

Yi Ren Wei Ben: China “Putting People First,” Some Exclusions Apply

Kathleen Alexander, Webster University – Saint Louis

Abstract

It is hardly breaking news that the People’s Republic of China is a highly influential global leader in today’s world. With a GDP and military expenditure second only to the United States, China is on the fast track to becoming a true global hegemon. With that said, hard power is no problem for China. Soft power, on the other hand, is what some academics call “Beijing’s Underbelly” – an afterthought in China’s policy. However, with numerous Confucius Institutes emerging all over the Western world, it is evident that China is putting forth an effort to counterbalance its hard power with its soft. Unfortunately, one soft power concern that China is reluctant to reform is certain human rights policies – specifically its policy on North Korean refugees, or escapees, living in China after fleeing their native land. Although policy change would be a complex endeavor on several fronts, it is necessary that China realize that its shared national interests with North Korea are clashing with its efforts to improve its soft power.

The People’s Republic of China (PRC) boasts one of the richest and most complex histories in the world, yet it played a relatively minor role in the modern international arena as little as half a century ago. Ever since Mao Zedong’s Great Leap Forward in 1958, China has attempted to “walk on two legs” – a common phrase in Chinese society, meaning to be self-reliant in the development of both the agricultural and industrial sectors (Wang, 1999, p. 22-23). This era is largely criticized and viewed as a failure, especially because the violent Cultural Revolution soon followed with the intent to purge any political opposition to Chairman Mao’s rule. Around this time, China’s per capita GDP was one-thirtieth

that of the United States, and the level of its science and technology was 40 years behind various developed countries (Chinascope, 2011, p. 6). Today, China is a highly influential global leader. With a GDP of about \$5.745 trillion USD in 2010 and a growth rate of over 10 percent, China is estimated to surpass the United States' GDP (currently boasting the highest in the world with being roughly three times larger than the second highest country: China) by 2020 – or even earlier (Angang, 2011). According to the Stockholm International Peace Research Institute, China also has the world's second largest military expenditure – only behind the United States – spending \$119 billion USD towards it in 2010, which represents a fourfold increase since 2000 (Stockholm International Peace Research Institute, 2010).

The concepts of “hard” and “soft” power help scholars better conceptualize Chinese policies and potential future human rights challenges. First developed by Harvard professor Joseph Nye, hard power involves coercion and “getting other states to do what you want” (Hwang & Sheng, 2006, p. 23). In contrast, soft power is “making other states want what you want” (Hwang & Sheng, 2006, p. 23). A country that possesses a solid balance of hard and soft power would flourish in the realms of economic and military strength, as well as culture and human rights. Considering its place in the international system, it is clear that hard power is no issue for China. China's soft power, on the other hand, is what some scholars call the “Dragon's Underbelly” or “Beijing's Underbelly” (Hwang & Sheng, 2006, p. 22); it is not one of China's top political concerns, or perhaps even an afterthought. Yet China has recently made efforts to catch up its soft power capabilities with its notorious hard power achievements; this is exemplified by the creation of hundreds of Confucius Institutes across the Western world (Hwang & Sheng, 2006). Unfortunately, one soft power issue that China is overall somewhat reluctant to reform is its human rights policies—specifically its policy on North Korean refugees, or escapees, that are living in China. Although policy change would aggravate North Korea (a key ally of China) and potentially destabilize areas of China and nearby South Korea, it is necessary that China recognizes how its position

on this human rights issue clashes with its efforts to improve its soft power. North Koreans are certainly not moving to China for senseless or lighthearted reasons. An awful famine, rampant poverty, a repressive dictatorship, and lack of fundamental human rights all are contributing factors as to why North Koreans feel like it is worth risking their lives (and their family's lives – the family of a North Korean who flees the country inherits the punishment of the escapee in most cases) to attempt to escape to China. These life or death decisions result from dire “push and pull factors” (Margesson et al., 2007, p. 6), also known as internal and external factors. Food scarcity, for example, is a push factor that makes some North Koreans feel as if they have no choice but to try to escape to a state with a better food situation.

In the 1990's, North Korea faced a number of factors that pushed it into an incredibly crippling famine. James D. Seymour (2005) calls this concoction of events “the perfect storm” for such a crisis. In 1991, the collapse of the Soviet Union brought about the end of North Korea's largest support system, both financially and politically. China had aided North Korea moderately, but nowhere near as much as the Soviet Union did. With the sudden cutoff of such a large chunk of the nation's financial backbone, North Korea faced an economic crisis that in turn transitioned into a food crisis (Seymour, 2005). Disastrous floods in 1995 led to extreme food shortages, especially for the rural population – although it is reported that even in Pyongyang, the capital of North Korea, even low-end elites could no longer rely on the nation's crumbling food support system. Without the government-run food system, North Koreans were forced to barter food in makeshift markets. That, however, was deemed “unsocialist” by the North Korean government, which tried extensively to shut trading down (Seymour, 2005). The government was also highly defensive and reluctant to allow large-scale food and humanitarian programs (such as the United Nations World Food Program) in their borders to help its citizens because it would clash with the state's ideal of self-reliance, or “juche” (Margesson et al., 2007, p. 6). It is extremely difficult to calculate how many people actually died in the famine, but estimates range from 2

to 3.5 million (Seymour, 2005). Food security continues to this day to be a daily struggle for one third to one half of all North Koreans (Margesson et al, 2007), thanks in part to recent droughts over the last several years (Kim, 2010).

The challenges that North Koreans faced during times of famine are only one of the reasons that “push” North Koreans out of their homeland and “pull” them into surrounding countries such as China. At the end of 2007, the U.S. State Department estimated that 30,000-50,000 North Koreans escapees lived in China, but a few NGOs have increased that number upwards of 400,000 (Kim, 2010). Again, any numbers relating to North Koreans is difficult to confirm with certainty because neither North Korea nor China is open to NGOs collecting information and, quite frankly, North Koreans hiding in China are not willing to expose themselves for fear of being discovered. Since escaping through the border that connects North Korea and South Korea is not an option, as it is the most armed and militarized border in the world, nearly all North Korean escapees cross through China’s border. China is not typically the North Korean’s ideal final destination, however; most dream of eventually making it to South Korea. If they manage to enter South Korea, North Koreans are not only protected by the South Korean government, but they are also considered to be citizens of South Korea under the Constitution. Therefore, they access the same rights and privileges that South Koreans enjoy (Kim, 2010). In 2007, there were about 11,700 North Koreans living in South Korea. This number has been considerably increasing throughout the years and, as a result, South Korea has been cutting back its generous support system (Kim, 2010).

Despite South Korea’s ample support for North Korean escapees, one of the largest populations of North Koreans outside of North Korea itself is in the Yanbian Korean Autonomous Prefecture, which is located in the Jilin province. Roughly one million Chinese of North Korean descent live there (Margesson et al., 2007), and these ethnic Koreans are eager to assist their North Korean relatives escape via the

Yalu River (Kim, 2010). Crossing the border can be an enormously risky action. Human trafficking, smuggling, extortion, and exploitation are all growing problems that North Koreans – especially women – face once crossing over into China. It is worth noting that about 75 percent of North Korean escapees are women. This is thought to be because it is harder for men to uproot themselves from the life they have made in North Korea (Margesson et al., 2007). Women who escape face large risks of forced prostitution, rape, forced labor, and arranged/forced marriages. The state of North Korea holds the lowest possible rating given by the U.S. State Department for human trafficking: Tier 3. It is reported that 80 to 90 percent of North Koreans living in China end up as trafficking victims of some sort (Margesson et al, 2007). Unfortunately, these refugees have little choice or say in their labor, since they have no way to earn a livelihood or because they know they will simply be reported to the Chinese government and repatriated back to North Korea – a fate, essentially, that is viewed by some escapees as worse than any other. Due to the Chinese government’s relentless efforts to seize North Korean escapees, this fate is reality for about 2,000 North Koreans every month (Kim, 2010). Essentially, escapees are *de facto* stateless individuals; once escaped, they are not welcomed back in their home state, and the state they currently reside in fails to recognize them as anything besides illegal economic migrants.

Although there are international protections for refugees, North Korean escapees are not able to access these rights and resources. Despite being a party member to the United Nations Refugee Convention, China still does not allow any UN agencies to investigate the North Koreans living in China because they are viewed as economic migrants rather than refugees (Margesson et al, 2007). While China permits non-North Korean asylum seekers of all nationalities to make asylum claims, North Koreans are completely excluded from this process. Such discrimination goes directly against Article 32(2) of China’s Constitution, which states that foreigners have the right to seek asylum from political persecution. China’s immigration laws also provide foreigners the right to reside in China during their

request for political asylum (Kim, 2010). Yet China rarely ever allows North Koreans to apply for political asylum because China claims it is obligated under a bilateral 1986 repatriation agreement with North Korea to return all escapees (Margesson et al, 2007). Why does China allow other ethnic groups to apply for political asylum to further emphasize their attempt at bettering their soft power, but not North Koreans? The answer is quite simple: China puts its relations with North Korea above humanitarian issues. Various refugee agencies often try to work with North Koreans in China, but this would create a tense situation between the two countries.

China also addresses North Korean escapees as illegal economic migrants because it would weaken and strain the bilateral relationship between China and North Korea if they were labeled otherwise. China is North Korea's most important trade partner, as well as its most important diplomatic and economic backer. China is known to routinely deliver a large amount of food aid to North Korea, and North Korea's energy imports also come from China (Margesson et al., 2007). With all of that being said, it is clear that China has significant leverage and influence over North Korea. One would think this would put China in a position to be able to do what they want regarding North Koreans who flee to China, but that is not the case. China is not interested in agitating North Korea in any way, principally because it does not want to provoke any type of nuclear activity that may occur if North Korea loses its key ally. China and South Korea could not afford a collapse of North Korea – something very possible if China stops backing it or sets up sanctions. Recognizing escapees as refugees would also put a lot of stress on northeastern China's developing economic market and South Korea's very generous policy towards North Koreans. It could simultaneously create a "pull" factor – which is exactly what China is striving to avoid (Margesson et al., 2007).

China is highly interested in maintaining solid border security and stability, as well as keeping peaceful relations within the peninsula – which includes preventing the development of weapons of

mass destruction (Ming, 2003). China, which is a largely Confucius society, believes in maintaining a “soft” relationship (*huairou*) with nearby neighbors. After Mao Zedong’s radical foreign policies, China has been working hard to create an image of itself as a new kind of world power that is no longer interested in having aggressive objectives (Hwang & Sheng, 2006). The resurgence of the Korean nuclear crisis in October of 2002 was a pivotal event for China. This nuclear issue brought up major problems for Chinese relations with the United States and, frankly, with relations with the rest of the international community. China found such a situation to be a grave threat to its long-term security interests, so it stepped up and decided to play a more radical role in relieving the crisis. For example, China openly criticized North Korea’s withdrawal from the Nuclear Non-Proliferation Treaty and then Chinese President Jiang Zemin disclosed to major world leaders that he had no idea about North Korea’s nuclear program. Additionally, China’s officials met with Kim Jong-il repeatedly, urging him to dismantle the nuclear program (Ming, 2003).

So what does China do to satisfy both North Korea and the international community simultaneously? The equation is fragile and complex. The Epoch Times, an international newspaper writing principally about China and human rights, published an article about North Korean refugee policy in China in 2009. The article contained numerous government documents (mostly bulletins and briefings), which were translated by the media research organization Chinascope. Here is a status bulletin from China’s Ministry of Public Security, released on March 15, 2005:

There has been a steady increase of North Korean citizens crossing the border and staying illegally in China since 1983, due to the food shortage crisis in North Korea over the last 21 years... To enforce the central authorities’ instructions to block and expel the illegal immigrants entering our borders from North Korea, all police departments increased their operations and, as of the end of 2004, had deported 133,009 people back to North Korea. This is very significant in upholding social stability in China and the improving the relationship between the two countries. Due to the complicated international environment, insufficient determination and numerous other reasons, the effort to complete this task has become increasingly difficult. It is estimated that there are close to 400,000 North Korean illegal immigrants staying in China. The

influx of this large number of illegal immigrants has not completely stopped. It should be noted that these people mostly came because of hunger and survival. Only a few came because of political motives. Therefore, it is imperative that we increase the effort to block and expel illegal immigrants. Yet we must be very careful not to exceed the limits of this policy and give rise to any interference from international opposition. We should all strive to reduce, in the short term, and eventually eliminate the existence of illegal immigrants (Chinascope, 2009, p. 25).

The bulletin makes it clear that China felt pressure to appease both North Korea and the international community's commitment to human rights. This situation was complicated by the presence of the media, vividly reporting on North Koreans trying to sneak into embassies to seek the asylum that China would not grant them. In one example from May 2002, five North Korean escapees entered the premises of Japan's consulate in Shenyang, a city in northeastern China. Shortly after they entered the building, however, the Chinese police marched in and forced all five of the escapees out of the consulate and took them into custody. This situation attracted a lot of media coverage, especially in Japan. As a result, diplomatic relations between Japan and China became tense; Japan claimed that Chinese police were not within their rights to act as they did, because consulates and embassies are not formally a part of the country's jurisdiction (Economist, 2002). North Koreans soon realized that the international media attention could benefit them, and consequently embassy-storming became a serious option for North Koreans seeking asylum – a pull factor. These actions make China uneasy as it struggled to find a balance between not offending an ally and steering clear of international scrutiny for violating human rights.

Given this ongoing friction, China may have to implement a policy change of some sort because it may not be able to play on both sides of the fence for much longer. Back in 2004, the United Nations High Commissioner of Human Rights (UNHCHR) adopted a resolution expressing their deep concern about the lack of human rights in North Korea, including: "sanctions on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, such as treating their departure as

treason leading to punishments of internment, torture, inhuman, or degrading treatment or the death penalty, and infanticide in prison and labor camps” (Seymour, 2005, p. 28). That same year, the United States Congress passed the North Korean Human Rights Act of 2004, which authorized up to \$20 million for each of the fiscal years 2005-2008 for assistance to North Korean refugees, \$2 million for promoting human rights and democracy in North Korea, and \$2 million to promote freedom of information inside North Korea (Margesson et al., 2007). Later, in 2006, the White House issued a statement expressing concern over China’s policy on North Korean escapees and also asked China to honor its obligations as a signed party to the UNHCR’s 1951 Refugee Convention and 1967 Protocol (Margesson et al., 2007). A refugee is, by legal definition, “a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (United Nations High Commissioner for Refugees, p.16). Since China is a signatory to the UN Refugee Convention, it is understandable why the international community is dealing out harsh criticism towards China’s current policy on North Korean escapees.

It is difficult to predict what the future holds for China’s soft power and diplomatic relations, and it is considerably more difficult to predict anything regarding North Korea’s future. To the Chinese, however, the root of North Korea’s key economic problems lies in its structural system and economic policy, which favors the military and heavy industries. There essentially is no real evidence to show that Pyongyang has any intention of carrying out a fundamental reform in the near future. Additionally, it is dubious that North Korea will break away from its predicament of a stagnant economy. It may muddle along for some period of time, simply because the average citizen of North Korea is so used to not having food on their table, having unreliable and limited electricity, and having essentially no knowledge

of the outside world (Ming, 2003). China, though, does not completely rule out the possible collapse of North Korea. Beijing does not condone reform at the expense of stability, which is most likely why China has had an underwhelming position related to North Korea. China does hope that Pyongyang will begin by abandoning its hugely militaristic attitude, and simultaneously loosen its grip on its people's minds and freedom – notably freedom of movement (Ming, 2003). As ties between Beijing and Pyongyang slowly sour, so does China's aid and support – and this is when the future becomes even more difficult to predict.

By ignoring the grave consequences that North Koreans face when they are repatriated, China completely goes against its attempts at bettering soft power. All in all, China has rapidly grown up from being a minor influence in the international community to a global superpower. As an example, numerous countries all around the world ranging from Brazil to Zimbabwe are now forgetting the Washington Consensus and beginning to strive for the Beijing Consensus (Hwang & Sheng, 2006). The Beijing Consensus largely contains more hard power than soft power, however, and China is making efforts in various ways to balance out the equation of power. Although China has established language institutes around the world, opened up its borders for international education purposes, and has taken a more proactive attitude toward participation in UN peacekeeping missions (among other soft power initiatives), lack of concern for human rights still remains an issue and is routinely criticized. International critics point to North Korean escapees, who are not allowed to travel freely per Article 47 of the 1987 North Korean penal code, which states that defection or attempted defection is a capital crime. Someone who is returned to North Korea “shall be committed to a reform institution for not less than seven years. In cases where the person commits an extremely grave concern, he or she shall be given the death penalty” (Margesson et al., 2007, p. 9). Famines and promised South Korean citizenship are both “push” and “pull” factors respectively that make North Korean escapees believe that escape is worthwhile. Since the DMZ is very heavily monitored and militarized, pretty much all of North Korean

escapees cross into China. Although pressured to abide by the UNHCR's 1951 Refugee Convention and 1967 Protocol, China feels obligated to keep border peace within the peninsula – especially given recent concerns about North Korean control over weapons of mass destruction. China believes that, as a part of both its soft power and its Confucius backbone, it is quite important to have good diplomatic ties with neighbors. However, in protecting ties with North Korea by repatriating escapees, it has further soured ties with neighbors and the overall international community.

Although China has yet to make any drastic diplomatic decisions regarding North Korean refugees living in China, it may slowly wean North Korea off its extensive aid but remain sensitive to the associated risks. Many claim that North Korea is completely dependent on China, but it can be argued that it is actually the other way around: China absolutely cannot afford a mass influx of refugees if North Korea were to collapse, and China feels uneasy regarding North Korea's nuclear weapon situation. Perhaps if or when this unhealthy diplomatic relationship discontinues, China will reconsider its policy options concerning North Korean refugees residing in China – a great leap toward catching their soft power up with their already well-developed hard power. This would be the ultimate equation for becoming a truly successful global superpower.

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