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A Matter of Survival

The North Korean Government's Control of Food and the Risk of Hunger

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I. Summary

I personally know about fifteen people who died of hunger. In the case of an acquaintance of mine, her entire family died. There were so many deaths; we got used to seeing dead bodies everywhere – at train stations, on the streets. The year 1997 was the worst, and then things got better, because everyone began selling stuff at markets. That's how we all survived.

Ms. Kim, escapee from North Korea in 2005

In the mid to late 1990s North Koreans experienced a famine that killed an estimated one million people, or about 5 percent of the population. Hundreds of thousands of others fled to China to find food for themselves and their families. Many who survived suffered long-lasting or permanent damage to their health. Although conditions in North Korea have improved since that time, the North Korean government seems today to be reverting to many of the policies that contributed to the famine.

The famine in the 1990s resulted from a deadly combination of factors: the state's monopoly on food and its discriminatory distribution to favored classes of the population, particularly cadres of the ruling (North) Korea Workers Party and high-ranking military, intelligence, and police officers; the degradation of the country's agricultural capacity; and environmental disasters, such as drought and flooding, that contributed to a series of poor harvests. Underlying and exacerbating this were some of the world's most severe restrictions on basic rights, such as freedom of expression, association, information, and movement, which made it impossible to publicly complain, discuss, debate, or disseminate information about food problems. These restrictions remain in place.

After a long period of unnecessary suffering, the government of Kim Jong Il belatedly allowed the limited opening of North Korea to foreign food aid, tacitly accepted private distribution of food through market sales, and tolerated greater, albeit unofficial, freedom of movement as people were finally allowed to go in search of food or the funds to pay for it. It is unclear if these reforms resulted from a concern for the welfare of North Koreans or fears of political instability from a more and more restive population.

The government in Pyongyang now seems to be reversing course. In September 2005, North Korea's Deputy Foreign Minister Choe Su-Hon asked U.N. Secretary-General Kofi Annan to discontinue the World Food Programme's (WFP) emergency food assistance to North Korea by the end of the year. Choe cited a good harvest as the reason for the request, said food aid "cannot go on forever," and accused donor countries led by the United States of trying to "politicize humanitarian assistance, linking it to the human rights issue."¹ When saying that food aid "cannot go on forever," Choe apparently was excluding the large and indispensable amounts of food aid still provided by South Korea and China, which do not insist on rigorous monitoring of how the food is distributed. At the same time, North Korea asked WFP, which had been feeding millions of the nation's most vulnerable people for a decade, to end emergency food aid and focus on long-term development aid. The WFP said there continue to be short-term food needs, as well as medium- and long-term needs.² Pyongyang also asked most resident humanitarian agencies in North Korea to wrap up their operations and leave.

Effective on October 1, 2005, the government again banned the private buying and selling of grain, the main source of nutrition for most North Koreans. It sent instructions to normalize the nation's rationing system, called the Public Distribution System (PDS), which has been barely functioning since the mid-1990s, to all cities and counties, and followed up with meetings with provincial officials in the same month. WFP later confirmed the implementation of the instructions in several periodic reports on its operations inside North Korea.

North Korea has long used rationing as a means to control its population. By banning people from buying and selling grain, it has forced them to rely on the state for their most basic needs. Until the food crisis in the 1990s, the PDS had been the only legal means of obtaining food and most other goods in North Korea's command economy for more than forty years. Under this system, North Koreans could generally only receive state ration coupons through their places of work or study. Even during the famine of the 1990s, when most North Koreans began to obtain much of their food on the private market, the PDS officially continued to be the primary provider of food. Since the famine, the PDS has provided only a small portion of the food most North Koreans consume, and has become significantly less important.

¹ "North Korea Rejects U.N. Food Aid," BBC News Online, September 23, 2005.

² As of this writing in late March 2006, the two sides had yet to reach agreement on WFP's future work in North Korea.

The reversion to the PDS as the sole means by which the population can legally obtain grain is particularly worrisome, as a critical cause of the famine was the failure of the PDS to deliver food to large segments of the population. In the past, the authorities have implemented the system in a discriminatory manner, distributing food and other goods to elites and preferred citizens while others went without. The government has a long history of distributing food first to trusted citizens, stocking some as part of its “war-preparation storage,” and only then distributing the rest through the PDS, even if some or many North Koreans go hungry in the process.

While North Korea enjoyed a good harvest in 2005 and receives substantial food aid from South Korea and China, there are no grounds for complacency about the food situation in North Korea. Even before the famine of the 1990s, the vast majority of North Koreans suffered from a deficit of food. Now, under improved circumstances, many still do. WFP’s most recent nutritional survey shows that many children under the age of six still have poor nutritional status; a significant percentage meets the criteria for a severe health concern. Among children under six they surveyed, 37 percent were stunted (too short for their age), 23.4 percent were underweight; and 7 percent were wasted. A report by WFP in late 2005 shows that following the government’s decision to fully reinstate the PDS, some households surveyed by WFP staff were receiving far less food than the average target ration of 500 grams per person per day, an amount nutritional experts regard as the minimum to maintain a normal level of health.

Human Rights Watch takes no position on whether North Korea should have a market economy. But it is clear from the devastating famine and pervasive hunger of the past—well documented by the United Nations and nongovernmental organizations (NGOs)—that the PDS and the country’s official food industry miserably failed North Koreans. Huge numbers of North Koreans died painful deaths from starvation when the PDS failed, and there is no reason to believe that North Korea is now capable of providing adequate food to all its citizens through the PDS without discrimination.

Hunger in North Korea has a strong state policy dimension. While topography and environment surely contributed to the famine of the 1990s, a critical factor was the government’s willingness to sacrifice the rights—and lives—of those it perceives as disloyal or class enemies. North Korea is one of the most closed societies in the world. Free speech is unknown, and even well-intentioned criticism of the policies that produced so much suffering can be severely punished.

Human Rights Watch urges North Korea not to revert to the PDS as the only legal means of feeding its people. It must not close off avenues for obtaining food outside the discriminatory and inadequate state rationing mechanism. Foreign aid has proven effective in ensuring that the needs of the most vulnerable are met. Private farmers' markets have helped alleviate the problem of supply, saving many from starvation (a survey by the South Korean aid organization *Good Friends* in 2000 found that 100 percent of the 1,027 North Koreans who responded said that the existence of farmers' markets helped their livelihood). These may not be the only solutions—food experts and economists may be able to suggest others—but they may be the only available short-term options for ensuring that large segments of society are not once again pitched into starvation or life-damaging nutritional inadequacy.

The right to be free from hunger is not only a core humanitarian concern, but also a human rights imperative. Although it has espoused a policy of extreme self-reliance and isolation from the world, North Korea has also joined the keystone international treaties that make up a universal bill of rights. It is bound by international law to dedicate available resources—including available foreign aid—to ensure its population's right to adequate food.

The international community has recognized the right to adequate food and to the highest attainable standard of health in the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which North Korea is a party. This right is so fundamental to human dignity that the U.N. body responsible for interpreting and evaluating compliance under the treaty has required even the poorest countries to commit themselves to providing a minimum level of food to the extent of their available resources, including available foreign aid.

Moreover, states are obliged to ensure that the rights to food and health are guaranteed without discrimination of any kind as to political or other opinion, national or social origin, property, birth or other status. If it is to comply with its treaty obligations, the government of North Korea must not rely on a distribution system which is designed to reward loyalty to the state and punish those who are perceived as less politically deserving of state protection. At the very least, North Korea should accept WFP's new offer of assisting 1.9 million of the country's most vulnerable people. If it does this, and distributes all available food equally and fairly, in the short term the country may be able to curtail hunger and avoid another devastating famine should future harvests fail.

* * * * *

North Korea rarely publishes reliable data on basic facts of life in the country. In the few exceptional cases when it does so, the data is often limited, inconsistent, or otherwise of questionable utility. North Korea almost never allows foreigners to conduct research in the country. The research for this report was carried out in the context of these limitations.

Human Rights Watch consulted a variety of sources for insights into North Korea's food situation, taking into account the sources' expertise, experience, and access to North Korea. Human Rights Watch interviewed North Koreans who resettled in South Korea, economists, food experts, and officials from aid agencies and the South Korean government. It also reviewed documents from the Food and Agriculture Organization of the United Nations (FAO), WFP, and other reports by U.N. agencies, South Korean researchers, and international analysts.³

Human Rights Watch does not have access to people inside North Korea who could give firsthand accounts of current developments. This, of course, is because it is North Korean government policy to keep conditions inside the country secret from the rest of the world, even when information would lead to desperately needed assistance. Human Rights Watch did, however, interview North Koreans in South Korea who described their personal experiences before, during, and after the famine of the 1990s. Except for one North Korean interviewee who is well known for his work as a human rights activist, only the last names of interviewees are used in this report to protect their families in North Korea.

³ It is difficult to obtain accurate data on North Korea's grain production. The FAO/WFP, the United States Department of Agriculture, and South Korea's Rural Development Administration publish the only reliable data sets, though each uses a different approach. The three sets of data roughly correlate, particularly with respect to trends in grain production. The data from FAO/WFP divides yearly production in November-October periods, rather than January-December periods. Those figures include projected production, although they are subsequently updated. As a result of North Korea's demand that WFP end emergency food aid at the end of 2005, WFP and FAO were not allowed in the country to carry out a production assessment survey in 2005. The United States Department of Agriculture's data includes only major grain such as rice, maize, wheat, and barley produced in cooperative farms, and omits other grain produced at cooperative and private farming lands. South Korea's Rural Development Administration estimates the amount of all grain produced at both cooperative and individual farms, analyzes production after harvest, and has been consistently releasing data for decades.

II. Background

North Korea is among the world’s most repressive states. Virtually every aspect of political, social, and economic life is controlled by the government. Basic services, such as access to health care and education, are parceled out according to a classification scheme that divides people into three groups—“core,” “wavering,” and “hostile”—based on the government’s assessment of their and their family’s political loyalty. The classification scheme determines how much access an individual or family has to basic necessities and services, including food, medicine, higher education, and good jobs. The elite—high-ranking Workers Party officials, and military, intelligence, and police officers—enjoy access to the best of everything available in North Korea. Those labeled members of the “hostile” class, such as former landowners, collaborators during the Japanese occupation of the Korean Peninsula, and families of defectors and escapees who made their way to South Korea, are at the bottom of the state’s priorities.⁴

There is no freedom of expression, association, or religion. The judiciary is neither impartial nor independent. There is no organized political opposition, no labor activism, and no independent civil society. There is no freedom of the press in North Korea. All media are either run or controlled by the state. All TVs and radios are wired so that they can receive only state channels. All publications are subject to supervision and censorship by the state.

According to U.S. and South Korean officials, up to 200,000 political prisoners are believed to be toiling in prisons. Collective punishment is reportedly common, as the families of those accused of disloyalty to the government and party are often imprisoned themselves, or sent to remote mountainous areas. Non-political prisoners, the number of which is unknown, are also mistreated and endure at times appalling prison conditions.

North Korea’s present totalitarian state was formed in 1948, three years after the Korean peninsula was liberated from Japan at the end of World War II. With Soviet support,

⁴ There have been anecdotal South Korean press reports indicating, after a decade of private trades, there is a growing class of the newly rich, who don’t always belong to the elite class, but nevertheless have much better access to food and other necessities than the rest of the population. Because of lack of access to North Korea, however, it is difficult to confirm exactly who make up this new “class,” and how widespread such phenomena are. Park Dae-han, “Economic Polarization in North Korea,” *Yonhap News*, February 23, 2006.

Kim Il Sung, with his credentials as a guerrilla fighter against Japanese forces, emerged as the leader of the Democratic People's Republic of Korea. The Korean War began in June 1950 when North Korea attacked South Korea in an attempt to forcibly unify the peninsula. The war lasted three years, cost millions of lives, and—after interventions by a U.S.-led United Nations force on behalf of South Korea, which fought against North Korean forces supported by Chinese forces—ended with more or less the same border as had existed before the war.

When the war ended in 1953, both North and South Korea were among the world's poorest nations, but the two countries went in drastically different directions. North Korea adopted the ideology of *juche*, or self-reliance, and a cult of personality that deified Kim Il Sung, called the “Great Leader,” and later his entire family, including his son and eventual successor Kim Jong Il, the “Dear Leader.” North Korea increasingly isolated itself from the world, except for its interactions with its communist allies. South Korea pursued more market-based economic development under successive dictatorships. In the 1980s, South Korea’s military leaders agreed to allow direct presidential elections under public pressure and the country gradually developed the liberal political system it has at present.

For almost half a century after the Korean War ended—with a ceasefire, not a peace agreement—the two Koreas engaged in a propaganda war and remained hostile towards each other. Kim Il Sung died in 1994. Kim Jong Il, who had reportedly assumed day-to-day power in the waning years of his father’s life, has since ruled with an iron fist and a similarly strong cult of personality. Since he came to power, most international attention has been on negotiations over the development of North Korea’s nuclear weapons program. “Six-Party” talks involving North Korea, South Korea, China, the United States, Russia, and Japan have dragged on for years without resolution. Fears of a nuclear or conventional war on the Korean peninsula form the backdrop to these discussions and have often pushed human rights concerns to the margins. North Korea’s brinksmanship diplomacy has left South Korea’s leaders wary of raising human rights issues too aggressively for fear that North Korea will withdraw from the “Six Party” talks and other, bilateral channels of dialogue. U.S. rhetoric about North Korea forming part of an “axis of evil” and willful blindness among some in South Korea about the human rights situation in North Korea have contributed to a deep and unhelpful politicization of the discussion of human rights in the country.

III. Past Problems of Famine and Hunger

North Korea's famine and hunger were closely linked to its agricultural and economic policies. Since its creation in 1948, the DPRK has employed a command economy in which its citizens have been largely unable to engage in private economic activities. Through the Public Distribution System, which was created in the 1950s, the government has taken all domestically harvested crops from cooperative farms, except for portions allocated to farmers for their own consumption. It has then distributed the crops according to its priorities—in favor of high-ranking Workers Party officials, military, intelligence and police officers, and against individuals deemed politically disloyal to the government and Party (the “hostile” class, to use the rhetoric of the North Korean government). Foodstuffs and consumer products were obtained at state supply centers using coupons.⁵

The PDS has not been able to effectively deliver sufficient food to North Korea's population for decades. According to Lee Suk, a South Korean expert on the North Korean economy and author of a definitive book on North Korea's famine, the ration for white-collar office workers gradually decreased from 700 grams per day in the 1960s to 608 grams in 1973 and 547 grams in 1987.⁶ As Lee Min Bok, a fifty-year old former researcher from North Korea's state institute of agriculture who made his way to South Korea in 1995, described the situation to Human Rights Watch:

Except for the elite class, no matter what your occupation was, your access to food was more or less the same. In other words, pretty much everyone was always short of food. Researchers, professors, and other educated people were not an exception. Even if you got paid more than farmers, if your salary bought you only a few days' worth of food each month, it didn't mean much. As for the rations, until the early 1980s, people did receive rations, although they gradually replaced much of the rice ration with corn, and the amount decreased over time. Starting in mid-1980s, they began delaying distribution of rations. By late 1980s, delays became normal.”⁷

⁵ *White Paper on Human Rights in North Korea 2005*, Korea Institute for National Unification, April 2005, pp 201-226.

⁶ Lee Suk, *The DPRK Famine of 1994-2000*, Korea Institute for National Unification, December 2004.

⁷ Human Rights Watch interview with Mr. Lee Min Bok, Seoul, February 2, 2006.

In the past, the goods distributed through the PDS were supplemented by aid and food imports from China and the Soviet Union. But in the early 1990s North Korea faced a financial crisis when it lost most of its trading partners following the disintegration of the Soviet Union. Its already ill-equipped and mismanaged agriculture sector suffered another blow when a shortage of energy reduced the production rate of chemical fertilizer factories, among others. The country subsequently endured a series of natural disasters, including floods and droughts.⁸

By the mid-1990s, the amount of food distributed through the PDS across the country was so limited that North Koreans had to find alternative sources of food or starve. Many people who had been completely dependent on the PDS died of hunger or hunger-related diseases. In 1995, North Korea publicly asked for international food assistance.⁹ In an unusual official revelation about conditions inside the country, in May 1999 Jon In Chan, an official with the state Flood Damage Rehabilitation Committee, released figures showing a 37 percent increase in deaths between 1995 and 1998, which news media said meant that the famine would have killed about 220,000 North Koreans during that time, or 1 percent of the population.¹⁰ This was the first official statement indicating the scale of the catastrophe. Estimates by independent researchers and aid workers suggest a wide range of numbers of deaths—anywhere from 600,000 to 1.2 million to three million.¹¹ Many demographic and economic experts use one million as a reasonable estimate.

Accounts of this period are chilling. Ms. Kim, a North Korean who escaped the country in May 2005, told Human Rights Watch she received no government rations through the PDS from 1996 until she escaped. She worked as a sales person at a trading company, which sold seafood to Chinese merchants and bought rice and other necessities. Because her company directly dealt with food trade, she had access to enough food to survive.

⁸ *Starved of Rights: Human Rights and the Food Crisis in the Democratic People's Republic of Korea (North Korea)*, Amnesty International, January 2004.

⁹ "North Korea, Admitting Food Shortages, Asks Japan for Rice," The Associated Press, May 26, 1995.

¹⁰ "North Korea Admits Its Famine Killed Hundreds of Thousands," The Associated Press, May 9, 1999.

¹¹ Good Friends, a South Korean NGO that has assisted North Korean refugees in China for years, estimates that about 3 million people died during the famine. *Human Rights in North Korea and The Food Crisis*, Good Friends Center for Peace, Human Rights and Refugees, January 2004. Based on various official statistics, including those from the DPRK Central Bureau of Statistics and FAO/WFP, and birth and death rates between 1994 and 2000, economist Lee Suk estimates that 580,000 to 690,000 people died of hunger or hunger-related diseases. However, Lee says, the estimate increases dramatically to 630,000 to 1.12 million deaths if one uses information available on the nutritional status of North Korean children. Suk, *The DPRK Famine of 1994-2000*. Daniel Goodkind and Loraine West, demographic experts, say North Korea lost roughly one million people to famine. Daniel Goodkind and Loraine West, "The North Korean Famine and Its Demographic Impact," *Population and Development Review*, June 1, 2001.

Her mother worked at a farmers' market and earned money by selling fabric, buttons, and zippers. She said that her family largely avoided hunger, but many neighbors suffered from hunger, and some died during the famine:

I personally know about fifteen people who died of hunger. In the case of an acquaintance of mine, her entire family died. There were so many deaths, we got used to seeing dead bodies everywhere – at train stations, on the streets. The year 1997 was the worst, and then things got better, because everyone began selling stuff at markets. That's how we all survived.

In addition to the inadequate amounts of food delivered through the PDS, many North Korean escapees have claimed that rations were distributed on a discriminatory basis, first to elite residents in Pyongyang—such as members of the political leadership and their families, and preferred classes, such as high-ranking members of the Workers' Party, military, intelligence, police officers, prosecutors and other law-enforcement personnel—and only then to the rest of the country.¹² This meant the non-elite classes received not only far less food than needed during the food crisis in the 1990s, but proportionally little compared to the elite and preferred classes.¹³

The government also failed to discharge its responsibility to adequately feed those under its care, such as prisoners. According to the South Korean Ministry of Unification, the amount of grain provided to prisoners through the PDS equaled that for children between two and four years old (200 grams per day) under an old food rations scheme.¹⁴ (A chart showing the amount of food rations under the old rationing system can be found in the appendix.) Nutritional experts believe an adult needs at least 500 grams of grain per day to maintain a normal level of health. Conditions for prisoners were made worse since the vast majority of prisoners in North Korea are subjected to hard labor and therefore burn calories at a greater rate than the average person. Former North Korean prisoners have repeatedly testified to independent researchers that a severe shortage of food was as hard to bear as harsh mistreatment they suffered in detention

¹² *White Paper on Human Rights in North Korea 2005*, Korea Institute for National Unification, April 2005.

¹³ *Monthly North Korea*, September 2004, pp 214-216.

¹⁴ "Understanding North Korea 2005," Education Center for Unification, Ministry of Unification, 2005. South Korea's Ministry of Unification played the role of the state's propaganda arm against North Korea during the Cold War era. The information it produced was often seen as politically biased. However, this perception has shifted somewhat since South Korea changed its North Korea policy from one of confrontation to "engagement" when former President Kim Dae-jung took office in 1998.

facilities, and many prisoners supplemented their meager rations with snakes, rats, and insects.¹⁵ These accounts show that North Korea not only institutionalized discrimination in access to food, but also used food as a way to reward and punish the population.

Even some of those presumably in position to receive better rations, including soldiers and members of the elite class, suffered from food shortages during the famine, and to some degree even to date. Mr. Lim, who was a soldier at the time of his escape in March 2005, told Human Rights Watch that common soldiers also had faced hunger. His unit, which was assigned to work at a power plant in Hwanghae City, had a serious shortage of food. They received proper rations only on major holidays such as Kim Il Sung's and Kim Jong Il's birthdays. On other days, he received about "three spoonfuls" of grain per meal. About a half dozen of the men in his unit died of malnutrition, while many others were sent home as they became too weak to work. The number of soldiers in his unit dwindled from one hundred in mid-2002 to about ten in mid-2004. Before he served in the unit, he knew about a dozen people in his neighborhood who died of hunger. Lim escaped from North Korea after his mother left for China.¹⁶

You know they were hungry. And then you don't see them for a while. Eventually, someone finds them dead in their own home. That was quite typical. And then there were those who died on the street, after wandering around to find food. There were so many dead people that the authorities often couldn't find surviving families, so they would bury them in fives or tens in hills, without even coffins.¹⁷

Mr. Han, who escaped North Korea in 2000, suffered from hunger despite his elite status as a state intelligence official and resident of Pyongyang. He continued to receive 700 grams of grain per day, but his parents did not work, and received no rations, and the three of them had to share his. His family was still better off than many others: two of three families he knew had at least one family member who died of hunger, was gravely ill, or disappeared while seeking food.¹⁸

¹⁵ Human Rights Watch, "The Invisible Exodus: North Koreans in the People's Republic of China," *A Human Rights Watch Report*, vol. 14, no. 8 (C), November 2002, pp 25-26; *Are They Telling Us the Truth? Brutality Beyond Belief*, Life Funds for North Korean Refugees & Database Center for North Korean Human Rights, February 2004, pp 86-107.

¹⁶ Human Rights Watch telephone interview, February 6, 2006.

¹⁷ Human Rights Watch interview, Seoul, February 2, 2006.

¹⁸ Human Rights Watch interview, Seoul, February 7, 2006.

I was spending most of my days trying to get more food for my family. We sold everything—wooden chest, rare books, everything. Our rice container was often empty. But there were so many people selling furniture, and very few selling food, I couldn't get much money out of selling things. I had never imagined such hunger before. It was miserable.

The government's intolerance of even implicit criticism of its policies contributed to the impending crisis. Mr. Lee Min Bok, the former researcher at North Korea's state institute of agriculture mentioned above, told Human Rights Watch that he had developed quality corn seeds to boost production. However, in early 1990 he was reprimanded for "reactionary" ideas after proposing to higherups to introduce market principles to North Korea's agriculture after an experiment he conducted in which farmers who were allowed to keep their produce yielded far more than those who were not. He escaped North Korea in November 1990, before the food crisis hit the country.¹⁹

Food Aid

In 1995, North Korea took the belated step of appealing to the international community for emergency food aid. Donors moved quickly and delivered food aid worth more than U.S.\$2 billion between 1996 and 2005. During this period, the WFP fed up to a third of the North Korean population, prioritizing young children, nursing and pregnant women, and the elderly.²⁰

Throughout the period, North Korea imposed restrictions on monitoring of aid distribution by WFP staff. It limited access to recipients and those not served by food programs, limited the areas that could be visited and the frequency of monitoring visits, and generally provided sparse information about the needs of its people to donors. North Korea banned WFP completely from visiting forty-three out of 203 counties, or 13 percent of the North Korean population, citing security reasons. Sometimes, North Korea banned access to areas WFP previously visited, or lifted such bans again without a

¹⁹ Human Rights Watch interview, Seoul, February 2, 2006. Lee escaped to China in November 1990, was caught the same day, then subsequently interrogated and tortured by North Korean security officials. As he spent only one day in China, the authorities determined that he had not committed any "subversive" offense, and released him. He escaped again to China, spending a few years in hiding, before making his way to South Korea to resettle in Seoul. Now he works as a human rights activist.

²⁰ WFP, "WFP Emergency Reports," February 24, 2006.

clear explanation.²¹ North Korean escapees have suggested the restrictions stemmed from the presence in the affected areas of military installations, factories, research centers, nuclear facilities and political prisoner camps, among other such facilities.²²

Even in areas which WFP had obtained permission to visit, staff members had to give notice a week in advance. They could not select interviewees at random, which compromised their ability to conduct objective assessments of whether food aid was actually going to the intended persons. WFP officials have routinely acknowledged that, despite improvements in recent years, the level of access in North Korea has not been as good as in other countries in which it operates.

International relief agency Medecins sans Frontières (MSF) withdrew from North Korea in September 1998, citing restrictions on access to certain areas in North Korea and its concern that food aid was being distributed to loyalists of the regime rather than to vulnerable individuals.²³ “Humanitarian assistance can only help those who need it when it is impartial and accountable. This is not the case in North Korea,” said Dr. Eric Goemaere, then Director-General of MSF, in a statement.²⁴

In November 2005, the United States Agency for International Development (USAID) announced that it would suspend delivery of the balance of its food aid commitment to the DPRK (25,000 tons) in response to reports that WFP would be forced to end food distribution and monitoring activities. The statement said that without a WFP operation in place, including a full complement of international staff, there would be no way to even minimally assure that the USAID food aid reached its intended recipients.²⁵

North Korean escapees and media accounts have reported sacks of rice from the United States, Japan, and South Korea being sold at markets.²⁶ A North Korean man who

²¹ In July 2005, WFP regained access to Kowon County in South Hamgyong Province, seven months after it was banned from visiting the county in January 2005. WFP, “WFP Emergency Reports,” July 22, 2005.

²² Bradley K. Martin, *Under the Loving Care of the Fatherly Leader*, U.S., September 2004, pp 551-568.

²³ “Medecins sans Frontières Forced to Withdraw from North Korea,” Agence France-Presse, September 30, 1998.

²⁴ “MSF calls on donors to review their aid policy towards DPRK,” Medecins sans Frontières (MSF) press release, September 30, 1998.

²⁵ WFP, “WFP Emergency Reports,” November 11, 2005.

²⁶ Andrew S. Natsios, *The Great North Korean Famine: Famine, Politics and Foreign Policy*, United States Institute of Peace, printed in U.S., 2001, pp 171-179. Stephan Haggard and Marcus Noland, *Hunger and Human Rights: The Politics of Famine in North Korea*, printed in U.S., August 2005.

resettled in South Korea after working for ten years at a grain administration office which handled grain purchase and distribution, told South Korean researchers that the grain provided by foreign sources was distributed mainly to high-ranking government officials.²⁷ A WFP statement in February 2006 hinted that donors other than the United States also had expressed concerns about the WFP's ability to reach people in need and monitor distribution of food aid, although it did not name the donors.²⁸

Private Food Trade

By the mid-1990s many North Koreans, such as Mr. Han above, began engaging in private economic activities, largely in the form of barter, at both officially sanctioned markets and illegal, black markets. Farmers who privately grew grain and vegetables or raised stock animals outside cooperative farms, such as in small kitchen gardens or steep hillsides and other areas previously considered too barren or inaccessible for agricultural purposes, became major suppliers of food. Some escaped to China, bought food and returned to sell it at domestic farmers' markets, partially filling the gap between supply and demand.

For its part, by the late 1990s, North Korea made its ration system less rigid. The central government allowed provincial governments to engage in food trading, which had been its exclusive domain, allocated farmland to factories and urban households and not just to cooperative farms, and largely turned a blind eye to private food trading by individuals.²⁹ North Korea's domestic grain production began slowly increasing, thanks largely to international fertilizer aid, but also its own reform measures. According to South Korea's Rural Development Administration, North Korea's domestic grain production increased by 15 percent from 2000 to 2005.

In July 2002, North Korea officially announced economic reform measures, including legalizing some of the existing markets, adjusting commodity prices and wages, and ending subsidies to failing state enterprises. In the agricultural sector, the measures included implementing family-based farming units in some cooperative farms, allowing

²⁷ *White Paper on Human Rights in North Korea 2005*, Korea Institute for National Unification, pp 201-226.

²⁸ "U.N. agency says approval is given to plan to battle nutritional deficiencies in North Korea," The Associated Press, February 23, 2006.

²⁹ Suk, *The DPRK Famine of 1994-2000*.

farmers to choose their own crops to grow, and expanding the permissible size of private farming land.³⁰

These measures were welcomed by many as a sign that North Korea was willing to take the necessary steps towards economic reform, but the government failed to follow up with further reforms. Meanwhile, many North Koreans also suffered from unintended side effects of the reforms, such as a high inflation rate under which food prices continued to rise exponentially. The market price for crops in September 2004 was five to eight times higher than it had been in July 2002. Wages rose somewhat, but not enough to match steep price hikes.³¹ Many North Korean workers became jobless following the closure of state-run enterprises, some losing their only source of income and food.

³⁰ *Understanding North Korea's Economic Reforms*, Center for the North Korean Economy, Korea Institute for National Unification, April 2005.

³¹ Ibid.

IV. Current Food Conditions

Based on its estimate of the North Korean population at about 23.7 million in 2005 (up 0.7 percent from 2004),³² FAO/WFP has said North Korea needs 5.3 million tons of grain in 2006.³³ The South Korean government estimates the grain need for North Korea's current population at six million tons.³⁴ Based on per capita consumption before the food crisis in the 1990s, some experts told Human Rights Watch that North Koreans could be expected to consume 6.5 million to seven million tons of grain in 2006.³⁵

FAO/WFP estimates North Korea's grain harvest in 2005 at 4.5 million tons.³⁶ Food experts agree North Korea had favorable conditions for grain production in 2005, including relatively good weather conditions, a supply of good seeds, less damage than in other years by parasites, a better supply of water, and a stable supply of fertilizer from the international community.³⁷ However, experts believe that about 15 percent of domestic production is lost each year for a variety of reasons, including delays in processing crops, a shortage of transportation and decent storage facilities, and loss to rodents.³⁸ Based on this assumption, North Korea would only have about 3.825 million tons of domestically produced grain from its 2005 harvest.

WFP says bilateral assistance to North Korea in the year from November 2005 to October 2006 is expected to be 750,000 tons, mainly from South Korea and China. It is

³² "Special Report FAO/WFP Crop and Food Supply Assessment Mission To The Democratic People's Republic Of Korea," FAO/WFP, November 22, 2004. According to the World Health Organization, North Korea had a population of 22,664,000 in 2003, with an annual growth rate of 0.8 percent, which would put the current population at about 23 million. South Korea's Ministry of Unification also estimates it at about 23 million.

³³ FAO/WFP estimates North Korea loses about 15 percent of the harvest for a variety of reasons, including delays in processing crops and shortages of transportation and decent storage facilities. FAO/WFP also says North Korea needs 230,000 tons of seeds for planting and 180,000 tons of grain for feeding stock animals. "Special Report FAO/WFP Crop and Food Supply Assessment Mission to The Democratic People's Republic Of Korea," FAO/WFP, November 22, 2004.

³⁴ Ibid.

³⁵ Human Rights Watch interview with Dr. Kwon Tae Jin, Korea Rural Economic Institute, Seoul, December 2005; Human Rights Watch interview with South Korean economist specializing in North Korea (name withheld at interviewee's request), Seoul, January 2006.

³⁶ South Korea's Rural Development Administration estimates the grain production in North Korea in 2005 at 4.54 million tons, up by 5.3 percent from 2004. "Estimated 2005 Grain Production in North Korea," Rural Development Administration, November 29, 2005.

³⁷ Kwon Tae Jin, "North Korea's Food Availability in 2006 and Prospect of Inter-Korean Cooperation," Korea Rural Economic Institute, December 2005.

³⁸ "FAO/WFP Crop and Food Supply Assessment Mission to the DPRK," FAO/WFP, November 22, 2004.

not known how much grain North Korea imported from other countries, nor how much North Korean merchants individually imported through unofficial channels, but experts on the North Korean economy believe the amount to be not significant enough to affect the overall grain availability. WFP says, based on information available to the agency, North Korea is expected to face a deficit of 150,000 to 350,000 tons of grain from November 2005 to October 2006.³⁹

It should be noted that these estimates are based on optimistic calculations. Some food experts point out that as much as 30 percent of the harvest in North Korea could be lost to a lack of cropping machinery, transportation, and proper storage facilities, as well as losses to rodents.⁴⁰ WFP's calculations are also based on assumptions that bilateral aid from China and South Korea will continue at anticipated levels. In other words, even optimistic projections of grain availability suggest that many North Koreans will face food shortages this year.

Concerns about the supply of food are bolstered by other available information. Two North Korean government agencies conducted an anthropometric survey in October 2004, with the collaboration of WFP and UNICEF, among 4,800 households living in seven provinces and one municipal city. The survey said 32 percent of women with a child less than twenty-four months old were malnourished, and showed the nutritional status of North Korean children remained dire, despite improvements in the overall food supply. Among children under six (up to seventy-one months), 37 percent were stunted (too short for their age), 23.4 percent were underweight; and 7 percent were wasted; 12.2 percent of the children were severely stunted, 8.1 percent severely underweight, and 1.8 percent severely wasted. The survey said maternal malnutrition and consequent low birth sizes were associated with the prevalence of stunting. Higher frequency of household consumption of rice and rice products, poultry or meat, red or yellow vegetables, and oil and fat were, unsurprisingly, associated with reduced childhood malnutrition. The survey said the most common source of staple food was state rations or farmers' rations, but a quarter of the households reported WFP as a source of their staple food.⁴¹

³⁹ "Protracted Relief and Recovery Operation – Democratic People's Republic of Korea 10488.0," WFP, February 3, 2006.

⁴⁰ Natsios, *The Great North Korean Famine*, pp 179-181.

⁴¹ "DPRK 2004 Nutrition Assessment Report of Survey Results," Central Bureau of Statistics, Institute of Child Nutrition, Democratic People's Republic of Korea, http://www.unicef.org/dprk/dprk_national_nutrition_assessment_2004_final_report_07_03_05.pdf (retrieved on February 7, 2006).

Beyond stunting and wasting found among children, according to UNICEF, malnutrition can take a variety of forms that often appear in combination and contribute to each other. These include protein-energy malnutrition, iodine deficiency disorders, and deficiencies of iron and vitamin A. Iodine deficiency can damage intellectual capacity, anemia (deficiency in the oxygen-carrying component of the blood) is a factor in pregnancy and childbirth complications, folate deficiency in expectant mothers can cause birth defects in infants, and vitamin D deficiency can lead to poor bone formation. Vitamin A deficiency has long been known to cause blindness. Even mild vitamin A deficiency also impairs the immune system, reducing children's resistance to diarrhea and measles.⁴²

⁴² "The Silent Emergency," UNICEF, <http://www.unicef.org/sowc98/silent.htm> (retrieved on February 24, 2006).

V. The Impact of the Public Distribution System, the Ban on the Private Trade of Grain, and the Halting of Emergency Food Aid by WFP

The PDS

According to South Korea's *DongA Daily*, the North Korean government sent instructions to fully reinstate the PDS to all cities and counties on August 19, 2005. This was followed by meetings with provincial officials to ensure compliance.⁴³ South Korea's *Yonhap News* published an article from *Chosun Shinbo*, a pro-North Korean newspaper based in Japan, citing a North Korean spokesman as saying that North Korea fully reinstated food rationing as of October 1, 2005.⁴⁴ WFP later confirmed the renewed rationing in several periodic reports on its operations inside North Korea.

On October 28, 2005, WFP issued a report on its monitoring visits to public distribution centers across the country. The report assessed the renewed implementation of the PDS. County officials reported to WFP that they had been instructed by the central government to normalize the PDS rations to the 1994 level of 500 grams per person per day. According to the report, the goal was being met in most counties in October, mainly with produce from their recently completed harvest in addition to rice provided by South Korea.⁴⁵ However, on November 25, 2005—less than a month later—WFP reported that many people were receiving rations considerably smaller than the average target of 500 grams of grain per person per day. As trading in grain remained prohibited, many people therefore faced difficulties in obtaining enough grain to cover their daily needs, the report said.⁴⁶

According to WFP's Monthly Update for November/December 2005, the ban on market sales of grain remained in place across the country, but unofficial sales continued to be observed in Pyongyang. Prices had dropped sharply. Imported rice was sold at an average of 525 won per kilogram compared to 675 won in October, while local rice had gone down from 700 won to 650 won per kilogram, and maize had decreased from 400 won to 330 won. The decrease in prices appears to be a result of the increasing

⁴³ Joo Sung-ha, "North Korea to Revive PDS in October – Sent Order to Whole Country," *DongA Daily*, August 31, 2005.

⁴⁴ Moon Sung-kyu, "North Korean Authorities Confirm Normalization of Food Supply," *Yonhap News*, October 27, 2005.

⁴⁵ WFP, "WFP Emergency Reports," October 28, 2005.

⁴⁶ WFP, "WFP Emergency Reports," November 25, 2005.

accessibility of grain and seems to indicate that the normalization of the PDS has so far been successful in Pyongyang in November/December 2005, the report said.⁴⁷ One could conclude that this means that the PDS may actually be working, but it should be remembered that residents of Pyongyang have always been the greatest beneficiaries of the PDS, as they are considered to be among the nation's preferred citizens, and that conditions in Pyongyang do not reflect conditions in other parts of the country. The government routinely purges from Pyongyang and other big cities those perceived to be less than staunchly loyal to the regime; lower food rations in times of shortage is added punishment for such persons.⁴⁸

Furthermore, other reports indicate that the resumption of what North Korea considers effective rationing was short-lived. In late December 2005, *The Daily NK*,⁴⁹ an Internet news provider focusing on North Korea, reported that, at least in the areas it surveyed, rations were distributed in October but stopped again in November. In areas where the authorities strictly enforced the ban on the buying and selling of grain at markets, such as in Chungjin City, many North Koreans were forced to buy grain in black markets while those selling grain at farmers' markets did so by bribing government officials.⁵⁰ Other reports from *The Daily NK* suggest that the local authorities are inconsistent in applying this policy, as crackdowns on the buying and selling of grain relaxed in some areas while they worsened in other places.⁵¹

Separately, news reports raised suspicion that North Korea may be trying to make profit by selling grain to its own citizens. In November 2005, South Korea's *DongA Daily* reported that the North Korean authorities were selling grain directly to citizens who had not reported back to their state-designated workplaces that they abandoned during the food crisis at a much higher price than they were selling grain to those who had returned.⁵² In February 2006 *The Daily NK* reported that in the city of Chungjin, public

⁴⁷ "The WFP DPR Korea Monthly Update November/December 2005," WFP, December 2005.

⁴⁸ "Human Rights in North Korea and The Food Crisis," Good Friends Center for Peace, Human Rights and Refugees, January 2004, pp 66-73; Natsios, *The Great North Korean Famine*, pp 171-179.

⁴⁹ Founded in December 2004, *The Daily NK* focuses on democracy and human rights in North Korea, but covers nuclear weapons, separated families and other North Korea-related topics. It publishes online, mostly in Korean, but some is translated into English. It has several correspondents stationed in China, who periodically interview North Korean escapees to publish the latest information inside North Korea. It has a conservative editorial line, but its articles on developments inside North Korea are considered reliable.

⁵⁰ Kim Young Jin, "10 Questions and 10 Answers for Chungjin Resident in December 2005," *The Daily NK*, December 27, 2005.

⁵¹ Kwon Jung-hyun, "Rice Prices Stabilize in Sinuiju in December," *The Daily NK*, December 13, 2005. Kwak Dae-jung, "About Food and Commodity Prices in North Korea This Winter," *The Daily NK*, December 13, 2005.

⁵² Joo Sung-ha, "Double Price System in North Korea's Food Distribution," *DongA Daily*, November 10, 2005.

distribution centers were selling grain at the same price as in markets, but people were forced to buy grain from the centers instead of markets.⁵³ These reports are anecdotal in nature and scant in detail, and it is impossible to confirm whether such practices are widespread, or if they reflect a new state policy. But they compound the concerns that the normalization of the PDS is not benefiting ordinary North Koreans.

Some experts argue that the PDS could help North Korea's most vulnerable population who do not have their own sources of income or access to food. This could be true if the system were used as a social safety net for the vulnerable. The PDS or any other ration system does not necessarily lead to human rights violations. In fact, a ration system may be necessary under certain circumstances to address food shortages or food hoarding during military conflicts or natural disasters. But many North Korean escapees have told researchers that young children and the elderly—the most vulnerable members of society—were among the first victims of the famine in the 1990s when the PDS was in full force.⁵⁴ The concerns raised by the North Korean government's renewed reliance on rationing lie both in the insidious discrimination that has accompanied such rationing in the past and the chronic under-supply of grain which the government has proven unwilling or unable to address through the PDS.

The Ban on the Private Trade of Grain

As already noted, North Korea renewed its ban on the buying and selling of grain at markets in October 2005.⁵⁵ The WFP reported in November 2005 that it was seeing more and more examples of the implementation of the new policy. In the two Pyongyang markets that foreigners have access to, grain was no longer available, and local officials interviewed by WFP staff have confirmed that the same trend could be observed across the country.⁵⁶

Food rationing has been the single most important way of controlling the population in North Korea. As people could receive rations only from their place of work or study, the system largely kept the population immobile and obedient, so that they wouldn't risk

⁵³ Han Young Jin, "Is North Korea Doing Rice Business Against Its Own People?" *The Daily NK*, February 24, 2006.

⁵⁴ *Human Rights in North Korea and The Food Crisis*, Good Friends Center for Peace, Human Rights and Refugees, January 2004, pp 30-35. A survey conducted by Good Friends from 1997 to 2000 against 1,855 North Koreans showed drastically high death rates among children of nine years or younger and those of 60 or older, compared to people of other ages.

⁵⁵ WFP, "WFP Emergency Reports," September 30, 2005.

⁵⁶ WFP, "WFP Emergency Reports," November 11, 2005.

losing their only source of food. It appears the government is now trying to turn back the clock to regain some of the control over its people it lost when it allowed greater freedom of movement and the development of farmers' markets, regardless of the increased risk of hunger.

During the famine of the 1990s, large numbers of North Koreans escaped to China to find food, drawing international attention to the conditions inside North Korea.⁵⁷ Since the famine, increased private trade in grain has enhanced freedom of movement and informal contacts among the population, a development that would have been unthinkable under the old system, where people needed state permission to leave their town or city of residence, and where a violation led to harsh punishment. The authorities may believe that banning the private trade of grain, which makes up a large portion of the private economy, could help to temporarily restore control to a certain degree, though it is unlikely to last as too many North Koreans now depend on private trade for their livelihood and internal discipline and party loyalty is reportedly weaker than in the past.

Some sympathetic observers suggest more benign motives for the ban on private grain trading, such as curbing high unemployment by forcing people to return to their old, state-designated work places, and curbing inflation caused by fluctuating prices. It is unlikely, however, that the ban will be able to achieve these ends given the government's inability to address the underlying causes of the chronic under-supply of food. Even when the PDS was functioning, most North Koreans did not receive adequate food from it alone. Penalizing the buying and selling of grain is unlikely to completely stop private trade of grain, but it gives local officials an incentive to harass and extort bribes from the people engaged in such activities. It is impossible to confirm how widespread such practices are, but *The Daily NK* reported in late 2005, for example, that residents in

⁵⁷ Regardless of their reasons for leaving, North Koreans often face harsh treatment upon return, ranging from detention to torture, long prison terms and even executions. The North Korean government considers leaving North Korea without state permission as a criminal offense and often as an act of treason, which may be punishable by death. China is obliged under international law not to return persons to a territory where their life or freedom is threatened. This obligation, known as the principle of "non-refoulement," is articulated in the 1951 Refugee Convention and its 1967 Protocol, both of which China has been a party to since 1982. The right of non-refoulement is recognized as a rule of customary international law, binding on all states regardless of whether they have signed that treaty. China, however, has been arresting and sending back North Koreans, categorically labeling them as "illegal economic migrants" and disregarding the persecution they will face as a result of their illegal exit. *The Invisible Exodus: North Koreans in the People's Republic of China*, Human Rights Watch, November 2002.

the city of Chungjin already had been forced to bribe officials to buy and sell grain at markets.⁵⁸

Limits on WFP and Other Food Providers

WFP has been feeding millions of the nation's most vulnerable population—mostly young children, pregnant and nursing women, and the elderly—since 1995.⁵⁹ More than half of WFP's international staff members, numbering thirty-two at the end of 2005, were directly engaged in food aid monitoring during the year. They conducted an average of 388 monitoring visits a month in 2005, compared to an average of 440 a month in 2004. For much of the year, WFP had access to 160 of the country's 203 counties and districts. Unannounced visits to distribution sites were still not permitted, although there was greater flexibility at the county level to make changes to the monitoring plan when monitors arrived to do their visits. Some WFP international staff members stationed in the country at the end of 2005 had a basic knowledge of the Korean language.⁶⁰

WFP's monitoring in North Korea fell short of its standards employed elsewhere, including access to the entire country, unannounced visits, and random selection of interviewees, among others, because of the restrictions imposed by North Korea.

In 2005, following the North Korean government's demand to end emergency food aid, WFP progressively wound down its monitoring activities. It closed its five sub-offices outside of Pyongyang and ended its emergency operations as of December 31, 2005. WFP's Executive Director James Morris visited Pyongyang in December 2005, but the two sides failed to reach agreement on the size and structure of a future WFP operation and the number of WFP international staff to be stationed in North Korea.⁶¹

In February 2006, the WFP Executive Board approved a two-year North Korea program focused on development-oriented activities. WFP's Pyongyang office is hoping to

⁵⁸ Kim Young Jin, "10 Questions and 10 Answers for Chungjin Resident in December 2005," *The Daily NK*, December 27, 2005.

⁵⁹ In 2005, WFP distributed 293,000 tons of commodities to help feed 4.6 million North Koreans. In 2004, it provided 274,000 tons to 5.4 million people, and in 2003, it distributed 512,000 tons to 5.9 million people. Human Rights Watch email interview with Gerald Bourke, WFP spokesman, April 3, 2006.

⁶⁰ Human Rights Watch email interview with Richard Ragan, WFP Country Director for the DPRK, January 4, 2006.

⁶¹ Ibid.

resume aid soon, which would deliver 75,000 tons of food per year to 1.9 million children, women of child-bearing age, and vulnerable urban populations through food-for-work programs and mother and child feeding programs. The program would focus on the country's fifty most vulnerable counties.⁶² The WFP and North Korea still need to reach agreement on how many staff WFP can employ, their access to beneficiaries, and their ability to monitor assistance. Before food distribution can restart, additional commitments from donor countries are also needed.⁶³ Gerald Bourke, WFP spokesman in Beijing, told Human Rights Watch that there is much concern for the millions of people WFP has been assisting, despite improved food availability in 2005. "There are problems of access to that food on the part of the vulnerable people. Our food, because it targeted the vulnerable people, was particularly appropriate," said Bourke.⁶⁴

In a related development, the British government presented a draft resolution on human rights in North Korea on behalf of the European Union at the United Nations General Assembly. The resolution was adopted on November 17, 2005. Consequently, North Korea decided to reject further aid from the European Union or the Humanitarian Aid Department of the European Commission (ECHO), and continued to push for most of the resident NGOs to wind up their operations by December 31, 2005. The United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), WHO, and FAO will maintain their offices, but the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) will close.⁶⁵

South Korea currently sends more food to North Korea than any other country. The South Korean government plans to assist 2.3 million North Korean children under the age of five and one million pregnant and nursing women, through a nutrition and health project with the help of WHO and NGOs. It is not yet clear whether the beneficiaries of this new project will be from the same group of people who have been assisted by WFP.⁶⁶ South Korea conducts field trips to monitor food distribution—twice per

⁶² Human Rights Watch telephone interview with Gerald Bourke, WFP spokesman, February 8, 2006.

⁶³ "WFP Emergency Reports," WFP, February 24, 2006.

⁶⁴ Human Rights Watch telephone interview with Gerald Bourke, WFP spokesman, February 8, 2006.

⁶⁵ "DPRK Appeal No. 05AA059 Programme Update No. 3," International Federation of Red Cross And Red Crescent Societies (IFRC), December 31, 2005. The U.N. agencies often worked in collaboration with each other and carried out a variety of projects, including food and medical aid. More development-focused projects included food for work programs such as the rehabilitation of farm land damaged by floods, the restoration of sea dykes and river embankments, the building of irrigation ditches in drought-prone areas, and reforestation projects. WFP and UNICEF also have worked with the North Korean government to locally produce corn soya blend, rice milk blend, grain milk blend, biscuits, and fortified noodles, all intended for the most vulnerable beneficiaries. "Food Security: Overview, World Hunger – Korea (DPR)," UNICEF, July 23, 2004.

⁶⁶ "Project to Assist North Korean Infants and Young Children," The (South Korean) Ministry of Unification, December 2005.

100,000 tons it offers North Korea—and carried out twenty such monitoring trips to North Korea in 2005, up from ten trips in 2004.⁶⁷ Although the number of monitoring visits is increasing, they are still highly inadequate compared to the method and frequency of monitoring conducted by WFP. South Korean officials told Human Rights Watch it continues to insist on adequate monitoring of its shipment, although it provides food to North Korea in the form of a loan, rather than aid, but it is difficult as North Korea is resistant to Seoul's demands on improved monitoring.

Some western aid organizations have left North Korea since the end of 2005, while others are still trying to persuade the government to allow them to stay.⁶⁸ South Korean aid organizations do not have resident staff, and remain unaffected by the development. According to the WFP, China offers its aid in the form of concessional exports, but there is no information available on the details of such aid. It is unlikely that China does any monitoring.

In sum, the combination of the normalization of the PDS, the ban on the private trade of grain, and the extreme limitations on WFP and other food providers means that socially weak, marginalized, and disfavored people in North Korea likely will receive far less than the minimum amount of food they need this year. The PDS simply cannot provide enough food. The key to survival for many will be their ability to privately buy grain, currently an illegal act. But without sufficient international aid, which has served in the past decade as a safety net, those who are not able to engage in private trade, such as the poorest of the poor, young children, pregnant and nursing women, the elderly, and the jobless, will be left to fend for themselves. As soon as a bad harvest arrives, or food aid runs out, this will likely mean for some people death from starvation or long-lasting damage to their health, especially for children. Another famine cannot be ruled out.

⁶⁷ "The (South Korean) Government's Monitoring Efforts for Aid to North Korea," The (South Korean) Ministry of Unification, December 2005.

⁶⁸ According to the WFP, as of the end of 2005, 12 western NGOs had residing staff in Pyongyang, including ADRA (Adventist Development & Relief Agency International), Campus fuer Christus, CESVI (Cooperazione e Sviluppo), Concern Worldwide, DWHH/GAA (German Agro Action), GAIN, Handicap International, KMED, PMU Interlife (PringstMissionens Utveck-lingsamarbete), Premiere Urgence, TGH (Triangle Generation Humanitaire) and Save the Children.

VI. North Korea's Obligation Under International Human Rights Covenants

The Right to Food

Both the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR) enshrine a right to food. Adopted in 1948 by the General Assembly, Article 25 of the Universal Declaration couches the right within the broader context of an adequate standard of living that includes health, food, medical care, social services, and economic security.

The ICESCR, to which North Korea is a state party, addresses the right to food more directly. Among other things, it binds North Korea to work cooperatively with the international community to alleviate hunger within its borders. Article 11 of the ICESCR states:

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
 - (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.⁶⁹

In 1999, the U.N. Committee on Economic, Social and Cultural Rights, the U.N. body of independent experts that monitors implementation of the ICESCR by state parties, provided an official interpretation of the right to food, clarifying states party duties. In General Comment 12, it said that:

15. The right to adequate food, like any other human right, imposes three types or levels of obligations on States parties: the obligations to respect, to protect and to fulfil. In turn, the obligation to fulfil incorporates both an obligation to facilitate and an obligation to provide. The obligation to respect existing access to adequate food requires States parties not to take any measures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly. This obligation also applies for persons who are victims of natural or other disasters.

17. Violations of the Covenant occur when a State fails to ensure the satisfaction of, at the very least, the minimum essential level required to be free from hunger. In determining which actions or omissions amount to a violation of the right to food, it is important to distinguish the inability from the unwillingness of a State party to comply. Should a State party argue that resource constraints make it impossible to provide access to food for those who are unable by themselves to secure such access, the State has to demonstrate that every effort has been made to use all the resources at its disposal in an effort to satisfy, as a matter of priority, those minimum obligations.... A State claiming that it is unable to carry out its obligation for reasons beyond its control therefore has the burden of proving that this is the case and that it has unsuccessfully sought to obtain

⁶⁹ Art. 11 (2), International Covenant on Economic, Social and Cultural Rights (CESCR), Resolution 2200 A (XXI), 16 December, 1966.

international support to ensure the availability and accessibility of the necessary food.⁷⁰

A state violates its obligations as a state party when it allows or engages in discriminatory distribution practices designed to consolidate control, or further political goals. General Comment 12 warns states parties against discrimination in access to food and affirms the requirement to protect vulnerable populations:

18. [A]ny discrimination in access to food, as well as to means and entitlements for its procurement, on the grounds of race, colour, sex, language, age, religion, political or other opinion, national or social origin, property, birth or other status with the purpose or effect of nullifying or impairing the equal enjoyment or exercise of economic, social and cultural rights constitutes a violation of the Covenant.

28. Even where a State faces severe resource constraints, whether caused by a process of economic adjustment, economic recession, climatic conditions or other factors, measures should be undertaken to ensure that the right to adequate food is especially fulfilled for vulnerable population groups and individuals.⁷¹

The ICESCR recognizes that states may not have adequate resources to immediately realize all the rights, such as the right to food, contained in the Covenant. But this is no excuse for inaction. Rights must be progressively realized, as Article 2(1) of the Covenant makes clear:

Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant

⁷⁰ 'The right to adequate food (Art. 11),' May 12, 1999. E/C.12/1999/5, CESCR General Comment 12 (17). (General Comments).

⁷¹ 'The right to adequate food (Art. 11),' May 12, 1999. E/C.12/1999/5, CESCR General Comment 12 (28). (General Comments).

by all appropriate means, including particularly the adoption of legislative measures.⁷²

The U.N. Committee on Economic, Social and Cultural Rights in 1990 issued General Comment 3, which in paragraph 9 explained that progressive realization:

[I]mposes an obligation to move as expeditiously and effectively as possible towards that goal. Moreover, any deliberately retrogressive measures in that regard would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources.⁷³

In paragraph 10, the General Comment stated:

[A] State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, *prima facie*, failing to discharge its obligations under the Covenant. If the Covenant were to be read in such a way as not to establish such a minimum core obligation, it would be largely deprived of its *raison d'être*.⁷⁴

Freedom of Movement

Freedom of movement is an important component of safeguarding other rights, including the ability of people to seek alternate sources of food, or to seek asylum should they flee their own country on account of persecution. North Korea requires its citizens to obtain state permission to travel anywhere outside their immediate residential or work areas. Such permission is hard to come by, and many North Koreans resort to traveling without permission, becoming easy targets of security officials who often extort those who are capable of bribing them, and gravely mistreat those who are not.⁷⁵ North Korea

⁷² Art. 2 (1), CESCR.

⁷³ 'The nature of States parties obligations (Art. 2, par.1),' December 14, 1990. CESCR General Comment 3 (9). (General Comments).

⁷⁴ 'The nature of States parties obligations (Art. 2, par.1),' December 14, 1990. CESCR General Comment 3 (9). (General Comments).

⁷⁵ *Starved of Rights: Human Rights and the Food Crisis in the Democratic People's Republic of Korea (North Korea)*, Amnesty International, January 2004.

should abolish restrictions on travel and stop corruption and human rights violations by security officials. Such restrictions on travel were among the reasons for massive starvation in the 1990s: many people who didn't have alternative sources of income or food other than the PDS died without ever getting out of their residential areas.⁷⁶

General comments adopted by The Human Rights Committee, the body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights by its state parties, under Article 40, paragraph 4, of the International Covenant on Civil and Political Rights (ICCPR), state:

Liberty of movement is an indispensable condition for the free development of a person. It interacts with several other rights enshrined in the Covenant, as is often shown in the Committee's practice in considering reports from States parties and communications from individuals.

Everyone lawfully within the territory of a State enjoys, within that territory, the right to move freely and to choose his or her place of residence. In principle, citizens of a State are always lawfully within the territory of that State.

Article 12 of the ICCPR specifies the restrictions to the right to move freely:

Freedom of movement can be restricted for security reasons—but the restrictions should be limited to what is necessary and proportionate. As defined by the U.N. Human Rights Committee... the restrictions should not make movement the exception rather than the norm.

In November 1999, The Human Rights Committee provided general comments on Article 12 of the ICCPR:

⁷⁶ Ibid.

Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

Beyond the right to food and freedom of movement, a host of other human rights including freedom of expression, association, and information, which make it possible to publicly complain, discuss, debate, or disseminate information about food problems, are essential in averting famine or widespread hunger. Severe restrictions on all these rights remain in place in North Korea.

VII. Recommendations

To the North Korean government

- Allow international humanitarian agencies, including WFP, to resume necessary food supply operations and to properly monitor aid according to normal international protocols for transparency and accountability. These standards include having access to the entire country, being able to make unannounced visits, and being able to select interviewees at random.
- Ensure its distribution system is both fair and adequately supplied, or permit citizens alternate means to get food, including access to markets and aid.
- End discrimination in government distribution of food in favor of high-ranking Workers Party officials, military, intelligence and police officers, and against the “hostile” class deemed politically disloyal to the government and Party.
- Assist young children, pregnant and nursing women, and the elderly as priority recipients of food aid.
- Ensure that prisoners receive adequate levels of food, health care, and rest, and that their rights, including their right to be free from physical and mental abuse, are generally respected.
- Work with relevant U.N. agencies to expand current food-for-work programs for the jobless. Develop programs to prioritize assisting vulnerable populations, such as directly providing food to those incapable of participating in food-for-work programs.

To the South Korean government

- Encourage North Korea to accept WFP’s new proposal to assist 1.9 million of North Korea’s most vulnerable population, including a guarantee of adequate monitoring for aid distribution (details of WFP’s proposal are explained later in the report).
- Publicly and privately urge North Korea to guarantee the right to food and other basic rights. Condemn politically motivated discrimination in the allocation of food rations and oppose ongoing restrictions on free expression in North Korea that limit public access to critical information on food supplies. Urge North Korean officials to allow alternatives to the Public Distribution System to

improve chances that all North Koreans will have access to a reliable and adequate supply of grain.

- Insist on using internationally acceptable standards when monitoring the distribution of food aid to North Korea. Such standards include granting monitors access to the entire country and allowing them to select interviewees at random and make unannounced visits.

To the Chinese government

- Insist on using internationally acceptable standards, as summarized immediately above, when monitoring distribution of food aid to North Korea.
- Allow humanitarian organizations to operate along North Korean border.
- Allow people fleeing hunger sanctuary on Chinese soil.
- As a state party to the Refugee Convention, honor international obligations to protect refugees and stop arresting and repatriating North Koreans to North Korea, where they could face persecution for the simple act of leaving the country without permission in search of food.

To the International Community

- Continue to offer food aid to meet the needs of North Korea's vulnerable population on a humanitarian basis.
- Press North Korea to accept food assistance from the WFP and other aid organizations and to allow such organizations to apply internationally acceptable monitoring standards, including by granting them sufficient freedom of movement to carry out their work.
- Press China to stop arresting and repatriating North Koreans, and to allow humanitarian NGOs to operate along its border with North Korea.

Appendix

Amount of food rations under old ration system⁷⁷

Class	Ration (per day)	Recipients
1	900 grams	Workers with heavy-labor or hazardous occupations
2	800	Miners, drivers of heavy equipment
3	700	Regular workers
4	600	College students, retired citizens of merit, patients
5	500	Junior high school students
6	400	Elementary school students
7	300	Retired citizens, kindergartners, other dependents
8	200	Children aged 2 - 4, prisoners
9	100	Children aged one or younger

North Korea's grain production

Year	RDA estimates ⁷⁸	North Korean estimates ⁷⁹
1990	4.020 million tons	9.100 million tons
1991	4.427 million tons	
1992	4.268 million tons	
1993	3.884 million tons	
1994	4.125 million tons	7.083 million tons
1995	3.451 million tons	3.449 million tons
1996	3.680 million tons	2.502 million tons

⁷⁷ "Food rations by class," Understanding North Korea 2005, Education Center for Unification, The Ministry of Unification, March 2006, pp 245-247.

⁷⁸ "Amount of Grain Production (in North Korea)," Rural Development Administration, emailed to Human Rights Watch in December 2005.

⁷⁹ DPRK second periodic report to CESCR. Economist Lee Suk says, there is a possibility North Korea exaggerated the amount of grain production until 1994, but the statistics released after 1995, the year North Korea began receiving international aid, are considered relatively trustworthy. Suk, *The DPRK Famine of 1994-2000*.

1997	3.489 million tons	2.685 million tons
1998	3.886 million tons	3.202 million tons
1999	4.222 million tons	4.281 million tons
2000	3.590 million tons	3.262 million tons
2001	3.946 million tons	
2002	4.134 million tons	
2003	4.253 million tons	
2004	4.311 million tons	
2005	4.540 million tons	4.800 million tons ⁸⁰ (unofficial)

Food aid to North Korea by the international community, including China and South Korea⁸¹

Year	Aid
1995	544,500 tons
1996	510,000 tons
1997	914,600 tons
1998	812,400 tons
1999	1,026,800 tons
2000	1,263,600 tons
2001	1,525,600 tons
2002	1,209,000 tons
2003	863,800 tons
2004	676,300 tons

⁸⁰ "North Korea's Harvest Hits Record High Since 1990," Radio Free Asia, October 26, 2005.

⁸¹ The International Food Aid Information System, WFP.