

HUMAN RIGHTS IN THE DPRK: ONGOING ABUSES, CONFLICTING INTERNATIONAL POLICIES

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I. INTRODUCTION

During the year 2006 the plight of the North Korean people remained extremely serious. They continued to suffer human rights abuses at the hands of their government; they were unable to obtain adequate food supplies at home; and many were at great risk abroad as refugees. Developments included the first-ever entry into the United States in May of six North Korean refugees under the North Korean Human Rights Act of 2004; flooding in July that killed up to 10,000 North Koreans and displaced another 1.5 million; South Korean support for the UN General Assembly's resolution on North Korean human rights in November; and performances in the ROK and abroad of "Yoduk Story," a South Korean musical highlighting human rights abuses in the DPRK, and "Abduction: The Megumi Yokota Story," a documentary film detailing the abduction of Japanese nationals by North Korean agents in the late 1970s.

Despite the severity of the human rights and humanitarian problems facing the North Korean people, the focus of the international community remained on North Korea's nuclear weapons program, especially after the DPRK conducted its first-ever nuclear weapons test in October. Moreover, the United States and North Korea's neighbors continued to pursue divergent policies toward DPRK human rights and humanitarian issues. Thus, no substantial or consistent improvement in the situation of the North Korean people was achieved.

II. OVERVIEW OF NORTH KOREAN HUMAN RIGHTS ABUSES

Since its establishment soon after WWII, the North Korean government relied on the oppression of North Korean citizens to maintain authority. In 2006 it continued to be headed by Kim Jong Il, the son of the DPRK's only other ruler, Kim Il Sung. Internal opposition to the regime was not tolerated. The government divided its citizens into so-called core, wavering, and hostile classes, depending on their social status and loyalty to the regime. About a quarter of the population reportedly was assigned to the hostile class, and their freedom of movement and access to food and education was even more restricted than those of other North Koreans. Political dissidents and their families faced harsh punishments that included imprisonment in one of the country's labor camps and even execution.

Devastating floods in the early and mid-1990s worsened an already serious food shortage in North Korea. During the ensuing famine perhaps as many as 2 million people died of starvation. Over the years, many tens or even hundreds of thousands of North Koreans entered China in search of food and jobs, in spite of the illegality under the North Korean constitution of leaving the country without permission and the threat of severe punishment. According to Human Rights Watch, the North Korean government was relatively lenient with border-crossers from the time of the famine until about 2004. Officials released most people after questioning and imprisoned only those who had come into contact with missionaries or South Koreans. Thereafter, the authorities warned that border-crossers would face imprisonment of up to five years at one of the nation's labor camps. According to Freedom House, over 200,000 border-crossers and other political offenders were being held in at least six camps within the DPRK in 2006.

III. INTERNATIONAL POLICIES

International bodies such as the UN and Amnesty International and other influential NGOs attempted to address these North Korean human rights and humanitarian concerns, but the divergent national interests and policies of the potentially most influential countries—South Korea, Japan, China, and the United States—proved to be a barrier to effective international influence on the North Korean regime.

1. SOUTH KOREA

South Korean policy toward North Korea during the past decade focused on reconciliation and the reduction of tensions on the Korean Peninsula. South

Korea wished to avoid a collapse of the North Korean regime, which it feared might result in financial and political challenges beyond the South's capacity to manage. The current South Korean approach, initiated in 1998 by then-President Kim Dae-jung as the "Sunshine Policy," sought to promote economic and political reform in the North by reassuring the regime that it was not under external threat and by providing it with humanitarian aid and economic assistance.

Because the DPRK tended to view any acknowledgement of human rights problems as a threat to its regime, addressing such issues was a challenge for the South. Nevertheless, for the first time ever, the South Korean government in November voted for a UN General Assembly resolution criticizing the human rights situation in North Korea. Observers speculated that the decision may have been influenced by North Korea's test of a nuclear weapon and the election of the South Korean foreign minister, Ban Ki-moon, as United Nations Secretary General, both of which occurred in the preceding month.

As part of its engagement policy, South Korea provided most of its food aid directly to the North Korean regime rather than through international organizations such as the World Food Program (WFP), which monitor food aid distribution to ensure it reaches the neediest. Some NGOs working along the China-North Korea border charged, based in part on interviews with North Korean defectors, that South Korean food aid was often diverted to the military or sold at markets.

South Korea was a consistent food donor to the DPRK since the year 2000, giving 400,000 to 500,000 metric tons (MT) of bilateral food aid to the North annually (except in 2001, when bilateral aid was zero), and donating 100,000 MT of food aid annually (since 2001) through WFP channels. In July 2006, however, South Korea suspended food aid after the North conducted a number of missile tests, including of the long-range Taepodong-2. As of the end of 2006, South Korean food aid to the North had not resumed.

Similarly, in addressing the plight of North Korean refugees, the South Korean government sought to avoid antagonizing the DPRK. Under Article 3 of the ROK Constitution, which states that the "territory of the Republic of Korea shall consist of the whole Korean peninsula and its adjacent islands," the ROK government *de facto* regarded North Koreans in the South as its citizens. From the end of the Korean War through December 2006, about 10,000 North Koreans had resettled in the South.

Some policy shifts were apparent in South Korea's management of refugees. In the early 1990s, when the famine had yet to take hold and fewer North Koreans sought refugee status, the South Korean government was very supportive of those wanting to come to the South, offering them major financial and moral

support. Initially, many refugees were high-ranking officials who defected while working abroad. In more recent years, however, with the increased outflow from the North due in part to increased food shortages, most refugees were ordinary people. They faced numerous challenges in adjusting to the much more complex and competitive way of life in the South. In 2006 the South Korean government was providing each refugee with a \$23,000 lump-sum stipend, subsidized low-cost housing, and cash incentives for job training. While still substantial, it was a significant reduction from what the government provided a decade ago.

The year 2006 saw the opening, first in South Korea and subsequently in the U.S. and Europe, of the acclaimed South Korean musical "Yoduk Story." Directed and choreographed by two North Korean defectors once imprisoned in labor camps, "Yoduk Story" detailed abuses occurring within the camps and throughout North Korea. The success of the musical in the ROK and around the world brought increased attention to the plight of the North Korean people.

2. JAPAN

With the end of the Cold War, Japan and North Korea began sporadic efforts to normalize relations. Japan also joined other nations, including the U.S. and South Korea, in supplying the North with food aid during the famine of the 1990s. Japan pledged \$6 million through the World Food Program in 1996 and \$20 million in 1997. In August 1998, however, North Korea test-fired a Taepodong-1 ballistic missile over northern Japan, prompting Tokyo to cut off further aid to the North.

A first-ever summit between the two nations was held in Pyongyang in September 2002, but Kim Jong Il's admission to Prime Minister Koizumi that North Korean agents had abducted thirteen Japanese citizens in the 1970s—a statement intended to resolve the issue—succeeded only in angering the Japanese public. A follow-up summit in May 2004 left the Japanese even more skeptical about North Korean intentions. As part of the arrangements for the 2004 summit, Japan provided the North with 125,000 tons of food and \$7 million worth of medical supplies later that year. In December 2004, in an attempt to press North Korea to be more forthcoming on the abductee issue, Japan again cut off food aid to the North. As of the end of 2006, Japan had provided no further food aid to the DPRK.

In regard to North Korean refugees, Japanese policy was slow to develop. Japan supported UN efforts to help North Korean refugees, but it was not until June 2006 that the Japanese Diet passed the North Korean Human Rights Law (similar to the U.S. North Korean Human Rights Act of 2004), requiring the Japanese government to implement measures to protect and support North Korean refugees. Few North Koreans sought refugee status in Japan due to the language barrier and historical animosity toward Japan. However, Japan did provide refugee status

to Japan-born North Koreans who had fled the North, and the number of those seeking refugee status in Japan increased in recent years. As of the end of 2006, a total of more than 100 North Korean defectors had resettled in Japan.

3. CHINA

Like South Korea, China was concerned about the risks of a collapse of the North Korean regime, including a massive outflow of refugees into China. China sought to ensure stability on its borders to allow it to continue its rapid economic development. It also regarded the North Korean regime as a buffer against the United States, with which the ROK was allied. Although China did not favor North Korea's possession of nuclear weapons, it appeared even more concerned about possible instability on the Korean Peninsula. The PRC's approach toward the North Korean human rights situation, including refugees, and humanitarian issues was deeply influenced by these overarching concerns.

Thus, China sent food aid to North Korea bilaterally, not through WFP, and it was not transparent regarding such aid. In response to a question about food aid, a PRC Ministry of Commerce official in 2006 stated, "I can't tell you. It's a state secret." Other sources, however, said that China provided over 500,000 MT of food aid in 2005 and increased shipments following the floods in July 2006. U.S. Council on Foreign Relations expert Esther Pan stated that "North Korea gets about 70% of its food and 70-80% of its fuel from China." After the North Korean missile and nuclear tests of 2006, rumors circulated that China had cut off food and fuel aid, but these reports remained unconfirmed.

China continued to abide by a secret agreement signed by its Ministry of Public Security and the North Korean Ministry of State Security in 1986 requiring both countries to cooperate against "illegal" border crossing. It was not until an increase in North Korean refugees due to the famine in the 1990s, however, that China began aggressively repatriating North Koreans. With exact numbers impossible to determine, estimates of North Korean refugees in China during those years ranged from 30,000 to 300,000. The numbers are believed to have dropped significantly in the past few years as the food shortage in North Korea eased. China asserted that its commitment to the 1951 UN Convention on the Status of Refugees and the 1967 Protocol, which forbade states to return refugees, did not apply to North Koreans in China. The PRC said they were "economic migrants" rather than refugees.

Thus unable to seek PRC government assistance, North Korean refugees in China were at risk of repatriation by PRC authorities and of exploitation by others in China. Many North Korean women, for example, were forced into unwanted marriages or otherwise trafficked in the PRC. There were also reports

that apprehended North Koreans were abused while in detention in China awaiting repatriation.

Although in past years the PRC sometimes turned a blind eye to the presence of North Korean refugees, reports indicated that it recently sought to discourage unauthorized border crossing by becoming more aggressive in implementing its repatriation policy. The Chinese government offered rewards as high as \$400 to those who turned in a North Korean refugee to the authorities, and imposed fines of up to \$3,600 on those who harbored refugees.

Pressure from the international community for China to cease repatriation operations continued to be ineffective.

4. UNITED STATES

The U.S., geographically remote from the Korean Peninsula but a treaty ally of South Korea, consistently focused primarily on North Korea's nuclear weapons program. U.S. concerns intensified after the North Korean nuclear weapon test in October 2006. Instead of taking a tougher approach toward the North, however, the U.S. appeared to shift gradually toward increased engagement with the North, including through bilateral negotiations. Although the North Korean Human Rights Act of 2004 was intended to force the U.S. executive branch to give a higher priority to human rights issues, they remained a secondary U.S. government concern.

Since the famine in the mid-1990s, the U.S. provided North Korea with over \$1.1 billion in aid and other transfers to the North, over 60% of which was for food aid. The remainder consisted primarily of energy assistance given through the Korean Peninsula Energy Development Organization (KEDO) in exchange for the Kim regime's freeze of its nuclear program. The U.S. channeled most of its food aid to North Korea through WFP, due largely to WFP's extensive in-country presence to monitor food aid distribution. Since the advent of the Bush administration in 2001, however, the U.S. steadily reduced food aid to the North. In 2006 the U.S. government provided no food aid to North Korea.

Until the 2004 North Korean Human Rights Act (NKHRA) was passed, North Korean refugees were not allowed refugee status in the U.S. under Immigration and Naturalization Service guidelines due to their *de facto* citizenship in South Korea. The NKHRA not only authorized up to a \$24 million budget for U.S. use in aiding North Korean refugees outside the DPRK (which had yet to be allocated), but also allowed the U.S. to give them refugee status through the same process that all asylum seekers faced.

Even under the NKHRA, the U.S. granted refugee status to only six North Koreans in 2006. Challenges to their further acceptance included the geographic distance between North Korea and the U.S. as well as U.S. security concerns about North Korean agents gaining entrance to the U.S. by posing as refugees. The U.S. continued to urge the PRC, mostly through UN channels, to stop the forced repatriation of refugees, but with little apparent success.

5. INTERNATIONAL DIFFERENCES

Along with Russia and North Korea, the U.S., Japan, South Korea, and China were participants in the Six-Party Talks in Beijing on North Korea's nuclear program. Although all of the participants declared their opposition to North Korea's possession of nuclear weapons, their policies toward North Korea differed substantially. For the U.S. and Japan, North Korea's de-nuclearization was the top priority. Their concern about the risks of a North Korean regime collapse was muted. South Korea and China, on the other hand, continued to be most worried about a regime collapse and other possible sources of major instability on the Korean Peninsula. These differing perspectives and interests significantly limited cooperation among North Korea's neighbors to deal with its human rights and humanitarian issues.

6. UN EFFORTS

UN bodies were more active on DPRK human rights issues in 2006. The UN Commission on Human Rights again passed a resolution on North Korea, as it had done in the years 2004 and 2005. In 2006, however, for the first time, the ROK voted in support of the resolution. Also in 2006, the UN General Assembly, apparently influenced by the North Korean nuclear weapons test, passed on December 19 its first resolution on DPRK human rights. Some, however, continued to criticize UN efforts as inadequate. For example, the U.S. Committee for Human Rights in North Korea published a report in October 2006 entitled "Failure to Protect: A Call for the UN Security Council to Act in North Korea." The report demanded further UN Security Council involvement to address the DPRK human rights issue.

7. EFFORTS BY OTHER GROUPS

NGOs and church groups around the world became increasingly active in 2006 on North Korean human rights issues. NGOs publicized North Korean human

rights abuses in the media. The South Korea-based NGO NK Net published "The Aquariums of Pyongyang," the memoirs of a North Korean defector recounting his experiences as a boy in the gulag; the U.S.-based organization Freedom House held worldwide conferences on North Korean human rights; and the North Korea Freedom Coalition-founded "NK Freedom Week" event was again held concurrently in cities around the world to heighten awareness of DRPK human rights issues. NGOs also remained active along the North Korean-Chinese border, providing assistance to North Korean refugees, gathering information on the situation in North Korea, and helping to disseminate information inside the DPRK.

Some South Korean churches had been very active in the underground refugee movement for a number of years, and in 2006 they also became increasingly involved publicly in the North Korean human rights issue. Korean-American churches also grew more active. Following the North Korean missile tests in July, the Korean Church Coalition, a network of 3,000 Korean-American pastors and churches, joined the Southern Baptist Convention and other church groups and NGOs in July in releasing a statement urging the U.S. and South Korean governments to put human rights issues first on the agenda. Other South Korean churches, however, shared the view of the current South Korean government toward North Korea, believing that such efforts would result in confrontation with the North and hinder practical improvements in the lives of the North Korean people.

IV. PROSPECTS

Although 2006 was a year of significantly increased activism throughout the world on the part of critics of North Korea's human rights situation, the North Korean nuclear and missile tests ensured that the focus of the international community as a whole would remain on security issues. Real improvement in the North Korean human rights situation continued to await enhanced consensus among the international community, especially among the Six-Party Talks participants, on an effective approach to dealing with the challenges posed by North Korea, including an appreciation that security and human rights issues were far from being unrelated.