

## North Korean Refugees

### 56th Session of the Executive Committee of the High Commissioner's Programme

HRWF Int. (31.10.2005) - Website: [www.hrwf.net](http://www.hrwf.net) - Email: [info@hrwf.net](mailto:info@hrwf.net) - On October 3-7, the 56th session of the Executive Committee of the High Commissioner's programme met in Geneva to review and approve the agency's programmes and budgets and to advise on protection matters. Made up of 66 countries, the UNHCR's Executive Committee (ExCom) sets international standards with respect to treatment of refugees and provides the framework for discussion on exchanges among governments, UNHCR and its partner agencies.

The annual ExCom sessions are also a venue for airing the latest tendencies in the UNHCR policies and mindset. For this reason, *HRWF Int.* has been carefully following those sessions for the last couple of years in the hope of detecting some signs foreboding positive changes in the UNHCR policies towards North Korean refugees.

At the 54th ExCom session in 2003, the UN High Commissioner for Refugees Mr Ruud Lubbers recognized for the first time that **"North Korean defectors may well be considered refugees"**. At the 55th session, a year later, Mr Ruud Lubbers stated: **"The plight of North Korean asylum seekers is an abiding preoccupation of my Office. In China, we continue to request access to those North Koreans who are of concern to us and I would welcome the chance to discuss with Chinese authorities this issue and opportunities I see for China to assist the region."**

This year, however, the newly appointed UN High Commissioner for Refugees, Mr Antonio Guterres, was disturbingly careful in his statement. Firstly, he avoided to refer to North Korean defectors as refugees or asylum-seekers by invoking the vague term of **"population displacements"** resulting from the human rights violations in DPRK. Secondly, the naming of China as an important actor in solving the North Korean refugee issue has been obviously deliberately omitted. Without pointing to concrete countries, the UN High Commissioner committed the UNHCR to **"being very attentive to situations of direct and indirect *refoulement*, governed by bilateral agreements which disregard international law or by the treatment of bona fide asylum seekers as illegal immigrants"**. With its policies of forceful repatriation of North Korean refugees, China qualifies easily for UNHCR scrutiny. The failure to name concrete countries, first and foremost being China, will confine this commitment undertaken by the UN High Commissioner to the realm of lofty statements with no result-oriented follow-up, thus leaving no hope for refugees and asylum-seekers trapped in such situations.

On the other side, the UN High Commissioner for Refugees did not spare words to elaborate on the protection mandate of the UNHCR and to define a modern concept of protection which **"emphasizes the need to create a space where rights can be enjoyed to the full and where the Rule of Law prevails"**. **"In that sense"**, Mr Guterres continued, **"all our actions must be protection-minded and be judged by their protection implications, and all staff members must see themselves as protection agents"**.

Protection, however, is the least thing North Korean refugees can expect from the UNHCR.