

Human Security and North Korean ‘Food Refugees’

I. Introduction

‘Low politics’ has again fallen by the wayside. When policy makers focus on ‘high politics’ such as issues of state security, diplomacy, and reunification, low politics such as environmental and human rights issues tend to be neglected. A cordial atmosphere between North and South Korea was created through the historical summit between the two heads of states last June. It was within this atmosphere that the South Korean government decided to place priority on holding formal negotiations with North Korea, and not to emphasize the issue of the North’s human rights abuses for fear that raising such issues would impede the development of better relations with the North. Swedish Premier Goran Persson, who currently holds the EU’s rotating six-month presidency, visited North Korea in early May of this year. Persson discussed North Korea’s human rights problems with Chairman Kim Jong Il, and they agreed that the EU and North Korea would continue to consult each other to improve the human rights situation in North Korea. This demonstrates a flaw in South Korea’s ‘Sunshine Policy’ – the policy of appeasement of the North practiced by South Korea since the summit between the two heads of state.

Since the recent change of government in the US, North-South Korean relations are now more closely linked to relations between North Korea and the US, and South Korea has even fewer opportunities to hold discussions with the North about its human rights situation. North Korea has stated that a visit to South Korea by Chairman Kim Jong Il would depend upon US policy towards the North. This has caused a cooling in the renewal of North-South relations. In addition, since the announcement by the US that it would proceed with its Missile Defense policy despite strong opposition from Russia and China, South Korea is now in the difficult position of having to prioritize between preserving its alliance with the US and following an independent policy more suited to its national interest.

The ultimate role of the state is to protect its territory in order to protect the safety and dignity of its citizens, secure their political, economic and cultural rights, and to eliminate external threats to their human rights. Thus, state security is directly related to the security of its citizens. However, many people have their safety and even their lives threatened by their own state government. According to research by Professor R.J. Rummel of the University of Hawaii, approximately 174 million people were killed by their government over the last century (1900 – 1999). This number is over four times greater than the number killed in wars between or within states in the same period. According to a Freedom House report, among the 192 states in the world in late 2000, 360 million people in 107 states were living with limited or no freedom. In 47 of these states, approximately 200 million people are suffering from or threatened by absolute poverty, famine, and disease under military or dictator-led governments that do not recognize civil freedom or rights. The governments of such states threaten rather than protect the safety and human security of their citizens. With the exception of a minority of political and military elites, the majority of North Koreans, including those who have fled to other countries in search of food or survival, are suffering under such conditions.

II. Why are They Not Protected?

North Korean escapees are those who have fled their country, leaving behind home, loved ones, and jobs, but who have not obtained the citizenship of another state (Article 2(1) of the South Korean *Law Regarding the Protection and Settlement Assistance of North Korean Escapees*). According to statistics from the South Korean Ministry of Unification, the number of North Korean escapees that enter South Korea each year has increased from fewer than 100 people before 1988, to 148 people in 1999, to 312 people in 2000, to 1,489 people living in South Korea at 20 March 2001. The number of North Korean escapees entering South Korea via China or developing nations in particular is growing steadily and shows no sign of slowing. Many of these people have trouble adapting to South Korean society, and the South Korean government, which is responsible for providing them with

social adaptation training, is forced to provide more resources in terms of finance, personnel and facilities.

However, there are many cases of North Korean escapees wandering in China who do not have the means to come to South Korea. These escapees either return to North Korea, settle in the Yun-Byun region where the majority of ethnic Korean Chinese live, or settle in the three northeastern provinces of Jilin, Heilongjiang or Liaoning. Most of these escapees live in fear that they will be arrested and forcibly repatriated by the Chinese authorities, North Korean officials, or 'Cho-Gyo' (ethnic North Koreans living in China). Although the human rights of North Korean escapees are violated, they receive no humanitarian protection or support from the international community.

The reasoning behind this absence of support can be explained as follows. First, there are flaws within the international law on refugees. In the international community, the legal standard for protection of refugees is based on the *1951 Refugee Convention*, which was adopted to solve the refugee crisis after the Second World War, and the *1967 Refugee Protocol*, which dissolved the regional and time limitations of the *1951 Convention*. According to these two treaties, usually referred to as the *International Refugee Agreement*, refugees are those who are forced to leave their native state due to fear, based on sufficient evidence, that they will face persecution for their ethnicity, religion, nationality, affiliation with a particular social group, or political beliefs, and who cannot or do not wish to receive protection from their state due to those fears. Therefore, one must meet the requirements of being forced to leave one's native state due to political reasons before a decision can be made on whether or not individual refugee status can be granted. Once refugee status is granted, systematic protection and support is provided. Collective refugee status is granted in cases such as Rwanda, Kosovo, and East Timor, where there is a state of emergency due to massive refugee outflows caused by ethnic conflict or genocide. According to the UNHCR, over 35 million people have been forced from their original country of residence or become internally displaced persons (IDP) within their home state since late 1999. Of these, 13.8 million people, including 1.2 million asylum seekers, are potentially subject to international protection and

aid as official refugees. With an estimated IDP population of over 20 - 30 million people around the world, the UNHCR is starting to protect some IDP 22.3 million people, including official refugees, have been receiving assistance from the UNHCR since 1999.

However, many people are forced to leave their homes due to changes in their environment. Every state faces the problem of its citizens being displaced by uncontrollable natural disasters such as floods and earthquakes. It is a problem that cannot be completely eliminated by the development of new technology. However, there is a great difference between the developed and developing world in the speed and effectiveness with which rescue and relief are provided to disaster victims. In many developing countries, the poor have no choice but to leave their homes due to environmental destruction and the lack of governmental ability to deal with such situations. The number of people displaced due to environmental changes matches that of official refugees. According to the year 2000 annual report of the United Nations Development Programme (UNDP), this number is expected to reach approximately 150 million by the year 2050. Since the 1980s, it has been argued that these 'environmental refugees' should be categorized as official refugees. However, this argument has not been considered outside the academic field, as non-political refugees are not subject to protection under the *International Refugee Agreement*. Therefore, North Korean escapees who have left their country due to chronic food shortage are not protected by international law because this is classified as an environmental (natural disaster) or economic rather than a political reason.

Second, international aid organizations including the UNHCR have begun to take an interest in the problem of environmentally displaced people, with NGOs and the academic society increasingly speaking out on the severity of this problem. However, the increasing severity of human rights violations such as ethnic conflict and genocide within multiethnic states since the end of the Cold War has forced international organizations to develop systems to deal with mass cases of political refugees. This has caused difficulties in allocating time, personnel, and funds to deal with the new issue of 'environmental refugees'. The UNHCR is also placed

in the difficult position that if it granted refugee status to North Korean escapees, it would set the precedent for granting refugee status to non-politically displaced people, and would then come under pressure to grant refugee status to non-political asylum seekers in similar situations from all over the world. To cope with the increasing number of applications for refugee status, the UNHCR has implemented the temporary solution of granting 'Refugee-like' status or 'Persons of concern to the UNHCR' status to provide temporary protection. However, this solution will not solve the shortage of financial and human resources.

Third, the granting of refugee status is determined solely by the receiving state. The UNHCR can only intervene in the process if the receiving state is unable to decide upon the matter due to war or the absence of government. Thus, even if the UNHCR provides protection for North Korean escapees under international law by granting refugee status, the fate of those refugees will still be determined by the receiving state. Currently, China wishes to avoid causing deterioration in its relations with North Korea, and to prevent the potential massive inflow of North Korean escapees that may occur if they were to be recognized as official refugees. Therefore, China deals with North Korean escapees based not on whether the cause of defection is political or environmental, but by whether or not the applicant is an illegal alien. Although a number of the North Korean escapees residing in China are political refugees, the Chinese government has without exception labeled them all as 'illegal aliens'. In December 1999, seven North Korean escapees who had been granted refugee status by the UNHCR were expelled from Russia to China. China promised to send them to South Korea, but the very next day they were forcibly repatriated to North Korea. This demonstrates that effective protection of North Korean escapees within China is not foreseeable with the current attitude of the Chinese government.

Fourth, North Korean escapees that come to South Korea are granted South Korean citizenship under its Constitution (with exceptions when North Korean escapees have committed international crimes). Under Article 3 of the South Korean Constitution, the Republic of Korea consists of the Korean peninsula and all attached islands. Therefore, by law, Koreans residing in North Korea are also citizens of the

Republic of Korea, and North Korean escapees in foreign states are therefore citizens living abroad. Also, according to the *Law Regarding the Protection and Settlement Assistance of North Korean Escapees* which has been in force since July 1997, provisional protection measures must be taken whenever a request is received for protection from North Korean escapees abroad. Negotiations with the receiving state must be carried out under humanitarian principles to bring them to South Korea. However, due to political and diplomatic reasons, flaws in international law, and overly bureaucratic procedures, many North Korean escapees are not granted entrance into South Korea, or are only admitted on a selective basis.

The South Korean government has been practicing 'soft diplomacy' on the issue of North Korean escapees in China by requesting that they be provided with 'special treatment' based on humanitarian principles, while respecting the rights of China under international law. Many North Korean escapees have voiced their desire to defect to South Korea, but the South Korean government has not been eager to help these people for fear of causing diplomatic tensions with China. However, as demonstrated by the case of forced repatriation of the seven North Korean escapees the very day after China promised to send them to South Korea, the policy of 'quiet diplomacy' has limited effect. President Kim Dae Jung expressed strong regrets about that incident to the Chinese government. However, during the annual New Year press conference on 1 January 2000, he stated that it was not appropriate to press the North Korean repatriation issue in light of North-South and South-China relations, indicating that the policy of 'solving the North Korean escapee problem quietly' was once again in place. Despite criticism for its passive attitude toward the problem by academics and NGOs, there is little likelihood that the South Korean government, which operates under the basis of *Realpolitik*, will actively intervene in the North Korean escapee issue.

Fifth, it is difficult to obtain accurate information on the number and situation of North Korean escapees abroad. This makes it difficult for the South Korean government to establish a budget to help North Korean escapees, and also makes it difficult for the UNHCR to create solutions such as determining eligibility for temporary protection. Adding to

the problem is the large discrepancy in the estimated numbers of North Korean escapees between the various governments and NGOs. While the UNHCR estimates that there are some 30,000 North Korean escapees, the Chinese government unofficially estimates that there are fewer than 10,000, the South Korean government estimates that there are approximately 10,000–20,000, and NGOs estimate that there are approximately 200,000– 300,000. Based on a comprehensive analysis of the available data, it would seem that there are at least 100,000 escapees. However, it is impossible to follow the movements of individuals or to track the duration of their stay in China, and there are practical limitations in providing international protection or determining the subject or scope of aid based on information gained from anonymous interviews.

Finally, the ‘compassion fatigue’ that is spreading throughout the international community is another reason behind the lack of international protection for the escapees. Currently, over 90% of financial aid for refugees comes from OECD countries. These Western countries that have been accepting refugees or providing financial assistance have now started to turn their backs on the increasing number of refugees around the world. The governments of European nations in particular are not only trying to reduce the financial cost of providing aid, but are also trying to stem the inflow of refugees by implementing the so-called ‘Europe Fortress’ policy, which makes the process of granting refugee status stricter. There is an increasing sense of NIMBY (Not In My Backyard), where people oppose the use of their tax dollars to help other states in crises, or to help provide social adaptation training to those who have come from abroad when there are others within the state who need help. In other words, there is a decrease in the land in which the state-less around the world can settle in. This has increased the hardships of North Korean escapees.

III. Why Must They be Protected?

Organizations such as the UNHCR maintain the view that North Korean escapees are not eligible for refugee status under international law. However, they must be granted legal

protection as well as international support for the following reasons.

First, there is a need to focus on the main cause of the North Korean escapee problem: the food shortage. Cases of 'complex displaced persons' occur when political factors and environmental change both play a part. Ecocide is a situation where human lives are threatened by destruction of the environment and is oftentimes a planned part of warfare. Therefore, along with the issue of protection for ecocide victims, ecocide itself requires the attention of the UNHCR. This is in contrast to the problem of 'general displaced persons', which is the result of natural disaster. In such cases, the affected state should find solutions through its own development policies or through international aid. If 'general displaced persons' are made eligible for refugee status as well, it will increase the burden on international organizations that are already working to capacity. However, nations ruled by military dictatorships or religious hard-line governments often fail to solve the problems of overpopulation, social disorder, and extreme economic hardship because they are more interested in preserving their hold on power than in the lives and welfare of their citizens. If such citizens become general displaced persons due to natural disaster, the situation may be worsened by political factors such as lack of governmental ability or will to fund rescue and reconstruction operations. Also, at times particular groups such as known anti-government factions may be excluded by governments from disaster recovery programs, or political calculations may come into play when deciding upon a location to carry out development programs that will result in massive population movements. Under such circumstances, international assistance programs implemented through the government cannot be carried out effectively.

This political factor plays a major part in motivating North Korean citizens to leave their country. Although the continuous train of natural disasters since the mid-1990s has seriously damaged agricultural production, North Korea's food crisis fundamentally results from structural problems such as a large proportion of the budget going to military expenditure and the closed, centrally planned economy. Another problem is that although the amount of international aid has increased substantially since 1996, it has been

reported that distribution of relief supplies is based on political loyalty or economic utility rather than economic destitution or hunger, and that a large proportion of the supplies is distributed to high-level officials or devoted members of the Communist Party. To avoid criticism over such distribution methods, the North Korean authorities have restricted the activities of international organizations and NGOs within North Korea. As a result, the Medicin San Frontier (MSF) and Oxfam withdrew from North Korea in September 1998 and December 1999 respectively. In December 1999, agencies and programs under the UN system such as the World Food Programme (WFP), the UN Development Programme (UNDP) and the Office of Coordination for Humanitarian Affairs (OCHA), and twenty-one NGOs such as the Center for Refugee Studies and the World Vision released a joint-statement voicing their concern. The North Korean authorities summoned a WFP official and protested against this action. The German NGO Komitee Cap Anamur, which provided medical aid in a Pyongyang hospital until it was forced to leave in December 2000 after publicly criticizing North Korea for its human rights abuses, reported at the South Korean National Assembly human rights forum on 8 May 2001 that foreign relief supplies were not being appropriately distributed to the North Korean people. According to 1998 Nobel laureate, Professor Amartya Sen, famine occurs when the individual does not have the ability to acquire food, and the state does not have the appropriate measures to protect such abilities.¹ The North Korean food shortage remains unresolved not due to a lack of food, but because of the government's failure to ensure the adequate distribution of food. North Korean citizens have been brainwashed to be loyal to the Communist Party and Leader, and are accustomed to living with no more than the bare necessities for survival. The defection of these brainwashed North Koreans (even if it is for food) suggests that food shortage in the country has reached at the unbearable level.

Second, China classifies North Korean escapees as illegal aliens who have committed a border violation, and enforces repatriation based on the *Chinese-North Korean Border Treaty of 1960*, which stipulates the enforced repatriation of escapees or criminals. China has also set

barbed-wire barriers along parts of the North Korean border. In the meantime, North Korean authorities have tightened control over border violations of North Korean citizens by issuing new border passes in April 1999. This will only result in increased starvation of North Koreans who do not receive adequate rations.

Currently, North Korean escapees in China live in seclusion, fearful of arrest and repatriation. Articles 86 and 47 of the former North Korean Constitution required that North Korean escapees to be repatriated be protected. When the Constitution was revised in September 1998, the treason against nation and people clause (Article 86, former constitution) was deleted and the punishment for female and child escapees who were simply in search of food was more or less relaxed. This has proved an obstacle for North Korean escapees facing repatriation who wish to obtain refugee status in international law as it makes it appear that repatriation will not endanger them. Despite the revision of the Constitution (Article 47 of the Criminal law still defines the treason against nation concerning its citizens), we are informed by escapees who managed to escape after being arrested that those who are repatriated are often branded as traitors and are imprisoned in political detention centers where they are beaten, persecuted and sometimes even publicly executed. A recent example is that of Taejoon Yoo. He settled in South Korea in 1998 and approached the North Korean-Chinese border to bring his wife to South Korea. He was arrested, repatriated, and shot to death at a public execution site in Hamheung. South Korean newspapers have reported North Korean escapees as saying that the North Korean government is conducting public executions in order to discourage its citizens from leaving. An ordinary North Korean citizen would typically witness more than one public execution, especially as the most severe punishment is given to those escapees who had contacted South Koreans, joined a religion, attempted to escape more than twice, are inlanders, are married to Chinese, became pregnant or became a victim of human trafficking - Article 2 of the *1951 Convention* relating to the status of refugees clearly states that no contracting state shall expel or return a refugee to the frontiers of territories where his/her life or freedom would be threatened. This is known as the principle of non-refoulement. In 1977 the

UNHCR released a resolution that non-refoulement should be applied to persons who may be subjected to persecution if returned to their country of origin, irrespective of whether or not they have been granted formal recognition as refugees. Thus, China's forced repatriation of North Koreans is a violation of international law.

Third, North Korean escapees in China are suffering human rights violations such as being sold in human trafficking or labor exploitation, and yet for fear of being arrested and repatriated, they remain silent. Women constitute more than half of all North Korean escapees, yet only a small number find jobs through the help of relatives or are willingly married. The majority are sold through human trafficking into prostitution, or men who are unable to find wives through regular means, such as widowers, old bachelors, disabled men, mentally-ill men, or obsessive gamblers. Women in such marriages are often beaten or imprisoned, and they suffer from prejudice and the stigma of having sold their bodies. Chinese laws punish human trafficking severely, but the penalties for the human trafficking of North Korean female escapees are exceptionally light and are usually limited to fining. The victims of forced marriage or prostitution refrain from speaking out against their sexual exploitation not only because they seek to avoid revealing themselves to be arrested, but also because they wish to conceal this fact (as in the cases of the enforced comfort women to the Japanese army during World War II) due to the high value placed on female virginity in East Asian cultures. Meanwhile, male North Korean escapees have little choice but to undertake hard labor for less than the proper amount of remuneration. They cannot speak out because revealing their identities will lead to arrest and repatriation.

The Chinese public peace authorities have been increasing their surveillance and search activities since 1998, and have imposed strong measures such as fining anyone who assists North Korean escapees. According to an Amnesty International Report of December 2000, the three-day unofficial visit to China of the North Korean leader Kim Jong Il in late May 2000 is believed to have initiated a fierce crackdown by China. Between March 15 and April 15, 2001, around 5,000 North Koreans were forcibly returned. As a result, many escapees to China are hiding in desolate huts or

caves, and come out only after dark to steal food. Greater numbers are moving to Inner Mongolia or Vietnam to escape the crackdown, or are participating in human trafficking or joining criminal groups to avoid revealing their identities..

North Korean escapees arrested by the Chinese public peace authorities or border patrol are housed in detention centers in the border area before they are repatriated. As the image of North Korean escapees worsens in China, detainees are increasingly beaten. In April 2000 at the Tumen Detention Center in China's northeastern province of Jilin, detainees protested against forced repatriation and the poor treatment they were receiving. China returned them to North Korea immediately. Amnesty International appealed to both the Chinese and North Korean governments to disclose the whereabouts and legal status of those who were forcibly returned, but has received no reply from either side.

Fourth, the attitude of the Chinese government is the major impediment to the protection of North Korean escapees, and change seems unlikely. China is maintaining its position of seeking to consolidate its relations with North Korea by repatriating escapees. It also believes that from if a precedent is set by granting refugee status to North Korean escapees, then it will be unable to refuse similar applications by other ethnic groups and that the resulting massive refugee inflow would threaten its internal order and security. However, just as building more prisons does not translate into a decrease in criminal activity, tighter border control does not mean effective refugee control. Stricter rules will increase the likelihood of illegal immigration by those who know they will not be granted refugee status. And we should keep in mind that refugee outflow is not a leading indicator of a crisis situation, but a lagging or following indicator. The very existence of refugees indicates the severity of the North Korean food crisis, and we can expect more escapees to illegally cross the border in search of a means of survival. Thus, China should treat North Korean escapees from a humanitarian point of view and provide them (at least temporarily before sending them on to South Korea or a third country) with legal and institutional protection and support. In the long-term, such an approach would benefit China's own security and order.

IV. What Shall We Do? : Tasks for the South Korean Government

So far, the South Korean government's attention to North Korean escapees has been restricted to those who settle in South Korea. North Korean escapees abroad, especially those in China, have not received much publicity within the South, and are dealt with quietly through diplomatic channels. As the Chinese government considers North Korean escapees to be illegal immigrants, open assistance is difficult. Also, the South Korean government wishes to avoid provoking the North. The South was determined that the issues of escapees and human rights would not be permitted to cause a break down in last year's June summit talks. However, while the peaceful and reconciliatory mood of the historic South-North summit and the inspirational reunion of long-separated family members were being celebrated as a success of the Sunshine Policy, North Korean escapees remained homeless in the North Korean-Chinese border areas, trapped in a human rights void and living in fear of repatriation. Between March and August 2000, an extensive Chinese search campaign resulted in many escapees being returned to North Korea. If the South Korean government refuses to take action and continues its pursuit of 'quiet settlement', it will be criticized for losing sight of the original goals of the engagement policy. If the ultimate goal of its policy towards North Korea is to secure the rights of the North Korean people, it must include escapees as well. And to protect escapees, the South Korean government must consider the following points with respect to making and implementing policy towards North Korea.

First, a variety of diplomatic measures must be attempted to secure the safety of escapees. The Chinese government continues its policy of forced repatriation, despite evidence that those repatriated will be persecuted and executed. Attempts must be made to change this policy through diplomatic efforts. The South Korean government, in close cooperation with the UN and other international relief organizations, should exert pressure on China to respect the non-refoulement principle under the *Refugee Convention*. North Korean escapees who are not legally recognized as refugees can refer to the *1977 Resolution* which states that the principle of non-refoulement should be applied to persons

irrespective of whether or not they are formally recognized as refugees. Consideration should also be given to other practical alternatives. UNHCR statements or official investigations (such as the investigation started by the UNHCR in April last year after the repatriation of 60 detainees from the Tumen Detention Center), statements made in the UN Human Rights Commission, academic circles and press reports, and the influence of NGOs can all be integrated into a systematic and effective international effort to publicize the issue of forced repatriation. China is scheduled to join the UN Human Rights Convention, and so will not be able to ignore the issue of North Korean escapees. The South Korean government should clearly voice its concerns for the safety of repatriated escapees. Coordinated international pressure should be used to publicize the matter through both official and unofficial channels in order to gain information on their location and condition.

Such an approach attempted by South Korea independently would have a very limited effect. For example, at the 56th UN Human Rights Commission the South Korean government declared that North Korean escapees were refugees in a broad sense, and should be dealt with accordingly in terms of international human rights. The Chinese government responded through its Ambassador to South Korea Wu Dawei, that 'the issue of North Korean escapees should be dealt with by North Korea and China, and any discussion by South Korea constitutes neo-interventionism'. The South Korean government is very anxious not to damage its diplomatic relations with China or its improving relations with the North. However, it must not be overly hesitant about objecting to a statement that so strongly places sovereignty above individual human rights. The South Korean government will have to persuade nations such as the US, Japan and those of Western Europe, who claim to be advanced in terms of human rights, to ask questions concerning the severity of the North Korean escapee issue at the UN Human Rights Commission and other international meetings. Pressure could also be exerted on North Korea and China with the close diplomatic cooperation of the US, Japan and Western Europe. These nations may view the suffering of North Korean escapees as geographically distant and unrelated to their own national

interests, and may wish to avoid such direct confrontation with China. Nevertheless, urging these nations, who pioneered the global spread and institutionalization of human rights regulation since the 1948 Universal Declaration of Human Rights, to exert international pressure on China and North Korea is far more realistic and effective than South Korea acting alone.

Second, fear of losing the hard-won reconciliatory atmosphere achieved by the North and South Korean governments should not be allowed to prevent the active discussion of North Korean escapee and human rights issues. In comparisons of the reunification of the two Germanies and the two Koreas, the while political conditions and unification costs are pointed out while West Germany's human rights policy towards East Germany is often overlooked. The West German government maintained the position that human rights would be protected at all costs while pursuing reconciliation. The West German government endeavored to improve the poor human rights conditions in East Germany with consistent and coherent diplomatic efforts through its organic law, the unification treaty between West and East Germany, and externally through UN organizations with human rights provisions and the Helsinki Accords, which were signed by Eastern European countries including East Germany in August 1975. From 1963 the BND had provided the East German government with large amounts of money and supplies in an attempt to gain the release of political prisoners, reunite separated family members and bring arrested East German escapees and their families to West Germany. As a result, 300,000 East German citizens gained their freedom before reunification in 1989. The West German government kept the identities of East German escapees to the West confidential so that they could lead their lives as ordinary West German citizens. This is in stark contrast to the South Korean government, which reveals North Korean escapees' identities and forces them to speak of the inferiority of the North Korean regime for propaganda purposes. The South Korean government should follow the West German example and ensure the protection of individual escapees while exposing North Korean human rights issues to international publicity.

All diplomacy involves both ‘the carrot and the stick’, and the South Korean government should abandon its dichotomized view of concession or catastrophe. If aid and the Sunshine Policy is our carrot for North Korea, we need to show the stick when the safety of escapees is not upheld.

Third, serious but scattered efforts by domestic and foreign NGOs, academic circles, and journalists need coordination or integration. Tightened border control and increased searching for escapees are actually the consequences of coverage of the miserable living conditions of North Korean escapees by foreign media reports, NGO reports, and movements seeking to obtain international refugee status for escapees. In fact, the South Korean government’s approach of ‘quiet diplomacy’ stems from caution. Since the 56th UN Human Rights Commission in 2000, the South Korean government has treated the problem as refugee-related. Therefore, coordination and systematic measures are required at the government level so that well intentioned NGOs and journalists do not exacerbate the problems. Realistically speaking, we can review and supplement the studies of the Center for North Korean Society and Human Rights, which was established in 1996 as a standing institution under the Korean Institute for National Unification, on the situation of North Korean defectors and escapees in third countries and on methods used to bring them to South Korea.

Fourth, the political pressure caused by the admittance of Northern escapees to South Korea is the most contentious factor in North Korea’s view. Therefore, the South Korean government must produce a plan for temporary protection in cooperation with the UNHCR. Temporary protection status grants protection to refugees according to mutual consent of the involved states, facilitates rapid and flexible protection, and was recognized by the UNHCR in 1992. Temporary protection is inherently tentative and difficulties arise when the issue is prolonged, but for the time being it is one means of persuading China to stop the repatriation of escapees and to provide basic protection for them. To complement temporary protection, ‘tolerated status’, could be considered for North Korean escapees and other refugees. This was used in Germany as an alternative to granting refugee status, and provided legal alien status without monetary assistance.

Fifth, most urgent of all is the need to ease the food crisis through agricultural policy reforms, proper distribution of relief supplies and decreasing North Korea's military expenditure. The international community including South Korea must ensure relief supplies are appropriately distributed to the population, and shift the focus of the international relief effort from 'aid' to 'development'.

Finally, while NGOs have been calling on China and the UN to grant refugee status to escapees, the South Korean government itself had not granted refugee status to anyone until as recently as the year 2000, eight years after the signing of the Refugee Convention. The Ministry of Justice reports that 104 people have requested refugee status since eight years ago, of which 57 of these have been rejected and 47 are still under consideration. This is because the South Korean government regards refugee matters not from a 'human rights' point of view, but from an 'immigration control' point of view. This lack of compassion must be reconsidered for the sake of successful diplomatic efforts on behalf of North Korean escapees.

V. Conclusion

Human security means improving human standards of living by actively eliminating underlying threats. This extends beyond the passive protection of individuals from war, persecution, disease, famine, and poverty. UN Secretary-General Kofi Annan's statement at the General Assembly in 2000 that 'individual sovereignty takes precedence over state sovereignty', and that all human beings have the right to 'freedom from fear' and 'freedom from want' sends a warning that national sovereignty must not be used as a shield the violation of individual rights. Refugee protection should extend beyond the passive concept of human security, and encourage active efforts by the international community against human rights violator states.

South Korea's Sunshine Policy optimistically assumes that continuous goodwill will gradually bring North Korea into dialogue and reconciliation. However, the North Korean attitude towards South Korea, as indicated by the current lull, fluctuates according to the state of the North's relations with the world's major powers and the US in particular, regardless

of the policies of the South Korean government. Even if the Sunshine policy approach is able to change the attitude of the North Korean government in the long-term, the starving people of North Korea cannot wait that long. The North Korean government's actions do not necessarily protect the interests of the North Korean population. Aid and the Sunshine Policy could actually result in the consolidation of the oppressive North Korean regime. Therefore, while working hard to promote intergovernmental dialogue and cooperation with the North Korean government, the South Korean government must not lose sight of such fundamental principles as the protection of human rights.

The author is with Korea University.

Notes and References:

¹ Amartya Sen. 1981. *Poverty and Famines: An Essay on Entitlement and Deprivation*. Oxford: Clarendon Press.