THE UNHCR'S FAILURE WITH NORTH KOREAN REFUGEES IN SOUTH KOREA (2017-2022)

UNDERGRADUATE THESIS

UNIVERSITAS
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UNIVERSITAS ISLAM INDONESIA

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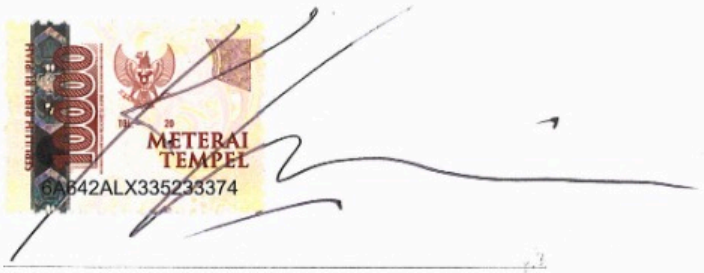
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Yogyakarta, August 20th 2024



Khusnul Khatimah

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ABSTRACT

This research analyzes the failure of the United Nations High Commissioner for Refugees (UNHCR) in dealing with the problem of North Korean refugees in South Korea in the 2017-2022 period. This research aims to find out how UNHCR failed to deal with North Korean refugees in South Korea, especially during the Moon Jae In Presidency period in 2017-2022 when relations between North Korea and South Korea experienced an increase but declined again due to the intervention of the United States and had an impact on the decline in Korean refugees. North to South Korea. In this research, the author used Giulio M. Gallarotti's concept about the limits of international organizations as a tool to analyze the UNHCR's failures, namely systematic failures which are divided into four general ways, namely, (1) managing a complex, tightly coupled system, (2) adverse substitution, (3) dispute intensification, and finally (4) moral hazard. From this research, it was found that UNHCR's failure analysis with the concept of systematic failure created the roles, functions, and goals of UNHCR towards North Korean refugees naturally encouraging the organization to fail instead of helping the refugees of North Korea.

Keywords: refugee, unhcr, failure, south korea, north korea

CHAPTER I

INTRODUCTION

1.1 Background

The First and Second World Wars had an enormous negative impact on the world. This triggered the formation of the United Nations, which aims to maintain world peace and also to achieve international goals. Countries that have suffered damage in the economic, social, and political fields due to war or other conflicts have forced many people to move from their countries to neighboring countries to get a better life, and this has prompted the United Nations to form international organizations in specific fields such as UNHCR or the United Nations High Commissioner for Refugees in 1950 who work to provide assistance in processing displacement and also the protection of Human Rights for refugees. This was involved the establishing of the 1951 Refugee Convention, a multilateral agreement on refugee status signed by hundreds of countries around the world (UNHCR Republic of Korea, n.d.) (UNHCR, n.d.).

One country that indirectly forces its citizens to move or flee is North Korea. Since the Korean War, which separated North Korea and South Korea due to ideological differences, North Korea has maintained a communist ideology or rather *Juche*. North Korea wants to meet the country's needs without relying on other countries, North Korea is very closed to the international world, but more because it is concerned about military requirements rather than social needs

(ISPSW, 2014). A lot of North Koreans have become poor and even died of starvation. Not only that, but many human rights violations have occurred, such as torture, prison camps, rape, forced labor, forced abortion, and even murder. This happens because of the brutal rules made by the President of North Korea which are indoctrinated into the citizens. These rules are

arbitrarily to benefit people of the upper social class or the Royal in North Korea (Saepudin, 2018).

The poor economic growth and political system that violated human rights, especially during the tenure of President Kim Jong Un, caused many North Koreans to flee to South Korea. In 2020, there were a total of 33,658 North Korean refugees in South Korea, and it is estimated that in 2018, more than 80% of the refugees were women, most of whom had difficulty earning money as breadwinners for their families in North Korea. Men, on the other hand, go to South Korea to seek a free life, but they have more difficulties defecting and leaving because they work in North Korean organizational structures, such as soldiers, and are closely monitored by the government (NK News, 2013). UNHCR, which serves as advocacy, assistance, asylum, and refugee migration, of course, needs to cooperate with the government, legal institutions, Human Rights commissions, and Non-Governmental Organizations in South Korea as a host country for refugees. South Korea signed the 1951 Refugee Convention and the 1967 Protocol in 1994 (UNHCR Republic of Korea, n.d.).

The expulsion of North Koreans in South Korea allowed many problems to arise because of the different backgrounds in life. Differences in backgrounds in

terms of language accents, education, and work make it difficult for many North Korean refugees to adjust to a new environment and different culture. Refugees often find it difficult to find work because of their experience and background in North Korea. North Korea's bad and harsh stigma makes it difficult for refugees to gain the trust of South Koreans (CNN News, 2022) (Kim & Hocking, 2018).

Several studies have been conducted by a number of researchers regarding UNHCR, and the discussion is more or less the same. The first study by Annisa Avrilia (2023) entitled *'The Effectiveness of the Role of the United Nations High Commissioner*

for Refugees (UNHCR) in Handling Syrian Refugees in Lebanon in the 2020-2021 Period' explains why the UNHCR is not fully effective in this case. The UNHCR could not assure permanent residency for Syrian refugees in Lebanon from the perspective of role theory, the concept of human security, and the concept of effectiveness of international organizations by Frank Biermann and Steffen Baurer. The second research by Irene Putri Briliantti (2020) entitled *'The Role of UNHCR in Providing Protection and Overcoming the Yemeni Refugee Crisis on Jeju Island, South Korea'* describes the role of UNHCR in providing protection and overcoming the Yemen refugee crisis on Jeju Island using normative legal research methods (BRILIANTI, 2020).

However, neither of these studies discussed the failure of UNHCR in 2020 when the COVID-19 pandemic was affecting almost all corners of the world due to its rapid spread and difficulty to control. Both the previous studies were also done from a law perspective. The purpose of this research is to determine why the

roles and functions of UNHCR failed to manage North Korean refugees in South Korea with the concept about the limits of international organization by Giulio M. Gallarotti.

1.2 Research Question

Why did UNHCR fail to manage the North Korean refugees in South Korea through the limits of international organization?

1.3 Research Objectives

The objectives of this research are to:

1. analyze the limits of the UNHCR in South Korea
2. analyze the situation and conditions of North Korean refugees who live in South Korea and
3. analyze how the UNHCR faileds to support North Korean refugees living in South Korea

1.4 Research Scope

In this research, the author set limits so that the scope of the discussion isn't too wide. The researcher has only researched why the UNHCR failed to support North Korean refugees in South Korea during 2017-2022 from the perspective of Giulio M. Gallarotti. This research starts from 2016 because South Korea was under Moon Jae-in's Presidency and at that time South Korea had an open democratic governing system, with committed activists, organizations and

also free press. In 2017, North Korea conducted missile and nuclear weapons tests, which led the United States to lead the UN Security Council to limit military, diplomatic, and economic relations with North Korea. In 2018 Kim Jong Un held a summit with the leaders of China, America, and Russia to discuss the "denuclearization" of North Korea, and South Korea and the United States even agreed to form a "peace regime," which would be a formal declaration of ending the Korean War. However, in the last meeting, there were disagreements between these countries. North Korea instead increased its military strength and conducted a missile test in 2020, threatening to end the previously agreed diplomatic phase. This had the potential to impact the reputations of North Korean refugees in South Korea. The researcher chose South Korea to be part of the scope because there are significant differences between North Korea and South Korea economically, politically, and culturally, and the writer wanted to know why the UNHCR failed to support North Korean refugees to live and adapt in South Korea (EveryCRSReport, 2020).

1.5 Literature Review

Various studies regarding the UNHCR have been conducted, but not many have discussed the UNHCR's failures. The existing research that has more or less the same topic coverage have been considered as references in conducting this research. The following are several studies that discuss the UNHCR's role in dealing with refugees.

First, the earlier mentioned research conducted by Annisa Avrilia (2023) entitle “The Effectiveness of the Role of the United Nations High Commissioner

for Refugees (UNHCR) in Handling Syrian Refugees in Lebanon in the Period 2020-2021." argues that UNHCR has not been fully effective in dealing with Syrian refugees in Lebanon. The assistance provided by UNHCR in the fields of health, education, and economics has had a significant impact on Syrian refugees in Lebanon, but after Avrilia conducted research using the concept of human security, and the concept of effectiveness of international organizations by Frank Biermann and Steffen, she came to the conclusion that the UNHCR has not been able to ensure the protection and status of Syrian refugees in Lebanon and, thus, that the UNHCR has not been fully effective in dealing with Syrian refugees in Lebanon (Annisa, 2023). This study explains quite clearly the process carried out by the UNHCR for Syrian refugees which involved providing financial assistance and programs in the fields of health, education, and economics, but unfortunately, the rights and permits for permanent residency of Syrian refugees have been suspended by the Lebanese government, and so the UNHCR cannot fully protect refugees if they are repatriated by the Lebanese government. This study represents a bigger picture of what this present researcher aimed to do, which is more inclined towards analying the failure of the UNHCR in South Korea.

Second, research conducted by Acep Saepudin (2018) with the title "The Role of the United Nation Human Rights Council in Overcoming Human Rights Violations in North Korea for the 2012-2014 Period". argues that universal human rights values that are difficult to implement in North Korea because of cultural differences and societal values make the problem of human rights violations more complex. Such problems include malnutrition due to the lack of food needs regulated by PDS. This study used Regime and Neofunctional approaches to

investigate the influence of the country concerned and also analyzed the agenda of the UNHCR as an organization which handles cases of human rights violations in North Korea (Saepudin, 2018). This study explained the human rights violations that occurred in North Korea and the role of UNHCR, such as establishing a Commission of Inquiry to investigate human rights issues. However, this study did not discuss the failure of the UNHCR in managing North Korean refugees who fled to South Korea due to human rights violations experienced in North Korea. Therefore in this research, the writer will discuss how the UNHCR failed to manage North Korean refugees in South Korea.

Third, research conducted by Irene Putri Briliantti (2020) entitled 'The Role of UNHCR in Providing Protection and Overcoming the Yemeni Refugee Crisis on Jeju Island, South Korea' in 2018" argues that in 2018 Yemeni refugees who came to Jeju Island, South Korea, increased in number and began to enter the territory of Seoul to find work, but many local residents rejected the refugees and started an anti-refugee campaign. As many as 700,000 people signed a petition to expel the Yemeni refugees. This wa despite South Korea being one of the countries that has signed the 1951 Refugee Convention and the 1967 Protocol; therefore, South Korea should fulfill its obligations to accept refugees (BRILIANTI, 2020). This study presented clear data but it did not discuss the condition of refugees during the COVID-19 pandemic in 2019. Therefore, in this research, the author will discuss how the UNHCR failed to manage North Korean refugees, in particular during the COVID-19 pandemic in South Korea.

The discussion of this research will be quite different from the existing research, in that it analyzes the UNHCR's failure to manage North Korean

refugees who had to leave their country due to political and economic insecurity. Not enough researchers have analyzed the failures of the UNHCR, especially in South Korea, which has had a long-standing conflict with North Korea. As the researcher explained previously, most of the existing research focuses more on discussing the role of the UNHCR in helping refugees. Overall, existing studies have not discussed in detail the failure of the UNCHR to support refugees from North Korea to live in South Korea from 2017to 2022. Therefore, this researcher is interested in analyzing the failures UNHCR experienced in South Korea when helping North Korean refugees in 2017-2022.

1.6 Research Framework

In this research, the author used Giulio M. Gallarotti's concept about the limits of international organization as a tool to analyze the UNHCR's failures for North Korean refugees in South Korea in the year 2017-2022. Giulio M. Gallarotti argued that in social contexts, international organizations that are poorly managed can be harmful and even counterproductive, and "good" international organizations in excess can also have adverse effects even if the management is seemingly good. Giulio Gallarotti also stated that one too many international organizations is undesirable if it is over budget and has no substantial effect on international relations. It is contradictory to orderly international relations when its failures make international problems worsen or even generate new problems; this has made international organizations a destabilizing force in world politics.

According to Giulio M.Gallarotti's concept, the limit of international organizations are generally classified as unsystematic and systematic.

Unsystematic failure is related to malfunctions or errors in the management of international issues; this failure has a chaotic and stochastic distribution, in contrast to systematic failure which is endemic to the international organizations because the pattern of systematic failure distribution can be identified and determined by bias, namely roles, functions, and goals that naturally encourage international organizations fail.

Giulio M. Gallarotti divides the systematic failure of international organizations in four general ways;

a. *Managing complex, tightly coupled systems:* Managing complex problems and relationships is one of the goals of international organizations. However, international organizations can cause instability when managing complex and closely interconnected systems. The system's complexity is undoubtedly challenging to understand, and some possibilities cannot be predicted or avoided so that international organizations can cause or exacerbate problems with the solutions offered by international organizations.
b. *Adverse substitution:* Countries are constantly facing complex problems domestically and internationally. Countries also require political, economic, or social costs to overcome these problems. International organizations cause destabilization because their role is to provide more 'affordable' solutions and also to be a substitute for responsible domestic or foreign policy. This causes countries to avoid resolving more substantive and long-term international problems or disputes other than the state's incentive to produce better alternatives is reduced.

c. *Intensification of disputes:* International organizations become a force to disrupt stability when disturbances increase. International organization can intensify international dispute under few circumstance, when it encourages confrontational solutions to problem, when it creates road-blocks to the resolutions of dispute and ect. In international disturbances, international organizations provide greater legitimacy to one of the competing factions, resulting in divisions of moral power, making the support of international organizations a vital instrument of statehood. This is evidence that international organizations can be used negatively or as state tools for their global interests, making it difficult to reach an agreement or disrupting negotiations and exacerbating conflict.

d. *Moral hazard:* One of the international organizations's functions is to provide various kinds of protection, which often have a negative impact because they encourage countries to manage their economies carelessly. Moral hazard can occur in situations where international organizations bear all the costs of social, economic, and political actions for a country. Cost guarantees or insurance provided by international organizations to a country can encourage irresponsible behavior from individuals and the country itself. This is not only detrimental to international organizations but also to the country's society. Thus, in this way, moral hazard can cause destabilization (Gallarotti,1991).

Based on the explanation above, the author believes Giulio M. Gallarotti's concept would suit this research. Since there were a lot of complex issues or problems happening to the North Korean refugees in South Korea, along with

complex disputes happening between North Korea and South Korea, the author believes that the concept of systematical failure by Giulio M. Gallarotti is compatible and to the anaylsis of the failure of the UNHCR with the North Korean refugees in South Korea.

1.7 Provisional Argument

Based on the research background described above, the author concludes that the UNHCR failed to support North Korean refugees because the UNHCR is destabilizing due to the poor and limited management in South Korea. The UNHCR should be a 'bridge' for North Korean refugees by providing information, protection, humanitarian assistance, and even solutions for North Korean refugees to live well in South Korea. The UNHCR should ensure the rights of North Korean refugees to education, livelihoods, and self-reliance by cooperating with the South Korean government, non-governmental organizations, or other stakeholders for peaceful coexistence. However, the UNHCR couldn’t carry out its roles, functions, and goals because of its limitations and due to the laws set by the South Korean government.

1.8 Research Method

1.8.1 Type of Research

In this study, the authors used descriptive qualitative research. Qualitative research is a research method in the form of substantive information obtain through literature studies such as books, reports, and journals related to the

discussion of the UNHCR and the situation of North Korean refugees in South Korea.

1.8.2 Subject and Object of the Research

The subject in this research entitled An Analysis of UNCHR's Failure with North Korean Refugees in South Korea in 2017–2022 is the UNHCR, namely an international organization dealing with refugee problems under the United Nations. The objects of this research are the North Korean refugees who were living in South Korea from 2017 to 2022.

1.8.3 Method of Data Collection

In the data collection method, the author collected the necessary data and information by using the literature study method with academic books, academic and scientific journals, newspapers, scientific articles, UNHCR official websites, the South Korean Government websites, and other documents.

1.8.4 Process of the Research

In the research process, the author collected data by conducting literature reviews or data from valid and trusted sources from books, journals, articles, and websites. The author then conducted a literature review to select the relevant information and data to support the research. After that, the author analyzed the data to answer the research question.

1.9 Thesis Outline

In order to make this research easier to read and follow, the writing of this research has been carried out systematically as follows:

Chapter 1: Introduction

In this chapter, the author explains the background of the research, the formulation of the problem to determine the focus of the research, the purpose of the research or why the research was carried out, the scope of the research to set the limitations of the discussion of the topic so that it is not too broad, the significance of the research to show the relevance of the topics discussed with international relations and problem formulation, a literature review that highlights some of the references used in research, the theoretical basis for analyzing the topic with relevant theories, and finally the research methods to explain the data needed and related to the author's topic.

Chapter 2: UNHCR and North Korean Refugees in South Korea

In this chapter, the author discusses the situation of the North Korean refugees when they arrived in South Korea and also when they officially became refugees in South Korea. It also describes the conditions and journeys of North Korean refugees during the reign of South Korea and North Korea, discussing denuclearization to establish a peace regime that would end the Korean War. The author also explains the dynamic of the UNCHR in South Korea.

Chapter 3: Analysis of Failure of UNHCR With North Korean Refugees in South Korea

In this chapter, the author reviews how the UNHCR failed to protect or manage the North Korean refugees while they were living in South Korea through the limits of international organization concept by Giulio M. Gallarotti.

Chapter 4: Conclusion

In the last chapter, the author provides a brief yet comprehensive explanation of the results of data and information analysis regarding UNHCR's failure to assist and protect North Korean refugees in South Korea. The outcomes of this research are expected to help other researchers as a reference in further research.

CHAPTER 2

UNITED NATION HIGH COMMISSIONER FOR REFUGEES (UNHCR) AND NORTH KOREAN REFUGEES IN SOUTH KOREA

2.1 UNHCR's Dynamics in South Korea

Millions of people have been forced to flee their homes and seek protection in other countries to escape conflict that threatens their safety and freedom. The forcibly displaced people, stateless people, or so-called refugees will be handled by UNHCR so that they continue to have access to basic rights such as Health and Education services. UNHCR provides assistance and protection to refugees in emergencies, advocates for improvements to laws and the asylum system, and helps provide long-term solutions so that they can return to their country or settle in a new country, even though the process takes months to years. In emergencies where refugees are forced to move, UNHCR will try to ensure that refugees reach a safe place by mobilizing life-saving supplies and deploying personnel to provide shelter, water, food, and medical care within the golden time or 72 hours, and help refugee to find their family members who are missing. Speed is critical in emergencies because refugees often cross the border exhausted, hungry, traumatized, and carrying only a few clothes. Ensuring the security of refugees is a core principle of the 1951 Refugee Convention as the legal basis for UNHCR's work (UNHCR Republic of Korea, 2024).

UNHCR works with hundreds of countries and partner organizations to protect and defend the rights of refugees, because refugees can no longer rely on government safeguards that previously guaranteed the human rights and safety of

refugees. UNHCR can provide input and strengthen national laws and systems and support service delivery. Refugees receive assistance in accessing documentation, employment, health services, education, and the right to citizenship. In this process, UNHCR has collaborated and received assistance from lawyers, judges, politicians, students, and civil society groups over the years. UNHCR has assisted nearly one million refugees to find long-term solutions and be able to build a new life in a new country. UNHCR assists refugees to get jobs so they can live on an independent income and ensures that children under 19 years old get an education to build their future. It is important for UNHCR, to find and access long-term solutions so that they can return home or settle in a third country where they can integrate and contribute to the host country (UNHCR Republic of Korea, 2024).

The UNHCR became active in South Korea in 1992 after agreeing to The 1951 Refugee Convention and The 1967 Protocol. South Korea recognized refugee status in 2001, and there has been a significant increase in refugee protection since the 2013 enactment of The Refugee Act because UNHCR considers The Refugee Act to be in line with the 1951 Refugee Convention (UNHCR Republic of Korea, n.d.). The UNHCR's role in Korea is limited because every individual seeking and applying for asylum in South Korea must follow national laws and domestic asylum procedures implemented by the South Korean government. UNHCR helps refugees to build a fair refugee recognition which guarantees protection for refugees, and the UNHCR collaborates with the government, the National Commission on Rights Human Rights, judiciary, legislative bodies, NGOs, civil society, and people interested in improving the asylum and refugee system (UNHCR, n.d.).

2.1.1 South Korean Government Donation to UNHCR Korea

As an international organization that works on humanitarian issues related to refugees worldwide, UNHCR needs funds to be able to accompany, help, and solve refugee problems. The UNHCR not only depends on the annual funds provided by the United Nations but also on donations from its partners. ("Governments | UNHCR" 2021) In South Korea, UNHCR has received donations since 2010, but the donations received were only from private and corporate contributions. The new South Korean government contributed donations in 2013 (UNHCR Republic of Korea | With You-Spring 2012,7) (UNHCR Republic of Korea | With You-Spring 2014,9).

In 2017, the UNHCR Korean Mission received donations from the Korean government amounting to USD 21,845,151. Expenses from this donation were then separated, 15% was used for UNHCR's annual business plan and the remaining 85% was used for humanitarian crisis refugees worldwide (UNHCR Republic of Korea | With You-Spring 2018,13). In 2018, the donation given by the South Korean government to UNHCR amounted to USD 25,389,456. Unlike the previous year, funds for UNHCR's annual business plan were reduced to 13%, while funds for the humanitarian refugee crisis increased to 87% (Stiller 2019, 14). In 2019, the financial donations provided by the South Korean government were similar to previous year, namely USD 25,850,008, and the distribution of funds for annual business plans and for humanitarian crisis refugees was also the same (UNHCR Republic of Korea | With You-Spring 2020,15). In 2020, donations provided by the South Korean government increased from the previous

year, to USD 28,507,097. Likewise, with the distribution of funds, the allocation for annual business plan purposes decreased again to 10%, while the remaining 90% was for humanitarian crisis refugees (UNHCR Republic of Korea | With You-Spring 2021,15). In 2021, the South Korean government donated USD 27,023,846, one million USD less than the previous year, and the distribution of funds returned to 13% for annual business plans and 87% for humanitarian crisis refugees (Lynch 2022,15).

All these funds are used to protect and support refugees worldwide who need help. Examples of health assistance include providing public healthcare, social, and psychological support, legal counseling, food, essential aid, and sanitation facilities such as mats, blankets, kitchen sets, and clean water, especially for refugee camps, to the COVID-19 vaccine (UNHCR Republic of Korea | With You-Spring 2020, 9) (Stiller 2019, 10) (With You-Spring 2021,12). Apart from that, educational assistance such as establishing informal schools and other assistance such as books, stationery, and others can help refugee children (Stiller 2019, 10). The UNHCR also provides legal support to safeguard the rights of refugees, especially small children. This legal support can ensure the temporary protection status of refugees in neighboring countries, ensure new citizenship for refugees and that they do not become stateless persons, and support the issuance of temporary identification documents for refugees (UNHCR Republic of Korea | *With You-Winter* 2020,10) (Fleming 2019,10). In terms of other assistance outside the category, besides providing emergency shelter, the UNHCR provides assistance in the form of cash in several cases. It also helps and protects refugees

until they return to their country safely (UNHCR Republic of Korea | With You-Summer 2020,12).

2.1.2 The UNHCR and the South Korean Government

As of 2017, South Korea is the only country in Asia with special refugee laws. The UNHCR is working with the National Assembly Human Rights Forum and the Asian Human Rights Legislature to evaluate and discuss long-term plans for South Korea's refugee policy. Several government officials also attended this debate forum, members of parliament, and academics with the aim that mid-term and long-term refugee policies can be developed in the context of improving human rights. The same year, during the Humanitarian Day Campaign, the Korean Ministry of Foreign Affairs and KOICA organized and sponsored a Small Film Festival for executives and staff members. The Ministry of Foreign Affairs and KOICA collaborated with the UNHCR to screen a "Borderline" documentary. This UNHCR film encourages staff to be more aware of the issue of displacement and also the activities of activists in the field for humanitarian activities (With You-Fall 2017,12). At the end of 2017, the UN High Commissioner for Refugees, Filippo Grandi visited South Korea for the first time to express his gratitude to the Korean government and was welcomed by Lee Nak-yon as Prime Minister, Kang Kyung-wha Minister of Foreign Affairs, Park Sang-ki Minister of Justice, and Choi Sung-ho chief executive of KOICA. This meeting was a sign that the UNHCR and the Korean Government would continue to work together on international refugee issues and the Korean government's continued support in

UNHCR's long-term activities (UNHCR Republic of Korea | With You-Winter 2017,14).

After the visit of Flippo Grandi, Kelly Clements, the Deputy High Commissioner of UNHCR also visited South Korea in early 2019. Kelly Clements also expressed her thankfulness for Korea's support towards refugees and UNHCR when she met Lee Mi-Kyung, the president of KOICA, Kang Jeong-sik, the Deputy Minister for Multilateral and Global Affairs of the Foreign Ministry, and Kim Oh-soo, the Vice Justice Minister and other. Both parties discussed the role of private sector partners and the refugee crisis, and both agreed that this meeting was an excellent opportunity to continue increasing their role in dealing with the ongoing refugee crisis. Another meeting was held on January 31 with a Memorandum of Understanding (MOU) between Kelly Clements, the Deputy High Commissioner of UNHCR, and Jung Woo-young, the director of KOICA, so that young KOICA Multilateral Cooperation Officers (KMCO) could be dispatched to the UNHCR, Field Offices for two years. This collaboration is indeed a form of the UNHCR's gratitude to the South Korean Government allowing South Korean youth to develop their talents globally and gain international experience. This agreement continues to be implemented by both UNHCR and KOICA every year since 2020, when young workers from KOICA started being sent to the UNHCR head office in the Asia-Pacific region (Stiller 2019, 15). In the same year, on May 2, Kelly Clements held a meeting with Kweon Ki-hwan, Director-General for International Organizations at Korea's Ministry of Foreign Affairs, both of whom agreed to continue to consult regularly and discuss the South Korean government's future steps, the UNHCR's response

to the refugee crisis, and also the implementation of the Global Compact on Refugees (Fleming 2019,12). The Global Compact on Refugees was also discussed again in 2021 at the Forum Commemorating the 30th Anniversary of UN Accession-Future of Multilateralism and the Role of the Republic of Korea as durable solutions for refugee protection (UNHCR Republic of Korea | With You-Winter 2021,15).

In commemoration of World Humanitarian Day 2021, KOICA and KCOC held “2021 Understanding Humanitarian Assistance” online, considering that the world was still dealing with COVID-19. In this event, UNHCR participated in showing a documentary film entitled “Writing to Reach You,” which broadened participants’ understanding of refugee life (UNHCR Republic of Korea | With You-Fall 2021,14). Then, at the end of 2021, the Ministry of Foreign Affairs of South Korea discussed the theme “Discussing the Situation of Conflict-related Sexual Violence in Asia and Women’s Roles in the Peace Process”. This discussion aimed to increase visibility regarding the impact of specific conflicts involving women and girls because to maintain international peace and security, it is vital to recognize their human rights, participation, and protection. The UNHCR was present at this discussion and was represented by the Deputy Director of the UNHCR Bangladesh Office, Sujin Lee, who commented at the sexual violence conflict session focused on Asia that it was important for the Korean government to provide support with an integrated response (UNHCR Republic of Korea | With You-Winter 2021,14).

2.2 South Korea and North Korea Diplomatic Relations

The Korean War occurred on June 25, 1950, because South Korea or the Republic of Korea was a member of the United Nations, the United States, together with the United Nations Command, intervened in the conflict and carried out peace negotiations from 1951. This Armistice Agreement established a demilitarized zone along the Korean peninsula signed by the United States on behalf of the UNC and KPA to end the war on July 27, 1953. After the war, relations between South Korea and North Korea did not go well as both countries competed for legitimacy and international recognition ("Inter-Korean Relations" 2017). The "Sunshine Policy" was formed by Kim Dae Jung in 1998, which separated political issues from economic and humanitarian cooperation and encouraged reconciliation with North Korea. The famine that occurred in North Korea prompted the South Korean government to allow NGOs, businesses, and citizens to provide food and fertilizer aid to North Korea through the DMZ and to establish the Kaesong Inter-Korean Industrial Complex (KIC) near the DMZ after both agreed to start family reunions (NCNK 2009) ("Inter-Korean Relations" 2017).

In early 2017, Moon Jae-in was elected president of South Korea. As a human rights lawyer and child of North Korean refugees, he advocated for peace and prosperity for the Korean Peninsula through dialogue and cooperation, thus it was considered the "Sunshine Policy 2.0" (BBC 2017)(Sang-Hun 2017). Moon Jae In tried to offer humanitarian assistance and family reunions, but unfortunately, North Korea did not respond. Instead, North Korea carried out missile tests and nuclear tests again in 2017, and then declared their country a

nuclear state after the US President, Donald Trump, threatened North Korea for conducting missile tests (Baker and Sang-Hun 2017) (Landler and Sang-Hun 2017).

However, the two parties held face-to-face meetings and discussed the continuation of cross-border military communications and the possibility of Pyongyang participating in the Winter Olympics in 2018. Kim Jong Un's younger brother, even invited Moon Jae In to visit Pyongyang at the opening of the Winter Olympics, before the inter-Korean summit, South Korea's National Security Advisor went to Pyongyang to continue to encourage inter-Korean relations and dialogue with the United States between Trump and Kim to negotiate bilateral nuclear relations. Then, at the inter-Korean summit at the Peace House in Panmunjom, both agreed to carry out "complete denuclearization of the Korean Peninsula" and declare an official end to the Korean war by signing the Panmunjeom Declaration as a sign of peace, prosperity, and Korean unification (Center 2014). This was signed even though North Korea has not yet one hundred percent stopped and abandoned nuclear weapons. North Korea is slowly taking steps towards unification, such as adjusting to the same time zone as South Korea and even destroying a nuclear test site publicly (Ministry of Foreign Affairs, Republic of Korea 2018). Then, the two countries finally opened branch offices at the former KIC location so they could communicate to discuss issues from both countries. At the third inter-Korean summit, President Moon Jae-in gave a speech to the North Korean public, then the two countries signed the "Historic Declaration of Panmunjom in the Military Domain in order to expand the cessation of hostilities between militaries and encourage the inter-Korean

economy with infrastructure such as roads and trains fire which can make it easier for traders. There were also antiviral drugs and other medical drugs provided to North Korean citizens who needed them (Lee 2018) ("Pyongyang Joint Declaration of September 2018" 2018).

The intensity of inter-Korean relations that President Moon Jae had built began to decline with the summit between Trump and Kim Jong Un in early 2019. Inter-Korean relations were also dragged down when relations between the US and North Korea worsened, especially with the COVID-19 pandemic. North Korea isolated itself from the outside world and restricted refugees from going to South Korea (Lee 2020). North Korea also criticized the joint exercises carried out by the US and South Korea (Los Angeles Times, 2020). Then in June, North Korea cut off communications with Seoul and destroyed the joint inter-Korean relations office in Kaesong (Sang-Hun 2020).

Despite what happened, President Moon Jae-in still tried to build good relations between the two countries and even offered the COVID-19 vaccine (Jeongmin 2021). President Moon Jae-in was persistent in trying to restore relations between South Korea and North Korea until North Korea finally expressed its willingness to return on the condition of easing sanctions. Although President Moon Jae-in's diplomatic outreach to North Korea was limited due to tense relations between the US and North Korea, he continued to make diplomatic efforts with North Korea until the end of his term in office in May 2022 (Kim 2021)(Kwon and Ehlinger 2021).

During President Moon Jae In's tenure, despite his effort to build trust and good relations with North Korea so that Korean reunification could be achieved,

North Korea decided to limit it interaction with the international world and cut off communication with South Korea. This can certainly worsen the image or social stigma of North Korean refugees in South Korea, many South Koreans continue to suspect North Koreans of being brutal people and criminals, so they are ostracized. South Korean society may also consider that a soft approach towards North Korea will only be in vain (BOROWIEC 2023).

2.3 North Korean Refugees in South Korea

2.3.1 South Korea Law Enforcement for Refugees

South Korea is one of the countries where the rate of asylum recipients is relatively low, and the process is very complicated. The UNHCR in South Korea even has to collaborate with the government, NGOs, and others to help refugees living in South Korea. The South Korean government provides the characteristics of asylum applicants who can apply for asylum, namely that the individual is outside the country of origin and is in danger such as imprisonment or serious injury because of race, religion, nationality, political opinion, or being in a certain social group considering the Refugee The Convention is also applied without discrimination regarding age, gender, disability, sexuality and other prohibited grounds of discrimination. The Refugee Convention also further stipulates that refugees should not be punished for entering and staying illegally (UNHCR, 2024).

All refugee applications in South Korea are not made through UNHCR but through local immigration offices. Under the Ministry of Justice, the Korean

Immigration Service has the authority to receive, consider, and decide on all refugee applications. The refugee application process goes through three steps. First, after applying for refugee status and receiving a receipt, the applicant needs to contact and ask for help from a free service lawyer through legal-aid NGOs. Second, the applicant will be interviewed by a government officer. During the interview, documents or materials such as experiences of abuse may be sent. Third, the applicant obtains a Refugee Status Recognition Certification from the immigration office and receives several refugee benefits that apply to the Refugee Act of the Republic of Korea and can stay legally for a specific period of time until the applicant can return to their country of origin. On the other hand, if the application is rejected, the applicant can appeal to the Ministry of Justice at the immigration office and can contact UNHCR for counseling. UNHCR as assistance for refugees provides contact information for organizations in several fields such as law which offers free legal consultations and advice, psychosocial which offers mental health consultations and further referrals, as well as living expenses assistance from the government for refugees who are in vulnerable situations (UNHCR Republic of Korea, 2024).

However, North Korean refugees who come to South Korea will be granted South Korean citizenship automatically. In order to achieve unification on the Korean Peninsula, one way for the South Korean government is to uphold universal values such as improving the human rights situation of the North Korean people. The Ministry of Unification, fully responsible for the North Korean refugee resettlement process, formed the North Korean Human Rights Division to record information regarding North Korean Human Rights after the government

passed the North Korean Human Rights Law in 2016 (Ministry of Unification 2016).

The differences in life between North Korea and South Korea in terms of culture and technology, and refugees also not having a financial foundation, of course requires them to learn to adapt, and this is why Hanawon was founded by the South Korean government and funded by the Ministry of Unification. Refugees must learn essential life skills in South Korea for 3 months in Hanawon to adapt to life in South Korea. The initial assistance provided by Hanawon is a place of refugees for those who had no place to live, as living expenses and treatment as well as health services for refugees suffering from chronic diseases, such as providing a Psychological Support Center, are provided. Apart from that, The Korea Hana Foundation also helps North Korean refugees to get jobs and achieve financial independence by carrying out several programs such as industry-specific programs, vocational training programs, work academies for young people, and employment support vouchers. Then, refugees who want to start a new business or work in the agricultural industry will receive personalized consultation, financial assistance, and self-support projects for entrepreneurship skills. In the field of education, the Korean Hana Foundation runs programs such as the English Learning Program, Overseas Training Program, Mentorings Program, Leadership program for young people towards a unified Korea, sending coordinators to schools to help students from North Korea adjust, providing initial university courses as well as scholarships (Koreahana 2021).

2.3.2 North Korean Refugee Dynamics in South Korea

Living under fear of a strict government and ideology makes many North Korean people leave their country and seek freedom in other countries such as Germany and the United States based on UNHCR registration, and many North Korean refugees also choose South Korea. The borders of North and South Korea are closely monitored by both countries, as well as the Korean Demilitarized Zone, making North Korean refugees stop by in countries that have good relations with South Korea for reunification, such as Thailand, Cambodia, Laos, and Vietnam, but many refugees also leave via Russia or China (Wallach 2023).

Graphs 1. Total number of North Korean refugees in South Korea



Sources: Ministry of Unification (Dec 2022)

The number of North Korean refugees entering South Korea from 2017-2022, the numbers experienced a significant decrease because inter-Korean relations built by President Moon Jae In at the beginning of 2019, decreased due

to problems that arose between North Korea and the US. This made North Korea distance itself from the international world again, cutting off communication relations with South Korea and restricting North Korea from going to South Korea. In fact, in 2018, inter-Korean relations improved with the Panmunjom Declaration, and North Korean refugees who went to South Korea in search of a better life can be seen in the bar graphic, which is still stable. With the spread of the COVID-19 virus in early 2020, North Korea closed the border so tightly that it was almost impossible to cross the border between South Korea and North Korea. Other factors such as the condition of South Korea being less welcoming to North Korean refugees, the issue of North Korean refugees being used by the conservative government to degrade North Korea and human rights violations that occur in North Korea, the South Korean government reducing aid to North Korean refugees (King 2021).

This is not without reason, at the beginning of 2019 the death of a refugee mother and child from North Korea occurred not long after the South Korean government reduced humanitarian aid to allocate it to an inter-Korean project with Pyongyang. Apart from that, at the end of 2019, the South Korean government forcibly and without publication repatriated two North Korean sailors to Pyongyang without providing access to lawyers, a court hearing, or filing an appeal because they were suspected of killing 16 of their shipmates to escape to South Korea. Unpleasant news about the difficulties of life in South Korea was of course highlighted by North Korea for its propaganda campaign so that the number of North Koreans fleeing to South Korea continued to decrease during Moon Jae In's presidency (King 2021).

The differences in life between North Korea and South Korea in terms of culture and technology, and refugees also do not have a financial foundation, of course, requires them to learn to adapt, and this is why Hanawon was founded by the South Korean government and funded by the Ministry of Unification. In the Korean Hana Foundation survey in 2017 regarding the reasons for dissatisfaction with life in South Korea, 58 percent of North Korean refugees experienced 'economic difficulties', 31.7 percent were 'prejudice and discrimination against North Korean refugees', and 25.3 percent were 'Inequalities seriously between my abilities and what I want to do'. It can be concluded that economic factors are the main reason that drives North Korean refugees to leave North Korea. The bias and discrimination experienced by North Korean refugees is also a factor in refugee dissatisfaction. Living side by side, refugees and the community experience cooperative relationships or conflict in everyday life. The South Korean government's policy of support and expansion of aid has made people have a negative attitude towards North Korean refugees (Gyubin Choi 2018).

In Graphs 1. the total number of North Korean refugees in South Korea as of 2022 was 33,882, and 70% were women. The root of this problem is North Korean culture and politics which is very patriarchal and leads to poverty. North Korean women as housewives are forced to work in Northeast China as textile factory workers or in restaurants informally to meet their family's living needs, and some of these women finally decide to leave to South Korea in search of better work and life opportunities (Libertyinnorthkorea 2019).

Around 50% of North Korean refugees suffer from PTSD due to experiencing or witnessing torture, surviving trafficking, and leaving their

families in North Korea. In addition, many refugees have physical health problems such as dental problems because the health services provided in North Korea are lacking (Libertyinnorthkorea 2019). This certainly affects the refugees' initial learning period at school and when they have to undergo retraining and requalification to get the jobs they previously had in North Korea.

There are surveys that show 15% have suicidal thoughts due to extreme trauma, but many of them do not seek help nor know where to find it (Williams 2021).

Therefore, Hanawon provides a Psychology Support Center at the health center of Hanwon, which offers counseling and outpatient care for refugees after graduating from the Hanawon program. The Hanawon Health Center also provides dental care such as dental prostheses because the majority of North Korean Refugees also really need dental care due to years of poor diet. Apart from dentists, there are also other doctors such as pediatricians, gynecologists, and traditional Korean oriental medicine (Korea JoongAng Daily 2023)(Da-gyum 2022).

The bad stigma of North Koreans among South Korean society, and the lack of educational background of North Korean refugees makes them less trusted or looked down upon. Even though South Korea provides intensive care for North Korean refugees so they can work and improve their skills, and vice versa for companies in South Korea, many refugees are ignored during interviews. Based on data available in 2018, only 11.1% of refugees held professional positions, 11.7% were workers in equipment, machinery, assembly and operations, 18.1% were service workers, and 22.5% worked in unskilled positions. Compared with

South Koreans, whose workers hold professional positions as much as 20.5% and whose unemployment rate is only half the unemployment rate for North Korean refugees which is 6.9%. Based on the National Assembly Research Service, 24.4% of North Korean refugees receive guaranteed benefits. social status that is seven times higher than South Koreans, but North Korean refugees, of course, still need to get jobs with higher salaries and ranks so that North Koreans can continue to adjust further in South Korea. In response to this, the Ministry of Unification increased the salary of Korean Refugees in 2019 from 2,047,000 won to 2,277,000 won even though the quality of refugee employment has not improved. Therefore, the Ministry of Unification, together with related ministries, are coordinating together to improve the system, including Hanawon, which provides 372 hours of courses, with various topics such as languages, computers and childcare, and driving, this course is opened voluntarily for refugees (Da-gyum 2022).

North Korean refugees who are under 19 years enter Hanadul school, specifically for North Korean refugee children to build their identity as citizens of the Republic of Korea and develop and restore self-confidence, self-esteem, emotional stability, basic academic skills, and understanding about South Korean schools and society. Meanwhile, kindergarten and middle school students attend Samjuk Elementary School, Anseong, and participate in after-school activities at Hanawon particular school. The inequality experienced by adult North Korean refugees also applies to underage children. The diverse backgrounds of each child make North Korean refugee children discouraged or develop insecurities because it is difficult to catch up and is even looked down upon by other children. Children in middle school, high school, and universities fall behind their South Korean

peers and other challenges make some of them decide to drop out (Da-gyum 2022).

Overall, the acts of discrimination experienced by North Koreans still continue. An annual study from the Korean Hana Foundation stated that of the 3,000 who filled out the survey, 17% of them had experienced acts of discrimination within 12 months, and cultural differences in terms of accent, way of speaking, manners, and lifestyle, were the reasons they were discriminated against. Then, around 23% were widely criticized because the education level and work skills of North Korean refugees were not the same or lower than their South Korean counterparts. As many as 44% even said they were treated differently because they came from North Korea, this is what makes many North Korean refugees not say where they come from (Ryall 2021).

CHAPTER 3

ANALYSIS OF FAILURE OF UNHCR WITH NORTH KOREAN REFUGEES FROM THE SYSTEMATIC FAILURE OF INTERNATIONAL ORGANIZATION CONCEPT

3.1 Managing Complex, Tightly Coupled System

An international organization plays a role in resolving and managing international problems and relations, but when the problems or relationships being managed are complex and very closely related, it is difficult to predict the outcome. The complexity and uncertainty of many interrelated variables result in systematic outcomes. This causes the solutions offered by international organizations to exacerbate the problem with unexpected side effects and disrupt stability. (Gallarotti 1991, 193-194) The UNHCR as the UN Refugee Agency seeks to help refugees by providing protection and also advocating so that refugees obtain basic rights by working together with the government and partners. The UNHCR collaborates with the government and legal institutions in South Korea to assist North Korean refugees in fulfilling requirements to receive protection following international standards and guaranteeing their legal rights and work rights which are recognized by the South Korean government (UNHCR Republic of Korea, n.d.).

All North Korean refugees in South Korea who take part in the resettlement process in Hanawon are handed over to the NIS and must undergo mandatory checks and lengthy investigations for the sake of state security. This process has received a lot of criticism because of the politicization of refugees and the threat to the security and welfare of refugees due to human rights violations,

such as abuse committed by interrogators (Koreahana 2021). In one case, a North Korean refugees named Yu Wu Sung was accused of spying for North Korea and sharing information with other refugees while in South Korea. The NIS pressured Yu Wu Sung's sister to prosecute her as a spy, but in reality her sister was held in solitary confinement for hundreds of days and beaten by officers to report to the NIS, then after stating she was forced, Yu Wu Sung was only punished for hiding her identity as a Chinese citizen and abusing her identity. Yu Wu Sung had to finally pay for the assistance she received from the South Korean government (Poorman 2019, 104). This case made the author conclude that UNHCR failed to provide assistance and protection to North Korean refugees. On the other hand, if UNHCR collaborates with the government, Ministry of Justice to provide advocacy for North Korean refugees to receive legal assistance during interrogation by the Korean NIS, refugees can avoid all forms of abuse or human rights violations that can be carried out by the Korean NIS and then the refugee can continue the resettlement process in Hanawon. However, due to many unexpected variables, if the individual with refugee status turned out to be a spy from North Korea, this could certainly endanger South Korea, and the UNHCR as an international organization would fail to carry out its role because the South Korean government would increase the security process and harm other refugees in the future. The complexity of security carried out by the South Korean government and also the inter-Korean diplomatic relations has given rise to unexpected variables that could make the problem worse.

3.2 Adverse Substitution

A country requires costs to resolve complex international and national problems, such as political, social and economic costs, and these costs are certainly not small. According to Guillio M. Gallarotti, international organizations can provide affordable solutions and resolutions only temporarily or the resolutions are not substantive because the jurisdiction of international organizations is limited. However, this encourages distabilization to occur because it allows countries to avoid solutions and resolutions that are substantive and expensive. Many countries end up involved in controversies in international organizations in the form of ceremonial forums rather than bilateral or multilateral negotiations to create policies and actions to resolve existing problems. This can certainly worsen the existing situation because existing time and resources are not used to the maximum (Gallarotti 1991, 200-201). In Asian countries, only South Korea has special refugee laws, and in 2017 UNHCR, the Asian Human Rights Legislature and the National Assembly Human Rights Forum discussed and also evaluated South Korea's refugee policy in order to improve human rights across the subsequent few years (UNHCR Republic of Korea |. With You Autumn, 2017).

Despite that, there are still many North Korean who are discriminated by South Korean people, in their house, work environment, and also at school. North Korean refugees who come to South Korea are certainly had trauma, PTSD, anxiety disorder, ect because they have experienced various kinds of mental and physical torture. Survey data indicates that approximately 50% of refugees experience PTSD, and 15% even show the desire to commit suicide due to

extreme trauma. Kwon Chol Nam, a North Korean refugee who lives isolated in a small room on the outskirts of Seoul, wants to return to North Korea because of the bad stigma among South Korean citizens. The South Korean citizens consider him backward so he is ostracized and not treated like a human being by them. Kwon also doesn't have a job because his income as a laborer used to be very small or he wasn't even paid. He was even imprisoned because he wanted to escape back to North Korea but failed. There are many North Korean refugees like Kwon. Even though The Korea Hana Foundation provides many programs so they can get jobs, many of them still get jobs with low incomes so the unification ministry has to add courses. Not only that, a lot of North Korean children in school choose to drop out due to low self-esteem and can't keep up with studying like their South Korean peers. The Korea Hana Foundation did an annual study that stated 17% of the 3000 refugees who had filled out a survey had experienced discrimination due to their cultural differences, 23% were criticized because of their education and work background, and 44% were treated differently just because they came from North Korea. This proves the importance of solutions and resolutions in promoting human rights, not only in formal discussions but also to the wider community (Ryall 2021). Since 2017, UNHCR has cooperated extensively with the South Korean government regarding human rights issues and the issue of displacement or refugee crisis through meetings, forums, and campaigns. Based on the data that the author presented in Chapter 2, there are still many North Korean refugees who experience discrimination from all ages in the social and economic fields because these campaigns and forums cannot spread evenly to South Korean society. UNHCR is destabilizing or can be said to have

failed because it has continuously carried out its role of protecting and defending the rights of refugees for years with the same activities but the discrimination remains and is widespread. In fact, many long-term solutions can have a big impact and substantive that UNHCR can provide to the South Korean government, such as holding classes about refugees in all schools every few months so that they receive proper education about the refugee crisis so that discrimination towards North Korean refugees can be reduced.

3.3 Dispute Intensification

According to Guillio M. Gallarotti, international organization can intensify international dispute when it encourages confrontational solutions to problem and when it creates road-blocks to the resolutions of dispute. International organizations also intensify an international conflict because international organizations provide an imbalance of moral power or legitimacy to one country as well several other conditions such as confrontational problem solving on the part of international organizations and hindering dispute resolution. This makes it difficult to reach an agreement because it disrupts the negotiation process, thereby exacerbating existing problems. Therefore, support from international organizations can be an important instrument in statehood (Gallarotti 1991, 194 & 204).

In 2021, UNHCR represented by Sujin Lee, Deputy Director of the UNHCR Bangladesh Office attended a discussion held by the Korean Ministry of Foreign Affairs "Discussing the Situation of Conflict-Related Sexual Violence in Asia and the Role of Women in the Peace Process" which aimed to increase the

visibility of the impact of sexual violence which happens to women and children considering the importance of maintaining international peace and security, recognizing human rights. In this discussion, Sujin Lee expressed the opinion that the South Korean government needed to provide a consolidated response and support to the focused sexual violence conflict session in Asia.

Based on Figure 1, 33,882 people or 70% of the number of North Korean defectors living in South Korea are women, this is due to several reasons such as the strict North Korean government system which controls and monitors men so that it is difficult for them to defect to other countries, and that many North Korean women or housewives are forced to work as workers in textile factories or restaurants in Northeastern China. They ultimately choose to defect to South Korea for the opportunity to find a better life so they can support their families, and to break away from North Korea's patriarchal political and cultural system. (Libertyinnorthkorea 2019). In 2007-2009 was also the peak of North Korean women defecting, which is the time when many women ended up being trafficked, forced to work or marry, enslaved in commercial sex exploitation, forced to have abortions, and even be separated from their children when they were old. Women are easy targets for exploitation and trafficking because the profits are bigger (Poorman 2019, 110-112). At least 60% of female North Korean defectors in China are sex trafficked, according to recent estimates from the Korea Future Initiative. And once they're in South Korea, they could still face serious sexual harassment or assault. It is believed that 1 in 5 South Korean women are victims of such crimes. Meanwhile, around 1 in 4 women defectors experience sexual

violence after resettling in the South, according to a 2017 survey (Jeongmin Kim, 2020). .

Now, the issue is even more front and center: several North Korean women refugees say they've been raped and sexually assaulted by South Korean intelligence and police officers who were tasked with protecting them. But as is the case with many sexual assaults, these refugees have been met with overwhelming doubt and blame (Jeongmin Kim, 2020). Many refugees rely on a network of secret routes and safe houses, set up by Korean pastors inspired by the Underground Railroad, the secret passages enslaved African Americans used to escape to free states from the late 1700s until the American Civil War. A South Korean pastor once hailed as a hero for helping North Korean refugees escape to safety has been jailed for sexually abusing minors. Chun was head of the Christian aid organization Durihana, which he claimed had helped more than 1,000 refugees reach Seoul since 1999 (Seo and Yeung 2024).

According to the organization's website, it runs a boarding school for North Korean children to be “taught the Christian faith.” Chun Ki-won was sentenced to five years in prison for abusing six teenage victims between 2016 and 2023, all of whom were either North Korean refugees or children of refugees, according to the Seoul Central District Court. Chun was found to be in violation of the Act on Sexual Protection of Children and Adolescents, according to the Seoul Central District Court (Seo and Yeung 2024). UNHCR confronted the South Korean government to resolve the problem of sexual violence that occurs in Asia, however, because this issue is sensitive, and if the government is not careful in dealing with it, victims who are being captivity could be threatened so the

problem becomes bigger. Based on the sexual assault case that occurred, UNHCR also created a road-block of solving the problem because UNHCR should have carried out its role by providing information, protection, and assistance to refugees from the Christian aid organization Duirihana when they first arrived in South Korea so that this issue could be avoided.

3.4 Moral Hazard

Guillio M. Gallarotti stated that an international organization is in a situation of moral hazard and causes stabilization when a country is not obliged to bear the costs or otherwise receives insurance costs in social, economic, and political actions in full and can charge these costs by sharing risks to other countries. The basic problem of international organizations helping to provide insurance to a country to prevent bad things from happening sometimes actually encourages irresponsible behavior by individuals from that country (Gallarotti 1991, 193 & 209).

The UNHCR has been working with South Korea since 2010 as a partner to collect donations from the government and the private sector consisting of individuals, companies, and foundations. Funds collected from 2010 were recorded and reported in the With You newsletter that is published by UNHCR every year in a special spring edition. Reports of donations given from 2017 to 2021 from the government amounted to approximately 25 million USD, while in the private sector, donations collected ranged from 35 million USD to 55 million USD. However, unfortunately, these donations were not channeled to North

Korean refugees because, 85-90% of the donations collected from the government The donation from South Korean government for UNHCR did not reach North Korean refugees were allocated to the global refugee crisis, and the remaining 10-15% was used for UNHCR's annual business plan. Donations from the private sector were used for emergency relief for countries in need, such as the Middle East and East Africa, global shelter campaign, and so on (UNHCR Republic of Korea, 2017)(UNHCR Republic of Korea, 2020).

In this case, it can be seen that the UNHCR organization, in dealing with North Korean refugees had no possibility of moral hazard because the South Korean government provides protection or guarantees to North Korean refugees when they have obtained South Korean citizenship, namely in the form of resettlement support, money and accommodation, employment services, and access to healthcare. UNHCR cannot be said failed or destabilized this section because providing cash assistance is not the role of UNHCR for North Korean refugees in South Korea.

CHAPTER 4

CONCLUSION

4.1 Conclusion

This research aims to analyze why the UNHCR management experienced failure when managing North Korean refugees living in South Korea from 2017 to 2022 using the concept of the limits of international organization. In this research the author carried out a comprehensive analysis using the concept initiated by Giulio M. Gallaroti, which states that there are four general reasons why an international organization can fail systematically, namely: (1) managing a complex, tightly coupled system, (2) adverse substitution, (3) dispute intensification, and lastly (4) moral hazard. Here, the author concludes the results of the analysis of UNHCR's failure to manage North Korea refugees in South Korea, using the perspective of Gallaorti's study on the limits of international organizations.

First, international organizations that manage complex and closely interconnected systems or problems can cause management instability even though the existing systems or problems are managed successfully (Gallarotti 1991, 192). This can happen because it is difficult to predict the impact of feedback from systems and problems, making it impossible to manage them without periodic crises. With an inability to avoid crises, international organizations that aim to manage and resolve problems can actually worsen or cause other problems that cannot be predicted, thus disrupting stability (Gallarotti 1991, 193-194).

The UNHCR aims to guarantee the protection and rights of North Korean refugees during the resettlement process by collaborating with sections of the South Korean government, such as the National Commission on Human Rights, Immigration and Foreigners Policy Headquarters under the Ministry of Justice and also various lawyers and NGOs. This is the established mission of UNHCR Korea. However, the relationship between the North Korean and South Korean governments is very complicated due to other problems there will be many unexpected variables, if the individual with refugee status turned out to be a spy from North Korea, this could certainly endanger South Korea, and the UNHCR as an international organization authomatically fail to carry out its role because the South Korean government would increase the security process and harm other refugees in the future and what is more worrying is that this not only happens during the resettlement process but also after the resettlement process is complete.

In regards to adverse substitution, Gallarotti explained that international and domestic problems or disputes require political, economic, or social costs in their resolution. International organizations can help countries provide short-run or temporary solutions and resolutions to problems. This act apparently reduces the state's incentive to look for more substantive alternative solutions because more substantive problem-solving is usually more expensive (Gallarotti 1991, 199-200).

UNHCR has cooperated extensively with the South Korean government regarding human rights issues and the issue of displacement or refugee crisis through meetings, forums, and campaigns. At the Asian Human Rights Legislature forum and the National Assembly Human Rights, UNHCR took the

opportunity to discuss and evaluate South Korean refugee policies to improve human rights in the following few years, considering the many acts of discrimination received by North Korean refugees, in their living, working and school environments. The South Korean government is taking action to develop programs at The Korean Hana Foundation so that they can better assist North Korean refugees, in interacting and living side by side with South Korean citizens and there are no gaps or delays in obtaining their rights as South Korean citizens. However, discrimination against North Korean refugees, still continues to occur and even encourages them to migrate further abroad to countries such as Canada or the United States and also because these campaigns and forums cannot spread evenly to South Korean society. This proves that the government is not really want to provide solutions and UNHCR is destabilizing or can be said failed because it has continuously carried out its role of protecting and defending the rights of refugees for years with the same activities but the discrimination remains and is widespread.

The third general way is dispute intensification. International organizations are widely used as state tools to advance global interests because of the moral power or legitimacy that exists if international organizations side with a state, but Gallarotti explained that when there is a dispute, international organizations can also disrupt stability when resolving dispute confrontationally, or when it creates road-blocks to the resolutions of dispute and becoming a confrontational state weapon and creating obstacles in resolving dispute. This results in international organizations moving away from being a means of resolving a dispute and towards worsening the dispute (Gallarotti 1991, 204).

North Korean refugees who live in South Korea, 70% are women. This certainly makes crimes against women and children unavoidable, even with the UNHCR confront the South Korean government to provide support regarding handle the sexual violence which often occurs in Asia but if it not manage carefully it could be a dengerous information because it can be a idea for someone to started the same crime. UNHCR also can creates road-block if it didn't properly play it roles to assistance information and legal support for new refugees. Confrontational actions from the UNHCR could intensify the dispute which often brutally violates women's human rights or when it creates road-blocks to the resolutions of dispute, this is how UNHCR's role can be used to disturb resolution instead of successfully helping refugees.

The last is moral hazard. According to Gallarotti, international organizations can be a source of moral power. The basis of management is to prevent crises or guarantee protection against the bad effects of social, economic and political crises by providing insurance or funds , but these actions can reduce the incentives of states or countries to be irresponsible and cause bigger issues. The South Korean government is strict about the resettlement process for refugees and North Korean refugees, and the UNHCR roles and functions are limited by South Korea national laws and domestic asylum procedures. This, this last general way cannot be applied or analyzed by researchers. The UNHCR is not responsible for providing assistance in the form of money to North Korean refugees because after following and passing the resettlement process, the South Korean government is fully responsible for providing assistance such as money, housing, employment subsidies, social welfare such as medical care and pension

exceptions, education support for tuition, to settlement assistance(Gallarotti 1991, 209).

Based on the research, author can be conclude that UNHCR failed to deal with North Korean refugees because it met the three criteria out of four systematic failure of international organizations from the limits of international organizations by Giulio M. Gallarotti. The role, function, and goals of UNHCR towards North Korean refugees naturally encourage the organization to failed instead helping the refugees. The amount of discrimination that occurs against North Korean refugees in work and educational environments puts quite a lot of mental pressure on the refugees, many of them even want to return to North Korea or move abroad to countries such as the United States. The UNHCR should be able to establish better relations with the government, Ministry of Justice, Ministry of Unification and NGOs to find ways to help North Korean refugees.

4.2 Recommendations

This research aimed to analyze the issue of the limitations of international organizations in the issue of the UNHCR's failure to manage North Korean refugees in the years from 2017 to 2022. Therefore, the author hopes that further research can continue a more in-depth analysis using other theories, concepts and methods in the future. When writing this research, the researcher encountered several obstacles such as a lack of understanding of the language, especially Korean, and a lack of English-based academic journals that discuss this research topic. The researcher recommends that further researchers collaborate with institutes that help North Korean refugees .

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