

## **Protection Strategies for North Korean Refugees in China**

**Testimony by Joel R. Charny**

**Vice President for Policy, Refugees International**

**Issues Roundtable**

**Congressional-Executive Commission on China**

**April 19, 2004**

I would first like to thank the staff of the Congressional-Executive Commission on China for the opportunity to present testimony on the situation for North Korean refugees in China. North Koreans in China are extremely vulnerable to arbitrary arrest and deportation back to North Korea, where they endure sentences ranging from several months in labor training centers to long-term imprisonment to execution, with the severest penalties reserved for those known to be Christian activists or to have been in contact with South Koreans about the possibility of reaching the South. While the long-term solution lies in improving conditions inside North Korea, short-term solutions to protect North Korean refugees must involve changing their treatment by the Chinese. I am hoping that by presenting testimony and sharing ideas that we can come up with approaches to this problem that will result in real, immediate solutions to the terrible plight of North Koreans in China. Right now, Chinese policy and actions are part of the problem. Is there any feasible way to get China to be a part of the solution?

### **Background**

In June I spent one week with a colleague in Jilin province in China interviewing North Korean refugees. They live a precarious and clandestine existence as illegal migrants in Jilin, which is the home of some one million Chinese of Korean ethnicity. Through contacts with networks of non-governmental organizations, largely affiliated with local pastors supported by donations from Christian communities in South Korea and the United States, the *RI* team conducted interviews of 38 North Koreans, ranging in age from 13 to 51. This experience, as limited as it was, constitutes, to our knowledge, the most extensive interviewing of North Korean refugees in China by an American organization in 2003.

The estimates of the number of North Koreans in China vary widely --- from under 100,000 to as high as 300,000. Based on our June visit and discussions with individuals involved in assisting the refugees, *RI* inclines towards the lower estimate, and believes that there are approximately 60-100,000 North Koreans presently in northeast China.

The primary motivation of the North Koreans crossing into China is either to find a better life in China or to access food and other basic supplies to bring back to their families in North Korea. Among the 38 people that *RI* interviewed, no one had experienced direct persecution for her or his political beliefs or religious affiliation prior to crossing the border for the first time. The Chinese government argues, therefore, that the Koreans are economic migrants rather than refugees, and should be treated the same way that the U.S. treats illegal migrants from Haiti or Mexico.

From a refugee rights perspective, China's reasoning is flawed. The fundamental problem is that North Koreans are subject to special persecution upon being deported from China, with the minimum period of detention in "labor training centers," which are tantamount to prisons, being two months. Second, everyone in North Korea is divided into political classes, with less privileged people, who constitute the

majority with suspect revolutionary credentials, receiving lower rations and less access to full employment. The deprivation that North Koreans are fleeing cannot be isolated from the system of political oppression that epitomizes the North Korean regime. These factors taken together give North Koreans a strong case for being considered refugees in their country of first asylum.

### **The Current Situation for North Korean Refugees in China**

The experience of conducting 38 interviews of North Korean refugees over the space of a week was harrowing. While the demeanor of the refugees ranged from a matter-of-fact passivity to emotional fragility to defiance, the stories that they told were consistent in their grim portrayal of life in North Korea and the losses that they had suffered, especially during the famine period, but in some cases more recently. Most of the refugees that *RI* interviewed were originally from areas in the far north and east of the country, regions that had been denied international food aid during the famine as described in USAID Administrator Andrew Natsios' book, *The Great North Korea Famine*. Approximately half of the refugees had lost at least one relative to starvation or disease and an equal portion had been arrested in China and deported at least once. The following account illustrates what North Korean refugees go through:

*We first came to China in 1997. We have been arrested and deported a total of three times. In April 2002 my husband, my son, and I were arrested. My daughter happened to be out at the time. We were taken to the border crossing point at Tumen and handed to the North Korean security guards. We first went to the county labor training center, then to the local one in our home town. We worked on construction and road building projects, and were provided only with bad corn and corn porridge for food.*

*In June 2002 my husband and I returned to China. My son was delivered to the border by another person. We returned to where we were staying in China and found our daughter.*

*We were arrested again in September 2002. This time it was the whole family. In October my daughter and I returned to China, but my husband and son stayed in North Korea. In February they tried to come, but they were arrested in North Korea. My son was sent to an orphanage this time, and my husband to a labor training center. He got sick there, was released, and died three days after his release. My son tried three times to escape from the orphanage and return to China, but each time he was caught and returned. Finally, he was able to escape and re-join us in China in March.*

*In April my daughter and I were arrested again and deported. On this return I learned that my husband had died. My son had not known. We were again put in the local labor training center. I wanted to see the grave of my husband, so the guards allowed me and my daughter to leave. We then escaped again and returned to China.*

The testimony of recent arrivals, nine of whom had come to China before June 2003 and three of whom had crossed into China within a week of our meeting, belied the reports that the North Korean economy has been improving in response to the limited economic reforms initiated in July 2002. In separate interviews, the recent arrivals, who were largely from North Hamgyung, reputedly one of the poorest provinces in North Korea, consistently stated that the public distribution system, which prior to 1994 assured the availability of basic food for the population, had completely collapsed. The economic reform program has resulted in rampant inflation. The price of rice and other basic commodities has skyrocketed, while wages – for coal miners, for example – have not kept pace. Children receive no food distributions at school, and many schools have stopped functioning while teachers and students search for means to survive.

What is especially shattering for North Koreans is the contrast between their life of misery and the life lived by Chinese of Korean ethnicity across the narrow border. The Tumen River, which marks the northernmost part of the border between North Korea and China, is no wider than 100 yards and shallow enough to walk across in certain spots in summer. Yet it marks an Amazonian divide in living standards and economic freedom. When *RI* asked a 35-year-old North Korean man who had arrived in China just three days earlier his initial impression of China, his eyes welled up. He bowed his head and he began sobbing. The stunning contrast between his life of fear and deprivation in North Korea and the relative wealth he found on the other bank of the Tumen River was shattering. Even refugees who had been in China longer could not help expressing their gratitude and amazement that in China they ate rice three times a day.

The constant threat of arrest and deportation, however, means that China is far from a paradise for North Koreans. Men have a difficult time finding sanctuary in China because staying at home is not an option and moving around Yanji city or rural areas to find day labor exposes them to police searches. The few long-staying male refugees who *RI* interviewed were established in a safe house deep in the countryside with access to agricultural plots in the surrounding forest. Otherwise, men tend to cross the border, hook up quickly with the refugee support organizations, access food and other supplies, and then return to their homes in North Korea. *RI*'s impression based on very limited data is that this back and forth movement, when the motivation is clearly to obtain emergency rations, is tolerated by the North Korean and Chinese border guards.

One protection strategy available to women is trying to find a Korean-Chinese husband. The problem is that these women are vulnerable to unscrupulous traffickers who pose as honest brokers for Chinese men. *RI* was unable to define the scope of this problem, but anecdotal evidence suggests that the trafficking of North Korean women is widespread. Women, some of whom have a husband and children in North Korea, willingly offer themselves to gangs along the border who sell them to Chinese men. These women see this as their only option for survival. *RI* interviewed several women who, knowing that they were going to be sold, escaped from the traffickers once in China. Other North Korean women are successful in finding a Korean-Chinese husband and achieve a measure of stability in their lives. Probably the two happiest refugees that we spoke to during our week in China were two women who were part of stable marriages. These women, however, like all North Koreans, are unable to obtain legal residency in China. If the couple has children born in China, the children are stateless. North Korean children in China are not able to get a formal education.

The accounts of the treatment of refugees upon arrest and deportation were remarkably consistent across the range of individuals that *RI* interviewed. Refugees arrested in Yanji and surrounding areas in Yangbian were handed to the North Korean authorities at the border crossing point at Tumen. They were then transported to "labor training centers" in their village or town of origin in North Korea. The length of detention in these centers was consistently two months. Conditions in the centers were terrible. The deported refugees experienced hard labor on construction projects or in the fields, with very limited rations. A thin porridge made from the remnants of milled corn was the most common food. Medical care was completely unavailable. Indeed, *RI* was struck by several accounts indicating that severely ill detainees were released rather than cared for, presumably so they would die outside the center, freeing the guards from any responsibility for burial.

The North Koreans consider meeting with foreigners, especially with South Koreans to arrange emigration to South Korea, and adopting Christianity with the intention of propagating the faith inside North Korea to be serious crimes. According to several refugees, the punishment for deported refugees suspected of either act is life imprisonment in a maximum security prison camp or execution. For obvious reasons, *RI* was not able to interview anyone who had been arrested for these "crimes."

## Strategies for Protecting North Korean Refugees

*Refugees International* recognizes that horrendous oppression and economic mismanagement inside North Korea are responsible for the flow of people seeking assistance and protection in China and elsewhere in Asia. In this sense, only fundamental change inside North Korea will staunch the flow of refugees and bring freedom and economic security to the North Korean population. Analyzing ways to bring about the necessary changes with the least possible suffering, however, lies outside the scope of *RI*'s expertise. I will therefore limit my remarks to near-term protection strategies in the context of the current political situation.

The border with China is the lifeline for North Koreans in desperate condition, and therein lies the dilemma for those seeking to provide sustenance and protection for them. Any strategy for protecting North Korean refugees must be carried out in such a way that the approach does not result in steps that restrict access to supplies and security, or that lead to further arrests and crackdowns. Providing real protection while avoiding counterproductive provocations of the Chinese government is a difficult challenge.

Despite this challenge, and the proven difficulties of changing the approach of the People's Republic of China on any human right issue, *Refugees International* believes that a practical, near-term protection strategy must first and foremost seek to establish greater security for North Koreans in Jilin province in China. The refugees that *RI* interviewed either expressed an intention to return to their families in North Korea after recuperating and obtaining basic supplies or to stay and try to make their way in China. The Chinese government has designated Yangbian as a Korean autonomous region; in consequence government officials are of Korean ethnicity and Korean is the official language of government affairs and commerce, along with Mandarin. Thus, North Korean refugees have cultural and linguistic affinity with Chinese in this region. Local officials try to avoid harassing the refugees and the periodic waves of arrests and deportations, according to local sources, are the consequence of orders from the national authorities in Beijing. The economy in the border area is vibrant, due in part to South Korean investment, but living in the regional capital, Yanji, or in smaller towns does not pose the immense problems of cultural adaptation that North Koreans have faced in the South.

*RI* believes that the first step towards providing protection for North Korean refugees in China is for the Chinese government to stop arresting and deporting law abiding North Koreans who have found a home across the border. Given the factors favoring assimilation, and the healthy economy in Yangbian, this step should pose no immediate security or other threat to China. The UN High Commissioner for Refugees, Ruud Lubbers, claimed in June 2003 that Chinese officials had informed him that they would stop arresting and deporting North Koreans. China immediately denied any change in policy and reports in 2004 suggest that indeed China has not stopped these actions and that as a result, attempts to cross the border into China have dropped, precisely the results that the Chinese government is seeking.

Nonetheless, quiet implementation of a policy that halts the arrests and deportations would provide greater security to North Koreans while keeping the border open to the back and forth movement of people and goods that is a lifeline for poor people in the border provinces of North Korea. Given the available options, this best combines care for North Korean refugees with respect for the legitimate political and economic security needs of the Chinese government.

Merely stopping the arrest and deportation of North Koreans, however, falls well short of China's obligations under the 1951 Convention and 1967 Protocol Related to the Status of Refugees, to which it is a signatory. Further, China is on the Executive Committee of the Office of the UN High Commissioner for Refugees (UNHCR). Yet China not only refuses to grant refugee status to worthy North Korean

asylum seekers, but prevents the Beijing-based staff of UNHCR from traveling to Yangbian to assess the situation.

*RI* has called for UNHCR to engage proactively with the Chinese government to seek permission to visit Yangbian and eventually to establish an office in the region to monitor the status of North Koreans in China and to provide protection and assistance as needed. UNHCR's profile on this issue has been too low, considering the numbers of North Koreans in China and China's importance to UNHCR and the international community. The one positive step that UNHCR took in 2003 was to declare all North Koreans in China "persons of concern." While this has had no immediate practical effect from a protection standpoint, at least UNHCR signaled to the Chinese government that it categorically rejects their argument that North Koreans in China are economic migrants.

*RI* recognizes that UNHCR's real leverage with the Chinese government on this issue is minimal. Only wider political support and engagement, especially at the level of the UNHCR Executive Committee and bilateral discussions between China and interested governments, will lead to meaningful change in the Chinese position.

*RI* has urged the United States government to make the status of North Korean refugees in China a priority issue in its on-going human rights dialogue with the Chinese government. We have raised this issue directly with officials of the State Department Bureaus of Population, Refugees, and Migration and Democracy, Human Rights, and Labor; they have assured us that this issue is indeed an important part of bilateral discussions with the Chinese. While *RI* accepts these assurances, we hope that the members affiliated with the Congressional-Executive Commission on China will continue to impress upon the Administration the importance of Chinese action to facilitate UNHCR's access to North Korean refugees.

A second possible approach to protecting North Korean refugees is third country resettlement. Resettlement faces equally determined opposition from China. The Chinese authorities have actively tried to prevent North Koreans from reaching the embassies of potential resettlement countries and refuse to allow diplomatic missions to establish facilities to assess eligibility for resettlement in Yangbian itself. What little resettlement there has been has resulted from high-level defectors and other individuals reaching South Korea by boat or via underground railroad from China and the storming of embassy compounds in Beijing. The numbers are small. South Korea accepted a little more than 1,000 North Koreans for resettlement in 2003 even though their right to settle in the South is recognized in national law.

For resettlement to be a meaningful protection strategy, both China and South Korea will have to change their policies. China will have to allow potential resettlement countries open and unrestricted access to North Korean refugees. This step would be a logical follow on to a decision to allow UNHCR access to Yangbian, but neither action appears politically feasible at this point. As for South Korea, its low admission numbers reflect more than the difficulty of North Koreans reaching South Korea. As I learned on a two visits to Seoul in 2003, South Korean citizens and the South Korean government have a remarkable ambivalence about the suffering of North Koreans. Citizens fear economic turmoil if North Koreans are admitted in large numbers, while their solidarity is limited by disdain for the poverty and lack of sophistication of North Koreans. As for the government, commitment to the Sunshine Policy and reconciliation more broadly locates the fundamental solution of humanitarian issues in gradual political change in North Korea that will result from engagement, rather than in large-scale acceptance of refugees, an act that would anger the leaders of the North Korean government. The result is a marked lack of commitment by South Korea to offer resettlement to North Koreans.

*RI* believes that in the near term resettlement is unlikely to be an option for more than a few thousand North Koreans. The U.S. role should be to engage with China to see if resettlement, at least on a modest scale, can become a legal option for North Koreans in China. The Administration should also be talking to the South Koreans about increasing their economic and political commitment to resettlement. The U.S. itself could be a resettlement destination. The U.S. experience with resettling previously isolated and difficult to assimilate populations, such as the Hmong from Laos, might be usefully applied to North Koreans, both by accepting them here and by providing technical training and support to South Korean government agencies and NGOs involved in resettlement. Finally, North Koreans, through the underground railway, have managed to reach countries as far away as Thailand and Cambodia. American embassy staff in Southeast Asian countries should be on the lookout for North Korean asylum seekers and be prepared to consider them for possible resettlement in U.S.

*RI* has struggled with the issue of who exactly can be an effective interlocutor with the Chinese on the changes they need to make to protect North Koreans in China. Anyone who has worked on human rights in China knows that confrontational tactics tend to backfire, and, indeed, arrests and deportations clearly spike in response to embarrassing public incidents such as embassy takeovers. But quiet diplomacy by UNHCR has utterly failed, and there is no evidence that the Bush Administration is applying any meaningful pressure, quiet or otherwise, on this issue.

*RI* urges members of Congress, especially from the Republican side of the aisle, to try to identify senior retired officials who have credibility with the Chinese to commit to taking up this issue with their Chinese friends. I am thinking of people with the stature of Secretary of State Henry Kissinger or retired Ambassadors. If the Chinese authorities hear consistent messages of concern about the plight of North Koreans in China from people they trust, perhaps the government will be moved to adopt at least the minimalist protection strategy of quietly halting arrests and deportations.