that the main reason for such a change in terminology by Marcos was to allow possible expansion of the export zone and future build-ups around the BEPZ area.³⁸

As land is attached to living, the land conversion in Bataan did not materialize without resistance, even with the promise of better jobs and compensations once the export processing zone started to operate. The construction of BEPZ had been debated and community resistance for years. Crispin B. Beltran Resource Center (CBBRC) documented that many Mariveles, Bataan residents did not want to be relocated because of housing and transport costs.³⁹ Moreover, this land was also a source of relationships among communities, including the Barrio Nassco and Barrio Camaya, who had long settled in the areas before 1972.⁴⁰ It was not only their living attached to land that provoked them to resist but also, what Harvey described as significant collective memories and sentimental attachment to the area.⁴¹ The Farmers Alliance in Central Luzon, known as AMGL (Alyansa ng mga Magbubukid sa Gitnang Luzon), characterized Central Luzon as a "site of massive land conversion" that "has displaced farmers."⁴²

In September 1972, Marcos declared Martial Law, and two months later, he signed P.D. No. 66, authorizing the establishment of the BEPZ. During martial law, there was limited space for open discussion, and the government suppressed public opinions. Thus, with the support of IMF- World Bank funding and minimal public opposition, land conversion rapidly took place.

After the Martial Law declaration on September 22, 1972, land conversions rapidly occurred in Central Luzon. Presidential Decree 66 covers rich evidence of the land conversions in the province of Bataan. Infrastructure investments in the region took place with the help of P.D. No. 66 to attract foreign investments and make transport easier from Metro Manila to nearby provinces in Central Luzon. Under the direct supervision of the President, the Export Processing Zone Authority (EPZA) was granted the authority to construct and maintain infrastructure facilities, obtain water from public resources, and acquire agricultural land in the excess area designated for private investments as long as they accomplished the objectives of EPZ.⁴³

Simultaneously, the construction of BEPZ and roads around it epitomized how the Marcos regime turned into a business player attracting investment to agricultural land of Central Luzon that was yet to become an industrial area as envisioned by the government. Marcos' pronouncement on the investments in Central Luzon is consistent with David Harvey's description of neoliberalism of space characterized by attracting international capital and few restrictions on business operations.⁴⁴ Accordingly, the incentives for private investors position Marcos's regime as a key player in what Sager called the "neoliberal regime".⁴⁵ This regime, in turn, takes the lead in promoting market-based ideology.

Another flagship project of Marcos is located a few miles from the BEPZ. The Bataan Nuclear Power Plant (BNPP) is also one of the first in the country and is situated in Mariveles, Bataan. The BNPP is solid evidence to argue and denaturalize the rhetoric of land conversion as a natural expansion of Metro Manila's urbanization to its neighboring region. The anomalies surrounding it validate and highlight the intention of actors involved in its planning and developing. Evidently, the World Bank acted as the creditor to the country, providing \$2 billion of loans in 1972 for its construction.⁴⁶ As this was a credit, there was never a loss for the World Bank, even if the power plant never operated. The same can be observed by the fact that, over the years, the interest on this credit jumped to \$22 billion, which the country paid till 2007.⁴⁷

Interestingly, news articles identified Herminio Disini, a good friend of Marcos and a cousin of Imelda Marcos (Marcos' wife), as the biggest earner in this project.⁴⁸ Disini brokered the U.S. company, Westinghouse Electric Corporation, to construct the power plant in Bataan. A collection of news articles accused him of corrupting large amounts of money, which made him a conglomerate of more than thirty companies in the years following the signing of the BNPP contract.⁴⁹ Lastly, articles critiqued Marcos for approving the project because of his relationship with Disini. Although there is a lack of evidence, rumors persist that Marcos personally benefited from the financial success of his friends and relatives during the Martial Law.⁵⁰

Park's analysis of the Marcos regime is consistent with the critiques mentioned, where he describes the Marcos regime as a "state constrained by particularistic interests."⁵¹ "The massive foreign loans were appropriated by Marcos' relatives, close associates, and favored

oligarchs,” Park argued, “as their personal ‘patrimonial plunder’ to fuel their rise in the Philippine economy.”⁵² As these land controversies besieged the infrastructure funds, land conversion in Central Luzon was initiated for the interest of Marcos and selected few beneficiaries.

By the time Cory Aquino took the position of President in 1986, she had closed the operation of the BNPP under Executive Order 55, citing safety and economic concerns.⁵³ Executive Order 55 primarily focused on economic reasons for closing the plant, highlighting financial risks and expenses associated with its active operation.⁵⁴ The order has a minimal emphasis on safety concerns, likely due to the preexistence of numerous reports detailing the plant’s safety issues during Marcos’ presidency.

It is crucial to acknowledge that Marcos’s debts from his two flagship projects, the BEPZ and BNPP, were part of the debts that Aquino needed to pay as she took on the role of the honest debtor for her administration. The following section unpacks the role of Cory Aquino’s administration in the land conversion of the region and discusses the changing value of land during her presidency.

2. Changing Value of Land in the 90s from U.S. Bases and Sugar Plantations to Industrial Zones

Corazon Aquino’s administration pursued policies focusing on debt repayment, decentralization, and land reform, distinguishing itself from Marcos’s centralized, crony capitalist approach. However, when evaluating the outcomes of these policies on land, the actors who benefitted the most remained consistent with those from the past, including the IMF-World Bank and the Philippines’ economic elites. This section provides a twofold assessment of the argument.

2.1 From a Sugar Plantation to an Industrial Zone

First is the assessment of the land conversion in the 6,453 hectares of Hacienda Luisita, a sugar plantation in the Tarlac province in Central Luzon. The history of the land conversion in a substantial area of Hacienda Luisita provides solid evidence that the conflicting actors’ intentions and relations have resulted in the rapid land transformation hiding under the discourse of industrialization and job creation.

The Cojuangco-Aquino family took ownership of the Hacienda Luisita in 1958. Benigno Aquino Jr., the husband of Corazon Aquino, who

was also the city Governor of Tarlac in the 1960s, acted as the inaugural administrator of Tarlac Development Corporation (TADECO) (the mother company of all Cojuangco-Aquino corporations)⁵⁵. With the acquisition of the largest sugar plantation in the Central Luzon region, one can imagine the massive political power and resources of the Cojuangco-Aquino.

Almost two decades after acquiring Hacienda Luisita, news articles reported that the Cojuangco-Aquino family started converting their sugar plantation into a residential and industrial complex in 1977.⁵⁶ A series of historical events provide possible reasons for the family's decision to convert the land. Notably, the Marcos administration filed a case against the TADECO to turn over the Hacienda Luisita to the Department of Agriculture.⁵⁷ The pressure from the government may have exerted pressure, potentially influencing the Cojuangco-Aquino family to convert parts of their agricultural lands to avoid land distribution. Another possible reason mirrors Cardenas' description of recent urban development patterns in the Philippines, driven by the evolving interests of economic elites.⁵⁸ Cardenas contends that the focus of economic elites on land has shifted from agricultural use to urban development.⁵⁹ They seek higher returns on their capital through the establishment of leisure areas, residential, and office spaces.⁶⁰ In this context, the conversion of sugar plantations for industrial uses can be attributed to the interplay of changing land values and evolving interests of social actors.

When Corazon Aquino became the Philippines' President in 1986, she introduced the Comprehensive Agrarian Reform of 1987 (CARP) as a flagship policy. Scholars assert that there is an inconsistency of land planning in Central Luzon as it was identified as a key area for land distribution under CARP, yet also assigned as the priority area for industrial use⁶¹ Ortega argued that the CARP policy of Aquino and the market-oriented development of her administration encouraged landowners to convert their lands into industrial use to escape land distribution.⁶² As agreed by the literature, one case of the failure of CAPR is the stock distribution option for landowners that made small farmers into stockholders rather than landowners.⁶³ The intended transfer of land ownership to small farmers did not materialize under the stock distribution option.

During Aquino's administration, land conversion in Tarlac was actively shaped by the implementation of stock distribution options and decentralization policy. A review of Aquino's SONA reveals the

increasing presence of private sectors in local development. In her 1987 SONA, she critiqued Marcos's "government corporation" and claimed that her administration would never take the business role but instead let the private sector drive economic initiatives.⁶⁴ On her second SONA, Aquino stated, "We have decentralized the operations of the 16 major government departments and increased private sector representation in regional and local development council".⁶⁵

The initiation of decentralization in Central Luzon was first observed in Tarlac, to which "greater development efforts" were directed.⁶⁶ Decentralization with the importance of the private sector, if geographically located, is questionable given Aquino's family ties as landed elites, business tycoons, and local officials in Tarlac. Decentralization and stock distribution options, therefore, as utilized jointly by the family of Cojuangco-Aquino, gave them power and control in the land use in Tarlac.

2.2 From US Bases to Industrial Zones

The second assessment of the actors' involvement in land conversion relates to the relationship of the Aquino administration to the U.S. financial institutions and government and the changing land values in Subic Zambales and Clark Pampanga. For instance, the first SONA of Aquino in July 1987 publicly recognized the importance of foreign funds, mostly from the U.S., in helping the country recover from the debt incurred by the Marcos administration. "Rescue could only come from foreign sources," Aquino declared.⁶⁷ Reid argued that Aquino and many national government officials originated from the economic elites of the Philippines and maintained a "close relationship" with the U.S. government to secure their class position.⁶⁸ The dependency of the Aquino administration on the U.S. becomes more apparent when situated in the land conversion of Central Luzon in the 1990s.

Clark and Subic formerly served as U.S. air and naval bases from 1947 to 1992. One remarkable decision in the history of the country took place in September 1991, when the Senate majority of the Philippines, led by nationalists and opponents of U.S. military presence in the country, decided to end the foreign military presence in Clark and Subic.⁶⁹ However, Aquino rallied the Senate to approve the U.S. Treaty as she argued that the absence of U.S. bases in the country would be a great loss to the economy.⁷⁰

In 1995, the government of the Philippines decided to turn the airbases into one of the largest Special Economic Zone in Asia to offset the loss of revenues from the United States.⁷¹ Clark and Subic's development into economic zones indeed brought industrial developments to the region. Moreover, as land development and industry came in, the opportunity for businesses also opened.⁷² Both foreign and domestic elites played a crucial role in reshaping the former military bases into commercial and leisure zones mirroring the "American-style modernity" in the Philippines.⁷³

The transformations in Clark and Subic into economic zones have faced criticisms. Land conversion, particularly the unequal distribution of land use, which favors elites, has been a focal point of criticism. Issues such as human rights violations through land grabbing and the displacement of agriculture have been raised, intensifying concerns about the impact of land development on communities.⁷⁴ In particular, the aggressive pursuit of commercial land use has displaced settlers and indigenous communities, disrupting their traditional ways of life.⁷⁵ This observation is consistent with Harvey's concept of space capitalization which involves attracting international capital and imposing minimal restrictions on business operations, resulting in loss of rights of the public⁷⁶.

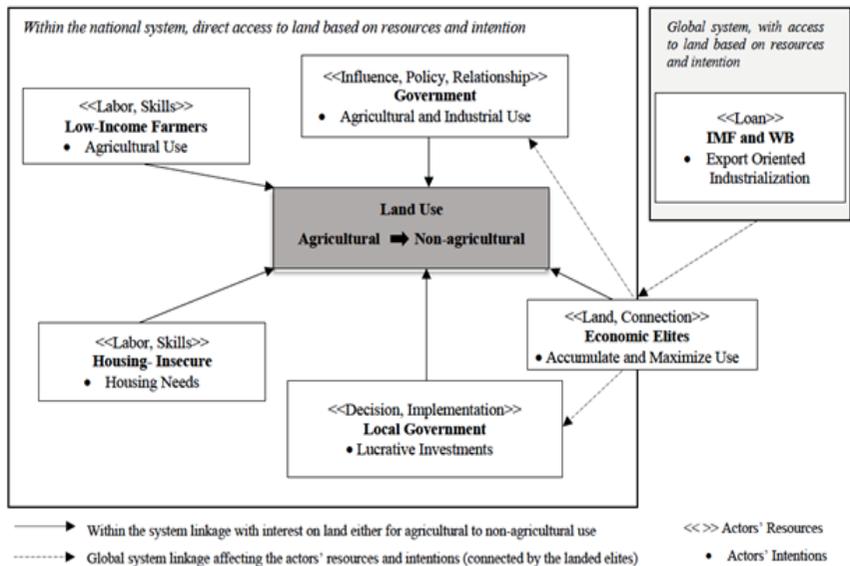
The events of land conversion for commercial uses in Clark and Subic underscore the direct influence of the national government on regional planning and decisions. This case also firmly underlines the connection between regional land issues and global discourse, such as the market-oriented principle of neoliberalism. The intentions of economic elites highly influenced land conversion in the Central Luzon region. The motivations of the economic elites, as in the case of land conversion in Tarlac, Pampanga, and Zambales in the early nineties, were grounded in the changing macro conditions such as evolving land value and infrastructure investments in the region.

3. Key Actors in the Land Conversion and Relationships Among These Actors

Figure 1 summarizes the identified actors in the land conversion of Central Luzon based on their resources and intentions for the use of land. These actors are the national government, local government, IMF-World Bank, economic elites, low-income farmers, and housing-insecure.

In Figure 1, these actors are grouped into internal (referred to as ‘within the national system’) and external systems (referred to as ‘the global system’). Within the national system, the national government, as headed by former presidents Marcos and Aquino, the local government, and the economic elites are classified as key actors in selecting priorities and facilitating land conversion because of their direct access and ownership of land resources. Low-income farmers and housing-insecure are also grouped here as social actors. Even though this study identifies them with less land ownership, their access to land remains crucial because their livelihoods depend on it. In the global system, the IMF-World Bank is argued in this study to have access to Central Luzon’s land conversion based on their relationship with the other social actors.

Figure 1: Mechanism of Actors Relationship based on Land Resources and Intentions; Case of Central Luzon Region



As revealed in the earlier discussion, the narratives of urban expansion did not materialize from recent developments in the region. Instead, they existed to justify the industrial investments that the late President Ferdinand Marcos initiated during martial law in 1972. This research attests to the argument of Dickens et al. that there is a danger for concepts such as globalization and development to be used by government officials and private companies in forwarding their interests.⁷⁷

4. Intended or Unintended Outcome of the Rapid Land Conversion

The history of the neoliberal land restructuring in the Philippines has expedited the conversion of Central Luzon's land from agricultural to non-agricultural use. In 1972, the government constructed the region's roads, export processing, and economic zones. The availability of jobs and industrialization provided landed oligarchs with additional opportunities to maximize their land ownership and production. However, along with the intended outcomes of land conversion, the resistance of workers and farmers and the limited land left for housing and agricultural use by the vulnerable populations are some unintended outcomes. Furthermore, being the primary source of rice in the Philippines, Central Luzon's conversion, without careful study, had been affecting the food supply at the national level.⁷⁸

As highlighted in the stories of the BEPZ and BNPP in Bataan and the Hacienda Luisita in Tarlac, the actors' influences on land in the 1970s to 1990s were overwhelming. The land conversion in Central Luzon occurred without careful study of these areas. In the Philippines, the initial land conversion in the early 1970s sparked a series of subsequent conversion activities, sidelining the housing-insecure and low-income farmers from the narratives of land development. The case of the Central Luzon region in 1972 and 1992 exemplifies rapid land conversion without a clear prioritization for the needs of the communities affected.

Conclusion

The analysis of this paper confirms that Central Luzon's land conversion history is closely tied to a larger trend of economic globalization. Neoliberal restructuring, particularly through export-oriented policies, shaped the land structure of Central Luzon to become more of an industrial region. During the 1970s to the 1990s, many land conversions in the provinces of Bataan, Tarlac, Pampanga, and Zambales favored certain groups,

reinforcing their social class, racial hierarchy, and financial advantages. However, this came at the expense of others, and the repercussions are still felt today as the most vulnerable individuals continue to struggle with limited access to available land.

The framework used in this study, which centers on *actors' resources, relationships, and the outcomes of such relationships*, is instrumental in critically uncovering macro concepts such as globalization and urbanization. It helps us understand that dominant global and local actors can influence urban planning and land conversion in a specific geographical space. As such, this study provides evidence that the urbanization observed in Central Luzon today is grounded on historical, social, and political drivers that shaped land use, value, and development in the region.

This study suggests a historical revisit of events and policies on land from a critical lens to better explain present-day land development and land scarcity topics. The observed rapid urbanization in Central Luzon today underscores the importance of taking a moment to assess and plan interventions, prioritizing the land access needs of the most vulnerable. This study therefore recommends further research and assessment exploring the roles of key stakeholders in the current landscape of land use and development.

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Pressured to Volunteer? Societal Factors and the Motivation of Korean Men to Work as Miners in West Germany in the 1960s

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Amid South Korea's economic struggles in the 1960s, about 8,000 Korean men chose to become miners in West Germany. Questioning the Korean government's narrative that strongly emphasizes and praises the voluntary nature of this decision, this paper seeks to revisit the reasons for their decision to migrate. Beyond economic and individual motivations, it zooms out to the bigger picture and approaches the questions of their inspiration from a new, macrolevel perspective. Rather than looking at the personal stories, this approach will examine the societal setting during this time to identify social forces that may have led to their decision to migrate. Based on the Migration Decision Model of Klabunde et al., this approach uncovers the societal pressures that emerged from mainly two value systems at the time. While state-backed nationalism served as the basis for the migrant's commitment to sacrifice their labor for the country's good, pro-growth Confucian values provided the ideological rationale for commitment to the family and subordination to the nation's needs. In this regard, the Park Chung Hee administration effectively used these two value systems to ideologically mobilize the labor force by creating normative factors embedded in the society's belief system. This paper argues that the decision to migrate to West Germany resulted from broader societal forces that pressured the Korean men to volunteer. This new perspective enriches the overall understanding of migration motives and challenges the Korean government's narrative that portrays the miners in West Germany as volunteers.

Introduction: South Korean Guest Workers in West Germany

*“I would work 7 hours a day on a three-part rotational shift, 1,000 meters underground. The temperature was above 40 degrees Celsius; everything was pitch black and deadly quiet. Debris constantly fell from the ground tunnel’s ceiling.”*¹

This quote comes from Yang Dong-yang, one of about 8,000 Korean miners who worked in West Germany in the 1960s and 1970s, along with more than 10,000 Korean nurses, as part of a bilateral program between the two countries.² The year 2023 marks the sixtieth anniversary of the departure of the first group of Korean miners to Germany as so-called “guest workers” under the “Program for the Temporary Employment of Korean Miners in the West German Coal Industry.”³ Their courage and sacrifices in service to their home country earned them recognition and played a significant role in obtaining loans from Germany. They also sent a large number of remittances back to their families and helped ease the pressure on the domestic labor market.⁴ The recruited workers were primarily students and white-collar workers who “voluntarily” applied for the arduous and dangerous mining job.

The question arises as to why so many Koreans voluntarily left the country to do hard physical labor in a completely foreign land. While the most apparent reason is economic, many scholars have analyzed the individual motivations of first-generation miners and nurses. Meanwhile, this paper aims to approach the question of their motivations from a macrolevel perspective by examining societal factors. Rather than looking at the personal stories at the microlevel, this approach will examine the societal setting at that time to identify non-economic forces that may have led to this decision. This paper focuses on the motivations of the Korean miners, who mostly had no previous experience with physical labor or mining work. Since the dispatched nurses were trained for their profession and performed a different type of work, the analysis of the motivations of the two groups should not be conflated.

Following an overview of previous research on this topic, the theoretical framework of how societal factors influence migration decisions is introduced. The analysis delves into the societal factors that influenced Korean men to emigrate, focusing on the economic and political contexts as well as the cultural factors of state-sponsored nationalism and pro-growth Confucianism. The paper concludes with a

summary and a brief outlook.

Previous Research on Motives to Migrate to West Germany

Previous research on Korean guest workers in West Germany focuses mainly on the economic impact, outlining their remittances and the relief on the Korean labor market due to their absence.⁵ Looking from an economic perspective is a common approach to migration studies, as it can explain motivations by examining loans and job opportunities, and labor supply and demand in general.⁶ Labor migration is primarily motivated by economic interests.

Another approach is conducting oral history projects in both Germany and Korea, interviewing the first generation of Korean migrants about their motivations to move to West Germany and their first-hand experience.⁷ In a newspaper interview, for example, Yang Dong-yang, former miner and chairman of the Association of Korean Workers in Germany, recalled that many of his colleagues died or were injured in the mines.⁸ Moreover, several migrants wrote autobiographies or autobiographically influenced novels. Byoung-Ho Won⁹ and I-Jong Kwon¹⁰, who both worked as miners, described in detail the arduous path and their lives in Germany at that time. Researchers Sun-ju Choi and Heike Berner collected texts written by Korean migrants who came to Germany in the 1960s, the topics of which range from exclusion and racism, cultural differences, leaving home and arriving in a foreign world to friendship, family, and work.¹¹ Overall, the three primary sources of information are mainly newspaper articles from that time, oral histories and memoirs of the migrants, and official records from South Korean and West German authorities.

Looking at the bigger picture, Minkyong Jeon, researcher and Ph.D. candidate in sociology at Sungkonghoe University in Seoul, raised the interesting question of why the two governments needed to “justify” the exchange of labor force and economic aid through a voluntary recruitment policy to fit the global emergence of human rights at the time.”¹² Going beyond the typical focal points, her argument emphasizes the significance of the voluntary character of the recruitment by the two governments, which enabled them to achieve their individual political objectives while justifying their policy in line with human rights. This justification was significant at that time since the human rights regime emerged in 1948 with the Universal Declaration of Human Rights. Jeon

further argues that because of the emphasis on the voluntary nature of the recruitment, the Korean and German governments were less accountable for the hardships the guest workers faced.¹³ Considering the need to emphasize a voluntary recruitment for the sake of both governments' global image, it is even more interesting to examine what actually motivated the migrants to volunteer.

A review of the existing literature reveals that the personal experiences of Korean miners and the economic impact of their work have been the focus of previous studies. However, there is a notable research gap, as only a few studies have systematically investigated the influence of societal factors on migrants' decisions during that period. Considering that individuals are embedded in a broader social context, susceptible to social pressures, and shaped by prevailing value systems, adopting a macrolevel perspective is crucial to identify potential social constraints. This paper seeks to address this research gap and provide a more comprehensive understanding by examining Korea's cultural and political environment at that time, to identify societal pressures that played a role in shaping the decision to migrate to West Germany.

How Societal Factors Influence Migration Decisions

To determine the societal factors that influenced the decision of thousands of Koreans to work as miners in West Germany, it is essential to understand the connection between these variables. It is generally agreed that the unequal geographic distribution of resources and opportunities and, consequently, the prospect of better job opportunities and higher remuneration, are the primary causes of migration.¹⁴ However, researchers from the Max Planck Institute for Demographic Research, Anna Klabunde and Matthias Leuchter, statistician Sabine Zinn from the German Institute for Economic Research, and Frans Willekens, Professor Emeritus of Demography at the University of Groningen, provide foundations for modeling the emigration decision process. Willekens argues that the belief that the benefits outweigh the costs is a necessary but not a sufficient condition for developing an intention to migrate.¹⁵ This argument is conclusive because not everyone decides to emigrate just because they have the prospect of higher benefits in a foreign country.

Klabunde et al. refer to the Theory of Planned Behavior (TPB),

which indicates that intentions are the best predictors of behavior. They use the TPB as the base for their Migration Decision Model and outline three factors that determine an intention to act: “(1) the outcomes (benefits and costs) of the behavior or attitude; (2) social norms; and (3) one’s own ability to mobilize resources, take advantage of opportunities, and remove barriers.”¹⁶ The first factor of beneficial expectations is already widely investigated in terms of economic benefits for these Korean miners and their families. As for the third factor, mobilizing resources and removing obstacles, the Korean government supported and provided for the possibility of migration through its programs that took care of all administrative and logistical issues and set the framework for the migration and travel process.¹⁷ Therefore, this paper will solely focus on the second factor: social norms. In this regard, Willekens argues that potential emigrants are subject to social pressure, group norms, and social acceptance.¹⁸ Essential actors in building this societal pressure are opinion leaders. Normative beliefs arise from the observation of others and the influence that some people have on others due to their position of authority or power.¹⁹

Figure 1: Schematic Representation of the Migration Decision Model:
Social Norms²⁰

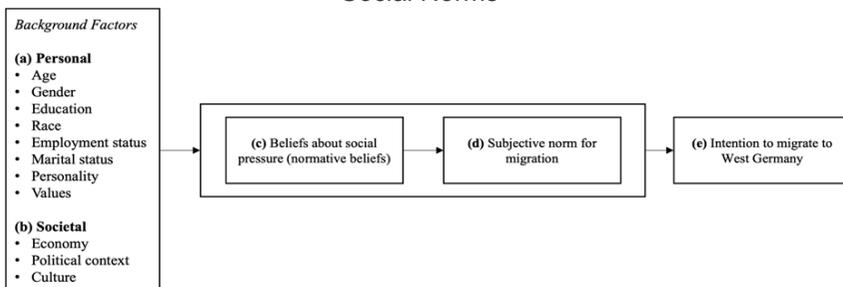


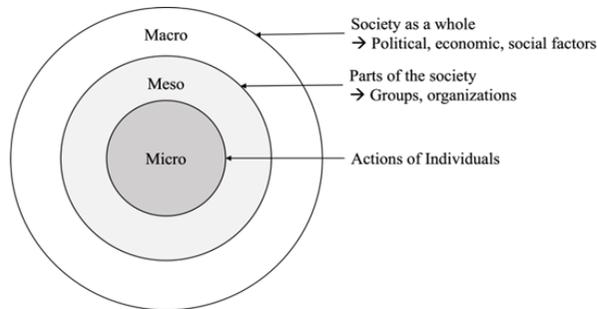
Figure 1 is deduced from the Migration Decision Model of Klabunde et al., who apply the TPB specifically to migration decision. Instead of looking at the individual level of (a) personal factors, this paper will solely focus on the societal factors (b), which influenced the beliefs about social pressure (c) and, subsequently, the intention to migrate to West Germany I. As indicated in Figure 1, the term “societal” pertains to a society’s economic and political context and culture.

In this regard, this paper will take a different approach to this topic and analyze society on a macrolevel, as portrayed in Figure 2.

Philosopher Karl Popper underlines this approach in his book “The Open Society and Its Enemies”: “While the ordinary man takes the setting of his life and the importance of his personal experiences and petty struggles for granted, it is said that the social scientist or philosopher has to survey things from a higher plane.”²¹

Social scientists Sandro Serpa and Carlos Miguel Ferreira outline that an individual is part of a broader social framework that evolves over time in its economic, political, and cultural dimensions.²² They argue that society, as a whole, is “produced and reproduced by social interactions, framed within the context of social relations structures and historical frameworks.”²³ Moreover, the macrolevel is mainly concerned with analyzing complex structures and related processes.²⁴

Figure 2: Micro, Meso, and Macro Levels of Social Analysis²⁵



To understand the decision of Koreans to voluntarily migrate, this study employs a macrolevel analysis, which considers society as a whole, particularly the political, economic, and cultural factors affecting society and individuals. While it is uncontested that the individual decision to apply for the program happens on the microlevel, the macrolevel influences the decision. The influence of these social factors to the Koreans' migration decision is investigated in the next section. After outlining the political and economic context, the primary focus will be on cultural factors that could lead to social pressure. The study of Andrew E. Kim and Gil-sung Park, professors of international studies and sociology at Korea University, serves as the main foundation in analyzing these cultural factors. Their article “Nationalism, Confucianism, Work Ethic, and Industrialization in South Korea” discusses how workers in South Korea were ideologically mobilized to use their labor for the process of indus-

trialization. Building upon this analytical foundation, familiar narratives about the work migration to West Germany are objects under investigation.

Societal Factors that Influenced Korean Men to Work as Miners in West Germany

1. Economic and Political Context in South Korea in the 1960s

Suffering from the aftermath of the Korean War, South Korea was a dysfunctional economy in the early 1960s. However, economic history witnessed a turning point with the 1961 military coup led by Park Chung Hee, who, in an authoritarian manner, laid the foundation for the nation's remarkable economic growth over the following three decades.²⁶ Lifting the country out of poverty and putting it on the path to economic modernization through industrialization was Park's top priority, thus the series of financial plans aimed at export-oriented industrialization.²⁷ Under his rule, the import substitution economy (ISE) in the 1960s gradually transitioned to an export-oriented economy (EOE).²⁸ South Korea was a developmental state characterized by significant government intervention and extensive regulation at that time.

In the early 1960s, the high unemployment rate among educated people became a persistent social issue. There were not enough jobs and few openings in government agencies, state-run businesses, the media, banks, and educational institutions. Korean professor Seung-Mi Han describes the situation as: "Instead of the 'Ivory Tower,' universities were called 'Cow Towers,' meaning parents had to sell cows to pay for the tuition, but the children remained out of work."²⁹

To achieve the economic development goals, bringing in foreign currency was vital, and Korea was forced to rely on aid from abroad, most of which came from the United States. However, US aid eventually declined, from the all-time high of \$383 million in the 1950s to \$222 million by 1959.³⁰ Therefore, the South Korean government made diplomatic efforts to obtain government loans from other Western industrialized nations. The goal was to reduce unemployment and implement new economic plans. One of these nations was West Germany, which already had a humanitarian mission in South Korea by building a hospital in Busan.³¹ Moreover, Park Chung Hee reportedly admired Germany and expressed his firm belief that it had a unique bond with Korea. This admiration is demonstrated, for instance, by the fact that he includes a

separate chapter on Germany in his second book, “The Country, The Revolution, and I.”³²

On the other hand, West Germany, which had experienced rapid economic revival and industrialization since the end of the Second World War, was faced with the problem of labor shortages in the mining sector, as many men of working age had been injured and killed during the two World Wars.³³ To address this issue, the West German government imported migrant labor in the form of “guest workers” with time-limited employment contracts.³⁴

Sending labor abroad was already a vital element of the Park administration’s economic development strategy as a way to manage the population, reduce unemployment, earn money abroad, and learn about cutting-edge technology.³⁵ Therefore, Park agreed to send miners and nurses to West Germany in exchange for financial aid. In addition, South Korean nurses and miners were offered financial packages about three times higher than those provided to workers in similar occupations in South Korea.³⁶ On December 16, 1963, the “Program for the Temporary Employment of Korean Miners in the West German Coal Industry” came into force.³⁷

The recruitment announcement was published in Korean newspapers, and in the following years, more and more Korean young men applied, even though they had no previous mining experience. Korean journalist Grace Kim, who visited West Germany together with Park Chung Hee in 1964, underlined that most Korean miners were previously white-collar workers and students with no experience in heavy physical labor. Most university graduates volunteered to emigrate to Germany after compulsory military service.³⁸

Overall, looking at the macrolevel of the economic and political context in South Korea, the importance of mobilizing Korean workers to volunteer as miners in West Germany becomes apparent. The following section analyzes the significant societal factors of culture to identify possible normative beliefs that may have generated social pressures.

2. Cultural Factors: State-Sponsored Nationalism and Pro-Growth Confucian Values

Meredith Woo highlights that one foundation of the Park Chung Hee’s developmental state is the belief that nationalism drives economic planning

and mobilization.³⁹ To discipline and organize the fractured society in an authoritarian and nationalistic manner, the Park administration expended tremendous effort and resources. In the early 1960s, the government developed economic nationalism and the importance of hard work into a comprehensive national campaign, which it vigorously promoted for the following two decades. According to Andrew Eungi Kim and Gil-sung Park, two ideologies were crucial to South Korea's economic development from the early 1960s: (1) state-sponsored nationalism and (2) pro-growth Confucian values.⁴⁰ These two cultural traits will be discussed in detail in the following section and connected to the recruitment of Korean guest workers who worked as miners in West Germany.

2.1 State-Sponsored Nationalism

Nationalism can generally be defined as a collection of vague and diverse political discourse, rather than a specific political program or ideology that seeks to create a certain type of political community.⁴¹ In this discourse, the Third Republic established by Park drew on some of the narratives of the former Syngman Rhee regime. Similar to Rhee's anti-Japanese and anti-communist narratives, Park Chung Hee advocated for the harmonious integration of the nation to combat the ongoing threat posed by the communist regime in North Korea.⁴² However, Sang Mi Park, a professor at Waseda University in Japan, argues that Park Chung Hee did more than just amplify the anti-communist rhetoric; he quickly adopted it to legitimize his regime and avoid the challenge faced by Rhee who struggled to develop comprehensive and tangible policies to mobilize public support for his leadership.⁴³ Similarly, Han argues that unlike the unambiguous goal of "nationalism against colonial rule," "nationalism" promoted under Park's leadership was linked to various concepts like dictatorship, national security, economic growth, and modernization.⁴⁴ Moreover, the Park regime ingrained the discourses in every aspect of South Korean society through projects that paralleled the state-led economic developments in the 1960s and 1970s.⁴⁵

Kim and Park argue that the Park Chung Hee administration successfully launched a national campaign that linked the idea of work with ethnic nationalism.⁴⁶ Work was seen as a moral, patriotic, and social obligation, with the idea that the harder everyone works, the better off everyone is. For the nation to modernize, the government-sponsored ideology of work insisted that everyone must voluntarily participate in

the national project, put aside personal interests, and deal with low wages and challenging working conditions.⁴⁷ With this ideology in mind, the Korean students and white-collar workers who struggled to find a job might have seen the opportunity to work in West Germany as an opportunity to contribute to the modernization of Korea. Unemployed, they did not participate in the national project, and even if they may not have felt comfortable with the idea of doing the hard physical work of mining in a foreign country, the government's ambitious call demanded that they put personal interests aside.

Kim and Park further argue that “work was made respectable even to the extent of stigmatizing unemployment,”⁴⁸ highlighting the volunteers' fear of such stigmatization if they choose not to apply for the mining program. In addition, social recognition was in prospect if they apply as guest workers. On December 10, 1964, Park Chung Hee traveled to Hamborn, West Germany, where 300 miners and nurses had gathered. In an emotional speech, he urged them “to work for the honor of the country and look to the future so that their children could live in prosperity.”⁴⁹ Yong-Suk Jung, research associate at the Chung-Ang University's Center for German and European Studies, delves more profoundly into the migration of Korean nurses and argues that the political term *P'adok* or “German dispatchment” glorified labor export as a patriotic act by both the government and the society.⁵⁰ As mentioned above, the South Korean government at that time desperately needed foreign currency, and in this regard, volunteer labor, which it must persuade to go to West Germany.

The authoritarian character of Park Chung Hee's administration might also have possessed coercive tools to recruit workers. However, the emphasis on volunteers was significant in light of the emerging human rights regime and the global image, as highlighted by Minkyong Jeon. These volunteers were recruited through the media, primarily through newspaper advertisements. By portraying the work abroad as a service to the nation, they instilled in volunteers a sense of patriotism and pride. In contrast, the decision not to apply but to remain unemployed in South Korea, even if one had been physically able to work, would have been seen as unpatriotic and associated with shame. The social norm at the macrolevel created by state-sponsored nationalism was, at that time, the clear obligation to participate in the country's economic development.

Furthermore, Park Chung Hee managed to reframe the arduous

work of mining as a work of pride. Yun-Young Choi, a professor at Seoul National University's Institute for German Studies, argues that the government urged the emigrants not to lose their pride as Koreans and to see themselves as private diplomats.⁵¹ The Korean miners' high education level contributed to this awareness and simultaneous pride as national representatives in a foreign land.

Moreover, Choi outlines that the Park administration succeeded in creating a shared identity for the volunteers by creating various names, such as "New Village Movement," "Factory Workers" in the city, or "Guest Workers" in foreign countries. This process of common identity building went hand in hand with the Korean government's economic modernization plan.⁵² Choi further elaborates that not only did the government demand patriotism and sacrifice from the emigrating group; the applicants also felt that their group identity was being addressed, forming a solidary group identity with a common destiny.⁵³ Being a part of one of these groups might have been another societal motivation to apply for the mining program. That this narrative resonated with the migrants is shown by the statement of a former miner who describes that they felt like a national team at the time.⁵⁴

Overall, Park Chung Hee's administration, through state-sponsored nationalism, successfully created normative factors enshrined in the belief system of Koreans. Having established that these factors place social pressure on Koreans to dedicate their labor for the good of the country, examining another significant cultural element that complements the broader societal dynamics on a macrolevel is imperative. Given the importance of family structure and values, the commitment of Park Chung Hee's leadership, and the generally strong sense of duty, it is necessary to consider the deeply rooted Confucian values that will be analyzed in the next part.

2.2 Pro-Growth Confucian Values

Confucius was a Chinese philosopher whose collective teachings became what is known today as Confucianism. Confucianism initially developed as a set of moral guidelines for feudal, agrarian Chinese rulers to promote harmony and peace.⁵⁵ The ideas of "Chung" (harmony between the leadership and the masse) and "Hsiao" (filial piety) make up the central axis of Confucian political philosophy. In this regard, the relationships between the ruler and the people, parents and their children, and among

peers are emphasized.⁵⁶ After centuries of development, Confucianism has evolved into a set of concepts, worldviews, political ideologies, and social norms that materialize in various social institutions and everyday social customs.⁵⁷ Each social class and status group of the society has adopted different aspects of Confucianism to suit their particular needs.

Confucianism arrived in Korea at various points in history, making it difficult to determine when it first emerged. Josh Park, researcher at Emory University, argues that the original Confucian principles may have reached Korea around 788 A.D. and have spread and persisted since then.⁵⁸ Confucianism significantly impacted Korean culture overall, and its ethical code became the blueprint for how Korean families, societies, and workplaces are organized. Confucian traits generated cohesion and the pursuit of success through a sense of loyalty and kinship.⁵⁹ In this context, Josh Park argues that the Korean work ethic was often characterized as persistent, selfless, faithful, and reliable. However, Kim and Park argue that Confucianism first posed a challenge for Park Chung Hee when mobilizing human resources. They outline Koreans' historical antipathy for manual labor and argue that the government required a persuasive work philosophy that could encourage people to participate actively in the development process.⁶⁰ In that sense, Park aimed to create a new concept of work that could overcome the traditional disregard for manual labor to ensure the active participation of potential workers: pro-growth Confucian values.⁶¹ This new approach to manual labor was an essential factor when it came to recruiting volunteers to work as miners, a physically demanding job.

Therefore, the Park regime modernized the Confucian value system into a work ethic appropriate for an industrial society by incorporating discipline, hard work, sense of duty, loyalty, and responsibility. In this regard, the regime applied traditional Confucian values to new structures, for example, by changing self-improvement diligence to work-related diligence.⁶² Park's interpretation of Confucianism created further pressure on potential migrant workers, who might have seen voluntary application as a duty, responsibility, and a way to show their loyalty to Park. The diligence demanded by Korean society could be put into the work of a miner.

Moreover, the Confucian approach to interpersonal interactions involves social obligations, which include mutual support among family members during difficult times.⁶³ Josh Park argues that "diligence is an

intrinsic value in itself, and since Confucius believed that relationships between society and individuals and between individuals and family were important, it is also a way of contributing back to society when one grows up and is able to work.”⁶⁴ Since the economic situation at that time can be characterized as “difficult times,” the Korean applicants likely felt pressured to provide for their families, especially since a high remuneration was in prospect. For the unemployed, the miner’s program provided a possibility to contribute to the Korean society and support their families. Consequently, the remittances of miners and nurses totaled about \$101,503,000, which represented around two percent of the Korean GDP between 1963 and 1977.⁶⁵

Confucius’ teachings emphasize complete loyalty in the relationship between a servant and their master, akin to the loyalty between a father and son. Hence, employees were expected to demonstrate a similar loyalty to both their employers and the president.⁶⁶ This idea of loyalty offers insight into the increase in the number applications after Park’s call for volunteers. Park already had an agreement to fulfill with West Germany, and as loyal Koreans, the recruits may have felt the need to support him by volunteering to go abroad. Demographer and economist Lee-Jay Cho further argues that the people committed to Confucian ethics are prepared to put forth effort in a collective setting without challenging their leader, whom they perceive to be more knowledgeable and experienced than themselves.⁶⁷ If Park Chung Hee, as a “knowledgeable and experienced leader,” suggests going to West Germany, which he views highly, the willingness of Korean men to follow his call can be understood in terms of the prevailing Confucian value system.

In Confucian societies such as Korea, there is a deeply ingrained sense of duty towards family, community, and nation. Volunteering to work in West Germany as a miner was defined on the macrolevel as an act of sacrifice and service to fulfill these societal obligations, influencing the individual’s decision to apply on the microlevel. The pro-growth Confucianist values complemented the societal forces in the sense that it defined the obligations towards society and reframed the previous antipathy towards manual labor.

Conclusion: Societal Pressure to Volunteer

This paper aimed to examine what societal factors influenced the

decision of about 8,000 Korean men to work as miners in West Germany in the 1960s. After a brief review of the existing literature, the theoretical framework of the migration decision model was presented, which was subsequently used to analyze the social factors that influenced the decision of Korean applicants.

Overall, the analysis shows that the voluntary participation of Koreans in the mining program in Germany was influenced by societal pressures originating from state-sponsored nationalism and pro-growth Confucianism. These two value systems were effectively used by the Park Chung Hee administration to ideologically mobilize the labor force.

While nationalism served as the basis for their commitment to sacrifice their labor for the good of the country, Confucian ethics provided the ideological rationale for commitment to the family and subordination to the needs of the nation. In this sense, Park Chung Hee successfully created normative factors that became embedded in the society's belief system. Exposed to societal pressure, the unemployed men saw the volunteer program as a social obligation.

Overall, it can be said that although Korean men were not forced to work as miners, they were pressured to volunteer. These findings raise awareness not only to look at the individual level of motivations but also to examine the "higher plane" of the macrolevel to identify societal forces. The macrolevel analysis sheds light on the various factors that influenced their participation and allows for a nuanced understanding of the voluntary nature of their decision to go to West Germany. Considering the fact that the Korean and West German governments had to emphasize the voluntary nature of the workers' deployment, it is worth asking to what extent it can be described as voluntary in the face of these societal pressures or whether it was rather framed as such.

Due to the limited scope of this work, it was not possible to measure the degree to which societal factors influenced the microlevel of individual beliefs and how much societal influence there was relative to economic benefits. In further research, it would be interesting to link the micro and macrolevels to gain more understanding of the motivations behind the participation in the mining program. But as a starting point, this paper shows how it could be misleading to outright adopt the government's narrative, which highlights the program's voluntary nature, when in fact societal pressures were at play.

Notes

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Evaluating the Efficacy of the Washington Declaration: An Analysis of US Extended Deterrence Against North Korean Nuclear Threats

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The US-ROK security alliance stands as a pivotal pillar of regional security in East Asia. The Washington Declaration, signed in 2023, represents an upgrade to their commitment to strengthen the alliance against North Korean nuclear threats. This study draws on the deterrence theory to analyze the effectiveness of the Washington Declaration in shaping the US-South Korean security alliance. Specifically, this paper uses three success factors of the nuclear deterrence theory (capability, communication, and credibility) to examine the efficacy of the Washington Declaration. This paper concludes that the aspects of capability and communication seem to uphold the deterrent effects, while the factor of credibility remains challenging.

Introduction

Commemorating the seventh anniversary of their security alliance, South Korea and the United States signed the Washington Declaration in April 2023. This upgrade in the treaty alliance came in the wake of a growing call in South Korea to arm itself with its own nuclear weapons against North Korea's threats of preemptive attack and its continuous expansion of nuclear capabilities. Against the background of a heightened sense of vulnerability from South Korea given their reliance on the US for defense, the Washington Declaration reassures the South Korean domestic public that the US is a reliable security partner, mainly through two aspects: (1) a reaffirmation of the US' strong commitment to extended deterrence, and (2) an increase in South Korea's contribution to discussions regarding how or even when the US should consider using its nuclear capabilities

against military threats, through the establishment of the bilateral Nuclear Consultative Group (NCG).

However, the question remains as to how effective the Washington Declaration is. In the closing remarks of the policy briefings from the Ministry of Foreign Affairs and National Defense in January 2023, South Korean President Yoon Suk-yeol made a rare remark that South Korea may turn to “deploying tactical nuclear weapons or possessing its own nuclear weapons” as a last resort if North Korea’s nuclear threats become more serious than it is now.¹ This sentiment is largely reflected in the poll by the Chicago Council on Global Affairs, in which 71 percent of the Korean respondents supported the idea of South Korea developing its own nuclear weapons. While the deployment of US nuclear weapons in South Korea was the second most popular option, the public overwhelmingly prefers an independent arsenal (67 percent) over US deployment (9 percent), when asked to choose between the two options.² This begs the question of the extent to which the latest US approach to South Korea addresses North Korean nuclear threats.

This paper aims to answer this research question by examining the Washington Declaration using a theoretical framework based on the nuclear deterrence theory. Firstly, it provides a brief introduction to the deterrence theory. Secondly, it provides an overview of the Washington Declaration. Thirdly, it assesses the effectiveness of the deterrence provided in the Washington Declaration through the deterrence theory framework.

Deterrence Theory

Deterrence is broadly defined as “the power to dissuade” others from taking an action by convincing them that the prospective costs of the action outweigh its prospective gains.³ There are two different mechanisms of deterrence: (1) deterrence by denial and (2) deterrence by punishment.

Deterrence by denial

Deterrence by denial manipulates an adversary’s perception of costs by showing its capability to retaliate with deadly damage. ⁴ Simply put, it deters would-be aggressors by making them believe that they cannot accomplish their objectives through the use of force because of the resistance they would face and the losses they would suffer. This mechanism reflects the intuitive idea that a logical state will not act if it

expects to gain nothing from doing so. The case of a possible invasion of Taiwan by China presents a real-life application of this concept. The geography of Taiwan is characterized by a mountainous terrain, which covers the eastern two-thirds of the island. This precipitous terrain, along with the island's shallow straits and stormy seas, limit opportunities for an invading force to land on the island. These characteristics would also make Chinese military operation against Taiwan a challenging endeavor since it would require constant resupply either by air or sea. Taiwan has therefore invested in critical asymmetrical capabilities, such as advanced air defenses and shorter-range ship missiles. Alongside the 1979 Taiwan Relations Act, which promises US support in arming Taiwan to defend itself, Taiwan continues to invest in a range of military capabilities and training exercises to remind China of the resistance it would face and the losses it might suffer, thereby embodying the principle of deterrence by denial.

Deterrence by punishment

On the other hand, deterrence by punishment seeks to threaten an adversary with severe penalties, such as nuclear escalation or severe economic sanctions, if an attack is to occur.⁵ The policy of Mutually Assured Destruction (MAD) between the United States and the Soviet Union during the Cold War exemplifies the concept of deterrence by punishment. Both superpowers maintained large nuclear arsenals, and the prospect of catastrophic retaliation served as a potent deterrent against starting a nuclear conflict.⁶

Denial vs punishment and the Washington Declaration in the context of US-ROK alliance

The distinction between the two is succinctly summarized by Wilner and Weger.

“[W]hereas punishment manipulates behavior by augmenting costs, denial works by stripping away benefits [...] so whereas punishment deters through the fear of pain, denial deters through the fear of failure. (Wilner and Wenger, 2021, 7)⁷

However, the difference between the two concepts is not an absolute one; There is an overlap in the sense that both concern the sensitivity of the adversary to “costs.”⁸ For instance, as Brantly puts it,

“Both deterrence by punishment and denial are intended to manipulate the cost-benefit analysis of an adversary.”⁹ Deterrence by denial incorporates an element of punishment in the act of denial itself. Preventing an enemy from achieving a military objective by denial necessitates punishing their forces. A defending state may use punishment as a means of denial, for example, by denying an enemy force access to a key resource or strategic location. Thus, the element of punishment is needed to deter the enemy from attempting to capture the objective again in the future. Therefore, while deterrence by denial and deterrence by punishment are distinct approaches to deterrence, they can overlap in practice, and a combination of the two may be used to achieve the desired deterrent effect.

In the context of the US-ROK and the Washington Declaration, both deterrence by denial and by punishment are evident. According to S. Kalyanaraman, there are two questions to raise when determining which type of deterrence applies:

1. Whether the dominant method of deterrence is through denial of objectives to the adversary (by denial) or inflicting costs and punishment upon it (by punishment)
2. Whether the war would be waged purely defensively in its own territory (by denial) or a counter-offensive would be undertaken to take the war into enemy territory (by punishment)¹⁰

Table 1. Washington Declaration in the context of deterrence theory

| | |
|---|---|
| Deterrence by denial | |
| Dominant method of deterrence through denial of objectives to the adversary | <ul style="list-style-type: none"> (1) Upgrades and deployment of US strategic assets in South Korea, such as ballistic missile submarine (SSBN), which undermines North Korean confidence (2) Creation of a “Nuclear Consultative Group” signaling the US-ROK alliance’s ability to fight through a nuclear attack |
| War would be waged purely defensively in own territory | <ul style="list-style-type: none"> • It emphasizes collective defense, military readiness, and the defensive posture in own territory |
| Deterrence by punishment | |
| Dominant method of deterrence through inflicting costs and punishment upon it | <ul style="list-style-type: none"> • Linking ROK STRATCOM (Strategic Command) with ROK/US Combined Forces Command - whose aim is to threaten North Korea to impose costs of an attack, including decapitation strikes against North Korean leadership (to be established in 2024) |
| A counter-offensive would be undertaken to take the war into enemy territory | <ul style="list-style-type: none"> • It reiterated the US’ commitment to “extended deterrence,” which rests on an assumption that the US would retaliate if North Korea used nuclear weapons against South Korea |

The table shows how the Washington Declaration in the context of the US-ROK security alliance fits into the two questions provided. The first two questions about deterrence by denial fit the Washington Declaration: regarding the dominant method of deterrence through denial of objectives, this aspect is exemplified by the introduction of advanced assets, notably the SSBN, deployed by the United States in South Korea. The presence of SSBNs serves to undermine North Korean confidence by restricting its ability to achieve strategic objectives. In terms of defensive war, the creation of the “Nuclear Consultative Group” is a pivotal component of deterrence by denial. This signifies the US-ROK alliance’s collective commitment to combatting a nuclear attack. The emphasis on fighting defensively within South Korea’s own territory underscores the strategy’s orientation towards collective defense, military readiness, and a resolute defensive posture.

Regarding the last two questions about deterrence by punishment, the Washington declaration involves linking the Republic of Korea Strategic Command (ROK STRATCOM) with the ROK/US Combined Forces Command. The integration aims to threaten North Korea with the prospect of substantial costs, including potential decapitation strikes against its leadership, set to be established by 2024. This would mean even though the method of deterrence may not be the “dominant,” it is substantial enough to fit into the category of deterrence by punishment. In terms of the possibility of a counter-offensive, the reaffirmation of the US commitment to “extended deterrence” in the declaration further underscores this strategy, resting on the assumption that the United States will retaliate vigorously if North Korea employs nuclear weapons against South Korea.

Overall, using the indicators and mapping the Washington Declaration onto those categories, this section concludes that the Washington Declaration is situated at the interplay between deterrence by denial and deterrence by punishment, which will be explored further into analysis.

Three key components of deterrence theory

Traced back to the earliest theories of the first wave of deterrence theory, there are three critical elements that determine the success of deterrence: capability, communication, and credibility.¹¹

First, capability refers to nuclear retaliation capability. This includes first-strike and second-strike capabilities.¹² This can be measured through factors such as the number of nuclear weapons, their yield, delivery systems (e.g., missiles), and the ability to protect and maintain these assets. Second, credibility refers to the extent to which the threats or promises made by the deterring states (US and South Korea) are believed by the deterred state (North Korea). Any deterrence may fall through if the deterred state doubts the commitment of the deterring state. Third, the communication factor states that the deterring state must clearly signal its nuclear intentions to ensure that the deterred state understands the potential consequences of its actions. This includes clearly defining circumstances in which the first strike would be expected, what would trigger retaliation, and the scale of inflicted damage.

How these three determinants interact with one another in deterrence is illustrated as a trinity in figure 1.

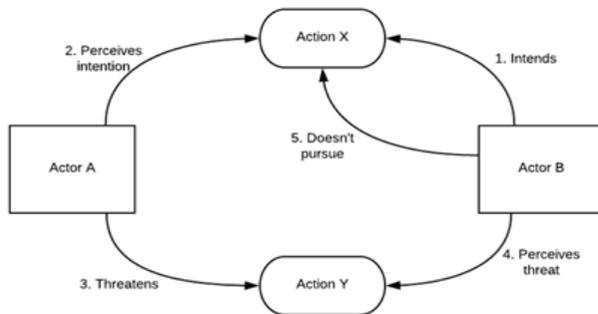


Figure 1. The ideal formulation of deterrence ¹³

This figure illustrates the scenario where B intends to carry out Action Y. For A to successfully deter B, it is crucial that B believes A possesses the capability to execute Action Y (capability and credibility). Meanwhile, these are underpinned by A's successful communication with B (communication).

The Washington Declaration

The Washington Declaration can be summarized into three critical elements: expanding Korea's input in nuclear operations, confirmation of the United States' commitment to extended deterrence, and reaffirmation of Korea's intention to stay in the Nuclear Non-Proliferation Treaty (NPT).

Expanding Korea's input in nuclear operations

The ROK-US Mutual Defense Treaty, signed in 1953, is based on conventional weapons. There was a growing call for an update to a new ROK-US defense treaty that included not only conventional weapons but also nuclear weapons.¹⁴ This was addressed in the Washington Declaration by establishing the “Nuclear Consultative Group (NCG)” between the US and South Korea, modeled after nuclear consultations within NATO.¹⁵ This extends the commitments from the ROK-US Mutual Defense Treaty to cover the nuclear realm. Through this new consultative body, the US-South Korea alliance would engage in joint planning and implementation of responses to North Korean nuclear use through improving joint education and training activities in the context of nuclear deterrence. It also includes “bolstering the deployment of US strategic assets, and augmentation of information-sharing, joint contingency planning, and an inter-agency table-stop simulation.”¹⁶ At least theoretically, it would give South Korea a bigger say in preparations regarding nuclear retaliation, as Korea had only taken part in very limited nuclear operations before the Washington Declaration.

Confirmation of the United States' commitment to extended deterrence

President Biden directly targeted North Korea and emphasized that the United States would “mobilize all its capabilities to support extended deterrence.”¹⁷ As a tangible measure for this, the US and South Korea decided to make efforts to regularly increase the visibility of nuclear strategic assets and strengthen the standing intergovernmental consultative system, including the Extended Deterrence Strategy Consultative Group (EDSCG).

Reaffirmation of Korea's intention to stay in the Nuclear Non-Proliferation Treaty

The Nuclear Non-Proliferation Treaty is an international treaty with the purpose of preventing the spread of nuclear weapons and promoting peaceful uses of nuclear energy. The success of the NPT has been especially crucial to the US since the prevention of the further spread of nuclear weapons promotes global stability by reducing the likelihood of nuclear confrontations. However, the increasing public support for nuclearization in South Korea and the regional ramifications from South

Korea as a nuclear state cast a shadow on the stability and security in East Asia and beyond. Thus, the reaffirmation of South Korea's intention to commit itself and stay in the NPT implies that South Korea is, albeit indirectly, pledging not to venture into the creation of its own nuclear weapon capabilities in favor of deterrence measures through an alliance-centered approach.

Discussion and Analysis

Capability

Under the declaration, the US decided to deploy a ballistic missile submarine (SSBN) equipped with tactical nuclear warheads to the Korean Peninsula. This measure can improve the capability element in two ways: first, each submarine is capable of carrying 20 Trident II ballistic missiles, each of which carries four nuclear warheads.¹⁸ This puts a total of 80 nuclear warheads, which greatly strengthens its deterrence capabilities against nuclear threats from North Korea. Each nuclear warhead has 10 to 30 times the power of the atomic bomb dropped on Hiroshima.¹⁹

Apart from its sheer power, what is worth noting is the SSBN includes low-yield Trident missiles. This boosts deterrence capabilities for a number of reasons. For instance, low-yield nuclear weapons are considered more usable than high-yield ones since their relatively weaker destructive power can be used to signal an intention to use more destructive ones, therefore increasing the perceived credibility of its deterrence threats. In addition, low-yield nuclear weapons can aim at specific targets, ruling out any possibility of mass destruction.²⁰ This lowers the threshold for its use as it prevents massive retaliation from the deterred state by minimizing the risk of collateral damage (i.e., civilian casualties).

The deployment of the SSBN also increases capability because of its nature as a sea-based nuclear force. Sea-based nuclear forces, particularly SSBNs, are commonly considered more effective than land-based or air-based systems. One of its strengths is its stealthy operational capabilities. Attacks launched from SSBNs are difficult to intercept compared to, for instance, those from land-based systems which can be easily countered with an anti-ballistic missile (ABM). This means it will increase the costs of any nuclear attacks for North Korea as it will be nearly impossible to detect and respond to nuclear launches

from SSBNs.

Communication

Communication is one of the key determinants of whether deterrence will succeed in discouraging adversaries from taking provocative nuclear attacks. The tone and language in the text of the Washington Declaration are analyzed to gauge the level of the US-ROK alliance's commitment to using nuclear deterrence. This section will be divided into two aspects: (1) explicit nuclear commitments and retaliation; and (2) perceptions of adversaries (i.e., raising the question of whether the deterrent efforts were communicated effectively so that North Korea (deterred state) perceives the commitment of US and South Korea (detering states) to the Washington Declaration as credible.

On explicit nuclear commitments and retaliation, the Washington Declaration expressed a strong will to defend the ROK from the North Korean regime. President Biden described the US extended deterrence for South Korea as “permanent and ironclad” and that “any nuclear attack by the DPRK against the ROK will be met with a swift, overwhelming, and decisive US response.”²¹ At the summit, President Biden emphasized that the US extended deterrence is “supported by mobilizing all US capabilities, including nuclear weapons.”²² A similar sentiment was present at the summit with former president Moon Jae In May 2021, when the US pledged to “provide extended deterrence using all available capabilities of the United States.”²³ After the summit where the Washington Declaration was announced, President Biden said, “North Korea’s nuclear attack against the United States, its allies, or friendly countries is unacceptable” and that “any regime that commits such actions will face the end,” referring to the end of the North Korean regime. The intention was clearly worded by specifying who the target of the warning is and what response will be made.²⁴

In terms of perceptions of adversaries, the Washington Declaration is perceived by North Korea as a new threat to the survival of its regime. North Korea’s initial reaction to the declaration came in the form of a statement released by the Korean Central News Agency on April 29, 2023. Kim Yo-jong, Vice Minister of the Central Committee of the Workers’ Party of Korea and sister of Kim Jong-un, referred to the Declaration as “an integrated product of the extremely hostile policy toward North Korea, reflecting the most hostile and aggressive will to

act.”²⁵ She also asserted that with the launch of the US-ROK NCG and the deployment of US strategic assets as announced in the Washington Declaration, “the military and political situation on the Korean Peninsula has become unable to escape the unstable trend,” and that “[North Korea] must take corresponding, more decisive action.” She pointed to the need to “improve nuclear war deterrence and be more perfect in the second mission,” the second mission being a nuclear preemptive strike when a nuclear attack looms large from the US-ROK security alliance. Since the announcement of the Washington Declaration, alongside the deployment of the SSBN, North Korea has been mobilizing North Korean media to criticize the declaration.

If North Korea views the Washington Declaration as a credible warning that threatens their regime, to what extent has this been translated into their military posture? In the early morning of July 19, 2023, immediately after the launch of the NCG and the arrival of the nuclear submarines in Busan, North Korea launched two short-range ballistic missiles (SRBMs) into the East Sea. Moreover, even though there is a mixed assessment of whether North Korea’s military provocation has been on the rise or decline, North Korea continues to demonstrate its nuclear and missile capabilities through “test launches,” including that of the Hwasong-18 intercontinental ballistic missile (ICBM) as well as short-range ballistic missiles and long-range cruise missiles. More crucially, North Korea revealed a new tactical nuclear submarine equipped with a submarine-launched ballistic missile (SLBM). In addition, plans were put forward to build a nuclear-powered submarine. If North Korea’s announcement is accepted at face value, North Korea could obtain the ability to move stealthily underwater and launch a surprise attack with the short and mid-range SLBM. In the meantime, North Korea is expected to continue strengthening its nuclear force for the survival of its regime. It might also use the Washington Declaration as a justification to further escalate tensions on the Korean Peninsula. Such increased provocations from North Korea suggest a state of unease and a perception of crisis within the North Korean leadership, proving the effective communication of the deterrence effect of the Washington Declaration. However, there are limitations to assessing whether the declaration alone is a sufficient deterrence against the North Korean nuclear threat.

Credibility

Credibility is a critical aspect of nuclear deterrence. North Korea must believe that the US and South Korea are both willing and able to carry out their nuclear threats if North Korea takes a particular action. This can be analyzed in two aspects: (1) consistency and (2) alliance cohesion. Credibility is a product of consistency. Historical actions of the US-ROK alliance and how consistent their nuclear posture has been critically contribute to the belief that US and Korea will act in accordance with the Washington Declaration. Regarding alliance cohesion, this section specifically examines the role of domestic public support. The credibility of the Washington Declaration is partly determined by how the domestic public in Korea trusts the US commitment to extended deterrence. Examining the aspect of alliance cohesion is crucial as cohesive alliances are more resilient and effective in increasing North Korea's perception of unity within the US-ROK alliance and its commitment to the Washington Declaration.

1. Consistency: The US extended deterrence within the US-ROK alliance is inherently political and highly subject to the specific priorities and strategic outlook of each administration. The Washington Declaration is not legally binding like a mutual defense treaty. Hence, to avoid criticism of the Washington Declaration as mere political rhetoric and the danger of a new administration (either in the US or South Korea) nullifying the existing commitments, institutionalizing the extended deterrence commitments is crucial. However, given the volatile nature of the nuclear deterrence dynamic between the United States and South Korea, it may prove difficult to establish the credibility of the Washington Declaration in enhancing nuclear deterrence.
2. Alliance cohesion: In terms of domestic public support, it appears that the South Korean public is skeptical about the extended deterrence from the US. A 2022 poll by the Chicago Council on Foreign Relations, surveying 1,500 adults, revealed that 71 percent of South Koreans are in favor of South Korea's nuclearization, implying the public's dissatisfaction with the capability of extended deterrence to counter their perceived nuclear threat from North Korea.²⁶ Moreover, a public opinion poll conducted after the Washington Declaration showed that only 19.9 percent of the respondents believed the Washington Declaration would be effective in deterring North Korean nuclear

threats, and over 75 percent of the respondents thought that a peace process on the Korean Peninsula should be given more priority than strengthening nuclear deterrence.²⁷ This means the Washington Declaration fails to satisfy either the conservative hardliners who seeks to obtain a sufficient level of extended deterrence (e.g., nuclear redeployment or a complete nuclear umbrella from the US) or the liberals who support peace talks and denuclearization of North Korea. This concern is also reflected in the US, where several voices, such as former US White House National Security Advisor John Bolton, raised concerns that the level of extended deterrence in the Washington Declaration is insufficient to appease South Korea's concerns.

Discussion and Conclusion

The 2023 Washington Declaration marks a pivotal moment in the history of the US-South Korea security alliance. This paper has delved into its implications through three success factors (capability, communication, and credibility) drawing from deterrence theory.

In terms of capability, the deployment of SSBNs with low-yield nuclear warheads enhances the alliance's deterrence capability, making it more adaptable and less vulnerable to nuclear threats from North Korea. This aligns with the principles of deterrence by denial, presenting North Korea with an increased cost for potential nuclear provocations.

In terms of communication, the strong and explicit language in the declaration contributes to its credibility, sending a clear warning to North Korea. The perceived credibility of the declaration by North Korea has shown to be as intended, with North Korea viewing the declaration as a direct threat to its survival. However, North Korea's continued nuclear activities and expanding nuclear capabilities mean it requires long-term observation and analysis in the future.

In terms of credibility, the inconsistency of US extended deterrence policies raises doubts about the credibility of the Washington Declaration. This is compounded by the growing South Korean public's skepticism and the non-binding nature of the declaration. Thus, it will be essential to address these concerns to ensure a cohesive alliance.

What does this analysis imply for the US-ROK alliance and the regional security in the Indo-Pacific? First, the Washington Declaration, which renews US' security assurance towards one of its most important

allies in the Pacific, shores up the diminishing trust in US within the context of compelling needs for regional states to hedge between the US and China. The extended deterrence from the declaration helps US establish a robust alliance architecture in the Pacific, which has implications for a potential Chinese military incursion into Taiwan within the upcoming decade.

Second, the affirmation of South Korea's commitment to the NPT through the declaration underscores a strategic choice in favor of alliance-centered deterrence over autonomous nuclear capabilities. This commitment is crucial in the context of regional stability, signaling South Korea's adherence to international norms. Moreover, the deployment of an SSBN equipped with tactical nuclear warheads strengthens South Korea's deterrent capabilities without necessitating autonomous nuclearization. US' provision of advanced military assets, combined with a commitment to extended deterrence, creates a scenario where South Korea can navigate security concerns without venturing into an independent nuclear path. This approach aligns with the broader international effort to prevent the spread of nuclear weapons.

The Washington Declaration signifies a significant step in reshaping the dynamics of deterrence on the Korean Peninsula. While it introduces innovative elements to enhance the alliance's capabilities and communication strategies, consistency and domestic support challenges underscore the complex nature of maintaining a credible and resilient deterrent effect against North Korean nuclear threats. While the declaration's immediate effects have been observed, it would be interesting to witness the evolution of its impact on regional security and the strategic balance in the Indo-Pacific in the coming years.

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International Humanitarian Law, Technology & Warfare: The Role of International Humanitarian Law in Regulating Emerging Military Strategies and Weapons Technologies

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The international community has, in light of the new use of technology within the field of international humanitarian law, adopted several declarations and treaties in reaction to new technologies within weapons and warfare. Discussions in the international community revolve around the application of existing international humanitarian law to technology and war, including cyber military operations, military artificial intelligence, and the use of drones. This paper will examine the role of international humanitarian law in dealing with emerging military strategies and weapons technologies. Furthermore, the effectiveness of the law in regulating these technological advancements will be examined to assess its ability to adequately regulate the mentioned emerging issues. This paper concludes that international law has generally shown reluctance and remained silent in response to the emergence of new technologies. Existing norms of international humanitarian law can, to an extent, be applied to emerging military strategies and weapons technologies. However, the unique features of advanced technologies, the unpredictability and risks posed, can be seen to limit the application of existing norms.

Introduction

The rapid development of emerging technologies in recent years has challenged existing norms of international humanitarian law. Currently, the challenge regarding weapons and international humanitarian law

centers on emerging technologies that has enabled cyber weapons and other new military technologies. Technologies involving unmanned aerial vehicles, directed-energy weapons, and lethal autonomous robots, threatens the preservation of human dignity, therefore posing a range of normative questions for international law.¹ Not only the use of weapons needs regulation, but as the understanding of weapons changes along with emerging technologies, there is also a need to regulate technologies related to warfare altogether. This extends to regulating military strategies and offensive capabilities. Military strategies are strategies that are formulated and executed for the purpose of neutralizing threats and protecting the interests of a state. Such strategies fuel military operations aimed at achieving specific political aims and objectives.²

The law has a role in responding to emerging technologies, regulating them while also taking into account the risks they pose in contrast to the efficiency of modern technology. Technological research has the power and capacity to transform not only the global environment but also humankind itself on a long term, or even permanent, basis.³ Additionally, ethical concerns, the unpredictability of emerging technologies, and their potential environmental and human impacts are important considerations. Hence, it is crucial for international law to regulate these technologies, supported by effective governance mechanisms that can anticipate, assess, minimize, and mitigate the risks posed by emerging technologies. However, the efficiency of international law in addressing the challenges posed by emerging technologies and the extent of its role in this context can be questioned.

Research Objective and Methodology

The purpose of this paper is to examine the role of international humanitarian law in dealing with emerging military strategies and weapons technologies. Furthermore, the effectiveness of the law in regulating the technological advancements will be examined to determine its regulatory capability in addressing these emerging issues.

A legal dogmatic method will be applied where the legal provisions will be interpreted in order to determine the meaning and content of these provisions. A legal dogmatic method enables a critical analysis of existing norms and achieves the purpose of determining the role and capacity of current law in regulating technological advances. One thing

to note is that the legal dogmatic method generally has distinguished between *de lege lata*, the law as it is, and *de lege ferenda*, the law as it should be, and thereby the importance of defining the basis of one's argumentation. This paper applies both approaches by interpreting and analyzing the sources of international law, taking into consideration the evolving nature of military strategies and weapons technologies. The paper will moreover use the Issue, Rule, Application, Conclusion (IRAC) method of legal analysis to discuss the *issue* and challenges posed by the rapid developments and new discoveries of evolving military strategies and weapons technologies to the international legal framework. It will then analyze the *existing rules* applicable to emerging military strategies and weapons technologies within international humanitarian law. Lastly, it will *apply* these international norms and rules to *conclude* whether the international legal framework adequately regulates emerging military strategies and weapons technologies to subsequently determine its role in this. For the purpose of this paper, the following research question will be answered: What role does international humanitarian law play in responding to emerging military strategies and weapons technologies?

Rules and Norms

The sources of international law can be found in Article 38 (1) of the Statute of the International Court of Justice (ICJ Statute). The article defines the sources of international law and provides guidance to the court on locating an applying relevant laws. There is a distinction between the main sources and subsidiary sources in international law. Article 38 (1) a-c constitutes the main sources—in other words treaties, international customary law, and general principles of law, whereas Article 38 (1) d constitutes subsidiary sources—which are judicial decisions and teachings of highly qualified publicists. Specifically, international treaties including the four Geneva conventions and their additional protocols will be covered as legal sources of international law in accordance with Article 38 (1) a of the ICJ Statute. These sources will be used as they form the core of international humanitarian law, regulating the conduct of armed conflict to limit its effects. The provisions will be interpreted in accordance with the Vienna Convention on the Law of Treaties, considering the wording of the provisions, their context, and purpose of the treaty.

Customary international law, as a main source of law, will be applied with the respect to state practice and *opinio juris* in accordance with Article 38 (1) b. Customary international law is comprised of two elements—on the one hand, a consistent and general state practice consisting of behavior or acts of states, and on the other hand, the subjective element of *opinio juris* indicating states' intent of being bound by the law. General principles of law in accordance with Article 38 (1) c of the ICJ Statute will also be considered in the interpretation of international law. Furthermore, sources consisting of case law and scholarly literature will be taken into account in accordance with Article 38 (1) d of the ICJ Statute. Other sources, which perhaps do not constitute sources of law in themselves, will be used as means of determining the meaning of the other legal sources under humanitarian international law. Furthermore, there is a noticeable shift in international humanitarian law from being developed through formal sources, primarily treaties, to more of an informal development of regulation. Several informal law-making initiatives have emerged recently including soft law, which also will be taken into consideration.

Applying Existing Sources of International Humanitarian Law

General Provisions and Principles

The St. Petersburg Declaration of 1868 sets forth fundamental objectives for international humanitarian law. It states that the only legitimate object during warfare is to weaken the enemy's military forces. Additionally, it emphasizes that if the use of arms has the effect of uselessly aggravating human suffering, and render their death inevitable, the objective is exceeded. It states that the employment of such arms would be contrary to the laws of humanity.⁴ Furthermore Article 22 of the Hague Convention IV as well as Article 35.1 of the additional protocol I to the Geneva conventions stipulate that the right of states to choose methods or means of warfare are not unlimited. This is also supported by international customary law. International humanitarian law found in customary law, general principles of law, as well as treaties, explicitly regulate means and methods of warfare. These basic and fundamental provisions of humanitarian international law are also applicable to the case of emerging technologies. However, given the unique nature and associated risks of new military strategies and weapons technologies,

existing norms may be inadequate in regulating these advancements.

International humanitarian law aims to balance the two general principles of military necessity and humanitarian considerations. These principles can however either be mutually enforcing or come into conflict with each other. Emerging military strategies and weapons technologies pose challenges to the legal framework. They raise normative questions about the necessity of these weapons systems and where to draw the line concerning their impact on human well-being. This consideration includes the potential threats these weapons pose to humankind and their effects on the international community, given the unpredictable nature of such technological advances. Furthermore, both treaty law and customary law encompass *jus in bello*, which governs the conduct of parties engaged in armed conflicts. International humanitarian law, often stated to be synonymous with *jus in bello*, aims to minimize suffering in armed conflicts and protect civilians and combatants to the fullest extent. *Jus in bello* applies to all parties of an armed conflict, irrespective of the reasons or the justness of the causes for which the parties are fighting. The underlying purpose of international humanitarian law is to protect the victims of armed conflicts, regardless of the parties involved. It is, therefore, important to note that the principle of *jus in bello* is independent of *jus ad bellum*. The former pertains to the conditions under which states are allowed to resort to war or use armed force, as mentioned in connection to the UN Charter and the use of force.⁵ International humanitarian law is known as the laws of war which set out rules to protect civilians and combatants during armed conflicts, minimizing human suffering, limiting the barbarity of war, and providing humanitarian aid.

The International Court of Justice (ICJ), in its role as the primary judicial organ under UN, has issued an advisory opinion from 1996 on the Legality of the Threat or Use of Nuclear Weapons where it identifies two rules of international humanitarian law: the rule of distinction and the rule of prohibiting unnecessary suffering. The rule of distinction requires military operations parties to distinguish civilians from combatants and other military objectives and are only to target the latter, while the rule of prohibiting unnecessary suffering prohibits unnecessary suffering to combatants. Emerging weapons technologies fall within the scope of these two basic rules as means of warfare, and such weapons are to adhere to these rules. Moreover, the norm of proportionality in attacks on military targets, which restricts collateral damage to civilians, is considered

jus cogens, as is the rule of distinction. International law encompasses fundamental preemptory norms of law universally applicable and of relevance to the security and safety of humans—jus cogens. Such norms are based in customary international law and reflects the fundamental values of the international security including genocide, war crimes, crimes against humanity, and aggression.⁶ If any provision conflicts with these norms, the norms take precedence, rendering the conflicting provision void and null with no legal effect.⁷ International humanitarian law explicitly regulates means and methods of warfare. However, the rapid pace of technological advances has produced weapons such as robots and unmanned combat vehicles as well as cyber space creating potential new battlefields. Advanced technologies have generated developments in the destructive, launch, and delivery capabilities of weapons, consequently altering military strategies.

As emerging technologies are new phenomenon that develops in a rapid pace, international law applies to it in a limited manner. The nature, form, development or even deployment of new technologies, are oftentimes not regulated. For instance, in the Convention on the Prohibition of Military or any Hostile Use of Environmental Modification Techniques (ENMOD), it is stated that the development and use of environmental modification technologies are neither regulated nor prohibited under international law, but only their hostile use in the context of an international armed conflict.⁸ Similarly, in its 1996 advisory opinion on the Legality of the Threat or Use of Nuclear Weapons, the ICJ stated that, in the absence of specific treaty obligations freely accepted by states, the development of nuclear weapons is not prohibited by international law. The use is not unlawful, per se, at least in circumstances where the state faces an existential threat and otherwise complies with the laws of armed conflict.⁹ The unique features of new military emerging technologies, including uncertainty, secrecy, technological skepticism, and law-making, have had the effect of states being reluctant in expressing their positions on existing law. As the effects of new technological advances are uncertain, the associated risks also become uncertain, and difficulties arise in determining whether current laws are to be applied in these cases.

Means and Methods of Warfare

Military weapons developed in connection with technological advances are included in the terms “means of war” and “methods of war” under

international humanitarian law, to which the rule of distinction and the rule of prohibiting unnecessary suffering are to be applied. The rapid development of emerging technologies, particularly AI, has significantly enhanced the expansion of operational capabilities of weapons, including targeting and firing.¹⁰ The issue of Lethal Autonomous Weapons Systems (LAWS), with the specific purpose of deploying lethal force, along with other automated weapons like unmanned combat vehicles such as drones, has become more disputed. The Convention on Certain Conventional Weapons (CCW) bans or restricts the use of weapons that are considered to cause unnecessary or unjustifiable suffering to combatants or civilians indiscriminately.¹¹ However, this convention does not specifically address the use of LAWS. At the very least, the 11 guiding principles established by the Group of Governmental Experts (GGE) in relation to this convention has discussed the emerging technologies in the context of LAWS. The principles stipulate that drones and Autonomous Weapons Systems (AWS) are to comply with international humanitarian law and impose legal obligations on parties, holding them liable for violations of the norms.¹² The principles also specify that individuals are to bear accountability and criminal responsibility in accordance with international criminal law.¹³ However, the 11 guiding principles established by the GGE are only potential principles and does not constitute a main source of law, and therefore not binding on states. Nevertheless, they take the form of soft law which serves as a means of determining the meaning of the other legal sources under humanitarian international law. Soft law can eventually also show evidence of *opinio juris* and state practice, which in turn, can constitute customary international law.

LAWS are defined as weapons systems with autonomy in critical functions, enabling them to select and attack targets without human intervention, judgement, or control.¹⁴ This poses limits in the application of existing norms as the responsibility and accountability of the use of these weapons systems can be questioned. LAWS can carry out an attack without human intervention, potentially without an identifiable individual behind the attack. State responsibility derived from customary international law encompasses states' obligations, also codified by the International Law Commission (ILC) in the articles on Responsibility of States for Internationally Wrongful Acts. Article 1 stipulates that every internationally wrongful act of a state entails the responsibility of that state. An internationally wrongful act is an act, or omission, by the state

that is attributable to the state under international law and considered a breach of international obligations, governed by international law.¹⁵ The articles stipulate that every wrongful act of a state, including acts of omission, entails the state responsibility, implying a comprehensive regulation. While not binding as a codified legal instrument, these draft articles are binding as customary international law.

Individual criminal responsibility applies in accordance with international criminal law. International law establishes mechanisms for holding individuals accountable for their crimes such as war crimes, crimes against humanity, and violations against the fundamental rights stipulated in international human rights law. Institutions such as the International Criminal Court (ICC) investigate and prosecute individuals responsible for these crimes when national authorities are unable or unwilling to do so. ICC is a criminal court prosecuting individuals independent from the UN, while ICJ is a civil court assessing disputes between states under UN. International law includes mechanisms for peaceful settlements such as negotiation, mediation, and arbitration.¹⁶ However, as mentioned previously, the issue with emerging weapon technologies and systems derives from the lack of human control, complicating the application of existing law. There is a need to identify a state, entity, or individual responsible for their use and potential consequences, which poses a challenge of defining technologies that are automatic in contrast to autonomous. Autonomous technologies, which operate without human intervention, raise issues for their regulation within the international legal framework.

On the one hand, these weapons systems enable precise attacks, which would be in compliance with the rule of distinction as they distinguish the targets from civilians more effectively. Additionally, as the weapons systems need to be initiated by an individual, it can be argued that the element of human intervention is present, and thus the existing norms are applicable. On the other hand, it has been questioned whether drone attacks at a battlefield can be applied to current norms. This arises from the potential difficulty in tracking the responsible parties in the event of a violation of the rules. Additionally, there is the issue of applying existing norms to AWS, which requires no human intervention at all. There is a general consensus among states that maintaining the human aspect of international humanitarian law in relation to LAWS is essential. Removing human cognitive abilities, such as judgement,

reasoning, and discretion, and replacing it with machines to execute lethal attacks raises fundamental legal and ethical concerns. Weapons systems that are fully autonomous without retaining human control have been banned by a number of states which indicates evidence of *opinio juris* and state practice with regards to customary international law.¹⁷

Existing provisions, such as Article 45 of Geneva convention I, Article 46 of Geneva convention II, as well as Articles 57 and 87 of the additional protocol I, explicitly mention the role of human agents and command responsibility in executing attacks, taking precautions to reduce risks to civilians, and making choices regarding means and methods. The GGE has stated in its principles that it is a state's obligation under international law to determine whether the employment of LAWS would in some, or all circumstances, be prohibited under international law when developing and adopting such new technologies.¹⁸ Moreover, the need for risk assessment and mitigation measures arises during the development of new technologies, considering the risks associated with their acquisition and the establishment of appropriate safeguards.¹⁹

International organizations, such as the Human Rights Watch, have called for a preemptive ban on the use of fully autonomous weapons. Doubts have been raised about their compatibility with meeting international humanitarian law standards, including the rules of distinction, proportionality, and military necessity. Additionally, their use is considered as a threat to the fundamental right to life and the principle of human dignity. A number of states, legislators, policymakers, entities, organizations, and individuals have called for a ban on fully autonomous weapons systems. This reflects their awareness and concern about the potential removal of human control over the use of force, particularly in light of recent developments where several states have integrated autonomy into weapons systems. There is a consensus among states in favor of banning fully autonomous weapons and, with decision-making, control, and judgment as primary criteria for the legality of weapons systems.²⁰ The consensus among states also serves as evidence of *opinio juris*. Furthermore, a report of special rapporteur Heynes raised the issue of lethal autonomous robotics (LARS) as weapons systems. These weapons systems require no human intervention once activated, raising concerns for the protection of life due to their potentially devastating and far-reaching effects on humankind. The report moreover questions the compatibility of the operation of such weapons systems with

the requirements of existing international humanitarian law. As further discussed, these weapons systems also raise issues connected to accountability and responsibility. The deployment of such technologies might not be deemed acceptable under international law, considering the argument that robots lack the power of life and death of humans.²¹

Emerging technologies have led to the development of new mass destruction weapons such as nuclear weapons, chemical weapons, and biological weapons that risk having devastating impacts on human lives. There is a number of disarmament treaties that could apply to these kinds of weapons such as the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Biological Weapons Convention (BWC) which effectively prohibits biological and toxin weapons, and the Chemical Weapons Convention (CWC) which aims to eliminate weapons of mass destruction by prohibiting chemical weapons. Emerging technologies have also enabled the further development of missiles that can deliver weapons of mass destruction. However, there is no legally binding multilateral instrument that regulates missiles, and there are different views within the international community on how to deal with this issue. This divergence in views makes it difficult to reach an agreement and adopt a treaty binding upon all states. Nevertheless, the Hague Code of Conduct Against Ballistic Missile Proliferation (HCCOC) seeks to prevent the proliferation of missiles and related technology.

There is still no established definition and scope of AI and AWS strategies.²² The absence of an established definition and scope creates challenges in regulating AWS, as such is detrimental for understanding weapons systems as well as facilitating a common agreement regulating these. Without a common understanding and definition of such weapons, no uniform legal standard on an international level can be achieved. Furthermore, there have also been discussions about the ambiguity of where the line between peaceful and military uses of emerging weapons technologies is to be drawn. There are for instance weapon systems that incorporate dual-use technologies. Many treaties and other legal sources, such as the 11 guiding principles by the GGE, establish a clear divide between peaceful uses and military or weaponized uses of technologies, and aim to protect these peaceful use of technologies. For instance, the CWC allows free trade and international cooperation, including the exchange of scientific and technical information. Similarly, the BWC allows state parties to use it for peaceful purposes and facilitates the

exchange of scientific and technical information.²³ The issue with dual-use technologies, however, is that they can be used for both benevolent and harmful purposes. Technologies developed for peaceful purposes can be misused, with the potential to cause immense harm and threaten human lives, contrary to their original purpose of enhancing human well-being.²⁴ The question discussed is if it is possible to guarantee a peaceful use of such technologies and where the line is to be drawn.

Furthermore, advances in biotechnology have led to enhanced capabilities of soldiers.²⁵ It is questioned whether these soldiers are to be considered combatants in accordance with existing international humanitarian law. A soldier with enhanced capabilities may not fit the traditional definition of a human being. This has sparked debates about whether these soldiers are entitled to the same protection under the Geneva conventions. Additionally, questions arise regarding the application of basic and fundamental norms under the international humanitarian law, such as the rule of distinction and the rule prohibiting unnecessary suffering. It can also be discussed whether such a soldier should instead fall under the term of means of war. Moreover, developments within nanotechnology have led to nano-weapons which have enhanced the defensive as well as offensive military capabilities in relation to bioterrorism. Nano-weapons could include conventional missiles that are smaller and faster, with enhanced accuracy guided by navigation systems and increased penetration capability. It could be in the form of chemical agents as well as biological agents with self-replication capability. They have huge destructive powers which in turn might blur the distinction between conventional weapons and weapons of mass destruction.²⁶ Applying existing norms to these types of weapons can be problematic when it comes to the rule of distinction, the prohibition of certain weapons and methods of warfare, and the rule of unnecessary suffering. Emerging technologies have enabled unmanned attacks, LAWS as well as cyber operations which might not be based on physical force. The traditional definitions of weapons thus might not be applicable to all cases of weapons developed through military technological advances today, and the question raised is whether these modern weapons should be entirely prohibited as a preemptive action due their unpredictable risks and dangers.

However, if these provisions do not extend to new weapons developed through advances of technologies, the Martens Clause, a

fundamental element of the Geneva Conventions and international humanitarian law, applies. The clause was confirmed by the ICJ in its 1996 advisory opinion on the Legality of the Threat or Use of Nuclear Weapons and contained in Article 1(2) of the additional protocol I to the Geneva conventions. The Martens Clause specifies that if none of the treaties or other international agreements are applicable, civilian and combatants are to be protected by the general principles of international law and customary international law. This provision fills the gap in existing law, allowing an interpretation in cases where no consensus has been reached between parties to the international agreements. The clause ensures more effective protection for humans in the event of emerging technologies and associated risks. It also indicates that parties who have denounced treaty obligations are still bound by existing customary norms of warfare. Existing norms under humanitarian international law is thereby applicable to new weapons, inferring responsibility on the parties that are developing them. However, the provision does not define the terms “weapon,” “means” or “method of warfare.” This lack of specific definitions allows parties to have a certain discretion when developing and designating weapons, means, and methods of warfare. Consequently, all new technologies are to be reviewed to determine whether they comply with the rules under humanitarian international law. This in turn weakens the protection offered by the provision.

The Geneva Conventions and Additional Protocols

The four Geneva conventions and their additional protocols form the core of international humanitarian law.²⁷ The Geneva conventions and their additional protocols have been ratified by almost all states and are universally applicable, ensuring an efficient protection of the provisions and rights stipulated in these treaties. Furthermore, many of its provisions also constitute customary international law which further strengthens its protection. However, a common challenge in international law, as it is characterized by a decentralized system, is the enforcement of these laws. Their effectiveness is dependent on the willingness of states to enforce the provisions.

With regard to the application of these laws to AWS, the lawfulness of such weapons first needs to be analyzed. The first rule in according with additional protocol I is that weapons systems must not, by their very nature, be indiscriminate, and their method or means cannot

be directed at a specific military objective in accordance with Article 51 (4) b). The second rule stipulates that the method and means of warfare is not limited and that the use of weapons that “cause superfluous injury or unnecessary suffering”²⁸ is prohibited in accordance with Article 35 (2). The article further states that methods or means of warfare “to cause widespread, long-term and severe damage to the natural environment”²⁹ is also prohibited. Furthermore, Article 36 in the additional protocol I to the Geneva conventions is of great importance in the context of emerging technologies and new weapons. In the case of the development and other stages of new weapons, means, or methods of warfare, the parties involved have an obligation to determine whether their employment is prohibited under international law. This is especially important in the case of dual-use technologies or autonomous systems, where the human element has been removed. Furthermore, Article 36 has been discussed as potentially constituting customary international law. This interpretation is supported by evidence of state practice, where states have established weapons review procedures and mechanisms. *Opinio juris* is further indicated by states accepting Article 36 as law in various contexts, including treaty negotiations, expressed opinions leading up to the adoption of treaties, and its incorporation into national law.³⁰

Furthermore, it needs to be analyzed whether the actual use of these AWS is prohibited under certain circumstances. To determine this, the rule of distinction, also stated in Articles 48, 51-52 of the additional protocol I, stipulates the distinction between combatants and civilians, and military and civilian objectives. The rule of proportionality also serves as an indicator for whether the use of the weapons is prohibited or not, which is stated in Articles 51 (5) b) and 57 (2) iii), stipulating that a human judgement is needed based on reasonableness. Reasonableness is determined based on whether an attack is expected to cause loss of civilian life or injury, excessive in relation to the military advantage anticipated, where one is to refrain from launching such an attack. Furthermore, there is the rule of precaution, obliging feasible precautions in an attack, including sparing civilians and thereby taking precautions related to the choice of means and methods of attack, in accordance with Article 57 of additional protocol I. However, the rules of distinction, proportionality, and precaution require human judgment to determine objectives, assess the reasonableness of an attack, and take precautions. AWS lack human intervention, which poses challenges for compliance with these rules.

All four Geneva conventions contain common Article 3 which stipulates a protection for armed conflicts of a non-international character as well. Furthermore, additional provisions were added in protocol II to the conventions protecting victims of non-international armed conflicts. However, scholars have argued that these provisions are limited in their effectiveness of ensuring such protection as they fail to define such a conflict and the protective measures for civilians in those conflicts.³¹ As many of the common conflicts of today are conflicts with a non-international character, or so-called intrastate conflicts, it is important to regulate such conflicts along with the developments of society and human security. The issue of regulating non-international conflicts is due to the fundamental principle of sovereignty where states are reluctant to let other states intervene in their internal matters.

The Role of International Humanitarian Law

The Relationship between International Humanitarian Law and Emerging Technologies

There have been discussions about the compatibility of technology and law, and the role of law in regulating emerging technologies, as these two elements can be contradictory. International law has been argued to restrict the development and innovation of technological advances, while at the same time hinder the risks posed by these technologies. Some argue that the regulation of evolving technologies has more downsides because when the development of technologies is impeded, the potential of these technologies to mitigate risks through progressive and innovative solutions decreases. Meanwhile, others argue that the law can foster competitiveness and would not limit the development of new technologies; rather, it could help mitigate the risks posed by these technologies.³² It has been said that “regulation is technology of governance”³³ as the role of regulation on technology depends on the technology of regulation. The regulatory design can hinder or foster as well as shape technological advances. This indicates the importance of the role of international law in regulating emerging technologies.

International humanitarian law has a role in minimizing human suffering by establishing a legal framework to protect civilians and combatants in armed conflicts. It plays a role in arms control and disarmament as it seeks to regulate the use of weapons in order to

enhance human security. This is particularly important in the context of emerging technologies and the development of new weapons of mass destruction that pose threats to individual security. International norms contribute to reducing the risks of armed conflict and the devastating and lasting impact of weapons on human lives. International humanitarian law can thereby be seen to play a critical role in controlling arms proliferation and regulating emerging military strategies and weapons technologies. Furthermore, international humanitarian law can be seen to strengthen the human values considered to be protected by the international community. It has a role in minimizing the misuse and disruption of public order over the use, allocation, and control over technology. The legal framework has a role as a regulator to accommodate the different interests by states and other stakeholders by finding rational and equitable solutions.³⁴

As new military strategies and weapons technologies have shown to possess inherent efficiency and brings advantages to modern warfare, international law must accommodate itself to these developments. International humanitarian law has a role in providing order and clarity to the rights and obligations of actors in the international community. Existing norms are established to create a system where individuals are held accountable for their actions and crimes that threaten human security, such as war crimes and crimes against humanity, which are part of the jus cogens norms. The ICC is the main institution responsible for investigating and prosecuting individuals when states are unable to do so. By promoting accountability and deterrence, international criminal justice helps to prevent future atrocities and contributes to human security. It is to regulate uncertainty, unpredictability, and the unknown future developments which in turn requires transparency, flexibility, accountability as well as participation by international actors. The international legal framework also has a role in promoting technological development, accommodating exchange of knowledge, and providing a framework for a peaceful dispute settlement system.³⁵ As emerging military strategies and weapons technologies are technically complex, there is a need for international law to have the capability to obtain, understand, and translate scientific evidence into law.

The Stopping Power of Norms and the International Community

Existing norms of international humanitarian law have potential power to hinder threats to the security and safety of humans.³⁶ If there is

an existing belief in the legitimacy of international law, particularly concerning grave crimes against humanity and other atrocities, it could influence the compliance with these rules. A strong belief in the international norms, and the knowledge of it being enshrined in law, could affect the political behavior of states and individuals.³⁷ However, for international law to have a stopping power, it is essential that existing law efficiently regulates and protects individuals from emerging technologies. Furthermore, the unpredictable nature of emerging military technologies and weapons technologies has pressed concerns for states to cooperate. International humanitarian law serves as an organizational mechanism for fostering cooperation among states. Thus, it could result in a common understanding of these technologies and the obligations arising from their development and use. The emergence of military strategies and weapons technologies requires effective control and measures to be taken by international humanitarian law. This could, in turn, enable a creation of future agreements and provisions regulating these technologies. However, an increased control would also mean a loss of sovereignty, which many states might be reluctant about. This poses challenges of the regulation of emerging military strategies and weapons technologies. On the other hand, it has also been argued that the loss of sovereignty could contribute to mutual advantages between states.³⁸

International humanitarian law constitutes the framework of rules and principles that regulate the behavior between international actors. In connection to emerging military strategies and weapons technologies, international humanitarian law plays a crucial role in regulating the development and use of these emerging technologies to address the challenges and risks they pose to humans and society. Technological advances have the potential to fundamentally transform the global environment and, over the long term, even humankind itself on a permanent basis. It is, therefore, necessary for international humanitarian law to have the capability to efficiently regulate and govern these technologies, anticipating, assessing, minimizing, and mitigating the risks they pose. This is of particular importance in order to prevent states or other actors from acting unilaterally.³⁹ A common approach and regulation is necessary to address the challenges and risks posed by emerging technologies, given their unpredictable nature. With that said, international humanitarian law must regulate not just the past and present

development and use of technologies, but also the uncertain futures these technologies pose.⁴⁰ Existing norms must establish an international regulatory environment that fosters technologies contributing to human development while simultaneously limiting the risks associated with such technological advances and minimizing unacceptable legal applications. International humanitarian law serves as a vital framework for regulating emerging military strategies and weapons technologies by ensuring their compatibility with humanitarian principles.

International humanitarian law plays a role in regulating the development of emerging military strategies and weapons technologies. This role is particularly urgent because these technological advances bring about unknown and unpredictable consequences that could have long term effects. However, it can be questioned if the current international legal framework has the capability to respond to the challenges posed by these technologies. The role of international humanitarian law is dependent on the effectiveness of existing international norms. If there is no adequate legal framework for regulating evolving technologies, belief in these norms, and consequently compliance with them, weakens, as does the role of international law in regulating emerging military strategies and weapons technologies. The effectiveness of international law relies on state compliance, enforcement mechanisms, and international cooperation among states and international organizations. As the international legal framework is a decentralized system built on the principle of sovereignty, there exists limits in its enforcement mechanism and compliance of states. The application of existing provisions is subject to several limitations inherent of the nature of international law itself.

General Principles of Law

The principle of sovereignty is a fundamental principle binding upon states of the international community as a main source of law. The principle prohibits the interference by one state in the internal matters and the territory of another state.⁴¹ Existing norms rooted in the principle of state sovereignty allows states to utilize their resources, conduct research, develop, and deploy such technologies as they see fit.⁴² However, under the same principle of sovereignty, international law also obliges all states to ensure that activities within their jurisdiction and control do not harm other states. Thereby, the potential harmful transboundary effect of emerging military strategies and weapons technologies over

humankind, the environment, other states, and the global interests are being protected. This aligns with the general principle of law—the no harm rule, which also constitutes customary law and implies that states have a duty to prevent, reduce, and control the risk of environmental harm to other states. However, international law does not prescribe the actions or measures, allowing states to interpret and implement it as they see fit. This discretion results in states deciding which risks it deems acceptable and may, at times, override a negative assessment based on national protection goals. Furthermore, these provisions are built on the principle of due diligence, meaning that, in international law, the basic stance is that states are not strictly liable for transboundary environmental damage. Instead, states are required to exercise due diligence to prevent significant transboundary harm originating from their territory. As long as a state has acted in accordance with the principle of due diligence, it is not held responsible for unintended consequences of technological developments or unintentional or accidental acts.

The principle of sovereignty presents challenges for international law in regulating emerging technologies due to limitations in its scope and application. These limitations are based on the structural restraints inherent in the consensual nature of the international legal framework.⁴³ International law need to be agreed upon by the states in order for them to be binding upon them. Furthermore, international law consists of vague and sometimes conflicting norms and rules. Enforcing international law is challenging because, unlike national law, there is no such thing as a world government in the international community. Lastly, there are also issues of overlapping and competing jurisdictions and institutions, particularly regarding the transboundary nature of emerging technologies.⁴⁴ The principle of sovereignty poses challenges for an efficient regulation of emerging military strategies and weapons technologies as these technologies in fact are emerging and new issues. Along with new security threats of today, that takes the form of nonconventional and transnational threats, the protection of borders and territorial integrity does not seem to be the ultimate objective.⁴⁵ In light of today's globalized and interconnected world, the borders between states are blurred, and emerging technologies have become a transnational issue. The shift from traditional interstate conflicts to intrastate conflicts poses challenges for effectively regulating emerging technologies due to the principle of sovereignty.

The International Legal Framework

The formal sources of international law binding upon states provide a basic framework in which the regulation of emerging technologies might take place. However, international law is more focused on regulating specific activities rather than future ones which limits the substantive scope of the law. Technologies are rapidly emerging, and the law might not be able to keep up. The creation of international treaties and other agreements is a time-consuming process. Additionally, customary law requires repeated state behavior over a period of time, along with an agreement to be bound by these norms. Regarding treaties and agreements, states are only bound by them if they become state parties. These limitations can affect the role of international law in regulating emerging technologies. With regard to the development of technologies, states are not the only actors involved; the research is oftentimes conducted by individuals. Private individuals have an influence in the development of so-called governance regimes, but regarding individual responsibility for international crimes, international law may have a limited role in the regulation of these actors. The law gives the freedom to pursue scientific knowledge and is considered a fundamental right. The precise boundaries to such a right remain open to debate, but ethical limits apply when the nature of the research is such that the process itself has potentially adverse impacts on humans. The risks and increasing recognition of the problem of uncertainty with emerging technologies have given rise to legal regulations in some circumstances. The freedom of gaining knowledge over prohibiting research becomes valid when the research is being conducted responsibly and for legitimate scientific purposes, where the compliance of international legal norms comes into question.

Conclusion

International law has, in general, been reluctant and silent in responding to the emergence of new technologies. Existing norms of international humanitarian law can to an extent be applied on emerging military strategies and weapons technologies. Yet, the unique features of advanced technologies, along with the unpredictability and risks posed, can limit the application of existing norms. The challenges posed by LAWS, biotechnology, enhanced soldier capabilities, and nano-weapons

create problematic issues. These challenges stem from the removal of human elements and the blurred distinction between traditional and new technological weapons, resulting in uncertainty. The existing international legal framework is built upon the principle of sovereignty and is subject to other inherent limitations of international law. This raises the question of whether the existing legal framework can accommodate the concept of emerging technologies and whether international law has the capability to regulate these technological advances. However, amid contemporary developments such as non-state actors in international law, new technological advances within military strategies and weapons, and a transnational challenge of blurred lines across state borders, international law will most likely also evolve. In today's international community, marked by the rising of nontraditional, nonconventional, and transnational threats of emerging military strategies and weapons technologies, there is a need for international humanitarian law to regulate and accommodate the threats and challenges that these technologies pose. International humanitarian law has, both at present and in the future, a crucial role in regulating emerging military strategies and weapons technologies, as these technological advances bring unknown and unpredictable consequences that could have long-term effects.

Future research should analyze the need for new norms and rules, or alternatively, how to interpret existing provisions in order to fill in the gaps in the existing legal framework and address emerging military strategies and weapons technologies more effectively. On the one hand, interpreting existing law and applying an approach of *de lege ferenda*, the law as it should be, in contrast to *de lege lata*, the law as it is, could be an alternative using general principles of law, soft-law, and other sources to interpret existing provisions. This tendency has also been observed in international humanitarian law. Nevertheless, there is a limit to interpreting existing norms where too far-reaching interpretations instead would constitute the creation of new law. On the other hand, creating new laws could be an alternative as new provisions could better address emerging technologies with its unique features. Yet, in the case of creating new laws, the process is time-consuming and might not be able to keep up with the fast-paced development of new technological advancements. Additionally, reconciling the interests of all international actors' and achieving a common understanding to reach an agreement is a challenge.

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INTERVIEW

**Interview with Joanna Zenona Hosaniak:
Deputy Director General of Citizens' Alliance for
North Korean Human Rights**

Interview with Joanna Zenona Hosaniak: Deputy Director General of Citizens' Alliance for North Korean Human Rights

In this interview, Joanna Zenona Hosaniak, Deputy Director General of Citizens' Alliance for North Korean Human Rights and Adjunct Professor at the Yonsei Graduate School of International Studies, shares profound insights into the human rights landscape in North Korea. With a focus on the challenges and the crucial role of advocacy in addressing these issues, Ph.D. Joana Zenona Hosaniak's expertise provides a comprehensive understanding of the complex realities faced by the North Korean people. Through her lens, this interview aims to deepen awareness and foster a collective commitment to addressing pressing human rights concerns in North Korea.

YJIS: Could you delve into the human rights situation in North Korea, explaining to our readers some of the most critical issues and briefly informing them about some initiatives that the Citizens' Alliance for North Korean Human Rights is taking to address these challenges?

JZH: Thank you very much for this opportunity. First, let me briefly introduce myself. I am the Deputy Director General at the Citizens Alliance for North Korean Human Rights, the oldest organization in South Korea devoted solely to addressing North Korean human rights issues. Back in the 90s, neither the international community nor the UN system was addressing the human rights issue in North Korea. We believe it is very important to internationalize and transnationalize the issue, especially during the mid-90s, so we have been working since then.

In North Korea, the biggest problem we observed is the Songbun system, which is similar to the caste systems that have operated in other countries. It was artificially created by the government, dividing the population based on allegiance to the state and on family history. Family history typically traces back three generations, but for high-level positions at the government, they screen people from between five to eight generations to ensure that only the most loyal people will be part of

the elites. Those who are classified under the lowest level of the system are usually subjected to all forms of discrimination. Such discrimination is not only in terms of access to education, as very often they cannot receive any secondary education; they also cannot choose jobs as they frequently inherit jobs from their parents. Moreover, this type of discrimination limits their right to food. That means the kind of food they eat also depends on the class they belong to.

That is why, when a huge wave of North Koreans fled to China in the mid-90s, the majority of them belonged to the lowest caste in North Korea. These were the most discriminated against and the most affected by famine. We suspect that at least one to two million people died of hunger at that time. Many of the victims started to flee to other countries as well, including South Korea. At that time, the civil society in South Korea organized itself and the Citizens' Alliance pioneered information gathering and documenting the situation in North Korea by interviewing those who escaped.

It is also important to advocate with the government to establish a support system for those coming here. We often say that this is one ethnic group, Koreans, who speak the same language; yet for 70 years, they have been living in a completely different system, so it is hard for them to resettle and adjust to life in a democratic and technologically advanced country like South Korea.

We not only encourage the government to create special policies for this population but also create different types of programs ourselves. Since the beginning, Citizens' Alliance has been providing special resettlement and education programs for North Korean children and youth. We also provide rescue operations in China for women who have been trafficked by Chinese criminal organizations. We help these women and children and offer them a safe place in South Korea.

YJIS: Would you say that the human rights situation in North Korea has become worse compared to the 1990s?

JZH: Yes, we suspect that. However, nobody really knows what the situation is right now because, for three years throughout the pandemic, North Korea has sealed off its borders. This action has essentially cut off the country, considering its closure of the northern borders, which previously facilitated various forms of trade and information exchange.

Many embassies were also expelled from North Korea; the UN was requested to leave, and so on. Nobody is sure what is happening in the country. There were not a lot of new escapees from North Korea either. Majority of the recent escapees were those who were already in China before the pandemic, or those in Russia as foreign workers. But they also couldn't come back to North Korea, so they couldn't describe the situation there during the pandemic. It is only recently that some of these escapees have heard from North Korea, so we will probably have more information about the situation in the country soon.

It is also important to take note that in the 1990s, when North Koreans were escaping, they did not know how the world was outside, but right now it is much different. Content, including South Korean pop music, soap operas, foreign movies, news, and information, is now being smuggled into the country via flash drives and other ways. That means North Koreans know much, much more. They also have access to their family members, who escaped earlier to South Korea. There is also a way to connect people in North Korea through Chinese mobile phones. It did not exist in the 1990s, but it is very common these days.

Also back then, we had information about widespread famine. Nowadays, many of those who have been contacting their families say that the situation is very difficult, but nobody reports widespread famine. Knowing how impoverished North Korea is, we do suspect that the situation has deteriorated to a very low point. Yet, since people do not report widespread famine, we wonder what the actual situation is like and how it varies across regions. We suspect that for those who are unable to provide for themselves, such as children, elderly or people with disabilities, the situation must have become more dramatic.

YJIS: Given the limited access to information in North Korea, how do you get access to information and what are the challenges you encounter in the process?

JZH: The best thing for any human rights organization is to have access to the country, but no human rights organization or UN human rights body has access to North Korea right now. Access to the country was mostly limited to those that were offering humanitarian assistance before. There was only once that the Special Rapporteur for the Rights of Persons with Disabilities was admitted to the country, but with limited access to

various regions.

NGOs or international organizations cannot observe the situation or directly interview people on the ground. The only route through which we gather information is the same as what every other human rights organization takes. We talk to people, gather testimonies, and cross-check these testimonies with information from others. That is very important because sometimes people might exaggerate or simply misremember things, and very often trauma also affects how people remember things. So, it is very important to cross-check information. For example, if we have someone from one city or one detention center, we do not only interview that person, but ideally, we interview 40 people who came during the same time or around the same time from the detention center. They do not necessarily need to know each other, but we can corroborate whether they are reporting the same information.

The satellite system is also very helpful. We use a lot of technological advances to cross-check the testimonies. Also, when we interview someone who knows a lot of detailed information, we would also ask the person to mark certain locations in North Korea. Over time, we gather corroborated evidence—for example, places where violations usually occur, mass graves, etc.

Relative to the past, a lot of information flows out of North Korea nowadays. Those who have Chinese mobile phones in North Korea could access people who are in China or South Korea and provide them with information. There is also a system of informants inside the country that regularly updates their outside contacts regarding the current situation and new policies the government has announced. Sometimes, they also report on events such as public executions, and many have also been trained and have some technology to record some events. Some can also have access to recordings of public executions, situations on the black markets, and general life on the streets in different areas. Human rights organizations can glean what the situation is like inside the country from that information.

YJIS: Can you briefly explain the challenges defectors face during their escape and during resettlement and how your organization supports them throughout the process?

JZH: We mostly work with children and youth, and unfortunately most children were born to the generation of mothers most affected by famine. These mothers, unable to provide for food, often choose to escape to China, where they often end up being trafficked. Even though China is a party to the UN Convention on Refugees, the country does not allow either NGOs or the UN system to interview this refugee population about their circumstances. China has this blanket policy of deportation, which means that when a North Korean is deported from China, he will always be punished under the North Korean judiciary system. In the pretrial investigations, the refugees will go through many human rights abuses. However, they will also end up in political prison camps if it was discovered that they had contacts with religious workers in China, trying to escape several times or trying to flee to countries like South Korea or the United States. If it is a lighter punishment, it is, on average, five years in detention for women who cross the border. During that time, the family often cannot contact these family members. If the children don't have fathers or other relatives, they must fend for themselves. A lot of children like this become street children because it is easier for them to steal and survive on the streets. We have a lot of street children among our students. They survived like that in North Korea. Many of them reunited with their family members when they were adults, and some are still searching for their family members.

Because of the famine in North Korea, mothers often could not send their children to school. Schools in North Korea require students to provide various types of resources for the army, such as metals, money, or rabbit skins, which these poor families simply cannot afford. This is a kind of extortion or quota system imposed upon almost everyone in North Korea, and children are not excluded from it. The lack of access to education is the reason why a lot of these children have problems with reading and writing when they go to the South Korean school system. In fact, many North Korean students reported to us that even after being prepared for three months prior to joining the South Korean society, they couldn't understand 90% of what the teacher was saying to them in the schools.

The situation seems to be changing because a lot of the younger generation in North Korea are having access to South Korean music and soap operas that expose them to South Korean culture and vocabulary. However, no matter how hard they try, they have such a late start compared

to children and young generations in South Korea that it is hard to bridge the knowledge gap. That's why help from civil society is so important, and organizations like ours provide them with different programs. It could be in the form of career mentoring, interviews, and university screening processes. We also hire specialists who can evaluate their skills and can suggest good career paths for them.

Another big problem that affects how well they adjust to life in South Korea is loneliness and lack of family and friends. They didn't grow up here, most often lost some of their family members, and experienced torture, detention, separation, and sexual abuse, in North Korea and China. We found that the highest rate of suicide in South Korea is among North Korean defectors. After they struggled and risked their life to escape the country, they feel so lonely and so depressed here, and with the lack of support, they often choose to end their life. They also face a lot of discrimination and bullying in schools and workplaces.

YJIS: How do you see the current level of awareness among global leaders on the human rights issues in North Korea? Do you think there is (or will be) sufficient collective effort to hold perpetrators of these human rights violations accountable?

JZH: I would say that the awareness has changed exponentially. Before, most of the governments did not even want to listen to us about the situation inside North Korea. But because of the advocacy that organizations like ours have been doing, including a request to appoint a Special Rapporteur for the Situation of Human Rights in North Korea and the UN Commission of Inquiry for DPRK, the situation has changed dramatically in terms of awareness, especially after the Commission of Inquiry. Nobody could say that they don't know because it was such a big event at the international level, especially the Commission's documented crimes, which indicated crimes against humanity that were happening in nine categories they were investigating. They requested the international community for referral to an international criminal court or establishment of an ad hoc tribunal.

While there is no problem with awareness, there is a problem with adopting these recommendations. The international geopolitical situation has changed a lot, but even before the changes, we have issues such as China and Russia sitting on the UN Security Council. This

means that in terms of referral to the ICC because North Korea is not a party to the Rome Statute, the only referral that could happen is through the Security Council. However, China and Russia would block it before so that nothing can be established through that level.

We don't know if the General Assembly would be willing, in the future, to establish any other type of accountability system for North Korea. There has always been a problem of these perpetrators flying under the radar for almost 70 years since the beginning of North Korea. Even though there is an understanding among the international community that what is happening in North Korea indicates crimes against humanity, there is very little the international community can do to make the perpetrators accountable. This could only happen if, for example, these perpetrators were traveling to different countries. However, North Korean perpetrators are careful not to travel outside of the country as they know that they could be arrested.

In this regard, organizations and the civil society are looking for other ways to bring justice, like maybe adding some foreign courts. We saw certain trials that happened in France and Germany, for example, for perpetrators from Syria and other countries. So, this is possible based on the universal jurisdiction principle. There are avenues that are being explored by different types of organizations and victims' associations.

Also, an important thing is for these victims and family members to pass on the memory to the next generation. They are aging and the memory of what happened in North Korea and of the violations may be forgotten. But with the young generation that is interested, they know that this memory will pass on. One day, even though it won't be personal justice, they understand that at some point, both the South Korean society and maybe North Korea in the future, or the international community, will continue to remember the crimes that happened in North Korea and will continue to remember the victims. I think that's important for them.

YJIS: The impact of sanctions on North Korea is a topic of ongoing debate. From your perspective, how do these economic measures affect the human rights situation? What factors should be considered in shaping the international policies towards the country?

JZH: I have a very specific view of the sanctions system because my investigations have been following the supply chain of North Korea and

its link to crimes against humanity. It is an environment where large-scale human rights abuses happen in detention centers and in political prison camps. Women prisoners are forced to do labor in these camps, producing goods for export through China and Russia. At one point, coal was the top export commodity for North Korea and during that time, one of the political prison camps was enlarging, which suggested that more political prisoners were going to that camp, in the system of slavery, and were producing coal for export. How do we know that? Because we know that North Korea asked both South Korea, and especially the US, to lift the sanction on coal in its totality. They were expecting that this type of engagement and relations with other countries would enable them to export more of this type of produce. That means that the slavery system is being expanded in North Korea, and that part is left uninvestigated.

There are always discussions about how sanctions affect the community or society. However, nobody talks about how the lifting of sanctions is expanding the system of slavery in North Korea because it enables unmonitored trade, using crimes against humanity by the North Korean government. I think that we cannot discuss the lifting of sanctions unless this type of system is abolished. There has to be an expansion of individual kinds of sanctions, so-called Magnitsky sanctions, which will, for example, target the private bank accounts of those that are involved in these violations and crimes against humanity. Similar to what happened with Russia, I think this type of targeted sanctions against individuals and institutions involved in the crimes against humanity in North Korea needs to be worked on by the international community.

Moreover, international trade is a way to invest further in the military system in North Korea, taking into account how these military components are also used for exports. The news about exports to Russia and how North Korea's weapons contribute to crimes in Ukraine and Sudan, has been illustrated. Recently, there were reports that North Korean weapons went to Hamas in Palestine. Thus, we have to understand that North Korea is a country that will always look for means to export this type of produce, not because they don't want to export anything else; they just focus the whole of their trade and economy on this type of military-based economy that is investing a lot of profit into expansion of the military system and arms and weapons, which can be used against civilians in other countries. We must start to draw these links because it is not only about security, but it is also about contributing

to crimes that are happening, not only in North Korea, but elsewhere as well.

YJIS: Reflecting on your work, could you share a specific accomplishment or a success story that exemplifies the positive impact your organization has had on the lives of North Koreans?

JZH: I think the greatest success for every human rights organization is getting to meet people who were victims of the system in the past, but have grown, succeeded, and become finally happy. That is, I think, the biggest compensation for the work that we are doing. I have, over the years, met a lot of people who were street children in North Korea and were exposed to various types of abuses. Some of them have been in detention, with young girls trafficked in China, forcibly married to old men, raped, and beaten repeatedly. They came here, and over the years, they settled well with the support that they received. It gives me happiness when I hear these individual stories of people succeeding because they are given opportunities, their rights are respected, and they are free. Professionally, I am proud of contributing to an advocacy that led to the establishment of the UN Commission of Inquiry and the call for referral to ICC. But I will be prouder if I get to be an expert witness at one of the trials of human rights violations in the future.

YJIS: Is there any message that you would like to express to the global youth regarding their role and potential impact in promoting, protecting, and defending human rights for North Korean people?

JZH: Carry the light on! That is the most important message I would have for you. Keep yourself aware of human rights situations, spread that awareness, and be the light coming into the dark room. I find most international students to be engaged in this work, always helping our organization as volunteers, interns, or simply by doing research. However, I would like to see this more in South Korean society, especially among the young generation. Finally, I would like to express that abuses always happen in the darkness, which is why shining the light on darkness is very important. Wherever you find yourself, there will always be human rights abuses, so never close your eyes and always be vigilant. Remember that

it is our moral responsibility to do something.

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YONSEI JOURNAL OF INTERNATIONAL STUDIES

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Room 516, New Millenium Hall, Yonsei University
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Seoul, South Korea 120-749

theyonseijournal.com

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VOL 15 | Issue 2
Fall / Winter 2023

YONSEI JOURNAL OF INTERNATIONAL STUDIES
PAPERS, ESSAYS, AND REVIEWS

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9 772005 980908
ISSN 2005-9809