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A Phantom Returns: International Responses to North Korea's Food Shortage

By Sheena Choi

North Korean Refugees¹ in China²

North Korea's chronic mass starvation is well known throughout the world. Widespread famine in the 1990s caused between 600,000 to two million deaths in North Korea – approximately five to ten percent of the country's population (Natsios 2001). Now, world humanitarian agencies report that 'the coping strategies' of vulnerable children, pregnant women, and elderly people are 'on a knife edge' (Cohen 2011). North Korean children are chronically malnourished, and a staggering thirty-two percent of children experience stunted growth, a problem that is particularly severe in rural areas (United Nations 2011). Furthermore, as a result of the famine, a significant number of North Koreans have fled the country in search of food and safety. Neighbouring China has been one of the main destinations for North Korean refugees.

The United States State Department estimates that 30,000-50,000 North Korean refugees are currently living in China, while some nongovernmental organisations estimate that the number is closer to 300,000 (Margesson *et al.* 2007).³ Regardless of the precise figure, the large influx of North Korean refugees into China has meant that the issue has become a major area of both domestic and international policy concern for China. Domestically, the refugee flow has heightened issues of territorial integrity in a historically contested area. Internationally, the refugee flow has strained diplomatic relationships between China and the two Koreas.

China has 'not allowed U.N. agencies, in particular UNHCR, to have access to North Koreans who are residing in China on the grounds that North Korean refugees are economic migrants who cross the border illegally, primarily in search of food' (Margesson *et al.* 2007). The situation of North Korean migrants in China has been compared to the situation of Mexican migrants in the United States, who illegally enter the United States as 'economic migrants' seeking to better their lives while remaining at constant risk of deportation (Cohen 2010).

However, experts contend that the Chinese view of North Korean refugees as 'economic migrants' is a violation of human rights and the 1951 Refugee Convention and 1967 Protocol, to which China has been a party since September 1982 (CRS Report for Congress 2007; 2008). Cohen summarises the legal grounds for the protection of North Korean refugees as follows:

¹ My use of the term refugee is for simplicity and is not an official term. While international humanitarian communities have argued that North Koreans who flee the country should be considered as such, the Chinese government simply views them as people who have made an illegal border crossing for economic reasons.

² Experts agree that there are more than 2 million mines buried in the De-militarised Zone (DMZ) between South and North Korea by both Koreas, while coastal areas are also heavily guarded by both sides. As a result, direct crossing between the two Koreas is almost impossible. Although there are reports of increasing surveillance of the Sino-North Korean border by both countries, it is still relatively easy to cross when compared with the border between North and South Korea.

³ Collection and analysis of any reliable data on North Korean refugees in China is impossible as the nature of their existence in China as illegal border crossers means they often remain underground. Thus, multiple sets of data exist by multiple sources.

...even North Koreans crossing into China for reasons of economic hardship may be refugees if they have been compelled to leave because of government economic policies tantamount to political persecution...many of the North Koreans outside their country fit the category of *refugees sur place* (Cohen 2010).

According to the UNHCR, *refugees sur place* become refugees not because of their decision to leave their home country, but because of their fear of persecution should they return. North Koreans' eligibility for refugee status can be further supported by the pattern of extreme human rights abuses on the part of the North Korean regime, including the denial of political, civil, and religious liberties and severe physical abuse. For example, it has been well established that North Korea has maintained prison camps, which are organised like the Soviet 'gulag' system, and which house an estimated 150,000 to 200,000 inmates, including many political prisoners (U.S. Committee for Human Rights in North Korea 2003). Certainly, such factors complicate the claim that North Korean refugees are simple 'economic migrants' (Margesson *et al.* 2007). According to experts, the famine in North Korea is only a symptom of such human rights violations. In short, poor management stems from a disregard for the welfare of the people and environment. Moreover, the tragedy of the food shortage is further exacerbated by a food distribution system that favours the ruling elite and military (Haggard and Noland 2005).⁴

As illegal migrants, North Korean refugees in China face daunting living conditions: their daily lives are characterised by continuous uncertainty and insecurity. 'If found by Chinese authorities, victims are deported back to North Korea, where they may face harsh punishment, and may be subject to forced labor in DPRK labor camps' (Hwang 2010). The vast majority of refugees are women, who face additional threats to their safety. In fact, '[n]inety percent of those women become victims of sex trafficking once they arrive' (Liebelson 2010). 'Although Chinese law grants citizenship to children of Chinese nationals, many fathers don't register their children because they fear the children's mothers could be arrested and repatriated to North Korea, or they can't afford the bribes required' (Yoon 2009). As a result, thousands of children exist in legal limbo, living on the fringe of society, 'missing out on school and other state services because their mothers fear deportation' (Yoon 2009). The human rights activist, Tim Peters, estimates that there are about 25,000 stateless children of North Korean-Chinese mixed heritage in China (Moon 2011). These stateless children born of Chinese fathers and North Korean mothers are barred from Chinese society and ignored by the international community (Global Times 2009).

Upon repatriation, North Korean refugees face harsh punishment, since the North Korean regime 'considers leaving without state permission treason, and harshly punishes those caught with detention, torture, and sometimes death' (Yoon 2009). Those who are repatriated during their pregnancy are forced to go through abortion to preserve the North Korean 'pure blood' (Myers 2010). Recently, the new North Korean leader, Kim Jong Un, publicly declared his intention to punish and even kill three generations of family members of anyone who tries to leave the impoverished North (LA Times 2012). Despite ongoing reports that repatriates face death and beatings back home (Hoffeman 2012), China has continued to send North Korean refugees back. Addressing this issue, Hillary Clinton, U.S. Secretary of State, stated that 'we believe that refugees should not be repatriated and subjected once again to the dangers that they fled from...We urge all

⁴ As in all totalitarian states, North Korea strictly controls information. Thus, there is considerable gap in data provided by North Korea and the estimates offered by international experts. Some experts estimate there were as many as three million deaths by starvation during 1990s famine.

countries in the region to cooperate in the protection of North Korean refugees within their territories' (Snyder 2012). Margesson *et al.* (2007) assert that 'China and South Korea want to avoid a massive outflow of refugees, which they believe could trigger the instability or collapse of North Korea'.

Conclusion and Future Considerations

North Korea presents a well-established track record of violations of international law and human rights. Among these violations, the worst are the crimes of the state against its own population. In order to preserve its power, the North Korean regime cruelly starves its own citizens and drives many across the border. North Korea's pattern of human rights abuses and famine, as well as the international community's stated commitment to aiding refugees, require not only temporary food aid, but also the creation of long-term policy solutions to the humanitarian crisis.

Since China remains the primary destination for North Korean refugees, such policy solutions should focus in particular on encouraging China to reevaluate its definition of 'economic migrants.' North Korean refugees in China are living in great peril and constant risk of deportation. If sent back to North Korea, refugees face punishment upon their return. China's repatriation of North Korean refugees to North Korea where they will be severely punished is a clear violation of the 1951 Convention Relating to the Status of Refugees. As a rising international superpower, China must set an example of protecting human rights. The international community must come together to support improved protections for North Korean refugees in China. For example, the creation of a refugee camp that would be overseen and monitored by an international organisation at the China-North Korean border would be an important step forward in protecting North Korean refugees.

The international community could also be more generous in taking North Korean refugees. In October 2004, U.S. President George Bush signed the North Korean Human Rights Act and since then approximately one hundred North Korean refugees have settled in the U.S. While this is an excellent beginning and holds symbolic importance, the effort must be sustained and systematic. Japan, Russia, and the U.S. must recognise their historical role in the division of Korea and take an active role in working to resolve the refugee issue. Finally, South Korea, in particular, must recognise its historical destiny and be proactive in embracing the country's less fortunate brethren into its arms. South Korea must address this as a foremost and immediate national issue and create a comprehensive plan that goes beyond ineffective food aid to North Korea. Considering the North Korean refugee issue calls to mind Edmund Burke's insight that 'all that is necessary for the triumph of evil is that good men do nothing'.

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