



VOLUME III

# Engaging North Korea

A TOOLKIT FOR PROTECTING HUMANITARIAN CHANNELS  
AMID “MAXIMUM PRESSURE”



American Friends  
Service Committee

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ABOUT AFSC

The American Friends Service Committee (AFSC) is a Quaker organization that includes people of various faiths who are committed to social justice, peace, and humanitarian service. Its work is based on the Quaker belief in the worth of every person and faith in the power of love to overcome violence and injustice.

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# Engaging North Korea

**VOLUME III**

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# Introduction

**T**he United States' longest unresolved conflict is with the Democratic People's Republic of Korea (DPRK or North Korea). Although the open fighting of the Korean War ended with the ceasefire in 1953, the U.S. has technically been at war with the DPRK for over 65 years.

This frozen state of conflict has many repercussions. Military tensions rise and fall at a rapid pace. Reliable channels of information are scarce, causing misperceptions and fears to abound on both sides. A persistent, fear-inducing narrative pervades the media, which together with turbulent political relations, works to further estrange the people of both countries. In addition, these factors have severely impacted the humanitarian situation in the DPRK, limited opportunities for Americans and North Koreans to interact, and perpetuated the DPRK's international isolation.

Yet, despite the state of war and turbulent geopolitical relations, U.S. non-profit organizations such as the American Friends Service Committee (AFSC) have succeeded in providing humanitarian and development assistance to ordinary North Koreans. These nongovernmental organizations (NGOs) currently maintain some of the longest standing relationships between Americans and North Koreans—and some of the most stable avenues for working on areas of mutual concern between the two countries. These efforts address critical aspects of regional and global security by linking medical professionals, agricultural specialists, development practitioners, scientists, and others.

However, this vital work is threatened by the “maximum pressure and engagement” policy of the Trump administration and the new sanctions and travel restrictions that come with it. Warning signs have emerged that U.S. regulations are contributing to a host of factors that leave ordinary North Koreans vulnerable to humanitarian disaster. The UN indicated in January 2018 that 60,000 children were at risk of starvation due to sanctions.<sup>1</sup> We can only hope the situation in the DPRK will not come to echo that of Iraq in the 1990s, when over 576,000 children died as a result of sanctions.

To make matters worse, increasingly bombastic rhetoric in Washington has relegated humanitarian concerns to the margins of policy debates, leaving

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1 Nebehay, Stephanie. “60,000 North Korean Children May Starve, Sanctions Slow Aid: UNICEF.” Reuters, Thomson Reuters, 30 Jan. 2018, [www.reuters.com/article/us-northkorea-missiles-un-children/60000-north-korean-children-may-starve-sanctions-slow-aid-unicef-idUSKBN1FJ1FL](http://www.reuters.com/article/us-northkorea-missiles-un-children/60000-north-korean-children-may-starve-sanctions-slow-aid-unicef-idUSKBN1FJ1FL)

few champions and little time to discuss on-the-ground realities. In some cases, pundits have put humanitarian organizations on the defensive with fear-based narratives that paint the DPRK as an evil monolith. These, at times, cartoonish depictions of the DPRK gloss over the human side of a population of 24 million, allowing a cavalier attitude among policymakers and pundits toward decisions that may have immense consequences for the welfare of ordinary North Koreans—and U.S. efforts to build conditions conducive to peace.

While U.S. NGOs are increasingly required to justify life-saving operations in terms of the “national interest” of the U.S., few politicians are addressing the importance of humanitarian aid—and human security in the DPRK—to U.S. national security. Instead, we often hear speculative analysis with insufficient context. As a result, U.S. public perceptions of the conflict have become limited to a small set of sound bites which, ultimately, limit policymakers’ views of available options.

This report documents some of the impacts of the “maximum pressure and engagement” policy on humanitarian and U.S. NGO work in the DPRK. The report also highlights areas where action by U.S. policymakers to improve regulations could decrease the chances of humanitarian disaster and increase the chances of success for high-level dialogue.

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# Crossing “enemy” lines: why we engage North Korea

The American Friends Service Committee (AFSC)’s work in the DPRK and around the world is driven by Quaker values and the recognition of the inherent worth and dignity of every human life. Founded in the crucible of World War I by Quakers who aimed to serve both humanity and country while being faithful to their commitment to nonviolence, AFSC has worked throughout the world in conflict zones, areas affected by natural disasters, and oppressed communities to address the root causes of war and violence.

Putting these values into action, AFSC has accumulated over a century of peace-building experience. Its legacy includes securing the safety of over 20,000 individuals and families fleeing Nazi persecution, working for the release of over 4,000 Japanese-Americans from U.S. internment camps, supporting the dismantlement of apartheid in South Africa, publishing Dr. Martin Luther King, Jr.’s “Letters from Birmingham City Jail,” and much more.

Through this global history, AFSC has learned that peace and security are achieved when human needs are met, conflicting parties recognize the security concerns of their adversaries, and policymakers pursue win-win security objectives rather than nationalist agendas.

With respect to Korea, AFSC has been building people-to-people connections and working to meet human needs since 1953 when we arrived in South Korea to help in reconstruction efforts and refugee aid projects. In the decades that followed, AFSC stayed engaged in the region and, in 1980, we became the first U.S. public affairs organization to enter the DPRK.

We have continued engaging with the DPRK since our original entry 38 years ago, and the benefits of regular contact should not be underestimated. For example, in the late 1990s, as famine conditions arose in the DPRK, we were



among the first to recognize the deteriorating conditions. AFSC quickly began humanitarian relief efforts, laying groundwork for collaborative projects in the years to come—a prime example of the way dialogue begets cooperation and leads to productive partnership.

Our work today continues to demonstrate the power of building professional and people-to-people linkages. In 2007, AFSC facilitated a delegation of North Korean farm managers to China where participants were introduced to the use of plastic trays for rice seedbed cultivation. Now used in pilot projects at four AFSC partner cooperative farms, the trays increase rice yields by 10-15 percent, directly benefiting at least 3,000 farm families (or over 12,000 individuals). Farmers on an additional 24 farms have been trained by AFSC in use of the trays, benefiting an additional 72,000 North Koreans, and the DPRK government is now promoting the use of this new technology nationwide.



Plastic trays used for rice seedbed cultivation raise yields by 10-15%. AFSC introduced the trays to a delegation of North Korean farm managers in 2007. Photo: AFSC

Through this work, AFSC has seen that people-to-people connections set the stage for collaboration, but social scientists, too, have documented the benefits of in-person communication. For example, in over a hundred social experiments involving thousands of participants, cooperation between participants almost doubled when they were allowed to communicate in person. Even in instances where participants reportedly didn't like one another, cooperation still increased with exposure.<sup>2</sup>

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2 Slaughter, Anne-Marie. *The Chessboard and the Web*. Yale University Press, 2017



The 2018 summit between North Korea leader Kim Jong Un and South Korean President Moon Jae-in demonstrates the impact that even single, high-level engagements have on trust between communities. According to a poll conducted prior to the summit, just 14.7% of South Koreans trusted that the DPRK would denuclearize and keep the peace. Following the summit of which a portion was broadcast live, 64.7% of South Koreans trusted that the DPRK would denuclearize and keep the peace.<sup>3</sup> It stands to reason, then, that in the case of the U.S. and DPRK, people-to-people exposure between the countries will be critical in transforming the conflict and normalizing relations.



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These programs are far from feel-good exercises; they fill critical humanitarian needs as well as filling a larger deficit of human connections between the two countries.

Working across “enemy” lines, however, is not easy. AFSC and other U.S. NGOs have always faced immense regulatory, political, and public relations challenges, even to implement programs that address fundamental needs such as food and health security. These programs are far from feel-good exercises; they fill critical humanitarian needs as well as filling a larger deficit of human connections between the two countries.

However, with the Trump administration’s introduction of the “maximum pressure and engagement” policy, U.S. NGOs, international NGOs, and other entities operating in the DPRK are perhaps facing their toughest challenges in almost 40 years. With the framework of “maximum pressure,” the U.S. has designed a set of regulatory restrictions designed to further isolate the DPRK and minimize people-to-people contact—a dangerous and perhaps

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3 Shin, Hyonhee. “South Korean Trust in North Jumps after Feel-Good Summit.” Reuters, Thomson Reuters, 2 May 2018, [www.reuters.com/article/us-northkorea-southkorea/south-korean-trust-in-north-jumps-after-feel-good-summit-idUSKBN111040](http://www.reuters.com/article/us-northkorea-southkorea/south-korean-trust-in-north-jumps-after-feel-good-summit-idUSKBN111040).

misguided attempt to force the DPRK to negotiations over its nuclear program.

Isolating an individual or an entire community removes that person or group of people from a wider community of peers. Without a peer group, isolated individuals or communities no longer have common reference points for standards and norms.<sup>4</sup> An interesting example of this point is the fact that in 2015 the DPRK set its time zone 30 minutes ahead of the Republic of Korea (ROK or South Korea). A strange time difference considering the longitudinal alignment of the Korean Peninsula, but nonetheless an effective way to demonstrate difference between the two communities.

Following the summit between the two countries' leaders in April 2018, the DPRK turned its clocks 30 minutes back to re-align time zones.<sup>5</sup> The face-to-face engagement between the two leaders seems to have created a peer-to-peer working relationship and thus a desire or need to recognize common standards.

As the U.S. moves toward a dual track of, on one hand, potential high-level engagement with the DPRK and, on the other hand, "maximum pressure" designed to isolate the DPRK, these tactics will be increasingly at odds with one another and risk missing critical opportunities. Therefore, it is imperative that the U.S. begin to consider creating space for humanitarian channels and people-to-people linkages between Americans and North Koreans to support high-level dialogue and to begin garnering political support for negotiations.

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4 Slaughter, Anne-Marie. *The Chessboard and the Web*. Yale University Press, 2017

5 Fredericks, Bob. "North Korea Turns Back Clocks to Align with South Korea." *New York Post*, New York Post, 30 Apr. 2018, [nypost.com/2018/04/30/north-korea-turns-back-clocks-to-align-with-south-korea/](https://nypost.com/2018/04/30/north-korea-turns-back-clocks-to-align-with-south-korea/)

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# Human needs in the DPRK: What's at stake

Following the implementation of stricter UN sanctions resolutions in late 2017, UNICEF warned that 60,000 children were at risk of starvation due to the severity of the measures. A UNICEF representative remarked, “we are projecting that at some point during the year 60,000 children will become severely malnourished. This is the malnutrition that potentially can lead to death. It’s protein and calorie malnutrition.”<sup>6</sup> This fact alone should give policymakers pause with regards to the severity of the measures being taken and the need to address the humanitarian situation in the DPRK.

In 2017, The UN Resident Coordinator for the DPRK assessed that 18 million people (roughly 70% of the country) suffer from food insecurity and undernutrition in the country. The Coordinator also assessed in the annual report that one in five people lack access to clean water and proper sanitation, but food insecurity remains a top concern.<sup>7</sup> The report states:

*There are many complex, intertwined reasons for the high rates of undernutrition in DPRK, including challenges in producing sufficient food. The majority of the country is mountainous, only 17 percent of land is good for cultivation.*

*Agriculture also remains dependent on traditional farming methods. Food production is hampered by a lack of agricultural inputs, such as quality seeds, proper fertilizer and equipment. In addition, changing weather patterns have left DPRK vulnerable to droughts and floods, which have affected agricultural production. While official government harvest data for 2016 has not yet been released, FAO estimates that rice production in 2016 increased by 23 percent compared to the previous year when there was drought, but remains below the previous three-year average.<sup>8</sup>*

Critics of aid to the DPRK have argued that humanitarian assistance has allowed the government to divert resources to its missile and nuclear



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6 Nebehay, Stephanie. “60,000 North Korean Children May Starve, Sanctions Slow Aid: UNICEF.” Reuters, Thomson Reuters, 30 Jan. 2018, [www.reuters.com/article/us-northkorea-missiles-un-children/60000-north-korean-children-may-starve-sanctions-slow-aid-unicef-idUSKBN1FJ1FL](http://www.reuters.com/article/us-northkorea-missiles-un-children/60000-north-korean-children-may-starve-sanctions-slow-aid-unicef-idUSKBN1FJ1FL).

7 “DPR Korea Needs and Priorities March 2017.” ReliefWeb, UN Resident Coordinator for DPR Korea, 21 Mar. 2017, [reliefweb.int/report/democratic-peoples-republic-korea/dpr-korea-needs-and-priorities-march-2017](http://reliefweb.int/report/democratic-peoples-republic-korea/dpr-korea-needs-and-priorities-march-2017).

8 Ibid.

program.<sup>9</sup> However, the quote above reveals that food security in the DPRK faces complicated constraints completely independent of its resource allocation. For example, only 17 percent of the DPRK's land is arable, which is true whether or not the DPRK is developing nuclear and missile programs.

It should be noted that critics of the DPRK's resource allocation who suggest that the DPRK could and should use resources to feed its people instead of investing in military technologies fail to see the DPRK's security concerns as legitimate despite the country being in a state of war for over 65 years.

Similar criticisms of the U.S. and other western countries are seldom heard. For instance, 1.4 million people in Los Angeles are food insecure.<sup>10</sup> Yet, in 2018, the U.S. passed the largest military budget in history and, while there were ample opponents to the spending, the choice of resource allocation is not cited as the reason that 1.4 million residents of Los Angeles are food insecure in the same way that critics point to the DPRK's resource allocation as the source of food insecurity for the country.

These types of double standards have real impacts on public perceptions of humanitarian assistance and even basic human engagement, further isolating the DPRK's population. As mentioned in the introduction, human needs lie at the heart of global security, and people-to-people engagement is necessary for sustained and effective cooperation.

It, therefore, may be necessary for the international community to broaden its understanding of "humanitarian" work to include programs that build linkages between impacted communities and the rest of the global community to prevent whole populations from being depicted as lost causes. Not only would this ensure that humanitarian assistance is not jeopardized by misperceptions, but it would also help build the linkages necessary to transform conflict.

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9 Manning, Robert. "The UN's Relief Efforts in NK Are Well-Intentioned but Misguided." *The Hill*, The Hill, 15 Apr. 2018, [thehill.com/opinion/national-security/383077-feed-us-or-kill-you-the-uns-misguided-nk-relief-efforts](https://thehill.com/opinion/national-security/383077-feed-us-or-kill-you-the-uns-misguided-nk-relief-efforts).

10 "Hunger in L.A." Los Angeles Regional Food Bank, [www.lafoodbank.org/learn/hunger-in-la/](http://www.lafoodbank.org/learn/hunger-in-la/).



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# “Maximum pressure and engagement:” irreconcilable differences

In the spring of 2017, the Trump administration conducted a comprehensive policy review toward the DPRK. The administration made it clear from the outset that it would distinguish itself from the failures of the “strategic patience” policy carried out by the Obama administration. The theory of “strategic patience” posited that the U.S. could afford to maintain sanctions pressure and isolation tactics until the North Korean economy felt severe enough impacts to cause the DPRK to voluntarily denuclearize in exchange for sanctions relief.

After conducting the policy review, the Trump administration revealed a policy of “maximum pressure and engagement.” Foreign Policy describes the framework:

*Maximum pressure comprises diplomatic isolation, military enhancements and shows of force, and gradual economic strangulation. Pressure also applies to actors doing business with North Korea, notably China, and opens the way toward greater secondary sanctions and maritime interdiction. Engagement remains on the table, awaiting an indication of willingness on the part of North Korean leader Kim Jong Un to discuss the country’s obligations to abandon its nuclear weapons and missiles.<sup>11</sup>*

The difference between “strategic patience” and “maximum pressure and engagement” are simultaneously subtle and drastic. Both policies suggest that pressure and isolation will bring the DPRK to the table, with “strategic patience” taking a more passive approach to isolation, and “maximum pressure and engagement” taking a more active approach.

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11 Cronin, Patrick M. “5 Myths About Trump’s North Korea Policy.” Foreign Policy, Foreign Policy, 23 Feb. 2018, [foreignpolicy.com/2018/02/23/five-myths-about-north-korea-policy-trump/](https://foreignpolicy.com/2018/02/23/five-myths-about-north-korea-policy-trump/).

The more drastic differences come in the implementation of each policy framework. “Strategic patience” was implemented through such mechanisms as:

- A gradual increase of sanctions often driven by congressional actions.
- Traditional U.S. military posturing (i.e. routine military exercises and tit-for-tat reactionary military maneuvers such as flying nuclear-capable bombers near the DPRK border after North Korean missile and nuclear tests).
- Quiet refusals to engage on even basic issues such as the repatriation of the remains of U.S. servicemembers left in the DPRK after the Korean War.<sup>12</sup>
- Political posturing and pressure on the international community to condemn the DPRK on nuclear and human rights issues.

“Maximum pressure and engagement,” has been implemented in a much more volatile and, at times, unorthodox manner. The primary mechanisms utilized include:

- A sharp increase in sanctions regulations with devastating consequences for NGOs and international entities operating in the DPRK.
- Overt military aggression through such tactics as publicly diverting aircraft carriers to the region and explicit threats of war from the President.
- A stated willingness to engage.
- Travel restrictions for both U.S. citizens travelling to the DPRK and North Koreans travelling to the U.S.
- The use of unilateral mechanisms that isolate “enemies of the state” such as the inclusion of the DPRK on the State Sponsors or Terrorism list.

These aggressive enforcement tactics have significantly impacted the work of U.S. NGOs and similar international entities working in the DPRK—which currently represent the most robust channels of engagement between the U.S., the international community, and the DPRK. In this way, “maximum pressure” is proving incompatible with “engagement.” Only one part of the policy—maximum pressure or engagement—can be fully realized at any given time.

In practice, the “maximum pressure and engagement” policy sets up a binary choice for the Trump administration. The first part of the policy is shrinking the space for U.S. civil society actors and international organizations to create human linkages and vital professional networks. At the same time, high-level dialogue may move forward—but with fewer of these important channels in place to help lead the way and reinforce resulting policy decisions.

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<sup>12</sup> Bender, Bryan. “Remains of Lost U.S. Soldiers in Limbo amid North Korean Crisis.” *About Us, POLITICO*, 12 Aug. 2017, [www.politico.com/story/2017/08/12/us-soldiers-remains-in-limbo-amid-north-korean-crisis-241548](http://www.politico.com/story/2017/08/12/us-soldiers-remains-in-limbo-amid-north-korean-crisis-241548).

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# Impacts of “maximum pressure” on humanitarian channels

Following its comprehensive policy review toward the DPRK in the spring of 2017, the Trump administration began implementing a series of regulations to carry out its policy of “maximum pressure and engagement.” Two regulations in particular—travel restrictions and sanctions—have had considerable impacts on humanitarian and people-to-people channels between North Koreans, U.S. citizens, and the rest of the world.

## Travel restrictions

In September of 2017, the State Department invalidated U.S. passports for traveling in, to, or through the DPRK. The measure was often treated in the media as a response to the death of Otto Warmbier, who had been detained in the DPRK for stealing a poster from a hotel and was returned to the U.S. in a comatose state days before he died. However, travel restrictions were under consideration prior to those events, and legislation was making its way through Congress at the time of the administration’s actions.

The purpose of the travel restrictions is threefold:

1. To prevent more U.S. citizens from being detained.
2. To stop cash flows to the DPRK in an effort to curb its nuclear and missile programs.
3. To signal disapproval to the DPRK.<sup>13</sup>

The provisions do, however, contain exemptions for: 1) journalists; 2) staff of the International Committee of the Red Cross; 3) humanitarian aid workers; and 4) those traveling “otherwise in the national interest.”<sup>14</sup>

Prior to the travel restrictions, roughly 1,000 U.S. citizens traveled to the DPRK annually, and about 200 U.S. citizens lived in the DPRK.<sup>15</sup> In all,

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13 Abrahamian, Andray. “Commentary: The Downside of Banning Americans from North Korea.” *Reuters*, Thomson Reuters, 31 Aug. 2017, [www.reuters.com/article/us-abrahamian-northkorea-commentary/commentary-the-downside-of-banning-americans-from-north-korea-idUSKCN1BB2S9](http://www.reuters.com/article/us-abrahamian-northkorea-commentary/commentary-the-downside-of-banning-americans-from-north-korea-idUSKCN1BB2S9).

14 “Passport for Travel to North Korea.” U.S. Department of State, U.S. Department of State, [travel.state.gov/content/travel/en/passports/requirements/passport-for-travel-to-north-korea.html](http://travel.state.gov/content/travel/en/passports/requirements/passport-for-travel-to-north-korea.html).

15 Dias, Elizabeth. “200 Americans Living in North Korea Must Get Out by Sept. 1.” *Time*, Time, 24 Aug. 2017, [time.com/4913703/americans-living-north-korea-have-little-time-left/](http://time.com/4913703/americans-living-north-korea-have-little-time-left/).

about 17 U.S. citizens have been detained in the DPRK, most for crossing the border without authorization or proselytizing, which is outlawed in the DPRK. In one instance, a young man went to the DPRK with the explicit intent of getting arrested because he “just wanted to have a face-to-face with North Koreans.”<sup>16</sup> In most of these cases, the DPRK detained individuals because they violated the law in the country, not simply because they were U.S. citizens.

With respect to stopping cash flows to reduce funds available for the country’s missile and nuclear programs, policymakers are vastly overestimating the financial impact of U.S. tourism in the country, dangerously underestimating the impact of people-to-people connections, and irresponsibly glossing over the nuances of the North Korean economy.

Western tourists are estimated to spend around \$2,000 per trip, making the total impact of U.S. tourism in the DPRK around \$2 million annually. Even if tourism from all countries were halted<sup>17</sup>, the DPRK would still comfortably have the resources to carry on its nuclear and missile programs. Furthermore, suggestions that funds from tourism are funneled toward the nuclear and missile programs ignore the reality that, in fact, funds from tourism and other industries disperse through networks of companies and institutions to pay wages, buy inputs, transport goods, and other activities necessary to maintain commercial operations.<sup>18</sup>

Despite widespread misperceptions to the contrary, the DPRK is not a monolithic command economy. A primary effect of travel restrictions is to further constrain the livelihoods of ordinary North Koreans.

### **In Jeopardy: key connections and the rights of aid workers**

As stated above, people-to-people contact is an essential component of transforming conflict. Creating more hurdles to human relationships in order to send a signal of disapproval to the DPRK brings an emotional charge to vital diplomatic business. The administration’s travel restrictions have reduced the number of U.S. citizens traveling to the DPRK from about 1,000 to roughly 20 a year, and the number of U.S. citizens living in the DPRK from about 200 to few if any.

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The 1,200 U.S. citizens either living in or visiting the DPRK before restrictions took effect had hundreds of thousands of interactions with North Koreans annually.

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16 Evans, Stephen. “Matthew Miller: Trying to Get Jailed in North Korea.” BBC News, BBC, 17 Nov. 2014, [www.bbc.com/news/magazine-30086069](http://www.bbc.com/news/magazine-30086069).

17 Estimates put the total impact of tourism in the DPRK at \$30 million annually. See footnote 16.

18 Abrahamian, Andray. “Commentary: The Downside of Banning Americans from North Korea.” Reuters, Thomson Reuters, 31 Aug. 2017, [www.reuters.com/article/us-abrahamian-northkorea-commentary/commentary-the-downside-of-banning-americans-from-north-korea-idUSKCN1BB2S9](http://www.reuters.com/article/us-abrahamian-northkorea-commentary/commentary-the-downside-of-banning-americans-from-north-korea-idUSKCN1BB2S9).





Tourists and aid workers create critical people-to-people connections and have priceless interactions with North Koreans when they visit the DPRK.  
Photo: AFSC

Collectively, these 1,200 U.S. citizens either living in or visiting the DPRK before restrictions took effect had hundreds of thousands of interactions with North Koreans annually. The information exchanged and linkages they created had an outsized impact on both communities. In a context where contact is so minimal, these interactions played a vital role.

The Mennonite Central Committee, a faith-based humanitarian agency with over a hundred years of experience working in areas affected by conflict and disasters, warned the State Department in a public comment of the impact restricting people-to-people ties would have on regional and global security, stating:

*MCC's long experience in places of intense conflict, such as Vietnam during the war and Cambodia after the Khmer Rouge, has allowed MCC to pursue people-to-people exchanges in efforts to foster peace across divides. Especially during times of increased hostility, it is important to allow U.S. citizens the freedom to pursue alternatives to conflict through human interactions which are an expression of their religious faith. Banning travel to North Korea will decrease the impact of one of the most important resources the U.S. has for pursuing a future of peace and stability on the Korean Peninsula: human relationships.<sup>19</sup>*

The comment above highlights an important question about the relationship between constitutional rights and travel restrictions. Many of the U.S. humanitarian organizations that operate in the DPRK are faith-based, and many U.S. citizens that were living in the DPRK were doing so out of religious convictions and/or commitments to serving humanity. Therefore,

<sup>19</sup> Byler, J Ron. "Emergency Submission Comment on 'Request for Approval to Travel to a Restricted Country or Area.'" Received by Department of State Desk Officer in the Office of information and Regulatory Affairs at the Office of Management and Budget, 22 Aug. 2017.

the case could be made that the travel restrictions are interfering with the first amendment rights of U.S. citizens living and working in the DPRK.

Given that each trip to the DPRK must be approved, ongoing humanitarian work remains in constant jeopardy. Those who were living in the country were required by the U.S. government to vacate. One U.S. doctor, Stephen Yoon, who was required to leave the DPRK, provided life altering medical treatment at the Pyongyang Medical University Hospital. Dr. Yoon remarked to Time that “we do not want to see one tragedy [in reference Mr. Warmbier’s death] turn into a multitude of tragedies,” and “humanitarian work in the DPRK requires substantial time and effort in building relationships, negotiating work terms and monitoring the implementation of projects. This requires frequent, if not constant, presence in the DPRK.”<sup>20</sup>

Prior to the restrictions, the largest cohort of U.S. citizens in the DPRK was housed by the Pyongyang University of Science and Technology (PUST). The school opened in 2010 and was founded by U.S. and South Korean evangelicals. The school takes in around 600 students and would host around 70 U.S. professors and staff members each semester. All classes at the university are taught in English and graduate students can study abroad in Europe. According to the PUST’s U.S. director, Norma Nichols, the curriculum “is designed to open their eyes to other thoughts and to the world.”<sup>21</sup>

In 2016, a delegation of three Nobel laureates in science and economics that visited the university underscored the opportunities that institutions like PUST offer. Aaron J. Ciechanover, an Israeli biologist and member of the delegation, remarked “the best thing we found was that the students were knowledge-hungry.” The delegation also noted the lack of resources available for students, pointing to the important role that U.S. and international organizations can play in educating North Koreans.<sup>22</sup>

It should be noted that two U.S. citizens affiliated with the university, Kim Hak-song and Kim Sang-duk, were detained in the spring of 2017, adding to pressures to implement travel restrictions. The university’s spokesperson stated that the individuals were being investigated for matters that were “not connected in any way” to PUST, and the school continued to operate.<sup>23</sup>

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20 Dias, Elizabeth. “200 Americans Living in North Korea Must Get Out by Sept. 1.” Time, Time, 24 Aug. 2017, [time.com/4913703/americans-living-north-korea-have-little-time-left/](http://time.com/4913703/americans-living-north-korea-have-little-time-left/).

21 Ibid.

22 Perlez, Jane. “After North Korea Trip, Nobel Laureates Describe Students Eager to Learn.” The New York Times, The New York Times, 21 Dec. 2017, [www.nytimes.com/2016/05/08/world/asia/after-north-korea-trip-nobel-laureates-describe-students-eager-to-learn.html](http://www.nytimes.com/2016/05/08/world/asia/after-north-korea-trip-nobel-laureates-describe-students-eager-to-learn.html)

23 Lahiri, Tripti. “North Korea’s Only Private University Is Hiring Foreigners (Never Mind the Detentions).” Quartz, Quartz, 9 May 2017, [qz.com/979043/pyongyangs-only-private-university-is-still-trying-to-hire-foreigners/](http://qz.com/979043/pyongyangs-only-private-university-is-still-trying-to-hire-foreigners/).

The individuals were released a year later, but the persistence of faculty and staff to continue despite a tense atmosphere suggests that the institution itself has a good working relationship with the North Korean government. Kim Taehoon, founder of the humanitarian group DoDaum, partnered with PUST after his operations to diagnose and treat H.I.V patients in the DPRK were hampered by the U.S. travel restrictions. PUST and DoDaum worked together on a project to provide an online medical training program.

Mr. Kim remarked “When we informed them [the North Koreans] of the need to pull out, there was a sense of understanding but at the same time, there was a sense of disappointment on both sides really.”<sup>24</sup> These ongoing efforts and the trust in partnerships between these U.S. and North Korean groups indicate that U.S. citizens and educators have not become a blanket target for detentions.

### **Timing is everything**

Despite the exemptions in the travel restrictions for humanitarian workers, the regulations have caused difficulties not just for U.S. citizens living in the country but for humanitarian organizations and groups working to build critical people-to-people linkages as well.

The red tape associated with applying for exemptions can take weeks to navigate. Civil servants that issue passports are often unaware that a special validation passport exists for travel to the DPRK, causing confusion, delays, and, in some cases, even hostile attitudes toward humanitarian workers. Proper paperwork to obtain the special passport is not publicly available, inevitably resulting in applicants using incorrect forms. Not only that, but immigration officials in both the DPRK and in the U.S. are often unaware of the requirement and confused by travelers with two passports. All of these complications strain the resources of U.S. NGOs.

While AFSC has, to-date, received the necessary exemptions to carry out routine monitoring trips to the DPRK, we have experienced a delay arising from a narrow interpretation of the categories for exemption. Even small delays of this kind, though, can jeopardize entire humanitarian delegations and disrupt humanitarian projects, especially health initiatives that rely on timely delivery of medicine and equipment.

The importance of timing was demonstrated by an incident in 2016 when the South Korean government stopped a shipment of tuberculous medicine en route to the DPRK. Following unilateral measures taken by the Park Geun-hye administration, a routine shipment of vaccinations was held by South

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<sup>24</sup> Sang-hun, Choe. “U.S. Deadline Forces American Aid Workers to Leave North Korea.” The New York Times, The New York Times, 31 Aug. 2017, [www.nytimes.com/2017/08/31/world/asia/us-north-korea-travel-ban.html](http://www.nytimes.com/2017/08/31/world/asia/us-north-korea-travel-ban.html).

Korean authorities, jeopardizing the lives of 1,500 North Korean patients who, in turn, risked infecting those around them.

The medicine was provided by the Eugene Bell Foundation, an organization that has treated over 250,000 tuberculous patients in the country. The chairman of the foundation, Steven Linton, remarked at the time “Short of all-out war, I cannot imagine a greater tragedy for the Korean people.”<sup>25</sup> The precision required to time these efforts leaves little room for error and bureaucratic delays, making regulations such as travel restrictions an unnecessary and dangerous hurdle for humanitarian activities.

### **Competing definitions of “national interest”**

In some instances, applications to travel to the DPRK have been denied by the State Department without clear reasons as to why. The ambiguity around the State Department’s definitions of “national interest” and “humanitarian” work has caused frustration among organizations attempting to build promising channels with the DPRK that could ultimately aid efforts to end the war.

For instance, Women Cross DMZ (WCDMZ) is a group of women peacemakers working for peace in Korea that includes Nobel Peace Laureates, human rights lawyers, professors, and other prominent leaders and figures. The group reports that in the spring of 2018, the organization was denied authorization to travel to the DPRK to meet with North Korean women’s organizations to discuss how women can play a role in the peace process.

Months before WCDMZ submitted applications for travel to the DPRK, President Trump signed into law the 2017 Women, Peace and Security Act, which recognized the role women’s peace groups can and should play in peace processes around the world. The Act seems to recognize that including women in peace processes is within the “national interest.” However, WCDMZ’s International Coordinator, Christine Ahn, explained that “several of us received letters of denial from the State Department that our request to meet with North Korean women to discuss how we can work together to end the state of war did not meet the criteria of advancing U.S. national security.”

Official statistics on applications to travel to the DPRK are not released publicly by the State Department. However, as the community of U.S. organizations that travel to the DPRK is small, anecdotes suggest that the State Department has reserved approvals for journalists and a handful of humanitarian organizations with longstanding ties to the DPRK such as AFSC. While it is encouraging that, at the minimum, these groups are

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25 Fifield, Anna. “North Korean Tuberculosis Patients at Risk as Sanctions Hamper Medicine Shipments.” The Washington Post, WP Company, 9 Mar. 2016, [www.washingtonpost.com/world/sick-north-koreans-face-death-as-sanctions-stop-medicine-shipments/2016/03/09/bf08c4b4-30c4-4fc8-9c92-7ac6be2d3e4b\\_story.html?utm\\_term=.9742ddb5213](http://www.washingtonpost.com/world/sick-north-koreans-face-death-as-sanctions-stop-medicine-shipments/2016/03/09/bf08c4b4-30c4-4fc8-9c92-7ac6be2d3e4b_story.html?utm_term=.9742ddb5213).



allowed to continue travelling to the DPRK, the narrow reading of “national interest” may be self-defeating as critical opportunities are missed, as in the examples above.

## Sanctions

Sanctions have always had an impact on the work of U.S. NGOs operating in the DPRK in one form or the other. For years, donors, suppliers, and bankers have increasingly worried that even transactions that were permitted could pose public relations or future regulatory risks.

Under the Obama administration, U.S. NGOs were permitted to operate under a well-designed carveout for nonprofit organizations. Those exemptions (authorized under General License Number 5—see appendix 2) proved to be a relatively successful collaborative undertaking between the State Department, Treasury Department, and U.S. NGOs working in the DPRK. While designing the regulations, U.S. officials sought input from NGO workers to help ensure that critical humanitarian operations and people-to-people engagements were shielded from regulatory hurdles.

### “Maximum pressure”

The Trump administration’s policy of “maximum pressure and engagement,” however, includes dismissing the exemptions previously afforded to U.S. NGOs. Now only food and medicine are permitted under a general waiver, while all other materials require specific permission from the Treasury Department’s Office of Foreign Assets Control (OFAC).<sup>26</sup> But because food and medicine is defined so narrowly and no organization ships strictly those goods, the effect is that humanitarian shipments to the DPRK generally need what is called a specific license—which is excessively time-consuming and costly to obtain.

In one instance, AFSC sought to ship approximately 16 boxes (each weighing about 9–10 pounds) of Arikara beans to the DPRK for use in a pilot project. The process to obtain a license took over a year and a half, so long as to miss the time for optimum planting. The delays were so excessive that in between the start and end of the process to obtain a specific license, the sponsor of the project was diagnosed with brain cancer and passed away. His wife carried on attempts to ship the beans in her husband’s memory, as the project was personally meaningful to him.

Under the new regulations, tasks that used to take under an hour now take months. The process to ship humanitarian goods to the DPRK has become

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26 “North Korea Sanctions.” Resource Center, U.S. Department of the Treasury | Office of Foreign Assets Control, [www.treasury.gov/resource-center/faqs/Sanctions/Pages/faq\\_other.aspx#nk](http://www.treasury.gov/resource-center/faqs/Sanctions/Pages/faq_other.aspx#nk).

so complex and burdensome that routine shipments and transactions now require the aid of attorneys to field the excessive back-and-forths with Treasury Department officials. Further, interpretations of regulations and exemptions seems to vary from agency to agency and even official to official.

Due to the prolonged process of obtaining a specific license, AFSC has been unable to deliver a routine shipment of non-sanctioned agricultural supplies, primarily plastic sheeting, plastic trays, and plastic pipes. The delay in the shipment may impact program activities and the cycle of monitoring and evaluation, as well as jeopardizing AFSC's relationships with farm managers and partners. Given that these program activities have the potential to improve food security for over 84,000 direct and indirect beneficiaries, these procedural delays are not minor hinderances but are real threats to human security in the DPRK.



Photo: AFSC

The new regulations contain other problematic clauses. For instance, sections of the regulations (510.512(d)) explicitly prohibit “partnerships and partnership agreements between NGOs and the Government of North Korea or other blocked persons that are necessary for NGOs to provide authorized services...”<sup>27</sup> The regulations, however, do not define “partnerships.” This ambiguity is problematic for humanitarian actors, as nearly every entity they encounter could be considered part of the DPRK government—from farms and orphanages to international exchanges and counterpart organizations.

These prohibitions could effectively become the basis for a communications embargo on the DPRK as any relationship risks scrutiny from the Treasury Department. A consequence seems to be a decline in track II diplomacy (“back channel diplomacy” carried out by nongovernmental actors) between the U.S. and DPRK, since it is widely believed that a specific license would be required simply to carry out the necessary preparations for dialogues with North Koreans .

Just prior to the Trump administration's enactment of these regulations, the UN Special Rapporteur on the situation of human rights in the DPRK, Tomas Quintana, presented before the UN General Assembly and warned that sanctions were already hurting ordinary Koreans. He noted that

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27 Ibid.

sanctions were impacting the delivery of cancer medications and wheelchairs and recalled that “history has shown that sanctions can have a devastating effect on the civilian population.”<sup>28</sup> Despite these warnings and the spirit of the authorities granted by Congress, the Trump administration has continued to put into place regulations that are significantly interfering with humanitarian operations.

Relevant legislation passed by Congress gives the executive branch discretion in implementing humanitarian waivers, but the spirit of the law indicates that sanctions should not interfere with humanitarian activities. The North Korea Sanctions and Policy Enhancement Act of 2016 (NKSPEA) states it is necessary “... to enforce sanctions in a manner that does not significantly hinder or delay the efforts of legitimate United States or foreign humanitarian organizations from providing assistance to meet the needs of civilians facing humanitarian crisis, including access to food, health care, shelter, and clean drinking water, to prevent or alleviate human suffering.” The current regulations that require a special license in almost every instance of humanitarian aid, then, appear to be at odds with the law.

#### “Death by a thousand cuts”

Despite repeated declarations from various UN bodies that sanctions are not meant to interfere with humanitarian operations, implementing states have constrained commerce to the point that some U.S. NGOs, such as Save the Children, have suspended operations.<sup>29</sup> In late 2017, letters from the UN Resident Coordinator in Pyongyang indicated that the impact of sanctions on humanitarian efforts are a “serious concern.” The letters outlined 42 documented instances in which sanctions directly or indirectly interfered with humanitarian operations. According to NK News:

*Causes for the full inventory of 42 issues ranged from legal blocks, anxiety in local banks, inclusion of the word “Korea” in supplier name fields, supplementary paperwork requirements, concerns over potentially dual-use materials, and connections between sanctioned banks and in-country providers, among others.<sup>30</sup>*

The increasing complexity of sanctions regulations have exacerbated fears among industries and professionals that are even tangentially involved in

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Under the new regulations, tasks that used to take under an hour now take months. The process to ship humanitarian goods to the DPRK has become so complex and burdensome that routine shipments and transactions now require the aid of attorneys to field the excessive back-and-forths with Treasury Department officials.

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28 Young, Leslie. “Sanctions Blocking Cancer Medication, Wheelchairs from North Korea: UN Rapporteur.” Global News, Global News, 26 Oct. 2017, [globalnews.ca/news/3826556/sanctions-blocking-cancer-medication-wheelchairs-from-north-korea-un-rapporteur/](http://globalnews.ca/news/3826556/sanctions-blocking-cancer-medication-wheelchairs-from-north-korea-un-rapporteur/).

29 Fifield, Anna. “Sanctions Are Hurting Aid Efforts - and Ordinary People - in North Korea.” The Washington Post, WP Company, 16 Dec. 2017, [www.washingtonpost.com/world/asia\\_pacific/sanctions-are-hurting-aid-efforts-and-ordinary-people-in-north-korea/2017/12/15/df57fe6e-e109-11e7-b2e9-8c636f076c76\\_story.html?utm\\_term=.eb27f250de4c](http://www.washingtonpost.com/world/asia_pacific/sanctions-are-hurting-aid-efforts-and-ordinary-people-in-north-korea/2017/12/15/df57fe6e-e109-11e7-b2e9-8c636f076c76_story.html?utm_term=.eb27f250de4c).

30 O’Carroll, Chad. “‘Serious Concern’ about Sanctions’ Impact on North Korea Aid Work: UN DPRK Rep.” NK News - North Korea News, 7 Dec. 2017, [www.nknews.org/2017/12/serious-concern-about-sanctions-impact-on-north-korea-aid-work-un-dprk-rep/?c=1519972796740](http://www.nknews.org/2017/12/serious-concern-about-sanctions-impact-on-north-korea-aid-work-un-dprk-rep/?c=1519972796740).

transactions necessary for humanitarian assistance. Transport companies have begun declining humanitarian cargo, and Chinese suppliers expressed reservations over working with humanitarian actors “for fear of financial and reputational costs.”<sup>31</sup>

Financial transactions and banking are also major hurdles for humanitarian organizations. Some transactions outside of the DPRK are even being blocked as banks worry over their relations with other financial institutions. The UN letters mentioned above stated, “crucial relief items, including medical equipment and drugs, have been held up for months despite being equipped with the required paperwork affirming that they are not on the list of sanctioned items.”<sup>32</sup>

Keith Luse of the National Committee on North Korea, a Washington-based membership organization focused on principled engagement between the U.S. and the DPRK, remarked to the Washington Post that “U.S. and international humanitarian NGOs working in North Korea are experiencing death by a thousand cuts.”<sup>33</sup> Illustrating this point are stipulations from 2017 UN sanctions that prohibit the shipment of any metal goods. The provisions are so extensive they cover 150 categories, ranging from stainless steel ingots to spoons and paper clips.

In one instance, a shipment of hygiene kits from the Christian Friends of Korea, a reputable U.S.-based humanitarian organization working in the DPRK, was held for weeks because the kits contained nail clippers. Eventually, the shipment was granted a waiver by Chinese authorities; however, without the waiver the organization would have had to pay local workers to remove the nail clippers from several thousand kits filling two containers.<sup>34</sup>

In a similar instance, a UN agency had to consider returning a shipment of emergency reproductive health kits because they contained steam sterilizers made of aluminum. In order to avoid a six to eight-month long process to obtain a waiver, the agency’s only available option was to send the kits back from China (where the cargo was being held) to the Netherlands to have the sterilizers removed. However, the sterilizers were considered “the most vital equipment” contained in the shipment.<sup>35</sup>

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31 Ibid.

32 Ibid.

33 Fifield, Anna. “Sanctions Are Hurting Aid Efforts - and Ordinary People - in North Korea.” The Washington Post, WP Company, 16 Dec. 2017, [www.washingtonpost.com/world/asia\\_pacific/sanctions-are-hurting-aid-efforts-and-ordinary-people-in-north-korea/2017/12/15/df57fe6e-e109-11e7-b2e9-8c636f076c76\\_story.html?utm\\_term=.eb27f250de4c](http://www.washingtonpost.com/world/asia_pacific/sanctions-are-hurting-aid-efforts-and-ordinary-people-in-north-korea/2017/12/15/df57fe6e-e109-11e7-b2e9-8c636f076c76_story.html?utm_term=.eb27f250de4c).

34 Press, The Associated. “Charities See Nail Clippers, Shovels Are North Korean No-Nos - NY Daily News.” Nydailynews.com, New York Daily News, 27 Jan. 2018, [www.nydailynews.com/news/wires/news/national/charities-nail-clippers-shovels-north-korean-no-nos-article-1.3782458](http://www.nydailynews.com/news/wires/news/national/charities-nail-clippers-shovels-north-korean-no-nos-article-1.3782458).

35 O’Carroll, Chad. “‘Serious Concern’ about Sanctions’ Impact on North Korea Aid Work: UN DPRK Rep.” NK News - North Korea News, 7 Dec. 2017, [www.nknews.org/2017/12/serious-concern-about-sanctions-impact-on-north-korea-aid-work-un-dprk-rep/?c=1519972796740](http://www.nknews.org/2017/12/serious-concern-about-sanctions-impact-on-north-korea-aid-work-un-dprk-rep/?c=1519972796740).



Other issues include delays of shipments containing X-Ray machines, TB diagnostic equipment, and treatments for tuberculosis and malaria. The World Health Organization (WHO) also experienced a three-month delay in shipping 13 anesthesia machines due to bureaucratic confusion. The WHO impact assessment stated, “without anesthesia machines, emergency operations like caesarian sections, appendectomies, intestinal obstructions etc. cannot be performed which may have life threatening consequences.”<sup>36</sup>

“Catch-all” provisions and the prohibition on “dual-use” items (materials that have both civilian and military applications) are causing further issues for humanitarian actors in the DPRK. UN Resolutions 2270 and 2321 contain measures that prohibit activities “that could strengthen the military capabilities of DPRK in any way.” Given the widespread influence and reach of the military within the North Korean economy (which includes ownership of the country’s only airline), the provisions provide little room for pragmatism. For instance, the UN letters mentioned above describe the potential impacts of the regulations as potentially prohibiting the “purchase of fuel as well as procurement of vehicle repair services, as those are likely to be procured in-country and could be supplied by a military owned company.”<sup>37</sup>

### **Hurting the most vulnerable**

The Trump administration has moved the U.S.’ approach to sanctions from a more targeted set of regulations to broad sweeping measures that are close to a total embargo. The impacts of these new sanctions regulations, however, are not likely to have impacts on the North Korean militaries or elite. Kee Park, an American neurosurgeon who travels to the DPRK to perform pro-bono operations, remarked to the Washington Post as the new regulations unfurled that “it’s going to be the people who are the most vulnerable, the people outside Pyongyang, who will suffer.”<sup>38</sup>

Multilateral and unilateral sanctions measures adopted by the UN, U.S., and other nations over the past two years have, in the aggregate, effectively prohibited all the DPRK’s exports and incoming-earning activities as well as banning imports such as fuel. Many countries have halted trade altogether, and even China, a longtime partner of the DPRK, sharply reduced purchases throughout 2017.<sup>39</sup>

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36 Ibid.

37 Ibid.

38 Fifield, Anna. “Sanctions Are Hurting Aid Efforts - and Ordinary People - in North Korea.” The Washington Post, WP Company, 16 Dec. 2017, [www.washingtonpost.com/world/asia\\_pacific/sanctions-are-hurting-aid-efforts-and-ordinary-people-in-north-korea/2017/12/15/df57fe6e-e109-11e7-b2e9-8c636f076c76\\_story.html?utm\\_term=.eb27f250de4c](http://www.washingtonpost.com/world/asia_pacific/sanctions-are-hurting-aid-efforts-and-ordinary-people-in-north-korea/2017/12/15/df57fe6e-e109-11e7-b2e9-8c636f076c76_story.html?utm_term=.eb27f250de4c).

39 Brown, William. “Special Report: North Korea’s Shackled Economy (2018).” NCNK, National Committee on North Korea, Mar. 2018, [www.ncnk.org/resources/briefing-papers/all-briefing-papers/special-report-north-koreas-shackled-economy-2018](http://www.ncnk.org/resources/briefing-papers/all-briefing-papers/special-report-north-koreas-shackled-economy-2018).

Further exacerbating the economic situation is that the DPRK is not a member of the World Trade Organization, which translates into high tariffs on North Korean exports. The DPRK's longstanding default on its sovereign debt further limits access to credit and direct investment.<sup>40</sup> These compounding factors coupled with sanctions, changing weather patterns, lack of arable land, and decreasing humanitarian assistance put ordinary North Koreans at great risk of humanitarian disaster. All these factors should serve as glaring red flags that warrant the attention of policymakers and revision of sanctions provisions.

A report released by the Nautilus Institute, which examined the impact of Chinese energy sanctions on the DPRK, revealed that the impacts of such sanctions were on the livelihoods and welfare of ordinary Koreans, while the military would be unaffected. The report noted:

*“The immediate primary impacts of responses to oil and oil products cut-offs will be on welfare; people will be forced to walk or not move at all, and to push buses instead of riding in them. There will be less light in households due to less kerosene, and less on-site power generation. There will be more deforestation to produce biomass and charcoal used in gasifiers to run trucks, leading to more erosion, floods, less food crops, and more famine. There will be less diesel fuel to pump water to irrigate rice paddies, to process crops into foodstuffs, to transport food and other household necessities, and to transport agricultural products to markets before they spoil.”<sup>41</sup>*

The report also details a number of actions the DPRK would likely take to offset any disruptions in fuel supplies to the military. Highlighting the war strategy of the DPRK, the report demonstrates that “there will be little or no immediate impact on the KPA's [Korean People's Army] routine or wartime ability to fight due to energy scarcity, given its short war strategy and likely stockpiling.”<sup>42</sup>

As noted above, the UN has warned that 60,000 children are currently at risk of starvation due to existing sanctions regulations. The situation is beginning to resemble that of the foreign policy dilemma lawmakers faced with Iraq during the 1990s.

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All these factors should serve as glaring red flags that warrant the attention of policymakers and revision of sanctions provisions.

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40 Ibid.

41 Peter Hayes and David von Hippel, “SANCTIONS ON NORTH KOREAN OIL IMPORTS: IMPACTS AND EFFICACY”, NAPSNet Special Reports, September 05, 2017, <https://nautilus.org/napsnet/napsnet-special-reports/sanctions-on-north-korean-oil-imports-impacts-and-efficacy/>

42 Peter Hayes and David von Hippel, “SANCTIONS ON NORTH KOREAN OIL IMPORTS: IMPACTS AND EFFICACY”, NAPSNet Special Reports, September 05, 2017, <https://nautilus.org/napsnet/napsnet-special-reports/sanctions-on-north-korean-oil-imports-impacts-and-efficacy/>

A child mortality study which conducted assessments on 2,120 children in Baghdad before and after the implementation of sanctions found a three-fold increase in the rate of child mortality after the implementation of sanctions. The study reported that sanctions toward Iraq were potentially responsible for the deaths of as many as 576,000 children<sup>43</sup>—a mass atrocity on par with Rwanda or Bosnia.

At the time of the survey, Iraq remained under a strict embargo following the invasion of Kuwait (1990-91). Later, certain areas of the country were designated as “no fly zones” in an effort to physically contain the Iraqi army. U.S. officials under the Clinton administration reportedly described the policy as “keeping Saddam in his box.”<sup>44</sup>

These policies share startling similarities to the U.S.’ current approach to the DPRK, where an economic embargo coupled with restrictions on movement serve to seal off a population as retribution for their leaders’ behavior. As these policies created a humanitarian disaster in Iraq, U.S. policymakers are in danger of repeating past mistakes.

Sanctions have become a familiar foreign policy trap in Washington. In the case of Iraq, administration officials reported that sanctions were continued for the sake of political expediency. Lee Feinstein, a State Department official during the Clinton years, bemoaned that “we had a hostile Congress that would have leapt down our throats had we drastically loosened the sanctions. We had the French at the U.N. pushing for an outright lifting of sanctions. And we had Saddam Hussein, who was a real threat.”<sup>45</sup>

The binary manner in which policymakers saw sanctions (either complete embargo or complete rollback) on Iraq in the 1990s offers a warning to policymakers today of the dangers that seeing in black and white poses. Increasingly, U.S. and international policymakers are erasing the space in which key humanitarian activities and people-to-people connections operate in the DPRK, and the situation has begun to resemble the situation in Iraq.

Policymakers should heed the words of Madeline Albright, who served as the U.S. ambassador to the UN during the Clinton years, when she stated that sanctions like those used on Iraq, “are a blunt instrument. That’s their tragedy. What was so terrible for me was that I did see the faces of the people



*Sanctions against Iraq were responsible for the deaths of over 576,000 children in the 1990s. Photo: AFSC*

43 <https://www.nytimes.com/1995/12/01/world/iraq-sanctions-kill-children-un-reports.html>

44 <https://www.nytimes.com/2003/07/27/magazine/were-sanctions-right.html>

45 Rieff, David. “Were Sanctions Right?” The New York Times, The New York Times, 27 July 2003, [www.nytimes.com/2003/07/27/magazine/were-sanctions-right.html](https://www.nytimes.com/2003/07/27/magazine/were-sanctions-right.html).

who were suffering—even if I thought then and think now that the sufferings of the Iraqi people were Saddam’s doing, not ours. There’s a terrible price you pay. A terrible price.”<sup>46</sup>

Writing about the sanctions on Iraq, David Rieff of the New York Times travelled to Iraq after the fall of Saddam to assess the views of ordinary Iraqis on the sanctions imposed on their country. Mr. Rieff found “an almost universal opposition to sanctions—a stern, unshakable conviction that the 1990s were a human and economic catastrophe for the Iraqi people and that sanctions were at the heart of the disaster.”<sup>47</sup>

It is critical that policymakers reflect upon on these lessons of the past when formulating foreign policy. Policymakers should recognize the warning signs currently arising in the DPRK that resemble the circumstances of Iraq in the 1990s and work to establish effective humanitarian safeguards to avoid another manmade catastrophe.

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46 Ibid.

47 Ibid.

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# Fear-based narratives

Intensifying the situation in the DPRK is the way in which many policymakers, analysts, the media, and members of the foreign policy community speak about the country. While the media's narrative around the DPRK is not a direct result of the Trump administration's policy, increasingly bellicose rhetoric has fueled problematic portrayals. This has, in turn, caused public relations issues for humanitarian work in the DPRK and put aid workers in the position of having to defend life-saving aid in terms of the "U.S. national interest."

As people-to-people connections are so limited, accurate information about the DPRK is sparse. Rumors and misperceptions arise and, with little chance to verify claims, false information is repeated throughout the media making it difficult to "myth bust" as misinformation becomes engrained as "popular knowledge."

For example, one longstanding myth about the DPRK is that North Korean citizens are only allowed to choose from a limited number of hair styles. The rumor had been so widespread that two filmmakers created a short video entitled *The Haircut* in which they travelled to the DPRK simply to have their hair cut in their own fashion and dispel the rumor. Indeed, the filmmakers found that North Koreans can have their hair cut in any style they would like. While cultural norms tend to dictate style in the DPRK (and around the world), the choice of styles is up to the customer.

While this example may seem extraneous to the overall conflict, these types of rumors have profound effects on policymaking and public support for humanitarian initiatives. Unverified cartoonish depictions of the DPRK have painted the country as irrational and unstable—a dangerous misunderstanding that has (mis)informed policymaking in the U.S. for decades. Erroneous pictures of everyday life in the DPRK have fed U.S. policymakers' assertions that sanctions and isolation will cause political unrest in the country. However, a recent examination of the impact of sanctions found:

*"Past experience—including extensive field observations of the DPRK populace responding to prior deprivations—suggests that even these deep cuts and resulting scarcity and welfare impacts will not lead to*



*social instability. North Koreans mostly will obey and endure the strictures resulting from these sanctions.*<sup>48</sup>

To understand how the media and policymakers discuss the country, AFSC has tracked media coverage of the DPRK since 2015. In total, AFSC has examined over 2,000 articles in major media outlets stretching back three years. Our analysis (see appendix 1) shows a number of disturbing trends in the way the DPRK and ordinary North Koreans are treated by the U.S. media, punditry, and policymakers.

In every analysis AFSC conducted, the most popular framing, or main message, in media coverage was that the DPRK is a faceless aggressor and threat. While some of this coverage coincides with the rise of military tensions through such things as missile and nuclear tests, AFSC also found this framing to be overwhelmingly dominant even in periods of relative calm and ease.

This framing is problematic for a number of reasons such as:

- These depictions of the DPRK are often ahistorical (i.e. make no mention of the ongoing war) and offer no analysis of the DPRK's actions, leaving readers to assume that the DPRK is behaving aggressively for no reason.
- These framings of the situation are so pervasive that they have effectively drowned out discussions of the humanitarian situation in the DPRK and have even created a narrative in which the humanitarian situation is considered to be a separate and minor issue, despite the clear link to the ongoing war.
- This overwhelmingly negative media depiction has resulted in an overly simplified discourse on the DPRK that appeals to popular misconceptions and feelings of insecurity, leaving few champions for humanitarian needs and level-headed approaches to diplomacy.

In April of 2018, the UN called for an additional \$111 million in aid to the DPRK due to the drastic need and chronic underfunding of humanitarian initiatives in the country. In 2017, the UN raised only 30% of its stated need for the country.<sup>49</sup> This severe lack of funding for aid is one example of how the overly-simplified narrative around the conflict has shaped policymakers' views and willingness to donate, with severe consequences for the lives of ordinary North Koreans. As discussed above, critics blame the DPRK government's missile and nuclear program for diverting resources from

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48 Peter Hayes and David von Hippel, "SANCTIONS ON NORTH KOREAN OIL IMPORTS: IMPACTS AND EFFICACY", NAPSNet Special Reports, September 05, 2017, <https://nautilus.org/napsnet/napsnet-special-reports/sanctions-on-north-korean-oil-imports-impacts-and-efficacy/>

49 "U.N. Needs \$111 Mln Budget for Humanitarian Aid to N. Korea This Year: Report." Yonhap News Agency, 13 Apr. 2018, [english.yonhapnews.co.kr/news/2018/04/13/0200000000AEN20180413003100315.html](http://english.yonhapnews.co.kr/news/2018/04/13/0200000000AEN20180413003100315.html).

development needs to national security priorities, but few pundits point to the complexity of the situation or hypocrisy of this argument by drawing the link between the immense U.S. military budget and food insecurity in the U.S.

Given the shallow analysis that dominates U.S. media coverage of the situation in the DPRK, it is unsurprising that media coverage using frames that depict the humanity of North Koreans is seldom seen. Some readers may even find coverage of this nature to be at odds with established world views that the DPRK is a country of faceless, aggressive, and irrational actors. This gap in the narrative around a conflict, which has global ramifications, should be another glaring red flag for policymakers, as this lack of acknowledgement of the humanity of North Koreans cultivates a crass and self-defeating attitude toward relations with the DPRK.

Policymakers who genuinely desire to resolve the conflict then, should be mindful of the way in which they discuss the conflict and situation of ordinary North Koreans. As the humanitarian plight in the DPRK is intimately linked to the conflict, policymakers who champion the humanitarian needs of the country will find that a recognition of this link may be a fruitful avenue to explore dialogue with their North Korean counterparts. In effect, U.S. policymakers stand much to gain from standing up for the humanitarian needs of ordinary North Koreans, as a more nuanced perspective of the situation would likely lead to a fruitful cycle of understanding and respect between U.S. and North Korean policymakers.

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# Conclusion & recommendations

The Korean War represents one of the longest running conflicts in modern history, and opportunities for open dialogue and détente have come and gone throughout the years. Often, these opportunities pass by without ever being recognized by policymakers due to the lack of credible information about the DPRK and shortage of people-to-people connections, which are the frontlines of relations and where opportunities are first identified.

In today's political climate, a strange mixture of hope for reconciliation and traditional pessimism are competing for the attention of policymakers and the public. Perhaps symptomatically, the U.S. policy toward the DPRK has taken a dual track of, on the one hand, severe sanctions and restrictions with significant consequences for ordinary individuals, and, on the other hand, movement toward potential high-level dialogue. These approaches, however, remain at odds with one another as sanctions and travel restrictions jeopardize the humanitarian situation of ordinary North Koreans, destabilizing human security in the country, and potentially undercutting high-level diplomacy.

Further, the humanitarian needs in the DPRK are significant and are undoubtedly connected to the ongoing war. As U.S. regulations continue to exacerbate the situation, U.S. policymakers must begin paying attention to the impacts of these regulations on ordinary North Koreans or they risk repeating catastrophic mistakes of the past, with few indications that the regulations will achieve U.S. foreign policy goals.

With so few champions of the humanitarian needs in the DPRK, even a single prominent voice on these issues could steer the course away from humanitarian disaster and open diplomatic opportunities that may not seem possible today. In this regard, AFSC offers the following recommendations and resources for policymakers, analysts, journalists, and members of the foreign policy community to consider when formulating regulations and public statements.

## RECOMMENDATION

### Travel restrictions

The travel restrictions for U.S. citizens traveling in, to, or through the DPRK have imposed an undue hindrance to humanitarian work in the DPRK and people-to-people linkages, which are both critical components to transforming the conflict in Korea. As such, AFSC recommends that the restrictions be completely rescinded.

If, however, the DOS maintains the restrictions, AFSC strongly urges the following revisions:

- Allowances for multiple-entry validations lasting for the life of the travel restrictions, as well as permanent residency in the DPRK for U.S. passport holders eligible for special validations.
- Broader definitions of humanitarian assistance and “national interest” to explicitly include (but not be limited to):
  - Activities related to agriculture and food security, health and safety, education, relief of poverty, and care for the young, elderly, women, and disabled.
  - Program activities of intergovernmental organizations, including Track II diplomacy efforts.
  - Family visits.
  - Recovery operations of Korean War-era American servicemen whose remains are still in North Korea.
  - Professional research and professional meetings.
  - Educational activities.
  - Religious activities.
  - Peace building and citizen diplomacy.
  - Activities of private foundations or research or educational institutes.
  - The exportation, importation, or transmission of information or informational materials.
- A thorough explanation as to the reasons for denials of applications.
- An appeals process for denied applications.

## RECOMMENDATION

### Sanctions

Absent a full rollback, sanctions will likely always impact humanitarian operations to some degree. However, there are a number of steps that policymakers can and should take to better protect humanitarian relief programs.

With respect to the executive branch, AFSC strongly urges the State and Treasury Departments to be more consultative with humanitarian actors when drafting relevant executive orders and general licenses. Previous collaborative efforts to design humanitarian waivers have been relatively successful, such as General License No. 5 enacted by the previous administration (see appendix 2 for full language and further detail). In this regard, reinstating General License No. 5 would likely alleviate many of the major issues that humanitarian organizations are facing today. If the current administration, however, would like to craft a new set of waivers, AFSC recommends that a similar consultation with NGOs working on and/or in the DPRK be carried out in order to keep the exemptions relevant for current on-the-ground programs.

Legislation, too, could be improved to remove ambiguity in humanitarian exemptions. Current relevant language may have left too much open to interpretation by the executive branch when regulating exemptions. For instance, while the North Korea Sanctions and Policy Enhancement Act of 2016 contains exemptions for humanitarian activities, it does not explicitly prohibit the executive branch from certain actions that can interfere with humanitarian operations. As a result, reissued sanctions from the Treasury Department in March 2018 led to implementation of regulations that have currently halted almost all humanitarian activities (discussed in the Sanctions section above).

Therefore, legislators should take care to prohibit certain actions by the executive branch to avoid misinterpretation. One example of language that explicitly prohibits executive actions can be found in the S. 1747 - North Korea Sanctions Enforcement Act of 2015 (114th Congress). The humanitarian exemptions found in the Act are a notable example of strong, exemption language (see appendix 3 for full language and further detail). Additionally, legislators should seek to consult humanitarian organizations while drafting exemptions to ensure they are provided up-to-date information on aid programs and any executive branch interpretations and implementation of regulations that may interfere with operations.



## RECOMMENDATION

### Championing humanitarian causes in the DPRK

While humanitarian matters in the DPRK are discussed nominally in Congress, the executive branch, and the U.S. foreign policy community, the issues have few consistently vocal champions. Apparently, many policymakers are simply unaware of the issues humanitarian organizations face, why these organizations operate in the country in the first place, and the importance humanitarian channels play in transforming conflict.

Not only does the absence of humanitarian voices in policy discussions ultimately impede aid efforts, it also ignores some of the most informed individuals on the DPRK, as aid workers often have more experience working with North Koreans than most serving in relevant government positions. Further, few, if any, policymakers raise or understand humanitarian issues as part and parcel to the overall conflict—despite the clear link.

Therefore, AFSC strongly urges:

- The executive branch to refrain from bellicose language that increases the possibility of military miscalculation, decreases chances of high-level diplomacy, and marginalizes the humanitarian discussion.
- Congress to hold hearings on the humanitarian situation in the DPRK and invite aid workers as witnesses.
- Policymakers to comment publicly on the need for humanitarian aid and the link between the overall conflict and the humanitarian situation.
- Policymakers, journalists, analysts, and members of the foreign policy community to consult more frequently with humanitarian actors on issues pertaining to the DPRK, as these workers offer unique perspectives on a range of issues related to the country and conflict.
- Policymakers, journalists, analysts, and members of the foreign policy community to highlight the human side of the DPRK and paint a more accurate and nuanced view of the country and conflict.
- Policymakers, journalists, analysts, and members of the foreign policy community to refrain from using crazy/sane or rational/irrational metaphors for the country, as careless language often depicts the entire nation of 24 million people in these terms.
- Policymakers, journalists, analysts, and members of the foreign policy community to verify claims about the DPRK, as many myths could be dispelled from the onset if individuals with recent on-the-ground experience were consulted.
- Additionally, AFSC offers the resource found in appendix 4 “Fast facts and talking points” as a quick guide on key areas of concern, necessary issues to address in the humanitarian field, and the importance of humanitarian channels.

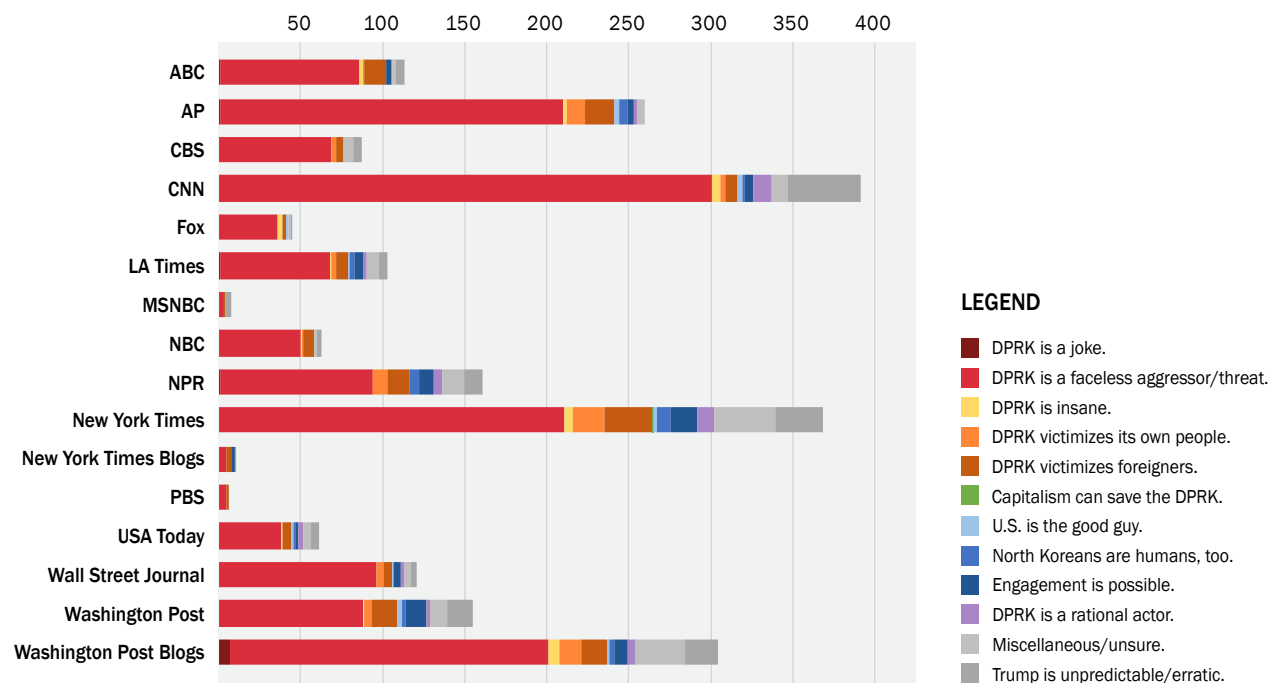
## Narrative analysis

AFSC has tracked media coverage of the DPRK since 2015 and has analyzed over 2,000 articles in major media outlets. In every analysis, the most prevalent framing is that the DPRK is a faceless aggressor and threat to the security of the U.S. This framing is problematic for a number of reasons including:

1. These depictions of the DPRK are often ahistorical (i.e. make no mention of the ongoing war) and offer no reasons for the DPRK’s actions, leaving readers to assume that the DPRK is behaving aggressively for no reason.
2. These framings of the situation are so pervasive that they have effectively drowned out discussions of the humanitarian situation in the DPRK and have even created a narrative in which the humanitarian situation is considered to be a separate and minor issue, despite the clear link to the ongoing war.
3. This overwhelming negative media depiction has resulted in an overly simplified discourse on the DPRK that appeals to popular misconceptions and feelings of insecurity, leaving few champions for humanitarian needs and level-headed approaches to diplomacy.

### How the media frames the DPRK, by outlet

(from 12/20/15 to 9/30/17)



## General License No. 5

*General License Number 5 was a relatively successful cooperation between the U.S. State Department, Treasury Department, and the community of U.S. NGOs operating in and concerned with the DPRK. The license laid out in specific terms which types of programs were permissible, avoiding costly procedures to approve each activity and transaction. U.S. officials conferred with the NGO community and solicited feedback on draft regulations. This process allowed the exemptions to be written with the most up-to-date information in mind. While the license did not shield U.S. NGOs from every impact of sanctions, the license provides a useful reference point for the content of the exemptions, the process by which the regulations were drafted, as well as the effective implementation of a waiver system.*

### OFFICE OF FOREIGN ASSETS CONTROL

Executive Order 13722 of March 15, 2016

**Blocking Property of the Government of North Korea and the Workers' Party of Korea, and Prohibiting Certain Transactions with Respect to North Korea**

#### GENERAL LICENSE NO. 5

**Certain Services in Support of Nongovernmental Organizations' Activities Authorized**

(a) Nongovernmental organizations are authorized to export or reexport services to North Korea that would otherwise be prohibited by Executive Order 13722 of March 15, 2016 in support of the following activities:

(1) Activities to support humanitarian projects to meet basic human needs in North Korea, including drought and flood relief; food, nutrition, and medicine distribution; the provision of health services; assistance for individuals with disabilities; and environmental programs;

(2) Activities to support democracy building in North Korea, including rule of law, citizen participation, government accountability, universal human rights and fundamental freedoms, access to information, and civil society development projects;

(3) Activities to support education in North Korea, including combating illiteracy, increasing access to education, international exchanges, and assisting education reform projects; and

(4) Activities to support non-commercial development projects directly benefiting the North Korean people, including preventing infectious disease and promoting maternal/child health, sustainable agriculture, and clean water assistance.

(5) Activities to support environmental protection, including the preservation and protection of threatened or endangered species and the remediation of pollution or other environmental damage.

(b) U.S. depository institutions, U.S.-registered brokers or dealers in securities, and U.S. registered money transmitters are authorized to process transfers of funds on behalf of U.S. or third-country nongovernmental organizations to or from North Korea in support of the activities authorized by paragraph (a).

(c) Nongovernmental organizations are authorized to engage in transactions with the Government of North Korea and Workers' Party of Korea that are necessary for the activities authorized by paragraph (a) of this section, including payment of taxes, fees, and import duties to, and purchase or receipt of permits, licenses, or public utility services from, the Government of North Korea.

(d) Except as authorized in paragraph (c), this section does not authorize the exportation or reexportation of services to, charitable donations to or for the benefit of, or any other transactions involving the Government of North Korea or any other person whose property and interests in property are blocked pursuant to Executive Order 13551 of August 30, 2010, Executive Order 13687 of January 2, 2015, and Executive Order 13722 of March 15, 2016. Specific licenses may be issued on a case-by-case basis for these purposes.

Dated: March 24, 2016

Signed by: Andrea Gacki, Acting Director, Office of Foreign Assets Control

## Humanitarian exemptions example:

### **S. 1747 (114th Congress): North Korea Sanctions Enforcement Act of 2015**

*The humanitarian exemptions included in the North Korea Sanctions Enforcement Act of 2015 offer a useful starting point for legislators when drafting legislation. While the bill did not become law, the prohibitions on sanctions included in the Act are a good example of Congress acting proactively in the interest of humanitarian activities, as the measures leave little room for misinterpretation during the drafting of the corresponding executive order. Particularly noteworthy are the examples listed in paragraph (B), which explicitly deal with issues that humanitarian organizations are currently facing due to the lack of clarity around humanitarian exemptions in past sanctions legislation.*

114th CONGRESS  
1st Session

## **S. 1747**

...

SEC. 207. Exemptions, waivers, and removals of designation.

...

(2) HUMANITARIAN ACTIONS.—

(A) IN GENERAL.—The President may not impose any sanctions, including through related Executive orders, that would prevent United States or foreign humanitarian organizations, acting in good faith and with the appropriate notifications and controls in place, from accessing and providing humanitarian aid to civilian populations facing humanitarian crises in order to prevent or alleviate human suffering, including individuals who are under the control of a foreign person subject to sanctions under this Act.

(B) EXAMPLES OF PROHIBITED SANCTIONS.—The sanctions exempted under subparagraph (A) shall include—

(i) prohibiting United States or foreign financial institutions from engaging in financial transactions with legitimate humanitarian organizations for these purposes;

(ii) prohibiting the export of standard, commercially available goods, including communications equipment, software and computers, that are necessary to carry out operations related to the provision of humanitarian goods or services to prevent or alleviate the suffering of civilian populations; and

(iii) prohibiting incidental contact with individuals who are under the control of a foreign person subject to sanctions under this Act in the conduct of providing humanitarian aid.



## Fast facts and talking points

### **The U.S.’s longest-running conflict is with the DPRK (North Korea).**

- The Korean War was never officially ended; it was brought to a ceasefire with an armistice. As such, the U.S. and DPRK are still technically at war and the nuclear standoff is a symptom of the unresolved conflict.
- To resolve the conflict, the U.S. must create more channels for engagement with the DPRK. When few channels exist, misinformation and fears steer high-level policy decisions, punditry, and public opinion.

### **U.S. travel restrictions to the DPRK are doing more harm than good, hindering humanitarian work and people-to-people engagement.**

- U.S. citizens have mostly been detained for violating DPRK laws—such as crossing the border without authorization or proselytizing—not simply for being U.S. citizens.
- Prior to the restrictions, the impact of U.S. tourism to the DPRK was about \$2 million annually.
  - Even if tourism from all countries was halted, it would have no impact on the DPRK’s financial ability to carry on with its nuclear and missile programs.
  - Tourism funds primarily impact livelihoods. Funds from tourism disperse through networks of companies and institutions to pay wages, buy inputs, and other activities necessary for commercial operations.
- The restrictions are interfering with the constitutional rights of faith-based humanitarian workers who often carry out aid work as an expression of their faith.
- The process for obtaining special exemptions strains the resources of U.S. NGOs, and delays in processing can jeopardize life-saving aid work.
- Definitions of “humanitarian” work and the “national interest” are not consistent with U.S. laws, and regulations and important opportunities to build cooperation have been denied by the State Department without clear explanations.

## **Sanctions on the DPRK are harming humanitarian efforts, and U.S. unilateral sanctions are delaying vital humanitarian shipments.**

- The UN estimates that 60,000 children are at risk of starvation due to sanctions.
- Previous humanitarian exemptions have been dismissed by the Trump administration.
- Currently, only food and medicine are permitted under a general waiver. However, no organization ships strictly these goods, and all humanitarian shipments now require a “specific license” from the Treasury Department.
  - The process to obtain the license is costly and time-consuming, and tasks that used to under an hour now take months and require legal counsel to carry out.
  - In one instance, it took an NGO over a year and a half to ship 16 boxes of beans to the DPRK. The process took so long that the donor developed brain cancer and died in the time it took the Treasury Department to process the request.
  - These regulations create barriers that are at odds with legislation passed by Congress, such as the North Korea Sanctions and Policy Enhancement Act of 2016, which contains humanitarian waivers.
- UN sanctions are also causing problems for humanitarian aid. Sanctions passed in 2017 prohibit the shipment of any metal goods—from stainless steel ingots to spoons and paper clips.
  - Even UN agencies are having difficulty providing aid. In one instance, a shipment of reproductive health kits was delayed because it contained aluminum steam sterilizers—the most important part of the kit.
- Current regulations risk recreating humanitarian disasters like that in Iraq where sanctions were responsible for the deaths of over 576,000 children.

“The power of human empathy, leading to collective action, saves lives, and frees prisoners. Ordinary people, whose personal well-being and security are assured, join together in huge numbers to save people they do not know, and will never meet... Unlike any other creature on this planet, humans can learn and understand, without having experienced. They can think themselves into other people’s places.... We do not need magic to change the world, we carry all the power we need inside ourselves already: we have the power to imagine better.”

—J.K. Rowling