

Shenyang asylum incident co-produced by Japan & China

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A nightmarish incident occurred on May 8 in the Japanese Consulate General in Shenyang, China. The refugees who entered the consulate compound to seek asylum were dragged out by armed Chinese police. Diplomats of the consulate did nothing, simply standing by and even showing signs of cooperating with the police in taking away the refugees that included a toddler. The news video of the incident was distributed across the world. I couldn't believe my eyes and was greatly shocked.

The governments of Japan and China have been at loggerheads over whether or not Japan gave consent to allow the Chinese police to enter into the Japanese diplomatic premises. But both sides' assertions are laughable to me, who knows their "backroom maneuvers" in dealing with the North Korean refugee issue. The incident, in my eyes, is indeed a badly made horror film co-produced by Japan and China. In this ugly drama, as described by Chinese journalist Mo Bangfu who lives in Japan (in his essay contributed to the May 18 edition of the *Asahi Shinbun*), Japan and China "are nothing but supporting players... The leading role is played by North Korean asylum seekers." The director was the North Korean dictatorship led by Kim Jong Il. What you must not overlook is another hidden "good supporting player," the Kim Dae Jung administration of the Republic of Korea (ROK) led by a humanist president - a Nobel laureate for peace. Before looking into the behind-the-scenes maneuvering, let me brief you on the Japanese Consulate General in Shenyang - the major scene of the drama - because it is an important clue for better understanding this absurd event.

The mecca of North Korean refugees and Shenyang

Shenyang is a strategically important city in the Liaoning Province, which is one of the three northeastern provinces in China. Next to Liaoning is the Jilin Province, dubbed the "mecca of North Korean refugees." Within the Jilin Province, the Autonomous Korean Prefecture of Yanbian (capital: Yanji City) is located where ethnic Koreans (numbering 2 million) reside. Most North Korean defectors are trying to flee to this autonomous prefecture by crossing the Tumen River - one of the 1,300-kilometer two rivers bordering China and North Korea - on foot. The influx of North Koreans into China began around 1993 when the man-made food crisis attributable to the dictatorship in North Korea was becoming serious.

At the same time as the influx of North Korean refugees into China, the suspicion suddenly arose that North Korea might be developing nuclear weapons. A sense of crisis over a possible war on the Korean Peninsula swept through the world, not to mention Japan that was highly alarmed. The Japanese government was eventually compelled to spy for inside information in the secretive North Korea as an urgent security task. Japan chose its consulate general in Shenyang - which opened in the late 1980s - as its forefront point for intelligence gathering on which its national interest depended. The consul general at the time, in an interview given to a TV Asahi program ("News Station" aired on May 10), rejected the fact of such intelligence gathering, but that was a "downright lie."

In the mid-1990s, an unprecedented espionage incident involving Japan and China came to light, though it has been kept strictly secret by the two countries' governments. North Korean refugees served as a major means for the Japanese Foreign Ministry (MOFA) to gather intelligence on North Korea. Such refugees who flee into China one after another are the best sources of information as they can offer real-time information about North Korea. By making good use of such refugees, MOFA energetically began collecting intelligence on North Korea behind the scenes with its consulate general in Shenyang as its major base. It "succeeded" in gathering an enormous amount of important data on the country by sending the consulate general's staff, skilled at the Korean language, to the "mecca of Korean refugees." The staff was to find Korean refugees hidden with local Chinese supporters and to listen to the actual conditions in their country through a questionnaire survey.

This alone is enough to prove that such "excuses" as the ignorance of the consulate general staff in Shenyang of the Korean refugee issue and their lack of experience in dealing with it are total nonsense. But in this connection, MOFA made an incredibly serious blunder. Usually, secret information collected in this way is carried to the home country in a "diplomatic pouch" in order to avoid exposure or seizure by the other side's intelligence agency. But a Japanese consular official attempted to carry secret data out of China to Japan by putting it in a trunk. As a result, he failed to get his baggage through customs at Beijing Airport. This event developed into an unheard of spy case between the two countries. Faced with hard evidence, MOFA had no choice but to make an apology. Upon writing a letter of apology, MOFA reportedly even presented China with a written oath in which MOFA stated it would never engage in any intelligence-gathering operations in the three northeastern provinces in China. Both Japan and China have kept the case under wraps, based on mutual consent that the Case "did not exist." But Chinese public security officers, based on secret data they seized, rounded up a large number of North Korean refugees and Koreans who harbored them. This was the first step of the Japanese government "selling out" North Korean refugees - who didn't "rush into the Japanese diplomatic mission" but "served as cooperators" for the Japanese government - to China. This spy case has put MOFA under a big "obligation" to the Chinese government.

"Japanese" refugees included

There is an argument protective of MOFA's "clumsy handling" of the Shenyang incident, attributing it to a "lack of experience because it was the first case of asylum seekers." But this, too, is a "bold-faced lie." As far as I know, there have been three asylum-seeking cases from the mid-1990s until now involving the Japanese Consulate General in Shenyang, but MOFA has remained silent about them. Far from being inexperienced, the Japanese Consulate General in Shenyang is the most experienced foreign diplomatic establishment [in China] in handling "North Korean asylum seekers."

There are 100,000 or more North Korean defectors, most of whom are purely North Korean, but special refugees are mixed in. They include not only South Korean prisoners of war held by North Korea but also many former Korean residents of Japan who went to North Korea in the 1960s and are called "returnees." Needless to say, their relatives live in Japan. And included among these "returnees" are Japanese spouses and their children who have Japanese citizenship. These Japanese refugees, together with their family members in their homes in North Korea, are fleeing into China. The "three asylum cases" mentioned above were brought about by such "Japanese families."

Japanese refugees who sought asylum in the consulate general in Shenyang and who were sent back to Japan by MOFA in a secret rescue operation are now living peacefully in Japan. Part of the operation is described in the memoirs of Shunsuke Miyazaki (assumed name), one of the Japanese refugees who was rescued and sent safely back to Japan.

Only three persons out of those involved in the above three asylum cases were rescued and now reside in Japan. What happened to other family members of the same blood who risked their lives to defect from North Korea? As far as I know, other family members without Japanese citizenship were not rescued. Some of them still remain in China and some, with the help of refugee supporters, succeeded in departing for third countries and now live in the ROK. In short, a helping hand was not extended to those who did not have Japanese citizenship, even though they are relatives of such Japanese refugees. This was the essence of MOFA's rescue operation, the outcome of which was far from being a "happy ending." What MOFA did was a "family-breaking operation," not a "rescue operation."

Why did MOFA take such an action that obviously goes against humanity and humanitarianism? There are two possible reasons. One is consideration for North Korea. MOFA did not want to irritate the Kim Jong Il regime and feared that North Korea might make a false charge against Japan, arguing, "Japan abducted North Korean citizens." The other is consideration for the Chinese government. For China, such refugees, even though holding Japanese citizenship, were North Korean refugees who "illegally entered China." In order to bring them to Japan, Japan needs to respect the Chinese government's intention, which means not harming China-North Korea relations or China's basic policy of finding and sending North Korean refugees back to North Korea because China does not admit the existence of such refugees.

It is only natural to think that these past asylum cases prompted MOFA to create some kind of "principles" or "manual" on the treatment of North Korean refugees. The recent Shenyang incident has made me believe more firmly that MOFA might have cool-headedly handled the incident by the principles or manual without making a fuss. Based on this thinking, Ambassador to China Anami's "expulsion" remark made before the incident occurred was never seen as unnatural nor all of a sudden. Consular officials in Shenyang also, when seen in the news video, did not seem to be unfamiliar with handling refugees, though Foreign Minister Kawaguchi stated, "They got nervous and confused."

On the past three asylum cases I pointed out earlier in this article, a MOFA official in charge says, "I've never heard of them." If that is the case, then there should not be a problem with answering my inquiries, but to date no one has contacted me.

Did "asylum seeking notice" arrive?

Foreign Minister Kawaguchi's remark that "they got nervous and confused" would be acceptable only if MOFA and the consulate general could not foresee the possibility of asylum seekers' penetration into the Japanese consulate. Whether or not there was "advance notice," as quoted by some media sources from my comments, is a major key [to the asylum incident]. To put a conclusion first, no specific notice indicating an exact date, time and location arrived at MOFA (though the U.S. government received a specific notice). But highly reliable information existed beforehand. Let me explain in detail.

MOFA's clumsiness and negligence as seen in the Shenyang incident has been the target of severe criticism. I do not intend to protect MOFA, but it is true that some bureaucrats have done their duties excellently and some have used their head brilliantly. A week before the incident occurred, one of the staff of the Prime Minister's Official Residence (*Kantei*) telephoned me. The official sought my analysis and opinions on the recent wave of North Korean asylum seekers. It was in the midst of the Golden Week holidays in early May, but I was busy working so I told him to call me again on May 6 - two days before the incident.

Since 1997, I have been extending a helping hand to North Korean refugees living in China. I had a hand in the last June asylum action involving the United Nations High Commissioner for Refugees (UNHCR) - a case that ushered in the wave of asylum bids. Based on my experience in that case, I hinted at the possibility of a bid for asylum taking place shortly. But I did not take part in the recent asylum incident and I had no exact information such as a specific date of the incident, so I had nothing to tell the Japanese government. But even if I had had a hand in the incident, I would not give any advance notice to the Japanese government. Judging from the position of the Japanese government as mentioned above, doing so would not have been wise because my movements would surely have notified the Chinese authorities.

However, as I explained to the official who contacted me about the tense situation, it was quite possible that an asylum action could take place at anytime - even while we were discussing the matter on the phone. In fact, by that time I sensed the moves of another group of refugee supporters different from the one who planned the recent asylum action. Considering the tightened security around embassies in Beijing, I suggested it was very likely that diplomatic missions in local areas, particularly Shenyang close to the "mecca of refugees," could become a location for asylum bids. I also told the official that should Japan take preventive steps not to accept refugees or drive them away, Japan would be exposed to loud international criticism. I advised him that once refugees enter the Japanese premises, Japan should accept them without making a fuss. From my experience of helping asylum seekers in the past, there is the strong possibility that refugees might be carrying suicide poison with them just in case. Also, with this worst-case scenario in mind, they are also likely to be accompanied by reporters.

I don't know, however, how my advice was handled in MOFA. It basically has nothing to do with non-governmental (NGO) activists like me. But important information and advice were provided to MOFA through the agency's perceptive official. There are only five countries - the United States, Japan, Russia, the ROK and North Korea - which have consulates general in Shenyang. Of course, North Korea is never chosen in asylum bids. Russia once deported [North Korean] refugees who fled into its land to North Korea. The ROK is well known for its rejection of North Korean refugees. Under these circumstances, there are only two options - the United States and Japan. Whether the advice given in advance is wisely used or misused, as in the case of the Anami remark, is entirely up to the Japanese government.

Aside from the first asylum case of North Korean refugees who sought asylum in the UNHCR office in Beijing and the recent Shenyang asylum incident, most of the past asylum plans were leaked out beforehand. For instance, information on the second asylum bid involving the Spanish Embassy in Beijing and the third one involving the German Embassy and the United States Embassy in Beijing were seized beforehand by the UNHCR office [in Beijing]. A UNHCR official, in fact, then contacted me and asked: "Is your group planning something, Mr. Leer. Although that was a misunderstanding on the part of the UNHCR, what the UNHCR official told me on the phone was, in effect, "Please do not use our place for your plan." Even the UNHCR knew the moves for asylum bids in advance, so it is no wonder that the U.S. Department of State, MOFA and other government-affiliated intelligence agencies should have known it. Around that time, I was highly alarmed by the failure in such bids and I did not take part in the recent Shenyang asylum attempt.

Considering these circumstances, I firmly believe that even though I did not "offer information" to MOFA, MOFA should have been prepared for a possible asylum case upon grasping the local situation. If MOFA were definitely willing to protect the North Korean refugees who stepped into its overseas compounds, the Japanese Consulate General in Shenyang would have been able to handle the case. Coincidentally, one week before the Japanese government official telephoned me, a U.S. State Department official also telephoned me. These two officials asked me about the same thing, so I gave them the same answer. In the case of the United States, however, the United States took refugees who rushed into the U.S. Embassy in Beijing and its Consulate General in Shenyang into protective custody without making a fuss, not allowing armed Chinese police to enter into either of its diplomatic compounds. But Japan did the reverse of the United States.

The Japanese government, when asked about the information I offered - as reported by the Japanese mass media - said, "We never heard of it, "treating it in the same manner as the information on the asylum bids I mentioned above. Should the Japanese government suspect I lied to drive it into a corner like a traitor of the country, it is only natural for the government to lodge a strong protest against me. But as of yet, no such protest has been made against me.

What should be learned and what would be effective preventive measures against recurrence?

North Korean refugees have continued to be treated in an inhumane manner. Why? The root of the evil is beyond question the dictatorship of Kim Jong Il in North Korea. In addition, other major causes are the incredible cold-heartedness of the countries involved and the indifference of the international community. China, the ROK, Japan and Russia are the countries involved, and of them China is the coldest.

The Chinese government has persistently rejected the recognition of escapees from North Korea as refugees. Though China ratified the United Nations Refugee Convention in 1982, it has recognized none of the North Korean defectors as refugees. The widely cited reason is that China regards them as "economic refugees," not as "political refugees." But that is not true. To my astonishment, according to an official statement by the Chinese government, even economic refugees do not exist. China insists that those North Koreans staying in the country "are all

North Korean citizens who come and go between the two countries on trips to meet relatives and the like." China therefore intends to treat the five North Korean defectors in the recent asylum bid as "unknown nationality people." It is poised to bring the incident this time to a close by "sending the detained North Koreans to third countries" - which is called a third-country approach. That approach is convenient for China, so it has been applied whenever asylum bids occurred in the past. But this approach is deceitful indeed.

Behind this deceitful method, the Chinese government has carried out a rigorous operation that I call the "cruel *Sanko* operation" toward North Korean refugees. [TN: The term "*sanko*" comes from the Japanese Imperial Army's operation consisting of three elements - slaughter (*sakko*), scorching (*shokko*) and seizure (*soko*).] Taking advantage of no monitoring by the foreign mass media, China has trampled the "mecca of North Korean refugees" by overwhelming police force.

Recently, Chinese police, joining hands with North Korean agents (commonly known as an arresting team), have been conducting a harsh "refugee-roundup." One hundred or so per day refugees have been repatriated to North Korea. Also, a "supporter-roundup" has begun. The target is some of the Korean ethnic minority in China who harbor refugees. An enormous penalty - 5,000 to a maximum of 50,000 yuan (RMB) - is imposed on those who help and support refugees. Incidentally, the average monthly income in the region is 800 yuan. Informers on refugees and their supporters are given rewards ranging from 200 to a maximum of 2,000 yuan. Border guards are also rewarded if they capture refugees at the water's edge. "Scorched-earth tactics" are now in operation to root out the hideouts of refugees. Moreover, the police have lately applied all their energy to "NGO roundups." It is now expected that a large-scale NGO roundup will be set in motion immediately after the departure of the asylum seekers in the Shenyang incident. According to a dispatch from Beijing carried by the May 19 Asahi Shinbun, Chinese authorities have given advance warning about a sweeping NGO roundup.

It is indeed time for the Chinese government to learn a lesson from the wave of asylum bids. In spite of the "rigorous Sanko operation," asylum attempts have never stopped and will continue into the future. If safe shelter is lost, North Korean escapees will likely become more eager to rush into foreign diplomatic compounds for asylum. Should refugee-supporting NGOs be rooted out, uncontrolled and reckless asylum attempts will spontaneously occur. NGOs' engagement in such attempts until now have prevented any such reckless attempts and prevented the occurrence of failed asylum-seekers taking poison. Driving away refugees and cornering NGOs could only

lead to a tragic end. What is "indispensable to prevent a tragic asylum attempt" (according to the May 19 *Asahi Shinbun*) is not to "capture" refugees but to "protect them" and to "work with NGOs."

Discussion on preventive measures against an occurrence of another incident like Shenyang is underway in Japan, but I don't think that what is being discussed is productive. The step of having armed foreign police guard Japan's diplomatic compounds while tightly closing their doors is never a wise approach. The Japanese and Chinese governments should move away from their refugee policies. No acceptance of refugees at overseas diplomatic missions is anachronistic and unrealistic. As I mentioned earlier, the "pure-blood principle" is unacceptable in dealing with the North Korean refugee issue. Japan's previous position of not accepting family members of Japanese refugees who defect from North Korea and North Koreans who once lived in Japan only brings ridicule in the eyes of the international community. Japan should prompt the Chinese government to make a policy switch on the refugee issue and come up with an idea for building a support system to resolve the issue. A Chinese cabinet-level official intimidates Japan with this remark, "Don't you think it will always be a problem, even if you increase the number of refugees you accept from 5 to 50 to 500 to 5,000 to 50,000?" But Japan should firmly rebut this or it cannot be qualified to assert its sovereignty. Various ideas in this regard are conceivable.

South Korean media and its people are reportedly angry at both Japan and China. President Kim Dae Jung expressed concern over the situation and proposed accepting the five asylum seekers in the Shenyang incident. Frankly speaking, the attitude of the president has disappointed and dumbfounded me. Many North Korean refugees will share my feelings. The South Korean media and people should level their anger at the Kim Dae Jung administration. What kind of help has the ROK government extended to the North Korean people so far? I don't know.

The ROK government points out a recent surge in North Korean defectors who seek asylum in the ROK in a half-embarrassed but half-proud manner. But when looking closely into the numbers of such defectors, you can find that their number was 71 in 1998, 148 in 1999, 312 in 2000, and 500 even in 2001 when they say the number doubled. All the South Korean government has done to date is simply accept North Korean refugees who somehow manage to reach the ROK on their own. But actually it is impossible for refugees to reach there by themselves. The truth of the matter is that Japanese and South Korean NGOs have spent their limited funds to help those refugees. If the refugees can reach the ROK on their own, a great influx of North Korean refugees would rush into ROK diplomatic compounds in Beijing and Shenyang. But this has never taken place. Why? And why are Japanese and South Korean NGOs not planning such asylum bids? The answer is because past failures have discouraged them to do so. Only a handful of "elite refugees" have been helped, but ordinary refugees like those in the Shenyang case have been turned away. Unless the South Korean government and people reflect seriously on this hard evidence, no international support system to resolve the North Korean refugee issue will ever be established. Only the tragedy of the North Korean refugees will be repeated.