

The Political and Human Rights Issues Surrounding North Korean Defectors

Lim Hyun-Chin and Chung Young Chul

The problems surrounding North Korean defectors have recently been gaining international attention. The issue is taking a new turn after President George W. Bush signed into law the North Korean Human Rights Act in October 2004. The North Korean defector issue is complicated by the fact that their status is affected by international law, South Korean law, and by bilateral agreements between China and North Korea.

There are several ways to look at the North Korean defector issue. Progressive South Korean interest groups disregard North Korean human rights, but conservative South Korean interest groups emphasize North Korean human rights as the most important issue. The progressive camp is interested in defectors' living conditions, the right to return to North Korea, and the causes behind North Korean defections. On the other hand, the conservative camp uses the defector issue to criticize the North Korean government, and it is interested in connections with the international community to pressure North Korea. These different views conflict with the issue of North Korean human rights, and they involve heated political friction over North Korea. The difference is that one side believes problems with North Korea can be solved through tolerance and active cooperation while the other believes the problems can only be solved with pressure.

The North Korean defector issue is intertwined with complicated relations between North and South Korea, and China and the United States, and no clear solution is in sight. It is not easy to find an immediate solution to this complex issue, but the most urgent is to provide basic human rights to North Korean refugees.

Keywords: North Korean defector, human rights, North Korea Human Rights Act, planned group defection, international NGO

Introduction

The problems surrounding North Korean defectors have recently been gaining international attention. China, the United States, Mongolia, Japan, South Korea and all of Northeast Asia focused their attention on this problem when a group of North Korean defectors fled to the Spanish Embassy in Beijing in March 2003. Furthermore, the issue is taking a new turn after President George W. Bush signed into law the North Korean Human Rights Act in October 2004.

The North Korean defector issue is complicated by the fact that their status is affected by international law, South Korean law, and by bilateral agreements between China and North Korea. There has been no clear decision whether they are economically displaced persons, refugees, or illegal immigrants.¹ And foreign relations between China, North and South Korea have been complicated by non-governmental organizations (NGOs) that have intervened to assist North Korean defectors.

Various alternative plans for solving the North Korean defector problem are clashing and causing discord. South Korea's official position is that it respects the human rights of North Korean defectors and allows them to come to South Korea, but in the case of North Korean defectors in China, Seoul exercises self-restraint and only intervenes with "quiet diplomacy." On the other hand, NGOs are actively assisting North Koreans in their efforts to flee North Korea and bring them to South Korea, and these NGOs are demanding that the South Korean government also intervene and provide active support. On the other hand, some people who have observed the reasons for North Korean defections are emphasizing the importance of providing economic assistance to North Korea so that its economy can recover and thus end the flow of North Korean defectors. In addition, out of respect for the intentions of North Korean defectors, it is important to bring them to South Korea, but some people believe it is also important to give them permission to return to North Korea if they chose to

1. The legal status of North Korean defectors is a difficult issue in many respects. It is unclear whether they should all simply be called "defectors" or if they should have separate designations according to their motivations for having fled North Korea. Therefore, South Korea's Ministry of Unification officially has been using the term *italjumin* (seceded citizens). However, this concept is unsatisfactory because it classifies everyone who flees North Korea into one group. It is difficult to find one general concept that applies to all North Korean defectors, but we will try to introduce terminology that applies to most North Korean defectors.

do so. Despite the fact that every time a person flees North Korea it becomes a problem for each and every individual, the North Korean defector issue is indirectly intertwined with several other issues. In particular, the defector issue can become an obstacle to progress in inter-Korean relations, and the South Korean government is worried that the issue could quickly spread into a greater problem for all of Northeast Asia.

This paper explores the causes and conditions of the North Korean defector issue. Furthermore, it points out that their conditions are degenerating into various means of political conflict in a dead angle of politics and human rights. Based on reality, then it will present a series of proposals for improving their conditions. These recommendations are only suggestions and this issue will require more attention in the future.

Reasons for North Korean Defections

1. Classification of defectors

North Korean defections clearly started to increase when North Korea began to experience severe economic difficulties. The North Korean economy started to contract after the end of the Cold War and the collapse of the socialist countries in Eastern Europe in the late 1980s. Economic problems were exacerbated by the death of Kim Il Sung in 1994 and by natural disasters that included massive floods. Thus began large-scale defections of North Koreans across the Amnok (Yalu) River in search of food in order to survive. Specifically, North Koreans had two choices to overcome their fears of disease and hunger due to the severe food shortages. They could go to farm areas to get food and sell it to make money, or they could go to China and receive help from relatives or Korean-Chinese to acquire food. Therefore, in the beginning most people fleeing North Korea were doing it sustain their livelihoods rather than fleeing for political objectives. Most of these people traveled to China to get food from relatives or Korean-Chinese and then returned to North Korea to support their families. To this day, the proportion of North Koreans who return after staying in China is still high. According to a recent poll of about 100 North Korean defectors over two years, 34 percent desired to return, 21 percent wanted to settle in China, and 41 percent wished to go to South Korea—less than the majority (Jo Cheon Yeon 2004). If we take into consideration that such results of the polls became available

fairly recently, the percentage of North Koreans who were desirous of defecting to South Korea in the early stage of mass defection would have been less.

On the other hand, the number of defectors who desire to flee to South Korea has been rising since 2000, and as North Korean defectors get accustomed to more freedom after having lived in China it becomes more difficult for them to return to North Korea. At first, most North Koreans flee to sustain their livelihoods, but gradually they join “the resistance against the system” or they become “refugees for freedom.” This change begins after they flee to sustain themselves, but whether they originally intended to or not, their character begins to change to reflect an attitude of seeking freedom.

If we disaggregate North Korean defectors, they broadly fit into three main categories. The first group is comprised of those who simply go to China to obtain food and return to North Korea. The second group has Koreans who are residing in China looking for work and a place of refuge. The third group includes those who are defecting to South Korea or other countries (Kang Kwon Chan 2003: 170). According to recent research, most defectors usually stay no longer than three months in China, and they immediately return to North Korea, or desire to return, after having acquired the food and consumer items they need (Kang Kwon Chan 2003). It is difficult or impossible to classify these people as insurgents against the regime. On the other hand, the third type, which is a minority, can be considered political refugees or defectors seeking freedom. Nevertheless, most of these people do not defect for political reasons initially, but they are gradually transformed after their experience in China. The most controversial defectors are those in the second group who are looking for work and refuge in China. These people do not want to return to North Korea, and they have no strong desire to go to South Korea. They generally want to continue residing in China. Among these people, some want to stay in China permanently, while others want to return to North Korea after having earned money over a certain period of time, or after North Korea has opened up and become liberalized. Therefore, the uncertainty over their personal identity and social status is a serious problem, and some of these people eventually choose to go to South Korea. The proportion of defectors who make this choice according to the amount of time they have spent in China is described in the following table.

According to the figures in Table 1, over 50 percent of North Korean defectors return to North Korea after having stayed in China less than three months, and over 70 percent return after six months. Most of these people fall into the first category of defectors. About 30 percent of defectors stay for over six

Table 1 North Korean Refugees' Length of Stay in China

| Length of stay | Number of refugees | Percentage | Cumulative percentage |
|----------------|--------------------|------------|-----------------------|
| < 15 days | 6,729 | 22.4 | 38.4 |
| < one month | 4,476 | 16.0 | 50.3 |
| < three months | 3,327 | 11.9 | 71.1 |
| < six months | 5,815 | 20.9 | 89.0 |
| < one year | 5,001 | 17.8 | 100.0 |
| < three years | 3,085 | 11.0 | 100.0 |
| Total | 28,472 | 22.4 | |

Source: Joeun Beotdeul (Good Friends, 1999b).

months, and they are generally in the second and third category of defectors.²

If we disaggregate North Korean defectors by type, the overwhelming majority falls into the first category, and the least number falls into the third. However, the second and third types of defectors have been increasing since 2000. We can surmise that either those defectors who initially defect with the intentions described in the first category change, or that more people in North Korea are receiving information from outside the country and then take bold actions to flee the country. Therefore, we can classify North Korean defectors according to their political intentions, and that they flee to sustain their livelihoods or out of resistance to the regime. If we consider the complexities of the motivations behind North Korean defections, they can be categorized as 1) simple defection, 2) complex/mixed motive defection, and 3) conscientiously motivated defection. Furthermore, as the categories of defectors change, we can add categories of defectors who leave North Korea in search of freedom and those who are fleeing persecution.³

2. These figures are derived from direct surveys conducted by Joeun Beotdeul (Good Friends), a Buddhist NGO that has been assisting North Korean defectors in Yanbian Korean Autonomous Prefecture (in Jilin Province) and three other provinces in northeast China. The usefulness of the data is limited since the surveys were conducted in 1999.

3. In this case, we are referring to those defectors who leave with simple motivations but who change their motivations after having left North Korea and being shocked by their exposure to the outside world. In general, those with simple motivations are influenced by the concept of freedom or liberalism and then they expect to enter or join a capitalist system. The majority of defectors in China who wish to go to South Korea are those who flee seeking freedom. On the

2. Background on North Korean Defections before 2000

Famine has been the greatest cause of North Koreans fleeing the country. The food shortages of the mid-1990s caused the crisis and a large number of deaths from starvation. This was the background that encouraged North Koreans to flee the country. But instead of improving, the food problem apparently became a chronic problem on top of the country's continuing economic crisis. Depending on the estimate, hundreds of thousands of North Koreans died during the famine of the mid-1990s. This was caused by the central government having lost its ability to govern. In particular, individuals were left to their own measures when previously they had depended upon the government to supply food. At the time of North Korea's food shortages, the central government was paralyzed.

As shown in Table 2, North Korea's food shortage became severe in 1994 but began to gradually improve due to international aid. In the early stages, North Korea's food shortage began in the mountainous region of Hamgyeong Province in the northeastern part of the country before the food crisis became common throughout the rest of the country and triggered a flow of refugees across the border. According to the testimony of witnesses, the number of North Koreans began to increase significantly from 1997 in the areas heavily populat-

Table 2 North Korean Food Supply and Demand

(Units: Million tons)

| Year | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|----------------|------|------|------|------|------|------|------|------|------|------|------|
| Demand | 5.76 | 5.69 | 5.76 | 5.80 | 5.78 | 5.83 | 5.41 | 5.51 | 5.18 | 5.29 | 6.20 |
| Supply | 4.42 | 4.26 | 3.88 | 4.12 | 3.45 | 3.69 | 3.49 | 3.89 | 4.22 | 3.59 | 3.95 |
| Shortage | 1.33 | 1.42 | 1.88 | 1.67 | 2.33 | 2.14 | 1.92 | 1.62 | 0.96 | 1.34 | -- |
| Imports | 0.83 | 1.09 | 0.49 | 0.96 | 1.05 | 1.63 | 1.04 | 1.07 | -- | -- | -- |
| Total shortage | 0.50 | 0.33 | 1.39 | 0.71 | 1.28 | 0.51 | 0.88 | 0.55 | -- | -- | -- |

*Note: 1) The total demand for 2002 is partially based on the shortages up to and prior to 2001.

2) Supply is the total of domestic production for the year.

3) Imports include purchases by North Korea and foreign aid.

**Source: South Korean Ministry of Unification (2005).

other hand, this includes criminals who flee North Korea after having committed crimes, and those who travel to China legally and commit crimes in China and then try to defect from North Korea and seek refuge in a third country.

ed by Korean-Chinese.⁴ North Korea's economic crisis and the resulting food shortage can be divided into the following stages.

Table 3 Stages of North Korean Defections

| Stage | Period | Characteristic |
|--------|-----------------------|---|
| First | Oct. 1993 ~ Oct. 1994 | Return to North Korea after receiving food or assistance from relatives in China |
| Second | Nov. 1994 ~ Oct. 1995 | The number of refugees seeking to visit their relatives in China increases/The number of refugees in hiding and living in China increases |
| Third | Nov. 1995 ~ Dec. 1996 | A significant inflow of refugees to China begins |
| Fourth | Jan. 1997 ~ | The number of North Korean defectors increases dramatically |

*Source: Kim Ji Hui, Lee Myeong Geun, and Mun Suk Jae (2000: 140).

During the 1990s, North Korean refugees were “pushed out” of North Korea due to the poor economic conditions. The following table on the motivations of North Korean refugees supports this view.

Table 4 Top Motivations for Defecting

| Rank | Motivation for leaving North Korea | Frequency (persons) | Percentage |
|------|--|---------------------|------------|
| 1 | To satisfy hunger and survive famine | 165 | 81.7 |
| 2 | Heard that people can work and earn money in China | 152 | 75.2 |
| 3 | To support my family in North Korea | 102 | 50.5 |
| 4 | Because other people were going to go with me | 75 | 37.1 |
| 5 | To marry a Chinese citizen | 32 | 15.8 |
| 6 | Immediate family or people around me persuaded or invited me | 17 | 8.4 |
| 7 | Because of personal debt | 8 | 4.0 |
| 8 | Sold and sent to China without being aware of it | 1 | 0.5 |

*Source: Kim Ji Hui et al. (2000: 145).

4. According to interviews and surveys done with refugees in China, the number of North Korean refugees began to increase in early 1997 and thereafter the refugee problem began to worsen (Kim Ji Hui et al. 2000: 140).

Table 5 Motivations for Defectors Who Arrived in South Korea after 2000

(Units: Persons and percentage)

| Period | Survival-Hardship | Fear of Punishment | Dissatisfied with the System | Accompanied Others | Settled in China | Family Discord | Other | Total |
|-----------|-------------------|--------------------|------------------------------|--------------------|------------------|----------------|---------|-------------|
| 2000 | 127(40.7) | 66(21.2) | 52(16.7) | 51(16.3) | 13(4.2) | 2(0.6) | 1(0.3) | 312 |
| 2001 | 293(50.3) | 73(12.5) | 33(5.7) | 171(29.3) | 7(1.2) | 2(0.3) | 4(0.6) | 583 |
| 2002 | 606(53.2) | 93(8.2) | 96(8.4) | 259(22.7) | 37(3.2) | 39(3.4) | 9(0.8) | 1,139 |
| 2003 | 774(60.4) | 80(6.2) | 123(9.5) | 194(15.1) | 46(3.6) | 53(4.1) | 11(0.9) | 1,281 |
| June 2004 | 463(60.9) | 44(5.8) | 63(8.3) | 148(19.5) | 2(0.3) | 39(5.1) | 1(0.1) | 760 |
| Total | 2,263(55.5) | 356(8.7) | 367(9.0) | 823(20.2) | 105(2.6) | 135(3.3) | 26(0.6) | 4,075(99.9) |

* Percentages are rounded so total percentage does not sum to exactly 100 percent.

** Source: South Korea Ministry of Unification (2005).

It appears that little has changed since 2000. The overwhelming majority of North Korean defectors who have arrived in South Korea also say their prime motivation was survival.

According to these data, it is impossible to solve the cause of the North Korean refugee problem without addressing North Korea's economic problems. Furthermore, whether North Korean defectors settle in China or go to South Korea, they are beginning to exert efforts to help their relatives in North Korea flee as well. Despite the fact that North Korea's economic problems have been the main impetus for defections, North Korean motivations have gradually begun to change since 2000.

3. Changes and New Reasons for North Korean Defections after 2000

After 2000, the number of North Korean refugees has generally decreased. The first reason is that the North Korean economy stabilized and began a slight recovery in 1999, and the second reason is that China and North Korea increased their control over North Korean refugees. The third reason is that North Korea began to issue long-term passports so that North Korean citizens could travel to China legally and stay there for extended periods. Furthermore, the number of North Korean defectors is decreasing because the number of defectors returning to homeland is increasing and North Korea relaxed the penalties against those who fled to China.

The North Korean economy has not been able to sustain a steady recovery, and this has changed the character of North Korea defectors after their experi-

ence in China and exposure to free thinking. This can be confirmed by recent defectors from North Korea. Among the characteristics of recent defectors, the first thing is the diversity of their social status or class. Previously, they were military personnel, spies who had been dispatched to South Korea, students studying in Eastern Europe, and those with special social status. But recently their social status has become diverse to include loggers, diplomats, foreign trade company staff, professors, intelligence officials, and all types of regular citizens. Second, instead of individuals, the number of defectors who flee with their families or in groups is increasing. The most important point of the current situation is that family members are beginning to unite in their intention to flee North Korea (Je Seong Ho 2002: 25). This phenomenon started around 1998 and has the following characteristics. First, most defectors become more adapted to their location after they have been living there for about 2-3 years, and then the number of people who try to go to South Korea has been increasing. Second, more people from the middle and upper classes are escaping from North Korea to pursue a better life in South Korea rather than just fleeing because of starvation. Third, there are more cases of North Korean defectors living in South Korea who help their relatives flee from the North, and there are more defectors who escape North Korea as a family unit (Yun Yeo Sang 1998: 172).

North Korean defectors go through stages after they initially leave to survive. In other words, North Koreans adjust to the local conditions after spending extended periods in China, and then they try to go to South Korea. They internalize liberal thought by living in China, and the pursuit of profit becomes an important part of their lives. Furthermore, they hope to go to South Korea after learning about South Korea while they are in China. But in the case of the middle and upper class defectors, it appears that the trend of liberal thought is flowing into North Korea from the outside. These people leave for a better life, not for political or individual reasons. Defectors who were overseas officials, professors, or diplomats could compare the outside world with life inside North Korea, and they leave to pursue a better life. Defectors who leave as a family unit can be classified into two groups—those who leave together from North Korea, and those who receive assistance from family members who have already made it to South Korea. North Korean defectors in South Korea create some problems with their activities as human brokers or as NGOs working to get people out of North Korea.

Even though North Korea has tried to control the flow of defectors, there are several reasons why they have continued to cross into China since 2000. First, as people were displaced when they searched for food during the famine of the

1990s, their movement and travels weakened central government control. Second, people are demanding a higher standard of living as the number of people engaging in personal business activities increases. Third, compared to the past, people in North Korea have easier access to outside information from relatives in China or from those who travel back and forth between the two countries. This has impacted the thinking and behavior of North Koreans, and it appears to have had a great influence on the motivations of North Korean defectors.

Current Status and Conditions of North Korean Defectors

1. North Korean Defector Statistics

Many estimates on North Korean defector statistics have been submitted. Low estimates of the total number of defectors range from 10,000 to 30,000 while high estimates range all the way to 300,000. But in fact, it is almost impossible to get accurate figures on the number of North Korean defectors who are in China. First of all, it is not possible to go to China and count them; there are different types of North Korean defectors or refugees in China, and these people are extremely mobile around the border. North Korea itself recognizes that there are about 81,000 defectors (Park Hyeon Seon 2002: 211), but assuming North Korea underestimates the figure, we believe the number must be over 100,000.

We believe that the Chinese and South Korean governments underestimate the number of defectors, and that the NGOs overestimate their numbers. According to data from a survey by South Korea’s Democratic Labor Party, the number of North Korean defectors is under 10,000 (Democratic Labor Party

Table 6 Number of North Korean Defectors

(Unit: Persons)

| Survey Group | Chinese govt. | South Korean govt. | U.S. Committee for Refugees | United Nations High Commissioner for Refugees | S. K. Buddhist NGO | Good Friends | S. K. NGOs |
|--------------------------|----------------|--------------------|-----------------------------|---|--------------------|-------------------|------------|
| Number of N.K. Defectors | 7,000 ~ 10,000 | 10,000 ~ 30,000 | 50,000 | 30,000 | 100,000 | 140,000 ~ 200,000 | 300,000 |

*Sources: U.S. Committee for Refugees (2002); Joeun Beotdeul (Good Friends, 1999b); Kang Kwon Chan (2003: 169); South Korean government data and press reports.

2004). However, it appears that these survey data rely too much on the position of the Chinese government, thus these figures appear to differ from reality. The number of North Korean defectors living in China is believed to be at the level of about 100,000. The numbers of North Koreans fleeing for China has been decreasing, but the number of North Korean defectors living in China has not. The Chinese government's estimate of under 10,000 is an under-exaggeration, but according to a Chinese government report, a total of 6,300 North Koreans were arrested and deported in the Jilin Province in 1998 (Jilin Academy of Social Sciences 1998). Furthermore, a South Korean Democratic Labor Party report claims that the Chinese government deported 8,000 North Korean defectors in 2003 (Democratic Labor Party 2004). If these figures have any validity, then we can see that South Korean and Chinese government estimates are low.

The characteristics of this large number of defectors are also becoming more diverse. Female defectors now exceed 50 percent, and minors now exceed 20 percent of the total. It is possible to draw inferences about the composition of North Korean defectors indirectly by analyzing statistics on those who have arrived in South Korea.

The data above show that the percentage of female defectors is relatively high, and the percentage of children is about 20 percent. Furthermore, those between 20 and 40 years of age account for over half of all defectors. It is interesting to note that those who were unemployed or dependents make up at least

Table 7 The Number of North Korean Defectors Arriving in South Korea

| Year | '89 | '90 | '91 | '92 | '93 | '94 | '95 | '96 | |
|--------|-----|-----|-----|-----|-----|-------|-------|-------|-------|
| Number | 607 | 9 | 9 | 8 | 8 | 52 | 41 | 56 | |
| Year | '97 | '98 | '99 | '00 | '01 | '02 | '03 | '04 | Total |
| Number | 86 | 71 | 148 | 312 | 583 | 1,139 | 1,281 | 1,894 | 6,304 |

*Source: South Korean Ministry of Unification (2005).

Table 8 Gender of North Korean Defectors Arriving in South Korea

(Unit: Persons)

| Gender | Year | '00 | '01 | '02 | '03 | '04 | Total |
|--------|------|-----|-----|-----|-----|-------|-------------|
| Male | | 180 | 294 | 514 | 468 | 626 | 2,082 (40%) |
| Female | | 132 | 289 | 625 | 813 | 1,268 | 3,127 (60%) |

*Source: South Korean Ministry of Unification (2005).

Table 9 Age of North Korean Defectors Arriving in South Korea

(Unit: Persons)

| Year | Age | < 10 | 10~19 | 20~29 | 30~39 | 40~49 | 50~59 | 60+ | Total |
|-----------|-----|-----------|------------|--------------|--------------|------------|-----------|-----------|-------|
| ~'89 | | - | 104 | 288 | 131 | 55 | 25 | 4 | 607 |
| '90 ~ '93 | | 191 | 493 | 1,061 | 1,249 | 435 | 194 | 180 | 3,803 |
| 2004 | | 69 | 247 | 494 | 643 | 260 | 85 | 96 | 1,894 |
| Total | | 260(4.1%) | 844(13.4%) | 1,843(29.2%) | 2,023(32.1%) | 750(11.9%) | 304(4.8%) | 280(4.4%) | 6,304 |

*Source: South Korean Ministry of Unification (2005).

Table 10 Occupation in North Korea

(Unit: Persons)

| Sector Year | Admin. | Profession al | Sports and Arts | Labor | Services | Military | Unemploy ed | Total |
|----------------|-----------|------------------|--------------------|--------------|-----------|-----------|----------------|-------|
| ~'89 | 13 | 14 | - | 141 | 1 | 386 | 52 | 607 |
| '90 ~ '03 | 155 | 138 | 73 | 1,636 | 208 | 60 | 1,533 | 3,803 |
| 2004 | 37 | 22 | 16 | 732 | 46 | 11 | 1,030 | 1,894 |
| Total | 205(3.3%) | 174(2.8%) | 89(1.4%) | 2,509(39.8%) | 255(4.0%) | 457(7.2%) | 2,615(41.5%) | 6,304 |

*Admin: cadres, party leaders, etc.

*Professional: physicians, teachers, interpreters, etc.

*Sports and Arts: actors, writers, propaganda promoters, and athletes.

*Services: office workers, cooks, beauticians, communication center operators, kindergarten staff, etc.

*Unemployed: includes children and students.

**Source: South Korean Ministry of Unification (2005).

46 percent of defectors. The figures in Table 9 indicate that the percentage of children (about 18 percent) is much greater than those over 60 (about four percent). Women apparently did not have jobs or they left their workplaces after the economic problems from the mid-1990s onwards. Looking at distribution according to occupation, the military was the lowest because military personnel are not free to engage in other activities, but the social treatment and compensation for the military is high so they have relatively fewer difficulties in maintaining their livelihoods. According to defectors' native place, on the other hand, after 1990 the number of defectors from North Hamgyeong Province is about 67 percent and those from South Hamgyeong Province make up about 11.4 percent, so the total from these two provinces in the Northeast is about 80 percent. While food shortages are more severe in Hamgyeong Province, the Chinese border is also near, which makes it easier for people in the region to flee.

The number of North Korean defectors entering South Korea began to increase significantly in 1999. In 2002, the number of defectors entering South Korea surpassed 1,000. As mentioned above, North Koreans began to flee to China in large numbers in 1997, but they did not immediately continue on to South Korea. They spent considerable time in China but their status was unstable, and it appears they tried to go to South Korea after having received help from NGOs or after they developed a greater awareness of freedom. This indicates that these refugees did not intend to go to South Korea when they first fled from North Korea. There is a high number of female defectors because it is easier for them to move about in North Korea and they are often more responsible for securing food supplies for their families. Furthermore, North Korean women are susceptible to becoming victims of human trafficking or forced marriages, which could also be a contributing factor to the high number of female refugees.

In sum, we can assume there are over 100,000 North Korean defectors, and even though the number of people fleeing North Korea is declining, the number does not appear to be dropping off sharply. Furthermore, most of the defectors are between 20 and 40, and women make up the majority of this group. The continuous inflow of North Koreans into China causes a number of problems that are drawing international attention, and it is also creating diplomatic problems between China, South Korea, and Japan. But more importantly, the status of North Korean defectors living in China is becoming more insecure as they become involved in activities or crimes against human rights.

2. Status of North Korean Defectors

South Korean law and international law are inconsistent in how they deal with the status of North Korean defectors residing in China, and their status is even more insecure because the Chinese government does not recognize them as refugees. According to Article Three of the South Korean Constitution, the territory of the Republic of Korea includes the Korean peninsula and its surrounding islands. Therefore, according to the South Korean Constitution, the people in North Korea are also citizens of the Republic of Korea. Therefore, South Korean diplomats must treat them as citizens of the Republic of Korea. However, South Korea's domestic law conflicts with international law, and no provisions were made regarding territory or citizenship for North and South Korea when Seoul established diplomatic relations with Beijing in 1992. In reality, these issues are only addressed on the Korean peninsula, and the military demarcation line is

effectively serving as a border.

First, the issue being raised is whether the Republic of Korea considers all North Korean defectors as South Korean citizens. South Korean NGOs that support North Korean defectors and conservative groups in South Korea claim that North Koreans are South Korean citizens according to the constitution, and they have been asking the South Korean government to intervene strongly on their behalf through diplomatic means. On the other hand, Chinese authorities and progressive groups in South Korea believe they should be recognized as citizens of a sovereign North Korea rather than citizens of South Korea. Therefore, they are critical of South Korea's diplomatic activities as being unjust. However, from an objective standpoint, North Korean defectors are certainly citizens of sovereign North Korea, and given the special relationship between the North and the South, they have the potential to become citizens of the Republic of Korea. North Koreans are South Korean citizens according to the constitution; however, they are also North Korean citizens since they live in territory controlled by North Korea, which gives them a "dual status."⁵ From this standpoint, North Korean defectors currently living in China are firstly North Korean citizens, and they can be considered South Korean citizens once they enter the territory controlled by the Republic of Korea.

Second, there is the problem of whether North Korean defectors can be given refugee status. The issue of refugee status is causing diplomatic conflict among the UN High Commissioner for Human Rights (UNHCR) and the Chinese government, North Korea, and South Korea. Refugees flee their native countries or the country where they reside for political reasons and ask for protection or defect to a foreign country. They flee for religious, ethnic, political, or humanitarian reasons during war. Specifically, there are four types of refugees. First, there are political refugees. These refugees fear persecution because of their political views and they flee to countries other than North and South Korea and ask for protection. Second, there are war refugees. These refugees seek shelter from wars, civil wars and large-scale violence. Third, there are economic refugees who flee to other countries to escape poverty and destitution. Economic

5. According to Je Seong Ho's analysis, North Koreans are: 1) citizens of the Republic of Korea; 2) people living north of the military demarcation line, in an area controlled by an anti-state organization; and 3) people with 'no citizenship.' The reason Je views them this way is because he views the issue through the lens of the South Korean constitution and the National Security Law, which defines North Korea as an 'anti-state organization' (Je Seong Ho 2002: 28-29).

refugees generally do not receive protection under international law, and are usually considered economic immigrants. Fourth, there are humanitarian refugees. These people flee to other countries when there are natural disasters or large-scale human rights violations. These classifications are relatively new concepts.⁶

It is difficult to generalize about refugees legally, politically, or socially. The difficulty in the concept originates in the different political, economic, social, cultural, and historical conditions, so it is hard to come up with fair generalizations (Haddad 2004). Haddad has identified these difficulties and defines a refugee as “an individual who has been forced, in a significant degree, outside the domestic political community indefinitely” (Haddad 2004: 22). This concept has three important elements—some degree of force, time, and internal political problems. According to Haddad’s view of North Korean refugees living in China, natural disasters such as floods and draughts, or failing to deal with their forced exclusion from the political process cause them to become refugees (Haddad 2004: 23). Therefore, even if North Korean defectors in China are granted refugee status, it is important to consider the failure to deal with the food shortages and political issues in North Korea.

There are two camps opposed to each other in the debate on North Korean defectors and whether they should be granted refugee status. One side, mainly conservative groups in South Korea, believes they should be classified as political or humanitarian refugees. On the other side of this debate are the Chinese government and progressive groups in South Korea who believe they are economic migrants. However, after analyzing the types of defectors in China and their motivations, it is difficult to classify all of them as refugees. The third type of defectors mentioned above could be considered political refugees, but it is difficult to classify the second type as political or humanitarian refugees.

The country where the refugees are located can decide on the disposition of refugees, and the UN High Commissioner for Human Rights (UNHCR) can cooperate in these decisions. Therefore, the position of the Chinese government is most important in deciding the status of North Korean defectors in China. So far, China is not retreating from its position that North Korean defectors are illegal aliens, and Beijing has been treating them as economic migrants.

6. These classifications are discussed in Je Seong Ho (2002: 43-44).

3. National Positions

China does not recognize North Korean defectors as refugees. On September 2, 1999, Wu Da Wei, China's ambassador to South Korea, told South Korean journalists at a breakfast meeting that North Korean defectors in China are illegal immigrants. He also said that the UN does not consider them to be refugees. According to Wu, the North Korean defector problem is an issue between China and North Korea, and that South Korea should not intervene. He termed these efforts "new interventionism." So far, China has not changed its position on this issue. China considers North Korean defectors to be economic migrants, and according to Chinese law, they are illegal aliens.

In 1986, China's Ministry of Public Security and North Korea's National Security Ministry signed an agreement to maintain national security and order in the border region. This secret agreement has ten clauses. But in fact, this agreement is implemented in conjunction with a secret agreement between the public security authorities in China and North Korea that was concluded in the early 1960s to return illegal immigrants. According to this agreement, China must cooperate with North Korea to prevent illegal border crossings, and those who cross illegally must be returned (Kang Kwon Chan 2003: 174; Je Seong Ho 2002: 25). Furthermore, the 1998 "Jilin Border Region Control Act" is being applied to North Korean defectors. China reduces the North Korean defector issue to a problem that should be addressed through Chinese-North Korean cooperation. South Korea and China appear to consider their delicate diplomatic relations with North Korea when dealing with the complicated defector issue (Jeong Yeong Seon 2002: 174-5). So far, China's official position is that it will deal with North Korean defectors according to domestic and international law, and in accordance with humanitarian considerations. Furthermore, China will deal with the issue as quietly as possible so that the problem does not worsen. The issue is also linked to China's human rights problems, and it could contribute to instability in North Korea.

There are three inter-linking factors behind China's attitude towards North Korean defectors. First, the North Korean defector issue could be extended to China's policy towards Chinese minorities. The Chinese do not want to acknowledge North Korean defectors since that could inspire a sense of nationalism among the Korean-Chinese in China's three northeastern provinces. China is concerned about the ethnic connections between Korean-Chinese and North Korean defectors, as well as South Korean efforts to approach North Korean

defectors in China through Korean-Chinese. Second, China also considers diplomatic issues, as Beijing does not want to become involved in inter-Korean problems. This can be interpreted to mean that China intends to solve any diplomatic problems between Beijing, Seoul and Pyongyang before they worsen. Third, China wants to prevent any international intrusion upon its sovereignty, which could begin with South Korea (Seong Ki Jung 1999: 8). However, China's position is expected to clash with the U.S. emphasis on human rights and international society's view on humanitarianism. In particular, U.S. president George W. Bush has signed the North Korea Human Rights Act into law, which could increase friction between the U.S. and China.

North Korea's position appears to be changing slightly. However, this does not mean North Korea has changed its position regarding the citizenship or status of North Koreans in China. North Korea is reducing penalties against North Korean defectors while strengthening measures to prevent their defections. On the one hand, North Korea increased efforts to prevent defections following the food shortages after 1994 by increasing the indoctrination of its citizens while at the same time the government reduced the legal penalties for migrating across the border. For example, the 1998 revised North Korean constitution removed references to crimes of treason by citizens against the state. North Korean defectors who are returned undergo an investigation that lasts about four weeks and then they are returned home. However, they are given severe punishment if it is revealed they have contacted South Korean Christian missionary groups or South Korean citizens. Since North Korea has reduced the punishment for defectors, it has decreased the intervention of international NGOs on their behalf.⁷ North Korea is now issuing multiple use passports, and the number of North Koreans who legally reside in China is increasing. This can also be interpreted as a means to decrease the number of illegal migrants to China.⁸

7. Recently, the number of North Korean defectors returning to North Korea from South Korea has been increasing, along with the number of those receiving help from people in China to bring their family members out of North Korea. Paradoxically, this means that North Korea is not strictly controlling the family members of North Korean defectors. On the other hand, there are North Korean defectors who return to North Korea and leave North Korea again. And there are many cases of North Korean defectors being returned to North Korea after having been jailed in China, only to defect again. This proves that the Chinese authorities are not severely punishing all North Korean defectors.

8. This means North Korea has adopted a measure to prevent defections, but more importantly, it indicates North Korean policy is changing. It appears that North Korea has adopted this measure to increase trade with China as Pyongyang promotes reform and opening.

South Korea's position is that North Korean defectors are an important diplomatic issue. The South Korean government accommodates the North Korean defectors who desire to go to South Korea, albeit unofficially and not actively in a so-called quiet diplomacy, and the government respects their human rights. But Seoul does not actively emphasize the issue to avoid unnecessary friction. There are several potential problems regarding South Korea's diplomatic relations with China or with emphasizing the human rights of North Korean defectors. First, the South Korean government recognizes its responsibility to protect North Korean defectors. Legally, South Korean diplomats are required to deal with North Korean defectors according to a guidebook on North Koreans who flee to diplomatic facilities abroad and seek asylum in South Korea. The South Korean government requests that the Chinese government protect the human rights of North Korean defectors. However, the interests of the South Korean government are intertwined with China and North Korea. The South Korean government approaches the North Korean defector issue very carefully because active intervention has the potential to worsen the plight of North Korean defectors (Jeong Yeong Seon 2002: 175-6). For example, the South Korean government is unable to make innovative proposals or recognize the need to protect North Korean defectors as the problem has increased. The reason is that South Korean NGOs have emphasized the issue and have taken North Koreans defectors to the south and have entered diplomatic compounds in China with groups of defectors.

The position of the UNHCR is important, but China prevents the UNHCR from approaching North Korean defectors, so the commission cannot play a clear role. The reason is that each country in the region not only considers its position on human rights, but also political and diplomatic issues, and the North Korean defector issue could become a serious diplomatic problem in Northeast Asia. Recently, China has begun to clarify that it intends to take a hard-line against NGOs that enter diplomatic compounds with North Korean defectors and against brokers who assist North Korean defectors with their transit through China. The official position of the Chinese Foreign Ministry is that the activities of brokers and NGOs are illegal, and the ministry has asked the South Korean government to control their activities. Furthermore, the ministry has asked for appropriate controls of the provision of living expenses for defectors, which is believed to contribute to the problem. China's hard-line position can be viewed as a response to the recent and persistent increase in the number of North Korean defectors, and China's insistence that it will not tolerate their illegal

activities within the country. China has even hardened its position after the U.S. promulgated the North Korea Human Rights Act.⁹

In sum, the Chinese government will continue its special policy on the insecure status of North Korean defectors. And if planned group defections continue, it is highly likely to have a negative effect upon those who plan to reside in China (type 2 defectors) and those who desire to stay in China for short periods (type 3 defectors). The South Korean government is constrained in its diplomatic relations with China because of the North Korean nuclear issue, and without huge improvements in the North Korean economy, the problem of North Korean defectors in China will remain.

A Dead Angle of Human Rights and Politics: Status of North Korean Defectors

1. Non-Protected-Human Rights: Conditions of North Korean Defectors in China

North Korean defectors in China suffer because of their restricted status and lack of experience in China. It is difficult for North Koreans to find work in China because of differences in language, clothing, and culture, and when they find work, in many cases they are not paid because of their insecure status. And in the case of North Korean women, they are susceptible to human trafficking or human rights abuse through employment at bars or forced marriages. Many of them are unable to get regular housing, and thus are camping out in mountain areas or in caves. According to survey data, about 70 percent of North Korean defectors in China are not working, and they either beg or rely upon others for food and shelter.

When analyzing the human rights conditions of North Korean defectors, the following problems are apparent (Im Chae Wan 2001: 65-7). First, over 70 percent of females have been exposed to the danger of human trafficking. Many women are forced or sold into marriage with Chinese men, and they have no

9. The U.S. North Korea Human Rights Act is targeted at North Korea, but indirectly, the law is sensitive to China. Beijing views the Act as part of an ultimate goal to force the collapse of North Korea and as providing later justification to intervene in China's human rights issues.

Table 11 Living Conditions of North Korean Defectors in China's Three Northeastern Provinces

| Living conditions and housing | Number of persons | Percentage |
|--|-------------------|------------|
| Living conditions: | | |
| Unemployed | 19,670 | 69.1 |
| Working | 8,591 | 30.2 |
| Receiving monetary assistance | 5,078 | 17.8 |
| Living at subsistence (minimum food and shelter) | 3,513 | 12.4 |
| No answer | 211 | 0.7 |
| Housing status: | | |
| Family or friends | 3,051 | 10.7 |
| Staying with a previously unknown person | 10,769 | 37.4 |
| Living with spouse | 14,769 | 51.9 |
| No answer | 10 | 0.0 |

*Source: Joen Beotdeul (Good Friends, 1999b).

Table 12 Motivations for North Korean Female Defectors to Marry in China

| Item | Frequency (persons) | Percentage |
|--|---------------------|------------|
| Motivation for living with your husband: | | |
| I had nowhere to go, so people in China introduced us | 54 | 26.7 |
| I had met in North Korea, so I came to find him in China | 4 | 2.0 |
| I met him myself after coming to China from North Korea | 17 | 8.4 |
| I was sold to a Chinese man | 67 | 33.2 |
| Other | 60 | 29.7 |
| Year that cohabitation with husband began before: | | |
| 1997 | 2 | 1.0 |
| 1997 | 58 | 28.7 |
| 1998 | 94 | 46.5 |
| 1999 | 48 | 23.8 |
| Husband's marital status: | | |
| Single before marriage | 130 | 64.4 |
| Married | 22 | 10.9 |
| Divorced | 35 | 17.3 |
| Other | 15 | 7.4 |

*Source: Kim Ji Hui et al. (2000: 147).

protection against sexual violence. Chinese engage in this trafficking between Korean-Chinese men and North Korean female defectors. According to survey data, over 30 percent of North Korean female defectors with Chinese husbands responded that they were sold to their husbands.

According to the data in Table 13, North Korean women have testified that they are living with husbands after having been sold into marriage, and about 10 percent of women say they are the second wife in polygamous relationships. These data indicate that North Korean women are victims of human trafficking. Besides forced marriages, many North Korean women are trafficked to work in bars, and thus, they are in much greater danger than North Korean men of suffering human rights abuse.

Second, children and teenagers are not being educated, and orphans are receiving no societal protections. Since China is relatively more tolerant than North Korea, their behavior is less restricted. However, many of them are homeless or survive as beggars. According to survey data, about 86 percent of the children either have no parents or their parents are ill and they are dependent upon relatives (Good Friends 1999a). With insufficient sleep and nutrition, these children suffer from underdevelopment and they are susceptible to disease.

Third, it is difficult for North Korean defectors to find employment in China because of their insecure status, but there are also many defectors who work for room and board in lieu of payment. While the Chinese authorities have been cracking down on North Korean defectors, those who employ North Koreans illegally must pay a heavy fine (between 3,000 and 10,000 yuan) so they are hesitant to employ or protect North Koreans. For those North Koreans lucky enough to find a job, in many cases they are not paid. If they ask for their wages, Chinese will sometimes report them to the public security authorities or threaten to do so. And when North Koreans are paid, they usually receive less than half of what Chinese workers receive. This is due to North Koreans' insecure status and lack of legal protection, so they have no choice but to remain reticent in the case of unfair conditions or human rights violations.

Finally, when North Koreans are arrested in crackdowns by the Chinese public security authorities, they have to be worried about forcible return to North Korea. Even though the punishment has been reduced in the case of forced repatriation, this causes psychological anxiety while they live with the fear that they might face the unnatural breakup of their families. Furthermore, it is becoming more difficult to hide from Chinese crackdowns, and North Koreans are facing greater anxiety when they are able to find employment in China.¹⁰

In sum, North Korean defectors living in China are susceptible to all sorts of human rights abuses, and they are not ensured of having the basic human right of survival. These people are unable to return to their hometowns because North Korea's economic problems have not been solved, and they are unable to receive refugee status by Chinese authorities. Finally, with the assistance of NGOs, some North Korean defectors have fled to third countries by entering diplomatic compounds, but the consequence has been a crackdown by Chinese authorities. NGO efforts to execute planned group defections to South Korea and activities have actually obscured human rights and political issues because their actions go beyond that of protecting the defectors' human rights and take up North Korea's offensive political ideology. Furthermore, these have increased the danger to North Korean defectors in China by strengthening the enforcement against the defectors.

2. Political Effects of "Planned Entrance" to South Korea: "Planned Entrance" as a Political Means

In June 2001, the international community became focused on the North Korean defector issue when Chang Kil Su and his family fled to the UNHCR office in Beijing and asked for asylum in South Korea. This incident was followed by a group of 25 North Koreans entering the Spanish Embassy compound in Beijing in March 2002. Activists from about ten NGOs were involved in the intricate planning before the defectors rushed into the Spanish Embassy (Kim Sang Cheol 2002: 110). The activists were successful in making the North Korean defector issue inside China an international issue since the world media picked up the story. Furthermore, the media's coverage of stories from the defectors also played an important role. The EU and the UNHRC also had a big impact on the media with the submission of a report on the testimony of "Kim Un Cheol." However, his testimony was regrettably proven to be that of a fictitious "Kim Un Cheol."¹¹

10. When the authors recently went to China to meet with North Korean defectors, they refused our approaches because of the Chinese crackdown. They are reluctant to meet outsiders because of their uncertain status. Since China has cracked down in the wake of the North Korea Human Rights Act and groups rushing into diplomatic compounds to ask for political asylum, conditions have worsened for the North Korean defectors who remain in China.

11. At the time, *Le Monde* in France and *Newsweek* in the U.S. published reports about detention centers and the punishment of defectors based on the testimony of "Kim Un Cheol," but this person was later discovered to be "Kim Jong-Il." At that time, Kim Jong-Il pretended to be

There are several ways for North Korean defectors in China to go to South Korea. They can reach South Korea by going through Mongolia or Southeast Asian countries, and they can enter diplomatic compounds in China and request passage to South Korea. They can also go to South Korea directly from China. Demand for the right to travel to South Korea on diplomatic missions in China is causing the most international interest and diplomatic friction.

Since the group of defectors entered the Spanish Embassy in Beijing in March 2002, defectors have mainly been going to the diplomatic missions of the United States, Canada, Japan, South Korea, and Germany. Entering diplomatic missions in Beijing, Shanghai, and other big cities is causing a lot of publicity for the defector issue, but the surest way to get to South Korea is through third countries following diplomatic negotiations by the Chinese government. NGO activists and Chinese brokers are connected in these efforts to enter diplomatic missions. As soon as defectors began to rush into diplomatic compounds, the Chinese authorities began to crack down on them. Furthermore, they have also cracked down on NGO activists and human brokers.

Several injustices arise when defectors enter diplomatic missions or transit through third countries to get to South Korea. If North Korean defectors successfully reach South Korea, they receive a cash payment from the government to get settled into their new homes.¹² This payment is used as collateral in the recruitment of defectors, and once brokers get a sufficient sized group together, they will rush into a diplomatic mission. On the other hand, NGO activists are trying to trigger mass defections, similar to those that occurred from East to West Germany,¹³ in order to democratize North Korea and force the collapse of

“Kim Un Cheol” and provided the information in an effort to get to South Korea, but the NGO activists who were assisting him have not responded to this. They did not care about the authenticity of the accounts and were trying to influence public opinion. See Jo Cheon Yeon (2004).

12. The settlement fund slightly depends on the individual, but it is about W20 million to W30 million. Since the South Korean government began to spend more money for the settlement of defectors, the amount has dropped by about 25 percent to 50 percent since the time of Kim Dae Jung’s presidency (Park Hyeon Seon 2002: 228). Recently, the South Korean government has been providing funding for job training or skill acquisition instead of lump sum payments because there have been problems with brokers and with people going to back to North Korea and returning, in addition to pressure from the Chinese government to eliminate the cash payments.

13. The Hungarian government has opened its border to Austria in 1989, and the East Germans who were traveling in Hungary or Czechoslovakia fled *en masse* to West Germany. As a result of this incident, Chairman Honecker of the East German Council of State lost his position and the German unification picked up speed as the Berlin Wall came down in November.

the government.¹⁴

Planned group defections to South Korea have raised international interest in North Korean human rights, but there have been a number of unintended consequences. The positive and negative aspects are as follows. First, on the positive side, public opinion has been aroused over the living conditions of North Korean defectors, so international society has increased its support for them. Also, some of the defectors seeking to go to South Korea have been successful. On the negative side, China has increased its crackdown on defectors, and the North Korean defector issue has taken on an ideological tone, causing unnecessary friction with North Korea rather than increasing the focus on the human rights of defectors. Furthermore, even though there are different types of defectors, their status has been distorted as they have all been branded as wanting to go to South Korea. One activist surveyed North Koreans who have lived in China for eight years and the data show that defectors live in China for various reasons, and those desiring to go to South Korea are a minority. The activist also criticizes planned group defections to South Korea as endangering defectors living in China (Jo Cheon Yeon 2004).

Of course, group defections and increasing international interest in the defector issue played an important role in the passage of the U.S. “North Korean Human Rights Act.” But many fail to distinguish between human rights issues and ideology, and it is clear that North Korean defectors are being used for political objectives. Moreover, the interference of human brokers in these planned group defections complicates matters. They are more interested in money than human rights, and in the end, the already pathetic living conditions of the defectors are worsened.

3. The Dilemma of Human Rights and Politics

There are several ways to look at the North Korean defector issue. Progressive

14. Norbert Vollertsen, a German physician, is a prime example of activists helping North Korean defectors with the intention of spurring mass defections like those that occurred in East Germany. Planned group defections to South Korea are one of the methods they are implementing. While they have achieved some success, they have also received criticism and generated some unintended consequences. According to a survey conducted in China by South Korea’s Democratic Labor Party, entering of diplomatic missions and sensational defections to South Korea are being noticed by other North Korean defectors in China. They all agree that these actions are making it more dangerous for other defectors in China (Democratic Labor Party 2004).

South Korean interest groups disregard North Korean human rights, but conservative South Korean interest groups emphasize North Korean human rights as the most important issue. The progressive camp is interested in defector living conditions, the right to return to North Korea, and the causes behind North Korean defections. On the other hand, the conservative camp uses the defector issue to criticize the North Korean government and is interested in connections with the international community to pressure North Korea. These different views conflict with the issue of North Korean human rights, and they involve heated political friction over North Korea. The difference is that one side believes problems with North Korea can be solved through tolerance and active cooperation while the other believes the problems can only be solved with pressure. Recently, this difference in approach has been expressed in the debate over the U.S. “North Korea Human Rights Act.” Conservatives welcome the law as an important policy measure that will improve North Korean human rights while progressives criticize the law as political pressure with the ultimate goal of forcing regime collapse in North Korea. In sum, the line between human rights and politics is blurred.

China views the North Korean defector issue as an illegal alien problem and not a human rights problem. China takes this approach because the North Korean defector problem can spill over to China’s human rights issues, which are a source of friction with the United States. On the other hand, South Korea treats the problem as a human rights issue, but it restrains itself from active diplomatic intervention because of the possibility of causing diplomatic friction with China or of preventing an improvement in relations with North Korea. The United States emphasizes the importance of human rights, but in reality does not put much effort into resolving the North Korean defector issue. Nevertheless, aggressive actions are being taken for North Korean human rights. If we look at the positions of countries in the region, we can see the strange relationship between human rights and politics. In this dilemma between politics and human rights, the North Korean defectors are the ones to suffer in the end.

Conclusion: Policy Recommendations

There will be no improvement in the living conditions in China for North Korean defectors anytime soon unless China changes its policies. The number of North Korean refugees leaving North Korea has been decreasing recently, but

the number of North Korean defectors living in China will probably not decline sharply. Measures to resolve the problems of North Korean refugees who are enduring hardships daily must be found. The North Korean defector issue is intertwined with complicated relations between North and South Korea, and China and the United States, and there is no clear solution in sight. The first thing in any solution is that we must consider their human rights. It is difficult to deal with this complex issue, but the most urgent thing is to provide basic needs to North Korean refugees.

First, it is important to reduce the factors that are causing North Koreans to flee. The collapse of the North Korean economy in the mid-1990s was a direct cause of the mass exodus of North Koreans seeking a secure livelihood. However, there has been no improvement in the economic conditions that are causing them to migrate. Since a lot of North Koreans in China say they will return if the economy improves, stabilizing the North Korean economy is one solution to the problem. This will require support for North Korea's program of economic reform and opening, as well as increased support for North Korea through greater North-South economic cooperation. Considering that about 70 percent of North Korean defectors come from Hamgyeong Province, more economic and humanitarian assistance will be needed for the region of Hamgyeong Province.¹⁵

Second, the greatest fear for North Koreans living in China is the punishment that would follow their repatriation to North Korea. Recently, the North Korean government has relaxed punishment for simple defection cases and sends defectors home after an investigation. However, if they come into contact with South Koreans or Christian missionary groups, they receive severe punishment. Therefore, it is important to request that North Koreans receive the minimum penalty or no punishment upon their return to North Korea.

Third, if North Koreans in China wish to settle there, we should consider ways to give them rights for legal immigration. China could select those who want to stay or settle there. In particular, we must recognize the legal rights of those North Koreans in China who have married Chinese citizens and have chil-

15. In response to the fact that about 70 percent of defectors come from Hamgyeong Province, South Korean National Assemblyman Im Cheong Seok of the ruling Uri Party has suggested that economic assistance be provided to build bakeries in the region. This suggestion is rational, but the problem is not simply related to food shortages. Since more and more North Koreans are migrating to improve their livelihoods, the overall North Korean economy will have to improve.

dren with their Chinese spouses. As for those North Koreans who went to China on visas but are currently residing illegally in China with expired visas, we must consider ways for them to legally extend their visas and return to North Korea after their stay.

Fourth, the problem requires active efforts by the South Korean government. The South Korean government should accept as many North Koreans as possible, and alternatively should support retraining programs for North Korean refugees jointly with China. If North Koreans return to North Korea after retraining, this will indirectly support North Korea's economic reform and opening. In particular, the recent plan to build a settlement in Mongolia for North Korean refugees is inappropriate because of its political sensitivity.¹⁶ Instead, the provision for technical training and assistance by China, North and South Korea would be a better way to address the problem diplomatically. This would also have the effect of indirectly supporting programs for the recovery of North Korea's economy.

Fifth, we must strongly support the right of North Koreans to return to their hometowns. Planned group defections to South Korea are causing a lot of problems, and it would be good to guarantee defectors the right to return to their hometowns if they wish to do so. Furthermore, we must support the recovery and stabilization of the North Korean economy so that we can guarantee their right to return to their hometowns (Kim Kwi Ok 2004).

It will be very difficult to implement these recommendations. And if they are implemented, it will take a long time for them to be effective. The South Korean government must take active diplomatic measures with the Chinese government to resolve the urgent basic needs of North Korean refugees in China. NGOs that are attempting planned mass defections to South Korea are not helping the situation. After the passage of the U.S. "North Korea Human Rights Act," China has taken greater precautions towards the United States, and the Chinese government does not appear to be disposed to softening its hard-line policy easily. In sum, it will be difficult to find a solution to the causes of the North Korean defector problem. For the time being, it appears that North Korean refugees wandering around China will continue to suffer hardships.

16. Recently some NGOs and politicians are voicing their opinion of constructing a settlement village to accommodate North Korean defectors in China. A place mentioned with the greatest possibility is Mongolia. But nothing is being done concretely to carry this out.

References

- Democratic Labor Party. 2004. *Minju nodongdang josabogoseo* (Democratic labor party survey report), November.
- Haddad, Emma. Who is (not) a Refugee. EUI Working Paper SPS No. 2004/6, Florence: European University Institute.
- Im Chae Wan. 2001. “Jungguknae talbukjaui seonggyeok bunseok” (An Analysis of the Characteristics of North Korean Defectors in China). *Hanguk dongbuga nonchong* (Korea-northeast Asia Monograph) 19.
- Je Seong Ho. 2002. “Haeoe talbukjaui beopjeok jiwiwa cheoribanghyang” (The Disposition and Legal Status of North Korean Defectors Abroad). *Seoul gukjebeop yeongu* (Seoul International Law Research) 9 (1).
- Jeong Yeong Seon. 2000. “Talbuk nanmindeurui ingwonmunjewa gunгнаewoe-jeok daeung” (The Human Rights Problems of North Korean Refugees and South Korea’s Domestic and International Response). *Honam jeongchi-hakhoebo* (Honam Political Science Association Journal) 12.
- Jilin Academy of Social Sciences. 1999. *Northeast Asia Research Report*.
- Jo Cheon Yeon. 2004. *Wolgan mal* (Monthly Word), November.
- Joeun Beotdeul (Good Friends). 1999a. *Gukgyeongjiyeok nanminbogoseo* (Report on Refugees in the Border Region), March.
- . 1999b. *Bukhan singnyangnanminui siltae mit ingwonbogoseo* (A Report on the Conditions and Human Rights of North Korean Famine Refugees).
- Kang Kwon Chan. 2003. “Gihoekmangmyeonghuui talbukjamunje haegyeol-bangan” (The Problems of North Koreans after Their Planned Defections: A Proposed Solution). *Minjok yeongu* (Korean Studies) 10.
- Kim Ji Hui, Lee Myeong Geun, and Mun Suk Jae. 2000. “Bukhan yeoseongdeurui talbukdonggiwa saenghwalsiltae: Jungguk yeonbyeonjiyeogui talbuk yeoseongdeurui jungsimeuro” (The Motivations and Living Conditions of North Korean Female Defectors: A Focus on the Female Refugees in the Yanbian Korean Autonomous Prefecture). *Daehangajeonghakhoeji* 38 (5).
- Kim Kwi Ok. 2004. “Gwihyanggwon bojang deung nambukgongjoro hae-beopchatja” (Let’s Find a Solution to the Issue of the Right to Return to Hometowns and Other Problems through North-South Mutual Aid],” *Wolgan mal* (Monthly word), November.
- Kim Sang Cheol. 2002. “Talbukja munjega gukjejeok kwansimsaro doegikkaji” (The North Korean Defector Problem Becoming an International Concern). *Journalism bipeong* (Journalism Critique) 33.

- Park Hyeon Seon. 2002. "Talbukja gunnae jeongchagui hyeonhwangwa bal-jeonbanghyang" (The Current Status and Direction of South Korean Domestic Policy Solutions for North Korean Defectors). *Bukhanyeonguhakhoebo* 6 (1).
- Seong Ki Jung, and Yun Yeo Sang. 1999. "Junggugnae talbukjae daehan jeon-manggwae haegyeolbangan" (North Korean Defectors in China: Future Prospects and Proposed Solutions). *Hanguk dongbuganonchong* (Korea-Northeast Asia Monograph) 13.
- U.S. Committee for Refugees. 2002. *World refugee survey* 2002.
- Yun Yeo Sang. 1998. "Bukhan italjumin siltaewa jiwonchegye: Junggukjiyeogeul jungsimeuro" (Conditions and System of Assistance for North Korean Defectors: A Focus on Chinese Areas). *Tongil yeongu non-chong* (Unification Studies) 7 (2).

Lim Hyun-Chin is professor in the Dept. of Sociology at Seoul National University (SNU). He received his Ph.D. in sociology from Harvard University and is interested in the theory of social development as well as the relationship between South Korea and North Korea.

Chung Young Chul is Research Fellow of the Graduate School of International Studies, SNU. He received his Ph.D. in sociology from SNU. He is interested in contemporary Korean history and the theory of South-North relationships.