A Study on the Access to Information of the North Korean People

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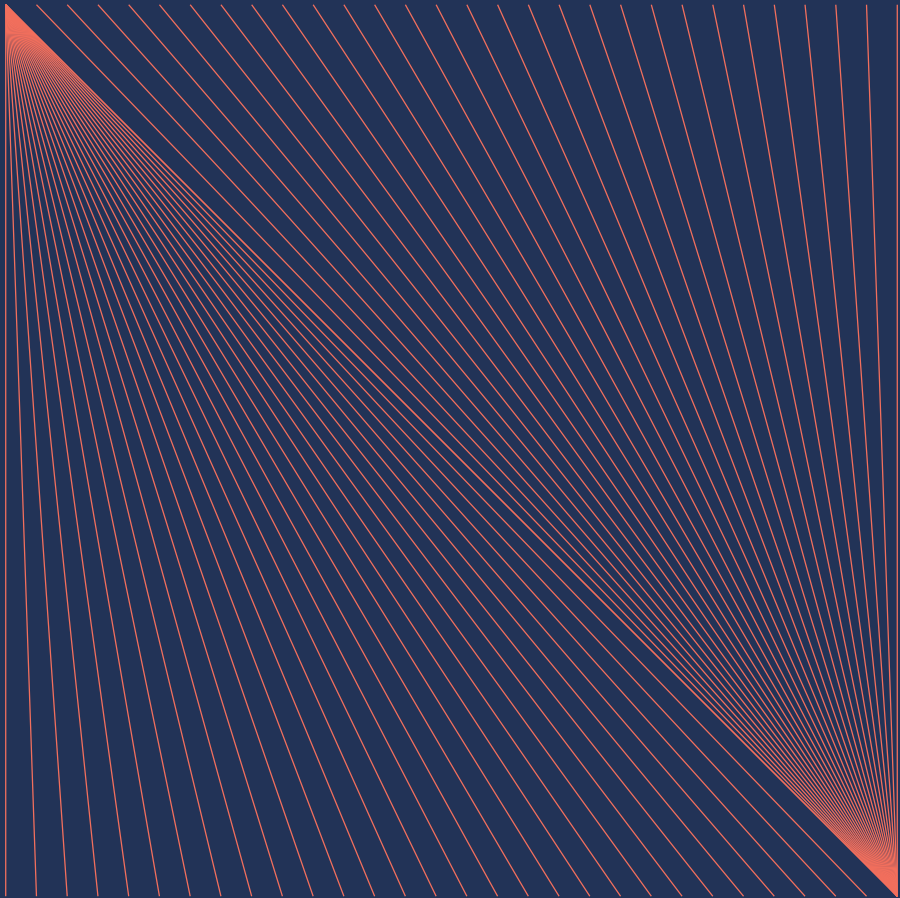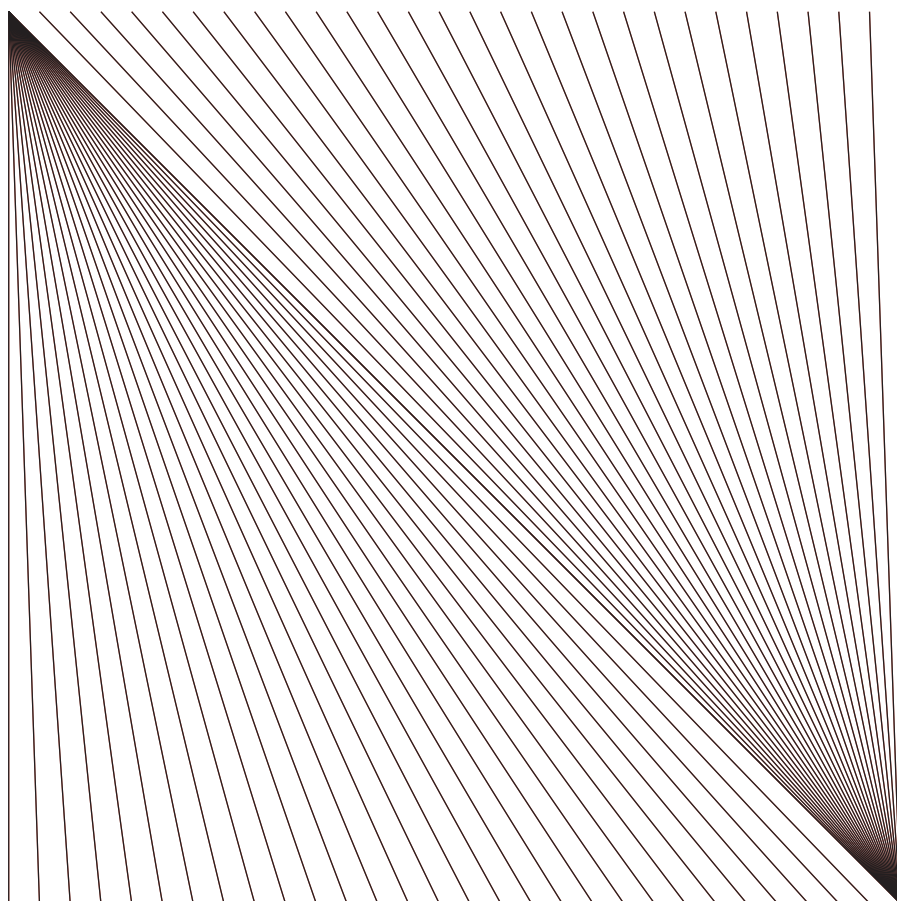**Bo Young Yoon**

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Introduction

A. Purpose of the Study

Interest in information has substantially grown due to the increasingly interdependent and open nature of the international community and the technological developments of the 4th industrial revolution. Information affects a wide range of issues and areas including individuals' jobs, intellectual property, competition, and the quality of life. As the importance of information in everyday life has increased, the international community centered around the UN has persistently attempted to guarantee access to information.

Contrary to this global trend, the North Korean regime has strictly controlled the ability of its people to access external information. 'Information' is the area where the interests of the regime and the people come into conflict most severely. From the perspective of the people, unofficial access to external information other than that officially provided by the regime is an important factor from a comparative standpoint. For the regime, however, access to external information by the people remains an issue that is directly tied to the survival of the system and the regime.

As access to external information by the people of North Korea has rapidly expanded due to the spread of marketization and development of information and communication technology, the methods through which people collect, store, share, process, and transform external information have also changed. Above all, a change in the perception of the North Korean people regarding the value of external information on their lives and culture is an important factor that needs to be assessed. Meanwhile, the response of the North Korean regime to the evolving process of

accessing information has become sophisticated by, for example, more actively utilizing information and communication technology. As a result, the dynamics of the conflict between the interests of the people and the regime have inevitably changed. Given these changes on citizens' access to external information, there is a need to comprehensively analyze both the methods of access to external information by the people as well as the action and reaction precipitated by the conflict of interests of the people and the regime of North Korea. This study seeks to comprehensively and systematically evaluate the processes and characteristics associated with access to information by the people of North Korea.

B. Model of the Research

In order to provide a comprehensive account of the processes through which the North Korean people access external information, this research will utilize the model developed by the Organization for Economic Cooperation and Development (OECD). The OECD model focuses on the value of information; it sheds a light on how information, particularly big data, contributes to the development, growth, and welfare of mankind. OECD emphasizes that innovations based on big data are changing all aspects of the economy. But the impact of information is not limited to economic growth. It contributes to the welfare and happiness of mankind and, simply put, contributes to a better life for humanity. Figure I-1 below illustrates the logic of the OECD that information does not remain static but influences both economic growth as well as a better quality of life.

Figure I-1 Data Value Cycle

Source: OECD (2015). *Data-driven Innovation: Big Data for Growth and Well-being.* p. 33

North Korea controls information flowing from the outside. But the people of North Korea access external information through their own methods by creating small cracks in the system while still complying with the regime's restrictions. To account for the state's control over access to information, the model of this study adds the response of both the regime and people of North Korea to the OECD model. Figure I-2 visualizes this model that updates and expands the OECD model to analyze the entire process of accessing information by the people of North Korea by including the actions and reactions of the regime and the people. The model structures the individual experiences of accessing information in North Korea into a five-step process consisting of collecting-processing-exchanging -transforming-responding.

Exchanging
Sharing-Reproducing

Transforming
Value-Application

People-Government

External Information - Service System

North Korea

Processing
Interpretation-Storage

Responding
Action-Reaction

Collecting
Route-Types

To analyze the process of information circulation according to the model above, this study conducted in-depth interviews of 20 North Korean defectors between July and August 2020 who defected after 2018. Considering the unique nature of North Korean defectors, this study selected a group of interviewees that is relatively balanced both vocationally and regionally to ensure that the group was representative. Based on the research model, the study conducted in-depth interviews by crafting and asking twenty questions related to each of the five steps of the model, as listed in Table I-1 below.

Table I-1 List of Questions for In-depth Interviews

		List of Questions
Collecting	1	What types of information have you experienced?
	2	What types of information have your family members and friends experienced?
	3	When, where, how, from whom, and what information were you able to collect?
	4	What were the costs of obtaining information?
	5	What do you think are the difference in collecting information based on region and class?
Processing	6	Where and how is information stored?
	7	What are the methods of verifying the validity of information?
	8	How is information interpreted? (understood from the opposite point of view, comparisons and observations)
Exchanging	9	Did you share the information you obtained with other people?
	10	Do you think other people share the information they have individually obtained with other people?
	11	Through which means is information obtained shared with other people?
Transforming	12	What was the impact of information on your daily life?
	13	What was the impact of information on your life overall?
	14	What were the ways in which information was applied to everyday life?
	15	Did information have an impact on your political views, economic activities, and/or promotion at work?
Responding	16	Were you either apprehended or punished in the process of collecting information?
	17	Have you ever used bribes or personal connections when you were either apprehended or punished?
	18	What are the methods of control of each type of organization in charge of inspections?
	19	Do you have any experiences where someone close to you was apprehended?
	20	Do you have any experiences where someone close to you used bribes or personal connections when they were apprehended or punished?

2

Global Protection of Freedom of Information and the North Korean Legal System

A. Access to Information Guaranteed by International Laws on Human Rights

From the perspective of international law, the right to access information is not codified as individual clauses in important major documents and treaties on human rights that comprehensively list the types of human rights. There are no individual clauses that specifically mention the right to access information in either the International Bill of Rights including the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights of 1966, the International Covenant on Economic, Social and Cultural Rights of 1966, or regional treaties on human rights such as the European Convention on Human Rights and Fundamental Freedoms of 1950 and its additional protocols, the American Convention on Human Rights of 1969 and its additional protocols, and the African Charter on Human and Peoples' Rights of 1981. The right to access information is not yet acknowledged as an individual right in international law but is rather explained as a right included in the freedom of expression. Freedom of expression is a fundamental right explicitly protected in every regional treaty on human rights. Article 19 of the Universal Declaration of Human Rights of 1948 specified access to information as a human right included in the freedom of expression. The notion that the 'freedom to receive' information and ideas regardless of frontiers is included in the freedom of expression, and is specifically stated in Clause 2 of Article 19 of the International Covenant on Civil and Political Rights of 1966, as well as in other treaties' definitions of freedom of expression.

Soon after these treaties were ratified, treaty-based UN bodies overseeing human rights treaties, regional human rights courts and committees were reluctant to interpret that access to information is protected by freedom of expression. However, these institutions now unambiguously stipulate that access to information is indeed an aspect of freedom of expression. Treaty-based UN bodies, international courts, and international organizations have all recognized the right to access information based on articles on freedom of expression.

Access to information is closely related to the right to participate in civil service. Referred to as 'the oxygen of democracy,' information is a critical element of democracy. Given that a well-informed electorate is necessary for democracy to function properly, the right to access information must be guaranteed to ensure the right to participate in civil service. Recently, interest in the relationship between the realization of economic and social rights and the right to access information has steadily increased.

States may impose certain restrictions on how rights are exercised for special legal purposes. Because access to information is acknowledged based on the list of human rights protected by human rights treaties, it can also be restricted by the rules and regulations stipulated in human rights treaties. Article 4 of the International Covenant on Civil and Political Rights specifies that 'in times of public emergency which threatens the life of the nation and the existence,' the 'States Parties to the present Covenant may take measures derogating from their obligations,' while also detailing its limits and processes.

The list of rights that includes the right to access information in major treaties on human rights, such as the freedom of expression,

the right to be equally protected by the law, and the right to political participation, civil service, and elections, all has derogation clause on the restriction of rights. Clause 3 of Article 19 of the International Covenant on Civil and Political Rights is the only clause in the entire Covenant that specifies the responsibilities and duties associated with the exercise of rights. The right to freedom of expression thereby carries special duties and responsibilities. The Human Rights Committee (HRC) allows the restriction on freedom of expression under two narrow circumstances; first, when it is related to respecting the rights and credit of other individuals and, second, when it is associated with the protection of national security, public order, and public health and ethics. Among these issues, the restriction of access to information can be particularly problematic when imposed for the protection of national security, public order, and public ethics.

B. The North Korean Legal System on Access to Information

Article 67 of North Korea's constitution which explicitly guarantees the freedom of expression provides the legal grounds for the people of North Korea to claim the right to know and access information. But the constitution of North Korea does not have the same legal status as the highest authority as in democratic constitutional systems. Specifically, there are numerous norms and orders that legally precede the constitution such as the teachings inherited from Kim Il-sung and Kim Jong-il, the 10 major principles for the establishment of the monolithic guidance system of the Workers' Party of Korea (WPK), the bylaws of, and orders from, the WPK, orders by the President of the State of Affairs, and

decisions of the State Affairs Commission. In particular, Article 63 of North Korea's constitution indicates North Korea's views on human rights as it stipulates that the rights and duties of all citizens are based on the collectivist principle. Therefore, it is literally impossible for a North Korean citizen to claim his or her rights to access information from either a legal or factual perspective.

The most fundamental aspect of access to information in international law is the right to access open information to receive and collect information free from the control of the state. But in effect, North Korean law completely controls both the act and methods of collecting, storing, and distributing information. Accessing and using information not permitted by the state is subject to criminal punishment. Moreover, the North Korean regime completely controls external information existing outside North Korean territory and, as a result, the people of North Korea do not have legal access to information other than that provided by the state.

North Korea's publication law regulates newspapers, magazines, books, maps, and translated books (Article 3), and adopts the principle of state control of registering publishing institutions (Article 12) and approving publishing activities (Articles 17 & 30). The state is mandated to guide, supervise, and control every aspect of publishing activities (Articles 45 & 47). Such a state control is enforced through criminal punishment by the law that stipulates serious outcomes caused by violations of the publication law will result in administrative or criminal consequences (Article 50).

TV broadcasting in North Korea, much like newspapers, is also operated under the strict control of the state, which is governed under the "Democratic People's Republic of Korea's laws on

broadcasting." Because programs are broadcast in North Korea through a system operated by the state, the contents of the related legal system also mostly consist of rules regarding broadcasting organizations and their authority as well as processes. The similarity between North Korea's broadcasting law and publication law is that they both clearly specify criminal liability.

If newspapers and TV broadcasts are traditional modes of accessing information and communication, the popular means of the information era are to access information through computer networks. According to North Korea's laws on the management of computer networks, computer networks are used as a broad concept that encompasses the equivalent of South Korea's internet, intranet, and computer operating systems and security programs. The basic principle is rooted in a strict enrollment system which means that unregistered users may not access the computer network (Law on the Management of Computer Networks, Article 17). The distribution and unauthorized importing of secretive or indecent materials are explicitly forbidden (Articles 31 & 32). Moreover, unlawful acts prohibited by law are subject not only to administrative but also criminal punishment (Articles 38 & 39). In particular, North Korea's legal approach restricting the collection, distribution, and access to information based on the very vague concept of 'indecent materials' can be viewed as a measure that severely threatens individuals' right to access information as any material that the state views as problematic and 'indecent' can be punished.

The first example of an issue-specific law legislated with the intent of regulating and prohibiting the distribution of certain information is the State Secrecy Act. According to North Korea's

State Secrecy Act, sensitive material refers to information such as important facts and documents that may not be disclosed without the authorization of the governing organization, and are categorized as 'top secret,' 'secret,' and 'confidential (only allowed within an organization)' (Articles 2 and 7). Though it is difficult to assess which levels of information are classified according to the law based solely on the contents of the State Secrecy Act, it is believed that classification is widely used to apply to most public information, rather than used minimally to facilitate the public use of information. North Korea's State Secrecy Act imposes the responsibility not to leak classified information not only to state organizations but also to individual citizens, and the state can pursue both administrative and criminal charges when classified information is disclosed in violation of the law (Article 43).

North Korea's legal system regarding access to information is designed strictly based on the principle of state control. North Korea's criminal code regulates information-related crimes in a wide range of areas with an extremely diverse list of crimes and offenses. The most serious crime is treason, which is punished severely as leaking state secrets to other countries is defined as a treason (Article 63). Moreover, North Korea construes the act of foreigners who spy on North Korea searching, collecting, and providing secrets as espionage to protect state secrets (Article 64). Articles 183 and 184 of North Korea's criminal code, which punishes the import and distribution of obscene culture, can be viewed as part of the legal system that regulates lewd materials. But because the term "obscene" can not only refer to lewd materials but also be applied to describe foreign culture based on the capitalist market economy more broadly, Articles 183 and 184 of North

Korea's criminal code can also be used as means to restrict the peoples' access to foreign cultures. Moreover, Article 185 of the criminal code penalizes the viewing, collection, possession, and distribution of broadcasts from adversarial states, and it subjects repeat offenses to aggravated punishment. The criminal code also legislates the crime of illegal international communications; communications that cross North Korea's borders are by themselves punished as crimes unless they are allowed by the state (Article 222).

In addition to these articles in the criminal code, the Administrative Punishment Act also includes articles regulating access to information, while legislating administrative sanctions against activities forbidden by the state. Along with North Korea's criminal code and Administration Punishment Act, there is also the People's Safety Enforcement Act— the legal norm to grant the legal authority to realize North Korean society's obedience to the legal order. The People's Safety Enforcement Act has the purpose of "preventing violations of the law in advance by strengthening a culture of compliance and legal inspections" and is applied to "offenders that have violated the legal order but not to the extent of criminal punishment."

3

The North Korean People's Access to Information and the Control of the Regime

A. Collection of Information: Routes and Types

1) Routes of Collecting Information

The routes through which the people of North Korea access external information can be broadly distinguished between information provided by the North Korean regime and information smuggled in from abroad.

The first type of information provided by the regime is newspapers and broadcasts. The people of North Korea perceive newspapers as conveying the regime's policies rather than reporting on new events around the world or providing factual information because newspapers selectively include positive news from North Korea and the Communist bloc as well as negative news from South Korea and the Capitalist bloc. Next, the most popular television program is 'Mansudae Television' which reports on various news and events around the world, introduces foreign items and culture, and shows foreign movies and documentaries. Many North Koreans watch Mansudae Television on Sundays between 7 to 8pm when it reports on international news. The show, which includes reports on international news from other countries, educational material such as experiments in science and technology, travels around the world, and movies, is popular among the people of North Korea because it is not only educational but also entertaining. In other words, the people collect interesting external information through North Korea's state broadcasting programs.

Second, the people of North Korea are able to use libraries and other cultural spaces to collect external information through books

and electronic texts. North Korean citizens also attempt to collect information by borrowing or buying materials through bribes when collecting information through these public spaces is limited.

Third, the people of North Korea are gaining access to external information through various applications on mobile phones. Mobile phones have applications that allow users to sing popular domestic and foreign songs and play games that are popular across the world. The regime selectively provides external information that contributes to the leisure and education of the people of North Korea, and through this North Korean citizens share with the outside world the cultural aspects of the contemporary popular culture both intellectually and emotionally, albeit in a limited manner. But since there are paid applications that offer more and faster external information than free applications, there may arise a gap in access to information based on the economic status of mobile phone owners.

On the other hand, there are unofficial routes through which information is imported. First, access to external information is gained by 'cooperating with state control.' Cooperation between North Korean officials that regulate external information and the people that conduct economic activity within and through the loopholes of restrictions imposed by the state, results in the import of external information. North Korea's border guard has the authority to oversee but also, at the same time, overlook smuggling across the border between North Korea and China. It is the norm for North Korean smugglers to provide incentives for the border guard since their interests overlap with the authority of the border guard that controls activities across the border. External information is an item that is smuggled in as well. Most notable are

used computers imported in bulk from China. External information including videos and music files that the previous owner viewed and listened to is saved on these used computers. These computers have many music, document, and video files from China and South Korea that the previous owner used. Through collusion with members of the border guard, external information collected through this route is distributed to close acquaintances.

Second, external information is collected through 'intimate relationships.' The people of North Korea prefer to borrow or lend external information between close acquaintances to read or view in the relative safety of their homes, rather than purchase it on the open market. Portable storage devices that contain external information have become a token confirming the closeness of a relationship and a sense of togetherness to enjoy leisure. It has definitively and substantially expanded the extent to which the people of North Korea collect external information.

Third, information is collected indirectly through citizen culture programs. When people are caught in possession of external information, especially information from South Korea, by inspection units, their crimes are publicly announced and then they are sentenced. In other words, offenders must stand before public disclosure meetings where the people of North Korea are gathered to hear what types of external information the perpetrators were in possession of and what their punishment is. But the citizens attending these meetings focus on "what videos" were viewed, are more interested in "what their contents are," and consequently try to figure out "who might be in possession" of the video to watch it for themselves, rather than pay attention to how severe the violations were. As a result, these meetings have the

effect of indirectly advertising external information.
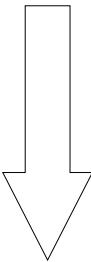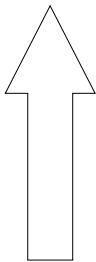
2) *Types of Information*

The first type is educational information. Parents of children in their school years are particularly interested in external information that contain educational content. Mansudae Television broadcasts educational and entertainment programs, movies, and animations. The North Korean regime actively utilizes external information as material to educate world-class students, while the people of North Korea equally use external information provided by the state to prevail in the fierce competition to enter good schools. Books also contain external information. The North Korean regime operates a system of approving foreign books. Major textbooks are allowed to be read by those that request and receive approval, and the North Korean regime implements the 100-book system through which 100 copies of selected foreign books required for majors are published and provided. The people of North Korea collect educational information by utilizing such systems.

The second type is political and economic information. Most information collected by the people of North Korea on politics and the economy is provided by the North Korean regime. But because such information is extremely limited, citizens are unable to accurately know the domestic and international political situation such as, for example, inter-Korean summit meetings. This is because the regime does not accurately convey information to the people. Therefore, people interested in changes occurring both at home and abroad attempt to collect information by acquiring professional books. For example, dissertations in the field of

economics authored by South Korean academics are included in the list of external information accessed by North Koreans.

Third, the type of external information most frequently mentioned during in-depth interviews was cultural information such as movies, dramas, and music. Interviewee no. 3 testified that while South Korean dramas, movies, and music are controlled in North Korea, many people nonetheless view and listen to them. While external information is restricted because it reportedly includes the yellow wind of capitalism that "decays the mind," the interviewee mentioned that South Korean dramas were all entertaining regardless of whether they contained the red ideology of communism or the yellow ideology of capitalism. The fact that South Korean music is popular in North Korea was also consistently mentioned during in-depth interviews of defectors. Although South Korean songs are prohibited from being sung and listened to in public, citizens nonetheless secretly dance and sing to these songs in private.

| Table III-1 | The Routes of Information Collection and the Types of Information |

Category	Collection Route	North Korea	Foreign	Types of Information
Within North Korea	Newspapers, Broadcasts			Social Information
	Books, Electronic Texts			
	Mobile Phones			
Import from Abroad	Cooperation with Control			Cultural Information
	Intimate Relationships			

B. Interpretation and Storage of Information

1) Interpretation of Information

First is the interpretation on civilization. How a civilized lifestyle must be achieved through external information was repeatedly mentioned during in-depth interviews. Civilization in North Korea is taught as the norms of everyday life that the North Korean people must adhere to, along with the examples of uncivilized behavior.

During their in-depth interviews, North Korean defectors described civilization in terms of etiquette and manners. Interviewee no. 10 watched a South Korean drama depicting the intersecting love relationships between four male and female characters with great enthusiasm. Case no. 10 thought that the actions of one of the main male characters, who expressed his love for the female heroine who was in love with the other male protagonist through the gift of flowers, were civilized. According to Case no. 10, a stronger male character in South Korean dramas does not try to win over the heroine through brute force and confrontation even if they are engaged in a love triangle. Instead, the male protagonist tries to impress and persuade the female character by conveying their affection through flowers and gifts. Case no. 10 noted that the way in which men try to win over the hearts of females, rather than steal them from other men, appeared more civilized, and mentioned that North Korean men, including himself, were learning such behavior.

Second, North Koreans compare lives from the perspective of civilization through external information. North Koreans do not

merely learn or adopt aspects seen in external information that seems better than North Korea, but also use it as a frame to compare the situation at home with the outside world. Interviewee no. 6 talked about an experience in which South Korea seemed more civilized compared to North Korea when watching a South Korean drama. When watching a drama involving a wealthy hero and a poor heroine, Case no. 6 paid greater attention to the latter. The female character was not intimidated by the male protagonist's wealth, but instead spoke her mind and independently worked to earn money and eventually entered college. Comparisons of the realities at home and abroad evolve into a realization of the structural contradiction that exists in North Korea where being civilized is demanded but cannot be achieved. Case no. 6 testified that the behavior of the South Korean people depicted in dramas seemed more courteous and moral than the etiquette morality taught in North Korea.

Third, citizens of North Korea try to take in the external information provided by the regime reversely from the original intention. North Korean people accept the language of the regime at face value but, at the same time, try to discover inherent paradoxes and interpret the information provided by the regime from the opposite perspective. For example, North Korean media outlets reported on how the people of South Korea held candlelight protests demanding the removal of the president through videos, pictures, and statements of the peoples' demands in great detail. Interviewee no. 9 explained this episode by reversing the interpretation of the information above. The official information provided by the regime, which was intended to demonstrate how the people of South Korea were relying on

candlelight protests in cold weather amid hardships to restore the rights of the people, instead revealed the power of the citizens which was able to remove and imprison the sitting president. Interviewee no. 1 discovered contradictions within the North Korean society by illegally acquiring and learning from books from the Grand People's Study Hall that contained external information. The interviewee thought that the perception of the outside world that all North Koreans think only as they are taught by the regime was unfair. Even though they live in a closed society with little access to information, and even though the state decides and dictates how they should live, the thoughts of the North Korean people cannot be restrained because the people of North Korea nevertheless retain the ability to think.

2) Storage of Information

First, information is stored on computers. Though it is not connected to the outside world, North Koreans that possess computers use them to access information as well as enjoy and read videos, music, games, and documents. Since the citizens cannot immediately hide those contents that are primary target of inspection upon the arrival of state inspectors, North Koreans selectively store only a portion of external information and personal thoughts deemed to be safe from the inspection on their computer while storing prohibited information on portable storage devices.

Second, there are some North Koreans that access external information by storing information on mobile phones. Interviewee no. 10 mostly used mobile phone applications for playing videos,

taking photos, and playing music. But because mobile phones are extremely expensive considering the income level of North Koreans, it is also a primary target of inspection. North Koreans believe it is risky to store external information on mobile phones as mobile phones leave a record of all the history of phone calls, text messages, and saved files.

Third, saving external information on portable storage devices and encrypting materials in them was most commonly used. Portable storage devices have become much smaller in size while also able to store much more data. The speed of storing and removing data has become faster, while the process now requires much less electricity. It can also be connected to not only computers but also a wide range of devices such as mobile phones, TVs, and NoteTels. Portable storage devices are not only connected to computers. Furthermore, even average North Korean citizens have encryption skills to conceal information. Interviewee no. 2 noted that a portable storage device once had 3,000 songs and many other videos that were not discovered during inspections by officials because every file had been encrypted.

C. Exchange of Information: Sharing and Spreading

1) How Information is Shared

A basic characteristic of how external information and various types of contents such as movies, music, and animation are shared is that it differs based on the social class and generation of citizens. Members of the higher social classes are more passive yet better able to engage in information-sharing. Children whose father is an

official of the Party or other administrative organs are compelled to be extremely passive towards sharing South Korean videos and other materials. In contrast, children of officials in the criminal justice systems, prosecutors, or military officials often more actively participate in information-sharing or create groups. This demonstrates that there exists a hierarchical order in terms of how the youth and teenagers think about safety or respond to censorship and inspections.

A generational characteristic is the difference between the generations born before and after the 2000s. Teenagers and youth in their 20s born in the 2000s tend to be more broad and bold in terms of how information is shared. According to the testimonies of North Korean defectors, there has been a rapid increase of teenagers and youth in their 20s, middle- and high-school and college students who collectively share various cultural aspects through South Korean music and movies since 2017.

The tools that have allowed the movement, spread, and reproduction of external contents among the North Korean people have been USB drives, external hard drives, and Subscriber Identification Module (SIM) cards, or Universal Subscriber Identify Module (USIM) chips. The most popular storage device among the youth is USIM chips given their relatively high level of security. USIM chips are used by many North Koreans because they are easier to respond to inspections compared to other storage devices. First, it allows users to enjoy contents anywhere they want because it can be connected to mobile phones. Second, while NoteTels and computers are under constant surveillance by the authorities, USIM chips have the advantage of being concealed much more easily. Third, USIM chips are much easier to respond to

unexpected inspections on the road and in the streets. Compared to USIM chips, USBs are much easier to copy and share and therefore are sold on the market. USIM chips, on the other hand, are usually borrowed or bought because they cannot be copied. Double and triple encryptions are necessary in order to prepare for inspections.

To prepare for inspections and control through collective punishment, it is a generally accepted principle that sharing information with others is forbidden unless with completely intimate acquaintances. Although sharing identical information among the closest of friends is only done within small groups, there is a countless number of these groups that exist. Therefore, it is fair to state that information shared secretly between two people eventually leads to the sharing of information with hundreds and thousands of other citizens.

2) How Information Spreads

First, information spreads through storage devices. The spread of contents through CD and DVDs was most active during the mid-2000s. Foreign cultural contents prohibited by the regime were those from South Korea, the U.S., Hong Kong, India, and Japan. But now that external information is spread through devices that are easier to possess, there has been an increase in professional services that copy, edit, and encrypt using storage devices. It appears that interest and the perceptions of the North Korean people regarding information communication technology have increased. For the sake of safety and security, many people have shared the knowledge of how to encrypt, copy, and restore

computer data and have also adapted quickly to the changes in the system.

Households with NoteTels invariably possess South Korean movies, music, and dramas. They are thus well-prepared for inspections. Materials or products that can be detected during inspections are always well-hidden, and it is a rule to have NoteTels and USBs on which North Korean movies have been stored. This applies not only to daytime inspections but also to sleeping quarter inspections that are conducted during the night when people are asleep. In North Korea, computers and NoteTels are only used as intermediary devices to display videos, encrypt storage devices, or to copy, delete, or restore data. Consequently, there is a relatively high demand for computer restoration skills.

Second, contents are spread at official and unofficial places. For example, lectures, public trials, and proclamations are official events through which the regime reproduces information through its messages. In such cases, the languages of punishment, crafted to describe non-socialist behaviors, disclosed various titles and types of contents to the people of North Korea for the first time. When the most recent South Korean movies, dramas, and music are disclosed during lectures for cultural education or public trials convened for punishment, the demand in the information market also increases. In other words, the regime unintentionally and indirectly reproduces external information. Inspection officials also participate in the reproduction of information. This is because they must watch the movies that they need to inspect and control. They must watch movies to determine which movie is more harmful, and this leads to the reproduction of information to family members and relatives. Advertisements seen in South Korean

dramas are another source of reproduction. Advertisements of day-to-day items such as hair dryers and scrub towels are reborn through the development of marketable items or manufactured products made and sold by the people of North Korea.

D. Transformation of Information: Value Judgment and Application

1) Judging the Value of Information

Judging information's value is the standard for evaluating the value granted to the knowledge deduced from collective information. This can be discerned, for example, by examining the subtle changes in people's fashion or behavior precipitated by the spread of South Korean culture as well as how these changes are perceived by ordinary North Koreans. By merely observing which clothes and glasses are worn and which wallets are used, most North Koreans can now speculate that a certain individual has "watched quite a few South Korean movies." Emulating what to wear, how to dress, how their hair is styled, and how to speak is viewed as the 'trend of mimicking South Korea.'

The impact of applying information is most profound amongst middle- and high-school students. Awareness of this problem has been profoundly raised since 2017 and has resulted in strengthened control over teenagers. North Korean defectors testify that more than 50% of all teenagers have been 'infected' by South Korean culture and are subsequently behaving internally as such within their own boundaries. This shows that the Kim Jong-un era has been the inflection point during which long-term exposure to

external information has caused visible changes to the perceptions of the North Korean people.

However, perceptions and assessments of South Korean dramas are not 100% positive. First, there is the perception that the allure of South Korean dramas "prevent people from working or selling, compel people to continue watching, which then forces them to lose sleep as a result of continued viewing, consequently making it harder to sell products, and eventually preventing them from participating in family activities." Second, there is also the perception that the desire of teenagers to dye their hair like the Bangtan Boys (BTS) or recreate violent and bizarre scenes from dramas and movies is a result of 'extreme capitalism' and a 'bad influence.' But indirect exchange of language and other cultural aspects through these contents are nevertheless viewed positive. And preference towards South Korean dramas, movies, and other products remains one of the main reasons for defecting to South Korea at more than 40%.

College students and intellectuals have their own way of internalizing and interpreting external information. For example, when they hear of assistance from either the UN or South Korea, they wonder, "When will we become a country that provides, rather than receives, assistance?"

2) Methods of Social Application

The first area to which information is applied is lifestyles. The import of external information has precipitated numerous changes in the environment and style of everyday life. In particular, South Korean movies, dramas, songs, and music are fundamentally

changing the quality of life of North Koreans. Now, aspects of the Korean Wave such as Trot songs, idol groups, and K-pop have been established as a core culture among teenagers, and everyday culture and outdoor activities have also changed. It is believed that the culture and behavior of the younger generation in North Korea have changed rapidly especially after 2017. In Pyongyang, dating between students resemble scenes from South Korean dramas. Men give their girlfriends flowers, while the children of high-ranking officials avoid the eyes of their parents to gather in groups to watch South Korean dramas.

The wedding culture has undergone the most changes. Wedding restaurants in Pyongyang have been particularly successful during the Kim Jong-un era. There has been an increasing number of wedding restaurants in Pyongyang such as *Kyungheunggwan* in the Botong river district which has four wedding halls and costs $5 per person, *Minsok* restaurant in the Central district, and *Munsu* wedding restaurant in the Daedong river district. These wedding restaurants have a similar system to wedding halls in South Korea with professional entertainers acting as the emcee and singing wedding songs. The number of professional wedding companies has also rapidly increased. Though the wedding culture is regulated by the regime, such changes have become a trend that cannot be blocked. It is supposedly possible to see aspects of South Korean weddings in the wedding ceremonies, the hairstyle of the bride, the design of the outfits, and wedding procedures. Since 2018, these changes to the wedding culture have rapidly spread to regional towns.

The influence of South Korean dramas can also be found in the fashion, etiquette, and language expressions of the North Korean

people. 'People who have seen many dramas' can be distinguished by what they wear on the streets, while North Korean speaking patterns have been replaced by South Korean ones in the way that people text each other on their mobile phones.

Second, information is both a method and cause of change in terms of how people communicate. The import of external information has changed the lifestyles of North Koreans even under difficult everyday circumstances. People do aerobics in city parks during weekends or on holidays, while a culture of enjoying music and dancing together has become normalized in apartments and towns. While 'dance parties' concentrated at apartments and other living spaces were partially spreading regionally in border areas such as Ryanggang province, it has now become a part of everyday life in cities in the inland. For example, aerobics, which first began as a free service provided by ethnic Chinese centered around the youth park in Hamhung city, later spread to multiple parks.

Group dance parties held around apartment complexes have now become normalized and can be observed not only on birthdays or holidays but more frequently. These dance parties, where people gather around at large amplifier speakers installed in open areas, stop passers-by in their tracks, and South Korean music replaces North Korean music when lively music excites the crowd. Regarding this, North Korean defectors testify that inspection agents or censorship officials that regulate North Koreans have even been seen to casually join the party.

The third application of information is commercial. Movies, dramas, music, and international external information are now being used as another source of commerce to create profit in North Korea.

The range of South Korean products traded normally is relatively limited. It includes clothes, food, make-up, and basic day-to-day items. The trading routes of South Korean items have already been established by networkers who prefer their own methods of transaction. These methods can be distinguished between secretive transactions, public transactions, and transactions based on false information. Secretive transactions refer to transactions through already established networks. Products move through predetermined routes that have been systematized by the shops that moneyed class (*Donju*) use and the *Jangmadang* that members of the high-class society frequently visit. Among some members of the wealthiest classes, using South Korean products is so prevalent that Chinese or North Korean products are never used for everyday life. Public transactions refer to transactions associated with power that is conducted under the protection of the authorities. Always behind the authorities are their family members. And in North Korea, protecting the group of authorities is more essential, when the item becomes more dangerous. Therefore, the wives and other family members of North Korean national safety agents and national security agents oversee the routes through which sensitive external information is imported. These individuals connect smugglers and are also responsible for the trade and protection of USIM chips and other storage devices. Transactions based on false information generally involve suppliers deceiving the consumers about the origin of the products. In such cases, South Korean products are falsely tagged to be manufactured in Yanbian in China or at the Gaesong Industrial Complex. The area that produces the largest quantity of fake South Korean clothes is the Kangsun complex in the Chollima district in the city of Nampo. Clothes

manufactured here are not sold publicly in markets but are rather in major cities such as Pyongyang, Pyongsong, and Sinuiju, through regular wholesalers.

Though the import of various contents precipitates change in terms of lifestyles and the level of consciousness among North Korean people, it can also be an additional source of social corruption. A clear example of this is the spread of illegal pornography and how it causes the spread of indecent sex culture.

E. Responses to Access to Information: Action and Reaction

1) Types and System of State Control

The first type of control to consider is physical control. Control over the people of North Korea by the regime generally consists of inspections, censorship, punishment, and surveillance. North Korea's criminal code, first adopted on March 3, 1950, did not include a clause about 'cultural violations.' In the 2000s, North Korea prepared legal standards to regulate types of external information flowing into North Korea and prepared punishments accordingly by detailing the types of *crimes in violation of socialism* and strengthening punishment against offenses. This reflected how the import of external information into North Korea has gradually expanded since the 2000s. In particular, the criminal code was revised by classifying the inflow of external information into those imported from normal countries and adversarial ones, with a special focus on the corresponding application of the criminal code and stronger punishment. The types of external information in North Korea, how they are utilized, and changes to how information

is reproduced can be inferred by analyzing how the criminal code was revised between 2004 and 2015. Furthermore, one can trace the impact of key variables regarding social changes in North Korea caused by the spread of external information by understanding the circumstances before and after when punishment against offenses was strengthened.

In particular, the periodic revisions to the North Korean criminal code reflect the following changes. First, external information imported into North Korea in 2004 in the form of music, dance, drawings, pictures, recordings, CDs, foreign broadcasts, and propaganda leaflets was replaced with electronic materials that were imported in large quantities during the Kim Jong-un era, consequently becoming a huge issue for the regime. Second, punishment for the illegal smuggling of external information has been strengthened under the Kim Jong-un regime by increasing the terms of correctional labor punishment while decreasing the sentence of labor community service to less than a year. Third, as the import, distribution, storage, and recreation of external information has become general in society, resulting in more repeated offenses and recidivism rather than single violations, the legal system has been sentencing a maximum of 5 to 10 years of correctional labor punishment. But it is known that in reality, officials in charge of oversight refer to the scale of bribe as a standard to which violations per South Korean music or movie are penalized, rather than the law as a criminal code itself.

The types of physical control that are revealed through in-depth interviews from North Korean defectors include censorship through the official system, inspections based on a system of reporting, and confessions and entrapment.

Censorship and control through the official system refer to inspections and monitoring administered by several independent and complex organizations of control. These include the Party, the military, the criminal justice and prosecution office, and the National Ministry of Defense. In addition, there are also several task forces (*sangmu*) and groups that are established periodically to clamp down on 'non-socialist' behavior. The most well-known task forces regarding the control of external information are the 109 *sangmu*, the 727 *sangmu*, the 84 *sangmu*, and the 130 *sangmu*. These task forces do not have an office in a certain geographical area but instead inspect and censor by frequently patrolling civilian areas. There is also the method of conducting sudden or regular inspections at households. These types of inspections occur with the head of People's Unit visiting households. Inspections are conducted without prior notification or communication with the head of the People's Unit leading the visit.

Inspections based on reporting are done through the reports on the movement or ideology trends of the people, or reports from the informants. According to the experiences of North Korean defectors, this process is sometimes activated by friends or caused by short lapses in judgment. For example, there are instances where children have reported on neighbors after visiting their friend's houses and seeing material on computers when they were briefly left unattended. Some North Koreans remain suspicious that one in every three of their friends might be an informant for the state security agency or the state safety agency. Such suspicions imply that the psychological caution among people that access external information under long-standing control and surveillance has already become commonplace.

Confessions and entrapment are methods of coercing confessions on offenses by exploiting the vulnerabilities of the weak. This method is widely used in the process of cracking down on South Korean movies, dramas, and music. They provoke the mentality of either children or vulnerable residents to induce confessions of 'guilt' by involved persons.

Second, there is also a group control. A control over the import of external information by groups is most strongly enforced by peripheral organs of the Party such as the Chosun Women's Socialist Alliance (Women's Alliance) and the Youth Alliance for Kim-il-sung-Kim-Jong-il-ism (Youth Alliance). The most common units of control under the purview of these organizations include the Women's Alliance inspection unit (*gyuchaldae*), the college student inspection unit, the Youth Alliance inspection unit, and the student inspection unit.

The Women's Alliance inspection unit is a female inspection group that consists of the province (special cities), city (district), and local (*gun*) level centered around the central committee of the Women's Alliance. These units are operated regularly for certain periods and policies and, in particular, have been operating at the *dong* (small village unit) level since the Arduous March period of the 1990s. Together with the student inspection unit or the workers' inspection unit, the Women's Alliance inspection unit regularly censors and inspects whether women wear skirts while at work at the Jangmadang (trousers are prohibited), whether they don the Kim Il-sung-Kim Jong-il badge, and traditional North Korean attire on national holidays.

The college student inspection unit is an organization that guides and censors students with the specific purpose of controlling

cultural life. Though its purpose is to monitor the clothes worn by students, whether they don the Kim Il-sung-Kim Jong-il badge, and regulate the hairstyles of students attending specific colleges located in university areas, their primary objective is effectively monitoring and inspecting access to external information. In addition, there is also the student inspection unit consisting of high-school students. Recently, the Youth Alliance inspection unit has apparently strengthened inspections and monitoring of cultural contents from South Korea.

Third, there is also systemic control. A rapid transition towards information technology has been pursued in all aspects of society during the Kim Jong-un regime which, from the perspective of the regime, has resulted in the simplification of the distribution and sharing of external information. This, in turn, has complicated the methods and procedures of monitoring and control. In other words, as technology develops and the control of the regime intensifies, the technical and functional ability of the citizens to respond has also quickly evolved. As a result, the North Korean regime is pursuing policies that can widely implement a more effective system of monitoring the people by simplifying both the movement of its citizens and the system of control. The policy to replace citizen registration cards with electronic ones after 2018 is an example of the regime's efforts to more effectively manage the people. It is reported that beginning with Pyongyang in 2018, the regime has completed the distribution of these new registration cards by 2019 in most cities except in certain rural and mountainous areas. Electronic chips are installed in the newly distributed registration cards, and personal information including the criminal history of individuals can be readily accessed in detail when these

cards are inserted into computers located at No. 10 guard posts or portable guard posts. But this measure has not yet yielded the intended results as the process of establishing computer networks and related systems in each region that should have been implemented before the distribution of new citizen registration cards, has not been completed outside of Pyongyang. Therefore, it appears that control of the people through new citizen registration cards with electronic chips is not yet possible.

2) Actions and Reactions of State Control

First, there is the reaction from the structure of control and bribery. The general coexistence of control and bribery in socialist countries is nothing new. But it is rare to find the cases in which the structure of control and bribery has been firmly established as a dual structure between interests and protection over the ideological and cultural exchanges of adversarial countries. The long-standing tug-of-war of the last 20 years between the regime and the people of North Korea over illicit contents primarily from South Korea has created a large illegal market. Simply put, there now exists a "bribery market" where the transaction costs associated with each method of control have specifically been determined. The bribery market involving South Korean contents is one of the more sophisticated bribery markets given its size and the degree of popularity. The price of bribes that need to be paid for each of the so-called 'offenses' related to South Korean information has been already set. In Hyesan city, for example, it costs between 5,000 and 10,000 yuan for a prisoner to be released from the Ryanggang province state safety agency detention center, while at least 20,000

to 30,000 yuan is required for release from the Ryanggang province state security agency detention center.

In particular, the standard for prosecution and the process and degree of punishment also varies considerably given that control over external information differs based on the state of origin and rank. Because offenses related to information from South Korea are punished most severely, officials in charge of monitoring are extremely cautious about how to treat offenders. If bribes are not quickly received during the initial or first step of the process of control, the case is subsequently passed on to upper-level control or the second step, and the price of bribes can triple if it is passed on further to a central censorship organization or the third step.

But bribes are not absolute 'silver bullets' for all offenders. Officials in charge of control are also known to struggle internally about whether they might be damaged, through various processes, by taking bribes. Furthermore, the existence of prevalent bribes means that while the wealthier class may more actively access external information, the vulnerable inevitably falls into the victim of monitoring organizations in their effort to meet their targeted goals in inspection.

Second, there is also a relationship between control and personal connections. There has been a rise in the number of North Korean people that use bribery and personal connections in everyday life and in response to various measures of control. When citizens are apprehended, they try to strike a deal with the official on the illicit transaction cost before they enter the interrogation room for the investigation. If a person does not have any personal connections with the agent in charge, one must quickly find a connection by mobilizing family members, relatives, and friends. There are also

brokers that help find connections with higher-ranking officials at upper-level organizations if this initial process fails. This inevitably leads to an increase in the amount of cash that needs to be invested, including to the broker. In general, the personal connections required in everyday life for North Korean citizens concern the state security, state safety agents, and head of the People's Unit. Moreover, high-ranking officials stationed at monitoring organizations in border areas have long been disconnected from the state-guaranteed supply system. And the rewards from either protecting or monitoring smuggling and other illicit activities tend to be far greater. When the backing of personal connections or money is lacking, an offender will unfortunately likely become a victim, which is a case for the majority. This illustrates the prevalent inequality that has emerged in the process of mass crackdowns and monitoring due to the recent widespread popularity of South Korean cultural contents among students. An era has now arrived in which parents need personal connections and bribe money not only for themselves but also for their children.

Third, there is also the 'psychological war' between the regime and the people, the game of tug-of-war that has persisted between these two actors regarding the spread of foreign contents. Compared to the Kim Jong-il era, the degree of control by the regime and the pace with which the consciousness of the people has changed have both increased proportionally during the Kim Jong-un era. If the regime's control on foreign culture was a set of rules that the people of North Korea unconsciously had to abide by in the past, the psychological warfare between the regime and the people has become much more conspicuous in the form of manipulation of measures of control, reinterpretation of the

meaning of control policies, and by taking advantage of each other's shortcomings in case one of them gets caught. Some argue that the awareness among the people tends to actually increase as the regime's effort to control the people becomes more stringent. Such changes in the consciousness, however, becomes the target of control once they are exposed, and the curiosity of the people further heightens through this process. This leads to constant self-questioning; "Why?," "For what reasons are they prohibiting us from watching these materials," "I wish I could go visit," etc.

4

Ways to Improve Access to
Information of the
North Korean People

Considering the policies of North Korea to control external information and how it subsequently violates other aspects of freedom associated with access to information, international cooperation needs to be continuously pursued based on the UN human rights mechanisms to bring about changes in the approach of the North Korean regime. The recommendations from the Universal Periodic Review (UPR) and the concluding observations of the treaty-based bodies of the UN that North Korea has joined, to which the regime has maintained a relatively flexible stance, must be actively leveraged. Moreover, a system of international cooperation must be established that focuses on gradually improving and expanding access to information based on feasible revisions to the legal and institutional systems within the boundaries of the characteristics and realities of North Korea. Given that the North Korean regime has been gradually increasing exposure to external information through state media, as noted above, attempts need to be made to utilize recommendations associated with UN human rights mechanisms by continuing an analysis of how external information is introduced through state media, so that its volume grows.

Considering the positive impact that access to information has on the enhancement of social rights such as the right to health, consultations with the North Korean regime are required to ensure that the people of North Korea have access to information about assistance provided to North Korea as these programs are implemented. In order to persuade the North Korean regime to share this information on foreign assistance with its people, a collaborative system needs to be established among the providers of assistance including the South Korean government, international

organizations, other countries, and non-governmental organizations both at home and abroad.

There is also a need to move beyond a unidirectional understanding of the flow of information, and instead focus strategy on ways to ensure that access to information cultivates a positive environment from the perspective of enhancing the quality of life of the North Korean people who benefit from better access to information. This requires consideration of the characteristics described in the main body of this study regarding how the people of North Korea access external information. With the development of information and communication devices such as portable storage devices, the citizens of North Korea are now able to access external information much faster and quicker. Above all, information originating from South Korea is no longer merely the subject of curiosity but has instead become a foundation for cultural exchanges given the accumulative exposure to South Korean culture through unofficial routes over the past 20-plus years. In other words, considering the increase in the speed and degree of unofficial access to external information as well as the impact of South Korean information on the lives and culture of the North Korean people, expanding the extent of exchanges between South and North Korea might be a more effective strategy to enhance access to information than unilaterally absorbing more external information. Furthermore, given the changes in perception and the sharing of culture by the North Korean people through interpretations of external information, enlarging the range of exchanges can not only increase people's access to information but also contribute to reconciliation between the two Koreas by reinforcing the notion of a shared culture.

It is also necessary to consider enhanced access to information by the people of North Korea as a critical component of cooperation on the development. Participation and information both have an interdependent and mutually reinforcing relationship. Participation requires appropriate access to information, the adequate capacity of organizations, and the absence of threats. Access to information can lead to demands for participation, and the expansion of participation can, in turn, contribute to greater access to information. The international community is experiencing a trend in which 'participatory development' is being emphasized. By increasing participation from the North Korean people in all aspects of international development, not only will the shared space between the two Koreas expand but the sharing of information can be achieved through interpersonal exchanges.

There is also the trend in the international community of stressing knowledge-sharing as an aspect of technological cooperation in the process of development. In addition to greater access to popular culture, efforts are required to increase North Korean peoples' access to information on expert knowledge through knowledge-sharing in the development process. Greater access to expert knowledge will not only enhance access to information but will simultaneously contribute to a better quality of life for the people of North Korea. Moreover, knowledge-sharing projects will not only increase access to expert knowledge but also access to general knowledge of the South Korean society as it involves interpersonal exchanges.

Aspects associated with access to information can be reflected in the process of cooperating with and supporting North Korea to successfully implement 'Sustainable Development Goals (SDGs).'

Clause 10 of the sixteenth goal listed in the 2030 Agenda for Sustainable Development adopted at the UN General Assembly on September 25, 2015, states that "public access to information be ensured and fundamental freedoms be protected." In other words, it may be possible to persuade North Korea to be more receptive in the process of implementing the SDGs, such as disclosing information on the external assistance to North Korean people.

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