



Bring Them Home

By Nicholas Eberstadt

South Korea should welcome refugees from North Korea for legal and humanitarian purposes, as well as to put pressure on Kim Jong Il's regime and further the cause of Korean unification. Yet ironically, the current South Korean government—though comprised heavily of self-avowed human rights activists—seems crushingly indifferent to the desperate plight of the tens of thousands of North Koreans who have already escaped the Kim Jong Il regime, hiding in fear along the Chinese border today.

In the nearly six decades since the United Nations approved the *Universal Declaration of Human Rights*,¹ more than one constitutional democracy presiding over an ethnically homogeneous populace—governing a nationality, if you will—has been faced with the prospect of a humanitarian crisis afflicting compatriots living beyond its borders. And on more than one occasion, such states have been moved by those same crises to affect the rescue of their countrymen—by welcoming them into the homeland, embracing them as fellow citizens, and permitting them to enjoy the opportunities and benefits of life under secure, constitutional, and democratic rule.

The Federal Republic of Germany faced one such crisis in the very earliest days of its existence. That particular humanitarian emergency entailed the plight of the unlucky people who came to be called *Vertriebene*: ethnic Germans—most of them women and children—who, by no fault of their own, had to flee before the harsh and vindictive specter of Soviet expansion.

Western Germany welcomed these unfortunates even though it was not clear that the

still-devastated German economic terrain could provide for all these new mouths. Accommodating this huge influx of needy refugees—a population of over 11 million, disproportionately comprised of the elderly, the infirm, and casualties of war—stood to be more than an incidental inconvenience for a then-fragile West German society, where semi-starvation rations were already the norm. Informed opinion, both in West Germany and abroad, held that the prospects for the *Vertriebene* were bleak—and that the burden of supporting them could only compromise the future of a free Germany.² Yet in the event, the miserable unfortunates who flooded into the Federal Republic were soon to prove integral to what became known as the *Wirtschaftswunder*—the German postwar economic “miracle.”

As West Germany flourished, the Federal Republic not only continued to welcome in its kinsmen still trapped overseas, but actively sought them out, purposely financing their transit and even purchasing their freedom from the odious dictatorships that held them in bondage. Indeed, in addition to the *Vertriebene*, the Federal Republic of Germany was to absorb another 8 million ethnic German *Aussiedler* [“evacuees”] in the four decades between the early 1950s and the German nation’s ultimate reunification.³

The State of Israel also faced humanitarian refugee crises—recurrently. Hapless, impoverished,

Nicholas Eberstadt (eberstadt@aei.org) is the Henry Wendt Scholar in Political Economy at AEI. A version of this speech, originally delivered to the Kim Koo International Symposium in Seoul in May 2005, also appeared in the June 6, 2005, issue of *The Weekly Standard*.

and persecuted Jewish populations figured all too prominently within the worldwide Jewish diaspora. From the very founding of the Israeli state in 1948—by a fateful historical twist, the very same year as the UN’s human rights declaration—the government of Israel made a point not only to welcome these Jews into their country with open arms, but also to actively seek them out and to aid in their passage into their promised land.

Particularly dramatic mass rescue efforts were organized for the endangered Jews of Yemen, and then, decades later, for the starving *Beta Israel* (Jews sometimes called *Falasha*) from Ethiopia.⁴ These bold and successful air missions are recorded by history as “Operation Flying Carpet,” “Operation Moses,” “Operation Solomon,” and “Operation Sheba.” In an inconstant and often heartless world, their inspiring example has demonstrated to us all the potentialities of humanitarian rescue if and when a free society is genuinely committed to serving as “its brother’s keeper.”

Those stirring Israeli rescue missions, it is worth noting, raised their own concerns and questions at the time amongst the populace receiving those desperate pilgrims. The impoverished and benighted Jews from Yemen and Ethiopia were utter strangers to modernity. Most of them could not read; many of them had never owned a pair of shoes; and some had never even seen an airplane until the moment of their deliverance. How could such people stand a chance of meeting the demanding challenges of life in a sophisticated industrial society?

Today we know the answer. The story of Yemeni and Ethiopian assimilation into modern Israeli society was not perfect—tales involving human beings never are. With the passage of time, nevertheless, integration has worked remarkably well—far better, in fact, than many would have dared to hope. The Yemeni and Ethiopian refugees and their descendants are loyal and productive citizens in their newfound homeland—proud supporters of Israeli democracy and participants in the Israeli economy. We may note that by this loving gesture to “the least of her people,” Israel’s democracy was *itself* further affirmed and strengthened.

Korea’s Humanitarian Crisis

Today, it is the Republic of Korea that faces a humanitarian crisis among overseas compatriots. This is a terrible saga, an ongoing tragedy. This particular humanitarian crisis is not “breaking news,” nor has it exactly escaped international notice.⁵ Quite the contrary: over the past

decade this piteous situation has been chronicled, again and again, and in practically every modern tongue (all the languages of the United Nations, at the very least). But let me recount it anyway.

Not far from Seoul, maybe a half hour’s journey north by jet plane, an untold number of terrified Koreans are hiding in a foreign land, engaged there in a grave and uncertain struggle for survival. (There may be tens or hundreds of thousands in the ranks of these *misérables*—it is a chilling indication of their plight that we should have no reliable information about such a basic fact.)

These wretched vagabonds—most of them women and children—are escapees from North Korea. They have crossed the Yalu and the Tumen Rivers into China in tiny, separated groups, driven commonly into the unknown by Kim Jong Il’s man-made—or more precisely, “*Dear Leader*”-made—famine. That catastrophe—the only peacetime famine to befall an urbanized, literate society in all of human history—claimed hundreds of thousands of victims in the 1990s; though the death toll from the ongoing North Korean food crisis seems for the moment to have subsided, hunger remains a dire problem in the DPRK—especially for that society’s officially disfavored strata.⁶

For the North Korean border-crossers in China, existence is stripped of the most modest vestiges of ordinary human dignity. In the cruel and unforgiving place to which they escaped and where they remain still trapped, local rules of survival oblige them to live like animals—if they hope to live at all. Many of them stay in the woods, sleeping by day and foraging by night, alone and in constant fear of discovery by fellow humans. The women can be sold, like cattle; the men are regularly hunted down and rounded up, almost like dogs.

These escapees are at the mercy of the least scrupulous element of the populace north of the Yalu River. They can be robbed without recourse—or raped or beaten and even killed just for the fun of it. And that is the peril when their hunters are simply ordinary villagers or townsmen. When they are captured by local security agents or members of the secret police, their fate is possibly even more frightening—for then they are deported back to North Korea, a receiving state that regards any voluntary departure from Kim Jong Il’s “paradise” as a crime, an act of betrayal verging on treason. The deportees forced back into North Korea face unspeakable punishments in political prisons, “re-education camps,” and special detention camps just for children. In addition to the tortures the “refouled” returnees can expect to face themselves, there

is the added horror of knowing that their family line is also subject to retribution—for in the North Korean control system, horrible penalties can fall on family members as many as three generations removed from the perpetrator of a so-called political crime.

The conditions facing today's North Korean border-crossers are absolutely perilous—certainly no less grim than those of the *Vertriebene* or *Falasha/Beta* Israel before them, and possibly yet more dire.

The case for a Republic of Korea (ROK) rescue of these escapees—that is to say, for aiding in their relocation to the South, for welcoming them into South Korean life, and for positively determining to abet their integration as citizens and members of ROK society—is compelling, in fact, overwhelming.

It is imperative that the ROK—for legal, moral, but also for entirely practical reasons—accept the challenge now posed by the continuing distress of these very vulnerable fellow Koreans (Koreans so far from home, and yet so near!) and actively rise to meet it. Here are just a few of those reasons.

Legal Precedent

Welcoming North Korean escapees who wish to come to the ROK and enjoy the guarantees of constitutional democracy is not simply a sentimental impulse. Rather it is a position consistent with the ROK's most basic laws.

The rights and jurisdiction of people living in the northern part of the Korean peninsula are spelled out in the ROK constitution.⁷ Though that document was subject to considerable emendation during the first four decades of ROK governance—the constitution went through nine revisions between 1948 and 1987—the basic promise of citizenship held out to brethren in the North would never waiver. Nor does it today—from the standpoint of the written law.

After stipulating, in Article 2, that the government of the ROK has the right to define nationality for the country, the constitution goes on to define the legal conception of the Korean nation in Article 3: “The territory of the Republic of Korea shall consist of the Korean peninsula and its adjacent islands.” And it goes further, stipulating in Article 2(2), that “the State shall protect its citizens abroad as provided by Act.”

Are ordinary North Koreans who wish to claim South Korean citizenship then eligible for it under ROK law? The answer is a clear and utterly unambiguous “yes.” There is not the slightest doubt about the matter.

The question has, in fact, been reviewed by the ROK Supreme Court. On November 12, 1996, the Court ruled on a pending deportation case that one Ms. Lee Young Soon, a North Korean who had been living in China, but had made her way to the South, was in fact automatically qualified for ROK citizenship. The relevant portion of the ruling reads as follows: “Under Clause 3 of the [ROK] Constitution, North Koreans should be acknowledged as citizens of the Republic of Korea.”⁸ In a free and open society, acknowledging, proclaiming, and honoring a country's basic constitutional rights and duties should hardly seem a matter open to question, much less controversy.

Reaffirming the ROK's constitutional obligations to North Korean escapees who long to reach South Korea, furthermore, would have intangible but salutary effects for the ROK, both domestically and internationally. Such a declaration would further strengthen the rule of law in South Korea, thus reinforcing the political foundations upon which the ROK's own freedom, prosperity, and security ultimately rest. And it would provide a magnificent demonstration to the world that South Korea's commitment to its basic legal principles is very real, not merely rhetorical or opportunistic.

South Korea, it bears remembering, is still a state under siege—like Israel, the Republic of Korea remains locked in conflict with neighboring forces that entirely deny its authority or even its right to exist at all. No gesture would better remind the international community of the reasons that the ROK is the legitimate state in the intra-peninsular Korean contest than welcoming the refugees home.

Humanitarian Considerations

Rescuing the North Korean escapees is unquestionably the right thing to do from the humanitarian standpoint as well. The circumstances that have forced North Koreans to risk their lives crossing the Chinese border to forage and beg are so awful as to defy understanding by the comfortable, the well-fed, and the well-protected. North Korea's subjects have long suffered under a police state once described by Robert Scalapino, America's eminent and arguably leading Asia scholar, as being “as close to totalitarianism as a humanly operated society could come.”⁹ But as we all know, North Koreans today lack not only the bread of righteousness—they lack their daily bread as well. As many as a million—or more—may have perished in the Great North Korean Famine of the 1990s.

Because of the extreme secrecy of the North Korean state, we do not know just how serious the privation facing ordinary North Koreans today actually is. Even the international humanitarian organizations that have supplied Pyongyang with hundreds of millions of dollars worth of supplies over the past decade have not been given honest information about the distress in North Korea that they are still paying to relieve. But we know that ordinary North Korean children and young people these days are stunted and wasted—so small and slight on average that, by comparison to their South Korean brethren, they now look as if they were drawn from a different race. (That is why the North Korean military has steadily relaxed its height and weight prerequisites to the point where the height requirement could be met today by a typical eight-year-old, South Korean schoolboy.)¹⁰

News reports suggest that North Korea's food situation, once again, is taking a turn for the worse—these reports are seemingly confirmed by announcements that rations are again being cut across that blighted bitter land.¹¹ Under such circumstances, the argument for humanitarian rescue would appear self-evidently arresting.

Rescue of today's North Korean border-crossers and escapees will result in an immediate overnight improvement in their living conditions, their legal protections—and in their human rights. The point is so obvious, I believe, as to require no elaboration.

Political Pressure on Pyongyang

Welcoming these escapees from North Korea will also create direct and acute pressure upon Pyongyang to attend to the needs and aspirations of its subjects. Sending the signal throughout the North that escapees have a real alternative to the hell of Kim Jong Il's "workers paradise" and the purgatory of a no-man's land just across the Chinese border will compel the Kim Jong Il regime to re-examine the destructive policies and practices that are driving North Koreans to flee.

Addressing the reality of a beckoning safe haven for escapees would require the North Korean regime to adopt a more pragmatic and humane food policy, to tolerate a wider scope for self-betterment through individual initiatives, and to build sturdier links to the world economy. In short, the possibility of a real alternative to life in the North will push that regime, much against its wishes, to open the door a bit to a less illiberal order—not to a liberal order, to be sure, but perhaps to a system with less malevolence than any North Koreans have yet known.

We do not know and cannot know the status of the discourse within the inner circles of Kim Jong Il's hierarchy about the question of "reform." And it is probably fruitless to speculate about just who among that country's top mass-murderers may secretly be a "closet reformer," or what "reform" would actually mean to them: for North Korea today, after all, ordinary Stalinism might count as a liberal advance.

We do know, however, that the North Korean state *can* be moved in the direction of more pragmatic policies and practices: the small economic steps of recent years—changes termed "the July 2002 North Korean reforms" in some circles—show that the DPRK system can bend in the direction of rationality. Perhaps all that is needed for the North Korean system to bend still further in that direction is a heavier weight of exigency.

There is no question, incidentally, that the North Korean leadership regards the exodus of escapees as a weight that may force them to bend. If they did not, why was it that after the July 2004 mass repatriation to Seoul of 468 North Koreans, the media in the North published a long and hysterical fulmination denouncing the "enticement" of its citizens to the South, and declaring that such migration was a "plot to topple our system"?¹²

Pyongyang's rulers understand very well that theirs is a fear-based polity; if their subjects recognize that there is an alternative, a way out, the fear quotient in society will be diminished—and Pyongyang's rulers will have to come to terms with that new fact.

Rescuing North Korean escapees will not only unequivocally improve the quality of life for the escapees themselves—it will help to improve the quality of life for those who cannot yet escape the DPRK.

Toward Korean Reconciliation

Welcoming North Korean escapees will constitute a concrete and tangible step in the reconciliation between North and South. These escapees, indeed, will constitute a living bond across the divided peninsula—and because they will be well treated in the South, it will be a bond of healing.

Indeed, rescuing and embracing the escapees will send a multiplicity of signals to the North, all of them propitious: that Northerners are truly regarded in the South as long-lost brothers, that South Korea is not the "hell on earth" they have been taught to fear this past half century and more, and that a humanistic liberal democracy awaits on the other side of the demilitarized

zone. And word will assuredly get back to the North. As the people of North Korea learn the fate of escapees to the South, this will generate further pressure for more moderate and humane rule in the North.

We should not underestimate the historical meaning that will be imparted to the gesture of welcoming the escapees in—any more than we should minimize the historical implications of callously neglecting to assist these people who need help now and could be so easily helped. Either way, today’s treatment of the escapees will weigh heavily on prospects for eventual North-South reconciliation.

Accepting North Korean escapees into the South will provide invaluable experience and guidance as South Koreans consider all the practical preparations that will be needed for the eventual reconciliation of the entire populations of the North and South.

We know already about the challenges and difficulties North Korean emigrants face in the South as they struggle to assimilate from the frozen monochrome of DPRK existence into the splendid, dizzying Technicolor of modern life in the ROK. Now is the time to learn more about the steps and measures in education, training, support, and acceptance that will be needed to help these ordinary people stream in to the vibrant flow of ROK life. Now is the time to learn how small businesses, NGOs, religious groups, and all the other wonderful panoply of civic associations in a “civil society” can best abet these former outcasts in their own individual transformations into citizens of a free and democratic Korea.

Needless to say, learning how to make this integration work brings us one step closer to the day when the entire Korean people will be able to live as one—reconciled, united, secure, prosperous, and free.

The ROK’s Mistreatment of Refugees

If the arguments for a rescue campaign to bring North Korean escapees to South Korea are so compelling, why have they not been translated into political action? Why

are the escapees not being rescued en masse? Why instead are they rotting today, without hope, just a few hundred miles from Seoul?

The answer is quite clear. The self-styled “human rights” champions who came to power in the ROK in 1998, and who have subsequently governed uninter-

rupted through two successive presidencies, have to the very best of their abilities ignored the tears, the prayers, and the heart-rending distress of endangered compatriots with lives flickering as precariously as candle flames just across the Yalu and the Tumen.

Perverse and improbable as it may seem, these one-time dissidents—activists who sought office by promising the South Korean public to speak up for the vulnerable, to stand up for the disempowered, and to embody solidarity with the victimized—have done almost everything within their power to avert their gaze from a human rights disaster second to none in the contemporary world: a disaster befalling their own Korean *minjok*.

This part of the saga of North Korea’s escapees is almost as painful to recount as the actual travails the escapees have had to endure. But it must be recognized and reported, if only out of respect for victims both living and dead, and in our capacity as witnesses for generations as yet unborn.

Christian epistemology distinguishes between “sins of omission” and “sins of commission.” Christian or not, that template provides all of us with a useful taxonomy for examining the South Korean government’s response to the plight of the North Korean escapees. That the

escapees still huddle in hiding nearly ten years into this crisis speaks clearly enough to the “sins of omission.” Let us focus for a moment on what might be described as “sins of commission.”

We can note the milestones in this passion without rehearsing every detail. We may, for example, go back to the year 2002, when handfuls of North Korean escapees were breaching the boundaries of Western embassies in Beijing, seeking asylum. Chinese security operatives stormed some of those diplomatic compounds, in a number of cases beating these asylum-seekers and physically

We should not underestimate the historical meaning that will be imparted to the gesture of welcoming the escapees in—any more than we should minimize the historical implications of callously neglecting to assist these people who need help now and could be so easily helped. Either way, today’s treatment of the escapees will weigh heavily on prospects for eventual North-South reconciliation.

dragging them away from safety. After Beijing came under a storm of international criticism for its shocking, violent, and probably illegal abuse of these asylum-seekers, the Chinese foreign ministry spokesperson retorted that the South Korean government had been secretly asking China's help in keeping North Korean escapees out of the South Korean diplomatic compound.¹³ The South Korean government never refuted the Chinese assertion. That episode occurred on the watch of Nobel peace laureate and human rights role model President Kim Dae Jung.

With the transition from the Kim Dae Jung administration to the Roh Moo Hyun presidency, it is true that more North Korean refugees were repatriated to the ROK than ever before: over 3,000 since President Roh's inauguration, more than half of the total since the 1953 Korean War cease-fire. But such numbers still constitute a mere trickle of incomers, not even a stream—and it is a flow that has hardly been encouraged by official policy.

Quite the contrary: in December 2004, the Republic of Korea's unification ministry announced that it was slashing the government's per-capita resettlement stipend for North Korean newcomers by almost two-thirds—from \$28,000 to \$10,000—and that it would be stepping up its screening and interrogations of would-be resettlers.¹⁴

One rationale indicated for the increased scrutiny of escapees was the possibility that spies were posing as defectors.¹⁵ If so, that would mark an unusual—one is tempted to say unique—expression of concern about the risks of domestic subversion by the current administration, since the Roh government has otherwise reined in longstanding police and intelligence counterespionage activities and cut back the government's prosecution of suspected spies and agents to less than a handful of cases per year.¹⁶

As the Roh government was changing its rules to let escapees know they could expect a chillier welcome in the South, it was also embracing what might be called a “see no evil” policy regarding the North Korean escapees, diligently neglecting reports that might morally obligate increased concern for their well-being, and responding with ruthlessly optimistic spin to ominous accounts about the fate of North Korean border-crossers.

For a full month last year, for example, the ROK foreign ministry officially denied that China was rounding up hundreds of escapees and sending them back to North Korea—only to be forced eventually to admit that those stories were true.¹⁷ Subsequent news accounts by the ROK's own semi-official *Yonhap* newswire have

reported the execution of dozens of North Korean returnees “to discourage North Koreans from seeking asylum in South Korea.”¹⁸ Then there was the stunning video smuggled out of North Korea that documents horrifying daytime public executions in the DPRK; but if you live in South Korea, you will not have seen it on television. The video has been broadcast all over the rest of the free world, but the Roh administration has made sure that South Korean television will not carry it.¹⁹

Could Seoul's posture toward the plight of the North Korean escapees possibly get any more callous than this? As we learned earlier this year: apparently so. In January, the ROK minister of unification repeated what had earlier been described in the local press as “virtually an official statement of regret to the North”²⁰ about the aforementioned mass repatriation of 468 North Korean refugees from a third country in July 2004. This time, he went further, declaring, “We disapprove of mass defections,” and promising that “there will not be another large-scale movement of North Korean refugees” into the South. “North Korea takes the refugee issue as a threat to its regime,” he continued, and “undermining the North is not our policy.”²¹ The minister was not mis-speaking: to the contrary, he was providing an absolutely faithful description of his government's broader approach to North Korea.

It is an approach that has prompted the ROK ministry of national defense to deny that North Korea is the “main enemy” for South Korea's armed forces, striking all such references from this year's ministry “white paper.”²² It is an approach that recently led the South Korean government to abstain—for the third year in a row—from voting on the United Nations Human Rights Commission resolution condemning human rights abuses in the DPRK. “There is no need to provoke the North by voting on the resolution,” unnamed South Korean government officials explained at the time.²³

Nor, apparently, is there any need to provoke the North with any expressed disapproval of the political condition of Pyongyang's subjects, even within the ROK's own democracy. The *Wall Street Journal* has quoted a previous Roh administration unification minister as dismissing talk of political rights in North Korea with the memorable phrase “political freedom is a luxury, like pearls for a pig.”²⁴

There is an awful coherence to this approach to relations with the North. Plainly put, it is an approach that regards the jailers who run the DPRK as “partners for peace” in the Korean peninsula, while it treats the

captives and escapees from this huge, open-air prison as troublesome claimants who constantly get in the way of the Seoul's grand designs for peninsular peace.

It should go without saying that the central obstacle to peace, reconciliation, and unification in the Korean peninsula is not the North Korean population—rather, it is the wicked regime that enslaves them.

While enslaving them, that same regime strives to destroy the South. The ministry of defense may pretend otherwise, but South Koreans are the true intended targets of the DPRK's chemical weapons, biological weapons, its short-range missiles, and now perhaps, its atomic weapons. There is no contradiction whatever between the North's treatment of its subjects and its program of perfecting these threats against the South: both are animated and guided by the single worldview and strategy.

It is true that South Korea's current opposition party has raised a few voices in honorable exception to the current "see no evil" policy for North Korean escapees. But it is a fact that the current opposition party controlled the National Assembly for a number of years during both the Kim Dae Jung and the Roh Moo Hyun administrations. Over that tenure I am unaware of any legislation passed, or even hearings convened, to assuage the distress of North Korea's escapees.

There is a dark and uncomfortable realm in which toleration of evil, or appeasement of evil, suddenly turns into active collaboration with evil. But as we may also know from our own lives, it is never too late for redemption. As it is with individual souls, so too with the souls of nations: and the first step to rejecting evil and choosing goodness in the Korean peninsula today is to welcome in the North Korean escapees.

Practicalities of Rescue

There are, to be sure, many practical problems and objections to be considered in any purposeful effort of humanitarian rescue for the North Korean escapees. Let me mention two of them.

The first concerns China, the escapees' most unwelcoming host. Despite its international treaty obligations—Beijing is signatory to the UN Convention and Protocol

on Refugees, the UN Convention against Torture, and the Vienna Conventions on Diplomatic and Consular Relations²⁵—the Chinese government routinely hunts down, rounds up, and deports North Korean escapees to a certainty of savage punishment back in the North. As we have already noted, some of these hunts have taken Chinese agents into the embassies and consulates of foreign governments against the express wishes of foreign diplomatic representatives.

China asserts that it is not bound in this instance by the Convention and Protocol on Refugees because the North Korean escapees are "economic migrants" rather than "refugees."²⁶ Legal analyst Benjamin Neaderland also raises the possibility that China may face conflicting international legal obligations with respect to the escapees: if China, as may be the case, has a secret bilateral pact with Kim Jong Il—a sort of Fugitive Slave Act requiring the repatriation of illegal emigrants—a "Chinese argument that they are bound to return North Koreans found to be traveling illegally [would] not [be] without merit in international law."²⁷

China's current intransigence is hardly a trivial obstacle—but it is not necessarily an insuperable one, either. The word-play China uses to evade its Refugee Convention responsibilities is of course grotesque and transparent. China is, however, a dictatorship—a government that takes liberties with the law through sheer force of habit. And China is emboldened to take liberties with these particular laws precisely because the Republic of Korea—a constitutional democracy under rule of law—is today so very conspicuously avoiding its own legal responsibilities toward those same escapees. China's leeway for legal obfuscation would be tremendously reduced if South Korea made it clear that Seoul intended to resettle any and all escapees who wished to head South—and was willing to make an international issue of this.

The possible contradiction between presumed bilateral obligations to Pyongyang and international treaty obligations, moreover, seemingly evaporates if Seoul remembers its constitutional obligation to make ROK citizens of ordinary North Korean escapees desirous of that status. Here again Neaderland states the case well:

The ministry of defense may pretend otherwise, but South Koreans are the true intended targets of the DPRK's chemical weapons, biological weapons, its short-range missiles, and now perhaps, its atomic weapons.

If the South Korean government were to assert that the North Koreans in China possess South Korean nationality, it could plausibly claim that China is treaty-bound by the Vienna Convention to allow access to any North Korean seeking to enter a South Korean consulate in China. While there may be policy reasons . . . that stand in the way of South Korea asserting such a claim, it is a claim potentially supported by international law and one that China would have to take seriously if offered by South Korea.²⁸

If Seoul adopts an activist stance and insists upon the law—including its own laws—many of the problems encountered with China today may solve themselves.

The second issue concerns the United States. With the passage of the North Korean Human Rights Act of 2004, Washington is now committed to taking in an as-yet-undetermined number of North Korean asylum seekers. Shouldn't a big country like the United States—a country peopled through immigration—shoulder a major share of the burden of resettling North Korean escapees?

Speaking as an American (and as a founding member of the U.S. Committee for Human Rights in North Korea), I will be happy to see North Korean escapees flown to freedom in the United States—and I hope our own active Korean-American community and Korean-American religious organizations will take the lead in helping them adjust to their newfound freedom.

That being said, we must also recognize that there is an international division of labor in the global struggle for freedom. In this division of labor, the United States' indispensable contribution in its bilateral relationship with South Korea has been—and remains—the guarantee, underwritten by the lives of U.S. soldiers and the treasure of U.S. taxpayers, that South Korea could be the home for freedom in the Korean peninsula. South Korea's indispensable contribution in this arrangement is to act on that guarantee.

There is constant talk of “burden sharing” in the Washington-Seoul relationship, but discussions of “burden sharing” in this humanitarian rescue challenge must not become an excuse for delay or avoidance of Seoul's own special duties in this particular humanitarian emergency.

Korea is a nation with a long and venerable history—the myth of Tangun takes us back almost 5,000 years. Nevertheless, Korea's greatest and most glorious days still

lie ahead. The reunification of the Korean people under free and democratic governance will be an epochal event—not just in Korean history, but in world history.

Against great odds, South Korea has become the home of freedom in the peninsula. Now the task is to extend that freedom to the North: if need be, one escapee at a time.

The duty for the South could not be clearer: bring them home.

Notes

1. UN General Assembly, The Universal Declaration of Human Rights, UN General Assembly Resolution 217 A (III), December 10, 1948, available at www.un.org/Overview/rights.html.

2. Joanne E. Holler describes the situation vividly:

At the time of the influx of refugees, Germany was experiencing a complete economic and political breakdown. Despite the existing conditions, the population increased . . . by nearly one third during the postwar decade. Occurring in a country which had undergone extensive destruction during the war, where both internal and foreign trade had come to a standstill and where the policies of the occupying powers prevented industry from producing normally, the flood of refugees appeared to present an insoluble problem. . . .

[T]he presence of refugees greatly aggravated unemployment and intensified the shortages of consumer goods which characterized the early stages of the recovery. . . . [T]he refugees represented an older age group . . . the expellees also had sustained high war casualties . . . thus the country had a large nonproductive population. . . .

Although the native population felt that the newcomers presented a threat to their already minimal living standards, they had no alternative but to accept them. . . . Both native and immigrant groups believed the prospects of assimilation were so poor that little effort was made to incorporate the new settlers into the existing society.

Joanne E. Holler, *The German Expellees: A Problem of Integration* (Washington, D.C.: George Washington University Population Research Project, 1963), 11–12.

3. Heinz Fassman and Rainer Muenz, “European East-West Migration, 1945–1992,” *International Migration Review* 28, no. 3 (1994): 524.

4. For background, see Reuben Ahroni, *Jewish Emigration from the Yemen, 1951–98: Carpet without Magic* (London: Curzon Press, 2001); and Mitchell G. Bard, *From Tragedy to Triumph: The Politics behind the Rescue of Ethiopian Jewry* (Westport, CT: Praeger Publishers, 2002).

5. The following section draws upon these English language sources: Joel R. Charny et al., *Acts of Betrayal: The Challenge of Protecting North Koreans In China* (Washington, D.C.: Refugees International, 2005); Andrei Lankov, “North Korean Refugees in Northeast China,” *Asian Survey* 44, no. 6 (November–December 2004): 856–873; U.S. Congressional-Executive Commission on China, *The Plight of North Koreans in China: A Current Assessment* (Washington, D.C.: Government Printing Office, 2004); U.S. House of Representatives, Committee on International Relations, *North Korea: Human Rights, Refugees, and Humanitarian Challenges* (Washington, D.C.: Government Printing Office, 2004); Tim Peters, “Korean Pathetic: A Symphony of Refugee Tears Unheeded” (paper prepared for World Economic Forum East Asian Summit, June 13–15, 2004); John J. Miller, “Escape from Hell,” *National Review*, January 27, 2003; Human Rights Watch, *The Invisible Exodus: North Koreans In The People’s Republic of China* (New York: Human Rights Watch, November 2002); Citizens’ Alliance for North Korean Human Rights, *The 3rd International Conference on North Korean Human Rights & Refugees* (Tokyo: Citizens’ Alliance for North Korean Human Rights, 2002); Christine Y. Chang, “A Field Survey Report of the North Korean Refugees in China” (Seoul: Committee to Help North Korean Refugees, December 1999).

6. For background, see Stephan Haggard and Marcus Noland, *The Distribution of Misery: Famine, Aid, and Markets in North Korea* (Washington, D.C.: U.S. Committee for Human Rights in North Korea, forthcoming).

7. Constitution of the Republic of Korea, available at www.molab.go.kr:8787/law/law_01_01.jsp (accessed May 23, 2005).

8. Chang Myung-Bong, “Territorial Clause and North Korean’s Legal Status Based on South Korean Constitution in Unification Era,” (paper, International Conference on North-South Korean Reconciliation and Legal Preparations, Ewha University Graduate School of International Studies, November 10, 2000): I-4.

9. Robert A. Scalapino, *The Politics of Development: Perspectives on Twentieth Century Asia* (Cambridge, Mass: Harvard University Press, 1989), 67.

10. See Marcus Noland, “Famine and Reform in North Korea,” (working paper no. WPO3-5, *Institute for International Economics Working Papers*, 2003): fn. 16; and ROK National

Statistics Office, Statistical Database (KOSIS), www.nso.go.kr/eng/searchable/kosis-list.html (accessed May 23, 2005). The data for South Korean boys is from 2003.

11. “North Korea Slashes Food Rations,” BBC News World Edition, January 24, 2005.

12. “DPRK Denounces ‘Enticement’ of Nationals,” BBC Worldwide Monitoring, August 23, 2004.

13. Benjamin Neaderland, “Quandary on the Yalu: International Law, Politics and China’s North Korean Refugee Crisis,” *Stanford Journal of International Law* 40, no. 1 (2004): 153.

14. Ser Myo-ja and Lee Young-jong, “Defectors to Get Less Money, Closer Scrutiny,” *JoongAng Daily*, December 24, 2004; and James Brooke, “Russia Turns Sour on North Korean Refugees,” *New York Times*, January 3, 2005.

15. Lee Young-jong and Ha Jae-sik, “Defector-Spy Imbroglia Grows,” *JoongAng Daily*, December 3, 2004.

16. Lee Young-jong and Brian Lee, “Spycatchers Missing the Old Days,” *JoongAng Daily*, December 11, 2004.

17. “Treat Refugees Properly,” *Korea Herald*, June 18, 2004.

18. “N.K. Executes 60 Defectors to Discourage More Defections to S.K.,” *Yonhap*, February 11, 2005.

19. Robert Marquand, “S. Korea Bars Secret Video of the North,” *Christian Science Monitor*, March 29, 2005.

20. Kim Tae Kyung, “I Will Work for an Inter-Korean Summit in 2005,” *OhMyNews*, December 6, 2004, available at http://english.ohmynews.com/ArticleView/article_view.asp?menu=A11100&no=20029&rel_n0=1&back_url= (accessed May 23, 2005).

21. Park Song-wu, “Seoul Closing Door on Mass Defections,” *Korea Times*, January 4, 2005; and “S. Korea Says No Repeat of Refugee Rescue,” United Press International, January 4, 2005.

22. Sang-ho Yun, “North Korea’s ‘Main Enemy’ Label Stricken,” *Dong-a Ilbo*, February 4, 2005.

23. “Seoul to Abstain Again on N.K. Human Rights Resolution,” *Digital Chosunilbo* (English Edition), April 7, 2005.

24. Melanie Kirkpatrick, “Unwelcome Truths: As North Koreans Die, South Koreans Look the Other Way,” *Wall Street Journal*, October 28, 2003. The unification minister subsequently contested the *Wall Street Journal* account of his remarks, denying that he made the barnyard analogy, but he did not contest the general thrust of the remarks attributed to him.

25. Neaderland, “Quandary on the Yalu,” 157–162.

26. “China Denies There Are North Korean ‘Refugees’ in Country: FM,” Agence France Presse, March 6, 2004.

27. Neaderland, “Quandary on the Yalu,” 156–157.

28. *Ibid.*, 162.