

Testimony

North Korea and the Right to Food

Marcus Noland
Peterson Institute for International Economics
East-West Center
Johns Hopkins School of Advanced International Studies

October 30, 2013

Note: This essay is derived from the author's testimony before the United Nations' Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea Public Hearings on October 30, 2013, Washington, DC. The author was specifically requested by the Commission to address the issue of the right to food.

The right to food is recognized in article 25 of the Universal Declaration on Human Rights¹ and article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).² It has undergone a steady elaboration, most notably in the Committee on Economic, Social and Cultural Rights General Comment 12 of 1999³ and subsequent documents.

The simplest definition, contained in paragraph 6 of General Comment 12, is that “the right to adequate food is realized when every man, woman and child, alone and in community with others, has physical and economic access at all times to adequate food or means for its procurement.”

This document goes on to elaborate a number of state obligations including:

- that states take the necessary steps to the maximum of its available resources to ensure access to adequate food;
- that states not take any measures that result in preventing access to adequate food;
- that states foreswear “any 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;” and that
- ultimately states are obliged to fulfill or provide that right directly.

¹ Available at <http://www.un.org/en/documents/udhr/> (accessed December 2, 2013).

² Available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> (accessed December 2, 2013).

³ Available at <http://www1.umn.edu/humanrts/gencomm/escgencom12.htm> (accessed December 2, 2013).

The government of the Democratic People's Republic of Korea (DPRK), or North Korea, has violated these obligations in multiple ways.

Food Insecurity

In the 1990s North Korea suffered one of the worst famines of the 20th century, an event in which perhaps 600,000 to 1 million people, or 3 to 5 percent of the precrisis population, perished.⁴ It was a man-made, preventable tragedy. Those people died needlessly. The government of North Korea is deeply culpable.

Although famine conditions have eased, in some ways it is remarkable how little has changed in fifteen years: A significant share of the population is chronically food insecure.⁵

The origins of the North Korean famine lie in the state's misguided attempt to achieve food security through self-sufficiency.

The state banned private markets. It controlled both the production and importation of food, as well as its distribution through the public distribution system (PDS). Ergo, state behavior is central to what occurred.

Given inauspicious growing conditions, it developed an agricultural system based heavily on industrial inputs such as fertilizer and pesticides; when the industrial economy began to falter in the 1980s, yields and output began falling.

Various forms of indirect evidence (including refugee testimonies and the delayed onset of menstruation in girls) suggest that at least some segments of the population became food insecure in the 1980s.⁶

⁴ Stephan Haggard and Marcus Noland, *Famine in North Korea: Markets, Aid, and Reform*. New York: Columbia University Press, 2007. Marcus Noland, "Famine Deaths, Again," North Korea: Witness to Transformation blog, July 30, 2013. <http://www.piie.com/blogs/nk/?p=11048> (accessed December 2, 2013). Unless otherwise specified, substantiation for historical claims made in this testimony can be located in *Famine in North Korea: Markets, Aid, and Reform*.

⁵ Food and Agricultural Organization and World Food Programme, *Special Report: FAO/WFP Crop and Food Security Assessment Mission to the Democratic People's Republic of Korea*, November 28, 2013. <http://www.fao.org/docrep/019/aq118e/aq118e.pdf> (accessed November 30, 2013).

⁶ Marcus Noland, "Refugee Success Stories," North Korea: Witness to Transformation blog, October 4, 2013, <http://www.piie.com/blogs/nk/?p=11048> (accessed December 2, 2013). Marcus Noland "Further Insights into the Mental Health of Female Refugees," North Korea: Witness to Transformation blog, September 9, 2013, <http://www.piie.com/blogs/nk/?p=11600> (accessed December 2, 2013).

Faced with dwindling output the state faced four choices:

- Use export earnings to purchase food imports
- Borrow money to finance such imports
- Appeal for aid, or
- Compress consumption

Regrettably, the state pursued the fourth option, inaugurating a “let’s eat two meals a day campaign” and cutting state controlled rations sometime around 1990 or 1991.

It was not until the spring of 1995, with the country experiencing a famine, that North Korea began asking for help from abroad. North Korea appealed initially to Japan, then to South Korea, and eventually the United Nations, for assistance with the first shipment of aid sent in May.

In June and July the country was hit by floods. These proved politically advantageous insofar as the North Koreans could portray their problems as stemming from natural disasters rather than bad policy.

This chronology is important:

- The state did not act expeditiously: Instead, it waited years between the emergence of the food crisis and making an appeal for aid, and
- The decline in output and onset of famine preceded the floods; the floods did not cause the famine.

One of the most disturbing aspects of this history is that the state violated its obligation to use its available resources to address this problem: As aid began flowing in during the mid-1990s, North Korea cut its commercial imports of food—rather than using aid as a supplement to locally produced and commercially imported supplies, the state in effect used aid as balance-of-payments support, freeing up resources for other expenditure priorities, including importation of MiG fighters (figure 1).

Indeed, even after the economy began recovering in 1999 and overall imports began rising, commercial food imports remained minimal (figure 2).

If North Korea had simply maintained its imports, normal human demand would have been met throughout this period (figure 3).

But from 1995 on, the public distribution system did not deliver minimum needs, even on paper, averaging around 300 grams (figure 4).

The result was a famine with pronounced geographic, socioeconomic, and demographic components. The worst affected were the young and old, those in the four provinces of the northeast, and those deemed politically unreliable.

1998 survey data from the World Food Programme (WFP)—admittedly of questionable reliability—implies that North Korean seven-year-olds were 20 percent shorter and 40 percent lighter than their South Korean counterparts.

Indeed these children were smaller than any cohort of Korean seven-year-olds going back to 1910 when the statistics were first recorded under the Japanese colonial regime. Admittedly the Japanese colonial authorities may have been measuring a self-selected group of privileged children, not a random sample or universal coverage, and their sample included children from the South, where the nutritional standards might have been better. But the point remains: On face value the North Korean seven-year-old generation measured in 1998 was smaller than their great-grandparents.

Unfortunately while famine conditions have eased, these traumas have not entirely abated. The most recent UNICEF-financed nutritional survey concluded that 10 percent of the country's two-year-olds were afflicted with severe stunting, a height-for-age measure indicative of long term malnutrition.⁷ Stunting of this severity at that age is not recoverable: It confers lifelong physical and mental challenges.

But it is also critical to note in the context of the right to food that generating adequate supply was not, and is not, beyond the capacity of the North Korean state.

The Food and Agricultural Organization (FAO) and WFP estimate that in the current harvest year North Korea has an uncovered grain deficit of 40,000 metric tons.⁸

According to the International Monetary Fund (IMF), the price of rice is approximately \$470 per metric ton. The price of corn is about \$207 per ton.⁹

This implies that for something on the order of \$8 million to \$19 million one could purchase enough grain on the open market to close that gap.

According to the United Nations, the North Korean economy was \$12.4 billion in 2011.¹⁰ Most analysts estimate a higher figure, but let's use this one. If correct, it implies that the reallocation of resources required to close the grain gap is less than two-tenths of one percent of national income.

⁷ UNICEF, Democratic People's Republic of Korea Final Report of the National Nutrition Survey 2012 March 2013, http://www.unicef.org/eapro/DPRK_National_Nutrition_Survey_2012.pdf (accessed December 2, 2013).

⁸ Food and Agricultural Organization and World Food Programme. *Special Report: FAO/WFP Crop and Food Security Assessment Mission to the Democratic People's Republic of Korea*, November 28, 2013, table 10, page 26.

⁹ International Monetary Fund, "Actual Market Prices for Non-Fuel and Fuel Commodities, 2010-2013," <http://www.imf.org/external/np/res/commod/Table3.pdf>. (accessed December 3, 2013). Prices cited refer to September 2013.

¹⁰ United Nations. National Accounts Main Aggregates Database, <http://unstats.un.org/unsd/snaama/selbasicFast.asp> (accessed December 3, 2013). Figure in nominal US dollars.

No one knows how much North Korea spends on its military. The conventional guess is about 25 percent of national income, making it the most militarized peacetime country on the planet. If the figures above are roughly correct, this suggests that North Korea could close its grain shortfall by cutting its military budget by less than 1 percent.

Even at the famine's peak, the resources needed to close the gap were only on the order of \$100 million to \$200 million dollars, or about 5 to 20 percent of revenues from exported goods and services or 1 to 2 percent of contemporaneous national income.¹¹

That gap could have been closed with modest expenditure switching.

Instead, the North Korean government was late in responding, and once the famine was underway, it did not use the maximum of its available resources to ensure access to adequate food.

Humanitarian Dilemmas

In trying to ameliorate this disaster, the humanitarian community faced a fundamentally hostile environment. That is, the North Korean government violated its obligation not to prevent access:

- The North Koreans would not permit normal assessment and monitoring activities—so aid agencies were forced into adopting a second best solution of targeting institutions such as orphanages, schools, and hospitals where particularly vulnerable populations were thought to be present. But food was not delivered directly to these institutions—it went through the PDS system where it was comingled with other sources of supply intended for different recipients.
- The WFP was initially not permitted to use Korean speakers or employ ethnic Koreans; it was not until 2004 that the government allowed WFP resident staff to take Korean lessons. Today the use of Korean speakers remains restricted, though not entirely prohibited.
- Pre-notification, generally one week, was required for site visits; not until 2002 were two teams allowed to visit a single province at the same time. Pre-notification is still required, but the pre-notification period is now down to 24 hours.
- The WFP and other relief groups have consistently been denied access to markets where for almost 20 years most non-elite households have actually obtained their food.

¹¹ For this exercise, famine peak years are considered 1996–98. Annual commodity prices (in constant 2005 US dollars) for rice and maize between 1996 and 1998 are taken from World Bank Global Economic Monitor (GEM) figures. North Korea grain deficit estimates are taken from FAO/WFP. GDP figures 1996–98 are taken from UN National Accounts Main Aggregates Database. Licit merchandise export figures are taken from author estimates.

In short, during the famine period and its immediate aftermath, the WFP was reduced to using 50 non-Korean speakers to monitor 40,000 end-user institutions for which the North Korean government never furnished a complete list.

Such conditions were imposed despite the fact that at its peak, the aid program was targeting roughly one-third of the population.

Weak monitoring meant ample opportunity for diversion of aid away from its intended recipients, as well as enabling discrimination in the provision of aid.

North Korea maintains a classification system called the *songbun* system of 52 categories based on family background and perceived political loyalty.¹² There are three broad categories: the core, wavering, and hostile classes. The *songbun* system strongly influences educational opportunities, job assignments, and location of residence. It appears to have also played a role in relief activities.

Between 1998 and 2000 a number of private nongovernmental organizations (NGOs) terminated operations in North Korea due to the inability to operate effectively as a result of North Korean government interference. In explaining their withdrawal, Medecins Sans Frontieres (MSF), then the largest private relief operation in the DPRK, made specific allegations with regard to North Korean practices:

- that they were denied access to the so-called 9/27 camps that they had learned of via children's medical records and discreet comments by local staff and where they believed patients—particularly starving orphaned children needing assistance—were being held; and
- MSF specifically claimed that the North Korean government had denied access to sick and malnourished children and channeled relief supplies to the children of the politically well-connected.¹³

Other NGOs made similar claims. More broadly, aid supplies flow through the PDS system, which is used as a mechanism of social control.

Clearly some of the worst affected areas—mainly in the northeast of the country—were not prioritized in terms of PDS shipments, and these areas also happened to be locations where the share of people classified as wavering and hostile is believed to be particularly high due to a history of forced internal deportations.

¹² Collins, Robert. 2012. *Marked for Life: Songbun North Korea's Social Classification System*. Washington: Committee for Human Rights in North Korea.

¹³ Medecins Sans Frontieres, "MSF Calls on Donors to Review Their Policy in DPRK," September 30, 1998, <http://www.doctorswithoutborders.org/press/release.cfm?id=460> (accessed December 2, 2013). Marcus Noland, *Avoiding the Apocalypse: The Future of the Two Koreas*, Washington: Institute for International Economics, 2000. Michael Schloms, The European NGO Experience in North Korea, in *Paved with Good Intentions: The NGO Experience in North Korea*, eds. L. Gordon Flake and Scott Snyder, Westport, CT: Praeger, 2003.

And then, of course, there is the penal system for which I know of no aid shipments ever being delivered.

Dealing with This Legacy

What do we take away from all of this?

The government of North Korea is clearly culpable in the denial of the right of food:

- It did not act expeditiously as the country slid into famine.
- It did not use and continues not to use the resources at its disposal to address the lack of adequate food among the populace.
- When aid was offered, it hindered and continues to hinder the operation of the relief program and at best enabled discrimination in relief if not actively promoting discrimination.

In sum, the famine and its aftermath are inseparable from the nature of the political regime. Only a regime that systematically restricts all human, civil, and political rights, preventing the spread of information, debate over policy, and criticism of public officials—and hence is completely insulated from the demands of the populace—could have acted with such culpable slowness and maintained such disastrous policies in the face of a humanitarian catastrophe.

The North Korean regime is clearly culpable in these crimes. Establishing individual culpability is a more difficult hurdle, however. Kim Il-sung and Kim Jong-il are deceased, and it is of limited utility to indict the dead. Nevertheless, the Commission can still perform a service by documenting the actions of the regime so that its surviving leadership understands that they could be held accountable for their actions at some point in the future.

The long-term economic solution to North Korea's chronic food emergency is not self-reliance but rather the development of the industrial economy that would allow North Korea to earn foreign exchange and finance food imports—just as its neighbors China, South Korea, and Japan do. That development, in turn, hinges on North Korea's willingness to embrace economic reform, something that it has until now eschewed.

Until that occurs, we have no real ethical choice other than to engage. Indeed, under the same right to food covenants I cited at the beginning, we have an affirmative obligation to provide aid.

We can do that in a better manner than we do now:

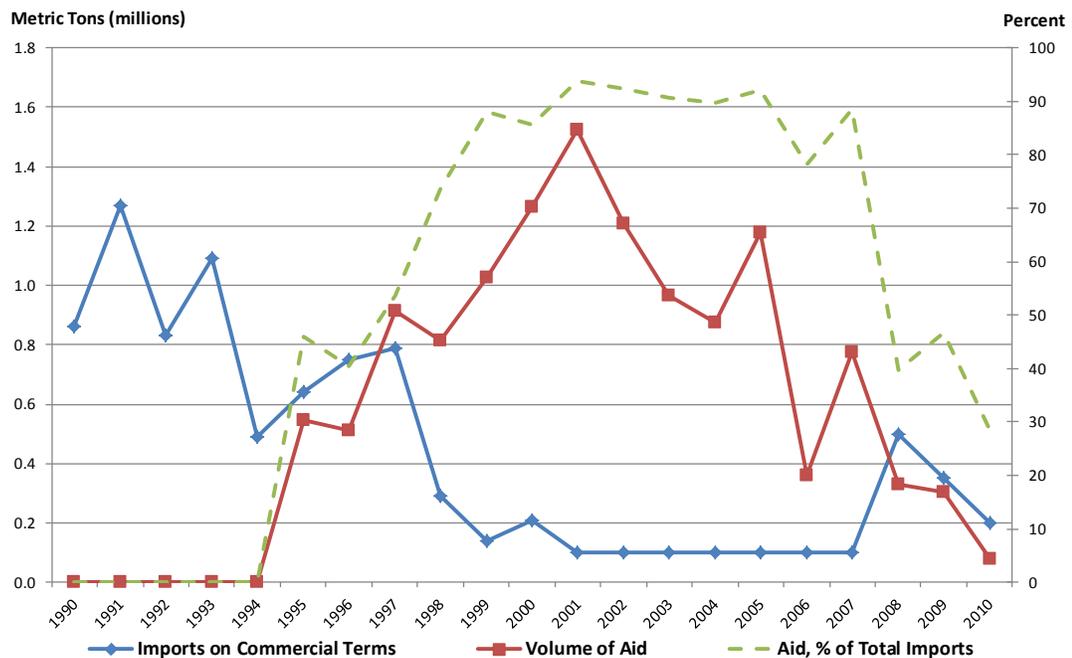
- Provide it in forms less amenable to diversion to elite consumption—barley and millet rather than rice or corn. Such a policy would encounter resistance in both Washington and Seoul where the local political economy of aid reflects the

parochial interests of domestic political lobbies, encouraging the inefficient provision of inappropriate products (i.e., shipping US grown grain on US flagged ships). In short, the problems are not located solely in Pyongyang.

- Send it to worse affected areas (that is, to the ports of Chongjin or Wonsan on the East Coast, rather than Nampo, which serves Pyongyang). Even if diverted to the market, the aid will pool in the local catchment area and presumably reach some food insecure families. This is a second best to providing aid gratis to the most deserving but preferable to injecting it into relatively well-off regions.
- Provide it in cooked form, which is less susceptible to hoarding and diversion.
- Encourage UN sister agencies to adopt a less supine posture with respect to the issues of discrimination in the provision of relief; to my knowledge the UN specialized agencies have never even mentioned the *songbun* system in their reports, much less proactively addressed how their practices may interact with this system.
- Insist on improved monitoring and assessment. Specifically, we should insist on follow-up evaluations of targeted populations: If we cannot observe measurable improvements, then clearly there are problems with the policy.

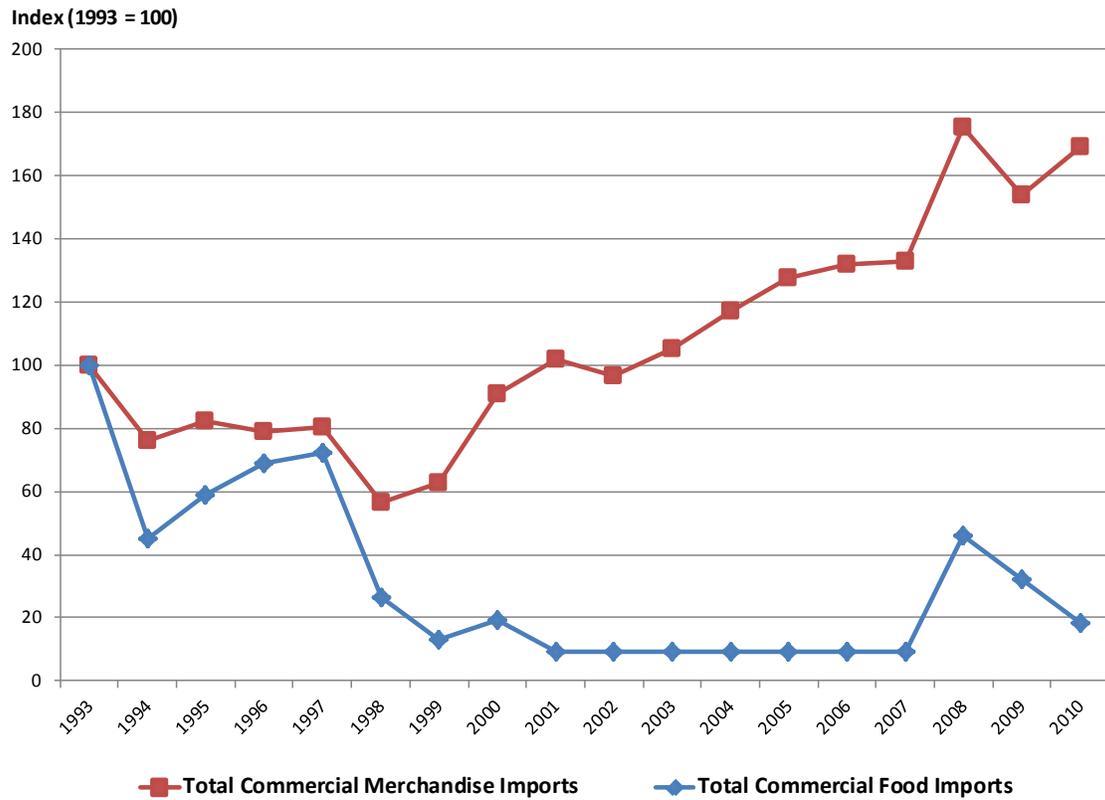
We should provide assistance. But we should be clear-eyed about the terms of that engagement and seek to provide aid in ways consistent with our values and our obligations under international law.

Figure 1. Food imports and aid, 1990-2010



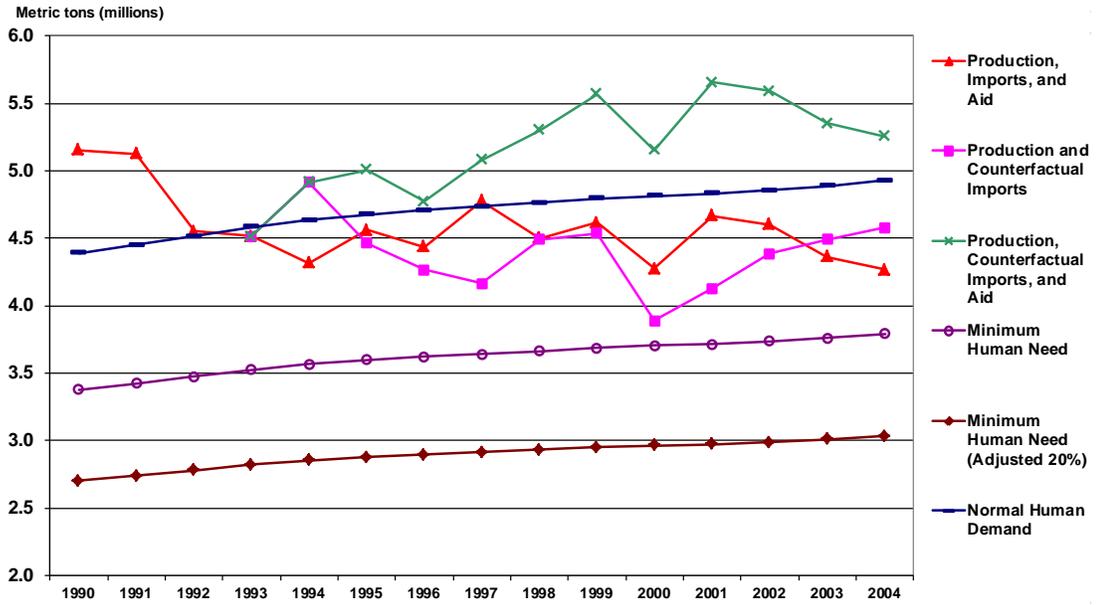
Source: Imports: FAO/WFP (various publications); Aid: INTERFAIS

Figure 2. Total imports and commercial food imports, 1993-2010



Source: MOU, FAO Special Reports, Author's Calculations

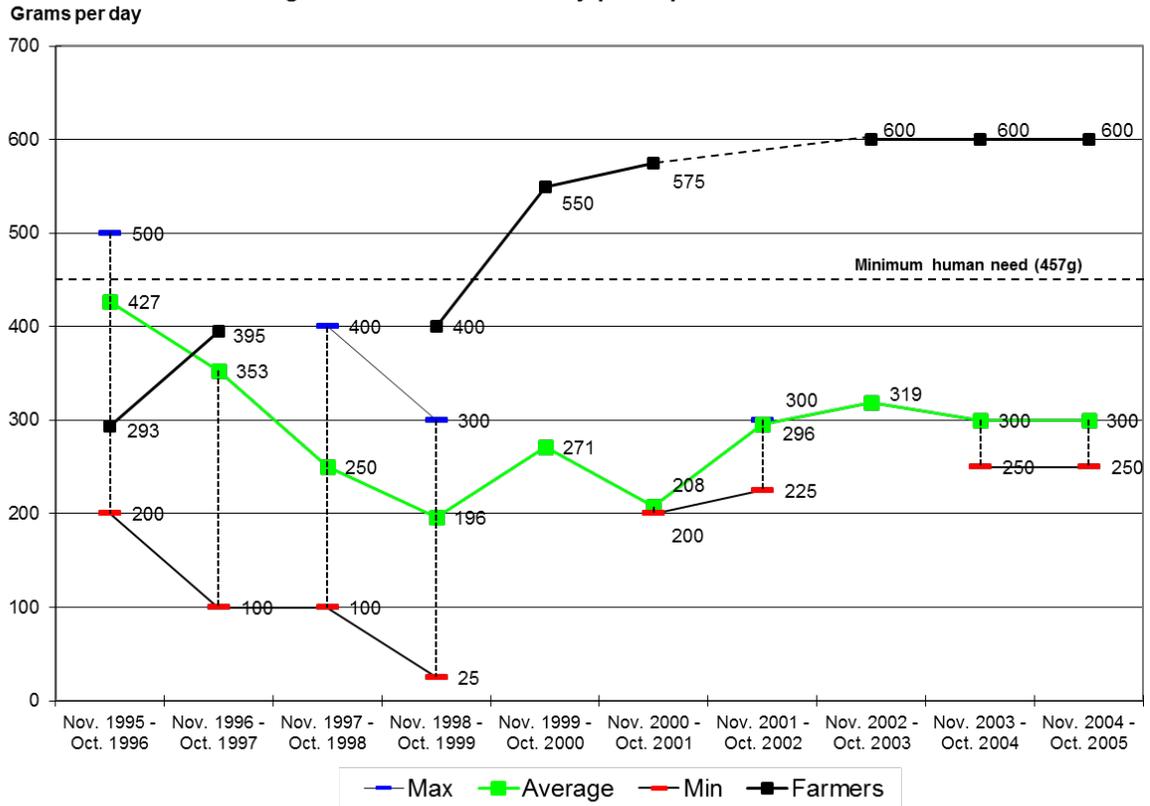
Figure 3. Scenarios of food supply and minimum human need, 1990-2004



Note: Demand figures based on population data taken from the Bank of Korea and annual per capita consumption of 167kg in cereal equivalent. Counterfactual supply keeps 1994-2003 imports held at 1993 level. Normal human derived from FAO/WFP (1995).

Sources: Production: USDAFAS: PSD database; Imports: Noland (2003); INTERFAIS (2004, 2005b).

Figure 4. Estimates of daily per capita PDS rations



Source: FAO/WFP (various publications); Natsios (2001).

Note: In most cases averages are taken directly from the source. Otherwise, they are calculated as the simple average of the estimates for different cohorts throughout the marketing year.