



# MSF pushes for rights of fleeing North Koreans

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Testimony delivered to the Japanese Parliament, January 24<sup>th</sup>, 2003

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Honored Chairman, Respected Members of the Democratic Party,

Thank you very much for giving Doctors Without Borders/Médecins Sans Frontières (MSF) the opportunity to testify before you and share with you our experience and understanding of the plight of North Koreans seeking assistance and asylum in China.

MSF is a non-governmental organization providing medical assistance to people in need, to victims of natural and man-made disasters, wars and civil wars, irrespective of race, religion, ideology, or politics.

MSF derives its current understanding of the humanitarian situation of North Koreans fleeing their homeland from direct contacts with refugees in China and with defectors in third countries. For the past three years, MSF aid workers have given food and medical assistance to hundreds of them and witnessed their plight.

Today, we would like to address three fundamental concerns regarding the disastrous humanitarian situation of North Korean asylum seekers:

1. The lack of protection for North Koreans fleeing their country
2. The criminalization of humanitarian aid to North Koreans in China, leading to a shrinking space for assistance.
3. The lack of political willingness from the countries involved to acknowledge and guarantee the basic rights of North Korean asylum seekers.

### **1. Lack of protection for North Korean refugees**

North Koreans crossing the Sino-Korean border in search of assistance face tremendous challenges. Most of them do not even contemplate reaching a third country. They cross into China in search of food for their families or a temporary job that will allow them to buy medicines or other essential goods needed at home. Considered illegal migrants by the Chinese authorities, they live in hiding and fear like animals, and face the risk of being arrested at any time, forcibly repatriated, and subjected to severe repercussions in North Korea. They are denied their fundamental rights to flee, not to be forcibly returned, to receive basic assistance and to have their asylum request examined.

Within the past three years, China has arrested and forcibly repatriated thousands of North Koreans in flight from their own country in search of asylum and assistance. Only the few who received media attention could benefit from China's leniency.

## **2. Criminalization of humanitarian aid to North Koreans and shrinking space for assistance.**

Humanitarian aid workers who attempt to rescue North Korean refugees also face the brutal determination of the Chinese authorities, who deem the assistance of North Korean refugees a criminal offense. Border rules posted along the Tumen River in Chinese and Korean stipulate that, *"It is forbidden to financially help, allow to stay, harbor, or aid in the settlement of people from the neighboring country who have crossed the border illegally."*

Fines and rewards discouraging Chinese citizens from assisting North Korean refugees and recent arrests of NGO workers illustrate how impossible it is to adequately provide effective humanitarian assistance. Yanbian residents who are suspected of being humanitarian aid workers are now forced to take a written oath to the effect that they will not provide assistance to North Korean refugees. Bounties for the identification of either humanitarian aid workers or North Koreans remain commonplace.

Predictably, in such context, support for North Korean refugees in distress is drastically diminishing and assisting them has become a challenge that increasingly few aid organizations, crushed by this sanction policy, are able to undertake.

## **3. Lack of political willingness to acknowledge and guarantee the basic rights of North Korean asylum seekers.**

The United Nations High Commissioner for Refugees (UNHCR) mandate is to promote the right of refugees and to monitor the implementation of the refugee convention by its state parties, including China. Having been present in China for years, UNHCR has failed to engage in a constructive dialogue with the Chinese government on the status of North Korean asylum seekers. Numerous discussions between MSF and the UNHCR about the need for protection have not proven fruitful.

The countries involved in the region, including China, Japan, South Korea, the US and the European Union (EU) all share a responsibility in this crisis. MSF approached repeatedly the Chinese authorities to cease forced repatriations and allow humanitarian assistance for the North Korean refugees. These calls have gone unanswered. Field information on the conditions of refugees has also been brought to the attention of EU representatives, European states and the US government.

As international attention is now turned to Pyongyang's dictatorship for a separate crisis, the fate of North Korean refugees remains resolutely ignored. Neither China's repeated violation of international conventions nor desperate attempts by hundreds of North Koreans to seek asylum with foreign representations have resulted in measurable progress on the question of the protection of North Korean refugees in search of asylum.

## **What is the responsibility for the countries concerned?**

The recent failed asylum bid of the group of 48 North Koreans is most revealing: it unveils the distress of the North Korean refugee population in China and the urgent necessity to provide them assistance. It graphically illustrates a human tragedy that will not be solved through repression. The systematic and organized dragnet on refugees and aid workers, which has intensified in China, leaves North Korean refugees no other alternative than a desperate flight to a third country, at the risk of their very lives.

Médecins Sans Frontières expresses its grave concern over the endless suffering of the North Koreans seeking refuge in China. The refugee crisis will only be solved if there is a clear political will from the countries and institutions involved to protect North Koreans in search of asylum and guarantee their basic rights. In absence of protection, humanitarian assistance is impossible. Countries involved in the region should therefore negotiate practical solutions with China, which would include a secured space for relief and protection.

The Japanese society is showing its concern over the North Korean asylum seekers. As a major power in the region, Japan has a duty to exercise its influence for the benefit of North Korean refugees. MSF hopes that the Japanese government will play a leading role in stimulating an international debate on the issue of North Korean refugees and in promoting their protection.

Thank you for your attention.