

# What the Documents Can't Tell You: Participant Observation in International Relations

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**H**ow can “on-the-ground” field research contribute to and complicate our understanding of international relations, particularly international law—an area that typically is considered far removed from everyday political practice? To address this question, this article draws on my three-month field experience in Seoul, South Korea, in the summer of 2006—a research trip that initially was intended for elite interviews of government officials, trade-union officers, and other public figures. The goal of this research was to consider the extent to which international law—as protected and promoted by key international organizations including the International Labor Organization (ILO)—influenced and assisted trade unions in their struggle to protect their basic organizing rights in the context of difficult domestic political circumstances. This article discusses the ILO and its role in promoting international labor rights in local contexts. As a result of my field research, I found that the ILO’s publicly available documents were extremely helpful but insufficient to understand the local–global interaction in South Korea. My field research provided a deeper ethnographic immersion in the South Korean labor movement, which was necessary to understand the legal disputes relevant to my research interests.

The ILO is a specialized agency of the United Nations (UN), unique in its tripartite organizational form (i.e., it includes representatives from member-state governments and both employer and worker organizations). The ILO has various conventions that address workers’ basic organizing rights, including Convention 87 (Freedom of Association) and Convention 98 (Right to Organize and Collective Bargaining). States can freely decide whether to ratify these (and other) ILO labor conventions. A body called the “Committee on Freedom of Association” (hereinafter referred to as “the Committee”) accepts and inquires about complaints from any worker organizations against member states about alleged failures to uphold their basic organizing rights (i.e., the right to form, join, and act collectively within unions, including the right to strike).

The Committee is a unique international body, with a high degree of accessibility and openness and a strong investigative role. Like the ILO in general, the Committee is composed of an independent chairperson and nine committee members equally representing governments, worker organizations, and employer organizations (International Labor

Organization 2015). The rules of the Committee allow for worker and employer organizations from nonratifying states to bring complaints against their government for perceived violations of workers’ organizing rights. The Committee decides whether to accept the case and then allows the government to respond to the allegations. After reviewing the evidence, the Committee makes specific recommendations about the laws and practices in question. Because organizations submit additional reports about the same complaints, this can become a multiyear process, which includes clarifications, updates, disagreements, and negotiations.

Unlike most international bodies, the Committee does not rely on state ratification of certain international conventions to authorize its investigative mandate. Rather, it holds states responsible for protecting workers’ fundamental organizing rights by virtue of their ILO membership status, regardless of whether a state has ratified the relevant conventions (International Labor Organization 2012). As a result, the ILO expects and requires that all members respect and comply with these labor-rights standards. However, as in most international organizations, the ILO and the Committee lack enforcement power and must rely on persuasion and arguments about justice and human rights as their main tools. The Committee has received more than 3,000 cases since its creation in 1951, and it claims to have resolved labor-rights problems in 60 countries (International Labor Organization 2015).

## SOUTH KOREA'S CONTESTED LABOR RIGHTS

South Korean trade unions began to file complaints with the ILO in 1994, following the Republic of Korea’s official entry into the UN system in 1991—even though South Korea is not among the 153 member states that ratified Conventions 87 and 98 (i.e., the relevant international labor conventions regarding workers’ organizing rights). For comparison, 153 countries ratified Convention 87 and 164 countries ratified Convention 98.

The dismal state of workers’ rights in South Korea (in the 1990s as well as currently) is relatively public information. Much of the background information about the political and legal struggles of South Korean trade unions (including fights against unjust labor laws and repressive police tactics against union activities) can be found in highly detailed, publicly available documents in the ILO’s impressive databases, which include trade-union reports and the Committee evaluations responding to trade-union complaints about labor-rights violations.

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Many human rights-violating anti-union laws and practices remained in place at the time of my field research. In 2006, the ILO Committee on Freedom of Association Case No. 1865, which began in December 1995, was still in progress; there were 11 follow-up reports to this initial complaint by June 2006. Reports from Case No. 1865 carefully detailed allegations of South Korea's violations of workers' organization rights, the government's response, and the ILO's evaluation of the allegations. These reports described a range of allegations against the South Korean government (many of which it denied or underplayed), including mass arrests, unexplained violence against trade-union activists, police disruption of peaceful protests, and state harassment of workers in "illegal" trade unions. In addition to direct state violations, several categories of workers were denied the right to form unions, including teachers and white-collar civil servants. Furthermore, because of Cold War-era laws, the national independent trade-union federation could not be legally recognized because the South Korean government enforced a union-monopoly law. There could be only one national union federation, one industrial union per industry, and one recognized union in a workplace.

In other words, the reports described the type of activity that would not be expected in a democratic country. However, South Korea is not a typical democratic country regarding labor politics, which much of the secondary literature has explained (Diamond and Kim 2000; Koo 2001; Mo 2001). Low labor costs were a fundamental ingredient in South Korea's Cold War-era export-oriented developmental state. As a result, the US-backed dictatorship heavily repressed independent trade unions to repress wage increases. Yet, independent unions remained key actors in the struggle for democracy, and general strikes during the democratization period redistributed the enormous economic gains for workers during the period known as the "Great Workers' Struggle" of 1987.

In addition to my specific inquiry into this transnational political-advocacy process among South Korean unions, the South Korean government, and the ILO (and other international organizations), I wanted to learn more about South Korean labor politics through my field research. In my attempt to make sense of the Case No. 1865 documents, which included (often contradictory) statements from both the government and trade unionists, one of the most difficult issues to understand was each side's competing claims of

foul play. The government claimed that trade unionists were involved in violent, disruptive, and coercive activity, which led to the destruction of property and the disruption of business. In addition, because the government limited the number of legally recognized trade unions, it could genuinely argue

that many of the unions were illegal. Therefore, according to the state, its often heavy-handed police reaction to trade-union activity represented a rational and necessary response to criminal behavior.

In contrast, trade unionists claimed in the documents that they mostly followed the law, tried to obtain legal permits for their activities, and made sure to engage in extra-legal activities only when circumstances foreclosed all other methods. Yet, they claimed, the government responded in overly harsh and repressive ways, using violence during peaceful assembly and arresting numerous trade unionists. Although the trade unionists did not deny that some of their activities were illegal (e.g., a union leader peacefully speaking in support of a different union's strike), they argued in the ILO reports that the existing laws that limited their activities and the scope of workers who could legally form trade unions violated international standards, resulting in illegitimate restrictions on trade unions and their members.

The ILO documents were detailed and—combined with other publicly accessible documents about South Korea's labor-rights problems from the Organisation for Economic Co-operation and Development (OECD) and human-rights organizations (e.g., Amnesty and Asia Watch, Human Rights Watch's Asian division)—I had a relatively strong picture of the political events that had occurred since 1996. However, I did not know how these worker-organization complaints to the ILO had influenced subsequent labor politics and legal reform. As a result, I went to South Korea in the summer of 2006 to speak with trade-union activists and government officials about the effects of what I called the "transnational normative negotiation"<sup>1</sup> among the government, unions, and international organizations (Kang 2012). Given my timeline and finances, I had planned to only speak with "elites" rather than conduct ethnographic research.

#### ENGAGING IN UNINTENDED ETHNOGRAPHY

On arrival, my research took a more participatory turn as contacts and new friends offered to take me to rallies, meetings, and other events that comprised the everyday politics of South Korean trade-union activity and protest. The two contacts that I made through mutual friends and my university affiliations were key to gaining access to broader trade-union politics, meetings, and events. The first contact was a Canada-based PhD student of economic geography who had been in the country for several months and had established ties to the

labor community through his university affiliation. The second was a PhD student at Korea University who was a former student protester and married to a professional union organizer employed by South Korea's progressive trade-union federation. Through these contacts, I had personal connections with many key trade-union leaders, and I quickly learned about events and opportunities to engage in participant observation, particularly about the proposed US–Korea Free Trade Agreement (FTA), which was being discussed at the time. Consequently, I was able to participate in several mass protests organized against the FTA as well as smaller, more focused protests during my field research.

Mass protests were not new in South Korea in the 2000s. However, the extent of South Korean civil-society's mobilization capacity (particularly around labor issues) was not readily obvious to the outside world in 2006 (when I departed for my fieldwork) due to limited international media coverage. The ILO and other supporting documents that I read before my arrival could not reveal how mass protests—labor-related or otherwise—were indicative of norms and expectations between the police and demonstrators appropriate to the context of a society that had recently transitioned to democracy. In other words, my field research immersed me in the South Korean culture of protest, and my findings challenged the assumptions of more Western-focused theories. Certain confrontational tactics and protest strategies that might be considered “extreme” or unreasonable in US-based settings were commonplace in South Korea. My Korean PhD friend told me of student protesters running from the police in the 1990s and how a group of unaffiliated housewives physically blocked the riot police from pursuing them down their street.

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Because police and state agents played such a repressive and politicized role in its authoritarian past, many South Korean activists assumed that extra-legal political and union activities were legitimate and necessary. In fact, during the Great Workers' Struggle of 1987, protests were integral for delegitimizing the prior authoritarian regime, and 94.1% of these workplace conflicts were considered illegal (Chang 2009, 119). Yet, wide sections of the South Korean population supported this series of strikes as a legitimate expression of the mass discontent over workers' wages, which had not increased since South Korea's “economic miracle”—partly due to the repression of workers' organizing rights.

Although there is a rich literature in sociology, geography, labor studies, and political science that describes the South Korean trade-union movement, my understanding of this research topic was significantly enhanced by my participant-observation experiences. Although not directly related to the ILO process, this unplanned participant observation helped

me to better understand how a trade-union movement with “official” union density close to that of the United States could be more socially and politically influential because of the intensity of its members' mobilization and organizational strategies. To elaborate, in 2007, the United States reported a union-density rate of 11.4% for all wage and salary earners, in contrast to South Korea's reported density rate of 10% (Hayter and Stoevska 2011). Yet, in South Korea, trade unions are much more visible and have significant effects on political and economic outcomes.

Because I am trained as a political scientist with a focus on labor rights, my immersion in the protests provided important contextual insights for key questions in my subsequent book, including how states, nonstate actors, and international organizations engage in a normative debate about which behaviors constitute legitimate human-rights violations—in other words, violations of a state's international legal commitments. Specifically, I learned about how South Korea's culture of protest, as an outcome of the decades-long dictatorship and related state-legitimacy issues, resulted in disruptive and directly confrontational “repertoires of contention” (Tilly 1993). This refers to the normalized, deliberate, and culturally specific “established ways in which pairs of actors make and received claims bearing on each other's interests” (Tilly 1993, 265). In other words, South Korean trade-union activists and police participated in public politics in a way that reflected their established practices of protest. However, the South Korean government attempted to misrepresent events between trade unions and the police—characterizing them as violent, destructive, and unreasonable—to delegitimize labor activists' positions. Engaging in participant observation in

South Korea familiarized me with the specific and well-established repertoires of contention between the state's police force and labor protesters in South Korea. In turn, this helped me to interpret the claims and counter-claims between the state and trade unions in ILO documents.

I observed these repertoires of contention firsthand when I attended rallies before a transit strike, a protest during a contested negotiation of public-sector workers' contracts, and several protests concerning migrant-workers' rights. These were open events, with many journalists, allies, students, and nonunion members attending. I often went with friends, many of whom are white and therefore visibly foreign. Although I may “pass” as Korean, I likely presented my own foreignness due to my casual “North American” dress of a t-shirt and jeans, which differs from the more polished and feminine style of most South Korean women in their mid-twenties. The fact that I spent time at protests with white friends also set me apart. This foreignness may have reduced my risk of arrest

but, for the most part, other protesters seemed unworried about my presence. I took many photographs, spoke with the organizers who had invited me, and occasionally took notes. I also followed any directions given to me by organizers (e.g., sitting, standing, cheering, or moving in a particular way) and accepted any placards or accessories being distributed.

From these participant observations, I learned several lessons. First, I learned more about how the government's characterizations of trade-union activities differed from the reality on the ground. Rather than violent and chaotic, these protests were well organized and somewhat militarized events. South Korea is notable for its compulsory military service for

to protest the FTA negotiations that were in progress. When we reached the barricade, where police stood behind 10-foot-tall metal grates armed with water cannons and cameras, the protesters used large sticks and attempted to knock down the wall. The police responded with water hoses but many of the protesters, covering their faces, continued the attack. Much running and chaos ensued after protesters broke through the barricade and there likely were numerous arrests because I saw dozens of paddy wagons lined up nearby. On our way home later that evening, I saw that protesters had spray-painted "No FTA" in English across one of the barricades.

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all young men, who are legally obligated to serve full time for two years, with few exemptions (Kim 2013). Perhaps as a result, South Korean protests—no matter how large—are orderly, organized, and solemn, with clear hierarchies and well-laid plans. Many of the groups—often local union members—marched, stood, and sat in precise formations. Protesters carried beautifully printed colorful banners and flags, often made specifically for the protest. Makeshift stages were set up at the starting points, where we all sat in organized formations (often in the brutal summer sun) to watch speeches and song-and-dance routines. The dances can best be described as capoeira style, involving impressive acrobatic routines by young people wielding sticks. Most of the workers wore vests or t-shirts declaring their union affiliation. During one major demonstration, almost everyone was given a red nylon headband with a solidarity message (figure 1).

Presumably, the red color symbolized leftist politics in South Korea, although—as I learned during my field research—the divisions and distinctions within the leftist community are complicated and focus on an orientation toward North Korea and cooperation with foreign labor movements. I learned about these complex dynamics and political divisions from interviews with activists because many of the subjects believed it was fundamental to my understanding of labor politics in South Korea. However, because I did not have much prior knowledge of these divisions, I had not included them in my original list of questions. As I understood more about the divisions, I purposely did not mention previous conversations with other individuals; I later learned that my interview subjects would try to discover my own loyalties within the broader South Korean Left.

Second, I learned how state-labor repertoires of contention in South Korea normalized a high level of physical confrontation. The rally that I believe was most integral in aiding my understanding labor politics occurred on a rainy Saturday morning in mid-July, in the middle of central Seoul. Local media estimated that hundreds of thousands of protesters (many were union members but many were not) attended in rain ponchos with umbrellas, taking to the busiest streets

This protest helped me to see firsthand how the South Korean government's claim that trade-union activities were illegal—and thus required repressive responses—actually mischaracterized the dominant culture of protest in the ILO reports. Small rogue groups of South Korean workers did *not* engage in violent and destructive behavior for no apparent reason. Rather, most South Korean protesters clashed with police during the protests that I observed as a casual matter of course. Although the police can be brutal in their response, many of the South Korean workers perceive them as a minor obstacle; in turn, the police seem to follow a clear script that generally allows this political theater to continue. Perhaps reflecting long-standing distrust of police and the cultural consequences of a widely militarized society, the workers see the police interventions primarily as illegitimate and inconsequential to their activities. On this basis, I concluded that protesters' activities *could* be portrayed as "violent," illegal,

Figure 1

**Workers Protesting at a Public-Sector Rally; Signs Urge the South Korean Government to Adhere to ILO Rules**



and disruptive as described in ILO documents. However, within the context of protest norms, many South Koreans perceived most of the clashes as normal, even desirable. Moreover, because the trade-union protests were such a regular public activity, the South Korean state could selectively repress a particular protest or activity with mass arrests as part of a political calculation, beyond law enforcement's standard operating procedures.

Third, as a result of my field experiences, I learned how the South Korean trade unions challenged the state's account of their "illegal" practices, "violent" behavior, and general justification for continued labor repression, including high numbers of arrests. The ILO documents included data on hundreds of trade-union arrests every year (many of which occurred during strikes and public protests), and the South Korean government never challenged these data. Although I observed that workers take a generally blasé approach toward the police strictures, I also knew that arrests were no laughing matter. Trade-union leaders have died under suspicious circumstances while in police custody, a fact I learned about (and that the South Korean government did not deny) in one of the early ILO reports. The memory of the 1980 Gwanju massacre, in which state special forces killed an estimated 2,000 citizens who were protesting for democracy, still looms large in the mind of many people (Shorrock 2015). It is clear that resistance to state power is a fundamental part of trade-union identity. Yet, the "illegal" practices (i.e., pushing through police lines despite the presence of a water cannon, physical clashes with police, and general resistance to state authority) in public political spaces remain. My participant-observation experiences with these public protests contextualized important and conflicting claims between the government and the trade unions in the ILO documents regarding the state's concerns about union activity.

Fourth, from my field research, I gained insight related to the importance and penetration of ILO norms and recommendations in South Korea's domestic-labor struggles. Although all of the labor-union leaders I interviewed knew of the complaints against the government at the ILO (because their unions were parties to the complaints), attending rallies and events helped me understand how this transnational normative negotiation process had trickled down. For example, during a rally for public-sector wage increases, I was given a flyer that listed several union demands, including that South Korea fully comply with ILO standards and recommendations on labor-rights laws. At another protest, I saw several workers in a group holding signs also demanding that the government follow the ILO's rules and recommendations on labor rights. I did not learn the extent to which these union members knew about the ILO's review of South Korean labor law and practice, but it was obvious that the process was not foreign to them.

As a result of this deeper understanding of South Korean labor politics, which I gained from my experience on the

ground, this case was the most empirically rich and perhaps the most significant contribution to my book, and this asymmetry was noted in readers' reviews. These experiences demonstrate more broadly how conventionally designed, positivist, qualitative research can benefit from a more open-ended, in-the-field approach by exposure to (labor) politics on the ground. As a result, I understood how the ILO process mattered to local labor activists and could better interpret the key disputes between the government and trade unionists described in ILO documents. The benefits of this experience has informed my future field research and continuing research on issues related to international relations and law. ■

#### NOTE

1. "Transnational normative negotiations" refer to the interactions among states, civil-society actors, and international institutions regarding the legitimate scope of state obligations toward international human-rights legal norms. In this case, the South Korean government argued that to fulfill ILO legal standards, it would need to engage in only a few legal changes, whereas trade unions argued that compliance with ILO standards and obligations would necessitate a substantive and structural transformation of the entire labor-relations system.

#### REFERENCES

- Chang, Dae-Oup. 2009. *Capitalist Development in South Korea: Labour, Capital and the Myth of the Developmental State*. London: Routledge.
- Diamond, Larry J. and Byung-Kook Kim. 2000. "Introduction: Consolidating Democracy in South Korea." In *Consolidating Democracy in South Korea*, ed. Larry J. Diamond and Byung-Kook Kim, 1–20. Boulder, CO: Lynne Rienner.
- Hayter, Susan and Valentina Stoevska. 2011. *Social Dialogue Indicators: International Statistical Inquiry 2008–09: Technical Brief*. Geneva: International Labour Office.
- International Labor Organization. 2012. "Special Procedures for the Examination in the International Labour Organization of Complaints Alleging Violations of Freedom of Association—Annex 1." Normlex: Information System on International Labour Standards. Available at [www.ilo.org/dyn/normlex/en/f?p=normlexpub:62:1103908110241279::no:62:p62\\_list\\_entries\\_id:2565060::no](http://www.ilo.org/dyn/normlex/en/f?p=normlexpub:62:1103908110241279::no:62:p62_list_entries_id:2565060::no). Accessed February 1, 2016.
- . 2015. "Committee on Freedom of Association." Available at [www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-on-freedom-of-association/lang-en/index.htm](http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-on-freedom-of-association/lang-en/index.htm). Accessed February 1, 2016.
- Kang, Susan. 2012. *Human Rights and Labor Solidarity: Trade Union in the Global Economy*. Philadelphia: University of Pennsylvania Press.
- Kim, Stella. 2013. "A Dreaded Rite of Passage: South Korea's Mandatory Military Service." *Brown Political Review*, December 1. Available at [www.brownpoliticalreview.org/2013/12/a-dreaded-rite-of-passage-korea-mandatory-military-service](http://www.brownpoliticalreview.org/2013/12/a-dreaded-rite-of-passage-korea-mandatory-military-service). Accessed February 1, 2016.
- Koo, Hagen. 2001. *Korean Workers: The Culture and Politics of Class Formation*. Ithaca, NY: Cornell University Press.
- Mo, Johnryn. 2001. "Political Culture and Legislative Gridlock: Politics of Economic Reform in Precrisis Korea." *Comparative Political Studies* 34 (5): 467–92.
- Shorrock, Tim. 2015. "The Kwangju Uprising and American Hypocrisy: One Reporter's Quest for Truth and Justice in Korea." *The Nation*, June 5. Available at [www.thenation.com/article/kwangju-uprising-and-american-hypocrisy-one-reporters-quest-truth-and-justice-korea](http://www.thenation.com/article/kwangju-uprising-and-american-hypocrisy-one-reporters-quest-truth-and-justice-korea). Accessed February 1, 2016.
- Tilly, Charles. 1993. "Contentious Repertoires in Great Britain, 1758–1834." *Social Science History* 17 (2): 253–80.