

# The Philippines as an International Transit Site for North Korean Refugees

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During the severe famine that struck North Korea in the 1990s, refugees started flowing out of the country and into neighboring China. The Chinese government, with few exceptions, adheres to a policy that refuses North Korean defectors transit through Chinese territory and deports any found within its borders. Although many stay in China, some refugees, fearing deportation, elect to make the lengthy and perilous journey to South Korea. Through an analysis of primary news accounts as well as other sources, this paper examines one route taken, in which refugees transit from China to South Korea through the Philippines. For years, the Philippines have quietly been assisting North Korean refugees to reach the relative safety of South Korea. In this, they have followed a tradition of helping refugees and other displaced persons unwanted in other countries.

**Keywords:** North Korea, South Korea, Philippines, Refugees, Hwang Jang-Yop

## Introduction

On February 12, 1997, Hwang Jang-Yop, the former Chairman of the Supreme People's Assembly of North Korea (the Democratic People's Republic of Korea or DPRK) and a chief architect of the *Juche* policy, walked into the South Korean (formally, the Republic of Korea or ROK) embassy in Beijing and requested asylum from the government of the ROK.<sup>1</sup> Hwang's defection represented the most high-level defection from the DPRK, and placed the governments of the People's Republic of China (PRC) and the ROK in a quandary. Hwang was, as are all North Koreans, a technical citizen of the ROK and the South Korean government was required, under a constitutional mandate, to render him assistance (Republic of Korea Constitution Article III). Though Hwang's defection was undoubtedly a publicity coup for Seoul, the ROK faced the problem of removing him to their territory. While the South Korean embassy is an extension of the ROK, the rest of Beijing is very much a part of the PRC, a government that was reluctant to allow Hwang safe passage. The Chinese, an ally of Pyongyang, had no desire to

alienate its unpredictable neighbor, and moreover, wished to avoid setting any precedent that might lead to a flood of impoverished North Koreans crossing the border. The DPRK, for its part, had criminalized leaving the country without official sanction and labeled any citizens leaving the country without official permission as traitors.<sup>2</sup> Hwang was hardly the first defector; numerous refugees crossed into the PRC during the North Korean famine of the 1990s. Upon reaching the PRC, all refugees were faced with the same obstacle such as Hwang. A third country was needed to act as a transit site between the PRC and the ROK. In many cases, this third country was the Philippines.

Through an analysis of primary news accounts as well as other sources, this essay will demonstrate that the Philippines has continued a tradition of helping refugees by allowing North Koreans to transit through Manila. This will be done by: first, demonstrating the importance of the Philippines in North Korean refugee migration to South Korea through the story of Hwang Jang-Yop; second, providing a brief overview of the desperate conditions in the DPRK that initially caused a surge in North Korean refugees and the escape routes they subsequently take; third, examining the relevant policies of the DPRK's neighbors as they relate to North Korean refugees; and, finally, looking at the role the Philippines has played in recent years by allowing North Koreans to discreetly make their way through Manila on their journey to the safety and prosperity that lies south of the Demilitarized Zone (DMZ).

## **Hwang Jang-Yop**

Unlike most refugees, Hwang Jang-Yop's defection did not happen in the PRC because he covertly crossed the border. Rather, he stopped in the PRC following a seminar in Tokyo. In the PRC, he was able to reach the South Korean embassy, which offered him protection both from North Korean security and the Chinese police who had quickly cordoned off the embassy. The government in Seoul began to work for Hwang's transfer to the ROK. The defection of Hwang became a widely publicized incident. Nicholas Kristof (1997) wrote that it was a "devastating blow to North Korea and a major signal that even the nation's top elites are running for cover" (n.p.). As one anonymous Western diplomat told the *Los Angeles Times*, "The whole world will be watching to see what China does. The Chinese are in a real bind" (Tempest, 1997c). The bind was that the Chinese government was facing the most public of an increasing stream of North Korean refugees. Generally, in lower-profile cases, the PRC acceded to the North Korean government's demand that refugees be refouled. Indeed, the PRC's policy of

cooperation with Pyongyang meant that the PRC,

[F]orcibly returned people fleeing from North Korea to that country's border guards, who are said to shoot them almost on the spot. But it would be difficult to force the return of someone so prominent as Mr. Hwang when he is already in South Korean hands. (Kristof, 1997, n.p.)

The situation grew worse for the Chinese. The DPRK refused to admit Hwang's defection. The North Korean Central News Agency reported:

If it is true that Hwang Jang Yop is in the South Korean "embassy" in Beijing, it is obvious that he has been kidnapped by the enemy. We are seeking information from the Chinese side through relevant channels. If it is brought to light that the South Korean authorities kidnapped him and describe him as seeking "asylum," we will regard it as a serious incident without precedent and take due countermeasures. We expect that the Chinese side will take appropriate measures in this regard. (Tempest, 1997c, n.p.)

The Chinese response, to both Koreas, carefully avoided labeling Hwang as either a kidnap victim or a defector: "We had not been informed in advance of Hwang Jang Yop's transit through Beijing. What was reported is being subjected to investigation and verification" (Tempest, 1997a, n.p.). Still, as numerous meetings occurred between South Korean diplomats and Chinese authorities, increasing international pressure forced the PRC to downplay their involvement. A spokesperson for Qian Qichen, the Vice Premier of the Chinese State Council, even went so far as to portray the PRC as merely a tertiary witness:

Mr. Hwang is a North Korean and he wants to go to the Republic of Korea. He is in fact in South Korea. It only happens that the embassy is in Beijing. So the talks directly involve North and South Korea. I am not saying that China is not relevant to the incident, but I want to stress that North and South Korea are the main direct parties in this incident. (Hsieh, 2001, p. 333)

Despite the fact the PRC was not one of "the main direct parties in this incident," the Chinese government was the only political body that could give the South Koreans permission to transit Hwang out of the country.

Privately, the PRC was bowing to pressure and was inclined to allow Hwang to leave Chinese territory, but wanted to do it in a way that allowed the DPRK to save face.

At the outset of their discussions, South Korean diplomats assured their Chinese colleagues that Hwang would not be used as propaganda to humiliate Kim Jong Il, or for other antagonistic political purposes. In turn, the Chinese, who respected Hwang as a good friend of China, decided to honor his free will and not to apply the secret extradition agreement between China and North Korea to him. After all, Hwang who had a diplomatic passport, was not an illegal entrant to China; nor was he a spy. (Hsieh, 2001, p. 334)

The Chinese determined a direct transfer from Beijing to Seoul would show a level of collaboration that might prove problematic and refused to allow Hwang to be flown from Beijing to Seoul. They insisted that he should only enter the ROK via a third country. While the ROK government hoped to limit Hwang's stay in the third country, the Chinese, again wanting to downplay the appearance of cooperation with Seoul, demanded he be in the transit country for several months. This, of course, limited the number of countries that would be willing to receive Hwang and the potentially dangerous recriminations that could follow. The PRC and the ROK reached an agreement to keep the matter strictly between the two countries. This decision limited the cities that could be utilized as transit sites. The locations would, of course, need to be geographically proximate to the PRC and also willing to host as public and divisive a figure as Hwang. Though Tokyo and Honolulu both met these criteria, they were quickly dismissed to avoid adding two more regional powers (Japan and the United States) to an already sensitive situation. Moreover, Japan and the United States, two of the ROK's leading strategic allies and most outspoken DPRK critics, might have exasperated the situation by further upsetting Pyongyang. Another willing nation that was geographically close was needed. This nation would need to have generally positive relationships with the PRC, the ROK, and the DPRK (Hsieh, 2001).

In the end, a final agreement was reached. Hwang would stay in the Philippines for one month. The Philippines was selected for several reasons. First, perhaps more than any other Southeast Asian nation, the Philippines maintained positive relations with each involved country, making it a logical choice for transit. The Philippines' connection to the DPRK was the weakest of all three but, while not hosting a DPRK embassy, it did maintain

a diplomatic relationship through Beijing and had made moves over the last decade to strengthen ties.<sup>3</sup> More important, however, was the Philippines' close relationship with both the ROK and the PRC. Since the establishment of relations in 1975, the Philippines and the PRC have had a very friendly association. This has included military exchanges and a number of important trade treaties as well as bilateral cooperation agreements on a number of projects. Philippines' President Ferdinand Marcos first visited China in 1975, as have four of the five succeeding presidents. The only exception, Benigno Aquino III, took office in 2010 and still has more than a year left in his term. Chinese President Hu Jintao visited the Philippines in 2005. Perhaps the 2000 "Joint Statement Between China and the Philippines on the Framework of Bilateral Cooperation in the Twenty-First Century" is the best indicator of future policy:

The People's Republic of China and the Republic of the Philippines have made great progress in their cooperation in the political, economic, cultural, educational, scientific and technological and other fields on the basis of equality and mutual benefit since the establishment of diplomatic relations on 9 June 1975, bringing concrete benefits to the two peoples. The Government of the People's Republic of China and the Government of the Republic of the Philippines...believe that it is now opportune to establish a framework for further bilateral cooperation. (Tang & Siazon, 2000, n.p.)<sup>4</sup>

The ROK and the Philippines maintain an even more positive relationship, which began with Filipino support of South Korea during the Korean War. Currently, the two nations are significant trade partners and each hosts a large population of the other nation's expatriates. Equally important, Manila was willing to accept one of the world's most targeted refugees (Hsieh, 2001, p. 334). The Chinese government announced they were expelling Hwang (Tempest, 1997b). He was flown to what had been the United States' Clark Air Base on the island of Luzon and he stayed in the Philippines for slightly over a month at the Magsaysay military installation before being flown, on 21 April 1997, to Seoul Air Base (Pollack, 1997).

As far as the Chinese were concerned, this ended their participation in a very high-profile defection. Though Hwang's situation was unique, it illustrated the problem faced by North Korean refugees who entered the PRC. Though the PRC was less tyrannical and more prosperous than the DPRK, any North Korean refugee who survived the border crossing was in

a perilous position. Hwang's lofty position within the DPRK ensured that officials from all governments involved and worldwide media would focus on his case, providing an increased incentive for the Chinese government to allow him to leave. The majority of impoverished North Korean refugees, however, who were deserting their country in ever-increasing numbers, had no such protections.

### **The Famine and Its Refugees**

Due to a severe famine that swept through the DPRK from 1994 to 1998, more and more North Koreans fled their homeland—in 1994 the number of refugees that entered the ROK was six times greater than in 1993; by 1999, the number had increased by a multiple of 16.<sup>5</sup> The worst flooding in seventy years, especially along the Yalu River, led to the destruction of significant areas of farmland.<sup>6</sup> This was followed by a prolonged drought. North Korean leadership responded to this crisis by implementing austerity measures and increasing manual labor. However, following the dismantling of the Soviet Union, and subsequent removal of their aid to the DPRK, these austerity measurements proved inadequate and in 1995, Pyongyang issued a formal request for humanitarian assistance. Between 1995 and 2000 the United States responded with 1,356,694 metric tons of food, which, with medical supplies, had a total cost of USD 671,200,000 (Manyin & Nikitine, 2011, p. 2). The PRC and the ROK, likewise, provided the North with significant supplies of humanitarian aid. Unfortunately, the famine proved to be one of the greatest humanitarian tragedies of the twentieth century, with an estimated 220,000 to 3,500,000 people dying.<sup>7</sup>

While the famine has ended, the DPRK's chronic food shortages have not; the North's three largest suppliers of aid—the PRC, the ROK, and the United States—have all, at times, halted or limited shipments because of DPRK provocations, and the DPRK has been unable to achieve self-sufficiency. In 2011, the BBC reported that, following meetings with North Korean officials, former president Jimmy Carter stated: "A third of the children there are malnourished and stunted in their growth because of a deprivation of adequate food supplies." North Korean refugees corroborate this, continuing to tell tales of starvation ("Tales of Starvation," 2010).

### **Escape Routes**

The DPRK shares a border with the ROK, Russia, and the PRC, but only the Chinese border is crossed by a significant number of refugees.<sup>8</sup> This border is 880 miles in length and is formed by the Yalu and Tumen Rivers, both flowing from Baekdu Mountain.<sup>9</sup> The Yalu flows southwest and terminates in the Korea Bay of the northern Yellow Sea, between the PRC's

Dandong City and the DPRK's Sinuiju, while the Tumen flows east, providing the DPRK with its small border with Russia, and empties into the Sea of Japan (East Sea). Though significantly longer, the Tumen is, in general, an easier crossing point than the Yalu, which is deeper, flows faster, and is wider. Farther north, however, along the Tumen River, there are portions that are relatively less patrolled, by both sides. This stretch has a special appeal for prospective refugees because, on the Chinese side, there is the Yanbian Korean Autonomous Prefecture, located in Jilin Province.<sup>10</sup> An estimated 40 percent of the prefecture's residents are ethnically Korean and control the local government (Min, 1992). They are descended from immigrants, largely coming from areas, which, after 1945, became incorporated, into North Korea. In 1952, this area was labeled an autonomous prefecture, with Korean as an official language (Lankov, 2007).

The three North Korean provinces most directly impacted by the famine, South Hamgyong, North Hamgyong, and Yanggang, lie across the easily forded Tumen from the Yanbian Korean Autonomous Prefecture. In 2006, *The New York Times* described this portion of the border as, "the Refugee Corridor" (n.p.), stating that it can be "easily crossed in spots on foot or by swimming" (Marsh, Aigner, Copeland, & Evanchic, 2006, n.p.). It may be true that the natural barriers are minimal, but the North Korean authorities maintain a significant presence on the border, creating a dangerous threat for any contemplating defection. The DPRK's refusal to let its citizens leave is a clear violation of the International Covenant on Civil and Political Rights. This agreement was signed by the DPRK and states unequivocally that any person is "free to leave any country, including his own" (UN General Assembly, 1966, Article 12.2). The DPRK has authorized guards to apprehend any person trying to flee and North Koreans that have secretly left the country are viewed in Pyongyang as traitorous criminals. This law applies only to people attempting to flee for the first time. There is a dramatic increase in penalties for multiple attempts, with penalties ranging from five years imprisonment to death (Congressional-Executive Commission on China, 2006). Though the DPRK does not release any official report of either the number of offenders or the penalties, refugees and human rights groups have claimed that these threats are not idle, claiming border guards were under orders to shoot defectors (Bureau of Democracy, Human Rights, and Labor, 2011). Despite the very real risk, numerous North Koreans crossed the border in the 1990s.

## **Refugees in the People's Republic of China**

These refugees, having reached the relative prosperity of the PRC, are far from safe. The PRC refuses to recognize North Koreans that cross the

border as refugees, ostensibly because they are fleeing from economic turmoil as opposed to persecution; the PRC claims the North Koreans are not refugees but rather migrant workers that illegally entered sovereign Chinese territory:<sup>11</sup>

Since the economic situation in North Korea recently deteriorated, some North Korean citizens have illegally crossed the border to China. Taking into consideration the reasons for their arrival in China as well as international law, they cannot be seen as “refugees.” We will protect order on our borders, while treating them according to humanitarian political principles. (Lankov, 2005, n.p.)

In this case, protecting Chinese borders means refouling North Koreans. In the most recent, publicized incident, the PRC only allowed five North Korean refugees to leave for Seoul after becoming angered at the DPRK’s defiance of Beijing’s edict to refrain from launching a rocket. Some of the North Koreans had lived for years in the South Korean embassy in Beijing (“China stops North Korean deportations,” 2012). These were the only North Koreans delivered to the ROK in five years and, as the *Chosun Ilbo* reported, represent an anomalous punishment of Pyongyang (“N. Korean defectors’ odyssey ends,” 2012b).

Restricted access to border areas limits the ability of organizations to accurately estimate the number of North Koreans blending in with the ethnic Koreans on Chinese territory and the flow changes yearly. Estimates range from 50,000 to 100,000, of which 75 percent are women (Lankov, 2004). An estimated 70 to 80 percent of female refugees are trafficked and males are often the victims of labor exploitation (Kim, 2004). North Korean refugees wanting security that they cannot find in the Korean Autonomous Prefecture are forced to make their way to South Korean consulate or a third country.

Upon reaching the PRC, many North Koreans have sought out the South Korean embassy in hope of reaching the ROK. It is the official policy of the ROK to welcome North Koreans and, more importantly, once a North Korean reaches South Korean soil, he or she is considered a South Korean citizen. Concerning refugees that have crossed into the PRC, the ROK’s official stance was stated in a press conference given by Foreign Ministry spokesperson Cho Byung-jae:

We’ve urged China to send North Korean defectors to a third country of their choice from a humanitarian standpoint

and are considering bringing the issue up at the UN Human Rights Council... If they're sent back to the North against their will, the defectors will face danger of punishment, and all signatories to the UN Convention Relating to the Status of Refugees and the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment must observe principles prohibiting forced repatriation. ("N. Korean defectors' odyssey ends," 2012a, n.p.)

The Chinese policy of refoulement, however, limits the ability of the ROK government to move North Korean refugees from China—the Chinese government permits very few refugees to leave its soil, leading to strains in the PRC/ROK relationship.

In recent years, the PRC and ROK have greatly strengthened diplomatic and trade relations, with calls on both sides of the Yellow Sea for a free trade agreement. Despite this, the DPRK has remained a problematic aspect of the PRC/ROK relationship. Succinctly, the PRC has a vested interest in providing a buffer between itself and an increased American presence on the Korean Peninsula. Moreover, the PRC government fears any serious instability in the DPRK could potentially lead to a flood of North Korean refugees. This is also a reason for the PRC's reluctance to allow any DPRK refugee to cross its border—the fear of setting a precedent that would encourage others to follow. By labeling the North Koreans "illegal migrants" and refouling them, Beijing hopes to control the stream of refugees. Though the ROK does not often press the issue, it has limited the growth of relations between the two countries. The Philippines' commitment to refugee resettlement has proven a beneficial tool to both the ROK and PRC. Though there is little official documentation of how often it happens, it is known that the Philippines has acted as a part of the transit process. This allows the Chinese government to quietly deport certain refugees while also allowing the PRC to maintain its tough stance against North Koreans within its borders. Though the majority of refugees are refouled, the Filipino government has provided a way for the PRC to deport some from within their borders in a way that lessens embarrassment to the DPRK (Hsieh, 2001). By discreetly moving the refugees from the PRC to the Philippines, instead of directly to the ROK, the DPRK is allowed to save international face.

## **Refugees in the Philippines**

One country that has never been reluctant to assist refugees is the Philippines, which, throughout the twentieth century had provided a

sanctuary to numerous groups of refugees as they sought permanent asylum in other nations. The first documented arrival of refugees was in 1940 when 300 European Jews arrived in the Philippines fleeing Nazi persecution in Europe. Largely due to the efforts of Philippine President Manuel L. Quezon, as many as 1,500 Jewish refugees were allowed entrance into the country (Gavish, 2013). The assistance to refugees continued in a more official capacity between 1949 and 1950, as more than 5,000 Russian refugees fled to the Philippines. The majority of these refugees were the so-called White Russians, anti-communists who left Russia after the Bolshevik victory in the October Revolution of 1917. They had initially moved to Harbin and Shanghai in China but, following the establishment of the PRC, they once again needed to relocate. The United Nations International Refugee Organization (IRO) asked Philippine president Elpidio Quirino to allow the Russians to temporarily settle in the Philippines, until a more permanent location could be located. Despite the problems inevitably impacting newly liberated nations, which were magnified by the destruction wrought of World War II, Quirino allowed for the island of Tubabao in Samar province to be established as a refugee resettlement camp. The refugees remained until 1953, when they were permanently resettled in other countries (Miralao & Makil, 2007).

Though the arrangement with the IRO has been intended as a temporary measure until only those refugees fleeing the PRC could be resettled, it set a precedent in which the Philippines became a location of temporary lodging for refugees. The most noted group were Vietnamese refugees often referred to as “Boat People,” a reference to the shoddily constructed boats they used to escape Vietnam. In the early 1970s, these refugees were largely fleeing the destruction of the Vietnam War or, for those South Vietnamese who were considered American collaborators, reprisals. Following the 1979 Sino-Vietnam War, another group of refugees began to appear; these were predominantly ethnic Chinese residing in Vietnam. Again, the Philippines became a transit site for refugees.

Initially, the United Nations High Commissioner for Refugees (UNHCR) provided support. By 1989, however, the UNHCR reclassified the Vietnamese refugees: from political refugees, as they were viewed before, but they were now considered to have left “Vietnam for economic reasons” (“After years in Philippines,” 2005). Funding from the UNHCR was subsequently reallocated and the Philippines was left with thousands of Vietnamese in now unfunded transit sites. By 2000, there were a total of 968 families who remained within its borders. The Filipino government presented each with the choice of returning to Vietnam, relocating to a

third country, or becoming permanent residents of the Philippines. Seven hundred fifty of the families elected to remain in the Philippines (United States Committee for Refugees and Immigrants, 2002). In this acceptance of Vietnamese refugees, first in transit capacity and then as a site of permanent resettlement, the Philippines was established at the forefront of refugee relocation in Southeast Asia.

The Philippines as Southeast Asia's base for refugee resettlement operations has become increasingly solidified and official in the past two decades. First, the Refugee Processing Unit was established: "As a signatory to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol, the Philippines has been progressively implementing its obligations under the Convention, ensuring refugees' access to economic and social rights" ("DOJ formalizes rules," 2012, n.p.). This pre-existing infrastructure and the willingness of the government to cooperate led, in 2009, to the UNHCR announcement that the Philippines had agreed to maintain a permanent refugee transit apparatus ("Refugees in danger," 2009.) The Philippines now allows refugees facing danger to enter and reside in the country for six months, before being resettled elsewhere. The UNHCR released a statement, speaking of the uniqueness of the role embraced by the Philippines:

Under a breakthrough agreement, the Philippines has become a transit country for at risk refugees on their way to resettlement, only the second country in the world to formally play this vital role. The new transit arrangement [...] was put in place under an agreement signed last week in Manila by the Philippines Secretary of Foreign Affairs Alberto Romulo, UNHCR and the International Organization for Migration. (n.p.)

The most politically sensitive and threatened group of refugees to transit through Manila are North Koreans. Aside from Hwang Jang-Yop, the most notable public incidents of North Koreans leaving their homeland have come through Manila. In one such incident, a family of seven entered the UNHCR office in Beijing. The UN and the PRC government negotiated for three days and finally the PRC, eager to end a "potentially explosive standoff" (Rosenthal, 2001), allowed them to leave, with the restriction that they could not proceed directly to Seoul. While there were unconfirmed reports that the family was flown to Singapore and then on to Seoul, *The New York Times* reported that at least some members of the family flew to Seoul through Manila (Kirk, 2001). The following year, 2002, twenty-five

North Koreans stormed the Spanish Embassy in Beijing (“North Koreans storm Spanish embassy,” 2002). The group was seeking asylum, but the Chinese government declared the refugees to be migrant workers who had illegally crossed the PRC border and demanded the Spanish authorities turn them over to the PRC for refoulment to North Korea. The group released a statement that read in part,

We are at the point of such desperation and live in such fear of persecution within North Korea that we have come to the decision to risk our lives for freedom, rather than passively await our doom... Some of us carry poison on our person to commit suicide if the Chinese authorities should choose once again to send us back to North Korea. (Rosenthal, 2002, n.p.)

Only after intense international coverage did the Chinese government allow the refugees to leave. Once again, the refugees were transported to Manila and from there to Seoul (“North Korean refugees reach Philippines,” 2002).

While these could be viewed as isolated incidents, official correspondence from the American embassy in Manila indicates that the Philippines has adopted a policy of low-key assistance in helping North Korean refugees reach the ROK. On August 30, 2011, WikiLeaks released 3,000 documents including the text of an unclassified cable sent, in 2005, by Francis Ricciardone, the United States Ambassador to the Philippines. Under the subject heading, “North Korean Refugees in the Philippines,” Ricciardone first describes the current, official stance of the Filipino government on North Korean refugees (“05MANILA249 North Korean refugees in the Philippines,” 2005).

North Koreans have access to the same international protection offered other refugee groups in the Philippines. The Philippines is the only country in Southeast Asia to have signed the 1951 UN Convention on Refugees and to have an institutionalized regime of refugee protection. The Department of Justice has a dedicated office (the Refugee Processing Unit) focused on refugee issues. (n.p.)

Ricciardone noted that the Philippines’ approach was “humanitarian” and, unlike the PRC, “North Korean asylum seekers would get favorable treatment” (“05MANILA249 North Korean refugees in the Philippines,”

2005, n.p.). The favorable treatment included transit to Seoul. This transit was arranged by the Department of Foreign Affairs and accommodated nearly 1,000 people between 2004 and 2005. As the cable was from 2005 and officials from all governments involved are reluctant to comment on North Korean refugees transiting through the Philippines, it is impossible to state with any certainty whether Manila continues to operate as a transit station for North Korean refugees. Moreover, the behind-the-scene nature of these transfers allows few details to emerge. It seems likely that in most cases, refugees would stay in the Philippines for only a short time, possibly remaining in the Manila Airport, without crossing through immigration. This would allow Manila to safeguard and protect the refugees while not maintaining the official record required with the issuance of visas. In the future, declassified documents may provide more specifics on the North Koreans' time in the Philippines. For now, all that can be definitively stated is that the Philippine government has been a conduit through which these refugees could be transited into South Korea.

## **Conclusion**

The ongoing humanitarian crisis in the DPRK all but ensures that there will be a continuous flow of refugees out of the country, at least for the foreseeable future. Given the heavily fortified installations on both sides of the DMZ, and the insignificant length of the North Korean/Russian border, the vast majority of these refugees will, by necessity, continue to cross the Chinese border. These refugees face re foulment if caught by Chinese authorities; the PRC has stated repeatedly that it will continue to forcibly repatriate any refugee deemed to be an economic migrant and has every intention of implementing this policy. Indeed, it has done so on numerous occasions. Refouled North Koreans face imprisonment and possible execution, meaning once they have crossed the border, they face the difficult choice of remaining in the PRC or trying to reach another, safer country. Some, possibly as many as 100,000, choose to remain, hoping to slip into the anonymity of the Yanbian Korean Autonomous Province. This can be a highly dangerous decision—while ethnically and in some cases, linguistically, indistinguishable from the indigenous population, North Korean refugees face re foulment to the DPRK at any time. The ones who choose to leave face a dangerous journey overland to the presumed protection of a South Korean embassy or a consulate. Even if these safe harbors are found, the Chinese government has historically shown a significant reluctance to allow North Korean refugees to transit from Chinese territory, even if the refugees are being protected by the South Korean embassy, or even, as demonstrated by the incident at the Spanish embassy, the embassy of an uninvolved, third

country. Other Asian countries, perhaps out of fear of angering either the PRC or the DPRK, often refuse to assist refugees.

The Philippines, however, from the early admission of Jewish refugees fleeing the Nazis, have shown a commitment to protecting international refugees. Alone in Southeast Asia, the Philippines has set up a legal framework, being a signatory to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees. Moreover, in 2009, the Philippines agreed to be a transit site for the Emergency Transit Mechanism (ETM) run by the UNHCR. North Korean refugees, due to their politically charged nature, would likely not be moved through something as public as the ETM. Nevertheless, it was this commitment to refugees that was shown in the transiting of 500 North Koreans per year, all from the PRC, through Manila. The cable that confirmed that the Filipino government had a framework in place with which to assist North Koreans was written in 2005 and it is impossible to say whether the Philippines continues to assist North Korean refugees—the governments of all involved parties are silent on the subject. Even if North Koreans are no longer flown to Manila en route to Seoul, many are alive and well in South Korea, thanks, in large part, to the Philippines. In providing a transit site for these refugees, the Philippines did far more than protect the refugees themselves. The PRC was able to quietly allow the North Koreans to leave Chinese territory without embarrassing the DPRK. The Philippines essentially acted as a buffer zone in a volatile area. While countries in East Asia maintained national face the Philippines quietly facilitated the secure transfer of refugees.

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## Endnotes

[1] *Juche* is the principle by which the DPRK is nominally governed. It is, essentially, the Marxist philosophy, infused with Korean culture and notions of complete self-sufficiency. Hwang has been referred to as *Juche's* godfather (Hsieh, 2001, p. 322).

[2] While, it is difficult to know precisely under what charges people are being imprisoned, North Korean law allows for punishment even if no crime had been committed: "In the case of an offense that does not fall under any expressed clause of the criminal law, the basis, scope, and punishment for it shall be determined according to the clause on acts that resemble it most in terms of its type and danger to society" (International Business Publications, 2011, p. 90).

[3] In 2000, nearly fifty years after conflict ceased in the Korean War, to which the Philippines had contributed troops, the DPRK and the Philippines opened diplomatic relations. In 2007, Alberto Romulo, the Philippines Foreign Affairs Secretary visited Pyongyang and met with his DPRK counterpart, Pak Ui Chun ("Philippine minister to visit N. Korea," 2007). During this meeting an agreement was reached to bolster relations. Romulo, summing up the high hopes of the agreement, stated, "Hopefully this will... ensure mutual understanding and cooperation between our two countries" ("Philippines, North Korea agree," 2007). In 2010, to commemorate the ten-year anniversary of diplomatic relations, Pyongyang Kaeson Middle School was labeled the "Philippines-DPRK Friendship School" and the Philippines donated computer equipment ("Philippines donates computer set," 2010).

[4] This relationship has been threatened in recent months, since the April 2012 standoff over the Scarborough Shoal, an uninhabited group of rocks in the South China Sea.

[5] There were 9 refugees in 1990 and 149 in 1999. The numbers for the intervening years were 9 in 1991; 8 in 1992; 8 in 1993; 52 in 1994; 41 in 1995; 56 in 1996; 85 in 1997; 71 in 1998 (Hsieh, 2001, p. 322).

[6] Further exasperating an already critical situation was damage to energy capacity (Williams, von Hippel, & Hay, 2000). The loss of power caused by the flooding contributed to a severe shortage of water for crops.

[7] The DPRK claims that 220,000 people died between 1995 and 1998 (Foster-Carter, 2001). However, Nongovernmental organizations, extrapolating to the entire country from a similar analysis of refugee interviews and observations on the ground, have produced estimates of famine-related deaths on the

order of 2.8–3.5 million. Likewise, U.S. congressional staffers who had visited the country concluded that from 1995 to 1998 between 900,000 and 2.4 million people died from starvation or hunger-related illnesses, with deaths peaking in 1997. South Korean sources have produced estimates of excess deaths in the range of 1.6 –3.0 million for the period 1994–9. (Noland, Robinson, & Wang, 2001, p. 741)

[8] The ROK is, of course, the logical destination for North Korean refugees. Though the two countries have diverged significantly in the sixty years since the 1953 armistice that halted the Korean War, there is a shared culture, language, and history. Moreover, the South Korean government has policies designed to facilitate North Korean assimilation. The 160 mile-long DMZ, however, separates the two Koreas and is the most fortified in the world – border crossing is virtually impossible. The Russian/North Korean border, a small stretch of the Tumen River, is less heavily patrolled than the DMZ but there is, nevertheless, a significant presence of Russian troops, in addition to the North Korean authorities. Moreover, at a length of only 11 miles, most North Koreans are simply unable to reach it.

[9] Also known in the PRC as Changbai Mountain.

[10] Korean migrant workers first arrived in Yanbian in 1880 as impoverished farmers during the Japanese occupation of Korea (1910-1945) (Min, 1992). Indeed the government of Imperial Japan, “encouraged Korean immigration and settlement in Yanbian beginning in 1905 because they saw the area as strategically important and believed it should be under Japanese control” (Gomà, 2006, p. 870).

[11] The PRC is a signatory of the 1951 Convention and Protocol Relating to the Status of Refugees, which defines a refugee as, A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Article 31 of the Convention specifically forbids the forcible repatriation of refugees, or refolement (1951).

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