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State of Exception:

An Agambenian perspective on the detention of North Koreans in South Korea

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Abstract

This research critically explores the role of the *Hanawon* reintegration facility in the securitisation of migration for citizens of the Democratic People's Republic of Korea (DPRK) settling in the Republic of Korea (ROK). The securitisation of migration is a field much influenced by the work of critical sociologist Giorgio Agamben in his critique of sovereign power and his framework is here applied to DPRK settler detention in ROK. This research seeks to understand the *Hanawon* detention facility from an Agambenian perspective and critically explores whether concepts such as state of exception and bare life deepen our understanding of the system of mandatory detention. The research follows a mixed methods approach and triangulates data recovered from primary and secondary literature, while qualitative semi-structured interviews with *Hanawon* graduates complement the findings. The triangulated data show that there is a high degree of bio-political control within the institute which pathologises a socially constructed DPRK pseudo-ethnicity, which is then recodified through a period of ritualistic banishment from the socio-political realm. It is further argued that DPRK settlers are analogous to Agamben's accursed *homo sacer*, embodying both the sacredness of a unified Korea, but also the subversive remnants of DPRK sovereignty. Despite there being historical precedents for sequestration of foreign communities within Korea, it is argued the *Hanawon* reflects the wider securitisation of migration debate, albeit in a uniquely Korean context. In conclusion, it is suggested that the system of support as currently practiced risks violating ROK human rights obligations and the situation should be closely monitored into the future so as to ensure DPRK settlers do not enjoy a diluted liberty when settling in ROK.

Key words: *Securitisation of migration, North Korean refugees, state of exception, homo sacer, citizenship, migrant detention centres*.

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Acronyms

CARD – Convention Against Racial Discrimination

CSR – Convention on the Status of Refugees and its 1967 Protocol

DPRK – Democratic People's Republic of Korea

ICCPR – International Covenant on Civil and Political Rights

MoU – Ministry of Unification

NIS – National Intelligence Service

NSA – National Security Act

PTSD – Post-traumatic Stress Disorder

ROK – Republic of Korea

UDHR – Universal Declaration of Human Rights

Introduction

This research critically explores the role of the Hanawon facility in the integration of settlers from the Democratic People's Republic of Korea (hereafter DPRK) in the Republic of Korea (hereafter ROK). The research seeks to understand the function of the facility in light of the increasing use of detention in immigration policies worldwide. The Hanawon – as a site of mandatory detention – arguably coercively assimilates DPRK settlers and this research seeks to understand this in the context of increasing detention in the securitisation of migration internationally. From a human rights perspective, there are concerns that in light of domestic law, which criminalises expressions of sympathy for DPRK, settlers may not enjoy all those rights guaranteed by international human rights law.

Despite comprehensive support to aid the transition from state-controlled socialism to free-market capitalism, settlers from DPRK experience unprecedented levels of social exclusion in the ROK. The last decade saw a 7,000% rise in arrivals from DPRK, which now average 1,691 per year (MoU, 2010a), yet data show unemployment rates at 60%, 1,000% higher than the general populace (Williamson, 2011a). In terms of mental health, depression and psycho-social disorders are widespread (Jeon *et al*, 2009), and suicide accounts for 16.3% of all DPRK settler deaths, twice the ROK average (Laurence, 2011). These stark figures illustrate the obstacles settlers face in trying to adapt to a fast-paced ROK culture, yet they also suggest that the state intervention is failing in its stated humanitarian objectives.

This research is contextualised within a climate of increasing use of detention in immigration policies worldwide, prompting some observers to note the increasing disciplining of the transient individual (Foucault, 2002; Agamben, 1998; Bourbeau, 2011; Guild, 2009; de Genova and Peutz, 2010). Globalisation has led to an inexorable rise in migration internationally and states have increased measures to preserve sovereignty and expel what is perceived as a migrant threat. The state claim that the *Hanawon* is fundamentally a humanitarian institution (MoU, 2011) is thus critiqued in light of this securitisation discourse, particularly as instances of mandatory detention provoke critical enquiry.

This mixed methods case study triangulates data from primary and secondary sources in order to critically understand the *Hanawon* from the perspective of sovereign power over the transient migrant, as understood by Giorgio Agamben. Although the temporal and

spatial particularities may encourage a *sui generis* interpretation of the *Hanawon* facility, there are stark parallels with global antagonisms between migration and state sovereignty. Viewing the issue through an Agambenian lens, this study asks whether the *Hanawon* is a state securitisation measure that can be understood as an expression of the increasing disciplining of migrants internationally. The image of the accursed *homo sacer*, excluded from the socio-politic and suspended from state protection, provides a fitting model for the detained migrant, and particularly DPRK settlement in ROK. As such, the discussion commences with an introduction to the key arguments surrounding the securitisation of migration debate and the Agamben framework, before introducing the background to DPRK settlement in ROK.

Theoretical Framework

Bio-power and the Securitisation of Migration

The present era is reportedly awash with the transfers, flows, and movements associated with globalisation; fluidity reigns while state sovereignty is compromised and undermined (Giddens, 1999; Held, 1995). Theorists have even claimed globalisation heralds a borderless world (Ohmae, 1990), where the fiction of the nation state becomes obsolescent (Ohmae, 1996). These processes have "[cast] long-established patterns of cultural identity, belonging and identity into a state of uncertainty" (Bourbeau, 2011: 1), and some see the "securitisation of migration" (Waever, 1995) in states' vain attempts to close the stable door through border controls, detention, and militarisation.

Particularly since the onset of the ostensible "War on Terror," states have become increasingly concerned with the insecurities that unchecked migration threatens (Bourbeau, 2011; Guild, 2009; Turner, 2007). These constructed threats have led to a growing discourse on citizenship and the very future of sovereignty (Shamir, 2005). The unchecked migrant penetrates the disintegrating nation state and "provok[es] worldwide anxiety and apprehension," (Bourbeau, 2011: 1) representing an "existential threat to [state] security" (*Ibid*.). Alarmists claim "hordes of individuals slip into harbours [and] wade across rivers" (Weiner, 1995: 9), eroding the nation state and bringing "criminal anarchy" (Kaplan, 1994). This heralds "the logic of exception" (Bourbeau, 2011: 7), which justifies suspension of the law and increased restrictions on movement within a "continuum of insecurity" (Guild, 2009: 2).

The result of such rhetoric is readily apparent in India's fencing off of its border with Bangladesh to keep out militants and human traffickers (Prasad, 2005), and Greece's efforts to strengthen "one of the most militarised frontiers in Europe" against a wave of undesirables that destabilise the EU (The Economist, 2011). Similarly, in Australia detention centres house potential terrorists bent on subverting the state (Steketee, 2008), while at the Mexican-US border armed police battle criminals and drug cartels (Ramsey, 2011). Regardless of whether these threats are real, imagined or constructed, and despite the cheerleaders of globalisation applauding a new "mobility regime" (Shamir, 2005), the reality is an increasing movement towards immobility and sovereign discipline.

These practices of discipline and control create tension between the individual and the state, as warned by Foucault, who contributed greatly to critical understanding of sovereignty. The sovereign is that entity with supreme power and the term's Deistic origins confirm this absolutism (OED, 2011a). For Foucault, industrialisation reformulated the nature of sovereign power from control over territory to power over "subjects' very bodies and forms of life" (Agamben, 1998: 5). This "bio-power" (de la Durantaye, 2009: 210) over the individual was enabled by "the set of mechanisms through which the basic biological features of the human species became the object of a political strategy" (Foucault, 1978). Bio-power is central to understanding securitisation as it is an "imposition of a power over life itself" (de Genova and Peutz, 2010: 12) and is fundamental to sovereign regulation and restriction of movement. Sovereign power over individuals is maintained through scientific disciplines and knowledge discourses rather than merely territorial control, and this necessitates constant redefinition of the threshold between inclusion and exclusion (Willen, 2010) and it is at this juncture that the *Hanawon* and politics of migration are placed.

It was in the midst of eighteenth-century industrialisation that the population become a "datum [and] objective of government techniques" (Foucault, 1994: 219) and discipline evolved from being about public displays of might, to becoming an art of surveillance and control, facilitated by an "ensemble [of] institutions, procedures, analyses, and reflections" (*Ibid*). These institutions and procedures – visible in the border agencies and passport checks that administer inclusion and exclusion – form part of the "apparatuses of security" that comprise governmentality (Foucault, 1994: 221). Foucault saw the blueprint for governmentality in Bentham's Panopticon prison, within which the detainee was never aware of the instant of being monitored, necessitating a constant state of vigilance (Foucault, 1975). Moreover, the design allowed for mass surveillance, embodying a form of power defined by "supervision, control [and] correction" (Foucault, 1994: 70); societal discipline "not at the level of what one does but of what one is, [and] what one might do" (*Ibid*: 70-1).

Such a system of control excludes to include, positioning the prisoner as subordinate within a knowledge regime that "penetrates into men's behaviour" (Foucault, 1975) and "fasten[s] them to an apparatus of knowledge transmission" (Foucault, 1994: 78). Foucault names the Panopticon as the central paradigm of the age, stating he was not so much concerned with how the structure itself had been reproduced, or even with how it had gone on to influence

historical design; rather in the Panopticon he saw "the concealed political coordinates," and "deep historical structures" (de la Durantaye, 2009: 216) underlying outward social facades. The Panopticon was "a concrete and real object as a paradigm to elucidate a larger historical context" (*Ibid*: 218), and it realised the constant surveillance definitive of the age in a way more elucidating than the prison house itself.

This science of bodily surveillance practiced in facilities of governmentality gave rise to psychiatric disciplines, enabled through "micro-power relations whereby bodies are controlled by the state through local institutions and authorities" (Turner, 2007: 297). Knowledge control over the individual allowed for full exploitation of their capital value by attaching them to systems of industrial production (Foucault, 2002). Foucault saw these relations in not only prisons, but also schools, hospitals, and other governmental institutions, contending they all function to subordinate the individual to the needs of the sovereign (Foucault, 2002). It is from this perspective that a study of the *Hanawon* – as an "apparatus of security," (Foucault, 1994: 221) – is so crucial in understanding the bio-political disciplining of DPRK settlers.

Giorgio Agamben was much influenced by Foucauldian principles of sovereign control and he saw bio-politics as the ultimate objective for the political ordering of society (Turner, 2007). Bio-politics seek not only to legitimise regimes of law, but also to normalise the liberty to remove protection from sovereign violence that the law guarantees (*Ibid*). Such derogation from the expected provisions of law is termed the "state of exception" (Agamben, 1998), whereby legal protection is suspended, thus subordinating the individual to sovereign interests, "which does not limit itself to distinguishing what is inside from what is outside, but instead traces a threshold between the two" (*Ibid*: 19). In maintaining this threshold between exclusion and inclusion, the sovereign maintains the bio-political "ordering of the polis," (Turner, 2007: 295) through institutions of control.

Contemporary facilities such as Australia's Christmas Island detention centre reflect such bio-political ordering (de Genova, 2010), where detained subjects are of the "diverse categories of migrants subject to arrest, detention, and deportation" (de Genova and Peutz, 2010: 1). Agamben, however, had a very particular state of exception in mind – the concentration camp. Rather than the Panopticon, it was in the camps of the British in South Africa, and Germans under the Third Reich that the "hidden foundation [of] the entire political system" (Agamben, 1998: 9) was to be found. These spaces of absolute bio-power

exposed the individual to bare life at the hands of the sovereign, with the act of removal being an "emphatic reaffirmation" of sovereignty itself (de Genova and Peutz, 2010: 2). Despite claims that Agamben uses "strategies of provocation" (LaCapra, 2007: 161) and is too extreme in his analogy of the camp (Eaglestone, 2002), a brief review of his theoretical background shows there is much of value to migration studies.

The camp is an institute that inscribes the individual with sovereign power in its "passage from subject to citizen" (Agamben, 1998: 128), arising at the threshold between the citizen and bare exposure to statelessness. The bare life of Agamben is that life which has been removed from social relations and has not yet been inscribed in the socio-political order (de Genova, 2010: 37); they are not within, yet they are not without, inhabiting a "zone of indistinction" (*Ibid*). Although Agamben's state of exception was realised in the concentration camp, many other theorists have drawn further parallels with migrant processing institutions in the securitisation of migration discourse.

For Agamben, the camps represent "exemplary planes [and] a legal no-man's-land" (de la Durantaye, 2009: 219) in which the migrant, propelled by external forces of globalisation, are disciplined by flexing sovereigns. The act of expulsion is a preliminary step in inscribing life with sovereign power, a process which begins with detention, before the body is "recodified" within the state (Agamben, 1998: 128). The camp is a place where suspension of the law creates a state of exception, which expels threats to the state until they can be reincorporated within the socio-political order (*Ibid*). Agamben's critique thus "renders intelligible a series of phenomena" (Agamben, cited in de la Durantaye, 2009: 223) in the relationship between migrants and sovereign power, and therefore notions of bare life and states of exception are invaluable to the global securitisation of migration.

In his conception of bare life, Agamben saw a very particular social construction of the afflicted individual, identifying the analogy of *homo sacer* as taken from Roman law. *Homo sacer* was a legal subject cast out of the city, being both sacred yet unclean; "his status as a member of the group has effectively been suspended" (de la Durantaye, 2009: 207). This expulsion of the sacred functions to initiate "the state of exception [and] zone of indistinction between inside and outside, exclusion and inclusion" (*Ibid*: 212). The relevance to the *Hanawon* is clear as this is expulsion to include as the transient are restricted within state-controlled facilities (*Ibid*). Migrants are thus "the bare life" that is excluded from the juridical political order of citizenship" (de Genova and Peutz, 2010: 14)

as their very transience represents "a permanent and incorrigible affront to state sovereignty and power" (de Genova, 2010: 39). It is in this regulation of exclusion and inclusion that the "irruption of the refugee" (Ibid: 46) presents itself as *homo sacer* (de la Durantaye, 2009: 206).

In summary, Agamben's *homo sacer* is the accursed individual that threatens established principles of sovereign power, recalling a Foucauldian understanding of deviance and threat managed through institutes of governmentality, such as migrant detention centres. Agamben followed Foucault's lead, yet went further and suggested the Panopticon had been superseded as the paradigm of the age by the concentration camp, as a state of exception beyond the law justified through exogenous threats to the state. The subject of this imposition was made bare, as *homo sacer*, yet this external threat was to be bio-politically recodified to the sovereign in a ritualised and internalising redemption. In this recodification to the state, it is suggested that the *Hanawon* provides a model case and encourages further comparisons with other processes of citizenship.

Within this framework, it might be expected that DPRK settlers – as a migrant group and affront to ROK sovereignty – are subject to expulsion under a policy of exclusion for inclusion. If this research is to be informed by an Agambenian approach, then it might be expected that the state performs practices of bio-political control over migrants within institutes of governmentality that seek to "recodify" the settlers as ROK citizens through "bind[ing] [them] to an external power" (Agamben, 1998: 5). Furthermore, the sacred yet taboo nature of DPRK settlers prompts some crucial questions for this study, as not only do they represent an "affront" to the state (de Genova, 2010: 39), but they subvert the very legitimacy of ROK nationhood. These quandaries will form the foundation for the research objectives below, yet first it is necessary to draw the historical context and background to DPRK settlement in ROK.

The Context of DPRK Settlement in ROK

Nomenclature of DPRK settlers

As ROK jurisdiction constitutionally extends across "the Korean peninsula and adjacent islands" (ROK, 1948), individuals from DPRK seeking haven there are not governed by the Convention on the Status of Refugees (CSR). Despite this, many international organisations and even the ROK Ministry of Unification (MoU) often refer to those both in China and ROK as refugees (MoU, 2011). In order to avoid confusion, this study will only use the term refugee for DPRK citizens in flight outside of both DPRK and ROK, such as those in China or the UK.

In addition to this, there is some debate around how to term the group under ROK jurisdiction. Despite using the term 'refugee' in English, the ROK government primarily refers to DPRK settlers as "*saeteomin*" (new-settlers) in Korean, while the terms "people from North Korea" or "North Koreans" are also used (Kim and Jang, 2007: 21). Moreover, many feel that 'defector' has negative connotations (Hosaniak, 2011). For these reasons, this study will use the term 'North Korean settlers,' or just 'settlers' for consistency.

History of division and DPRK settlement in ROK

When discussing the history of the peninsula, the idiom "a small shrimp breaks his back in a whale fight" (Lee, 2011) is often recalled by Koreans.[1] Alluding to the precarious position that Korea occupies between Japan and China, the peninsula has been invaded numerous times by its bigger neighbours and the dawn of the colonial era saw Western powers enter the fray, too (Acharya and Buzan, 2009). The constant threat of invasion fomented an indefatigable patriotism that was noted even by early visitors to the region (Seth, 2010).

Following the brutal Japanese occupation of the first half of the twentieth century and the later liberation in 1945, the peninsula was divided between the allies along the 38th Parallel, with Russia controlling the north and the US controlling the south (Cumings, 2005). The subsequent civil war between 1950 and 1953 killed millions and drove a physical and ideological divide through the peninsula that remains to this day (*Ibid*). The ROK state in the south was thus founded in defiance of the DPRK, and even to this day both nations view

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[1] References to Korea denote the shared culture and history of the peninsula, while the modern states will be referred to as DPRK or ROK.

each other as an insult to their proud shared history (Myers, 2011). Upon the Armistice being signed in 1953, closed borders and punitive punishment for those fleeing meant migration from DPRK to ROK was a rare event, not topping 700 in total in the 40 years between 1953 and 1993 (MoU, 2011). Yet in the last two decades, abject poverty, famine and political repression in DPRK have swelled the number of settlers fleeing, and 20,000 had reached the ROK by the summer of 2010 (*Ibid*).

Due to the illegality of the border crossing, 80 to 90% of DPRK refugees rely on traffickers to navigate their route to safety (Margesson *et al*, 2007: 2) and even in China refugees live under constant threat of deportation, leading to possible execution (Hawk, 2007). 75% of all refugees are thought to be women and a majority are forced to work in the sex industry, or sold into servitude with rural Chinese men (CHRNK, 2009: 25). To reach the South they spend years securing capital to pay-off brokers and facilitate the journey through hostile Chinese territory, on to south-east Asia, or north into Mongolia (The Seoul Train, 2005). DPRK is rated as Tier 3 by the US State Department for human trafficking, while China is on the Tier 2 Watch List, meaning there are serious concerns over the prevalence of cross-border human trafficking (US Dept. Of State, 2010a; 2010b).

Upon finally reaching Seoul, the settlers must undergo twelve weeks of interrogation by the National Intelligence Service (NIS), before being handed over to the MoU for an additional twelve-week detention at the *Hanawon* (MoU, 2010). After a total of up to six months mandatory detention, settlers confront high rates of unemployment, substance abuse, criminalisation and social exclusion (Onishi, 2007). The system of support for settlers in ROK is arguably the most comprehensive in the world for vulnerable migrants (Hosaniak, 2011), yet many choose to continue their flight, experiencing persecution and seeking more hospitable lands (see *SZOUY & Ors v. Minister for Immigration & Anor*, 2011; *KK and Others (Nationality: North Korea) Korea v. Secretary of State for the Home Department*, 2011).

Clearly social discrimination is widespread, yet this is despite inclusion being one of the fundamental objectives of the institutional detention of settlers *en masse*. The *Hanawon* is surrounded by a global discourse of securitisation of migration, and lofty claims that its systems of surveillance and control are founded upon humanitarian and human rights principles attract critique. There are concerns that the *Hanawon* serves to institutionalise and domesticate settlers, particularly in light of domestic ROK law which criminalises

support for DPRK within ROK jurisdiction (Lee, 2010a; 2010b). Citizenship, initially thought to be on the wane in the wake of forces of globalisation, has re-emerged to be a powerful force in the politics of migration (Bourbeau, 2011), yet in the making of the citizen individuals should not experience diluted liberty, or violations of basic rights.

In order to truly understand the *Hanawon* it needs to be critiqued as part of a wider global discourse of securitisation and human rights violations by sovereign powers, rather than *sui generis*. It has been shown that securitisation of migration is an increasing threat to fundamental human rights (Bourbeau, 2011) and wherever these values are threatened a discourse of critique is essential. If the institute is functioning as a means of social control, then a public debate should be initiated as to whether mandatory detention is necessary for settlers *en masse*. In drawing parallels with Agamben's paradigm of the concentration camp, this research enquires as to whether the *Hanawon* realises a state of exception, which exposes the bare life of the internee to displays of sovereign power. There are no two countries which share a border that are more economically and ideologically divided than DPRK and ROK (Moon, 2006) making the *Hanawon* at the forefront of global securitisation between wealth and want. With increased migration looming – and as Agamben hoped for his own theory – this study can act as the canary in the coalmine for the "potentially dark future" (de la Durantaye, 2009: 217) of peninsula unification.

Current research into the Hanawon

Despite a number of studies into the settler population in ROK, there is a dearth of research into the *Hanawon* facility itself as most research takes detainee settlers as subject matter, rather than the facility itself. Choo (2006) undertook ethnographic research into how identities are constructed by the settler population in their transition to ROK citizenship and highlighted the construction of settlers as 'the Other' in ROK society. Further studies take a psychological lens to the settler population, using in-depth qualitative interviews to show that high-rates of psycho-social disorder are experienced (Jeon *et al*, 2009). Studies abound into psychiatric health among the settler population, and Yu and Jeon (2008) found that mental health was reported as worse in ROK than among refugee populations hiding in China. Further research explores ideological tensions experienced by settlers when confronted with capitalist ideologies (Choi *et al*, 2010; Jeon *et al*, 2003; Jeon *et al*, 2008; Sung, 2008) and Yoon (2001) found that most settlers were maladjusted due to the weak level of socio-cultural integration. Other studies are pedagogically based, detailing how the

experience of flight had led to a number of learning difficulties not as prevalent in the society at large (David-West, 2010).

Although research into DPRK settlers is common and diverse, there is a gap in understanding the *Hanawon* detention facility in light of the wider securitisation discourse. While studies have used medical models and citizenship approaches to understand DPRK settlement in ROK, there is a need for more critical analysis of ROK state policy and detention of DPRK settlers.

Research Design

Research Questions

Research has most clarity and utility when it has been drawn from deficiencies in the existing literature (Creswell, 2009: 96), helping to construct a framework by which "readers (…) understand how it is related to other research" (Wilkinson, 1991: 96). This largely follows the "deficiencies model" of research (Creswell, 2009: 100), which allows us to isolate deficiencies in the literature framework, such as where there is a lack, or inappropriateness of theory; a need for deeper understanding; or a need for additional qualitative study (Morse, 1991: 120).

It has been shown that there has been little investigation into the role of the *Hanawon* in the wider securitisation of migration, and particularly the role of the facility in imposing sovereign power upon DPRK settlers. As such, a number of research objectives have been identified to plug the gap in the existing research and enable the *Hanawon* to be positioned within the wider discourse. This research will therefore explore the juxtaposition of subject and sovereign in the social integration process for DPRK settlers, explicitly informed by Agambenian concepts as drawn from the theoretical framework outlined above.

I   To what extent does the *Hanawon* represent a state of exception?

- What are the government objectives of detention?
- To what extent does ROK suspend law within the *Hanawon*?
- To what extent can the *Hanawon* be considered a case of sovereign excess?
- What was historical Korean practice towards migrants?

II   To what extent can DPRK settlers be conceived as *homo sacer*?

- To what extent can settlers be considered sacred, yet accursed?
- To what extent are settlers positioned as a threat to ROK sovereignty?
- To what extent are settlers excluded from the socio-politic of the ROK state?

III How are settlers recodified as ROK citizens?

- To what extent are settlers constructed as a pseudo-ethnicity?
- To what extent does the education and training curriculum attempt to rid settlers of pseudo-ethnic markers?
- How does the curriculum content reveal the objectives of recodification?

IV Does the present policy risk violating ROK human rights obligations?

- To what extent do particular practices threaten human rights at *Hanawon*?
- To what extent does wider ROK policy risk violating human rights?
- How would these practices respond to increased migration or unification?
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Ethical concerns

Research at the interpersonal level increases the importance of ethical considerations (Cohen *et al*, 2007) and Bailey (1994) identifies key areas in which to minimise maleficence in research. These consider whether the condition of harm already exists; the level of harm in terms of length and effects; informed consent; and whether disturbance caused by the research will outweigh the harm of the continuing situation. Even when maleficence is negligible, it should also be established that it is exceeded by beneficence (*Ibid*).

While it is strongly stressed that research should be of direct benefit to the research subjects (SRA, 2003), it is also conceded that in the absence of direct benefits the researcher may measure beneficence in its influence on decision makers or public opinion (Cohen *et al*, 2007). As stated at the outset, this research is intended to contribute to a critical debate around the integration policy of the ROK government towards DPRK settlers and in the least this study seeks to give voice to an oft-silent group..

Contact was initiated with the UK refugees through the pastor to the group, who – as a counsellor and mentor – assessed the suitability of the researcher and research plan. On the second occasion – after the pastor had obtained the consent of the refugees to participate (see Appendix III) – three families were introduced. On further occasions, qualitative and semi-structured interviews were conducted, both face-to-face and by telephone, with two refugees and a further DPRK settler in ROK (see Appendix IV). The additional DPRK settler was contacted through an advocacy group in ROK and interviews were conducted via internet telephone after consent had been obtained by email.

This research is *ex post facto*, minimising the conditions of harm (Cohen *et al*, 2007); however, the particular security situation associated with the Korean peninsula does pose complex ethical concerns. Any individual fleeing DPRK is designated a traitor of the regime and those fleeing have been targeted by DPRK agents in the past and for this reason one hundred percent anonymity was guaranteed to participants. Furthermore, upon review with the School of Advanced Study Ethics Committee, it was decided to use interview data in a contextual manner, rather than having it central to the research; this maximised anonymity and de-personalised data (see Appendix I and II).

In terms of the causes of potential trauma, these relate to past experiences, both from life in the DPRK and the experience of flight itself and this research maximised safeguards to ensure minimal aggravation of any afflictions. For this reason, the questions were strictly limited to the *Hanawon* period, and cleared by the dissertation supervisor Dr David Cantor, the community pastor, and the School of Advanced Study Ethics Committee. Participants were at full liberty to withdraw from the research at any time, as stated on the Consent Form. The visits to the families coincided with weekly visits by their pastor and therefore disturbance was minimised.

Methodology

Taking a critical and qualitative approach to *Hanawon*, a case study strategy of inquiry will be employed to achieve the research objectives. A case study is most utilised in cases that are somehow bound – by time, group, institute, etc. – and where a variety of data collection procedures are used for in-depth inquiry (Creswell, 2007). A case study highlights the subjective realities of social practice, but also recognises that human systems are part of a complex whole, necessitating a multi-focal approach (Sturman, 1999). Case studies use

particular cases to gain a subjective understanding of theory, while also realising a rich description of the research site. The case at hand is bound by its institutional setting and necessitates a variety of data collection procedures to build a holistic understanding of state objectives and DPRK settlers' interpersonal perspectives.

This research involves mixed methods of primary and secondary documentation research, complemented by semi-structured, in-depth interviews. To ensure accuracy in the representation of the published research, this research design recognises that authors often have specific objectives, biases or audiences in mind and it is crucial to ascertain their "reliability and validity" (Cohen *et al*., 2007: 200). This will be done by applying four criteria, namely: authenticity; credibility; representativeness; and meaning (Scott, 1990). Therefore, a number of questions have been drafted for consideration of each document alongside an assessment of each source (see Appendix IV).

- Who or which organisation published the document?
- Who are the intended readers of the document?
- Does the document reflect any specific political or social context?
- Perspective of the writer towards DPRK settlers?

To complement the literature review a number of research subjects were contacted among DPRK refugees now residing in the United Kingdom, along with DPRK settlers in ROK, all of whom have graduated from the *Hanawon* facility. These subjects were not randomly sampled, but were rather selected due to the ease with which interviews could be conducted and their willingness to do so. The interviewees were contacted through local gatekeepers, and they gave full consent to participate in the research. The interview guide approach (Cohen *et al*, 2007) was followed, which entails questioners being aware of the semi-structured questions in advance, although the order in which they are delivered may vary. The interview data is intended to give a subjective grounding to the mass of documentation research and complements the ontological and epistemological approach of the research, which is social constructivist.

If a holistic picture of the *Hanawon* is to be drawn then it is important to critique the stated objectives of government ministries and planners involved in the facility against the firsthand experience of detainees themselves. For this reason critical documentary analysis

of the curriculum and institutional practices was undertaken, collecting primary sources from government ministries and NGOs, and secondary sources from published reports and research on the *Hanawon*. These were analysed by themes as drawn from Agambenian theory, which were represented by states of exception, exclusion for inclusion, *homo sacer*, and so on. In practice this meant sourcing data on the *Hanawon* and identifying its function from an Agambenian perspective. Triangulation of data then enabled the analysis to assess the consistency of results and findings. Below is an idealised staged representation of the research, which highlights the iterative process working towards the overall research objectives.
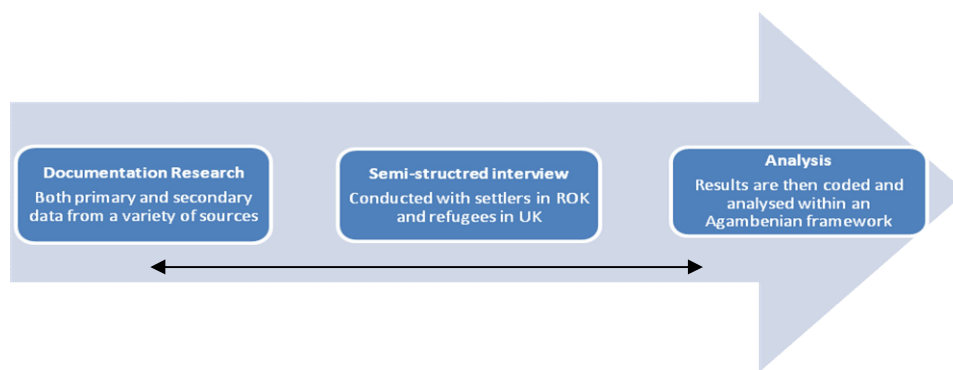

Figure 1: Data collection process

Limitations of the Research

A major limitation to this research is language, as certain data was only available in Korean. To address this, a translator was available during the research period and aided in interpreting during interviewing and translating data restricted to the Korean language. A further limitation was the nature of the *Hanawon* facility itself, which is kept under tight security and activities within are highly classified (McNair, 2011). While this is recognised at several points in the research, the mixed methods of data collection and triangulation of data sources was designed to allow for a holistic understanding of the centre despite these limitations.

Results

Any sociological study needs to be positioned within a historical context and therefore the results section will begin with an introduction to the Korean state and culture, with particular reference to sovereignty and citizenship.

The Historical Integration of Foreigners in ROK

Theorists reflecting on the rise of securitised migration worldwide often see the rise of closed borders as a Western reaction to nation-state economic rivalry in the nineteenth century (Bourbeau, 2011), yet Korea does not fit neatly into this Euro-centric perspective. Korea has historically been isolationist and Cumings (2005: 89) states that after the fourteenth-century Mongol invasions "Korea…can be compared to an island rather than a peninsula." Sequestration of foreign populations in Korean lands became the norm, as seen in the regulations on minority Jurchen communities, in the hope they would be normalised through "exposure to civilised behaviour" (Kim, 2010: 22). The defining moment, however, came three centuries later with the Japanese Hideyoshi invasions that devastated the country and "changed the calculus of the pacific East [and initiated a] Hermit Kingdom" (Cumings, 2005: 89).

These exclusionary tendencies led some early travellers to call Koreans "the most misanthropical people in the world" (Cumings, 2005: 88), with others observing "[Koreans are] so proud, so thoroughly uninterested in strangers, so exclusive, so content to go their own way" (Gale, 1972: 303). While such conclusions display some misunderstanding of Korean culture, they do suggest that it was more exclusionary than other contemporary cultures. Even when under *de facto* Chinese suzerainty, Chinese officials when on visits to Korea were expected to "live in seclusion" (Griffis, 2004: 220) in the capital, "cloistered in one palace in Seoul and allowed no outside fraternisation" (Cumings, 2005: 90). Similarly, Japanese traders were only permitted to live within '*waegwan*' (see Image 1), "a high wall punctuated with watchtowers [which] sequestered the compound from the rest of terra firma – Korea – as if someone might catch a disease by scaling it" (Cumings, 2005: 91-92).

For visitors from further afield the situation was less cordial, as imprisoned Dutch sailors were to testify: "[t]hey had two choices: stay and assimilate or escape" (Cumings, 2005: 88); famously, after fourteen years in detention, Dutchman Hendrick Hamel did the latter (Hamel, 1998). Centuries of seclusion made the opening up of Korea the main policy target

of Japanese and American policy-makers throughout the nineteenth century, and it continues with regard to DPRK today (Cumings, 2005). From a Korean perspective, however, opening had not the positive connotations of liberalism and freedom perceived in the West, but was a project of destruction of the "old Korean universe" (Cumings, 2005: 95):

"the virus that would destroy a unique Korean way in the world and pose for Koreans a question that absolutely never would have occurred to them before…: what does it mean to be Korean?" (*Ibid*).

Such a question begins to hint at the sovereign interest in bio-political control, and it can partly be traced to Confucius, a Chinese sage whose cult grew to become the dominant form of philosophical statecraft throughout the East Asia (Keay, 2009). Despite not inheriting a monolithic Confucianism, it is widely accepted that Korea made Confucius "their own" (Cumings, 2005: 20), infusing his teachings with Buddhism and other native traditions, leading the peninsula to be regarded as the most Confucian of all Asian cultures (*Ibid*). Typically, Confucian values include conservatism, tradition, veneration of ancestors, observance of ritual, obedience to superiors, filial piety, and "a preference for relatively frozen social hierarchies" (Cumings, 2005: 21). In such a culture – also regarded as one of the most homogenous in the world – there is great pressure on all immigrants groups to conform to dominant values and rapidly assimilate (Seol and Skrentny, 2004).

Confucius held that "morality and virtue would triumph if only men would study" (Keay, 2009: 69), and this is evident in the "education fever" (Seth, 2002) which grips ROK. Residents of all backgrounds struggle to keep pace with the demanding expectations, and this is particularly so for immigrant groups, which combined with high homogeneity contributes to high levels of social exclusion (Borowiec, 2010). In all fields, foreign residents are expected to rapidly adapt to cultural norms and although there is growing awareness of the delicacy of multicultural communities, traditions of cultural seclusion make Korean culture opaque to many observers (Rahn, 2011).

Clearly these cultural precedents for sequestration and homogeneity are of relevance to the study of the *Hanawon* system of detention for DPRK settlers. While from a human rights perspective historical precedent would not temper condemnation of violations, they do provide an essential cultural grounding for the discussion.

Legal Provisions relevant to DPRK Settlers

The ROK Constitution

Article 3 of the Constitution states "[t]he territory of the Republic of Korea shall consist of the Korean peninsula and its adjacent islands" (ROK, 1948). For this reason all individuals within the jurisdiction of the DPRK are recognised by Seoul as ROK citizens, should they claim it. Consequently, DPRK settlers in ROK are not protected by the CSR, due to the restrictions under Article 1A(2) which state an individual must be "outside the country of his nationality" (UN, 1951).

The National Security Act

The National Security Act (NSA) seeks "to suppress anti-state acts that endanger national security and to ensure the nation's security, people's life and freedom" (ROK, 1988: Article 1). While Article 1 outlines the NSA may not infringe on those rights guaranteed by the ROK Constitution, it has been routinely condemned by human rights organisations as repressive (Seok, 2010).

Anti-state groups are defined as "domestic or foreign organizations or groups whose intentions are to conduct or assist infiltration of the government or to cause national disturbances" (ROK, 1988: Article 2). ROK is still technically at war with ROK and acts of aggression are still commonplace (Snyder and Byun, 2011), which when coupled with the history of division makes the DPRK perhaps *the* definitive anti-state group.

Of the acts prohibited, arguably the most contentious is Article 7 which punishes with up to seven years in prison anyone found to be praising, sympathising or encouraging an anti-state group. When considered alongside Article 8, which outlaws "those who confer, correspond, or communicate (…) with anti-state groups," and Article 10, which criminalises even being aware of the committing of the contained prohibitions, the NSA creates a climate of unease around DPRK settlers.

The Settlement Act

Government support is founded upon the Act on the Protection and Settlement Support of Residents Escaping from North Korea (Settlement Act) (ROK, 2007), within which the principles of settlement support are outlined in Article 4:

"Article 4(1) The Republic of Korea shall provide persons subject to protection with special protection on the principle of humanitarianism.

(2) Persons subject to protection shall strive to lead a healthy and cultural life by adapting themselves to the free and democratic legal order of the Republic of Korea"

The goal of this policy is to assist all settlers from "*Hanawon* to Home" (MoU, 2010c: 14) and the facility itself is instituted by Article 10 of the Settlement Act, which states that "[t]he Minister of Unification shall set up and operate settlement support facilities to provide protection and settlement support for persons subject to protection" (Article 10(1)). Settlers are referred to as "persons subject to protection" throughout the Settlement Act and government objectives place individual welfare at the heart of the programme "from a humanitarian and human rights perspective" (MoU, 2010a: 227). The support aims to ensure personal stability and self-sustainability, however, support is ultimately for the "enhancement of Korean society, national welfare, and the future of a unified Korea" (*Ibid*).

The settlement support provided at the facility seeks to ensure successful adaptation as outlined in Article 4(2). Article 15 provides for Social Adaptation Education "as deemed necessary for [settlers] to settle down in the Republic of Korea," while Article 16 provides for those settlers wishing to receive vocational training (*Ibid.*). Other support provisions include education (Article 24) and medical care (Article 25), while welfare and employment provisions, among others, are provided primarily in the post-*Hanawon* settlement period.

Long-term settlement support for DPRK settlers

Following the cultural precedents outlined, ROK still follows a policy of exclusion and sequestration for DPRK settlers. As outlined earlier, the numbers of DPRK settlers reaching the ROK has risen exponentially in recent years and there is a comprehensive framework of support for them. Settlers are supported in a five-year settlement programme, the first six months of which are spent in detention - three months of investigation by the NIS, followed by three months at the *Hanawon* facility. Appendix VII outlines the full support package available to DPRK settlers and Figure 2 below shows how these services fit together in the five-year plan.

Resettlement Process of North Korean Defectors

Interrogation by National Intelligence Service and National Police Agency

→ "Society Adaptation Program" at Hanawon

→ 2-3 weeks "Community Adaptation Program" at Hana Centers

• Help program from volunteers at NGOs
• Help program from officials at Hana Centers

Arrival — 3 months 3 months — 1 year

Residence Protection Period
Three support officers will be available for each defector.
1. Security Support Officer will be designated from police stations to ensure safety
2. Employment Support Officer will be designated from labor ministry to help with employment
3. Administrative Support Officer will be designated from district offices to help with administrative matters
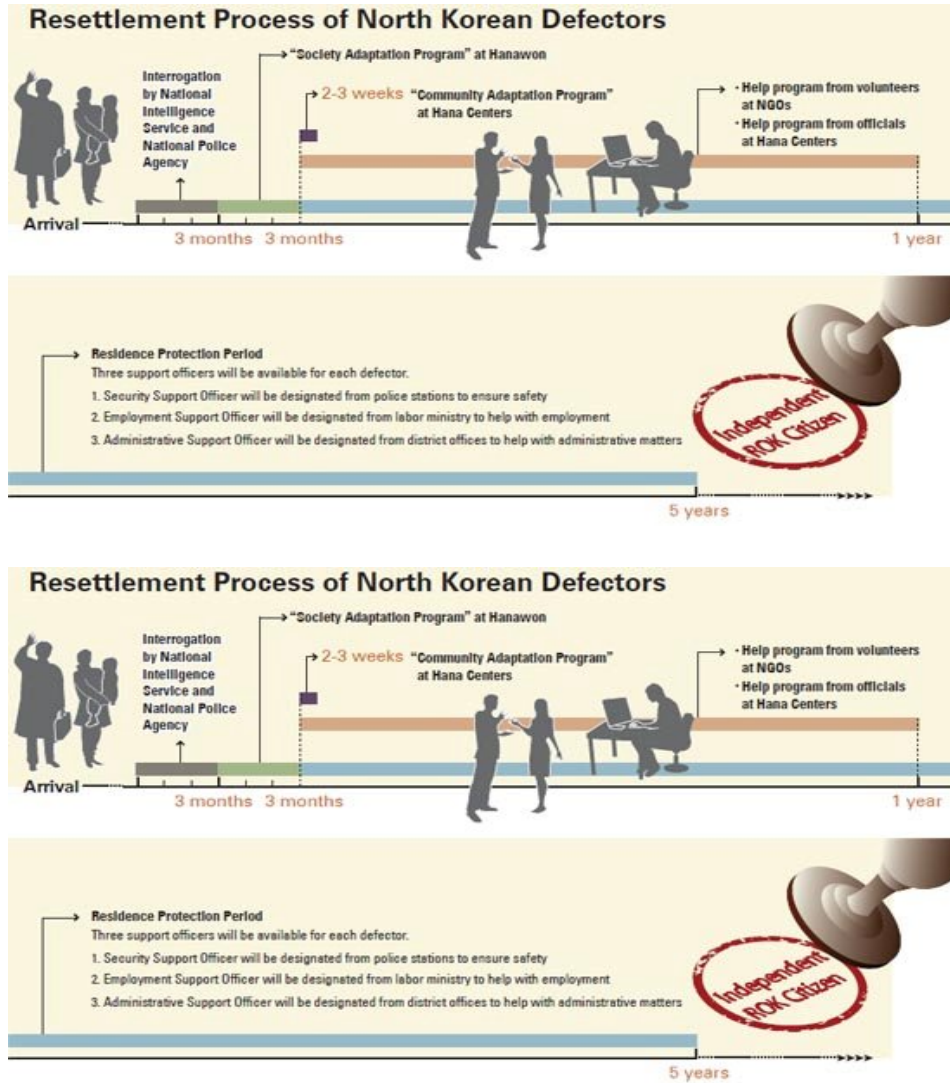
Independent ROK Citizen

5 years

Figure 2 - Resettlement process for settlers (Joongang Daily, 2010a)

While the post-*Hanawon* period is spent in the community with close supervision by police, health personnel and community workers, the pre-*Hanawon* period is characterised by interrogation under NIS control. The time at *Hanawon* is intended to "improve the [settlers'] psychological stability and physical conditions before they leave" (MoU, 2010a: 229). There is a generous – though depleting – financial support package and a series of *Hana* Centres ("Unity Centres") have been opened nationwide to ease the transition into society by providing similar educational and support services to those at the *Hanawon* (MoU, 2010b). There is much call for these *Hana* Centres to replace the system of detention

at *Hanawon* and they are being expanded nationwide to improve the community-based support (Hosaniak, 2011).

The *Hanawon* facility

The *Hanawon* – "House of Unity" (Hosaniak, 2011: 17) – is a closed security facility, detailed information on which is classified by the ROK state (McNair, 2011). For this reason, as outlined in the methods section, the data following has been gleamed from a triangulation of sources, including government ministries, press reports, NGOs, interviews, and personal correspondence. The legal foundation for the facility and settler support is taken from the Settlement Act, as introduced above.

Institutional Setting

The *Hanawon* facilities are at two sites across the country with a third planned to manage the increased numbers of settlers arriving in ROK. The first opened in 1999 at Anseong and the second opened at Yangju in 2004, while the third facility is due to open at Hwacheon in 2012. There is sparse information on all centres, and media access was only granted at Anseong following publicity to mark the 10th anniversary of its opening in 2009 (Glionna, 2009).

Anseong Hanawon

The main Hanawon facility opened in July 1999, and now accommodates up to 750 female settlers (MFAT, 2010). Anseong is a rural area 80km from Seoul in Gyeonggi Province, and the district is 52% mountainous and 84% forest or agricultural land (Anseong-si, 2011). Situated away from urban Seoul, the main facility itself is 67,138 square metres "[o]n a sprawling campus hidden in farmland" (Onishi, 2006).

Yangju Hanawon

The second centre was opened in 2004 to cope with increased refugee numbers and accommodates 250 male refugees (MFAT, 2010). At its extreme south, Yangju borders the Seoul metropolitan area, served by the two Seoul Subway Lines (Lee, 2009). The area stretches out to the north as a largely agricultural region, transitioning from outlying satellite towns to rural countryside (Kim *et al*, 2009).

Hwacheon Hanawon

The third Hanawon facility is due to open in 2012 and will house 500 detainee settlers (Agence France-Presse, 2011). In contrast to the current centres, Hwacheon will provide specialised support for academics and scholars, and ensure specialised vocational support for trained professionals in their field (*Ibid*). Hwacheon County is in the north-east of ROK, a two hour drive from Seoul and just 9km from the DPRK border; it is mountainous and sparsely populated (Hwacheon County, 2007).

For the reasons outlined, there is minimal information available on the interior of the *Hanawon*[2] facilities. However, most of the unclassified information shows comfortable and modern facilities that are well-equipped for an educational setting (Onishi, 2006). On the rare occasion that the media has been given access, images show technologically advanced classrooms and spacious living areas (Arirang, 2009). Interviewees stated that facilities were "more than could have been imagined" (Interviewee C) and another said "having lived in hiding, I was…bewildered by everything" (Interviewee B). None of the interviewees expressed unhappiness with the facility in terms of equipment and services and the limited information suggests a comfortable high-tech facility well-designed for settler needs.

Security

The *Hanawon* is kept under "extremely tight security" (VOA, 2009) due to the "threat of kidnap or personal attack" (Gluck, 2002) against settlers by agents from DPRK. Kidnap by DPRK agents is commonplace in China, and the threat is taken seriously by Seoul, although actual kidnapping within ROK is extremely rare (Lankov, 2005). Settler identities are concealed while in the *Hanawon* for this reason, and armed guards are visible all around the compounds and security cameras monitor all movement, while high protective walls ringed with barbed wire discourage trespass or escape. The compound has been described as a "heavily guarded fortress" (Yu, 2011) and there are accusations that the *Hanawon* is little more than "a prison" (Kang, 2010).

Detention at *Hanawon* must also be considered in light of the restrictions instituted by the NSA (ROK, 1988). The Act was drafted in response to Korean division and it outlawed recognition of the DPRK state and support for communist ideologies (Kraft, 2006). The Act

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[2] Henceforth both Anseong and Yangju facilities will be referred to as the *Hanawon*

aims to suppress "anti-state" acts or groups (*Ibid.*: 629) and Article 7 criminalises contact with those who "praise, encourage, disseminate or cooperate" with anti-state groups (see Section 5.3.2).

The law is consistently condemned by international human rights organizations and has been recently enacted to stifle popular dissent (Amnesty International, 2011; Quines, 2011). The law functionally criminalises all expressions of support for DPRK – or actions that are perceived as such by the government – and forbids ROK citizens from meeting DPRK citizens without state permission (Seok, 2010). Therefore, meeting with DPRK settlers before they have fully graduated from *Hanawon* is *de facto* outlawed unless facilitated by official bodies.

There are, however, very real security concerns around the facility as the state must protect itself from DPRK terrorism and espionage, as highlighted by recent events (The Telegraph, 2010; Williamson, 2011b). Prior to the establishment of the *Hanawon* in 1999, refugees were interned for three to six months by the NIS and close monitoring is still practiced throughout the settlement period (Kang, 2010). Before entering the *Hanawon*, refugees continue to undergo an intense debriefing by NIS agents "to determine whether they are spies…If they are cleared, they are sent to *Hanawon*" (Moon, 2010). Other sources confirm that on arrival refugees are investigated by the intelligence services for anything up to three months (Joongang Daily, 2010a). One interviewee stated he was "under investigation by security agents…I felt very vulnerable because similar things had happened in [DPRK]" (Interviewee A). Security around settlers serves a dual purpose of protecting them from DPRK reprisals from without, while also keeping them contained within to identify would-be DPRK agents.

Education and training content

As stated, settlers are provided with cultural, educational and vocational support at the *Hanawon* facility, and although much of the non-published pedagogical content is classified information (McNair, 2011), there are sufficient unclassified data to build a coherent picture of representative content, which has been complemented by interviewee data. Figure 3 outlines the content of the support, while Figure 4 represents this as a graph to highlight the percentage of hours given to each topic.
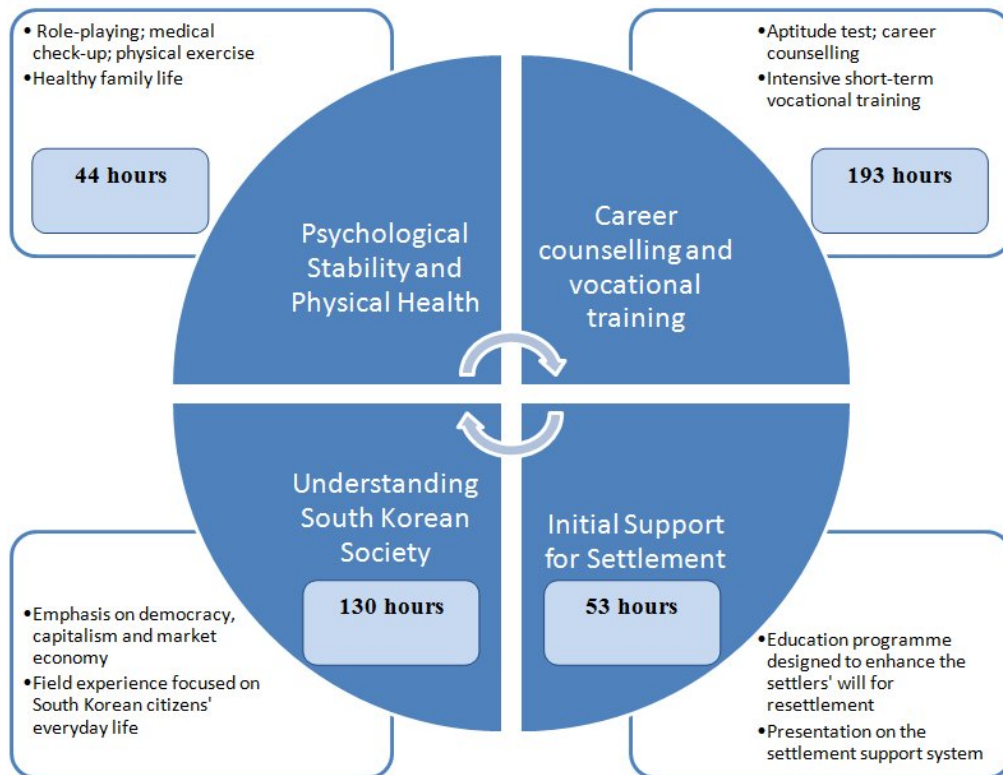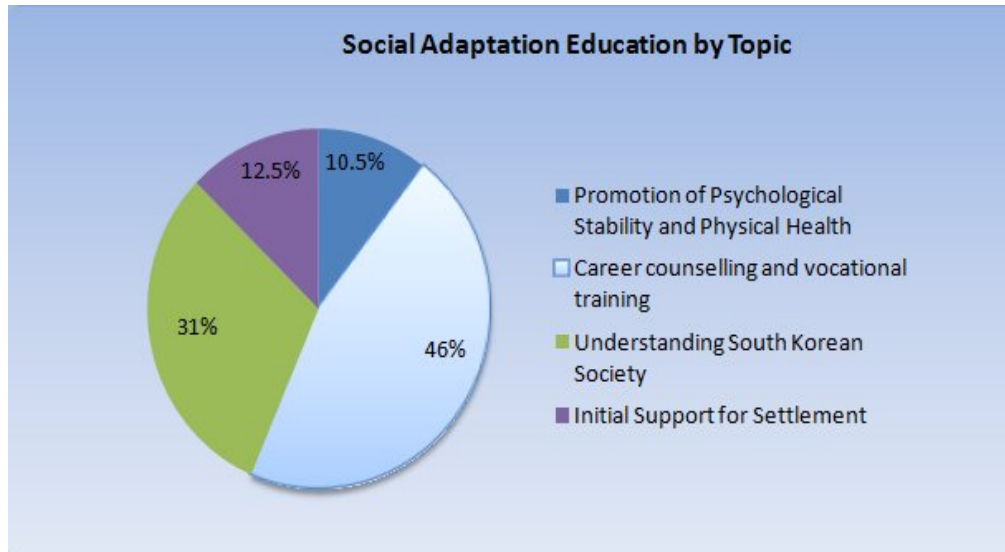

Figure 3: Settlement Education Summary (MoU, 2010a)

Social Adaptation Education by Topic

- Promotion of Psychological Stability and Physical Health
- Career counselling and vocational training
- Understanding South Korean Society
- Initial Support for Settlement

12.5%   10.5%   31%   46%

As can be seen, almost half of the tuition is given over to career counselling and vocational training, which is the main focus of the curriculum, and one interviewee stated that it "helped to prepare us for getting a job outside" (Interviewee C). This is followed by education about ROK society and its culture, while health and the initial introductory awareness sessions play a more minor role in the overall programme. There are around eight hours of compulsory lectures during the day, with additional optional lectures in the evening, alongside other activities (MoU, 2010a). Interviewees stated that most of the presentations were lecture-like, featuring didactic speeches with little student interaction.

Interviewees stated that only in certain sessions was full interaction encouraged and questioning of the lecturer was minimal: "we rarely questioned what we were taught…it is not in our culture to do so [and] we didn't have the opportunity anyway" (Interviewee B). With there being little interaction between learner and teacher the education approach reflects "banking education" (Freire, 1970) whereby the students receive knowledge passively. This supports Vygotsky's recognition that education seeks to internalise in the learner ideologies about wider society[3] (Daniels, 2005).

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[3] The Freire and Vygotsky critiques are features of mainstream critical pedagogy, however, clearly additional research is needed in these areas with full access to pedagogy and classrooms.

Module Content

Promotion of Psychological Stability and Physical Health

provides for the medical care of settlers, which is a priority need for DPRK settlers due to high rates of Post-Traumatic Stress Disorder (PTSD), anxiety, and depression (Jeon *et al*, 2009), alongside malnutrition and contagious diseases, particularly tuberculosis and hepatitis (Yu, 2011). Settlers undergo a number of personal sessions with psychiatric doctors, which are extended if additional treatment is required. Psychiatric treatment carries a heavy social stigma in DPRK so settlers are reluctant to seek help and one interviewee stated "some settlers felt as if they were being treated as insane before they had been assessed" (Interviewee B). The support consists of a series of one-on-one counselling sessions which build a psychological profile of each settler to determine treatment needs (VOA, 2009).

Initial Settlement Support

As shown in Figure 1, this segment of the curriculum is explicitly focused on educating about the system of settlement support itself. One interviewee stated: "I think we all paid the most attention in *Hanawon*…when they told us about the benefits [we] receive. It was important to know how we would settle after leaving…The other areas were abstract but that was important to us" (Interviewee A).

Career Counselling and Vocational Training

The vocational aspects of the course – recently prioritised – are targeted towards filling the needs of ROK industry, with "intensive short-term training to meet the demands of small- and medium-sized enterprises" to ensure immediate placement upon completion (MoU, 2010c: 31). Settlers arrive lacking in basic education and training, and even well-educated settlers find what they learnt is obsolete in one of the most advanced global economies (Williamson, 2011c). Settlers are able to choose a trade of their choice and receive specialised training, and also participate in field visits to employers participating in the employment scheme (*Ibid.*). More everyday tasks include operating cash machines, writing CVs, basic personal finances and using the Internet (Yu, 2011). Settlers complain that they often feel "belittled" due to the range of skills being learnt (Interviewee C) and one stated "I tried to resist learning at first, and when it became clear I needed those skills to survive it

was too late for me" (Interviewee A). The skills are intended to ensure the settler makes a swift transition to life in ROK but the contrast with life-skills in DPRK makes learning problematic

Understanding ROK Society

Years of ideological indoctrination in the North is believed to greatly hinder settlers' adaptation in society, and therefore the teaching of the ideological foundations of ROK society aims to facilitate integration. They are taught things such as "[the symbolism of the Korean flag], how capitalism differs from communism, and so forth" (Joongang Daily, 2010). The Director General of *Hanawon*, Youn Mi-ryang, stated that "[DPRK citizens have been] educated [falsely] and we need to correct it…we need to educate them…about the political system and law and order here [as these are] the minimum requirements they need to know as [ROK] citizens" (Joongang Daily, 2010b). The settlers' ideological beliefs and structures of thought are also felt to inhibit integration, therefore "ROK's democratic and capitalistic ideologies…are taught [as settlers] struggle to adapt to new patterns of thoughts and belief" (Arirang TV, 2009). Interviewees stated that they were "shocked and saddened" by what they were told about ROK society as it diverged greatly from what they had been taught in DPRK (Interviewee C). One stated: "it was difficult to believe what I was told. I wasn't sure what was true about the Korean War or about the United States. It is still difficult to be sure" (Interviewee A). While topics include the Korean War and division, other areas include globalisation, the role of modern ROK, the values of capitalist enterprise and the expectations of self-motivation in a competitive environment (Lim, 2009).

Reflections on *Hanawon*

Despite a comprehensive support system, the *Hanawon* has received a raft of criticism from advocacy groups. A common refrain is that "knowledge obtained in the *Hanawon* is too often forgotten before it can even be applied, since [settlers] live separated from society" (Hosaniak, 2011: 50). Critics claim that given the inadequacy of the education and support at *Hanawon*, settlers should not be forced to live in detention. Jung Gwang-il, founder of a settler advocacy group, states:

"They tell you the basics, but what can you really learn in three months? They just go here in pursuit of freedom, and they're locked in again. It's like prison for them. All they think

about is getting out. Let them live. They'll make their share of mistakes, but they are eager and able to learn" (Yu, 2011).

The *Hanawon* is criticised as being isolated from everyday life (VOA, 2009), and this perhaps contributes to the finding that the *Hanawon* was high on the list of the least satisfactory aspects of life in ROK for settlers, while it ranked as the second-least trusted of ROK institutions (Hosaniak, 2011: 28-37). The trusted institutions were all intimately involved in the post-*Hanawon* settlement support, these being social welfare centres and *Hana* Centres (*Ibid.*).

This is supported by the fact that 87.5% of settlers would not support the detention period being prolonged, while 63.6% would prefer an expansion in community-based counselling and support (Hosaniak, 2011: 20). Moreover, 56.8% of settlers felt that the knowledge learnt in *Hanawon* was of no use in their everyday lives, which all points to dissatisfaction with the *Hanawon* period, but nonetheless a willingness to attend additional community-based support programmes (VOA, 2009).

An arguably more unsavoury aspect of *Hanawon* education is its role in "remaking oneself as a [ROK] citizen" (Choo, 2006: 577). It has already been noted that Korean culture supports a homogenous projection of the nation and citizen (Cumings, 2005), and teachers at *Hanawon* have reported conducting classes in "Seoul standard dialect" (Choo, 2006: 591), while others suggest *Hanawon* facilitates an "assimilation policy that tells people to abandon everything [DPRK]" (Lee, 2010a).

All of this is in the context of what is essentially a detention centre, from which settlers are not allowed to leave (Sung, 2010). Settlers complain about the length of detention (Joongang Daily, 2010b), and there is widespread concern that settlers are "investigated *and* educated" (Kim and Jang, 2000: 6: my emphasis). Settlers feel they are "cooped up and stuck [at the *Hanawon*]" (Interviewee A) and that the current government is "playing around" with them (Lee, 2010b), while others claim they "undergo intense debriefing by the [ROK] government [and report that] [t]hey are brainwashed at *Hanawon*" (Lee, 2004: footnote 98).

Analysis

Having outlined the results, following the methodology this analysis section will interpret the collected results through the Agambenian theoretical lens introduced earlier. In so doing it will address each of the research questions in turn, while the subsidiary questions will be incorporated within the body of the analysis, while not explicitly addressed.

To what extent does the *Hanawon* represent a state of exception?

This section sets out to ascertain whether the *Hanawon* represents a state of exception, which necessitates an analysis of the government objectives for the facility alongside its observed function. Furthermore, the analysis will explore whether ROK practice is historically excessive, or whether it is replicating a tradition of sequestration of foreigners on the Korean peninsula. The analysis will bear heed to Derrida's warning that "the legitimacy of the law requires that the origins of law [in violence] have to be disguised" (cited in Turner, 2007: 296).

Despite the limitations outlined in the methodology, the data suggest the *Hanawon* is one of many "schemes of surveillance, discipline, control, and administration" (Choo, 2006: 586) that sovereign power exercises over migrant groups. States have "a great interest in asserting…sovereignty [and want] to impose a unity on society" (Turner, 2007: 295), as embodied in the etymology of the *Hanawon*, as "House of Unity" (Hosaniak, 2011). Furthermore, the stated objective of settler support is for settlers to adapt *themselves* to ROK society (ROK, 2007: Article 4(1)) for the "enhancement of Korean society, national welfare, and the future of a unified Korea" (*Ibid*.: 227). The ideological training for settlers in ROK culture would therefore seem to resemble Corrigan and Sayer's "great moral arch" (1985: 4).

The *Hanawon* subsequently resembles standard conceptions of citizenship, which is recognised as having three main elements; legal protection of the individual; the individual as a political agent; the individual as a member of a political community (Kymlicka and Norman, 2000). The *Hanawon* targets the "psychological" dimension of citizenship (Carens, 2000: 166) through attempting to ease the transition into the dominant political community, but it is also resembles a project of coercive assimilation that has clear precedents in the Hermit Kingdom, which sees foreigners as "distinctive kinds of people deserving limited rights and close surveillance" (Tilly, 1992: 116). This derogation from

expected legal provisions is according to Agamben the sovereign reaction to the transient migrant, to protect its citizens and functioning to repair "the old trinity composed of the state, the nation (birth), and land" (Agamben, 1998: 176). Rather than being merely a humanitarian institution, the evidence suggests the *Hanawon* also enforces sovereign power on transient migrants, as sovereignty becomes a "government of men" (Agamben, 1998: 3).

If we return to the geographical features of the *Hanawon* sites, it is apparent that they lie outside the Seoul metropolitan area – excluded from the polis, much like ancient Korean punishment for dissent (Myers, 2010). They lie in agricultural and mountainous areas that are ringed with barbed wire, hidden from public view and out of bounds for visitors. Settlers are refused contact with members of the ROK public (Sung, 2010), compounding the isolation and disciplinary nature of the institute. This all serves to support the Agambenian view that the sovereign functions to expel the migrant from socio-political interaction, while also internalising them through discipline.

The interview data suggest that an accumulative six-month detention period is widely regarded as excessive, arguably serving the needs of a Confucian culture that values unity and authority (Keay, 2009). Interviewee C stated "I understand why we are placed at *Hanawon* but it was confusing at times…no one wanted to be locked in…we felt distrusted." It suggests that settlers have been framed within a "paradigm of suspicion" (Shamir, 2005) fed by real threats to the state, but also widespread stereotyping of settlers (Lee, 2010a). These facilities existed for a decade without public knowledge, encouraging the perception of a disciplinary sovereign, intent on banishing the embodiment of DPRK – and thus the seeds of ROK illegitimacy – to the margins of society.

In ancient Korea, sovereigns routinely excluded foreign elements to maintain sovereign order, and in a state still susceptible to bouts of "McCarthyism" (Lee, 2010b) it is no surprise that an "incessant civil war" (Agamben, 1998: 178) is being fought to maintain the delimination between people and state. The martial analogy is apt as DPRK and ROK are still technically at war (BBC, 2003) – clearly an "exogenous shock [which induces] points of departure from established sociological, cultural and political patterns" (Bourbeau, 2011: 4). This point of departure is clear to see when it is considered that in comparison to the six months of DPRK settlers, other migrant detention centres "may not confine a person for over 10 days and may only extend the period once if there is an unavoidable reason" (The Hankyoreh, 2010).

States of exception are "spatial as well as juridical [institutions which serve as] exemplary planes [in a] legal no-man's-land" (de la Durantaye, 2009: 219). The *Hanawon* clearly represents a spatial entity – barred from the public and media – and as an "emphatic reaffirmation of state sovereignty" (de Genova and Peutz, 2010: 2) suspends the law, only 'rubber stamping' citizenship upon full graduation. Crucially, migrants and refugees from other states are not obliged to undergo detention and coercive assimilation (Adams, 2007) making DPRK settlers a special case and the *Hanawon* "an imposition of a power over life itself" (de Genova and Peutz, 2010: 2).

States of exception are not arbitrary in that they are founded upon rational threats to the state, such as subversive elements deemed "morally or biologically undesirable" (Turner, 2007: 291). The DPRK state does pose a terrorist threat to the ROK state (Manyin, 2010) and the results show that settlers constantly feel under investigation (Interviewee A; C). They are excluded from the benefits of the ROK state temporarily, yet all around them are the cameras, security personnel and barbed wire which confirm they have been internalised within it. The sovereign thus restricts them to a "zone of indistinction between inside and outside, exclusion and inclusion" (de Genova, 2009: 37) that binds them as a dependent class to political structures.

Deportability defines the subversive element that must be exposed to violence by the sovereign[4] to incorporate it within structures of class subordination (de Genova and Peutz, 2010). The sovereign here, however, is not only dealing with a transient migrant, as within DPRK settlers are the seeds of subversion which delegitimise the founding mythology of the ROK state. DPRK sovereignty recalls the injustice of peninsula division and civil war,[5] threatening "identity specific values [severe enough] to require securitisation" (Bourbeau, 2011: 31). Foucault notes that the modern state views its population as "as a datum, as a field of intervention" (Foucault, 2006: 142) and in a country which outlaws any kind of expression of support for DPRK (Seok, 2010), the presence of DPRK sovereign citizenry within ROK jurisdiction would be "a permanent and incorrigible affront to state sovereignty and power" (de Genova, 2010: 39).

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[4] Detention is an act of violence whether or not it is sanctioned by law, as violence is defined as "treatment or usage tending to cause bodily injury or forcibly interfering with personal freedom" (OED, 2011b).
[5] A founding myth often involves a heroic battle against the injustice of aggression or oppression (Miller, 1995).

Crucially, it is not guilt, but rather a "relation to something from which one is excluded or which one cannot fully assume" (Agamben, 1998: 26) that constitutes the state of exception. DPRK settlers represent an ideological and military threat to ROK sovereignty, and are thus discursively excluded from the privilege of citizenship, thus becoming "(virtually) stateless [yet] positively saturated with the state" (*Ibid*). The stated aims of the *Hanawon* are to provide humanitarian support and achieve social integration for DPRK settlers, yet settlers and statistics suggest a failure to achieve these goals (Laurence, 2011). Research shows that settlers suffer from extreme levels of social exclusion and are unsatisfied with the education received while at the institute (Kang, 2010). It is the most distrusted of ROK institutions and settlers "want to get out as soon as possible to experience…real life and meet real people… outside in the community" (Interviewee A).

The state of exception removes the protection of law, functioning like "a ban, in which the individual is abandoned by the sovereign to realise his self" (Agamben, 1998: 28). Freedom from arbitrary detention[6] is regarded as a fundamental freedom and therefore to detain DPRK settlers in a manner not expected of other migrant groups certainly resembles a ban.[7] As established, the ROK state removes DPRK settlers from society, even criminalising contact with them, as "sovereignty only rules over what it is capable of interiorising" (Deleuze and Guattari, in Agamben, 1998: 18). In capturing settlers within its juridical order, their very being is inscribed with guilt,[8] which then makes the "validity of the juridical order possible" (*Ibid*: 19).

The nation has become "the ontologically necessary foundation of modern political life" (Bremer, 2003: 2) and in its theologisation (de Genova, 2010) the free migrant has become an ontological threat to sovereign power (Sayad, 2004: 282). While there is no suggestion the *Hanawon* is analogous to a concentration camp, there are clear reflections of the camp's function in "management and containment of risk" and institutionalised "biological closure" (Shamir, 2005: 134) driven by "a paradigm of suspicion" (*Ibid*: 199). The suspension of normal practices of law is compounded by the physical sequestration of the settler population, and although these are touted as humanitarian interventions this analysis would suggest they are also fundamentally disciplinary. Presently, this analysis must look further

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[6] "No one shall be subjected to arbitrary arrest, detention or exile" (Article 9, Universal Declaration on Human Rights (UDHR), UN, 1948; Article 9, International Covenant on Civil and Political Rights (ICCPR), UN, 1966)
[7] It could be argued the detention is not arbitrary, but ROK objectives do not stress security concerns and even if they were to, there would still be an argument that detention is disproportionate to the existent threat.
[8] The illegality of their state confers guilt as does the media and government discourse of fear (Moon, 2010)

at the subjects of this state of exception to ascertain the degree to which they are exposed as Agamben's 'bare life'.

To what extent can DPRK settlers be conceived as *homo sacer*?

The *Hanawon* displays many of the features of Agamben's state of exception, such as expulsion from the polis and removal from normal legal protection in spatial and juridical camps. However, the concept central to Agamben's state of exception is that of *homo sacer*, the outlaw of ancient Roman law, who is expelled from the city as both accursed and sacred. *Homo sacer* is life made bare, excluded from the "ensemble of social relations [and] bereft of all the qualifications for properly political inclusion and belonging" (de Genova, 2010: 37). It will now be argued that within the state of exception, settlers are analogous to *homo sacer*, being exposed as bare life.

In shifting from the "transcendent singularity of the prince" (Foucault, 2002: 202) sovereignty became embedded in upward formations, as in pedagogical practices in institutional education, and downward formations, as in coercive policing. The result is "a form of surveillance and control as attentive as that of the head of a family over his household and goods" (Foucault, 2002: 207). The patriarch thus views all under its jurisdiction as sacred, as "the originary form of the inclusion of bare life in the juridical order" (Agamben, 1998: 85). This is likened to Hobbes' state of nature, whereby the state imposes a bond upon the subject, both protecting it, yet inscribing it as sovereign property (Agamben, 1998: 85).

The *Hanawon* performs this bond in a form of ritual, whereby the settler is provided juridical protection through processes of citizenship and education. Settlers enter *Hanawon* as that which cannot be touched or seen, whisked off into rural retreats away from prying eyes.[9] ROK citizens – those which are pure (Myers, 2010) – are distanced as "sacer designates the person or the thing that one cannot touch without dirtying oneself or without dirtying; hence the double meaning of 'sacred' or 'accursed'" (Ernout-Meiller, cited in Agamben, 1998: 79). Durkheim recognised the duality of the sacred, stating: "[it] can pass from [the auspicious] to the [inauspicious] without changing nature. The impure is made from the pure [and the] ambiguity of the sacred consists in the possibility of this transmutation" (Durkheim, 2001: 306).

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[9] See Image 2

The withdrawal of state protection simultaneously places the individual as dependent upon sovereign mercy, and despite banishment to the outskirts of the polis, the state as patriarch offers redemption. ROK must shed the seeds of DPRK statehood within its jurisdiction, and all vestiges of the DPRK are therefore "recodifed" (Agamben, 1998: 128) as ROK sovereign property, as seen in the ideological education that settlers must internalise; "we were never given the opportunity to question what we were taught, so we just listened" (Interviewee A). The illegality of expressing support for DPRK compounds this, and the three-month detention becomes a ritualistic cleansing of the unspeakable (Seok, 2010). Settlers must emerge as fully functioning individuals – "they want to make us employable [ROK] citizens" (Interviewee B) – who have discarded all the "dust" that can identify them as from DPRK (Choo, 2006).

Detention has always been a means of dominant groups stigmatising, isolating and immobilising suspect groups (Shamir, 2005) and one settler interviewee said: "we are under constant suspicion…we were investigated throughout the settling-in period…there were more security minders than [social workers] when we left, too" (Interviewee B). The fear of subversion justifies sovereign intervention in the face of the extrogenous DPRK threat[10]. Although the fading dream of unification is still present in government policy, the DPRK – the accursed expression of the sacred – is excluded from the discourse, with its presence being unspeakable (see ROK, 1988). DPRK settlers are thereby portrayed as "dangerous…outcast…tabooed" (Agamben, 1998: 79), who in committing a grave trespass to the state are "cast out of the city…a ritual casting out of the communal sphere" (de la Durantaye, 2009: 206).

The state of exception is initiated in response to the lethal challenge that DPRK sovereignty poses to ROK legitimacy. Allowing *homo sacer* to reside within the polis would be sacrilege to the mythology of a unified Korea, and therefore settlers are cast out, cleansed, and redeemed. In a way that is common to citizenship practices globally (Zembylas, 2010), a ritual reincorporation with the state ensues, which inscribes sovereign order upon settlers. Agamben recognised that the goal of the sovereign was to produce a "single and undivided people" (Agamben, 1998: 179) through discipline and control, which sought to eliminate that which could not be integrated. While not wishing to draw qualitative consistency

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[10] As noted earlier, settlers are both the target of DPRK attack and source of DPRK threat

between *Hanawon* detainees and concentration camp victims, Agamben noted the experience of detained Jews in Nazi Germany:

> "The fracture that was believed to have been overcome by eliminating the people (the Jews are its symbol) thus reproduces itself anew, transforming the entire German people into a sacred life consecrated to death, and a biological body that must be infinitely purified" (Agamben, 1998: 179-180).

The sacrifice performed at the *Hanawon* is ritualistic rather than mortal, as the sacred ROK nation casts out the affront to its statehood. As *homo sacer*, settlers are "declared unclean, his rights have been rendered forfeit, and his status as a member of the group has effectively been suspended" (de la Durantaye, 2009: 207). They are "exposed to a death that no rite and no sacrifice can redeem"[11] (Agamben, 1998: 100) as the state expels "the "foreign-ness that is most reprehensible precisely because one encounters it within the space of the nation state" (de Genova, 2009: 52). It is the ideology of division that is reprehensible, and a process of violent[12] assimilation is enforced upon settlers through a six-month detention[13] which seeks to cleanse the sovereign of subversive elements and produce correctly aligned citizens. In being laid bare by the sovereign, they are inscribed as both within and without the socio-political body, yet this is all the more stark due to the shared ethnic and linguistic heritage between sovereign and settler.

In summary, there are multidimensional processes within the *Hanawon* detention which pathologise DPRK settlers, constructing them as bare life, to be inscribed with the ROK state. This is achieved through the suspension of legal protection afforded to citizens and the banishment of all markers of their previous subjectification under DPRK sovereignty. There are very real differences between these kith and kin due to 60 years of division, but due to the martial conflict which still simmers, differences are exacerbated to leave settlers as the *homo sacer* which must be sacrificed and reincorporated to the sovereign. The next section will further explore this social construction of *homo sacer* as evidenced in the social construction of DPRK pseudo-ethnicity within the *Hanawon* facility.

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[11] Although the settler can be redeemed, those seeds of subversion in DPRK sovereignty cannot, and it is their death.

[12] The reader is referred to the OED definition of violence (footnote 5).

[13] Accumulative, including three months under investigation at the NIS

6.3   How are settlers recodified as ROK citizens?

This study has argued that the *Hanawon* functions as a state of exception within which *homo sacer* is expelled from the realm of the polis, predicated on the threat of subversion represented to ROK statehood. This section will explore how the subsequent construction and pathologisation of DPRK pseudo-ethnicity functions to necessitate control over it. In Agamben's original conception of the camp, the cleansing of *homo sacer* was often mortal, but detention at *Hanawon* is a form of recodification for DPRK settlers, from which they are expected to shed traits of their DPRK pseudo-ethnicity through a ritual rebirth.

The construction of settlers as *homo sacer* is one stage in the process of redeeming and domesticating settlers to cleanse them of their "pseudo-ethnicity" (Hosaniak, 2011). This is not to say differences do not exist between DPRK settlers and ROK citizens, as these are serious obstacles to integration in ROK society (*Ibid*). Rather, it is suggested that a pathologisation and medicalisation of DPRK settlers has justified detention *en masse* at the *Hanawon*. This argument recognises that ethnicity – as a bio-political construct (Fearon and Laitin, 2000) founded on common cultural characteristics (OED, 2011c) – becomes inscribed with behavioural, medical or cultural traits by the dominant culture (Machery and Faucher, 2005).

In this project of assimilation to hegemonic power, exclusion of deviance is fundamental, and Gilroy notes how "racial subjectivities" (1987: 224) disempower minority groups through the false assumption that "biological endowment and physical features…have a causal relationship with cultural superiority." (Clarke (2003: 12). Clarke further notes how pathologisation is justified through forms of "pseudo-science" (Clarke, 2003: 13) which discursively construct a group as deviant. Here deviancy intertwines within institutions of governmentality, as seen during the Pacific War, when: "inside the camps, [the Japanese] were studied as some kind of naked species whose reactions were meant to be used to inform the US government about the Japanese national character" (Ryang, 2008).

Bauman notes that those "who enter or wish to enter the national family must mimic, or are compelled to emulate, the nakedness of the newborn" (2003: 130), reflecting Agamben's (1998) comparison of the state of exception to the state of nature, before bare life is clothed by the sovereign. The notion that DPRK settlers have been socially constructed as a "pseudo-ethnicity" (Hosaniak, 2011) is evident in those traits they are expected to shed

through the curriculum content, being behavioural, medical and ideological (MoU, 2010a). This mostly comprises vocational and ideological training, which encourages behaviour and thought appropriate for functioning within the industrial complex of ROK (Foucault, 2002). Furthermore, although the curriculum time allotted to psychological stability and physical health is only 10.5%, the interview data and further studies show an overwhelming concern with the psychological well-being of settlers (Jeon *et al*, 2003; Jeon *et al*, 2009; Yu and Jeon, 2008; Choi *et al*, 2010). While settlers clearly have profound needs due to widespread trauma[14] associated with flight and persecution, their pathologisation as "sick, mentally and physically" (Lim, 2009) increases social exclusionary tendencies.

One interviewee stated he felt "mentally inadequate [because] I kept being sent to the doctor [for assessment]…it was humiliating…I felt backward" (Interviewee B), and medical studies confirm that high numbers are diagnosed with trauma and other forms of psychiatric disorder (Jeon *et al*, 2009). Cultural differences are also made deviant, such as the finding that settlers are encouraged to hide their provincial dialects and northern afflictions, and settlers have complained that even clothing attracts derision from their ROK cousins (Choo, 2006). Many ROK observers confide that settlers lack empathy (Jeon *et al*, 2009) and are ""untamed [and] feudal" (Choo, 2006: 592), while interviewees stated they were "made to feel as if even [their] etiquette and thoughts were abnormal" (Interviewee C). Other settlers candidly state they had no idea of basic manners until they mimicked popular TV dramas (Laurence, 2011) and that mal-adapted friends have not "cleansed [themselves] of [DPRK] dust" (Choo, 2006: 591). The exacerbation of difference between these ethnic kin is highlighted even in physical appearance, as DPRK settlers "live as outcasts, often ridiculed for their small physical build [and] coarse language" (*Ibid*).

State interest in cohesion ensures that "individuals…behave as they should…as a datum, as a field of intervention, and as an objective of governmental techniques" (Foucault, 2002: 207-219). This also entails citizens *being* as they should, as maintained through the "ensemble formed by the institutions, procedures, analyses, and reflections [of sovereign power]" (Foucault, 2002: 219-220). The *Hanawon*, in detaining *homo sacer*, designates the group as "killable" (Ryang, 2007), as everything from dress and speech, to knowledge and ideology is targeted in a three-month project to produce functioning ROK citizens, if mal-

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[14] Within a Foucauldian discourse, the social construction of mental health must be stressed (Petersen and Bunton, 1997)

adapted and socially excluded. With the population a datum of control, it is necessary for the sovereign to ensure the settler behaves "as he should, in accordance with the rule or not" (Foucault, 1994: 59). The sovereign becomes an "eye constantly trained on the population" (*Ibid*: 73) that "envelop[es] lives and bodies of individuals" (*Ibid*: 77). The sovereign eye is present in the constant monitoring by medical personnel and CCTV cameras, as knowledge over the individual,[15] whether medical or behavioural, becomes an attempt to "insert individuals into an apparatus of normalisation of people" (*Ibid*: 78).

One of the traits attached to settlers is that they are economically unproductive and the results show that 46% of the curriculum time is devoted to career counselling and vocational training, reflecting Foucault's understanding that sovereign power attaches the subject to mechanisms of labour production (Foucault, 2002). One interviewee stated "I feel like I have returned to high school….all my knowledge is now useless" (Interviewee C). Interviewees felt "encouraged to behave like [ROK citizens]" (Interviewee C) and even "forced to change our ways" (Interviewee B) in order to conform to dominant cultural norms as settlers are expected to "undergo a journey of remaking oneself as [an ROK] citizen" (Choo, 2006: 577). This pathologisation as psychologically damaged and economically unproductive necessitates a shedding of past bio-political remnants of the DPRK sovereign, to become mentally sound and economically integrated. Education and the process of redemptive citizenship facilitated through the *Hanawon* enables settlers to re-enter ROK as 'dust-free' individuals and in this sense we see the redemption of Agamben's *homo sacer* and the diffusion of the embodied threat of the DPRK. It has long been observed that education domesticates social groups within a class structure (Freire, 1970; Daniels, 2005), and this provides a useful lens on the *Hanawon* system. In the *Hanawon* the sovereign monopolises knowledge to which the settler must aspire, and thus education there is arguably an attempt to integrate settlers into a discourse of power, while simultaneously being a humanitarian project.

Turner (2007) noted in his study of globalised immigration, that in the search for Rawl's "overlapping consensus of comprehensive doctrines" (Rawls, 2001: 16) there had to be overlapping social bonds between community members and it is at this point that the sovereign seeks to impose a unity upon society. The international securitisation of migration

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[15] Foucault (2002) was explicit in stating the psychiatric disciplines arose from practices of bio-power within the Panopticon society.

shows a retreat from multiculturalism and an increasing emphasis on assimilation and naturalisation, and the *Hanawon* arguably expresses this discourse in a Korean context. The results show that the integration process is one in which pseudo-ethnic traits are cleansed from settlers and following Durkheim's (2001) understanding of the transmutability of the sacred, a process of transformation is initiated through education and training which targets the ideological and psychological expressions of difference in DPRK settlers. The *Hanawon* fulfils a patriarchal role to coerce settlers to conform to the dominant norms of ROK 'ethnicity' as encoded in the curriculum content to expel deviance.

In addition to exposing settlers within a state of exception, the ROK state has positioned them as an accursed *homo sacer*, which must be redeemed through a process of coercive citizenship. The social construction of DPRK pseudo-ethnicity justifies the exceptional state into which they are placed and this study will now discuss the extent to which these processes of coercive assimilation potentially infringe on human rights for DPRK settlers as a minority group. Citizenship is a definitive feature of the nation state, yet across the securitisation of migration framework there are concerns for the impact on fundamental human rights of detention and coercion (Bourbeau, 2011).

Does the present policy risk violating ROK human rights obligations?

Thus far it has been argued that the *Hanawon* intervention provides an intriguing case in the global securitisation of migration discourse and observers should caution against taking at face value state claims of humanitarianism. However, while the Agamben critique is useful from a sociological perspective, a human rights assessment is also crucial in informing further advocacy projects. The punitive NSA already provokes the ire of human rights defenders and therefore the Hanawon must be considered alongside state obligations guaranteed by the major human rights treaties. It is beyond the scope of this study to provide a legalistic assessment of rights violations within the Hanawon, yet it is hoped that coupled with the preceding critique, this can provide the impetus for future targeted legal research.

The ROK ratified the ICCPR in 1990 and Article 8 protects the individual against arbitrary detention, while Article 12 protects freedom of movement (UN, 1966). The Hanawon attracts attention under both of these, if not for the arbitrariness of state actions, then for the proportionality of them. In addition, Article 18 protects freedom of thought, conscience and

religion, while Article 19 protects freedom of expression, although restrictions are permitted on the latter if there are concerns for public safety and national security. All these provisions, except those under Article 18, are derogable under Article 4 in the event of public emergency which threatens the life of the nation[16]. Despite the punitive sanctions of the NSA having some justification in the aftermath of civil war in 1953, many observers now concur that this threat no longer justifies the restrictions therein (Amnesty International, 2011).

If civil society has concerns for freedom of expression in wider ROK society, then conditions at the Hanawon must attract particular concern. A more detailed legal analysis need be undertaken into the facility before conclusions are drawn, but in a climate of McCarthy-esque anti-communism it is likely the NSA contributes to violations of ICCPR articles within the Hanawon, while potentially infringing on DPRK settlers' rights to enjoy their own culture, as protected under Article 27. Building on this theme, there is the further potential for the ROK to violate its obligations under the Convention Against Racial Discrimination (CARD), which prohibits under Article 1(1) discrimination on the basis of national original (UN, 1965).

The NSA has been roundly condemned by human rights organisations (Seok, 2010) and continues to be used to stifle dissent by the state (Amnesty International, 2011). Not feeling able to express themselves fully, settlers are alienated by the didactic and uniform system which stifles critique and discussion. This issue is of further concern to future settlers, and even the 24 million North Koreans who would be potentially criminalised by the NSA and re-educated upon unification (Joongang Daily, 2010b). In the least, the present policy of mandatory detention for DPRK settlers will need immediate reconsideration if either there is a breakdown in order in the reclusive regime, or if unification occurs suddenly.

In the present, the *Hanawon* needs to be considered on the basis of the state's objectives for humanitarian support. The results show that post-*Hanawon* support is much favoured by the settler community, while the *Hanawon* period of detention is disliked, and felt unnecessary and counter-productive (Kang, 2010). Although there are uncertainties around the security of settlers – both as the target and source of threat – it has not been established that the *Hanawon* is the most effective intervention in addressing these concerns, encouraging

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[16] For a more in-depth legal discussion see 'The Siracusa Principles' (UN, 1984)

further educational assessment of settler support. There are definite human rights concerns in light of the NSA, and mass detention potentially violates the laws of proportionality which inform the international human rights regime (*A (FC) and others (FC) v. Secretary of State for the Home Department, 2004*). The NSA restrictions on human rights in wider ROK society can only be intensified in a situation of enforced detention and therefore a comprehensive legal review is critical. There is a strong argument that *Hanawon* – on a balance of its merits and drawbacks – is disproportional as an intervention measure for DPRK settlers, despite the need for social integration it is attempting to address.

Conclusion

The objective of this study was to place the experience of DPRK settlers within the wider securitisation of migration debate as informed by Agamben. It was shown that globally a growing discourse viewed migrants as bringing "criminal anarchy" (Kaplan, 1994) to established nation states. To control this threat states have securitised migration within "a logic of exception" (Bourbeau, 2011: 7) which justifies limitations on movement and rights. This study sought to establish the extent to which the detention of DPRK settlers in ROK displayed characteristics of this discourse, in defiance of government claims of humanitarianism.

The study analysed the function of discipline and control within the *Hanawon* institute following a number of outlined objectives, a model for which was provided by the notion of the state of exception, as discussed by Agamben (1998). An Agambenian theoretical framework was drawn up in order to understand whether the *Hanawon* represented "an imposition of [sovereign] power over life itself" (de Genova and Peutz, 2010: 12). The resulting mixed methods approach had some explicit limitations, yet these were mitigated through the triangulation of data from primary and secondary sources and in-depth interview.

The findings show that Korean culture has historically been exclusionary, forcing foreigners to assimilate or live in seclusion (Griffis, 2004; Cumings, 2005). Such historical exclusion was founded on an effort to preserve the Korean cultural sphere against perceived external threats, recalling the Korean proverb that "a small shrimp breaks his back in a whale fight" (Lee, 2011). It was argued that in the detention of DPRK settlers at *Hanawon*, the ROK

state was still practicing a form of protectionism, which sought to internalise the threat to state ideologies and legitimacy, as posed by DPRK.

Interviewees consistently felt excluded and outcast within the facility, albeit with gratitude for wider settlement support. This was a common finding, as while the criticisms of the *Hanawon* are upheld, it is unlikely that a more comprehensive support system for refugees or migrants is to be found internationally. Furthermore, all projects of citizenship are exercises of sovereign power, therefore this observation in respect of the *Hanawon* should not be surprising. What this study attempts to do, however, is move the discussion beyond an interpretation of the *Hanawon* as a unique humanitarian institute, as results show consistency with the wider securitisation framework, with additional troubling tendencies in the coercive assimilation of DPRK settlers. There were furthermore clear limitations in drawing parallels between Agamben's concentration camp and a well-equipped education facility, yet it was shown that both facilities seek the permanent exclusion of a mortal threat to the state. Although humanitarianism is clearly a central factor to the *Hanawon*, it is also clear that there is a certain level of derogation from expected legal protection – consistent with a state of exception – such as in restrictions on freedom of movement and association, and in violations of freedom of conscience. The spatial and juridical qualities of the facility which exclude to include were also evident in the physical environment of the facilities, in rural areas heavily guarded from the public.

The central concept to the state of exception is that which is contained within – *homo sacer* – and the ritual banishment of the accursed is evident in settler experience in ROK. This was arguably the most telling aspect of settler experience, as there seems to be a cleansing of the DPRK pseudo-ethnic identity which suppresses DPRK cultural expressions, such as in speech, customs and behaviour. This highlights the bio-political function of the *Hanawon*, as it seems to be playing a dual role of attaching the individual to ROK sovereignty, while also configuring a functioning unit for the industrial production system. Again, this is expected to some extent within a citizenship project, yet the point of departure for the *Hanawon* is in enforced detention and monitoring by security personnel, within a wider context of the illegality of the DPRK state. It is for these reasons that a number of human rights concerns were identified around freedom of conscience and freedom from arbitrary detention, both in the present detention facility and in future prospects for unification or increased settlement.

Merely critiquing the *Hanawon* system within an Agambenian framework is not damning in itself, yet the increasing use of detention facilities globally, alongside the tendency of sovereign excess in the security of migration (de Genova, 2010), encourages a note of caution for future integration of DPRK settlers. It was suggested earlier that a critique of these facilities could act as the canary in the coalmine for future engagement between the two Koreas, and the situation should be closely monitored to ensure that DPRK settlers in ROK are not subjected to a diluted liberty due to their national origins. The limitations on this research remain and there is much scope for future research, through in-depth life-history research among settlers, and in critical research of pedagogical approaches to curricula content within the facility itself. Both of these areas are politically sensitive, yet they are fundamental if civil society is to maintain the justified critique of ROK treatment of its DPRK settler minority in light of international concerns for freedom of conscience in ROK. The ROK should be applauded for its efforts in integrating DPRK settlers, yet the high levels of socio-economic exclusion they face, alongside the criticisms of the *Hanawon* outlined, encourage further critical review of present policies.

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