

# China's Refugee Policy in Comparison

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JASMINE LAM, AUG 25 2013

### A Comparison of Chinese State Policies towards Refugees from North Korea, Myanmar, and Vietnam

In the field of international development studies, practical and academic works concerning forced migration have been expanding since the contemporary international refugee regime was first established after World War II. The literature on refugee studies is vast, but reviewing it reveals a distinct lack of research linking forced migration to international relations, as past analyses have predominantly focused on movement from developing to developed nations. In contrast, an overview of the international refugee regime shows that first, there is increasing flow of movement between developing countries; and second, refugee policies are highly political in nature and linked to its foreign policy behaviour. The current gap in the literature is detrimental to fully understand why states pursue one refugee policy over another, and why there are variations in policies enacted towards different groups of refugees in the same country. Through analyzing case studies of China and three neighbouring countries, this paper finds that refugee policies follow levels of cooperation between the two states.

The case studies this paper will examine compare China's policies towards incoming refugees across three states of origin: Vietnam, Myanmar, and North Korea. The three states share substantial borders with China and contributed inflows of refugees at numbers at 20,000 and above. Moreover, ample resources are available to examine in detail history of their bilateral relations and China's policy in reaction to each refugee crisis. Findings from academic literature and news sources demonstrate differences in Chinese policies in treatment towards the three refugee groups. For the wave of Vietnamese refugees entering China in 1978, China responded by fully integrating the 250,000 refugees into state farms, fishing and mining industries, and small businesses. Towards Burmese refugees, China has followed a policy to provide temporary relief in the nature of makeshift tents, food, and hospitality, while still refusing to recognize them as refugees. In regards to North Korean refugees, China pursues an adamantly strict policy to refuse and repatriate North Koreans who are caught by Chinese officials.

After examining bilateral relations between China and the origin states of refugees, as well as China's policy towards each of these groups, I argue that the variable that best explains the discrepancy in policy is the level of cooperation defining their bilateral relations. Specifically, the *higher* level of cooperation between states A and B, the *less likely* the receiving state A will admit the refugees of state B. Likewise, the *lower* the level of cooperation between state A and B, the *more likely* the receiving state A will admit the refugees of state B. Each case study then falls along a spectrum of refugee policies, ranging from "refusal and repatriation" on the end of high level of cooperation, to "temporary assistance" in the middle, and "acceptance and resettlement" at the other end characterized with a low level of cooperation. From this perspective, state refugee policies are intrinsically tied to foreign policy behaviour. With these analyses, the empirical purpose of this paper is to expand on the discussion on South-South migration studies, and the theoretical purpose is to integrate perspectives of international relations into international development studies. As a policy recommendation, the paper advises that humanitarian actors be mindful of diplomatic embarrassment that could damage bilateral relations as a result of a crisis, which can harm access in providing welfare for refugees.

The first section presents a literature review on refugee policy and international relations, with an emphasis on the importance of linking the two fields. The second section this paper will examine the treatment of each refugee group in China, starting with North Korea, then Myanmar, and ending with Vietnam. The analytic component of this paper

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will discuss why other variables are less fitting in explaining variations in Chinese policies, and then extrapolate upon the findings from each case study and its relation to the given hypothesis. Finally, the conclusion will look at where this hypothesis can serve to explain variations in refugee policies in other states, provide policy recommendations, and present further research questions.

## Literature Review

The following section will provide a literature review on academic discussions of foreign policy, refugee policy, and the development of literature linking international relations and forced migration studies. It finds that there is a general gap in the literature linking perspectives of the above fields. As previous authors have noted, these disciplines are interrelated and researchers would benefit from integrating their findings. As a result, this paper seeks to address this absence through expanding current discussions on refugees and foreign policy with the case studies of China.

First, the study of foreign policy as a sub-field within the larger discipline of international relations began in the 1950s. Foreign policy is defined as “the strategy or approach chosen by the national government to achieve its goals in its relations with external entities,” and foreign policy behaviour is “the observable artefacts of foreign policy... [and] may include the categorization of such behaviour, such as along conflict-cooperation continua.”[1] This included foreign policy decision-making, bureaucratic and organizational politics, psychological aspects in formulation of foreign policy, and comparative foreign policy.[2] The analysis of foreign policy borrows perspectives from the classic international relations schools of thoughts, realism, liberalism, and constructivism.[3] Contemporary research in this field is increasingly looking at the interplay between different levels – individual, nation-state, and international – in formulating foreign policy.[4] In addition, there have been more efforts to utilize findings from various social science disciplines.[5]

Second, under the broader scholarship of forced migration studies, researchers have begun to comment on the use of refugee policies as a tool of foreign policy in the 1980s. According to *International Factors in the Formation of Refugee Movements*, receiving states can attract refugees and create a “pull” factor with a policy that encourages admission, or with a restrictive policy that is poorly enforced.[6] This becomes a tool of foreign policy since an open-door policy “usually implies condemnation of relevant government for persecuting its citizens, or at least failing to afford them protection.”[7] Teitelbaum argues along the same line with a more normative tone.[8] He finds that mass expulsions from sending side can be used as tool to “destabilize or embarrass foreign policy adversaries,” while for receiving countries, refugee admission can serve to “embarrass and discredit adversary nations.”[9] In *Refugee and International Relations*, Loescher sums up these observations in that “government responses to refugee movements from neighbouring or distant countries are greatly influenced by the relations between sending and receiving nations.”[10] These authors together highlight the connection between refugee policies and foreign policy.

In the 21<sup>st</sup> century, however, literature explicitly linking the greater disciplines of international relations and forced migration studies is still lacking. This is pointed out most openly in *Refugees in International Relations*, a compilation of essays resulting from a lecture series by both international relations and forced migration studies scholars at the University of Oxford.[11] These essays point to the reasons why the two fields can benefit from learning from one another, as they overlap in the areas of “international cooperation, globalization, human rights, international organizations, regime complexity, non-state actors, regionalism, North-South relations, and security.”[12] Representing the school of realism, Jack Snyder’s article suggests the reason why realist scholars have often overlooked this field is because of realist tendency to reject all elements relating to humanitarianism, as it is considered a non-security goal.[13] Similarly, Myron Weiner expressed scepticism in partnerships between states and humanitarian institutions, as governments place national interest as paramount in foreign policy decision-making, while humanitarian institutions form policies based on ethical and moral values.[14] Nonetheless, Snyder points out that humanitarian actions can be viewed through a consequentialist approach, where “good intentions” are only pursued if they “achieve good results.”[15] This suggests that humanitarian objectives can be used as instruments to pursue state interests, and thus should not be readily dismissed in the analysis of international relations.

Finally, there has been development in expanding literature linking the two fields, most prominently where it relates to

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refugees and conflicts in the developing world. In *Refugee Manipulation*, Steve Stedman and Fred Tanner demonstrate how refugees and the refugee regime can be used as resources of war, and its implications for international security.[16] Furthermore, since the early 1990s, refugees have often been catalysts in spreading conflict beyond borders.[17]

Through the literature review, this paper finds that interdisciplinary studies incorporating forced migration and international relations are growing, but explicit literature on linking refugee policies to foreign policies is missing. The literature review also reveals benefits of expanding research in this area, as refugee policies are innately tied to politics. Furthermore, the study of foreign policy involves conflict-cooperation in state behaviour, entailing an examination of this in bilateral relations. Following this, the paper will analyze the case studies of China and its three neighbouring countries, and place each finding along a spectrum of high-to-low levels of cooperation. This paper will challenge existing literature and reveal the connections between foreign and refugee policy.

## The International Refugee Regime

To fully understand how foreign policy and refugee policy are related, one must first examine the definition of a “refugee,” as well as the development of the international refugee regime. The international refugee regime and the way states respond to refugee flows have been shaped and have evolved with changes in the international system. The refugee regime is inherently linked to the fundamentals of the nation-state, which is premised on the most basic function and responsibility of the state to offer protection to its citizens.[18] When citizens of a state decide to flee a country, in essence this represents a failure on part of the nation-state, as the state is unable to offer its citizens political, economic, or societal protection. The consequences of refugee flows are transnational, and because of this, these movements carry the potential to threaten international stability. As a result, the international refugee regime was developed to maintain international stability by creating appropriate institutions to respond to refugee flows.

The contemporary refugee regime finds its roots during the inter-war period under the League of Nations. However, it was not until post-World War II that the regime became more developed under the United Nations High Commissioner for Refugees (UNHCR). The first piece of legislation that formed the basis of international refugee protection is the *1951 United Nations Convention relating to the Status of Refugees*. [19] Under this Convention, a refugee is defined as:

“Any person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group of 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.”

-U.N. Convention relating to the Status of Refugees, Article 1, Section A(2), 1951

When the Cold War began, political motivations became evident in approaches to refugees. First, the refugee regime, as was the UN, was Western-dominated and focused mainly on movement within Europe and towards North America. Western countries encouraged flight from Communist countries, and gave a “virtual guarantee of resettlement” to those who left.[20] It was not until 1967, when the *Protocol on Refugees* was codified, that protection was expanded to include groups from other nations. During this time, there was also a shift in the international refugee movement. In the 1970s, refugee flows from the communist bloc slowed, as the totalitarian regimes there clamped down on escapees.[21] Meanwhile, developing countries in Africa and Asia began to gain independence, and ensuing civil unrest prompted an outflow of refugees seeking asylum in industrialized countries. However, the treatment towards these groups was not the same. Western countries began to feel the strain in incorporating refugees into their societies, and refugee admission became increasingly restrictive.[22]

With the fall of the Soviet Union in 1991, the international refugee regime was confronted by a new configuration of the international system. Into the 21<sup>st</sup> century, the effects of 9/11 have strengthened states’ position on restricting asylum and refugee protection, as states pointed to the threat of transnational terrorism. New types of war, such as

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terrorism and proxy wars, gave justification for international intervention to prevent possible refugee flows.[23] Meanwhile, the scope of UNHCR has expanded to include protection of internally displaced persons (IDPs).[24] Today, as refugees are finding it more difficult to find asylum in developed countries, refugee flows between developing countries are becoming increasingly characteristic of refugee movements globally. As a result, literature focusing on movements between developing countries deserves more attention. Therefore this paper will analyze the case studies of China and three of its neighbouring countries.

## China: Bilateral Relations and Refugee Policies across North Korea, Myanmar, and Vietnam

This section will examine bilateral relations and compare Chinese refugee policies across three different cases: North Korea, Myanmar, and Vietnam. The time period under scrutiny is from the establishment of the PRC in 1949 up until the first refugee episode with each of the three bordering states. China is a signatory to the *1951 Convention* and *1967 Protocol*, thus is under obligation to follow the stipulated laws. However, there is often a mismatch between the laws stated in the *Convention* and China's domestic policies on refugees. While the UNHCR has recognized citizens fleeing from North Korea, Myanmar, and Vietnam as refugees during each incident, China does not recognize refugees from North Korea and Myanmar, but recognizes those from Vietnam. Moreover, there is variation in China's treatment of each group in terms of the level of assistance China provides. This paper maintains that these differences can be explained through nuances in China's bilateral relations with each state. The following sections will provide an account of bilateral relations between China and each of the three states, followed by a description of Chinese reaction towards incoming refugees.

### *North Korea (Democratic People's Republic of Korea)*

China has followed a consistent policy of repatriation towards North Koreans crossing the border into China. North Korean refugees have been entering China steadily since 1983, with sharp increases during North Korea's famine in the mid-1990s. Relations between the two countries have often been described as a special one, characterized by historic, cultural and ideological affinity. However, after the nuclear crises in the 2000s, relations between China and North Korea have been evolving to resemble a more pragmatic, state-to-state relationship. All in all, North Korean and Chinese relations fall at the far end of the spectrum, defined with a high level of cooperation, and a corresponding closed-door refugee policy with repatriation.

### *Historic Overview and Sino-North Korean Relations*

China and North Korea have long held a "blood-cemented relationship." [25] Historically, China has exerted influence in the Korean peninsula, and defended the area against invasions.[26] This is important for two reasons: first, North Korea is geopolitically important for China. With the commencement of the Cold War, and the establishment of the PRC, a Chinese-friendly regime in Korea was paramount to serve as a buffer zone against Western powers and capitalism. During the Korean War, China supported North Korea. Their partnership in this war formed the aforementioned "blood-cemented relationship" between the two states. Through maintaining the Democratic People's Republic of Korea (DPRK), China could expend fewer military resources to securitize its borders.[27] Secondly, the North Korean and Chinese regimes hold ideological affinity, sharing cultural and revolutionary ties.[28] The traditional school of thinkers in China, as described in Heungkyu Kim's article, sees the Sino-North Korean relationship as a special, traditional one.[29]

Since then, North Korea and China have upheld friendly relations. When North Korea embarked on its development plans after the Korean War, China's assistance has been crucial to their success. China contributed 1,200,000 Chinese People's Volunteers to help with reconstruction.[30] From 1954 to 1957, China provided North Korea with 8 billion *yuan* worth of loans. All in all, China was vital for North Korea for security, economic and development purposes. In 1961, their bilateral relationship was further cemented through the *Sino-North Korean Mutual Aid and Cooperation Friendly Treaty*, whereby China agreed to support North Korea in cases of external military attacks. This treaty has been prolonged twice since, and is valid until 2021.

However, during the latter 1960s, broader Sino-Soviet-North Korean relations briefly affected Sino-North Korean

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relations negatively. Differences between China and the Soviet Union grew increasingly stark, and relations between the two deteriorated rapidly. While North Korea relied on China for support, North Korea also played on the Sino-Soviet relations to gain assistance from the Soviet Union.[31] When North Korea warmed up to the Soviet Union, China retaliated diplomatically for North Korea's lack of support. In Chinese public media, there were hardly any mentions of North Korea between 1967 and 1969.[32] At the Sino-North Korean border, disputes arose over the contested Paekustan, and the region saw several military skirmishes.[33] Despite the period of diplomatic isolation between China and North Korea during this period, which saw a distinct absence of high-level visits and new cultural and economic agreements, rapprochement between the two states was evident by the end of the 1960s.[34] In 1970, a new communiqué was signed between the first Premier of China, Zhou Enlai, and North Korean leader Kim Il-sung, pronouncing that the two countries will "unite against the common enemy." [35]

Bilateral relations remained close until the 1990s, when Sino-North Korean relations were rocked by larger changes in the international system. The collapse of the Soviet Union meant that China had find ways to maintain its interests in a unipolar, United States-dominated international system. As such, China began to normalize relations with South Korea, leading to full diplomatic normalization in 1992. In reaction to this, North Korea denounced China publicly.[36] Meanwhile, however, North Korea faced its greatest famine in the mid-1990s. China utilized this opportunity to maintain Chinese influence in North Korea through provision of food and economic assistance.[37] This was especially important for North Korea as it had recently lost a source of support with the fall of the Soviet Union. In the 1990s, China became North Korea's main patron, supplying nearly three fourths of North Korea's food imports and 90% of gross imports of energy.[38] This helped guard friendly bilateral relations between the two states, and justify China's normalization with South Korea.

The North Korean nuclear crises in 2000s tested Sino-North Korean relations, as North Korea's successful nuclear tests demonstrated a limitation to Chinese influence. While China avoided participation in the 1994 nuclear talks between United States and North Korea, China began to engage in an active role in the 2000s.[39] China adopted a definitive stance to prevent nuclear proliferation in the Korean peninsula and to maintain stability in northeast Asia.[40] It was thought that China could exercise its leverage to dissuade North Korea from pursuing nuclear development, because of China's role as the major supplier for North Korea's food and fuel imports. Resultantly, multi-party talks that were set up gave China the role of host and mediator. However, despite China's involvement, North Korea carried out two successful nuclear tests in 2006 and 2009, revealing the limitation of Chinese influence on the North Korean regime.[41] Following these incidences, current literature describes an evolution of Sino-North Korean relations from the traditional "blood-cemented" one, to a more state-to-state relationship.[42] In this sense, Chinese policy on North Korean refugees may alter according to this shift.

### *Refugee Treatment*

China has followed a consistent policy towards North Korean refugees, whereby China refuses to recognize incomers as "refugees." The policy has been consistent, because the momentary lows in bilateral relations in mid-1960s and in early 1990s have been insufficient to cause a change in China's refugee policies. In the 1960s, North Korean refugees entering China has not become a significant issue yet, as China has stated that North Korean refugees have not been entering China until 1983. When relations became strained again in the 1990s, China was still attempting to maintain cooperative relations with North Korea, as exemplified with China's assistance to the North Korean famine. This cooperation helped redress their differences and upheld good relations.

China claims that North Korean border crossers are "economic migrants" and uses this definition to justify repatriation, as surveys conducted at borders show that 95% of incomers left for economic reasons.[43] However, as economic circumstances are intrinsically tied to political characteristics of the regime, [44] North Koreans fleeing their home country fall under the definition of *refugees sur place*. There is a distinct caste system in North Korea, in which social classes are determined at birth, and mobility between social categories is next to impossible.[45] Furthermore, there are definite political consequences to repatriation. Refugees who are returned to North Korea after being caught are sent to labour camps, and branded as "traitors" to the regime.[46] Punishment and exile extend to family members of the refugee.[47] This renders North Koreans who fled North Korea as *refugees sur place*, persons who become entitled to protection as refugees due to the risk of political persecution lest they return.[48] Therefore, such

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well-founded fears of political persecution designate North Koreans who cross the Sino-North Korean border as refugees under the UN Convention.

North Koreans have been entering China through the northeastern provinces of Jilin, Heilongjiang, and Liaoning provinces, and the two countries have taken measures to tighten border security. In the early 1960s, China and North Korea signed a secret agreement to govern security in the border area.[49] However, since 1983, there has been a steady increase of refugee inflows.[50] In 1986 border security was further consolidated in another agreement in which North Korea called for return of its citizens and laid out specific security protocols.[51] In 2006 construction of a 20-km long fence was completed along the border at Yalu River.[52]

During the worst years of famine in North Korea in the mid-1990s there were an estimated 20,000 – 30,000 refugees who entered the PRC.[53] Some sources even claim that numbers ranged as high as 300,000.[54] Accurate figures are often difficult to obtain because no refugee organizations are officially permitted to operate at the border area, and North Korean refugees are often dispersed and under cover to avoid repatriation.[55] During this time, some sources claim that China has privately permitted South Korean humanitarian and missionary groups to operate in the border area and provide assistance.[56]

From July 1998 onwards, China has actively enforced its policy of repatriation. China held major roundup operations in northeastern provinces, and arrested around 100 North Korean refugees weekly.[57] These searches were often launched after incidences relating to North Korean refugees were reported in major news media. [58] While this deters other North Koreans from entering China, it demonstrates as well China's concern in maintaining cooperative relations with North Korea publicly. A Human Rights Watch report has also stated that since 1999 China has tightened its surveillance of South Korean humanitarian and missionary groups operating in border areas.[59] In the Yanbian Korean Self-Governing District of Jilin Province, six detention camps have been set up for refugee deportation in recent years as refugees in the area has exceeded 93,000.[60] A document from the Border Patrol Bureau stated that as of the end of 2004, 133,009 North Koreans have been deported back to North Korea.[61] To date, China has upheld its policy of repatriation.[62]

## *Myanmar (Republic of the Union of Myanmar)*

Compared to the case of North Korea, China's policy towards Burmese refugees is slightly more accommodating, as China provides temporary assistance at the border. From 1949 onwards, Sino-Burmese relations was marked with suspicions and mutual distrust. Only up until the 1970s and 80s did bilateral relations improve. Regardless, the Burmese government continually attempts to reduce its dependence on China and remain neutral in its foreign policy by balancing China and developing ties with the West. As a result of this unsteady bilateral relationship, China's policy towards Burmese refugees has rested in the middle of the spectrum between accommodation and refusal. In the two incidences in 2009 and 2012 as illustrated below, China provided Burmese refugees temporary relief, while at the same time refusing to recognize them as "refugees."

## *Historic Overview and Sino-Burmese Relations*

The beginnings of the PRC and Myanmar's bilateral relations were marked with mutual distrust. Myanmar is situated at a historically significant juncture, at the crossroads of China, India, and the region of Southeast Asia. When the state gained independence in 1948 from the British, the new regime, then under the name Union of Burma, [63] had to make a decision to align itself with either the West or the East. However, being located beside China, who had previously invaded Burmese territory, Burma had well-founded fears of China's intentions.[64] Moreover, after the opposition group Kuomintang (KMT) fled China following the establishment of the PRC, KMT elements with support from Western states used Burma as a base to wage attacks into China through the Yunnan border. By 1953, there was an estimated 16,000 KMT troops in northeast Burma.[65] Burma, a still newly founded state at this point, did not have sufficient capacity to rid itself of KMT elements. Because of this, Burma further feared China would use this as an excuse for invasion. With these suspicions in mind, Burma decided to please China first, and became the first non-Communist country to recognize the PRC. In 1954, a Joint Declaration and a treaty of friendship and mutual non-aggression were signed between the two countries. Nonetheless, during the period that followed, Burma under the U

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Nu regime (1948-1962) continued to view China with suspicion, and mutual distrust coloured their relations.[66]

In order to fully understand Sino-Burmese relations, there needs to be an examination of security issues that underlie their shared-border. For Burma, the border area in the northeast region is home to an array of ethnic militias seeking independence. During colonization, the British pursued a divide-and-conquer tactic, supporting minority ethnic groups over the majority Burman group.[67] When independence came, the Burman group gained power and stripped minority groups of their previous privilege. As minorities were pushed from the center to rural areas, they began to regroup in attempts to regain power. These groups eventually coalesced into factions such as the Karen (Kayin) National Liberation Army (KNLA) (the armed force of Karen National Union), Communist Party of Burma (CPB), United Wa State Army, and the Kachin Independence Army (KIA).[68] Overtime, some of these ethnic groups became associated with illicit drug trades, taking part in the infamous Golden Triangle of Southeast Asia.[69]

On the other hand, bordering Burma is China's Yunnan province, seen as "China's wild southwest." [70] This perception of Yunnan has historic roots, as dynasties have long had difficulty consolidating control in this territory. The central government has been pursuing strategies to increase integration of Yunnan into China, as the province has a sizeable non-Han population. For example, the Western Development Strategy aims to develop the province economically.[71] Another problem was the extension of the illicit drug trade from the Burmese side into China, which raised concerns for the Chinese government, who eventually led drug crackdowns in the area.[72] The widespread narcotics problem has captured international attention. On May 29, 2003, the United States government labeled the United Wa State Army as a narcotic trafficking organization.[73] For China, this is worrying because this may justify United States intervention in the area. Because of these security concerns, both states would benefit from stability at the Sino-Burmese border areas.

With this in mind, Burmese ethnic minorities form an important factor in their bilateral relations. If China decides to provide support to these groups, this can greatly destabilize the Burmese regime and deteriorate bilateral relations. The 1960s Chinese Cultural Revolution saw radicals in China exporting Communism into Burma, and establishing relations with minority groups such as the CBP and the KIA. [74] In Burma, Chinese embassies were openly distributing copies of Mao Zedong's revolutionary Little Red Book.[75] In one incidence, a large insurgent force of the CBP, officered by the Chinese, crossed over from the Yunnan border and seized territory in Burma's eastern hills.[76] In return, Burma showed discontent towards Chinese behaviour, and Chinese residing in Rangoon faced attacks from local mobs.[77]

After the Cultural Revolution and going into the 1970s, Sino-Burmese relations saw improvement. China began to slowly drop its support for ethnic minority groups, in favour of developing more economic ties and border stability. When the Burmese State Law and Order Restoration Council took power in 1988, it marked the turning point when the relationship between China and Burma became a "strategic alignment." [78] For Burma, which faced international diplomatic isolation following the 8888 Uprising, establishing good relations with China was highly beneficial.[79] The same year, a border agreement in Beijing was signed, legitimizing and opening border trade between the two countries. By the 1980s, China has completely ended support for the CPB and other ethnic minority forces aiming to topple the Burmese government.[80] During this time, China used its ties to these minority groups to assist the government to negotiate cease-fire agreements with them. By the 1990s, 27 cease-fire agreements were signed, which gave these groups the power to retain control of their territories.[81] Since then, border trade between Burma and China increased remarkably. In recent years, there is an estimated one million Chinese businesspeople in Myanmar.[82] Assistance in other areas bloomed as well. In military aid, China has exported more than \$1.4 billion worth of supplies.[83] In 2010, \$4.2 billion worth of interest-free-loans over a 30-year period was given to Myanmar to help fund development in hydroelectricity, physical infrastructure, and information technology.[84]

The discovery of gas fields off the shores of Myanmar in the 1990s presented itself as another occasion to further develop the ties between China and Burma. Proven resources stand at about 10 trillion cubic feet, but some estimates run as high as 90 trillion cubic feet, making this discovery the 10<sup>th</sup> largest gas fields in the world.[85] The Burmese government held a consortium to decide who would be granted a contract to develop the gas fields, and attendees included companies from India, South Korea, and China. For China, to sustain a rapidly expanding economy, this was a perfect opportunity. This was important strategically as well because the proposed pipeline

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would connect China to the Indian Ocean, and reduce dependent on the congested Malacca Strait for current fuel transportation from the Middle East.[86] In addition, the pipeline would run from Myanmar through Yunnan province, helping expand the Yunnan economy in accordance to China's Western Development Strategy. China's test to demonstrate its political stance towards Myanmar came when the United Nations Security Council proposed a Resolution condemning Myanmar for its human rights abuses.[87] In favour to Myanmar, China used its Security Council membership to veto the resolution. For Myanmar, this helped alleviate international pressure on its regime. Through this, China displayed public support for Myanmar both economically and politically. In November 2008, the agreement to build a \$1.5 billion oil pipeline and a \$1.04 billion natural gas pipeline with China was accepted. This was finalized with signed agreements in 2009.

## *Refugee Treatment*

There have been two episodes of refugee inflows in 2009 and again in 2011, both resulting from a government crackdown on ethnic minorities in northeast Myanmar. While the first incident saw China giving refugees temporary assistance, during the second instance, China has been erring more to the side of refusal and repatriation. The shift indicates higher levels of cooperation, at least in terms of communication, between the two states.

## *2009 Kokang Incident*

In August 2009, the Burmese government launched an attack against the minority groups Kokang, Wa, and Kachin in the Special Region of northern Shan state, adjacent to the Sino-Burmese border. The Kokang people form the majority of the population in the area. They are in fact ethnic Mandarin-speaking Han Chinese who arrived in what is now Shan state today in the 18<sup>th</sup> century. From the 1960s up until 1989, the CPB ruled the Region. The dissolution of the Party in 1989, along with the end of China's support for the Party facilitated ceasefire agreements between ethnic minority groups and the Burmese government. The establishment of the area as a Special Region gave the Kokang Myanmar National Democratic Alliance Army (MNDAA), control over the territory. The Kokang had been involved in illegal drug trades and were known to be major opium producers.[88]

When the Myanmar Armed Forces (formally known as the Tatamadaw) attacked on August 29<sup>th</sup> 2009,[89] no warning was given to the Chinese government. As the attacks were targeted at population based on their ethnicity, this renders citizens who flee as refugees. Conflict in the area prompted 10,000 – 30,000 Burmese refugees to flee into Yunnan within the span of a month. Local Chinese authorities immediately provided emergency shelter, food, and medical care to the refugees.[90] UNHCR regional spokesman confirms the Chinese assistance in aid and medical care.[91] While China offers humanitarian aid and has no intentions of pushing refugees back into the conflict zone, China does not wish to have refugees settling further inland.[92] Furthermore, China never declared incoming Burmese residents as refugees.[93] On the official end, the Chinese government openly expressed its discontent. Chinese Foreign Ministry spokeswoman Jiang Yu stated that "China hoped Myanmar could properly solve its domestic issues and safeguard the stability of its border with China," a rare statement for a country intent on non-interference.[94] As the Tatmadaw won a quick, decisive victory over the Kokang MNDAA by August 31<sup>st</sup>, 2009, the next day, around two-thirds of refugees who entered China had returned to their homes in Myanmar.[95]

## *2011 Incident*

In June 2011, skirmishes began between the Burmese government and the KIA in the Kachin state, ending another 17-year ceasefire agreement. Tensions had been brewing between the Burmese government and KIA over the past year. In the 2010 elections, Kachin candidates had been blocked from participating, even though the Kachin Independence Organisation (the political wing of KIA) had been participating in and cooperating with the government's roadmap to democracy since the 1990s.[96] However, KIA ignored several deadlines that the Burmese government have set for incorporation of KIA elements under the Tatmadaw. Meanwhile, KIA called for a withdrawal of all Tatmadaw forces near KIA posts in the Kachin state. Some sources point to the construction of the hydroelectric dams, built by the Chinese companies, as a contributing factor to the conflict.[97] These dams are deeply unpopular in the area, and are perceived as destructive to the environment and society.[98]



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As conflict intensified, an estimated 7,000 – 10,000 Burmese citizens fled into China.[99] Human Rights Watch stated that in Myanmar, the Tatmadaw have been entering villages to interrogate and torture local residents in efforts to uncover affiliations with the KIA.[100] Accounts of forced labour, destruction of property and livelihoods are reported.[101] As a result of this conflict, and of well-founded fears of persecution from the government on the basis that they are Kachin residents, Burmese citizens who flee into China are recognized as refugees under the UN Convention.

However, in contrast to the 2009 incident, China has been much less accommodating to Burmese refugees. Quieter Chinese reaction to this incident, in contrast to China's outspoken discontent with the 2009 incident, reflects a higher level of cooperation between China and Myanmar in 2011. The official stance of China, as exemplified by the spokesperson for Chinese Ministry of Foreign Affairs, Hong Lei, disputes the refugee status of incoming Burmese people.[102] As such, no international aid groups are allowed in the border area. Burmese refugees who have entered China have so far lacked access to proper sanitation, shelter, healthcare or schools.[103] *The Democratic Voice of Burma* reported that there are around 10,000 Kachins living in makeshift tents on the Chinese side of the border, while some are hiding in the jungle. Furthermore, it has been reported that China is refusing to allow certain refugees to cross the border, claiming that there is no fighting on the Burmese side.[104] In other cases, there are forced repatriations back into the Burmese conflict zone.[105] This seems to indicate a greater level of cooperation between the two states. In accordance to the hypothesis, Chinese refugee policies became stricter, and repatriation was practiced.

## *Vietnam (Socialist Republic of Vietnam)*

In contrast to the North Korean and Burmese cases, China's treatment towards Vietnamese refugees featured an open-door and a comprehensive resettlement program, which succeeded in integrating the refugees into Chinese society. Sino-Vietnamese relations went from a period of comradeship from the founding of the PRC, to increasing strain throughout the decades. During the 1970s, when the exodus of refugees into China occurred, relations were at its worst. The deterioration of relations led to eventual Chinese invasion into Vietnam in 1979. Against this backdrop, Chinese policy of refugee admission reflects extremely fraught bilateral relations, marking this case study at the low-level of cooperation end of the spectrum.

## *Historic Overview and Sino-Vietnamese Relations*

Relations between China and Vietnam have fluctuated between times of comradeship and periods of hostility. Historically, China had attempted to exert influence and power over Vietnam, while Vietnam in return has strived to protect and maintain its independence.[106] In the 1950s, when Vietnam wrestled for independence from French colonization during the First Indochina War, the PRC offered support to the Viet Minh to defeat the French.[107] Their joint struggle against imperialism created an alliance between the two as "brotherly comrades." [108] According to the Chinese scholar Guo Ming, the term the "golden era" was used to describe Sino-Vietnam relations between 1949-1954.[109] However, differences between the Chinese and Vietnamese began to surface during post-war negotiations.[110] While Vietnam wanted to push for settlement terms that would include an immediate nation-wide plebiscite, China felt Vietnam should be more modest in its goals and accept the division of Vietnam at the 17<sup>th</sup> parallel.[111] Chinese behaviour at negotiations built upon Vietnam's historic sensitivity that China wishes to keep Vietnam weak in order for China to maintain its power over Vietnam.[112] This perception will continue to influence Vietnam's behaviour in the upcoming decades.

Nonetheless, Sino-Vietnam relations remained close from the late-50s into the 60s.[113] Between 1956 and 1963, China provided North Vietnam a total of 320 million *yuan* in military aid.[114] Similar large-scale assistance was delivered during the Second Indochina War between 1965-1973, also known as the Vietnam War. At this time, China and Vietnam united to safeguard communism and resist expansion of Western influences. This sentiment was expressed through PRC's Chairman Mao Zedong's statement that China would offer "unconditional support" to Vietnamese Communists.[115] Nearing the end of the 1960s, China was involved in construction and maintenance of defence works and infrastructure in North Vietnam, as well as the provision of military equipment and civil materials.[116] Meanwhile, the regime of North Vietnam worked to preserve measures of independence by

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disallowing Beijing to interfere in Viet Minh's decision-making.[117] However, China continued to view Sino-Vietnam relations in the lens of Chinese superiority, and demanded Vietnam's recognition of China's upheld position.[118]

In the early 1970s, relations between China and Vietnam began to deteriorate when China downsized its aid pledges to Vietnam. As Chinese Premier Zhou Enlai described, China's attitude went from providing Vietnam "whatever is necessary," to give "China a break!"[119] Both domestic and international factors contributed to this shift.[120] The main point of contention for Vietnam arose to be China's delivery of aid packages. In 1971-72, supplies and materials from the Soviet Union and other countries were transported through China to be delivered to Vietnam. China had intended to partake in this process in order to create conflict between Soviet Union and Vietnam by attempting to demonstrate the Soviet Union's inability to fulfil its promises.[121] However, this strategy backfired as Vietnam saw China as the source of ineptness when transfer of goods was delayed.[122] On the other hand, China felt Vietnam was being unappreciative and ungrateful for China's previous unconditional support in the past decades, as Chinese assistance have totalled over 20\$ billion.[123]

Up until the unification of Vietnam under the Socialist Republic of Vietnam in 1975, relations remained tense and worsened to the point of military confrontation by the end of the decade. China persisted on its policy to reduce aid towards Vietnam, and this was damaging to Vietnam particularly during its efforts to engage in post-war reconstruction. In April 1975, China decided to replace aid programs with purely bilateral trade transactions, refuse new proposed projects, and postpone construction of the remaining 80 projects.[124] This pushed Vietnam to grow closer to the Soviet Union for assistance, to the dismay of China. In June 1978, Vietnam joined COMECON (Council for Mutual Economic Assistance), the economic bloc under the leadership of the Soviet Union. Two months later, Vietnam signed a treaty of peace and friendship with the Soviet Union, formalizing alliance between the two states. These actions clearly stood in defiance of China's wishes, as China wanted to contain Soviet influence in the region.[125] Consequently, this further strained Sino-Vietnamese relations.

Meanwhile, in the late 1970s, Vietnam and China clashed on their policies towards the Khmer Rouge regime in Cambodia. Vietnam viewed the Khmer Rouge regime under Pol Pot as a threat to its security and development efforts, and sought a regime change through support to the Kampuchea National United Front for National Salvation. In contrast, China began to endorse the Khmer Rouge regime in 1978, leading to increased confrontation between China and Vietnam. Heightened tensions eventually resulted in China's invasion of Vietnam in February 1979, the largest military operation the China's People's Liberation Army has undertaken since the Korean War.[126] China's objectives in its invasion were to first, discredit the Soviet Union as a reliable ally for security, and second, contain Vietnam's ambitions in Southeast Asia.[127] By March, China announced its withdrawal. The military campaign successfully convinced Vietnam to withdraw from Cambodia, and discredited the Soviet Union as an ally.[128] However, the consequences of this war resulted in a freezing of diplomatic relations between China and Vietnam until normalization in 1991.

## *Refugee Treatment*

China followed a policy that welcomed refugees from Vietnam into Chinese society under a comprehensive resettlement program. After the establishment of the SRV, there were two major outflows of so-called "boat people" from Vietnam. In 1977, the first wave exited Vietnam as a result of a series of natural disasters, lack of employment opportunities, and the ongoing war with the Pol Pot regime.[129] This group headed mainly towards Thailand, Philippines, Singapore, Indonesia, Hong Kong, Japan, and Australia. The second wave began in mid-1978, and the majority of this group constituted the Hoa population, who are ethnically Chinese. This group immigrated to Vietnam decades ago, and have been in Vietnam for generations. Under the Republic of Vietnam (1954-1975), this group was treated as Vietnamese citizens.[130] The Hoa had traditionally dominated private trading and commercial generations, especially in the south of Vietnam. After the socialist regime came to power in 1975, the Hoa community began to face discrimination. As the government implemented socialist policies in Vietnam, they found that Hoa private businesses represented obstacles to socialist ideals. In March 1978, the Vietnamese government announced the abolishment of "all trade and business operations of bourgeois tradesmen." [131] As a result, 30,000 larger private businesses, which were mostly run by the Hoa, were closed down.[132]

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The Hoa population who fled into China are recognized as refugees, as they faced both discriminatory economic and political policies on the basis of their identity. Besides the aforementioned changes in economic policies, political motives were also seen to have influenced Vietnamese actions against the Hoa community, as official Vietnamese and Chinese relations soured in the late 1970s. The Chinese government perceived discriminatory policies as direct attack on the Chinese community in Vietnam. Moreover, some say Vietnam was attempting to unify the country through ousting foreign elements that may not adhere to Vietnam's socialist policies.[133] For example, Vietnam's New Economic Zone policies involved relocation of potential dissidents and urban dwellers to rural areas under harsh conditions.[134] In addition, an atmosphere of fear was created amongst the Hoa community in Vietnam, while both Chinese and Vietnamese sides accused each other of instigating rumours. These rumours included predictions that China will go to war with Vietnam, or the Vietnamese government will begin a massacre of Sino-Vietnamese.[135] Sino-Vietnamese, minorities, and dissidents were also advised or forced to leave, and their properties were confiscated and sold.[136] In summation, both economic and political discrimination render those who fled Vietnam as refugees.

The exodus from Vietnam amounted to 250,000 refugees entering China by the spring of 1978, the entirety of which China has successfully integrated into the Chinese society through its resettlement programs. In fact, China attempted to actively assist Vietnamese refugees' arrival in China. In June of 1978, China sent two ships to pick up refugees at Vietnamese ports, although Vietnamese authorities never allowed these ships to dock.[137] Nonetheless, this signalled China's willingness to accommodate refugees. Refugee arrivals paced at an average of 10,000 a month, testing China's capacity.[138] There is limited literature documenting China's resettlement program, and its comprehensiveness was not recognized internationally until 2007.[139] Tom Lam's article provides the most detailed account of China's programs in the Guangxi province, where the initial reception of 220,000 refugees took place. Upon arrival, local authorities provided refugees with free meals and temporary shelter.[140] By 1980, most border camps were cleared out, and of the refugees, 110,000 were later relocated to the Guangdong province, and 100,000 remained in the Guangxi province.[141] Refugees were mainly given work in the sectors of farming, fishing, and local industry under state-owned organizations.[142] New farms and fishing villages were built to accommodate newcomers.[143] In addition, authorities attempted to match refugee skillsets to corresponding jobs. For example, refugees who were schoolteachers were encouraged to continue teaching in China.[144] China's resettlement programs concluded in 1988. Overall, the program was a success, especially due to direct Chinese government involvement and continued official assistance.[145] China's warm policy stands in contrast to Chinese policies for North Korean and Burmese refugees. This Chinese behaviour also corresponds with strained bilateral relations, as proposed in the paper's hypothesis. The following section will fully discuss and analyze the findings of this paper.

## Analysis

Before presenting a consolidated analysis of the paper's research, the beginning of this section will take a look at why other potential independent variables are less strong in explaining differences in refugee policies. This paper has identified the following variables – *humanitarianism*, *economic relations*, and *ethnicity*.

First, principles of *humanitarianism* do not account for variation in treatment towards refugees. Refugees from all three countries experienced economic hardship and political discrimination. China is signatory to the 1951 Geneva Convention and 1967 Protocol, though domestic application of the laws varies for each refugee group. There is international consensus that North Korean refugees are indeed refugees, although China refuses to grant them refugee status.[146] Through actively repatriating North Korean refugees, China violates the principle of *non-refoulement* in the Geneva Convention, which stipulates:

"No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group of political opinion."

-U.N. Convention relating to the Status of Refugees, Article 33, Section 1, 1951

In contrast, China adhered to *non-refoulement* for Vietnamese refugees. China even extended its obligations and

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helped fully resettle the Vietnamese. The juxtaposition of the North Korean and Vietnamese cases demonstrates that principles of humanitarianism do not have direct influence on Chinese refugee policies.

Second, a liberal explanation that stronger *economic ties* would foster higher levels of cooperation serves as a weak argument. While levels of cooperation between North Korea and China are the highest and China follows a strict policy of repatriation towards North Korean refugees, North Korea's contribution to the Chinese economy is minimal, standing at total trade value of 700 million in 2010.[147] In contrast, China benefits greatly from economic ties with Myanmar, with trade values at 1.3 billion.[148] The construction of gas pipelines through the Yunnan province falls in line with China's Western Development Strategy to expand the economy in western China. If economic ties were to serve as a causal factor, China would enforce a stricter, closed-door policy towards Burmese refugees than North Korean refugees. However, what is observed is the opposite, as China practices the stricter policy of refusal and repatriation for North Korean refugees than Burmese refugees. From this perspective, there is no causal link between economic relations and China's policy towards treatment of refugees.

Third, while *ethnicity* may appear to best explain China's welcoming policies towards Sino-Vietnamese refugees, an examination of broader Chinese policies in reaction to mistreatments of other overseas Chinese discounts this as an explanatory variable. Chang's study finds that China claims that overseas Chinese is an important issue, but argues overseas Chinese has never been a significant or sole determining factor in China's relations with other nations.[149] For example, during the 1970s when China received and encouraged Sino-Vietnamese to leave Vietnam, the Chinese-endorsed Pol Pot regime discriminated and massacred ethnic Chinese in Cambodia.[150] More poignantly, the Kokang population, towards whom the Burmese government launched an attack against in 2009, are also ethnic Chinese. However, China's reaction to other ethnic Chinese groups under persecution in no way matched its policies towards the Hoa population from Vietnam. These two examples support Chang's argument and demonstrate that ethnicity does not drive China's refugee policies.

Through these comparisons, it is found that the *level of cooperation* between China and the country of origin of refugees best explains variations in Chinese refugee policies. Specifically, the *higher* the level of cooperation between two countries, the more likely a country will *refuse and repatriate* incoming refugees from the country of origin. In contrast, the *lower* the level of cooperation between two countries, the more likely a country will *accept and resettle* incoming refugees (see Figure 1). Levels of cooperation characterize bilateral relations, and signify whether relations are friendly or strained. Indicators of levels of cooperation include formalized alliance, documented treaties, frequencies of high-level official visits, aid packages, mutual support in international organizations, and absence of military confrontation.

The first case study of North Korea demonstrates high levels of cooperation with China, and a resulting strict closed-door Chinese policy towards North Korean refugees. High levels of cooperation are first observed with China's support for North Korea during the Korean War, which then defined their relations as one that is "blood-cemented." A number of signed treaties document their alliance, as exemplified by the continued renewal of the *Sino-North Korean Mutual Aid and Cooperation Friendly Treaty*. Frequent meetings are held between leaders and top officials of China and North Korea in order to maintain close cooperative ties. Most recently, new North Korean leader Kim Jong-un met with senior Chinese officials, and may be planning to visit China in the near future.[151] China continues to this day to provide North Korea with political, economic, and developmental assistance. In accordance to the hypothesis, such high levels of cooperation corresponds with China's consistent policy to refuse recognition of North Korean refugees, as well as repatriate them back to North Korea.

The second case study finds that relations between Myanmar and China are friendly, though at times are marred with mistrust and suspicion. Consequently, China has adopted a policy of refusing to recognize incoming Burmese citizens as refugees to reflect their friendly ties, but still providing assistance to the refugees during the 2009 and 2011 incidences to show discontent of certain Burmese actions. In the past decades, since Myanmar has faced international isolation due to its record of human rights abuses, Sino-Burmese relations have grown much closer. The *Framework of Cooperation* signed in 2000 between the two countries signalled development of their bilateral relations. In 2006, China showed its political support for Myanmar in the United Nations when China vetoed *Security Council Resolution 61/232* condemning Myanmar's human rights record.[152] China has also consistently supplied

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Myanmar with weapons and other types of assistance.[153] However, Myanmar continuously attempts to reduce reliance on China through strengthening relations with countries such as India, Thailand, and Russia.[154] Furthermore, Burmese behaviour at times runs counter to China's wishes. For example, the Tatmadaw's assault on ethnic groups nearby the Sino-Burmese border proceeded without any warning to China, angering China as a result. Overall, Sino-Burmese relations are friendly, though not to the point of being "blood-cemented," as it is between China and North Korea. As a result, Chinese policy does not accept Burmese refugees, but provides temporary assistance, reflecting a median level of cooperation between the two countries. A closer look at the differences in Chinese reaction to the two refugee incidences in 2009 and 2011 further illustrates the connection between levels of cooperation and Chinese policies. When the 2009 refugee inflow came without warning from the Burmese government, which is indicative of non-cooperation, China openly expressed discontent, and thus accommodated Burmese refugees and offered them shelter. In 2011, China appears to have been notified of the Tatmadaw's attack in the Kachin state, as China in this instance did not publicly denounce Burmese action, and instead claimed that there was no fighting, and engaged in repatriation of Burmese refugees. In the latter case, less accommodative Chinese policies correspond with a higher level of cooperation between the two states.

The last case study focuses on Vietnam, which in the 1970s witnessed a deterioration of bilateral relations to the point of military confrontation. In accordance to the hypothesis, China accepted Vietnamese refugees, resettled and integrated them into Chinese society. The weakening of bilateral relations saw the cutting of Chinese aid to Vietnam. Vietnam began to side with the Soviet Union, against China's wishes. The breaking of bilateral relations is best exemplified with China's military invasion into Vietnam in 1979, marking a zero level of cooperation. Meanwhile, Chinese policy towards Vietnamese refugees was the most generous of all three groups. China warmly accepted, resettled, and integrated 250,000 Vietnamese refugees. This finding falls in place with the proposed hypothesis, as the lower the level of cooperation, the more likely country A will accept the refugee group of country B.

## Policy Recommendation and Conclusion

Within the studies of political science, the status of refugees is unique: they lack the standard political, economic and societal protection that a state provides. When refugees enter the border of another country, they become subject to the domestic policies of that state. While the international refugee regime, mainly characterized by the work of the UNHCR, has enacted the *1951 Convention on the Status of Refugees* and the ensuing *1967 Protocol*, there are no real enforcements. Signatories of the documents, in practice, have latitude to interpret the laws as they wish. In addition, refugees transcend borders, thus intrinsically their movement becomes an issue in international relations. Without real enforced international laws, what drives state refugee policies instead are its foreign relations with the refugees' country of origin.

This paper follows this line of thought, and through an examination into the bilateral ties between two countries, it is found that the levels of cooperation that marks their relations best explain variations in domestic policies towards treatment of incoming refugees. As such, refugee policies can be used as a tool of foreign policy to achieve certain goals. The case studies into China's relations with North Korea, Myanmar, and Vietnam saw distinct differences on Chinese policies towards refugees from each of these states. While other variables, ideas of humanitarianism, economic ties, and ethnicity, appeared to account for these differences, the analysis section illustrated the inconsistencies in the explanatory capacity of these variables.

Besides the case study of China, another example that supports this hypothesis is the refugee policies of the United States and the Soviet Union during the Cold War. Both countries "selectively supported different groups in exile and so-called refugee warriors as part of their strategy." [155] From the period of 1952 – 1980, the United States defined a refugee as a person fleeing "from a Communist-dominated country or area, or from any country within the general area of the Middle East." [156] After the end of the Cold War, as levels of cooperation between the two countries improved, the United States retracted its open-door policies. The historic overview of the international refugee regime also demonstrates the impacts of changes at the international level on the patterns of refugee policies.

As refugee movement is becoming an increasingly salient issue, especially between developing countries today, the paper will conclude with policy recommendations. Most importantly and ideally, signatories to *1951 Convention on*

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*the Status of Refugees* and *1967 Protocol* must adhere to stipulations stated in the documents and states must be held accountable should any discrepancies in treatment towards refugees arise. Actors working to protect refugees would also best benefit from collaborating closely with diplomatic actors to understand the political background when developing policies aimed to mitigate challenges facing refugees. Furthermore, as the biggest challenge of the paper's finding is that in fact *higher* levels of cooperation between two states would likely point to *less* recognition of refugees, the paper recommends that humanitarian actors work closely with states receiving refugees from a diplomatic viewpoint, and deemphasize any disruption or embarrassment for their bilateral relations on the issue of refugees. Through incorporating levels of cooperation on the macro level, more positive and sustainable changes can take place on the ground.

Finally, this paper raises further research questions to be pursued. While there is a substantial literature on refugee movements from developing to developed countries, and more bottom-up accounts of the conditions of refugees, there is currently less research to be found on policies at the state level of a developing country towards incoming refugees. This analysis presents more research questions that were outside the purview of this paper, including identifying the foreign policy objectives of why for example, states want to maintain a certain level of cooperation, and its impacts on refugee policies. In order to understand the challenges that confront refugees, broader forced migration studies in international development must integrate perspectives from the discipline of international relations.

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[4] See Gideon Rose, “Neoclassical Realism and Theories of Foreign Policy,” *World Politics* 51:1 (October 1998): 144-172.

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[7] Ibid.

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[9] Ibid, 437-9.

[10] Gil Loescher, “Introduction,” in *Refugee and International Relations*, ed. Gil Loescher and Laila Monahan (New York: Oxford University Press, 1989), 12.

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[12] Alexander Betts and Gil Loescher, “Refugees in International Relations,” in *Refugees in International Relations*, ed. Alexander Betts and Gil Loescher (New York: Oxford University Press, 2011), 3.

[13] Jack Snyder, “Realism, Refugees, and Strategies of Humanitarianism,” in *Refugees in International Relations*, ed. Alexander Betts and Gil Loescher (New York: Oxford University Press, 2011), 29.

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- [15] Snyder, "Realism," 32.
- [16] Stephen John Stedman and Fred Tanner, *Refugee Manipulation: War, Politics, and the Abuse of Human Suffering* (Washington, DC: The Brookings Institution, 2003).
- [17] Sarah Kenyon Lischer, *Dangerous Sanctuaries: Refugee Camps, Civil War, and the Dilemma of Humanitarian Aid* (New York: Cornell University Press, 2005).
- [18] See John Locke, *Two Treatises of Civil Government* (New York: Everyman's Library, 1924); Hans Moregnthau, *Politics Among Nations* (New York: The McGraw-Hill Companies, 1948).
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- [20] Charles B. Keely, "How Nation-States Create and Respond to Refugee Flows," *International Migration Review* 30:4 (Winter 1996): 1057.
- [21] Loescher, 17.
- [22] Ibid.
- [23] Betts and Loescher, 9.
- [24] Ibid, 2.
- [25] Ming Liu, "China and the North Korean Crisis: Facing Test and Transition," *Pacific Affairs* 76:3 (2003): 348.
- [26] China has exerted 2000 years of influence on Korea. Up until 1910, China carried out the role as a patron under a feudal regime, assisting Korea in the development of its political and cultural civilization. See Debin Zhan, "Chinese People's Understanding of the Korean Unification Issue," *Asian Social Science* 8:3 (2012): 64.
- [27] Jian Cai, "The Korea Nuclear Crisis: The Changing Sino-DPRK Relationship," *Asian Perspective* 34:1 (2010): 152.
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- [29] Hyeungkyu Kim, "From a buffer zone to a strategic burden: evolving Sino-North Korea relations during the Hu Jintao era," *The Korean Journal of Defence Analysis* 22:1 (2010): 59.
- [30] Cheng, 180.
- [31] Zhan, 57.
- [32] Cheng, 191.
- [33] Daniel Goma, "The Chinese-Korean Border Issue: An Analysis of a Contested Frontier," *Asian Survey* 46:6 (2006): 875.
- [34] Cheng, 191-2.

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[36] Taekyoon Kim, “Strategizing aid: US-China food aid relations to North Korea in the 1990s,” *International Relations of Asia-Pacific* 12 (2012): 55.

[37] Kim, “Strategizing aid,” 56.

[38] Liu, 363-4.

[39] China avoided participation in 1994 because Sino-United States and Sino-North Korean relations were at low-points in the 1990s. Following the Tianamen incident in 1989, United States condemned China for its actions and imposed sanctions. Strained Sino-North Korean relations are described above.

[40] Liu, 347.

[41] Kim, “From a buffer zone,” 66.

[42] See Robert Scalapino, “China and Korean reunification – a neighbour’s concerns,” in *Korea’s Future and the Great Powers*, ed. Nicholas Eberstadt and Richard J. Ellings (Seattle, WA: University of Washington Press, 2001), 107-124.

[43] Stephan Haggard and Marcus Noland, *Witness to Transformation: Refugee Insights into North Korea* (Washington, DC: Peter G. Peterson Institute for International Economics, 2011), 30.

[44] Ibid.

[45] Blaine Harden, *Escape from Camp 14: One Man’s Remarkable Odyssey from North Korea to Freedom in the West* (London: The Penguin Group, 2012), 38.

[46] Keumsoon Lee, *The Border-crossing North Koreans : Current Situations and Future Prospects* (Korea Institute for National Unification, 2006), 10-11.

[47] Ibid, 11.

[48] Human Rights Watch, “The Invisible Exodus: North Korean in the PRC,” November 2002, 14:8 (C), <http://www.hrw.org/reports/2002/northkorea/>.

[49] Haggard and Noland, 28.

[50] Fan Bai, “Siwang xianshang zhengzha de beihan xiaonanmin” (“The deathly struggle of North Korean refugees”), *Epoch Times*, June 14, 2009, accessed August 21, 2012, <http://www.epochtimes.com/gb/9/6/12/n2555767.htm>.

[51] Human Rights Watch.

[52] “China building North Korea fence,” *Taipei Times*, October 18, 2006, accessed August 17, 2012, <http://www.taipeitimes.com/News/world/archives/2006/10/18/2003332245>.

[53] Liu, 352.

[54] Human Rights Watch.

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[55] Liu, 354.

[56] See Thomas McCarthy, "China and North Korean 'Refugees'," *Special Report*, Northeast Asia Peace and Security Network (2002); Liu, 353.

[57] Lee, 41.

[58] *Ibid*, 42.

[59] Human Rights Watch.

[60] Bai.

[61] *Ibid*.

[62] Most recently, China is in process of repatriating up to 30 North Koreans who had been arrested. See "Seoul urges China on North Korea refugees," *BBC News*, February 22, 2012, accessed August 21, 2012, <http://www.bbc.co.uk/news/world-asia-17123208>.

[63] The paper will use the name "Burma" (Union of Burma) until the paper begins to discuss the time period after 2008, the year when the Burma changed its official name to Republic of the Union of Myanmar.

[64] Hongwei Fan, "Sino-Burmese Relations 1949-1953," in *China in the World: Contemporary Issues and Perspectives*, ed. Emile Kok-Kheng Yeoh and Joanne Hoi-Lee Loh (Kuala Lumpur: Institute of China Studies, 2008), 80.

[65] *Ibid*, 77.

[66] Michael Charney, "U Nu, China and the 'Burmese' Cold War: Propaganda in Burma in the 1950s," in *The Cold War in Asia: The Battle for Hearts and Minds*, ed. Zheng Yangwen, Hong Liu and Michael Szonyi (Boston: Brill, 2010), 42.

[67] Joshua Kurlantzick, "Myanmar: The Next Failed State?" *Current History* 110:737 (2011): 242.

[68] Norman G. Owen et al., "Burma becomes Myanmar," in *The Emergence of Modern Southeast Asia*, ed. Norman G. Owen et al. (Honolulu: University of Hawaii Press, 2005), 500.

[69] N. Ganesan, "Myanmar-China Relations: Interlocking Interests but Independent Output," *Japanese Journal of Political Science* 12:1 (2011): 107.

[70] Thant Myint-U, *Where China Meets India* (New York: Farrar, Straus and Giroux, 2011), 141.

[71] *Ibid*, 131.

[72] Ganesan, 107.

[73] Ian Storey, "Emerging Fault Lines in Sino-Burmese Relations: The Kokang Incident," *China Brief* 9:18 (2009): 6.

[74] Owen et al., 500.

[75] Myint-U, 51.

[76] *Ibid*, 52.

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[77] Ibid, 51.

[78] Poon Kim Shee, "The Political Economy of China-Myanmar Relations: Strategic and Economic Dimensions," *Ritsumeikan Annual Review of International Studies* 1 (2002): 34.

[79] From 1962 to 1988, the Ne Win regime of the Burma Socialist Programme Party dominated and pursued socialist policies to develop the country. However, these policies failed to vitalize the economy, and instead plunged Burma into poverty. The state had to rely on authoritarianism to control its citizens. The legacy of totalitarianism remained and Burma has long been criticized for its human rights abuses. Between 1989-1999, multi-party elections were held. This captured the international community's attention, as Burmese-born, British-National Aung Yang Suu Kyi returned to Burma to lead the democratic movement. However, when the Democratic Party won the elections, the results were ignored. Popular protests against these actions, known infamously as the 8888 Uprising (on August 8<sup>th</sup>, 1988), were later violently crushed. The military swept in and established the State Law and Order Restoration Council (SLORC). Since then, Burma has been in the international limelight for its undemocratic practices and human rights abuses. Consequently, economic, political sanctions and isolation from the international community persisted. Nonetheless, in 2003, General and Prime Minister Khin Nyunt announced a 7-step "roadmap" to "disciplined democracy."

[80] Owen et al., 504.

[81] Storey, 6.

[82] Kurlantzick, 245.

<sup>[83]</sup> Bertil Lintner, "Realpolitik and the Myanmar Spring," *Foreign Policy*, November 30, 2011, accessed July 24, 2012,

[http://www.foreignpolicy.com/articles/2011/11/30/democracy\\_myanmar\\_china\\_clinton?page=0,1](http://www.foreignpolicy.com/articles/2011/11/30/democracy_myanmar_china_clinton?page=0,1).

[84] Ibid, 2.

[85] Myint-U, 72.

[86] Lintner, 2.

[87] "Security Council Fails to Adopt Draft Resolution on Myanmar Owing to Negative Votes by China, Russia Federation," United Nations Security Council, last modified January 12, 2007, accessed August 21, 2012, <http://www.un.org/News/Press/docs/2007/sc8939.doc.htm>.

[88] Larry Jagan, "Border war rattles China-Myanmar ties," *Asia Times*, September 1, 2009, accessed July 25, 2012, [http://www.atimes.com/atimes/Southeast\\_Asia/KI01Ae04.html](http://www.atimes.com/atimes/Southeast_Asia/KI01Ae04.html).

[89] Ibid. Tensions had been building up prior to the attack, as Myanmar troops began to take up positions in the Kokang area in early August. In April 2009, the Burmese government demanded ethnic militias, including the Kokang Myanmar National Democratic Alliance Army (MNDAA), United Wa Sate Army, and the Kachin Independence Army (KIA), to disarm or to convert into Border Guard Forces under the command of the Tatmadaw. However, these groups rejected these demands, in fear of losing their autonomy and business interests, as the 1989 ceasefire agreements have allowed them to maintain control over their territory. Earlier in August, the three groups, along with the Kachin Independence Army (KIA) formed an alliance – the Myanmar Peace and Democracy Front – and agreed to not surrender their arms before elections in 2010. On the other hand, for the Burmese government, the elections gave it incentive to demonstrate military victory and authority across the country. To justify the attack, the government claimed that their operation was a drug raid. Effectively, renewed fighting broke two decades of ceasefire.

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[90] T. Fuller, "Refugees Flee to China as Fighting Breaks Out in Myanmar," *New York Times*, August 29<sup>th</sup>, 2009.

[91] "Myanmar fighters cross into China," *Al Jazeera*, August 30, 2009, accessed July 25, 2012, <http://www.aljazeera.com/news/asia-pacific/2009/08/20098306161918344.html>.

[92] Jagan.

[93] Royston Chan, "China tents dismantled as refugees return to Myanmar," *Reuters*, September 1, 2009, accessed July 25, 2012, <http://uk.reuters.com/article/2009/09/01/uk-china-myanmar-sb-idUKTRE5800WI20090901>.

[94] "Myanmar border inhabitants begin to return from China as situation calms," *Xinhua News*, August 30, 2009, accessed July 25, 2012, [http://news.xinhuanet.com/english/2009-08/30/content\\_11966205.htm](http://news.xinhuanet.com/english/2009-08/30/content_11966205.htm).

[95] Chan.

<sup>[96]</sup> Tania Branigan, "Burma's military junta accused of torturing and killing ethnic rebels," *The Guardian*, December 18, 2011, accessed July 18, 2012, <http://www.guardian.co.uk/world/2011/dec/18/burma-military-junta-kachin-rebels>.

<sup>[97]</sup> See Jonathan Watts, "Dozens killed in Burma amid clashes over Chinese dams," *The Guardian*, June 16, 2011, accessed July 24, 2012, <http://www.guardian.co.uk/world/2011/jun/16/china-burma-hydropower-clashes>; "Hydropower Dams Fuelling Conflict in Burma," *Burma Rivers Network*, June 15, 2011, accessed July 24, 2012, <http://www.burmapartnership.org/2011/06/hydropower-dams-fuelling-conflict-in-burma/>.

[98] "Hydropower Dams Fuelling Conflict in Burma."

[99] James Bourne, "No Assistance for Kachin Refugees," *Radio Free Asia*, June 26, 2012, accessed July 19, 2012, <http://www.rfa.org/english/news/burma/refugees-06262012165817.html/>.

[100] Matthew F. Smith, "Isolated in Yunnan: Kachin Refugees from Burma in China's Yunnan Province," *Human Rights Watch* (June 2012).

<sup>[101]</sup> Branigan.

<sup>[102]</sup> Bourne.

<sup>[103]</sup> "China accused of forcing Burma refugees back to war zone," *The Guardian*, June 26, 2012, accessed July 18, 2012, <http://www.guardian.co.uk/world/2012/jun/26/china-accused-returning-burma-refugees>.

<sup>[104]</sup> Htwe Ko, "Chinese authorities push Kachin refugees back into Burma," *Democratic Voice of Burma*, July 18, 2012, accessed July 18, 2012, <http://www.dvb.no/news/chinese-authorities-push-kachin-refugees-back-into-burma/22870>.

[105] "China accused of forcing Burma refugees back to war zone."

[106] See Jian Chen, "China and the First Indo-China War, 1950-54," *The China Quarterly* 133 (1993): 106; Qiang Zhai, *China and the Vietnam Wars, 1950-1965* (Chapel Hill: The University of North Carolina Press, 2000), 6.

[107] Charles Kraus, "A border region 'exuded with militant friendship': Provincial narratives of China's participation in the First Indochina War, 1949-1954," *Cold War History* 12:3 (2011): 495. After the First Indochina War, the Geneva Conference held on July 21, 1954 divided Vietnam at the 17<sup>th</sup> parallel. The north of the parallel was under control of the Viet Minh as the Democratic Republic of Vietnam, while the south became the State of Vietnam. As stipulated at the Geneva Conference, this provisional division was to be upheld until nationwide elections are held in 1956.



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- [108] Jian Chen, "China's Involvement in the Vietnam War, 1964-69," *The China Quarterly* 142 (June 1995): 356.
- [109] Ming Guo, *Zhong Yue guanxi yanbian sishinian* (The Evolution of Sino-Vietnamese Relations over the Past Forty Years) (Nanning, China: Guangxi renmin chubanshe, 1992), 53.
- [110] Chen, "China and the First Indo-China War," 106.
- [111] Ibid, 107-8.
- [112] Kosal Path, "The economic factor in the Sino-Vietnamese split, 1972-75: An analysis of Vietnamese archival sources," *Cold War History* 11:4 (2011): 519.
- [113] Chen, "China's Involvement," 358.
- [114] Ibid, 359.
- [115] Aiguo Qu, "Chinese supporters in the operations to assist Vietnam and resist America" (paper presented at the "International Workshop on New Evidence on China, Southeast Asia and the Vietnam War," Hong Kong, January 11-12, 2000): 40.
- [116] Chen, "China's Involvement," 371.
- [117] Ibid, 370.
- [118] Ibid, 386.
- [119] Path, 522.
- [120] First, China was experiencing domestic hardship resulting from the failure of the Cultural Revolution of 1966, which limited China's capacity to provide the large-scale assistance it was able to before. Second, declining threat from the United States led to President Nixon's visit to China in 1972. Third, after the Sino-Soviet split, containing Soviet influence in the region became tantamount. It was thus essential to pull Vietnam away from Soviet's orbit of influence.
- [121] Path, 529.
- [122] Ibid, 530.
- [123] Xiaoming Zhang, "China's 1979 War with Vietnam: A Reassessment," *The China Quarterly* 184 (December 2005): 855.
- [124] Path, 540.
- [125] John C. Donnell, "Vietnam 1979: Year of Calamity," *Asian Survey* 20:1 (1980): 22.
- [126] Zhang, 865.
- [127] Ibid, 853.
- [128] Ibid, 867.
- [129] Barry Wain, "The Indochina Refugee Crisis," *Foreign Affairs* 58:1 (1979): 161.

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[130] Hungdah Chiu, "China's Legal Position on Protecting Chinese Residents in Vietnam," *The American Journal of International Law* 74:3 (1980): 685.

[131] Wain, 163.

[132] Ibid, 163-4.

[133] Donnell, 27.

[134] Wain, 171.

[135] Ibid, 164.

[136] Ibid, 172.

[137] "Refugees of Rhetoric Victims in a neighbourly conflict," *Time Magazine* 112:6, August 7, 1978, 52.

[138] Wain, 166.

[139] Shouyi Fan, trans., "Jilaizhi, zeanzhi: 20 wan yuenan nanmin zai zhongguo shengcun diaocha" (Now that they have come, we must help them settle down: an investigation of the living conditions of 200,000 Vietnamese refugees in China), *China Academic Journal Electronic Publishing House* 12 (2007): 15. Office of UNHCR "highly acclaimed the Chinese government's efforts to make arrangements for settling the refugees in China," and stated that the "placement of Vietnamese refugees within its borders is one of the most successful models for settlement of refugees."

[140] Tom Lam, "The Exodus of Hoa Refugees from Vietnam and their Settlement in Guangxi: China's Refugee Settlement Strategies," *Journal of Refugee Studies* 13:4 (2000): 378.

[141] Ibid.

[142] Ibid.

[143] Ibid, 379.

[144] Ibid, 389.

[145] Ibid, 384-386.

[146] "North Koreans in China: UNHCR asks for access," United Nations High Commissioner for Refugees, last modified January 21, 2003, accessed August 16, 2012, <http://www.unhcr.org/3e2d3f98f.html>.

[147] "Trade with Countries and Regions in Asia (2010/01-04)," Ministry of Commerce, People's Republic of China, last modified May 26, 2010, accessed August 16, 2012, <http://english.mofcom.gov.cn/aarticle/statistic/lanmubb/ASEAN/201005/20100506934001.html>.

[148] Ibid.

[149] C. Y. Chang, "Overseas Chinese in China's Policy," *The China Quarterly* 82 (June 1980): 283.

[150] Chiu, 688.

[151] See "Kim Jong-un meets with senior Chinese officials," *The Telegraph*, August 3, 2012, accessed August 16,

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2012, <http://www.telegraph.co.uk/news/worldnews/asia/northkorea/9448404/Kim-Jong-un-meets-with-senior-Chinese-officials.html>; "North Korea's Kim Jong-un may be planning first China trip," *The Telegraph*, July 31, 2012, accessed August 16, 2012, <http://www.telegraph.co.uk/news/worldnews/asia/northkorea/9440146/North-Koreas-Kim-Jong-un-may-be-planning-first-China-trip.html>.

[152] "Situation of human rights in Myanmar," United Nations General Assembly, last modified March 13, 2007, accessed August 21, 2012, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/508/29/PDF/N0650829.pdf?OpenElement>.

[153] Ganesan, 105.

[154] *Ibid*, 97.

[155] Betts and Loescher, "Refugees in International Relations," 9.

[156] "23.6 Refugee and Asylee Adjustment under Section 209 of the Act," United States Citizenship and Immigration Services, last modified June 21, 2006, accessed August 22, 2012, <http://www.uscis.gov/ilink/docView/AFM/HTML/AFM/0-0-0-1/0-0-0-8624/0-0-0-9785.html>.

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