

THE NEGLECTED CRISIS: NORTH KOREAN REFUGEES AND US POLICY OPTIONS

by

HYEIN KIM

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Dr. Elizabeth Hull

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DISSERTATION ABSTRACT

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By Hyein Kim

Dissertation Director:

Dr. Elizabeth Hull

In my research paper, I attempt to analyze the brutal human rights abuses of North Korean (NK) refugees, many of whom flee to neighboring China, driven by political persecution and chronic hunger. NK refugees are not welcomed in China for geo-political reasons— and, accordingly, are denied refugee status.

This is a topic which merits far more research. The majority of NK escapees are women and young children. Denied legal recognition upon escape, many are eventually forced into human trafficking, including sex slavery. Still others suffer an even worse fate upon repatriation.

Despite recognition by certain (mostly Western) countries, NK refugees are, in fact, widely not recognized as such by neighboring Asian countries. Due to such disagreement, international organizations (notably UNHCR) have been largely powerless to help. This is a pity, for refugees in places like Africa and the Middle East – no more deserving of international attention and help –nevertheless receive far more of it. The present impasse, I also argue, can largely be attributed to the self-interested actions of the Chinese government.

I chose to investigate this research topic from two angles. First, I set about to ascertain whether NK escapees are simply “economic migrants”, or whether they are indeed full-fledged refugees deserving protection under international law. Second, I examined United States (US) engagement on the issue, both in domestic and foreign policy.

Throughout my thesis paper, I use various documented sources, including governmental reports as well as the testimonies of NK refugees who suffered labor camps and other horrendous punishment for attempting to flee their country. I also extensively explore how international refugee law is routinely ignored, to the great detriment of NK refugees.

I explain why the NK refugee issue is important – to not only North Koreans, but to the international community as well. I therefore hope my work will contribute to greater awareness of the urgency of the issue, while offering assorted policy recommendations to the US government. Finally, I argue that it is in both America’s moral and strategic interest – especially given the country’s recent “pivot to Asia” – to take a leading role in improving the basic human rights’ of NK refugees.

Preface

The Master's thesis "The Neglected Crisis: North Korean Refugees and US Policy Options" has been prepared by Hyein Kim at the Department of Political Science at Rutgers University. Professor Elizabeth Hull has served as supervisor for this paper, which is submitted as a partial fulfillment of the requirement for obtaining the Master's degree in Political Science at Rutgers, Newark.

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My two "adopted" families in the US, the Campanellas and Yoos, have supplied abundant love and helped ease my transition to life in America.

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Chapter 1

Introduction

Purpose of the Study

In recent years considerable debate and controversy has taken place across the globe on how to save the lives of North Korean (NK) escapees, who are reported to be in desperate need of help and security. The Chinese government argues that Refugees, despite their dire status, should be sent back to North Korea. However in contrast to China, North Korea's foremost ally, most other countries, including South Korea, the United States (US), and many international organizations, argue that NK refugees should instead be protected and assigned refugee status.

I argue in my thesis that US must indeed take a leading role in upholding international treaty obligations, as well as its own domestic laws, in order to safeguard NK refugees hiding in China and other Asian countries. I also argue that due to its unrivalled influence, US engagement on the NK refugee issue is critical to protecting these refugees. In addition, I argue that assisting NK escapees can strengthen US soft power in East Asia by helping to resolve a highly contentious regional issue.

This paper aims: (i) to describe the situation of NK escapees in China, particularly the area near the Chinese-NK border where most NK refugees live; (ii) to raise awareness of that situation to a level comparable to more publicized refugee situations in places like the Middle East and Africa; and (iii) to offer policy suggestions to the US government on how to more effectively respond to the problem.

This paper contains two main components. The first is informational: it discusses the tremendous suffering of North Koreans, who typically flee from extreme hunger and

repression; the origins of the present crisis; the plight of North Koreans who have fled to China; China's reasons for denying them sanctuary; and relevant national and international laws.

This paper's second component concentrates on US policy: exploring how the US government deals – and might better deal with – NK refugees. I argue that US engagement matters for many reasons, some less obvious than others. One such case is the country's position as the largest donor to the Office of the United Nations High Commissioner for Refugees (UNHCR). Another is America's status as one of the top destinations for international refugees.

I note that while the world has closely followed North Korea over its military tensions in the Korean Peninsula, including its nuclear ambitions, the status of NK refugees has been grossly neglected. As such, I argue that alerting a wider audience to their dire need for international assistances is an important first step to improving current condition.

I divide the paper into six chapters. Chapter 1 offers an introduction. Chapter 2 offers background on the problem, including discussion of why this topic is important; what can be done in order to honor legal commitments; and what the risks of inaction entail in such a volatile region. Chapter 2 also explains the motivation behind Chinese policy towards NK refugees.

Chapter 3 places North Korea's present situation in historical context, especially the country's post-Korean War history. It explains why North Koreans are so desperate to escape their country, as well as their perilous journey to neighboring China (and to more

distant Laos, Mongolia, and Thailand, among other countries). Chapter 3 also discusses China's relationship with North Korea and South Korea's treatment of NK refugees.

Chapter 4 is divided into two parts; the first discusses China's claim that the escapees are "economic", rather than "political" refugees and cites international norms, and laws to refute China's stance. I focus, in particular, on women and orphans, and on how they are often physically abused while seeking asylum. The second part provides an overview of legal protection available to NK refugees under international law, focusing in particular on China's legal commitments.

Chapter 5 addresses US foreign and domestic policy towards NK refugees. I examine the US government's application of NK refugee controls within its own diplomatic and migration management policies. I argue that proper adherence of such policies is crucial to serving vulnerable refugees.

In chapter 6 I offer recommendations on US-led solutions to assist NK refugees. I explain why my recommendations stand to improve dialogue between the US and other concerned countries.

In my conclusion, chapter 7, I stress why the NK refugee problem, if left untackled, could eventually escalate into a "full-blown" regional crisis, with serious implications for future NK-Chinese border security; American foreign policy in Asia; and China's global ambitions. While I focus heavily on US policy towards NK refugees, in doing so I also aim to rouse the international community to action.

Chapter 2

“An economic migrant normally leaves a country voluntarily to seek a better life. Should she decide to return home, she would continue to receive the protection of her government. Refugees flee because of the threat of persecution and cannot return safely to their homes.” UNHCR¹

Background

TABLE 1 -Countries with more than 100,000 refugees (as of December 31, 2003)

Country of Origin	Number of Refugees	Cause of Flight
Israel/Palestine	3,000,000	Civil war/Interstate war (IS)
Afghanistan	2,500,000	Civil war
Sudan	600,000	Civil war
Myanmar	586,000	Civil war
Congo-Kinshasa	440,000	Civil war/IS
Liberia	384,000	Civil war
Burundi	355,000	Civil war
Angola	323,000	Civil war
Vietnam	307,200	Civil war
Iraq	280,600	Civil war/IS
Eritrea	280,000	Civil war
Somalia	277,000	Civil war
Colombia	233,600	Civil war
Croatia	209,100	Civil war
Western Sahara	190,000	Civil war
China	157,500	Civil war
Bosnia	142,200	Civil war
Bhutan	128,700	Persecution
Sri Lanka	105,700	Civil war
North Korea	101,700	Persecution

Source: World Refugee survey 2004²

As the above table makes clear, there are refugee crises throughout the world.

North Korea is, sadly, only one of many countries yielding refugees. Just how many NK

¹ “What is a refugee?”, USA for UNHCR, The UN Refugee Agency.

<http://www.unrefugees.org/site/c.lfIQKSOWFqG/b.4950731/>

² Monica Duffy Toft, “The Myth of the Borderless World: Refugee and Repatriation Policy,” *Conflict Management and Peace Science*24 (2007):139-157.

refugees are there? Different sources put the number anywhere from 20,000 to 1,000,000.³ Reliable data on the number of escapees is difficult because many live in China and other Asian countries, fearful of being repatriated. Indeed much of what is known about NK refugees comes from first-hand testimony, often recounted to the Non-Governmental Organizations (NGOs) who try to help them. There is far more certainty on why North Koreans flee their country: chronic food shortages, extreme human rights violations, and generally terrible living conditions.

For NK refugees who do not successfully escape, common methods of punishment include public beatings, torture, execution and life imprisonment with hard labor. That so many North Koreans are willing to risk their lives to is a good indication of the living conditions they face back home.

Article 2, section 1 of South Korea's Constitution declares that "Nationality in the Republic of Korea is prescribed by law".⁴ The South Korean government's enactment of the 1962 Special Relief Act for Patriots and Veterans automatically offers citizenship to any North Korean who manages to enter South Korea's territory. Article 3 continues, "The territory of the Republic of Korea shall consist of the Korean Peninsula and its adjacent islands".⁵ South Korean law mandates that NK refugees be protected, no matter where they escape to.

Yet China, a close military ally and economic backer of the NK regime, has blatantly disregarded South Korea's requests to protect North Korean who flee to China. China maintains that North Koreans who cross its border seeking asylum are "economic migrants", as evidenced by the fact that most suffer from chronic hunger and malnutrition.

³ U.S. Refugee Admissions Program for Fiscal Years 2004 and 2005

⁴ Republic of Korea Constitution, art. 2.

⁵ Republic of Korea Constitution, art. 3.

Designating North Koreans as economic, rather than political, refugees enables China to justify returning NK escapees back to North Korea, although it is surely aware that doing so violates treaty obligations. According to Mike Kim of North Korean Human Rights activist, “UNHCR told the Chinese very clearly...that deportations of North Koreans are a violation of international law...”⁶ Despite China’s unwillingness to budge, international human rights NGOs have long protested the inhumane treatment accorded NK refugees.

Their efforts have had some success alerting media around the world to the abuse suffered by NK refugees — both in China and in the labor gulags many are sent to back in North Korea. In one example in October 2011, around thirty NK refugees were arrested by Chinese police and set to be repatriated. They were then detained several days while intensive diplomatic efforts were made by South Korea’s government and various NGOs to rescue them. Their story triggered national and international demonstrations on their behalf, drawing the support of many South Korean celebrities and lawmakers. A South Korean congresswoman even went on hunger strike for several days outside the Chinese Embassy in Seoul in protest. Critics urged the Chinese government to stop arresting and deporting NK refugees and instead respect international norms on refugees. Despite of rescue efforts, the whereabouts of thirty NK refugees has been unknown so far.

In the real world, however, countries pursue their perceived self-interest, often flouting international treaties in the process. Accordingly, to fully understand the NK refugee situation, one must also understand the motivations behind the policies that have created the current crisis.

⁶ Mike Kim, *Escaping North Korea: Defiance and Hope in the World’s Most Repressive Country* (Rowman& Littlefield Publishers, 2008), 77.

Why this is important

My objective in writing this paper is to find a workable solution to the NK refugee problem, in particular by proposing a new strategic approach for US foreign policy. The issue is important for how it might shape perceptions on various other refugee crises around the world. I explain why the NK refugee phenomenon is so important for humanitarian reasons, and thus deserving of international assistance. I will fully develop these themes in later chapters. While focusing my argument on international refugee law — and China's deliberate evasion of it — I will also draw on academic literature and media coverage, as well as personal email interviews with individuals who have direct experience with NK refugees.

Liu Ming, a Chinese academic, is a prominent defender of China's current policy. Liu reports that certain international NGOs and prominent South Koreans have already vigorously lobbied the Chinese government on behalf of NK refugees.⁷ His argument mixes economic and national sovereignty concerns, asserting:

If China allowed these incidents to continue, the NGOs would take it as an encouraging sign, and the Chinese government would face grave consequences and endless trouble as more North Korean refugees would flood across the China border, representing a long-term burden and pressure on China.⁸

Liu also claims that China is not impervious to the health of NK refugees, and has “privately allowed an array of South Korean humanitarian and missionary groups operating in the border area to take care of their compatriots in exile in the name of providing food assistance to North Korea.”⁹ Liu, however, insists that China has little

⁷Ming Liu, “China and the North Korean Crisis: Facing Test and Transition,” *Pacific Affairs* 73, no 3 (2003): 347-373. JSTOR, www.jstor.org.

⁸Ibid.

⁹Ibid.

choice because accepting North Koreans would conflict with its priority of “preserving stability in the Korean Peninsula”.¹⁰ Further into his analysis, Liu even compares NK refugees to “illegal Mexicans working in the US”, by observing that many take low-paying, informal jobs in China, just as Mexicans do in the United States. And yet, as indicated in the quote above, while Liu concedes that NK refugees are indeed refugees, he focuses on why it is not in China’s interest to treat them as such.

Other Chinese researchers and think-tanks also defend their government’s policy in favor of the status quo. Translated Chinese sources offer insight into their mindset. Many, for instance, blame the South Korean government for raising the issue for political reasons, as “a new way for the US to put pressure on China...threatening to criticize China on human rights”.¹¹ Another prominent work — by scholars Chen Xiang, Guo Zhejun, and Huang Shanfa — criticizes the impact of pro-refugee religious lobbies in “unduly” influencing South Korean and Western governments.

Chinese journalist Lei Zhihua, writing in *Nanfanfchuang* magazine, argues that “South Korea is not trying hard enough to solve the problem”¹², while also asserting that “China tried to find a solution by working with the Kim Dae-jung government, but it never received any clear response from South Korea.”¹³ Subsequent chapters will address the validity of such claims.

¹⁰ Ibid.

¹¹ ShuiJunyi, “Experts think South Korea is stirring up the issue of the ‘tuobeizhe’ for internal political reasons” ed. David Peneau, “The conflict between Seoul and Beijing over illegal North Korean immigrants” in “Gaming North Korea,” European Council on foreign relations, Asia Centre. 2012. 13. http://ecfr.eu/page/-/China_Analysis_Gaming_North_Korea_September2012.pdf

¹² Lei Zhihua, “Friction between China and South Korea- it is impossible to stay the same when the rest of the world is changing” ed. David Peneau, *ibid*, 12.

¹³ *Ibid.*, 12.

Chapter 3

Historical and Political Overview of North Korean Refugees

3.1. Origins of the NK Refugee issue

To better understand the NK refugee issue, one must first understand how this mass exodus of people started. On August 15, 1945, Korea was liberated from Japanese colonial rule, following Japan's surrender to Allied forces at the close of World War II. Because Korea did not obtain liberation on its own, it had little say on its own future. In the end, the US and Soviet Union reached an agreement that Korea needed outside "administrative assistance" until fully capable of embarking on its own as a sovereign state.¹⁴ As a result, the two powers drew a line at the famous 38th parallel, with the Soviet Union-occupied North and US-occupied South.

From the US perspective, the Korean Peninsula suddenly became the border frontier in the global fight against communism. According to then-President Truman, "increases or decreases in democracy in one country spread and infect neighboring countries, increasing or decreasing their democracy in turn".¹⁵ (This "domino theory" would dominate US foreign policy in the coming decades.) As a consequence, South Korea became an important US military ally, with thousands of American troops stationed in the country to this very day. Indeed the two Koreas remain technically at war. US containment policy, articulated in 1946 by US diplomat George Kennan, was put into action to prevent the spread of communism in the Korean Peninsula.¹⁶

¹⁴ Chang-Il Ohn, "The Causes of the Korean War, 1950-1953," *International Journal of Korean Studies*, 14, no 2. (2010): 22. <http://www.icks.org/publication/pdf/2010-FALL-WINTER/3.pdf>

¹⁵ Peter Leeson and Andrea Dean, "The Domino Theory: An Empirical Investigation," *American Journal of Political Science*, 53 no. 3. (2009): 533-551. http://www.peterleeson.com/domino_theory.pdf

¹⁶ US Department of State, Office of the Historian, *A short history of the Department of State: George Kennan and Containment*, <http://history.state.gov/departmentshistory/short-history/kennan>

Professor Robert Simmons argues that the United States and what was then the Soviet Union bear equal culpability for dividing the Korean Peninsula. He asserts that if “foreign forces had not been involved, in time the Peninsula would have been politically united”. He also added “the conflict of 1950-1953 cannot be understood without giving attention to the policies of and relationship between the United States and Russia, both within and outside Korea, after World War II”.¹⁷ In short, the modern day division of the two Koreas is an arbitrary, artificial one imposed by competing foreign powers.

More recently, in the post-Cold War era, even while the US-Soviet rivalry has abated, the two Koreas remain divided, the South dependent on the US, the North on China and, to a lesser degree, Russia.

Throughout the entire post-war period, South and North Korea have pursued remarkably different trajectories. From the beginning, South Korea adopted a market economy with an export-oriented growth strategy. In contrast, North Korea’s communist regime adopted a Stalinist-socialist model, heavily reliant on aid from the Soviet Union and China. The differences in outcomes are striking. South Korea has emerged as a global economic powerhouse; North Korea’s economy is mired in wretched poverty, dogged by recurring famines that have killed an estimated two million people.

3.2. Two main reasons North Koreans escape: Famine and Inhumane living conditions

Various “push-and-pull” factors undoubtedly explain the desire of large numbers of North Koreans to seek asylum abroad. Yet according to one study, economic conditions and brutal regime practices (such as restricted political and religious freedom)

¹⁷Robert Simmons, *The Strained Alliance: Peking, Pyongyang, Moscow and the Politics of the Korean Civil War*(New York: Free Press, 1975).

are the main driving factors.¹⁸ Starvation and repression have thus triggered mass exodus. (Indeed the North's economic problems are so dire that refugees are willing to brave dangerous border rivers and towering mountains to enter China.)

How bad is it? One joint UN survey in March 2011 indicated that over six million people¹⁹, nearly one-quarter of the population, urgently need food assistance. Today all evidence suggests that living conditions of North Koreans continue to deteriorate. Such severe food shortages have a devastating impact on society. According to reports by the World Food Program (WFP), millions of North Koreans experience chronic starvation and incurable disease, the cumulative product of decades of dismal harvests. WFP estimates that 33 percent of the country's children suffer from stunted growth, with 20 percent underweight.²⁰ Persistent crop failure and severe hunger have also given rise to rumors, widely-believed, that cannibalism has become widespread. A 2012 joint WFP-Food and Agriculture Organization report on food security in North Korea urged that "international support [in 2013] should be focused on expanding and developing nutrition programs specifically targeted to about 2.8 million vulnerable people".²¹

Most analysts agree that the country's severe economic problems are chiefly the product of its Soviet-style, command-and-control economy. Human Rights Watch's World Report 2013 blamed "the government's blatantly discriminatory food policies that

¹⁸ Yoonol Chang et al., *Migration Experiences of North Korean Refugees: Survey Evidence from China*. (Washington DC: Peterson Institute for International Economics, 2008), <http://www.iie.com/publications/wp/wp08-4.pdf>

¹⁹ *World Food Programme*. "Korea, Democratic People's Republic (DPRK)," <http://www.wfp.org/countries/Korea--Democratic-People-s-Republic--DPRK-/Operations/Current-Operations>.

²⁰ Ibid.

²¹ Food and Agriculture Organization of the United Nations and World Food Programme, *FAO/WFP Crop food security assessment mission to the Democratic People's Republic of Korea*, (Rome: 2011), 4.

favor the military and government officials and economic mismanagement”²² for chronic food shortages. Despite its periodic assertions to the contrary, the regime has consistently failed to feed its own people. In short, North Korea’s frequent famines and ongoing malnutrition are man-made catastrophes. It has been widely known that as average citizens periodically starve and many more are sent to labor camps, the regime’s elite indulge its taste for luxurious cars, cigars, and cognac and gourmet cuisine.²³

Japanese scholar Mitsuhiro Kimura argues that North Korea’s economic collapse stems from its traces its ‘distinctive social rigidity’, its military-dominated, and its closed economy system.²⁴ Likewise, Professor Michael Deane similarly criticized the country’s Stalinist economic model: “While severe weather conditions undoubtedly exacerbated the DPRK (Democratic People’s Republic of Korea) food shortage, the real causes arose from conscious decisions of the DPRK leadership and the population’s response to those policies”.²⁵

Such analysis can only lead to one conclusion. Despite immediate and massive foreign assistance to hundreds of thousands of North Koreans, North Korea will face perennial hunger problems until its government makes fundamental changes to its economy and domestic institutions.

²² Human Rights Watch, *World Report 2013: North Korea* (New York: 2013), 342.

²³ Msnbc.com, “Cigars, Cognac and mass starvation: 10 facts that divide North Korea from the world,” *Msnbc.com*, December 19, 2011, http://www.msnbc.msn.com/id/45725040/ns/world_news-asia_pacific/t/cigars-cognac-mass-starvation-facts-divide-north-korea-world.

²⁴ Mitsuhiro Kimura, “The Origins of North Korea’s Economic Crisis,” Kobe University, Graduate School of International Cooperation. <http://www.ier.hit-u.ac.jp/COE/Japanese/Newsletter/No.6.english/KIMURA.html>.

²⁵ Michael J. Deane, “The collapse of North Korea: A prospect to celebrate or fear?,” Johns Hopkins University, Applied Physics Laboratory. December 2005. 8. <http://www.jhuapl.edu/ourwork/nsa/papers/NorthKorea.pdf>.

Still, economic deprivation is not the only factor which motivates North Koreans to escape their country. Widespread human rights violations are harsh, frequent, and life-threatening. Human dignity can hardly be guaranteed in such a system, one which permits a single ruling ideology – ‘Juche’, the system’s main philosophical component, which demands leader worship (first of revolutionary leader Kim Il-Sung, then his son Kim Jung-Il, and now grandson Kim Jung-Un).

Indeed the country is ruled by totalitarian dictatorship to such an extent that exercising human rights or social freedoms is not simply rare, but unthinkable. Both informal and religious gatherings are strictly forbidden. As Hwang Jang Yup, Former International-Secretary of North Korea, points out, “any religion that runs counter to the Great Leader’s ideology cannot exist in North Korea”.²⁶

3.3. The plight of NK refugees: Exodus to China

Escaping North Korea directly to South Korea is virtually impossible. A strip of heavily fortified land, the demilitarized zone (DMZ), bound on both sides by barbed wire, mines, and guns, divides the Korean peninsula in two. Today large numbers of troops remain on both sides of the DMZ. According to the 1953 Korean War Armistice Agreement (Article 1, section 8): “No person, military or civilian, in the demilitarized zone shall be permitted to enter the territory under the military control of either side unless specifically authorized to do so by the Commander into whose territory entry is sought”.²⁷ Instead, China is the preferred initial destination, with the Tuman River a

²⁶ Hwang Jang Yop, “The Problems of Human Rights in North Korea” Session 12 Foundations of North Korean society, leadership and law: From Great Leader to Dear Leader, Columbia Law School, April 2004, http://www2.law.columbia.edu/course_00S_L9436_001/North%20Korea%20materials/hwang%20jang1.html.

²⁷ The Korean War Armistice Agreement, art.1, sec. 8 July 27, 1953. <http://news.findlaw.com/cnn/docs/korea/kwarmagr072753.html>.

popular crossing destination. Recently, however, North Korea has tightened security on its Chinese border, and at river crossings. Chinese border patrol guards have also teamed up with NK patrols to ferret out hiding escapees around the border.

The map, below, shows popular NK refugee escape routes. China's hard treatment, however, encourages other risky alternative routes through countries such as Laos, Cambodia, Burma or Vietnam. A northern route, via Russia or Mongolia's Gobi Desert, is sometimes attempted too, but is no less dangerous.



1- Source: Radio Free Asia²⁸

Once in China, some NK refugees try to forcibly enter foreign consulates to gain political asylum, scaling walls or speed rushing past gate guards –drawing unwanted international attention to the Chinese government's disregard for the 1951 UN Refugee Convention and 1967 Protocol.

Refugees often secure assistance by have bribing officials or paying handlers to guide them over treacherous terrain. One survey asked a refugee group in China whether

²⁸ Dong-jun Lee and Moe-Myint, "Burma Sends North Koreans to Thailand," *Radio Free Asia*, January 2 2009, <http://www.rfa.org/english/news/korea/burma-01022009213117.html>.

they were assisted by brokers, and “three quarters said they were.”²⁹ Yet even after escaping North Korea, refugees are hardly free from danger. Many end up victims of exploitation, human trafficking, sex slavery, and violence. Women and children are typically most vulnerable.

3.4. Punishment upon repatriation

Repatriation from China to North Korea raises grave human rights concerns. The interrogation process for returned NK escapees upon arrival usually begins at “re-education” labor camps. Punishment for contact with South Koreans, especially South Korean churches is typically death, either by swift execution or lengthy public beating. North Korea practices the principle of “guilt by association” — family members are punished, as are those who committed the alleged crimes (“due process” is non-existent). Luckier offenders are sentenced to exhaustive work in labor camps, usually from five in the morning until at least ten at night, forced to subsist on sparse diets consisting largely of corn soup.³⁰

Over-work and malnourishment in the camps leads to many deaths. Yet even those who survive face lifelong mental and physical trauma. Lengthy testimony by NK refugees confirms the brutal treatment of prisoners in such camps. (NK refugees are also subject to abundant human rights violations at the hands of the Chinese government and sometimes the brokers they hire to help them escape.) While researching this paper, for example, I interviewed a NK man who had twice been imprisoned in labor camps after unsuccessful escape attempts. He described in grim detail the challenges of hiking across

²⁹ Stephan Haggard and Marcus Noland, *Witness to Transformation: Refugee Insights into North Korea* (Washington DC: Peterson Institute Press, 2011), 32.
http://www.piie.com/publications/chapters_preview/4389/02iie4389.pdf.

³⁰ Unknown, interview by author, Bergenfield, New Jersey, December 2012.

mountains and freezing rivers, as well as the tortuous punishments he was subjected to in the labor camps.³¹

If there were any doubt as to the accuracy of these accounts, North Korea's Criminal Code offers written confirmation. Article 117, for example, warns that "he who crosses the border without permission shall be punished by three years of labor re-education".

Meanwhile Article 47 states:

Any person who escapes to another country or to the enemy in betrayal of his motherland and people, or who commits treacherous acts towards the motherland such as espionage or treason, shall be punished by at least seven years or more of labor re-education. If it is a serious violation, he shall be punished by execution and forfeiture of all property.³²

Making matters worse, such laws are often loosely and arbitrarily applied. A 2012 report by Human Rights Watch adds:

North Korea's Criminal Code stipulated that the death penalty can be applied only for a small set of crimes, but these include vaguely defined offenses such as crimes against the state and crimes against the people that can be and are applied broadly... a December 2007 amendment to the penal code extended the death penalty to many more crimes, including non-violent offenses such as fraud and smuggling.³³

Further refugee testimony suggests that public executions in the country have risen sharply in recent decades (partly in response to spiraling "non-political" crime, like rape and murder). Indeed the list of crimes now punishable by death includes even small-scale theft by desperate food seekers. Moreover, those accused of crimes can hardly expect a fair trial. According to a 2011 US State Department report, the NK government executes

³¹ Ibid.

³² The North Korea's Criminal Code, art. 47 and 117.

³³ Human Rights Watch, *World Report 2012: North Korea* (New York: 2012), <http://www.hrw.org/world-report-2012/world-report-2012-north-korea>

“political prisoners, opponents of the government, repatriated defectors and others accused of crimes with no judicial process”.³⁴

North Korea’s government uses other inhumane techniques to discourage potential migrants. After the death of the late dictator Kim Jung-Il in 2011, his son (and current leader) Kim Jung-Un gave orders to “shoot to kill” not only those attempting to escape the country, but also the “perpetrators’ family...up to three generations”.³⁵ Plenty of other coercive restrictions make it difficult to escape. North Koreans must not only obtain official permission to leave the country, but also they need a license to travel within North Korea as well. In short, the vast majority are left with unenviable choices: (i) stay and suffer in their homeland; or (ii) risk their lives trying to escape.

Female refugees: sex trafficking and forced marriages

Women make up the majority of NK escapees. One study published in the *Virginia Journal of International Law*, for instance, estimates that women account for approximate two-thirds of all NK refugees hiding in China.³⁶ The report also estimates that among women defectors, 80% are trafficked into forced marriages or channeled into the Chinese sex industry. At times, NK refugee women even agree to be sold by traffickers, so desperate are they to escape the country.³⁷ The majority, however, end up in “arranged” marriages with Chinese men (China’s infamous one child policy has spurred many families to abort female babies – traditionally less favored than males –

³⁴ U.S. Department of State, Bureau of Democracy, Human Rights and Labor, *Country Reports on Human Rights Practices for 2012* (Washington, D.C.: United States Government Printing Office, 2012), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

³⁵ U.N. General Assembly, Human Rights Council, 24th session, *Written statement submitted by the Jubilee Campaign, a non-governmental organization in special consultative status*, A/HRC/20/NGO/15, (New York: 2012)

³⁶ Jane Kim, “Trafficked: Domestic Violence, Exploitation in Marriage, and the Foreign Bride Industry,” *Virginia Journal of International Law*, 5, no.2, (Charlottesville: 2010).

³⁷ Kim, “Escaping North Korea: Defiance and Hope in the World’s Most Repressive Country,” 98.

which has in turn created a growing imbalance between men and women.). “Bride shortages” have created a situation where “kidnapping and trafficking have become common ways that Chinese men acquire women.”³⁸ Despite such dangers, NK refugees rely frequently on expensive brokers, who “demand anywhere from \$1,995 to \$19,950”, according to the *New York Times*.³⁹

Pregnant NK refugees are not spared mistreatment, either, when repatriated to North Korea. “Infanticide is standard practice in the NK prison system,” confirms the *New York Times*, with male prison guards reportedly beating pregnant female prisoners until their babies die.⁴⁰

Orphans and other stateless children in China

Of all NK refugees, children arguably suffer most. Stateless children born to NK mothers and Chinese fathers are a significant “sub-crisis” within the general NK refugee crisis. NK refugee children, reports, a professor, and once took her research leave in North Korea working for WFP, Hazel Smith, are widely found on the city streets of Northeast China, with both the Chinese and NK government actively working “to prevent their migration [from China] and return them to North Korea”.⁴¹ China routinely repatriates NK parents with little concern for their children’s whereabouts. (Indeed, it is not uncommon for NK children to be separated from their parents while escaping North Korea.)

³⁸ Donna M., Hughes, “How can I be sold like this?” *National Review Online*. July 19, 2005. <http://old.nationalreview.com/hughes/hughes200507190734.asp>.

³⁹ Choe Sang-Hun, “North Koreans escape – for a price,” *New York Times*, April 29, 2005. http://www.nytimes.com/2005/04/28/world/asia/28iht-korea.html?pagewanted=all&_r=0.

⁴⁰ James Brooke, “N. Koreans talk of baby killings,” *New York Times*, June 10 2012. <http://www.nytimes.com/2002/06/10/world/n-koreans-talk-of-baby-killings.html?pagewanted=all&src=pm>.

⁴¹ Hazel Smith, “North Koreans in China: Defining the Problems and Offering Some Solutions,” in Tsuneo Akaha and Anna Vassilieva (eds), *Crossing National Borders: Human migration Issues in Northeast Asia* (Tokyo:United Nations Press, 2005), 165-190. http://www.seoultrain.com/content/resources/nks_in_china-200207smith.pdf.

The Chinese government can – and should – do more to prevent needless child suffering, by defining NK refugee children as international refugees and better coordinating its work with foreign governments and NGOs. It should improve the treatment of NK mothers who are sometimes forcibly separated from their children, even when these children are in China. Making matters worse, since Chinese biological fathers are often unwilling to assume responsibility for their children. These children are often left without Chinese citizenship.

There is no reliable estimate of the number of children without formal legal status currently live in China. Park Sun-Young, a South Korean parliamentarian, estimates the figure at “10,000 to 25,000”.⁴² It goes without saying, too, that local Chinese authorities provide little, if any, official social protection to parentless children, who are often ostracized by Chinese society. Finally, and complicating matters even more, such undocumented children cannot easily obtain South Korean citizenship because they are biologically half Chinese.

3.5. International Responses

3.5.1. China

By arguing that NK refugees are economic migrants, China thereby justifies its current policy. It insists that repatriation is in total accord with its diplomatic agreements with North Korea. Nevertheless, China is party to the 1951 Refugee Convention, its 1967 Protocol, and the Convention against Torture. In reality, then, China places good relations

⁴² Park Sun-Young, “Stateless North Korean Children in China and Legal Efforts by the ROK and the USA,” *Dream Makers for North Korea*, 2010. www.mulmangcho.org.

with the North Korean government and other calculated interests above its international human rights obligations.

Evidence suggests that China denies refugee status to NK refugees for several pragmatic reasons. The first is a fear of an uncontrolled influx of North Koreans. Given China's longstanding tensions with other ethnic minorities, the Chinese government is concerned that such a "stampede" might create a new, restless Tibet or Xinjiang. Creating a "harmonious society" is thought to be a big priority for Beijing. In their view, propping up the NK government is one way to do this.

A 2007 study by the Chinese government, the "Northeast Project", which among others focused on ancient Korean history and Korea-China border issues, "explicitly reveals Beijing's intention to intervene militarily or politically based on the possibility of unification of the Korean Peninsula after the dissolution of North Korea".⁴³ Brahman Chellaney, an international-affair geostrategic, explains why a reunified North Korea would also create a new rival on China's doorstep:

China's use of legends to pursue irredentist claims is renowned...Beijing digs into the past to prepare for the future. If a collapse of the rapidly corroding Stalinist state of North Korea establishes Korean reunification, it will create an industrially strong, nuclear weapons-capable Korea and dramatically alter the geopolitics of Northeast Asia. China has for long presented itself as the mother of all civilizations, weaving legends with history to foster an ultra-nationalistic political culture centered on the regaining of supposedly lost glory...its ambition to be a word power [is] second to none.⁴⁴

In fact, Tibetan and Uighur independence movements are still active despite years of oppression by China. Recognizing the human rights concerns of NK refugees would

⁴³ Hwytak Yoon, "China's Northeast Project: Defensive or Offensive Strategy?" *East Asian Review*, 16, no. 4, 2004, 99-121.

⁴⁴ Brahma Chellaney, "China reconstructs past to chart future," *The Japan Time*, October 28 2004, http://www.japantimes.co.jp/opinion/2004/10/25/commentary/china-reconstructs-past-to-chart-future/#.Ug1gxabD_IU.

risk spreading turmoil among China's other ethnic minorities — and likely lead to even greater demands for independence. In short, the Chinese government views internal stability as an essential prerequisite if the country is to rise to global political and economic hegemony.

The second big reason for China's present policy towards NK refugees is its desire to maintain good relations with North Korea, which it views as a close regional ally. As part of that partnership, in the "1961 Sino-North Korean Treaty of Friendship, Cooperation and Mutual Assistance", China confirmed its legal commitment to defend North Korea and support North Korea's domestic strategy on escapees. The two allies also signed a 1986 Protocol, "Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas". Article 4 specifies an agreement to mutually "cooperate on the work of preventing the illegal border crossing of residents"⁴⁵. It also clarifies the "due process" of "illegal border crossers".⁴⁶ Kurlantzick agrees that "both this bilateral agreement and the Jilin law are in clear violation of the UN Refugee Convention".⁴⁷

To maintain good relations, China has also shown a willingness to violate diplomatic protocol. For example, a 2002 *New York Times* article reported that Beijing-based Japanese diplomats registered a formal protest with China's Foreign Ministry after

⁴⁵ Democratic People's Republic of Korea Ministry of State Security and People's Republic of China Ministry of Public Security, Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas, art. 4, 1986.

⁴⁶ Ibid., art. 9, clause 2.

⁴⁷ Josua Kurlantzick and Jana Mason, "North Korean Refugees: The Chinese Dimension" In *The North Korean Refugee Crisis: Human Rights and International Response*, edited by Stephen Haggard and Marcus Noland, (Washington, DC.: U.S. Committee for Human Rights in North Korea, 2006), 40.

Chinese police illegally entered the Japanese embassy to arrest two North Korean asylum seekers.⁴⁸

A third major reason for current Chinese policy toward NK refugees involves a desire to not only maintain good relations with North Korea, but also to deepen Chinese dominance over the country (especially militarily and financially). Reports commissioned by the US Congress, for example, state that China encourages its domestic companies to invest in northern North Korea, to “develop [the country’s potentially rich] mineral resources”.⁴⁹ Economic cooperation with North Korea also gives China preferential trading status and access to Pacific ports. Indeed as China’s economy continues to grow, its economic, military and diplomatic capabilities are establishing even larger footholds in the Pacific. A unified Korea, on the other hand, would likely be less eager for such close ties.

3.5.2. *South Korea*

South Korea’s “Ministry of Unification” reports a steady annual increase in the number of North Koreans who resettles in the South, with the figure reached its peak (2,929 in 2009 alone).⁵⁰ By law, North Korean refugees are welcomed with open arms: under South Korea’s Constitution (Article 2, Section 1), North Korea is a part of the Republic of Korea and its people, full-fledged citizens of the Republic. For this and other reasons, South Korea remains the primary — and natural — destination for NK refugees. In addition to granting citizenship, the South Korean

⁴⁸ Elisabeth Rosenthal, “North Koreans Seek Asylum At Consulates in China, *New York Times*, May 09, 2002, <http://www.nytimes.com/2002/05/09/world/north-koreans-seek-asylum-at-consulates-in-china.html>

⁴⁹ Dick K. Nanto and Mark E. Manyin, *China-North Korea Relations*, CRS 7-5700 (Washington, DC: December 28, 2010), <http://www.fas.org/sgp/crs/row/R41043.pdf> 17.

⁵⁰ Ministry of Unification, Statistics on North Korean Refugees, Seoul, <http://www.unikorea.go.kr/CmsWeb/viewPage.req?idx=PG0000000365>

government administers a resettlement program and provides cash and training for all NK defectors. From temporarily protection abroad to resettlement in South Korea, refugees must undergo six different processes advised by the South Korean government system; including being questioned by the police or other related organization, and 12 weeks of social adaption training.

The demographic data on NK refugees in South Korea shows 69% refugees are women. The South Korean government has tried to strengthen education program for women refugees to support their mental stabilities and health restoration.⁵¹ Free job training is also provided for every refugee, though the results are disappointed, which might have relationship with the fact that the majority of refugees, more than 80% of them are reported that they have never trained for jobs neither formal education.⁵² Even they get hired, only positions they are eligible are low-paying jobs.

Traditionally, South Korea favored “quiet diplomacy”, conducting behind-the-scenes negotiations with China to deal with NK refugees and secure their safe resettlement. In 2002, however, policy began to change when a group of NK refugees successfully entered the South Korean embassy in China, creating media frenzy. Still more recently, in 2012 Seoul became increasingly vocal in its public criticism of Beijing after the Chinese government arrested and detained dozens of refugees to send back to North Korea.

3.5.3. *UNHCR*

Unfortunately, UNHCR’s dealings with NK refugees are extremely limited. The agency is not allowed legal access to North Koreans in China, and is thus prevented from

⁵¹ Ibid.

⁵² Ibid.

verifying what percentage does, in fact, qualify for refugee status. To comply with its treaty obligations, China would do well to give UNHCR access to report a systematic survey of North Koreans residing in the country. UNHCR should also press China to allow international organization to conduct a living condition of hiding NK refugees.

In May 2013, in an incident which drew international condemnation, nine NK orphans were reportedly apprehended by the Laotian police on the Laos-China border, handed over to the Chinese authorities, and then sent back to North Korea. In response, Marzuki Darusman, the UN Special Rapporteur on North Korea, delivered a well-publicized speech urging China “not to do the same [with their own NK orphans who escape across the China-NK border by repatriating the orphans back to North Korea]”.⁵³ A UN spokesman, Eduardo del Buey also commented that this is in an “apparent violation of international laws”, and added “the high commissioners’ office is dismayed... [violation] of non-refoulement obligations...all of whom are reported to be orphans”.⁵⁴ In later bizarre fashion, the NK government paraded the newly returned orphans onto state television, where they “confessed” to having been “abducted” by South Koreans.⁵⁵

Several months earlier, in February 2013, Darusman made a formal appeal to both the UN Human Rights Council and General Assembly, explaining the human rights situation and offering “suggestions on possible next steps and areas of focus for United Nations action”.⁵⁶ Darusman’s briefing summarized all 22 separate UN reports on North

⁵³ UN Human Rights, Office of the High Commissioner for Human Rights, “North Korea: UN Special Rapporteur concerned for the wellbeing of nine young defectors,” Geneva, May 30 2013.

⁵⁴ Justin McCurry, “UN ‘extremely concerned’ for repatriated North Korean defectors,” *the guardian*, June 3 2013, <http://www.theguardian.com/world/2013/jun/03/un-repatriated-north-korean-defectors>.

⁵⁵ Sarah Kim, “Repatriated defectors appear in TV propaganda” *Korea Joongang Daily*, June 24, 2013, <http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=2973528>.

⁵⁶ UN General Assembly, 22nd session. *Report of the Special Rapporteur on the situation*

Korea's human rights situation commissioned since 2004, as well as the 16 UN resolutions issued over the same period.⁵⁷ North Korea, Darusman pointed out, has ignored all outside demands to improve its human rights behavior. Darusman finished the aforementioned session with calls for "more detailed" analysis, documentation, and examination of NK human rights violations.

3.5.4. NGOs

Encouragingly, a growing array of NGO and missionary groups in Europe, Canada and the United States are joining forces with South Korean groups to "internationalize" migration issues on the China and North Korea border. Together they are lobbying the US Congress and other institutions to pressure China into both finally granting formal refugee status to NK migrants and to cooperate with internationally-managed programs to help transfer them to third countries. High-profile international NGOs (including Human Rights Watch, Refugees International and Freedom House) have been actively engaged. Another such NGO, Refugee International, has intensively lobbied the US government to make the NK refugee crisis a cornerstone of ongoing human rights dialogue with the Chinese government.

At present, however, NGOs are limited to covertly assisting NK refugees by providing food, shelter, and escape routes to third countries. The most active NGOs still tend to be based in South Korea.⁵⁸ In addition to lobbying governments, NGOs also try to

of human rights in the Democratic People's Republic of Korea, Marzuki Darusman..February 1, 2013 (A/HRC/22/57).

⁵⁷ Ibid.

⁵⁸ James D. Seymour, "China: Background Paper on the Situation of North Koreans in China" *Writtenet Independent Analysis*. January 2005. UNHCR Refworld, <http://www.unhcr.org/refworld/docid/4231d11d4.html>. 29.

shame them into action, by engaging the press on the wretched conditions NK refugees endure. In sum, NGOs have emerged as vital players in the NK refugee crisis.

3.5.5. Other Countries

In 2012, the European Parliament issued resolution on NK refugees, examining what is “causing North Koreans to flee their country”, while estimating that “up to 400,000 North Koreans have fled.”⁵⁹ The resolution is notable, among others - explain for its effort to both stimulate diplomacy with the “Chinese authorities” and allow “UNHCR access in order to determine [NK refugees’] status”.⁶⁰

European governments are not the only ones taking action. One such pan-European example, the “European Alliance for Human Rights in North Korea” (organized in January 2013), is a promising coalition of young activists, journalists, and academics working together to raise awareness of the issue.⁶¹

At the national level, the United Kingdom is now second to only South Korea in its NK refugee intake. Progress has been remarkable. In 2004(the first-ever year NK refugees were admitted into the UK), the British government accepted a mere 17; in 2012, the number increased to 619.⁶²

ChosunIl Bo, a South Korean newspaper, has discussed why Britain has attracted so many NK refugees. Simple, straight forward application procedures and attractive social benefits have apparently played a major role. One NK refugee who settled in Britain, for example, cited the country’s “subsidies and free education”. Another factor,

⁵⁹ European Parliament resolution on North Korean refugees (2012/2655(RSP)), <http://www.europarl.europa.eu/oeil/popups/summary.do?id=1207861&t=d&l=en>.

⁶⁰ Ibid., #7

⁶¹ EAHRNK, “Overview of Human Rights in North Korea.” European Alliance for Human Rights in North Korea, January 6, 2013. <http://www.eahrnk.org/category/get-involved/who-we-are-and-how-you-can-help>

⁶² UNHCR Population Statistics, http://popstats.unhcr.org/PSQ_POC.aspx

according to the same article, may be a lingering distrust of the US after exposure to years of anti-American brainwashing.⁶³The British government appears to be taking the NK refugee crisis seriously. In 2013, the House of Commons, at the behest of the “All-Party Parliamentary Group on North Korea of Britain”, even screened a documentary film recounting escape stories of NK defectors. A broad cross section of British legislators, human rights activists, and NK refugees participated.

⁶³“N. Korean Defectors Flock to U.K.” *ChosunIl Bo*, Jul.15, 2011.
http://english.chosun.com/site/data/html_dir/2011/07/15/2011071500450.html

Chapter 4

4.1. International Legal Protection

The 1951 Convention relating to the Status of Refugees and its 1967 Protocol

Over 60 years have passed since the 1951 UN Refugee Convention relating to the Status of Refugees (Refugee Convention) was signed to protect asylum seekers. As the UN's lead agency on the issue, the Office of the United Nations High Commissioner for Refugees (UNHCR) has two main goals: (i) to ensure the international protection of refugees and (ii) to find a solution to their plight.⁶⁴ Under their treaty obligations, signatory nations are not only obliged to provide safe asylum policies to refugees but also to ensure integration in the host country or resettlement to a third country. Moreover, the Refugee Convention sets out clear rules, defining an "international refugee" as the following:

Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of the nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.⁶⁵

Although the Chinese government argues that North Koreans are economic migrants, not refugees, many indeed are bona fide refugees under the international law definition of the term. Moreover, Article 33 of the Convention guarantees "non-refoulement", which forbids rendering victims of persecution to their persecutors:

No Contracting state shall expel or return (re-fouler) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom

⁶⁴ Gil Loescher, *Beyond Charity*. New York: Oxford University Press, 1993. 98.

⁶⁵ The UN Refugee Agency. *Convention and Protocol relating to the status of refugees*, Geneva, <http://www.unhcr.org/pages/49c3646c125.html>.

would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.⁶⁶

Meanwhile Article 35 requires parties to cooperate with UNHCR “in the exercise of its functions” and to “facilitate [UNHCR’s] duty of supervising the application of the provisions of its Convention”.⁶⁷ Together, Articles 33 and 35 make clear that a country cannot send a refugee back to a place where she would likely be persecuted and should instead cooperate fully with UNHCR.

The United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (The Torture Convention)

A second international law applicable to NK defectors is the Convention against Torture. China signed the treaty in 1986 (ratifying it in 1988). Article 2 of the Convention stipulates that torture is never justified and is strictly prohibited in any territory under its jurisdiction: “No exceptional circumstances whatsoever, whether a state of war of a threat of war, internal political in stability or any other public emergency, may be invoked as a justification or torture”. Article 3 of the same Convention also clearly states that ‘non refoulement’ principal, which says “No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture”.⁶⁸

UN Convention on the Prevention and Punishment of the Crime of Genocide

The NK government’s brutal repression of its own people, including those who flee the country, should be unequivocally condemned by the international community.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Convention against Torture and other cruel, inhuman or degrading treatment or punishment, signed in New York, December 10 1984 (vol. 1465) *U.N.Treaty Series*.

Increasingly, the “international community” aims to solve problems such as famine, genocide, and war crimes, hoping to protect innocent populations. Unfortunately, little has been done to avert similar atrocities in North Korea. At a 2005 UN summit, 151 nations, including the US, adopted the “Responsibility to Protect (R2P)” doctrine, which argues that foreign governments have the responsibility to intervene in cases of mass atrocities.⁶⁹

To be sure, the historical record of foreign intervention in such situations, however well-intentioned, is far from spotless. Yet North Koreans plainly merit more assistance — which they are in fact, entitled to under the aforementioned treaties.

Refugees, not economic migrants

By any measure, the international response to the North Korean refugee crisis has been inadequate. A first step to resolving the crisis must therefore focus on “redefining” NK defectors, to ensure that they are properly classified as refugees.

While a desire for better living conditions undoubtedly shape decisions made by all people, NK escapees are clearly motivated by far more than monetary concerns. In a letter to UNHCR, Life Fund for North Korean Refugees, an NGO, correctly asks: “If the defectors are economic migrants, pursuing business and/or seeking gainful employment in China, why then would they attempt to leave China at the first opportunity, bound for a third country wherein lies far less economic opportunity than China (e.g. Mongolia, Myanmar, Laos)?”⁷⁰

⁶⁹ International Coalition for the Responsibility to Protect, New York, <http://www.responsibilitytoprotect.org/>.

⁷⁰“Life Funds for North Korean Refugees.”NGOs. 2007. LFNKR. November 22 2011. <http://www.northkoreanrefugees.com>.

There are two major reasons why NK escapees should be considered refugees under international law. First, upon arrival in China and (perhaps less often) other neighboring countries, they are commonly subjected to brutality, life imprisonment, and execution, all without any due process. NK escapees have good reason to be fearful. Article 38 of the 1951 Refugee Convention elaborates:

To the element of fear – a state of mind and a subjective condition – is added the qualification “well-founded”. This implies that it is not only the frame of mind of the person concerned that determines his refugee status, but that this frame of mind must be supported by an objective situation. The term “well-founded fear” therefore contains a subjective and an objective element, and in determining whether well-founded fear exists, both elements must be taken into consideration.⁷¹

As previously stated, NK refugees arrested by Chinese police are sent to Chinese detention camps or prison to await deportation to North Korea. Anyone that not in detention must necessarily hide in the shadows. What is not in doubt, however, is the terrible treatment they face, either at the hands of the authorities or by the general public (such as by sex traffickers).

The second main reason why NK escapees should be classified as refugees is more circumstantial, but no less persuasive. Logically, working-age males would be natural economic migrants. Yet the majority of defectors are vulnerable women and children. In addition, tight scrutiny by Chinese police makes hiring NK defectors a risky proposition. “In rural areas, some young people are able to work on farms, but job opportunities in cities are almost non-existent because of tighter surveillance”.⁷²

⁷¹1951 Convention. Art. 38

⁷² Joel R. Charney, “North Koreans in China: Human Rights Analysis,” *International Journal of Korean Unification Studies*. 13, no. 2 (2004):75-97. November 25, 2011.
<http://reliefweb.int/sites/reliefweb.int/files/resources/27EA7A5B020A258149256FB3000686C9-ri-prk-24feb.pdf>. 85.

Some NGOs insist that North Koreans in China are refugees' *sur place*, which UNHCR describes as "individuals who have not necessarily left the country illegally or as refugees, but who qualify as refugees at a later date".⁷³ Under this alternative definition, NK refugees are technically not refugees when they flee North Korea in search of food and freedom, but become so when ultimately subject to the fear of persecution if returned home.

⁷³1951 Convention. Art. 94

Chapter 5

US Refugee Policy on North Korean Refugees

5.1. US Refugee Policy towards North Koreans

“We believe that [North Korean] refugees should not be repatriated and subjected once again to the dangers that they fled from,” Hillary Clinton, March 2012.⁷⁴

The US is no stranger to migration issues. Indeed more than most countries, it is very much a “nation of immigrants”. Refugees have long arrived on its shores in pursuit of a better life. And they still do. According to UNHCR, in 2011 the US was the largest single recipient country with some 74,000 asylum applications, followed by France (51,900), Germany (45,700), and Italy (34,100).⁷⁵

The US, moreover, has ably assisted UNHCR’s efforts — as not only the largest “host” country, but also as UNHCR’s largest single donor, “providing over \$700 million [to the agency] in FY 2012”.⁷⁶ This chapter thus focuses on the United States and poses several questions: what *should* be the US government’s commitment to assisting NK refugees? What *has* the US government done to date to alleviate the suffering of NK refugees? And *how* successful have these efforts been? I will also examine how US immigration policy impacts America’s NK refugee policy.

The US government publishes an annual “Country Reports on Human Rights Practices”, which grades governments on their respect for human rights. The survey’s analysis on North Korea is unambiguous: “Human rights conditions in the Democratic

⁷⁴ Hillary Clinton at a Press conference at the State Department on March 9, 2012.

⁷⁵ “Asylum Levels and Trends in Industrialized Countries” *UNHCR*. 2012.
<http://www.unhcr.org/4e9beaa19.pdf>

⁷⁶ U.S. Department of State, United States Department of Homeland Security, United States Department of Health and Human Services, “Proposed Refugee Admissions for Fiscal Year 2012: Report to the Congress”

People's Republic of Korea (DPRK) remain deplorable".⁷⁷ It also goes into gruesome detail, discussing torture, trafficking, and other abuses. From this source alone, it is evident that the American government is fully aware of the gravity of the problem in North Korea.

US towards NK refugees in the framework of international obligation

As UNHCR's largest donor, the US government plainly supports UNHCR's efforts to "improve access to, protection of, and [create] durable solutions" for NK refugees.⁷⁸ And while primarily not responsible for the safety of NK refugees, the US government does have certain obligations under current refugee laws.

America, it is true, was not a signatory to the 1951 Refugee Convention; it did, however, sign the follow-up 1967 Protocol relating to the status of refugees.⁷⁹ And, relative to most countries, America's track record on assisting refugees is among the best. The US, likewise, has vigorously accepted individuals' "right to security", in accordance with international norms. Moreover, despite fluctuations in policy, the US has consistently opposed efforts to repatriate NK refugees against their will.

5.2. Domestic Policy

North Korean Human Rights Act

It is also true that America's intake of NK refugees account for a tiny fraction of its total refugee intake. In the most recent (Fiscal Year 2012) report submitted to the US Congress, in 2010, NK refugees accounted for a just 0.01% of refugees admitted into the

⁷⁷ U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on human Rights Practices for 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

⁷⁸ Robert King, Testimony. Statement before the House Committee on foreign Affairs. Washington, DC. June 2, 2011. http://seoul.usembassy.gov/p_nk_060211.html.

⁷⁹ State Parties to the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol, September 2012. <http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=50518a402>

country - 8 out of a total of 73,311.⁸⁰ Another report, released by UNHCR, states the number for 2012 was barely higher: 23 NK refugees, (compared to countries like Britain, which admitted 619 NK refugees in 2012⁸¹).

Despite such a low intake, US laws are largely welcoming to NK refugees. Meanwhile, lobby groups continue to pressure the American government to do more. In 2004, for instance, Congress passed the North Korea Human Rights Act (NKHRA), extending asylum status to NK defectors. NKHRA seemingly gave high priority to NK asylum requests, urging the State Department to “facilitate the submission of their applications.”⁸² In addition, NKHRA authorized \$20 million annually, from 2005-8, to assist North Koreans still in the country, as well as NK refugees. One pertinent passage in NKHRA (Section 2, Title III) clarifies the US government’s intention to protect NK refugees. Another (Sec. 304) acknowledges both China and UNHCR’s importance in resolving the crisis:

The Government of China has obligated itself to provide the UNHCR with unimpeded access to North Koreans inside its borders to enable the UNHCR to determine whether they are refugees and whether they require assistance, pursuant to the 1951 UN Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees...

NKHRA even suggests that UNHCR should begin arbitration procedures “if the Government of China continues to not provide the UNHCR with access to North Koreans within its borders.”⁸³ Legislatively, at least, NKHRA thus represents a landmark milestone in US policy towards North Korea, with many encouraging provisions

⁸⁰ U.S.Department of State, Bureau of Population, Refugees, and Migration, Refugee Processing Center, <http://www.wrapsnet.org/Home/tabid/52/Default.aspx>

⁸¹ UNHCR Population Statistics.

⁸² Emma Chanlett-Avery, Congressional Research Service (7-5700: R41259) “North Korea; U.S. Relations, Nuclear Diplomacy, and Internal Situation” June 17 2011.p.10.

⁸³ U.S.H.R. 4011 (108th): North Korean Human Rights Act of 2004 Sec.304 (B) (1).

designed to encourage human rights in North Korea. (In 2008, the provision was reauthorized.)

Yet more recently, Congress (having once again extending NKHRA from 2012 through 2017), set aside just \$5 million annually to assist NGOs working to improve human rights in North Korea (down significantly from \$20 million annually in previous years). On the positive plus side, the latest version of NKHRA calls on the US to: (i) support human rights and democracy programs (ii) facilitate radio broadcasting to North Korea (iii) report on American humanitarian assistance to the country; (iv) maintain the Special Envoy on NK human rights; and (v) boost cooperation with foreign governments to assist NK refugees. The legislation also calls on China to end its policy of repatriating NK refugees.

North Korean Refugee Adoption Act of 2012

Activist and author Mike Kim asserts that there is a growing population of NK refugee children in northeast China.⁸⁴ Most of them, he adds, lack proper documentation proving their orphaned status. While US Senator Richard Burr thus concluded that “Because of law hurdles, even if children escape North Korea...they are not adequately protected...and there are even cases of them being trafficked.”⁸⁵

Unfortunately, a 2011 bill to address stateless NK children failed to win the necessary Congressional votes. In September 2012, however, the “North Korean Refugee Adoption Act” was introduced, designed to encourage Americans to adopt such children

⁸⁴ Mike Kim, 94.

⁸⁵ Richard Burr, U.S. Senator North Carolina. Press Releases. February 28 2011.
http://burr.senate.gov/public/index.cfm?FuseAction=PressOffice.PressReleases&ContentRecord_id=6e2c3534-bd1d-a56a-6117-8899aca97c3a&Region_id=&Issue_id=ad18816f-fa2b-d8c7-78de-4c10c4fcd155.

by reducing bureaucratic hurdles hampering their ability to do so.⁸⁶ The same bill is also designed to assist “suggestions for working with aid organizations in Asia to identify and propose solutions for assisting orphaned children with Chinese fathers and North Korean mothers who are living in China and have no access to Chinese or North Korean resources”.⁸⁷ Fortunately, in December 2012, the bill was passed by the Senate.⁸⁸

Other Considerations

It is clear that US policy firmly recognizes the need to both protect NK refugees and encourage their migration to the US. Various US government agencies, such as the State Department’s “Bureau of Population, Refugees, and Migration”, and the “Department of Homeland Security”, are actively engaged in this work, as is UNHCR, and numerous NGOs.⁸⁹

⁸⁶ H.R. 1464 112th Congress 2nd Session September 11 and 12, 2012

⁸⁷ H.R. 1464 112th Congress 2nd Session September 12, 2012 Sec. 4 (b) (8)

⁸⁸ “North Korean adoptions approved in US,” *The Telegraph*, January 2, 2013, <http://www.telegraph.co.uk/news/worldnews/asia/northkorea/9775238/North-Korean-adoptions-approved-in-US.html>.

⁸⁹ U.S. the Refugee Council, “U.S. Refugee Admissions Program For Fiscal Years 2004 and 2005, An Interim Report” Washington DC. September 2004.1.

Chapter 6

Policy Recommendations for the US Government

6.1. North Korean refugees and the future of American foreign policy on the Korean Peninsula

To this day, the US remains the dominant military power in Asia, with vast commercial, cultural, and security interests. As such, America envisions a cooperative security arrangement designed to maintain peace and stability in East Asia as well. The White House's 2010 National Security Strategy, meanwhile, articulates the country's broad foreign-policy priorities:

The security of the US, its citizens, and US allies and partners; A strong, innovative, and growing US economy in an open international economic system that promotes opportunity and prosperity; Respect for universal values at home and around the world; An international order advanced by US leadership that promotes peace, security, and opportunity through stronger cooperation to meet global challenges.⁹⁰

There are, accordingly, several compelling US foreign policy interests on the Korean Peninsula. The first is geo-political. Engagement and close alliance with South Korea (as well as with Japan) allows the US to maintain its sphere of influence in East Asia, while countering a rising China; America's military bases in South Korea also serve as a useful deterrent to North Korean aggression.

Bi and multilateral negotiations (usually including China, Japan, Russia and South Korea) , however, have not yet proven effective in changing minds in Pyongyang; the real and ever present risk of North Korea selling sensitive nuclear technology to terrorists and other rogue states persists. In one leaked US Department diplomatic cable, WikiLeaks, for instance, American officials agreed that North Korea had shipped 19

⁹⁰ The White House, *National Security Strategy*, May 2010, Washington, DC. 7.

missiles to Iran.⁹¹ Little has changed since the Bush Administration lumped North Korea into its ‘Axis of evil’: the US government continues to view North Korea as a “direct threat” to both the continental US and to American troops stationed in South Korea.⁹² Negotiating with North Korea is plainly not easy; history also suggests that neither side is likely to budge anytime soon.

Meanwhile, a 2009 report, *The United States and the Asia-Pacific Region: Security Strategy for the Obama Administration*, offers wise advice, encouraging: “active [US] participation in the region’s multilateral economic, political, and security structures to address both traditional and non-traditional security challenges”, thereby offering America greater legitimacy and a chance to “restore its [regional] moral authority”.⁹³

If the US is to succeed in its ambitions to promote regional peace and stability, North Korea clearly remains crucial. While North Korea’s periodic threats to attack South Korea and neighboring countries have certainly had a chilling effect on peace talks, the US should continue to press the North Korea’s new leader Kim Jung-Un, to abide by international agreements, gradually integrate into the international community, and thus break its devastating isolation.

China’s growing power presents new challenges to American military dominance in the Pacific: in addition to the 28,500 American troops in South Korea, the US has another 35,000 stationed in Japan.⁹⁴ China, as the world’s second largest economy (and its

⁹¹ Cable 10 STATE17263, “U.S. – Russia joint threat assessment talk” *WikiLeaks*. February 24, 2010. <http://wikileaks.org/cable/2010/02/10STATE17263.html>

⁹² Sean Alfano, “North Korea is a ‘direct threat to the United States, warns Defense Secretary Robert Gates,” *Daily News*, January 22 2011, http://articles.nydailynews.com/2011-01-11/news/27087193_1_north-korea-north-attacks-nuclear-weapons.

⁹³ *The United States and the Asia-Pacific Region: Security Strategy for the Obama Administration*, Center for a New American Security, (Washington DC: February 2009), 4.

⁹⁴ Michael J. Lostumbo et al., *Overseas Basing of U.S. Military Forces: An Assessment of Relative Costs and Strategic Benefits*. (Santa Monica: RAND Corporation, 2013), 27-28.

most populous country), increasingly desires comparable global military influence, too. Viewed from this perspective, America is an obstacle to achieving this goal. A major arms race between the two powers would very likely destabilize the entire region. To avoid this, the US and China need to work together more constructively. At the same time, America must not sacrifice its core principles by dropping its support for the victims of human rights violations.

6.2. US Policy Suggestions

From a US perspective, two large questions arise from the NK refugee issue: (i) what are the security implications for America if it were to become more deeply involved? (ii) how can China be encouraged to cooperate?

There are four possible approaches the US government could take to resolve the issue— Although US policy should be designed, foremost, to ease the suffering of NK refugees, not on immediately bringing down the regime and its nuclear program.

First, the US should lead a coordinated effort to convince China that NK escapees are not economic migrants (encouraging China in the process to honor international conventions). Because it offers the best hope of resolving the refugee crisis. Pressuring China, via bilateral negotiations, to accept NK refugees may backfire. However, so persuading it to participate in open, multilateral talks would be a more effective strategy. If multilateral negotiations are to stand a chance of success, however, they need to allay China's own geopolitical concerns (I.E., A massive influx of North Koreans; a united and hence more powerful Korea on its backdoor; and fears of anything that could jeopardize its own hegemonic ambitions). While listening to China's fears, however, the US should still firmly demand that NK refugees not be repatriated. In any event, multilateral

diplomacy is essential to resolving the NK refugee crisis - bilateral diplomacy has not succeeded and military intervention is not a serious option.

On the ground, the US should work with China to create “safe harbor” zones for NK refugees. As UNHCR’s biggest funder⁹⁵ (contributing “\$639.8 million— up \$129.6 million over 2008”), the US should also work with the UN to establish strategically placed offices, complete with “task teams and working groups”, to monitor unfolding events and offer assistance as needed.

Building refugee camps is another worthy idea. At present, however, China is unlikely to support it. By proposing the idea publicly, however, and at the same time offering China concessions in other areas, the proposal might eventually gain traction. To be sure, pushing refugee camps is a risky strategy — China may become even more defensive — but given its potentially high payoff in lives saved, it is a strategy the US, other concerned foreign governments, and international aid agencies should seriously consider. In addition, a US-led effort to construct refugee camps would help draw international attention to the issue, while heightening up outside pressure on China and North Korea.

Encouraging the creation of a formal, UN-led mechanism to monitor the provisions of the Refugee Convention is another useful proposal. Such a mechanism could hold countries more accountable for their behavior. The media should also be briefed much more frequently about the NK refugee crisis.

US foreign policy, notably, would also benefit from a greater focus the core America values of *liberty, democracy, and human rights*.

⁹⁵ George Russell, “UN Refugee Agency Budget Explodes as US Foots Much of the Bill,” *Fox News*, November 5, 2009.<http://www.foxnews.com/world/2009/11/05/refugee-agency-budget-explodes-foots>.

It is true, of course, that when core values collide with other interests, tradeoffs must be made. During the Cold War, for example, the US government supported many third-world dictatorships if they were deemed sufficiently anti-communist. Another, more recent example, might be America's refusal to join the UN's International Criminal Court (ICC) — out of a fear of politically-motivated prosecutions.⁹⁶

In certain important areas, however, US foreign policy has unduly tilted toward the side of cynical “realpolitik”. Pursuing policy more closely aligned with core American values may not always yield short-term benefits, but will, in the long-run, be in the country's best interests if it inspires other nations to adopt similar values. In any event, a healthy public debate on such tradeoffs makes sense — to ensure fundamental moral values in foreign policy are retained even when they collide with other national interests.

My third recommendation is that the US government should reverse current policy and encourage American firms to invest in North Korea (without, of course, neglecting the human rights concerns of NK refugees). Engaging, rather than isolating, North Korea would do more to liberalize its regime. Exposing normal North Koreans to the outside world, to things like democracy and capitalism, would gradually weaken the communist regime's iron grip. Constructing a new relationship, one based on commerce and freer movement of people, would also improve the lives of North Koreans, helping in turn to moderate the NK refugee crisis.

Commerce also tends to improve dialogue and reduce conflict. Encouraging American companies to invest in North Korea would stimulate helpful ties, just as economic exchange between South and North Korea (in the jointly-run Gaesong

⁹⁶Aaron Klein, *Hagel group urges U.S. to join International Criminal Court*, January 22, 2013. <http://www.wnd.com/2013/01/hagel-group-urges-u-s-to-join-international-criminal-court/>

Industrial Complex)⁹⁷ has done. The January 2013 US delegation to North Korea, featuring Google chairman Eric Schmidt and former New Mexico governor Bill Richardson, among others, was a hopeful sign – despite much criticism by the US media and State Department.

Indeed, economic engagement, followed by top-down political reform, has some historical precedent. Gorbachev's *Perestroika* in the 1980s, for example, helped speed up the dissolution of the Soviet Union. On the other hand, countries such as South Korea in the 1980s and Egypt more recently, have transitioned to democracy through popular, bottom-up protests.

My fourth recommendation is that the US administration should continue to implement existing laws, such as the North Korean Human Rights Act, and further develop other domestic policies to assist NK refugees. Yet the fact remains that, between 2004 and 2010, the US accepted just 95 NK asylum applicants (out of a total 238)⁹⁸. This suggests that more can be done. The US, for instance, might cooperate further with other governments and international organizations to allocate adequate resources for staffing, tracing, fee waivers, and other costs associated with resettling NK refugees.

Lastly, even for the NK refugees who manage to resettle in America, many other barriers remain. Most do not speak English. Most are unfamiliar with modern, market-based societies. All have been exposed to years of heavy brainwashing on the supposed evils of America and the outside world. Such challenges need to be taken into account when designing resettlement programs. For example, in 2010, the first NK refugee

⁹⁷ Gaesong Industrial Complex is a special industrial region in North Korea, where is operated by collaborative economic development by both Koreas.

⁹⁸ GAO (United States Government Accountability Office). "Humanitarian Assistance: Status of North Korean Refugee Resettlement and Asylum in the United States." June 2010.12.

accepted into the US under the North Korean Human Rights Act was found dead at his home in Flushing, New York, in an apparent suicide. The man was reportedly on anti-depression medicine.⁹⁹

Among refugees who arrive in America, North Koreans need even more help - vocational training, for instance, and “social education”- than their counterparts from other countries. Fortunately, the country’s large Korean-American community is a big asset, one capable of providing employment and easing the process of assimilation. According to Noland, there are “1.5 million to 1.6 million Koreans in America”, with a presence in nearly every US state.

⁹⁹ Yang, Sung Kwon, “1st North Korean refugee in US commits suicide.” *Radio Free Asia*. April 5, 2010. http://www.rfa.org/korean/in_focus/human_rights_defector/defector_sucide-04052010173101.html

Chapter 7

Conclusion

I have sought in this paper to bring attention to the dire conditions facing NK refugees, above all, and why they should be considered political refugees entitled both to protection and resettlement. I have also discussed the behavior and geopolitical pressure facing countries involved with NK refugees, particularly the US and China. I conclude by emphasizing the risks of not assisting the NK refugees include (i) a looming humanitarian crisis; (ii) a weakening international law; and (iii) a conflagration of regional geopolitics.

This paper was, in part, designed to explore the problem of growing problem of China's fast rising NK refugee population. North Korea, it is true, has made frequent headlines for its belligerent nuclear program (causing major foreign-policy headaches for the US government, UN, and others in the process. If left unresolved, the NK refugee problem is likely to add a further source of tension to East Asia's already contentious geopolitics. In any event, we know with certainty that many North Koreans who have fled their country remain in desperate need of help.

As I discussed in this paper, the "North Korean exodus" involves multiple issues. The NK regime is one of the world's most isolated, mysterious and terrifying governments. In the 60 years since the end of the Korean War, the lives of ordinary North Koreans have been ruthlessly dictated by the whims of the Kim family dynasty. For ordinary Koreans, contact with the outside world has been next to impossible. And today, hordes of NK children wander their country's streets alone, parentless and malnourished. For such people, this is very much a story of unimaginable suffering.

This paper also explained why NK escapees should qualify as refugees under the 1951 UN Refugee Convention, as well as under other international treaties, that oblige signatory governments to respect certain fundamental rights of refugees. In this respect, the Chinese government has blatantly failed to live up to its obligations. It is also true, of course, that since refugees impose economic and social costs on their host countries claims for asylum should always be carefully scrutinized.

Resolving the worsening NK refugee crisis, I argue, requires a more pro-active approach by the US government, along with greater international cooperation. More active US leadership on the issue would also increase the likelihood of China playing a more constructive role as well. Without such outside pressure, the crisis is unlikely to be resolved anytime soon. Both the UN and the private sector, including NGOs, are potentially helpful allies in such efforts. I argue that, above all, the American government should aim to: (i) persuade China to reverse current policy; (ii) strengthen the moral and strategic arguments for offering greater assistance and visibility to NK refugees; (iii) gradually break North Korea's isolation by encouraging bilateral commercial ties; and (iv) continue to adopt appropriate domestic policies to help NK refugees resettle in the US.

This paper also argues that, to assist NK refugees in the "here and now", applying strong pressure on China to open its borders to UN humanitarian agencies is vital. It also makes the case that promoting and protecting human rights abroad is consistent with American values. At the same time, it acknowledges that US resources are finite; America cannot intervene in every global crisis, it must be strategic. North Korea, with its nuclear missiles and frequent threats to the US and its close allies, is of paramount.

Therefore in addition to solving terrible human rights abuses, improving the current NK refugee crisis will have the added benefit of creating a more stable Korean Peninsula.

Urgent appeal on behalf of NK Refugees

China's position as the initial destination country for nearly all NK refugees makes it an obviously important player. On this issue and others, the Chinese government has, however, shown itself to be extremely resistant to outside pressure. That is why a sustained, united campaign by the international community, coordinated by the US and UNHCR, is so vital. Yet before such a campaign can be mobilized, outsiders themselves need a better understanding of the NK refugee crisis.

To this end, the US government needs to raise awareness and encourage debate on solutions to the crisis. Convincing China to stop treating NK refugees as "illegal economic migrants" must be step 1 of any potential solution; a follow-up step would be for China to grant NK refugees all the privileges they merit under international law. Active US engagement with not only the Chinese government, but also other international organization and regional bodies is essential.

Failure to convince China to reverse course will have serious implications. With implicit Chinese backing, the NK government is already clamping down on border security. Reports also suggest a crackdown on refugees — the NK government has reportedly issued orders that all caught escapees be executed immediately, as well as their entire families.

As previously mentioned, marshaling consistent, coherent international pressure is indispensable to improving the sorry state of NK refugees. The US government should lead the way: consulting with related countries, NGOs and other international

organizations; clarifying guidelines and expanding legislation to better protect NK refugees: engaging the American public and international media on the issue.

When NK refugees apply for asylum in the US, for instance, the US should maintain flexibility in documentation requirements, allowing applicants to identify themselves in non-conventional ways, when appropriate. And wherever they are intercepted, asylum seeking North Koreans should no longer be deported back to North Korea. For its part, UNHCR can improve its effectiveness by, among others, modernizing its administrative procedures (such as by improving channels of communication with the South Korean, Chinese and US governments).

Going forward

In the course of researching this paper, I discovered a glaring problem: there is a startling lack of reliable information on NK refugees. Unfortunately, there is comparatively little academic research on the issue. Part of this is unavoidable. To avoid capture, NK refugees must be clandestine. But another part stems from a surprising neglect of the subject by researchers and others. Accurate data is sorely needed.

The current generation of North Koreans live under, quite possibly, the most oppressive, brutal government on the planet. The brave people who risk their lives to escape surely deserve our help. But it is also in the wider world's self-interest to help them. For these reasons, I sincerely hope that a broad international coalition will soon develop. If this paper plays even a small part in mobilizing support for such a coalition, it will have more than achieved its purpose.

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Curriculum Vitae

Hyein Kim

42 Highwood Dr. Dumont, NJ 07628

(732)371-3579

Hyein1208@gmail.com

EDUCATION

Rutgers, The State University of New Jersey
Rutgers, The State University of New Jersey

M.A., Political Science
B.A., Economics

October 2013
May 2005

DISSERTATION

“North Korean Refugees and US Policy Options”

Committee: Elizabeth Hull (Advisor), Jean-Marc Coicaud, Mary Segers

HONORS

The Virginia Walsh Award, Department of Political Science, Rutgers University.

May 2012

RESEARCH/AREAS OF INTEREST

Global Environmental Politics; “*Analyze the challenge of environmental degradation for developing countries*”

- Researched environmental problems that occur in many different places but are not necessarily linked
- Studied transnational environmental activity, including that through social movements, non-governmental organizations, and corporate actors

American Foreign Policy Research; “*President Jimmy Carter and his Foreign Policy on Human Rights*”

- Researched President Carter’s leadership style on American Foreign Policy with the cases of Iran Hostage Crisis and South Korean Dictator Regime

International Law; “*Convention on the Status of Stateless Persons*”

- Researched the purpose of the 1961 Convention on the Reduction of Statelessness, including several other relating International Treaties and addressed its enforcement mechanism

PROFESSIONAL EXPERIENCES/INTERNSHIPS

United Nations Department of Economic and Social Affairs, The Office for ECOSOC Support and Coordination, Intern, New York, New York

Nov 12- May 13

- Carrying out background research for Capacity Development Project for Mutual Accountability on aid effectiveness in Sub-Saharan African region

Hanssem Corporation, Senior Accountant, South Plainfield, New Jersey

May 05-Nov 12

- Assisted Accounting Manager with Monthly Closings and Audits, and annual Audit by KPMG
- Managed Fixed Assets and Depreciation schedule

American Friends Service Committee, Intern, Newark, New Jersey

Jan - July 12

- Utilized research component in order to help community-based organizations in their civic engagement projects
- Researched and analyzed the current immigration policy for the town of Plainfield of New Jersey

Bloomberg, Intern, Princeton, New Jersey

March 05

- Organized data for Global Data Department using Bloomberg System

Citigroup, Intern, Queens, New York

June- Aug 04