

Facing Refugees: New Questions on Korean Democracy

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1. The Birth of 'Fake Refugees'

The key term spawned from the anti-refugee movement in 2018 was “fake refugees”. Before the South Korean public could even develop a clear understanding of the asylum applicants, Yemeni citizens on Jeju Island earned “fake refugee” status. As many Yemeni refugees on TV appeared as well-dressed, healthy men who owned cell phones, the anti-refugee protestors denounced them as fake refugees who merely came to seek job opportunities. The typical image of a refugee that Koreans have pictured was a sick child or woman dying of war and starvation. However, those who came to Korea were active refugees with intelligence and economic power to find a safe country of asylum. For this very reason, they seemed to lack the “real refugee” status to be subject to sympathy and benevolence. Yemenis are refugee applicants who entered South Korea to apply for temporary or long-term ‘protection’ from war. Yet, they had become a disturbance and threat to Korean society before they knew it. Bound to Jeju Island for a long period, they were considered as “fake refugees”, “armed terrorist refugees”, and “Muslim men threatening women's safety”, all in which became a symbol made of hysterical sentiments in Korean society.¹⁾ The Korean government left the refugee issue unsettled in the frame of “citizens versus refugees”, leaving Yemeni refugees vulnerable and subject to various national sentiments. Despite the presence of some people who were willing to find ways to resolve this global challenge of the 21st century, “citizens

1) Kim, Hyun Mee (2018), “Temporality and Political Affect of Refugee-phobia in Contemporary Korea,” *Hwanghae Review* 101 (2018), 210–228.

versus refugees" frame of discussion eliminated such possibilities.

South Korea joined the Convention Relating to the Status of Refugees in 1992, and became the first Asian country to enact its Refugee Act on July 1st, 2013. The Lee Myung-bak and Park Geun-hye administrations touted the nation being "the first Asian country to enact refugee legislation" and promised to breathe new life into human rights practice in Asia. However, that promise was overshadowed in 2018 in the face of Liberty Korea Party's rush to introduce bills to repeal the refugee legislation. Korea's commanding presence as a sovereign state that endorsed the Refugee Act was nowhere to be seen once the refugees actually arrived, and the nation was divided into two sides: silence or aversion. Given the fact that it was the first massive influx of refugees in Korean society, the chaos it brought was unsurprising. The problem, however, lies in that Moon Jae-in's administration, politicians and the press failed to actively promote understanding of the contents of the Refugee Convention or related legislations among the citizens. Instead, as soon as the Yemeni refugee situation in Jeju was known, the Korean government showed off its status as a "security state", saying it would ferret out "fake refugees" and step up a crackdown on the refugee applications. As we can see from the anti-Yemeni refugee protests, the basic notions of "us" and "citizens" are always sought to draw a line between us and them. On the contrary, there is no social debate on the imagination or practice of inclusive democracy for the coexistence of both locals and foreign refugees. Thoughts pertaining to race and ethnicity, which have deeply permeated our education, media, religion and law, have neither been questioned nor challenged. The South Korean government has failed to protect both the procedural rule of law guaranteed by the law and cosmopolitanism based on human rights and reciprocity, but has only intensified conflicts between peoples. In other words, it has only created an atmosphere in which "hate speech against refugees took over while the government failed to present a fundamental solution and deliver a clear message that meets international standards".²⁾ Policing the refugees has only strengthened the internalization of blood-related, territorial and racial exclusivism in the process of becoming and defining citizens. The Yemeni refugee crisis informs us that democracy, which should be followed through the consistent passage of laws and systems, can be easily undermined through the dichotomy of people versus refugees. The encounter with refugees

2) Paek, Ga-yoon. "Jeju Yemeni Refugees," A paper presented to the conference "Speaking of Racism in Korean Society" organized by the NGO Alliance on the Elimination of Racial Discrimination, July 20-21st, 2018.

has awakened, on one hand, the incompleteness of democracy in Korean society and, on the other, the imagination of inclusive democracy.

2. COVID-19 Pandemic and Violated Human Rights of Migrants

In December 2020, during which COVID-19 was still rampant, the Ministry of Justice announced legislative reform of the Refugee Act. The amendment included quick identification and deportation of asylum seekers who violate the law. The recognition rate of refugee status in 2020 was only 0.04 percent. Since the Refugee Act took effect, the refugee recognition rate has been constantly decreasing that now it even seems more reasonable to call it the Refugee Disapproval Act. Now we are living in a pandemic era, which is managed through territoriality, civic inspections, worldwide movement restrictions and border restrictions. Thus, the will to accelerate the deportation of refugee applicants at this time is in line with pinning hatred and blame on the foreigners for causing disasters and naturalizing exclusion in the process of prevention and recovery. Migrants and refugees during the COVID-19 period are not only restricted in their movement but also have become subject to suspicion and exclusion just because they are “foreigners”. Social distancing has made it even more difficult for refugees to access to social services. The lives of migrants and refugees have become precarious and vulnerable due to the “citizen-centered” preventive measures. It was impossible to purchase masks in the early days of COVID-19 outbreak, and the public hospitals and Red Cross hospitals, in which immigrants with chronic diseases received treatments, have then become nationally-designated hospitals for COVID-19 treatments. Moreover, information related to COVID-19 was provided mainly in English and Chinese, creating even more confusion and panic among refugees from various countries of origin. On April 6th, 2020, the Committee on Economic, Social, and Cultural Rights of the United Nations recognized “a clear risk that might increase the suffering of the most vulnerable and marginalized groups” in responding to the pandemic and emphasized the need to ensure that health-care resources are shared and provided to the social minorities. It is clearly stated in Articles 12 and 13 of the Local Autonomy

Act and the Framework Act on the Management of Disasters and Safety that foreigners have the same right to use local government property and public facilities as Koreans and should not be excluded from measures of prevention and treatment. However, these legal rights were not applied to foreigners, including refugees, in the event of an actual disaster and emergency.

Meanwhile, the Ministry of Justice is hastily trying to pass the revision of the Refugee Act. As mentioned in the beginning of the article, both the rule of law and the protection of human rights based on cosmopolitanism are being 'violated' from the above. Refugees who can neither return home nor maintain a secure life in a protection country are under constant threat and fear. However, being a refugee itself makes it difficult to even address his or her difficulties or ask for help. It is also difficult to seek help from families and friends from home country who are also overburdened with stress. Job instability, lack of social safety net, residential facilities in which physical distancing is impossible, and a lack of informal service networks all make refugees more "refugee". The Community Law, which emphasizes mutual responsibility and care without requiring the qualifications of refugees or migrants, is yet to be implemented.

3. Extensive Democracy Through Coexistence with Refugees

Ranging from arms competition among the world powers and economic looting by global large capital to loss of their home and community by overdevelopment and ethnic and religious conflicts, causes that result in displacement of civilian population vary and the refugee population is constantly on the rise. While all countries have no choice but to share responsibilities to protect refugees, South Korea is no exception. The dichotomy between the people and refugees over the Yemeni refugee crisis in 2018 made it look as if the two sides were separate beings with no common grounds or shared beliefs. Foreigners, refugees, and mixed identities are simply considered unrelatable to the public. Moreover, while refugees lack access to public channels to express their experiences, diversity and orientations, they are captured in the frame of "fake refugees" and thus, pictured as the opposite of the "people". This hierarchical dichotomy-dependent exclusion and hate politics eventually lead to the regression

of democracy, for they eliminate the fact that essentially humans are mutually supportive beings that are oriented toward equality. In this regard, emotional politics that mobilizes the mass in the name of the people and encourages hostility toward refugees substantially leads to 'de-politicization'. This is precisely because emotional politics drives us away from deliberative democratic procedures for the expansion of the electoral system, party politics, participatory democracy and expansion of human rights and basic rights. Instead, it encourages the privatization of refugee issues through fake news that play with emotions and ignorance.

Korean history and refugees are, in fact, very closely related. This country has experienced colonial rule, poverty and war, all of which forced some population to flee their homes and seek asylum abroad. Among the refugees of South Korean origin who live overseas are pro-democracy activists under the Park Chung-hee regime, student activists, LGBTQ, marriage immigrants who fled from domestic violence, and people of mixed race. Likewise, North Korean defectors are typical refugees. This tells us who were deported by the state and the regime on the Korean Peninsula. The whole world has been seeking mutual solidarity and development in its nested role of constant displacement and refugee protection. The permanent and consistent dichotomy between refugee generating countries and refugee hosting countries does not exist, and refugees are, in fact, transnational identities that have accelerated democratization around the world.

The people of Myanmar, who were forced to flee their home for participating in the 8888 Uprising and became refugees in South Korea, returned to their homeland to fight against military violence with the determination not to become refugees again. Koreans who are insulted, murdered, and deprived of their property rights abroad for being Asian can also leave the country with a feeling shared by refugees. Refugees living in South Korea are not unrelated to social development in Korean modern history. Luca Mavelli argues that the discourse of dichotomizing refugees into beings worth protecting or beings to be excluded is encouraged by the state. In other words, the rise and path of such discourses are governance measures by the state.³⁾ The key of governance is to lead the people to see the global refugee issue at the level of emotions and turn their eyes away from the cause of refugee crisis or governance structure. In the end, the goal of protecting refugees cannot be achieved in the

3) Mavelli, Luca(2017), "Governing populations through the humanitarian government of refugees: Biopolitical care and racism in the European refugee crisis," *Review of International Studies*, vol. 43. part 5, pp. 809-832.

existing people-versus-refugee dichotomy. Fortunately enough, interest and active support for refugee protection have been growing since Jeju refugee crisis. People of religion and citizens who pursue inclusive coexistence are actively participating in the protection and support of refugees' human rights, and the expert groups such as Korea Refugee Rights Network have also produced some remarkable achievements in protecting refugee rights. Refugees do not fall under the homogeneous category; their lives are situated in complex conditions with various opportunities, adventures, risks and transactions, which are neither heroic nor victimized all the time. This means that the ethics of mutual involvement is more important than engagement in the typical hierarchy of dispensation to protect refugees and provide benefits. This requires an open attitude for more possibilities that arise as refugees and residents work together, reside and interact with each other.⁴⁾

Refugees are socially deprived, and for that reason, they carry the rights to be protected as they cross borders. The quality of life and capacity of refugees depends on the level of democracy in the society they reside. Korean refugees still living vulnerable and precarious lives are those who remind us the "unfinished democratization" state that is carried on by the principle of 'economy first', gender inequality and racism in Korean society. Extensive democracy encourages more contact, encounter and interaction in the public domain to promote mutual respect among all groups. The goal here is to learn about the "unknown beings" and to form a community that recognizes each other's existence through understanding. We should remind ourselves that migrants and refugees are those who strive for social reproduction in distinct regions as they cross borders and create the possibilities for new political unity and solidarity.

4) Baraka Little Library in Seoul (www.barakakorea.com), Wahha, a community of Arab refugee women in Incheon, and Yemeni restaurants in Jeju are creating active resident-refugee interactions.