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Article:
Son, S.A. (2018) North Korea's human rights insecurity : state image management in the post-UN COI era. Asia & the Pacific Policy Studies, 5 (1). pp. 138-149.

https://doi.org/10.1002/app5.219

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ASIA & THE PACIFIC POLICY STUDIES
Australian National University
Australian Government
Department of Foreign Affairs and Trade

Received: 1 December 2016 | Revised: 3 September 2017 | Accepted: 4 December 2017
Asia & the Pacific Policy Studies, vol. 5, no. 1, pp. 138–149
doi: 10.1002/app5.219

Original Article

North Korea's Human Rights Insecurity: State Image Management in the Post-UN COI Era

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Abstract

The 2014 report of the United Nations Commission of Inquiry on Human Rights in North Korea marked a watershed moment in international awareness and action on North Korea's human rights problem. It sparked widespread international condemnation, and prompted anxiety and insecurity on the part of North Korea, evident in the North's immediate response. This included a verbal counter-offensive, some surprising willingness to engage with UN mechanisms, and a range of diplomatic engagement. I argue that contrary to the popular perception of North Korea as impervious to external criticism, when viewed through the conceptual lens of ontological security, the North's response to the UN COI revealed a desire to defend and secure its image in the eyes of the international community. While acknowledging continuing obstacles to a genuine normative transition in its approach to human rights, the article supports a deeper understanding of North Korea's self-identity to guide measures to bring about change.

Key words: North Korea, human rights, United Nations, ontological security, identity

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1. Introduction

In February 2014, the Chairman of the United Nations Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (UN COI, North Korea) described North Korea's human rights record as being 'without parallel in the contemporary world' (Kirby 2014). The COI report's detailed presentation of the scale, duration and gravity of abuses attracted significant international attention, including disapproval from states that had formerly been less critical of North Korea (Cohen 2014). A key aspect of the report that appeared to generate particular concern within the regime was the recommendation (later incorporated in General Assembly (GA) resolutions), that the UN Security Council refer the situation to the appropriate international criminal justice mechanism, to ensure that 'those most responsible for the crimes against humanity… are held accountable' (Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea 2014, para. 87). In October 2016, a UN group of experts was formed alongside the appointment of a new UN Special Rapporteur on the situation of human rights in North Korea to work specifically on the question of accountability for alleged crimes against humanity. Their combined recommendations, released in early 2017, continued the call for referral to the International Criminal Court (ICC) (Report of the Group of Independent Experts 2017).

Consequently, after years of largely denying the existence of a human rights problem, North Korean officials embarked on a range

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of initiatives to try to counter the COI's impact. These moves included North Korea's foreign minister visiting the UN GA for the first time in 15 years, the submission of an alternative human rights report and the sudden, belated acceptance of nearly half the recommendations from the 2009 Universal Periodic Review (UPR)—a UN process where states review one another's human rights records and make recommendations—in May 2014 (Chow 2017, p. 146). The continuing, and much remarked upon diplomatic and discursive response from North Korea since the UN COI warrants investigation into how and why such concern was felt.

The material consequences of increased sanctions—routinely blamed for preventing 'human rights enjoyment' (Council for Foreign Relations 2014) by the North Korean state—are an obvious motivation to defend its record and campaign for 'no' votes to resolutions at the UN. However, studies on human rights and norm adoption provide a powerful argument for considering the way identities, interests and moral values guide state interactions, and work in a 'causal relationship' with material factors (Risse & Sikkink 1999, p. 6; see also Katzenstein 1996). As Risse and Sikkink's comprehensive review of human rights norm adoption globally finds, there are 'many examples of some human rights changes occurring apparently because leaders of countries care about what leaders of other countries think about them' (Risse & Sikkink 1999, p. 8). To address the role that ideational factors such as identity and a state's international image may play in the North Korean response to criticism over its human rights record, I engage with theory at the intersection of human rights norm 'socialisation' (Ballbach 2015; Risse & Sikkink 1999) and the politics of state image-making (Browning 2015; Steele 2008).

This article comes alongside several key studies undertaken both pre- and post-COI, which analyse the North Korean response to international pressure over human rights (Chow 2017; Fahy 2018; Goedde 2010; Song 2011; Weatherley & Song 2008). Referencing models of human rights norm adoption, these studies concur that North Korea has made changes as a result of criticism (Fahy 2018) as part of efforts to 'boost its international image' (Chow 2017, p. 147) and argue that this positions North Korea somewhere along a trajectory towards normative improvement. Yet there remains space for alternative analysis of North Korea's approach to human rights from an international relations perspective, exploring the role of state identity and the mechanisms that drive the imperative to control the security of that identity narrative. I also consider how identity management on human rights intersects with the North's overall state image, within which nuclear weapons and missile development also play a significant part. Drawing on a constructivist reading of international relations, it will be shown that certain gestures towards improvement in its human rights record are being made as a result of international attention, as part of its broader identity strategy. I argue that the need to maintain control over its identity narrative and assert its legitimacy internationally have made human rights more relevant. Thus, the areas where North Korea is willing to make concessions on human rights should be known in order to identify which areas may be more open to discussion in future human rights dialogue (Hawk 2014, p. 237).

2. Identity, Security and Image Management

As Ballbach rightly notes, scholarship on North Korea's foreign policy was long characterised by 'a dominance of description' (Ballbach 2015, p. 140). The dearth of theoretical works providing generalised insights into North Korea's behaviour has more recently been remedied by research that broadens interpretation beyond conventional materialist approaches (Ballbach 2015, p. 140; see for example Bleiker 2005; Kim 2016). The constructivist approach sees the state as a project in the making, which does not emerge with a predefined identity, but rather as a social actor, whose sense of 'Self' is constantly evolving, usually in relation to significant Others (Campbell 1998). It is argued that the state seeks self-determination and confirmation from Others rather than autonomy, and is liable

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to experience anxiety because of its need to maintain a sense of 'ontological security', or a stable sense of self-identity (Giddens 1984, p. 50; Steele 2008, p. 72; see also Mitzen 2006). On this basis, if the state Self is a project in the making, which is never complete, 'foreign policy is not simply the response of a pre-given subject to its environment' (Ballbach 2015, p. 142; drawing on Campbell 1998). Rather, it is part of a 'political performance', delineating the characteristics of the state Self and is designed to produce a specific mode of subjectivity (Ballbach 2015, p. 142).

Literature on the image management practices of states contributes to understanding the significance of non-material factors such as anxiety in how a state perceives its security, particularly the 'ontological importance of narrative' (Steele 2008, p. 72). Here, it is argued that overcoming anxiety is connected with ensuring a stable and coherent identity narrative to project to the world (Steele 2008, p. 72). Browning states that in today's world 'our experience of social reality is increasingly mediated globally' with trust in social relations becoming more reliant on reputation and claims to expertise (Browning 2015, p. 197; see also Giddens 1990, p. 18). The particular type of stories states seek to tell about themselves is therefore evolving: enhancing a state's dignity is to secure international recognition for the state as an actor that is morally sound and worthy of positive recognition (Browning 2015, p. 196). Risse and Sikkink apply 'community of liberal states' to describe the sphere where 'peace, democracy and human rights' are upheld, and where 'good' states can claim membership (Risse & Sikkink 1999, p. 8). Writing on the practice of 'doing good' as a policy objective of states, Browning notes that internationalist policies serve as a 'performative platform' for states to elicit esteem and prestige (Browning 2011, 11). It must be noted that such efforts often also have an important internal component, because 'foreign policy is not simply about interacting with others but also entails communicating values and identity narratives to citizens', as part of transmitting a sense of national mission and purpose (Browning 2015, 196–198).

It is this interpretation of state behaviour that lends weight to the argument made by theorists of human rights norm adoption that reputations are a pivotal part of 'socialising' noncompliant states into 'rule-consistent behaviour' (Risse & Sikkink 1999, p. 20; see also Hafner-Burton 2008). This is not to deny that national governments may respond to, and ultimately cooperate with international pressure only to gain access to foreign aid, or to be able to stay in power (Risse & Sikkink 1999, p. 10). However, as Risse and Sikkink note, 'this is rarely the end of the story', and empirical research suggests that reasons associated with beliefs and identities work alongside instrumental interests to influence state behaviour (Risse & Sikkink 1999, p. 20). Risse and Sikkink's Spiral Model of human rights change is a useful model to interpret the remarkable measures North Korea has employed to address the COI's claims and recommendations. It provides a framework to explore the salience of identity and state image in the preliminary stages of human rights norm socialisation (Risse & Sikkink 1999, p. 20; Risse & Ropp 2013, p. 8). Doing so helps move beyond descriptive accounts of these events to shed light on whether North Korea's behaviour is less exceptional than is often believed. It also helps illuminate the extent to which concerns about its overall ontological security may continue to be used as leverage to affect deeper change in its approach to human rights.

3. The United Nations Commission of Inquiry Report

The findings of the UN COI were not the first time the scale and seriousness of human rights abuses taking place in North Korea had been reported. The 327-page document, which drew on testimonies from hundreds of witnesses who had defected from North Korea, corroborated information presented for over a decade. Yet these prior efforts, which led to resolutions at the UN GA and the Human Rights Council, yielded only rejection from North Korea on the basis that its 'people-centered socialist system' simply could not have a human rights problem (Hawk 2014, p. 213). However, there were two key elements

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of the COI report that appeared to spark particular concern within the regime. The first was the finding that the scale of North Korea's human rights violations exceeded the high threshold for crimes against humanity. The second was the recommendation to refer North Korea's leaders —including Kim Jong Un—to the ICC (Report of the commission of inquiry on human rights in the Democratic People's Republic of Korea, 2014). For a country where the leader is revered as a deity, this was the gravest of affronts. Since that time, further resolutions have been passed, while the USA introduced sanctions linked to specific individuals within the regime. A UN Security Council referral to the ICC has yet to come to fruition and it is likely that Russia and China would exercise their veto on this point. However, in December 2015, the USA added 'human rights abuses in North Korea' to the permanent Security Council agenda, making the subject a recurring item of discussion (Institutional Human Rights Violations 2015).

These developments follow the conventions of typical, first-stage processes outlined by Risse and Sikkink in the Spiral Model. In situations where there is weak (or in North Korea's case, non-existent) organised opposition inside the country, key first steps to advancing change include the work of international/transnational advocacy networks to mobilise international organisations and liberal states to take action (Risse & Sikkink 1999, p. 20). The COI and the subsequent UN resolutions that were passed also drew clear lines around what constitutes morally sound behaviour. The COI report, UN resolutions and Special Rapporteur reports drew heavily on the language of 'fundamental' and 'universal' norms that are implicitly connected with 'responsible' state behaviour. Furthermore, the votes on the post-COI resolutions made clear that it was not just the 'liberal state community' that disapproved of North Korea's behaviour: even states that had formerly abstained from votes on North Korean human rights felt obliged to support the new resolutions.[1] The responsibility of the international community to protect the North Korean population from 'the most serious violation of international humanitarian law and international human rights' had been made clear and its effects were being felt (Security Council Adopts Procedural Vote 2016). At this point, it is necessary to turn to the North Korean response to these events and to examine how it sought to practice damage control.

4. The North Korean Counter Offensive

The North Korean response to the UN COI, and later to the resolutions it prompted, took various forms. Each of these areas of response deserves attention in relation to the connection between the state's reputation and the actions it deems significant to asserting an image that is viewed as legitimate by other states and international actors.

4.1. Words of Denial

The Spiral Model cites denial as the typical second stage of human rights norm socialisation, because offending governments 'are at least implicitly aware that they face a problem in terms of their international reputation' (Risse & Sikkink 1999, pp. 23–24). The opinion of the North Korean state on the COI report and its alleged intentions is summed up in the following statement, from an official government report submitted to the UN in September 2014:

> The US and its followers conduct the smear campaign against the DPRK over the human rights issues with its intention to mislead the public opinion and raise the non-existent 'human rights issues' in the DPRK as the international issue. They also intend to *defame the image of the DPRK in the international arena* and dismantle the socialist system under the pretext of 'promotion of human rights'. (DPRK HR Report 2014, p. 108, emphasis added).

Here, North Korea seeks to link the human rights issue to national security, in both its physical and social dimensions. As Fahy's

1. Non-Aligned Movement member states share a commitment to non-interference in domestic affairs, which includes opposition to all country-specific resolutions at the UN. This accounts for the high number of abstentions that usually occur (Hawk 2014, p. 218).

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comprehensive analysis of North Korea's post-COI discourse has shown, the motive for the COI is defined as US-inspired and as a plot to overthrow the North Korean regime via defamation in the eyes of the international community, while human rights issues are situated as a channel to achieve the larger goal of 'dismantling' the socialist system (Fahy 2018).

It quickly became clear that the ICC referral recommendation was pivotal to the North's amplified response. A document titled the *Detailed Report on Secret behind Anti-DPRK 'Human Rights Resolution'* issued by the North Korean government in November 2014 restated the severity of the offence caused by mention of criminal accountability for the leadership by concluding, "Growing stronger are the voices calling for dealing merciless sledge-hammer blows at those who hurt even the dignity of the supreme leadership of the DPRK fully representing the people, which cannot be bartered for anything" (quoted in Hawk 2014, p. 227). In an unprecedented public discussion at the Council on Foreign Relations in New York in October 2014, ambassador of the permanent mission of North Korea to the UN, Jang Il Hyun, described the proposed ICC referral as something 'we can no longer stand,' saying 'we have to take action on our own in response to such a political plot' (Council for Foreign Relations 2014). However, while the Spiral Model casts denial as concurrent with a 'continuing refusal to recognise the validity of international human rights norms' (Risse & Ropp 2013, p. 6), a distinction in the North Korean response was a tendency not to discredit the validity of all international human rights norms or the international instruments designed to define and support them per se, but rather to deny that North Korea was in violation of them, to argue for defining rights according to national conditions, or blame the 'US-led' hostility and international sanctions plot for making it impossible for the North to fully uphold its people's rights, even though it claims a desire to do so (DPRK HR Report, pp. 97–104, see also Fahy 2018). A fundamental tension thus emerges, between recognising the sovereignty of all countries and their right to pursue their own path, while also arguing that human rights is a legitimate area of international concern (Haggard 2014). Several key statements in the period following the COI highlight this tension between the state's sovereign rights and international cooperation on human rights.

In mid-September 2014, North Korea's DPRK Association for Human Rights Studies (most likely under the control of the Korean Workers Party) published a lengthy report (DPRK HR Report) that Hawk describes as revealing 'a great deal about how a powerful governing organ of the North Korean state sees itself and the world' (Hawk 2014, p. 221). In line with Song and Weatherly's analysis of North Korean human rights discourse pre-COI, the report defines three key features of the North Korean interpretation of human rights: (i) human rights are conditional and shaped by 'the demand and reality of the nation-state', (ii) collective rights are above individual rights—'the right of the individual apart from the social collective is unthinkable', and (iii) welfare and subsistence rights have special importance (Weatherley & Song 2008, p. 273; see also Fahy 2018). The argument is then bolstered by a thorough, but somewhat contradictory, accounting of North Korea's participation in the international instruments and mechanisms to which it has made commitments, and its efforts to adopt or amend local laws in accordance with these commitments (DPRK HR Report, pp. 93–96).

Computational analysis by Fahy shows that an additional means of countering the COI's claims was evident in attempts to re-dress North Korea's image relative to those states it positions as the masterminds behind the COI report (2018). The post-COI state discourse contained frequent instances of what Fahy terms *tu quoque*, or 'turning accusations back on the accuser' (2018). The accusers were defined as the 'US and Western countries', with special attention given to South Korea, and to the EU and Japan as co-sponsors of the November 2014 GA resolution (Fahy 2018; DPRK HR Report). The accusations levelled at these hostile parties included claims about US-led human rights crimes abroad and the suffering of the people of the USA, Japan and

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EU-member nations at the hands of their governments (DPRK HR Report, pp. 82–84).[2] This verbal counter-offensive, which continues today, has little persuasive impact internationally. However, the role of such denial and *tu quoque* in communicating to a domestic audience should not be overlooked.

The continual 'war footing' narrative of the North Korean state has long been recognized as a powerful device to justify control and generate national solidarity, while positioning the people as united in the never-ending struggle against 'hostile forces' (Lankov 2013). Despite the unparalleled grip North Korea has over its citizens' awareness of international criticism of the regime, recent years have seen modes of information penetration proliferate to an unprecedented degree. Defector testimonies indicate that belief in the truth of the state narrative is weaker than it once was (Mortwedt Oh 2016). Evidence of rising concern on this front was seen in the North Korean complaint in the *DPRK HR Report* about the practice of South Korean nongovernment organisations leafleting across the border, thus 'defaming the system and dignity of the DPRK' (p. 111). The government also stated that it would begin publishing books within North Korea 'to help the people have a broad range of knowledge about the nature of human rights' (DPRK HR Report 2014, pp. 115). These actions are representative of the internal dimension of state efforts to secure a stable image, identified by theorists as complementary to its overall strategy on maintaining its identity (Browning 2015). Despite organised opposition being virtually non-existent and subject to the strictest penalties in North Korea, ensuring a consistent identity narrative both within and outside the country is a key component of efforts to legitimise its behaviour.

The North Korean verbal defensive has not waned with the passing of time. Throughout its public discourse, the North carries the claim that its objection is not aimed at human rights norms in general, but rather at the way 'dominationist' interests based on 'Western value' (sic) (DPRK HR Report 2014, p. 89) skew the correct development of human rights norms in line with domestic interests. This can be read as a weak, but nevertheless telling attempt to address the narrative of international human rights, while concurrently positioning the North Korean state as advocating for an alternative conception of human rights norms that is nevertheless right and good and represents best interests of its people. The authors of the Spiral Model argue that 'naming and shaming can only be successful if either the target actors or an audience central to the change process actually believe in the social validity of the norm' (Risse & Ropp 2013, p. 14). The analysis above indicates that North Korea does appear to place social validity in human rights norms, insofar as it considers the promotion of adherence to such norms as having a positive effect on its image. The North's response indicates a perception that certain types of external criticism are a threat to its ontological security and something it will go to special lengths to address.

4.2. Gestures on Human Rights and Diplomatic Engagement

In addition to the statements issued in the wake of the UN COI, the North Korean regime engaged in a number of moves on human rights worth considering for their connection to its image management strategy. As Fahy and Song argue, North Korea's small, but significant gestures regarding various protocols and procedures on human rights places it in between the denial and the tactical concessions stage of the Spiral Model (Fahy 2018; Song 2011, p. 175). This phase is described by its creators as 'particularly precarious' and is often used by the offending state to get the international community 'off their backs' (Risse & Ropp 2013, p. 6). In what follows, I look at several key concessionary moves.

Perhaps the most significant action on the part of the North Korean government was its abrupt decision to accept belatedly nearly half

2. Fahy's content analysis of North Korean state media in the years following the COI found a higher frequency of association of the COI with the USA than the UN or any other state, and a collocation between the COI and 'invasion' (Fahy 2018).

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the recommendations from the 2009 UPR, just 2 months after the COI report's release, and immediately before its next review was due. It then proceeded to engage fully in the 2014 review process, suggesting strongly that the COI created an exceptional degree of anxiety within the regime about its stance on human rights. Chow's analysis of these events describes how despite its initial refusal to accept any of the 2009 recommendations, North Korea praised the UPR as "The most innovative and cooperative mechanism in the [Human Rights Council]" (quoted in Chow 2017, p. 146). Then, with pressure mounting post-COI, it engaged with the process as a means to 'divert attention from its human rights violations, (and) attempt to boost its international image' (Chow 2017, p. 157, 147). Unlike country visits by special rapporteurs and the COI process, the structure of the UPR makes it more amenable to North Korean sensitivities: it discourages 'naming and shaming' and allows states to claim human rights compliance simply by participating (Chow 2017, p. 148). North Korea uses the process to challenge prevailing beliefs about its human rights practices, to accept the recommendations least threatening to regime control (largely development-related), and avoid strict monitoring regarding implementation (Chow 2017, p. 150; Hawk 2014). In short, the UPR is a relatively safe forum to perform gestures that can be used to support its discourse of normative compliance.

Further tactical developments post-COI included the November 2014 ratification of an Optional Protocol to the Convention on the Rights of the Child (CRC), and a subsequent submission of the fifth periodic report on the CRC's implementation. In 2016, it submitted periodic reports on the implementation of the Convention on the Elimination of all Forms of Discrimination Against Women, having withdrawn some of its reservations to this convention in November 2015. In December 2016, the North ratified the Convention on the Rights of Persons with Disabilities ('North Korea in the World') and took the historic step of allowing the UN Special Investigator on the rights of persons with disabilities to make an observation visit to the country. In addition to certain areas of procedural engagement, after a 15-year absence at the UN, in September 2014, North Korean Foreign Minister Ri Su Yong went to New York to speak before the GA. Ri announced his country's 'willingness to promote human rights dialogue and cooperation on an equal footing with other countries which are not hostile to it' (U.N. Secretary General Receives Letter from N.K. Leader 2014). In October 2014, North Korean diplomats met for the first time with UN COI commissioner, Marzuki Darusman, and even envisaged inviting him to visit the country, albeit on the condition that the EU and Japan delete the ICC referral from the GA resolution (Hawk 2014, p. 239). In addition, high-level diplomat Kang Sok Ju was sent to the European Parliament's Committee on Foreign Affairs in Brussels to discuss issues including North Korean denuclearization and humanitarian issues, as well as whether the human rights dialogue between North Korea and the EU could be resumed (Kim 2014).

Despite the value such gestures may have added to North Korean claims to be cooperating with, and even initiating steps towards improvement in its human rights, the widely dubbed diplomatic 'charm offensive' was largely regarded as a failure. Moreover, a sign of what can happen when the North senses control of its narrative position on human rights is being lost occurred in September 2015 in Indonesia. A human rights event held in Jakarta by prominent South Korean nongovernment organisation, Citizens' Alliance for North Korean Human Rights, was invaded by representatives of the local North Korean embassy who demanded the event's cancellation and were infuriated that a country that had recently signed an memorandum of understanding with the North Korean government for science and cultural exchanges and which had abstained from voting for the 2014 GA resolution on North Korean human rights would then host such an event. (N. Korean Diplomats Cause Ruckus 2015).

The preceding description of the actions taken by the North Korean regime following the publication of the COI report highlights

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the many instances where it engaged in significant image management manoeuvres, designed to tackle the accusations on all fronts. Although at times clumsy and inconsistent, the words of denial, accompanying gestures and diplomatic outreach sought to reclaim the narrative on North Korea's human rights record—shown to be a fundamental component of its image and standing in the eyes of the international community. However, these varying responses, while consistent with the denial and tactical concessions aspects of a typical human rights norms socialisation process, are arguably constrained in their long-term potential for a number of key reasons, as will be shown in the final section of this article.

5. State Identity and Prospects for Deeper Norm Adoption?

The key remaining question to be addressed in light of the above analysis is whether knowledge about North Korean state image management gives the international community something to work with in continuing attempts to socialise the state into further normative adjustment. Two issues begin to answer this question. First, there is the fundamental obstacle of the leadership's need to hold on to power and defend its sovereignty, which has hindered many forms of external engagement for decades (Grzelczyk 2017). Writing on China, Yang argues that the effects of engagement/socialisation are often overrated, because transnationalism can be rebuffed by the party-state when it senses any foreign attempt to undermine its 'iron-clad' hold on power. Furthermore, international institutions are not as transformative as often claimed by constructivist analysis: the state is not always purely reactive, and there are other sources of agency aside from the state that can be influential on normative change (Yang 2017, p. 88; see also Risse & Sikkink 1999, p. 7). The fundamental threat posed to the leadership by deeper engagement and normative transformation is likewise problematic in North Korea. Also problematic is North Korea's quashing of domestic agency via the successful prohibition of internal opposition—an essential criterion for a more advanced norm socialisation process that operates both from above and below (Risse & Sikkink 1999). Although budding resistance to state discourse in North Korea has been reported by defectors, at the same time as cross-border economic activities have increased, tangible political forces challenging the existing North Korean state are not in evidence (Cho 2011, p. 314; Song 2011, p. 190). It is thus important not to overestimate the socialising influence of the institutions and actors working on North Korean human rights issues. Moreover, now that criminal accountability for the leadership is part of the discussion, the incentive to maintain control and avoid the external consequences is stronger than ever. Fahy does note, however, that North Korea's display of concern with image control, alongside its 'dramatic' gestures to counter the COI allegations, could have the unintended effect of actually raising awareness of international human rights norms domestically (Fahy 2018), and this is certainly something for the human rights advocacy community to consider.

A further part of answering the question on continued normative adjustment comes through parsing whether North Korea actually desires to be seen as a 'good' state by the international community. Certainly, its commitment to the political model that ensures the regime's survival means that it is not seeking membership in the so-called 'community of liberal states'. In other words, North Korea's 'social vulnerability', or the degree to which it *desires* to be seen as a member of the international community 'in good standing' is constrained (Risse & Ropp 2013, p. 20). The Spiral Model acknowledges variation in the degree to which states experience insecurity in their identities, or aspire to improve their international standing. However, assumptions about globalization creating an impetus for all states to be seen as 'good' and upholding norms that are morally sound, cannot be applied consistently in the North Korean case. To understand what North Korea seeks, we must define its primary objectives regarding self-determination and identify what type of

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international image best serves these objectives, thus securing its ontological security in a holistic manner. This is where it is necessary to consider the other major components of North Korea's identity in the world—principally its status as a nuclear power. Although there is no space here to explore comprehensively the nuclear capacity component of North Korea's identity (see Ballbach 2015), if we are to think about how to improve the human rights situation, we must consider briefly where human rights and nuclear capacity interrelate, and how the North's position on the two is reconciled within its identity narrative.

Post-structuralist scholars emphasise that state identity discourses around 'who we are' are intimately connected with 'what we are not' and what 'we have to fear', and that these ideas are powerful determinants of foreign policy (Campbell 1998). Ballbach's study of North Korea's Diplomatic War discourse finds that threat—as a construction and not an essential fact—has a central place in contemporary North Korean identity (Ballbach 2015, p. 155). North Korea's reliance on nuclear weapons development is derived from a perceived need to defend itself in the face of external hostility, even though doing so necessitates taking serious knocks to its already dubious reputation. Nonetheless, with nuclear capacity in place, the regime is granted special status as a nuclear power, which is valued not just as a form of physical strength, but as a means to command attention. North Korea's state news agency has said its nuclear weapons program demonstrates its 'dignity and honor, prestige and might', as well as its position as a 'responsible nuclear weapons state' (quoted in Cha 2012, p. 232). Yet such claims do little to assure the international community that the North will use its arsenal responsibly. Moreover, as long as its nuclear program continues, progress on human rights is limited in its ability to create a positive state image. North Korea's policy calculations in relation to securing its ontological security thus involve weighing the need to be seen to be 'good' against the need to be seen as 'sovereign' and 'powerful' via the nuclear card. How much North Korea worries about and responds to the international community over human rights depends on these competing factors. Ultimately, the state's ontological security is stable only when the North Korean state feels its version of its identity narrative is recognized as *legitimate* by the rest of the world. As a result, 'legitimate' rather than 'good' is perhaps the best descriptor of the goal of North Korea's combined image management efforts. Sometimes legitimacy might be gained from engaging in 'good' normative behaviour, but only ever within the limits of what the regime deems appropriate to its overall narrative at any point in time.

The options for the international community have reached a point where there is little else that can be sanctioned materially to pressure for change. The emerging norm of the 'responsibility to protect' provides the possibility of external actors applying the 'use of force' to establish basic human rights standards (Risse & Ropp 2013, p. 13). However, the nature of regional dynamics makes any such action highly unlikely. Moreover, Hafner-Burton warns of the need to be aware of the many ways states may respond negatively to continuing pressure to improve observance of human rights (Hafner-Burton 2008, p. 691). For example, Kim Jong Un's apparent crackdown on illegal border crossings (Mortwedt Oh 2016) and rumours of increased Chinese cooperation with rooting out defectors and broker networks in China in recent times might suggest that the regime is seeking to minimize the number of individuals escaping to report on conditions inside. Despite these many limitations to normative improvement, Grzelczyk argues that North Korea is likely to reproduce decisions that yield perceived positive results within the limits of what it can allow, politically and ideologically (Grzelczyk 2017). In a similar vein, Goedde states that for socialisation to be successful, 'human rights must be framed within North Korea's own discourse', focused first on people's social and economic welfare—things the state have guaranteed through its constitution (Goedde 2010, p. 571). Engaging North Korea through UN human rights mechanisms, particularly where it has already shown some willingness to participate, plays to its need to be seen as legitimate, and opportunities

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for dialogue and capacity building should proceed on this basis.

6. Conclusion

This article has argued for incorporating an identity perspective into interpreting North Korean responses to international condemnation of its human rights record. While not denying the significance of material factors in state action, a case was made for creating analytical space for the non-rational, identity-driven factors that have been influential in North Korea's reception of foreign and UN criticism. However, an argument has also been made for not overestimating the long-term progression of such socialisation in the North Korean case. While I have attempted to show that North Korean behaviour is not as exceptional as is often assumed, when analysing the role of state image management in relation to human rights, it is necessary to consider the components of North Korean identity holistically. It is also important to think about how North Korea may use moves on human rights only strategically, to support a broader narrative that also includes the need to legitimise its nuclear capacity and continue the decades-long war-footing against hostile forces, as well as to de-legitimise domestic dissent. So far, this has led to a tactical deployment of certain concessions and forms of engagement on human rights, while arguing for defining human rights on North Korean terms and continuing its nuclear program to support its sovereign right to defend itself against perceived threat. This narrative—aimed at both an internal and external audience—is pivotal to North Korea's ontological security and a crucial part of asserting the legitimacy of the regime and its policies, and concerned parties would do well to consider the place of image-making in approaching the human rights problem.

ACKNOWLEDGEMENTS

A previous version of this article was presented at the Korean Political Science Association Conference and the North Korean Review Conference, both in 2015.

References

Ballbach EJ (2015) Constructions of Identity and Threat in North Korea's 'Diplomatic War' Discourse. *Tiempo Devorado* 2(2), 139–61.

Bleiker R (2005) *Divided Korea: Toward a Culture of Reconciliation*. University of Minnesota Press, London.

Browning CS (2011) National Self-Esteem and Internationalism: Branding and Identity in International Relations. In: *35th British International Studies Association Annual Conference*. Manchester. https://www.bisa.ac.uk/index.php?option=com_bisa&task=download_paper&no_html=1&passed_paper_id=258

Browning CS (2015) Nation Branding, National Self-Esteem, and the Constitution of Subjectivity in Late Modernity. *Foreign Policy Analysis* 11(2), 195–214. https://doi.org/10.1111/fpa.12028.

Campbell D (1998) *Writing Security: United States Foreign Policy and the Politics of Identity*. Manchester University Press, Manchester.

Cha V (2012) *The Impossible State: North Korea, Past and Future*. Random House, London.

Cho YC (2011) North Korea's Nationalist Discourse: A Critical Interpretation. *Korea Observer* 42(2), 311–43.

Chow JT (2017) North Korea's Participation in the Universal Periodic Review of Human Rights. *Australian Journal of International Affairs* 71(2), 146–63. https://doi.org/10.1080/10357718.2016.1241978.

Cohen R (2014) A Human Rights Dialogue with North Korea: Real or Illusory? October 16, http://38north.org/2014/10/rcohen101614/

Council for Foreign Relations (2014) Ambassador Jang Il Hun on Human Rights in North Korea. https://www.cfr.org/event/ambassador-jang-il-hun-human-rights-north-korea-0

Fahy S (2018) North Korea Responds to Transnational Human Rights Advocacy: State Discourse and Ersatz Civil Society. In: Yeo A, Chubb D (eds) *North Korean Human Rights: Activists and Networks*. Cambridge University Press, Cambridge.

Giddens A (1984) *The Constitution of Society: Outline of the Theory of Structuralism*. University of California Press, Berkely.

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Giddens A (1990) *The Consequences of Modernity*. Polity Press, Cambridge.

Goedde P (2010) Legal Mobilization for Human Rights Protection in North Korea: Furthering Discourse or Discord? *Human Rights Quarterly* 32(3), 530–74. https://doi.org/10.2307/40784055.

Grzelczyk V (2017) *North Korea's New Diplomacy: Challenging Political Isolation in the 21st Century*. Palgrave Macmillan, London.

Hafner-Burton EM (2008) Naming and Shaming the Human Rights Enforcement Problem. *International Organization* 62(4), 689–716.

Haggard S (2014) Human Rights Update II: The North Korean Counter-Resolution. *PIIE*. (October 21), https://piie.com/zh-hans/blogs/north-korea-witness-transformation/human-rights-update-ii-north-korean-counter-resolution.

Hawk D (2014) North Korea's Response to the UN Commission of Inquiry (COI) Report on the Situation of Human Rights in the Democratic People's Republic of Korea. In: Park JC, Roh JH (eds) *Law and Policy on Korean Unification: Analysis and Implications*, pp. 213–48. Korea Institute for National Unification, Seoul.

Institutional Human Rights Violations in Democratic People's Republic of Korea Pose Threat to International Peace. (2015) United Nations. December 10. http://www.un.org/press/en/2015/sc12151.doc.htm.

North Korea in the World. http://www.northkoreaintheworld.org/multilateral/international-treaties

Katzenstein PJ (1996) Introduction: Alternative Perspectives on National Security. In: Katzenstein PJ et al. (eds) *The Culture of National Security: Norms and Identity in World Politics*, pp. 1–32. Columbia University Press, New York.

Kim B (2016) North Korea's Siege Mentality: A Sociopolitical Analysis of the Kim Jong-Un Regime's Foreign Policies. *Asian Perspective* 40(2), 223–43. https://doi.org/10.5555/0258-9184-40.2.223.

Kim S (2014) *Washington, Seoul Closely Watching North's Charm Offensive, Korea JoongAng Daily*. September 11. http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=2994665.

Kirby M (2014) Statement by Mr Michael Kirby Chair of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea to the 25th Session of the Human Rights Council. *Office of the High Commissioner for Human Rights*. March 17. http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14385&LangID=E.

Lankov A (2013) *The Real North Korea: Life and Politics in the Failed Stalinist Utopia*. Oxford University Press, Oxford.

Mitzen J (2006) Ontological Security in World Politics: State Identity and the Security Dilemma. *European Journal of International Relations* 12(3), 341–70. https://doi.org/10.1177/1354066106067346.

Mortwedt Oh A (2016) *The Human Rights Factor: Changes Under Kim Jong-Un*. August 15. http://www.hrnkinsider.org/2016/08/the-human-rights-factor-changes-under.html.

N. Korean Diplomats Cause Ruckus at Human Rights Seminar (2015) *The Chosun Ilbo*. September 18. http://english.chosun.com/site/data/html_dir/2015/09/18/2015091801496.html.

Report of the DPRK Association for Human Rights Studies (2014) A/69/383-S/2014/668 https://digitallibrary.un.org/record/781479/files/A_69_383_S_2014_668-EN.pdf

Report of the Group of Independent Experts on Accountability (2017) A/HRC/34/66/Add.1 24 March. http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session34/Documents/A_HRC_34_66_Add_1.docx

Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (2014) A/HRC/25/63. http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/Documents.aspx.

Risse T, Ropp SC (2013) Introduction and Overview. In: Risse T, Ropp SC, Sikkink K (eds) *The Persistent Power of Human Rights: From Commitment to Compliance*, pp. 3–25. Cambridge University Press, Cambridge.

Risse T, Sikkink K (1999) The Socialization of International Human Rights Norms into Domestic Practices: Introduction. In: Risse T,

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Ropp SC, Sikkink K (eds) *The Power of Human Rights: International Norms and Domestic Change*, pp. 1–38. Cambridge University Press, Cambridge.

Security Council Narrowly Adopts Procedural Vote to Authorize Discussion on Human Rights Situation in the DPRK (2016) https://www.un.org/press/en/2016/sc12615.doc.htm

Song J (2011) *Human Rights Discourse in North Korea*. Routledge, Oxford.

Steele BJ (2008) *Ontological Security in International Relations: Self-Identity and the IR State*. Routledge, Oxford.

U.N. Secretary General Receives Letter from N.K. Leader (2014) Korea Herald, September 28, http://www.koreaherald.com/view.php?ud=20140928000202

Weatherley R, Song J (2008) The Evolution of Human Rights Thinking in North Korea. *Journal of Communist Studies and Transition Politics* 24(2), 272–96. https://doi.org/10.1080/13523270802003111.

Yang X (2017) The Anachronism of a China Socialized: Why Engagement Is Not All It's Cracked Up to Be. *The Chiense Journal of International Politics* 67–94. https://doi.org/10.1093/cjip/pox001.

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