CHANGES IN CHINESE POLICY TOWARD NORTH KOREAN REFUGEES OVER THE LAST TWO DECADES

By

Shinhea Eom

A Thesis
Submitted to the Faculty of
Mississippi State University
in Partial Fulfillment of the Requirements
for the Degree of Master of Arts
in Political Science
in the Department of Political Science

Mississippi State, Mississippi

December 2009

UMI Number: 1470481

All rights reserved

INFORMATION TO ALL USERS
The quality of this reproduction is dependent upon the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript
and there are missing pages, these will be noted. Also, if material had to be removed,
a note will indicate the deletion.

UMI 1470481
Copyright 2009 by ProQuest LLC.
All rights reserved. This edition of the work is protected against
unauthorized copying under Title 17, United States Code.

ProQuest LLC
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106-1346

CHANGES IN CHINESE POLICY TOWARD NORTH KOREAN REFUGEES

OVER THE LAST TWO DECADES

By

Shinhea Eom

Approved:

Jeffrey Cavanaugh Assistant Professor of Political Science & Public Administration (Director of Thesis)	Rick L. Travis Associate Professor of Political Science & Public Administration (Committee Member)
Dagmar Radin Assistant Professor of Political Science & Public Administration (Committee Member)	Doug Goodman Associate Professor of Political Science & Public Administration Graduate Coordinator
Gary L. Myers Dean of the College of Arts & Sciences	

Name: Shinhea Eom

Date of Degree: December 11, 2009

Institution: Mississippi State University

Major Field: Political Science

Major Professor: Dr. Jeffrey Cavanaugh

Title of Study: CHANGES IN CHINESE POLICY TOWARD NORTH KOREAN REFUGEES OVER THE LAST TWO DECADES

Pages in Study: 101

Candidate for Degree of Master of Arts

China does not view North Koreans who are staying in its territory as refugees and routinely deports them to North Korea. However, in the early 21st century, there have been some cases in which China has allowed North Koreans to leave China instead of sending them back to North Korea. This thesis examines how China's North Korean refugee policy has changed over the last two decades and whether international factors have influenced this policy. The results suggest that in the 1990's China gave priority to the repatriation agreement with North Korea. However, in the 2000's from its own experience with a number of foreign embassy intrusions by North Koreans, China has learned that the issue has potential for creating diplomatic problems with other countries. To avoid this conflict, China has tactically allowed North Koreans who have gained global attention to leave China, but otherwise still adheres its traditional deportation policy.

DEDICATION

I would like to dedicate this thesis to my God, my husband Jaesang Yu, my parents Giil Eom and Jinsook Oh, and my parents in law Byungtaek Yu and Hyunae Kang. It would not have been possible without their loving support.

TABLE OF CONTENTS

Page

LIST OF TABLES

LIST OF FIGURES

CHAPTER 1

INTRODUCTION

Since the People's Republic of China (PRC) enacted a 'reform and opening-up' policy in 1978, China has striven for economic modernization, and its rapid economic development has attracted considerable international attention in recent years. The past decade has also witnessed China's increasing participation in the international community. Although the past century has been riddled with China's strong resistance to the logic of international interdependence, China now largely works within the international system. For instance, President Hu Jintao and Prime Minister Wen Jiabao have initiated change in the country's foreign and security policies in order to aid China's development in becoming an involved actor in the international arena.

As China's economic power grows and its global interests expand, the perception that China is in the process of a rapid rise to becoming a global power has been heatedly debated within China as well as in the international community. According to Evan S. Medeiros and M. Taylor Fravel, China has come to recognize itself as an emerging great power, not just as a developing country.[1] This idea is supported by the new regime of Hu Jintao. The PRC, under the new leadership of President Jintao, has been constantly stressing to other Asian countries that China's emergence as a superpower will not pose a

threat to them.[2] Additionally, some people believe that China is strong enough to resist the international system which is currently dominated by the United States. For instance, "Brazil sees a close relationship with China as a pillar of its foreign policy because it wants to promote a network of alliances with other developing countries to challenge American hegemony. The Brazilians believe China can play a major role in such a system."[3]

Not everyone agrees with this assessment. China has undoubtedly emerged as a major player in the global economy. The remarkable economic growth of China alone, however, is not enough for the country to be considered a great power. In terms of global political power, China's influence and authority are not dominant compared to the West. [4] Segal argues that "the human-rights question best illustrates the extent to which China is a political pariah."[5] In fact, the PRC has been criticized for a lack of respect of fundamental human rights. The international community has been particularly and seriously disappointed with China's responses to the North Korean refugee problem.

Along with other severe human rights violation issues in China, the international community views North Korean refugees in China as an important area of concern because this problem has been addressed over the last several decades and it involves a large number of people. In the past, some North Koreans often left their own country for various reasons such as the fear of political persecution, the desire of reuniting with family in South Korea, or economic motivations. However, the first great exodus of the North Korean population into China took place during the 'Arduous March' period, which began in the early 1990's.[6] As the economic situation in North Korea began to severely decline, a considerable number of North Koreans fled in order to be able to eat.

North Koreans still attempt to escape from their motherland, and there is a general agreement that the continuous lack of food has caused many North Koreans to seek help across the border. Currently, the estimated number of North Korean refugees ranges from as low as 10,000 up to 300,000 or more depending on the parties producing the statistics, and most North Korean refugees are living in hiding inside the PRC. For ordinary people, it is not an easy decision to flee to another country despite of the risk of death. It is also an uncommon idea that people do not want to return to their country of origin. However, many North Korean refugees in China are people who have made such difficult decisions in order to sustain their lives. This partly shows the desperate circumstances that exist in North Korea. It is well known that once North Koreans are caught by the Chinese government, they are handed back to North Korea and sent to horrific penal camps and labor colonies. However, the fact that many returnees, caught by the Chinese government and forcibly sent to North Korea, repeatedly attempt to cross the Chinese/North Korea border evidences how North Koreans have experienced severe oppression and famine in North Korea.

Over past decade, the PRC government has been asked to grant refugee status to North Koreans who are living in China. The international community has argued that North Koreans in China should not be forced to return to North Korea against their wills under any circumstance. At the same time, China has been pressured to open official refugee camps along its border and to allow foreign NGOs and religious and human rights groups to help North Korean refugees immigrate to other countries such as Burma or Vietnam.

However, the international community has been dissatisfied with the PRC's policies regarding the North Korean refugee problem. The PRC's authorities do not view North Koreans who enter China illegally as refugees. Accordingly, China refuses to give citizenship to North Korean-born spouses of Chinese residents and their children. China also does not allow Chinese citizens or foreign aid workers to assist North Korean refugees and even arrests people who help North Koreans. More seriously, the Chinese government routinely searches for North Koreans who are living illegally in China and forcibly deports them to North Korea. China indicates that it is obligated under a bilateral 1986 repatriation agreement with North Korea to return all border crossers. Accordingly, Amnesty International has estimated that, on average each year, about 10 % of North Korean refugees are returned back to North Korea as a result of force.[7] North Korean refugees who remain in China also face dire conditions and experience serious human rights violations. Almost all North Koreans in China, like many illegal immigrants elsewhere, are forced to survive by working in low-paying, menial jobs. They have also been major targets for human smuggling. Overall, China's treatment of North Korean refugees remains pejorative. This demonstrates how little international legitimacy China is able to claim.

There is not a single set of variables that have determined Chinese policy decisions. Chinese policy-makers confront possibly contradictory historical, ideological, and economic factors in implementing foreign policy. However, regarding China's policy toward North Korean refugees, the assumption is that international factors are more likely to influence Chinese decision-makers.

Regarding China's negative attitudes toward North Korean refugees, some experts explain that China's refugee policy is basically influenced by the relationship between China and North Korea. Others, however, argue that China's North Korean refugee policy is influenced by other international states or the international community. According to the first group, the PRC ultimately wants to maintain its influence over North Korea's behavior in other matters, such as North Korea's nuclear weapons program. Therefore, China has cooperated with North Korea's request for repatriation of North Koreans in China, avoiding a situation that damages its alliance with North Korea. The next group of scholars argues that the PRC has maintained its repatriation policy because China wants to avoid potential tensions with other nations, mainly with the United States. From China's viewpoint, a possible flood of new refugees could bring about a collapse of North Korea's government, resulting in South Korea's absorbing of North Korea. The unification of the two Koreas could extend U.S. influence up to the Yalu River on China's southern border because the United States maintains a military presence in South Korea today. In this light, China actively deports North Koreans in order to deter further migration, ultimately preventing a possible threat of the extension of U.S influence over the Korean peninsula.

Furthermore, it is expected that international factors will become a more important consideration for China's North Korean refugees because pressures from the international community on China have become stronger than in previous years. In the early 21st century, there have been many cases in which the global system pays attention to North Korean refugees in China. In 2002, an unprecedented number of North Korean refugees have attempted to enter several diplomatic missions in China, publicly seeking

asylum. These incidents have resulted in several foreign governments becoming directly involved with the issue of North Korean refugees. In many cases those intrusions have been broadcasted, and various non-governmental organizations (NGOs) and international institutions have actively shown their concerns regarding North Korean refugees. Under these circumstances, the Chinese government has often shown flexible attitudes toward North Korean refugees. That is, the PRC has allowed North Koreans who entered the foreign embassies to leave China instead of sending them back to North Korea. According to some scholars, in many North Korean intrusion cases, China could not simply repatriate North Koreans to their homeland because those incidents would have brought diplomatic tensions with many other countries and because the international community has become more important to the Chinese government. This argument supports the prediction that the Chinese government will be more likely to consider international relations when implementing its North Korean refugee policies in the future.

The issue of North Korean refugees in China is no longer just a problem between two neighboring countries, China and North Korea; it has become a global problem. Accordingly, South Korea and the United States, among various international states, cannot be ignored when examining North Korean refugee problems; they are major states that China has considered per its international relationships. China wants to maintain its economic cooperation with South Korea. Since the PRC normalized its diplomatic relations with South Korea in 1992, China-South Korea relations have dramatically improved, mainly for economic reasons. For China, having a good relationship with the United States is also important because it is an important trading partner as well and can give significant advice regarding China's goal of becoming a great power. However,

South Korea and the United States have played active roles over the issue of North Korean refugees. They have commonly argued that North Koreans in China should be treated and protected as refugees. South Korea and the United States also have developed a legal tool to assist North Korean refugees. For instance, the North Korean Human Rights Act of 2004, which was signed into law by President George W. Bush, urges Chinese authorities to provide a safe place for North Koreans in China. In addition, the two nations have a policy of offering sanctuary to North Koran refugees. Certainly, the issue of North Korean refugees and human rights is one of the major concerns of South Korea and the United States.

Based on this background information about the issue of North Korean refugees in China, the assumption of this thesis is that key Chinese decision-makers are simultaneously influenced by how the relationship between China and North Koreas will be affected and by how the international community will react when dealing with the North Korean refugee problem.

The general explanatory question in this thesis is this: how China's North Korean refugee policies have changed from the 1990s to the present**.** At the same time, this thesis examines how international factors have influenced the changes of China's North Korean refugee policy. Readers will be asked to consider to what extent China's behavior is related to its international relationship with the United States, as well as with the Korean Peninsula, because the United States and Korean peninsula are highly correlated with China's North Korean refugee problem. Finally, this paper attempts to answer the question of how China will find a resolution for the North Korean refugee problem.

This thesis will be divided into six chapters. After introducing this topic in Chapter One, Chapter Two will offer a literature review in order to explain China's foreign policy formulation, mainly dealing with domestic and international considerations. This chapter will be divided into two sections. The first section will review domestic factors, such as the top political leadership, elites, and public opinion, along with an examination of the role of culture. The second section will focus on international factors. It is certainly beyond the scope of this thesis to examine all aspects of international policy considerations. Thus, this section will predominantly focus on each of the main analytical perspectives, or IR theories, regarding China's foreign relations. At the same time, the section will investigate which theoretical model contains sufficient explanatory power for China's foreign policy changes. Finally, we will briefly discuss why international factors have been of primary importance in motivating Chinese behavior. Chapter Three will present the current situation of North Korean refugee in China in order to prepare ourselves to analyze major themes. Next, Chapter Four will relate a description of international responses such as those by the UN, foreign governments, and NGOs. This chapter will analyze international legal and policy concerns regarding North Korean refugees. The United States' and South Korea's legal and policy instruments will be also reviewed. Chapter Five will explore China's policy toward North Korean refugees. This chapter will provide an examination of variations in China's policies toward North Korean refugees over the past few decades, along with discussions of how international factors have affected such policy changes. In this regard, the chapter will examine whether the changes of Chinese policy toward North Korean refugees are results of changes in the international political environment. In terms of the

international environment, the PRC cannot ignore North Korea, South Korea, and the United States as major diplomatic partners. Thus, an investigation of the Chinese relationship with the Korean Peninsula as well as with international community, mainly with the United States, over the past decade will help readers gain a deeper understanding of the PRC's refugee policy changes. The last chapter will provide the conclusion, which will include a prediction of how the Chinese government will develop North Korean refugee policies, as well as a brief discussion of which strategies and approaches should be adopted under rising international pressure.

Although most analyses of Chinese foreign policy-making have focused on security or economic policy, the field of human rights study must be emphasized. In this regard, it is worth studying China's North Korean refugee policy changes. This study can provide us with an understanding of the present North Korean refugee problem and China' human rights violations. This can also be a critical case to study for understanding the making and implementation of the PRC's foreign policy. Furthermore, this study can be a good indicator of how China is coping with the international community or forces of globalization.

CHAPTER 2

LITERATURE REVIEW

In the field of Chinese foreign policy, many scholars have attempted to accurately describe why states act the way they do. There are a variety of constraining factors relating to decision makers; these mainly fall into two types, domestic and international factors. What should interest us is this: which factors matter more than others in Chinese policy-making? Some scholars stress the importance of such domestic factors as leadership, political elites, public opinion, and culture. Other scholars, arguing in favor of the importance of international factors in the formulation of policy, point to the existence of shifting global balances of power and contend that changing alliance patterns can significantly shape China's security policy.

For understanding China's foreign policy-making considerations, this chapter will explore how domestic and international factors have played out in the Chinese foreign policy-making process. First, this paper looks at the domestic sources of foreign policy-making and will then focus on international sources.

The first group of scholars believes that domestic political factors will actually cause changes in foreign policy. A large number of different factors such as domestic bureaucratic structures, decision makers, political elites, local authorities, public opinion, and culture fall under the rubric of domestic political factors. However, this section will

mainly examine the dynamics of China's domestic political system composed of political leaders, elites, and the public. At the same time, major characteristics of Chinese culture will be examined in detail in order to understand the relationship between domestic mobilization and the nation's external behavior.

First of all, scholars who provide a link between leadership and foreign policy believe that political leaders play a major role in foreign policy-making. With this point, it is vitally important to understand why and how top leaders reach their decisions, because such actors exercise centralized control over the system. According to these scholars, in a closed society where decision-making power remains with a few key authorities at the highest level (such as China) the motivation of decision makers is an especially important factor that influences policies.

Many studies have described the role of the preeminent leader in China's foreign policy. In the era of Mao Zedong and Deng Xiaoping, Chinese government was characterized by one-person domination. Based on this personalized authority of China's foreign policy decision-making process, the major question with regard to the influence of domestic politics on Chinese foreign policy is whether Chinese foreign policy behavior can be causally linked to the top political leaders. Many scholars argue that there is an impact by an individual leader on Chinese policy outcome.[8] They suggest that leaders like Mao Zedong or Deng Xiaoping before him have been able to obtain their desired responses from officials throughout the vast Chinese Party and government apparatus. According to this view, China is organized and led effectively. The top political leaders have sufficient power to elicit compliance from lower levels on almost any issue at any time. In short, the personal decision-making process has shaped Chinese foreign policy.

Within domestic political explanations there has always been a consistently strong interest in political elites. In general, there exist advisory groups comprised of the premier and officials at lower levels, and these groups function to assist the implementation of policy by providing expert advice or data from research. For instance, during the Maoist era, the highest ranking group of political elites (headed by General Secretary Jiang Zemin) played a decisive role in establishing broad national strategy. This group alone even determined policy on issues such as China's big power alignments, whether or not to join the WTO, and whether or not to set a timetable for national reunification with Taiwan.[9] Moreover, Jiang Zemin's assembly had a group of about twenty-five former ambassadors to advise him on foreign policy.[10]

Alongside these kinds of networks of top political leadership, research institutes and academics also exist at the public level in order to exchange foreign policy perspectives among foreign affairs specialists and government officials. According to Lampton, below the top policy-making level "public intellectuals" also exist, and they take part in public discourse and try to influence an informed public opinion and government policy on a range of issues.[11]Although these actors contribute to broadening the range of thinking available to the leadership, many advisory institutes in general are government organs: they are administratively and financially supported by higher authorities within the government, and personal connections between academics and officials decide the prospective political influence of a particular expert or institution.[12] In other words, although Chinese political elites have played a significant role in foreign policy-making, they belong to the Chinese government either systemically or structurally, and ultimately, decision-making remains highly centralized.

As seen above, in the past decade the Chinese government operated through a process in which a paramount leader made virtually every strategically important decision regarding foreign policy issues. At the same time, governmental bureaucracy, political institutions, and the public participated in the policy-making process in a passive manner.

Recent observations, however, capture the idea that the Chinese foreign policy-making process has become less personalized, more institutionalized, and more decentralized than it was a decade ago.[13] The emergence of Jiang Zemin and now Hu Jintao at the center of political power represents a transition of the Chinese political leadership from charismatic revolutionary leaders to a generation of technocratic leaders.[14] More importantly, this shift regarding leadership traits has seen a lack of absolute authority as well as the growing involvement of more players in the foreign policy-making process. Medeiros and Lu Ning observe that compared to the Maoist era, foreign policy decision-making at the center in the reform era is much less personalized and more consensus-based. Policies are often an output of coordination and compromise among the top leadership and various government agencies. Similarly, Quansheng Zhao points out that more policy research organizations are involved in China's foreign policy-making than at any time previously. He identifies several channels between the center and the periphery, including consultation with policy-makers, internal reports via government channels, conferences, and public policy debates.[15]

The impact of public opinion on foreign policy has been a major topic in Chinese foreign policy analysis. There are continuing debates over whether public opinion constrains leaders by shaping China's diplomacy or whether public opinion is

manipulated by leaders. Some research explains that Chinese leadership is sensitive to public opinion, but that the public does not have much direct impact on foreign policy. Josep Fewsmith and Stanley Rosen find that the Chinese government cares about public opinion because it is concerned with political stability. Accordingly, the government managed public opinion when a number of books portraying the United States in a positive light were published in the period before the exchange of summits between President Jiang and Clinton.[16] Although Chinese public opinion has often put greater pressure on policy-making, this usually happened when the top leadership was divided. In some cases, public opinion is used in order to support a particular elite's specific policy position. In other words, "Chinese public opinion tends not to be effective as an independent force, but it can behave as an impact when joined with the concerns or interest of those higher in the system."[17]

On the other hand, other studies find that Chinese public opinion has constrained the leadership. From this perspective, recently diversified sources of policy analysis from inside and outside the government have expanded China's foreign policy-making process. For instance, Medeiros argues that the growing public discussion of global affairs has expanded China's foreign policy-making process.[18] As public attention on foreign policy grows, TV talk shows and books deal with sensitive diplomatic issues, proposing alternatives to official party policy. The public opinion expressed on the internet is also an undoubtedly influential factor on Chinese policy-making. Accordingly, it is also reported that even Hu Jintao and Wen Jiabao often go to the internet to read about what people think.[19] Ultimately, this supports the idea of Yufan Hao that "the

moment may have arrived in China when policy makers cannot create policy initiatives without a serious consideration of public opinion."[20]

In the group of scholars that sees China as integrating with domestic factors, some believe that the relationship between Chinese culture and foreign policy is causal. They insist that cultural factors largely determine the state's strategic behavior.[21] In general, different people in the same situations behave differently because they see events differently. From this perspective, there are substantial differences among the views and logic employed by various national decision-makers in conducting and analyzing foreign policy.

Some scholars contend that traditional ideas continue to exert great influence on contemporary people's views. They believe that "events long past influence subsequent generations through shared recollections of those events and beliefs about their meaning." Frequently, such shared memories and beliefs play a great role in shaping the international relations of all countries.[22] From this perspective, the traditional Chinese world view is a central component of the modern Chinese foreign policy. These scholars pay attention to the similarities between the behavior of traditional and modern China. For example, Mark Mancall and C. F Fitzgerald point to the similarities between China's traditional, hierarchical, universalistic, moralistic world view and the Stalinist approach to international relations in the 1950s as one factor predisposing the CCP to accept the latter.[23] They explain that the Chinese tradition has placed a special stress on morality as a fundamental basis of social order, and foreign influence has been seen as a basic source of corruption. Although slightly different perspectives exist with traditional Confucian assumptions, the underlying notion remains very much the same: China is a lawgiver to

the foreigners. Social unity, order, and prosperity depend on protecting the moral basis of society from foreign contamination. Marxism found a similar relationship between power and the virtue of the ruler.[24] Fitzgerald also argues that "the Chinese view of the world has not fundamentally changed: it has been adjusted to take account of the modern world, but only so far as to permit China to occupy, still, the central place in the picture."[25]

Other scholars also view culture as having had significant influence on top-level Chinese thinking. To answer the question of why Chinese leaders see events differently, Michale Ng-Quinn examines possible determinants of Chinese perceptions such as culture and ideology. She finds that China's unique culture may affect Chinese leaders' perceptions, causing a distinct decision-making process. For instance, in regards to the transformation of Sioncentrism, contemporary Chinese foreign policy is linked to a traditional self-assertion of moral and cultural superiority based on an extension of hierarchical domestic order. Such persistence of cultural attitudes has made Chinese leaders reject the modern nation-state system and continue to seek dominance.[26]

An alternative perspective pays greater attention to external factors as the primary causes in influencing Chinese foreign policy. This group of scholars argues that China has responded to the opportunities and constraints presented by the international political system. They also see China's foreign policies as strategic interactions between China and other states. Under such circumstances, it has been argued that an understanding of the influence of international actors and pressures explains China's foreign policy outputs. Regarding this, IR theories have suggested general frameworks for understanding international relations.

Analyses of Chinese foreign policy behavior, however, are not often well-grounded in international relations (IR) theory.[27] A relatively small number of Chinese foreign policy analysts have explicitly used IR theories in their work, but many of the different Chinese foreign policy works from the past fall under different categories of IR theory. Thus, this section will introduce the debate on Chinese foreign policies from a variety of theoretical perspectives. Following the competing ideas within China will be a good way to begin understanding China's behavior.

Realist scholars have characterized China's security policies as being some sort of rational response to the threats and uncertainties of the external environment. According to realist theory, the international scene is one of anarchy. States are all theoretically equal in their sovereignty, but realists understand that the actual world is full of power disparities between states. This leads to a permanent state of competition between self-interested states as each one constantly vies to gain and retain power. While this does not imply that there is constant warfare, it does imply that this system is often shaken by conflict and war as states use their military power in this worldwide game of power politics. According to Garver, the memory of "National humiliation" at the hands of the West and Japan is one of shared recollections among modern Chinese officials, from Sun Yat-sen, to Chiang Kai-shek to Mao Zedong and Deng Xiaoping.[28] Many Chinese leaders and elites have strong beliefs in the utility of power, saying that China should restore its rightful place as a great power. For instance, Mao Zedong expressed that "The Chinese have always been a great, courageous, and industrious nation; it is only in modern times that they have fallen behind. And that was due entirely to oppression and exploitation by foreign imperialism and domestic reactionary governments… ours will no

longer be a nation subject to insult and humiliation. We have stood up."[29] In seeking to overcome China's humiliation and to regain its lost status, generations of Chinese have striven to build a strong China. In short, the myth of national humiliation provides China with motivation to accumulate power, ultimately supporting the idea that China's security strategy is firmly rooted in realism.

Realism has been expanded with various approaches that explain both the behavior of individual states and the characteristics of the international system. Classical realists such as Hans Morgenthau believed that states had an innate desire to dominate others and emphasized the necessity of a balance of power in the international scene.[30] He was also "very pessimistic about the capacities of the United States and the Soviet Union to maintain international peace", arguing that multipolarity was more stable than bipolarity.[31] Classical realist thought holds that the traditional balance of power concept has been applied to China's tendencies to lean this way or that in the face of superior power or threat from one of the poles. From the balance of power perspective, China's leaning to the Soviet side in 1950 was a predictable response to the external pressure that the United States and the nationalists in Taiwan generated on a weak, new socialist state. Additionally, leaning toward the United States' side in the early 1970's was also a predictable response to a real, growing Soviet threat.[32] In particular, Christensen describes that in the post-Cold war world, Chinese government analysts "think more like traditional balance-of–power theorists than do most Western leaders and policy analysts."[33]

The neorealist theory developed by Kenneth Waltz emphasizes that self-help national interests such as economic and security sanctions have driven the country's

rationalistic behavior regarding international norms and laws. In other words, international human rights norms are only tactically chosen by the state-centric policy decision. Polarity is also one of the key ontological features of neorealist theory, and contrary to Morgenthau, Waltz stresses the virtues of the bipolar system. Following the framework of Neorealism, Christensen contends that the PRC is not interested in international human rights norms, but that it will temporarily shift its behavior patterns when facing claims for its human rights record.[34] In addition, according to Ross, China's policies towards the superpowers have been a function of Chinese participation in a bipolar international system since 1949. John Gittings also contends that China's "leaning to the side of the Soviet Union" in the 1950's was determined by superpower bipolarity, and Chinese foreign policy was essentially trumped by short-term national interests such as trade and security.[35]

Another important division within the realism camp is between offensive realism and defensive realism. Offensive realists argue that anarchy forces all states to seek security by intentionally decreasing the security of others simply because no state can ever be sure when a truly revisionist power might emerge.[36] By contrast, Van Evera and other defensive realists assumed that states had little intrinsic interest in military conquest and argued that war is rarely profitable. Accordingly, they maintained that great power wars occurred largely because domestic groups fostered exaggerated perceptions of threat and an excessive faith in the efficacy of military force.[37] According to Tang, China under Mao Zedong behaved in an offensive realist manner towards the United States. China actively supported decolonization in Southeast Asia, thus intentionally threatening the United States that it had identified as imperialist.[38] Mao also believed that conflicts in

international politics were inevitable in order to transform the world into a socialist world. Thus, in the first decade after the founding of the PRC, seeking security through struggles against imperialism was usually on the agenda of China's security strategy.[39] Meanwhile, from the standpoint of the defensive realist approach, China's foreign policy behavior is understood as a search for security in international relations.[40] For instance, Nathan and Ross demonstrate that "China has been a reactive power, striving not to alter but to maintain regional patterns of power."[41]

As seen previously, many scholars have agreed that the foreign policy of the People's Republic of China (PRC) is realist. While this may have been true historically, some scholars wonder whether contemporary China really does behave as realist theory predicts. Such scholars argue that current realist models do not adequately describe the existence of contemporary liberalism or constructivist features in the formation of Chinese foreign policy. They focus on recent developments in China's evolving relationship with the rest of the international system.

Liberals value individual freedom above all else. Domestically, the power of the liberal constitutional state is limited by its democratic accountability to its citizens, the need to respect the demands of the economic marketplace, and the rule of law. Furthermore, such states try to replicate these constraints at the international level to promote stability among, as well as within, sovereign states.[42] In this regard, liberal scholars value international institutions. They believe that "international institutions could help overcome selfish state behavior, mainly by encouraging states to forego immediate gains for the greater benefits of enduring cooperation."[43] Many analyses of China's active participation in international institutions illustrate that China partly

follows liberal prescriptions. Until the late 1970's and early 1980's, China was participated in very few international institutions. However, since the 1990's, the PRC's interactions with economic, political, and security international organizations has accelerated. China is furthermore involved internationally in efforts to combat global security threats. Liberal scholars explain that China has risen within the new context of economic interdependence and has become more cooperative within international institutions. In this light, Justin argues that liberal patterns in the PRC's foreign policy are an embodiment of a more relaxed attitude toward interdependence that takes two forms: an increase in cooperative behavior and a more flexible position toward external interference in state sovereignty.[44]

Meanwhile, other Chinese foreign policy analysts argue that China's foreign policy is more powerfully explained by the tool of constructivism. The constructivist approach highlights the political and normative processes in which the state and other transnational actors have interacted with each other. Accordingly, constructivist scholars pay close attention to the analysis of how identities and interests can change over time, thereby producing subtle shifts in the behavior of the government and occasionally triggering far-reaching but unexpected shifts in international affairs.[45] Recent observations capture the idea that Chinese foreign policy is largely shaped by identities.[46] Moreover, from a constructivist perspective, the patterns of foreign policy coordination in China have been further affected by the ramifications of international political norms.[47] In contrast to a decade ago, China now largely cooperates with the international system. In joining more organizations, the PRC has been further bound into the norms and conduct of international society. China's peaceful integration with international norms

can be partly explained by its national interests. Justine argues that international institutions' constraints on Chinese behavior have been accepted in exchange for gains for the state.[48]

As seen previously, strategic interactions involving China and other states have been matched by many other theories of international relations, specifically including realism, liberalism, and constructivism. Different clusters of IR theory provide contrasting explanations regarding China's foreign policy. While many realist scholars are concerned about China's growing material power, scholars from other theoretical perspectives pay more attention to the intentions of Chinese foreign policy-makers. However, each of these competing perspectives partly captures important aspects of Chinese foreign policy. It is understood that no single international theoretical framework, such as one presented above, can readily capture the entirety of foreign policy decision-making in China. Historically, realist patterns remained the most compelling framework for understanding Chinese foreign policy.[49] However, emerging liberal and constructivist patterns can be noticed in the PRC's more recent foreign policy.

As presented above, various domestic and international factors are considered determinants of Chinese foreign policy. Clearly, the examination of the dynamics of China's domestic political system has merit. It is true that the unusual power of the preeminent leader in China plays an important role in Chinese foreign policy-making. At the same time, recent changes in Chinese elites and public opinion should be considered for analysis of the interplay of Chinese politics and foreign policy-making. Furthermore,

culture can also explain a particular policy response to the demands offered by the international political system.

However, domestic factors are primarily constrained by forces in the external environment.[50] John Gittings maintains that "the whole development of modern China and its revolution had been circumscribed by its external environment and since 1949 this wider setting has continued to preoccupy the Chinese leadership."[51] At times, China's predominant concerns over its economic development, its growing institutionalization, and greater assertiveness from the public have opened up important channels for the outside world to influence post-Mao China's foreign policy-making. Today, China faces the necessity of response toward international actors. The influence of domestic factors is difficult to prove or disprove compared to external challenges, particularly in a country such as the PRC where information about the leadership is kept secret. Our prioritization thus should begin with those forces in the external environment that shape war and peace, forces that are above and beyond the immediate control and influence of the decision-makers and domestic politics. This study thus emphasizes international forces without neglecting the importance of the domestic politics. In this regard, IR theoretical framework is a useful tool in the study of the formulation of China's foreign policy-decisions. Drawn from the realist, liberal, and constructivist assessments of Chinese foreign policy, this paper pursues to understand how Chinese policy towards the North Korean refugees in China has been redirected and reframed by international pressures.

CHAPTER 3

THE SITUATION OF NORTH KOREANS IN CHINA

The Chinese authorities do not examine the refugee requests of North Koreans in China and refuse to grant them refugee status. Instead, the PRC views the defectors as illegal entrants and sends them back to North Korea, following the 1986 repatriation agreement between North Korea and China. Consequently, North Korean refugees, who escape horrible oppression or hunger, face new troubles once tey sneak across the border into northeastern China.

Inability to Work Legally

To be able to work in China, one needs a *hukou* (residence permit) or *shenfenzheng* (ID card), which North Koreans cannot legally obtain. Without these permits, most North Korean refugees in China struggle to make a living.[52] These conditions invite exploitation and have pushed refugees into menial, low-wage, dirty, difficult, and dangerous work. Regardless of their social status in North Korean society, North Korean men take up odd jobs, becoming construction workers and farmers. Although a few refugees are able to find work, they often do not receive any payment for their work.[53] An often reported example of this case concerns farm workers, who are denied wages after being promised that they will be paid after the harvest.[54] The police sometimes issue threats to employers suspected of aiding North Korean escapees. They

are subject to fines of RMB 30,000 (US$ 3,600) for harboring such people.[55] In the worst cases, some Chinese employers badly exploit refugees' illegal status. If refugee workers attempt to make claims for unpaid salary, their Chinese employers often report them to the police, causing the refugees to either flee or be caught by public security officers.

Sexual Slavery and Trafficking in Women

As the food shortage persisted over a long period of time, more North Korean women ventured into China to earn money, and the number of North Korean women in China began to increase.[56] It is thought that women comprise more than three quarters of all North Korean refugees.[57] However, the inability to work legally leads these women to sell themselves as sexual slaves. Many North Korean women who were sold in China are forced to work at various illegal sex establishments, such as at a *karaoke*.[58]

In addition, a large number of North Korean women with husbands and children fall victim to human trafficking in the form of arranged marriages.[59] They are forcibly married to local ethnic Koreans in order to survive. Since most North Korean women in these situations have been "traded," they are usually under the watchful eyes and constant supervision of relatives and neighbors of their "masters."[60] Since North Korean women, in most cases, are paired with men who cannot not find wives (such as drunkards, gamblers, or men with mental health problems), North Korean women often encounter trouble due to sexual abuse, family violence, rape, or assault. However, their illegal status strips them of any legal recourse and these women must "endure any form of violence for the sake of survival."[61] In such cases, North Korean women attempt to run to faraway regions and do not return to their "husbands" even if they return to China after a forcible

deportation to North Korea.[62] Moreover, China neither recognizes the legality of these marriages nor Chinese citizenship since these North Korean women, technically speaking, do not exist.

Children without Education

Humanitarian workers also reported one of the biggest problems regarding North Korean children in China. Some reports indicate that almost all children of North Korean refugees staying in China have neither a legal identity nor the opportunity to be educated.[63] While some of these children migrated with their parents from North Korea to China, others were born in the PRC to North Korean mothers and Chinese fathers.

In the PRC, children are required to submit household registration paper for admittance to schools. However, children of North Korea-born parents do not have access to elementary education because they are denied the household registration (hukou) papers; this violates "China's Compulsory Education Law stipulating that all children shall receive nine years of compulsory and free education, regardless of sex, nationality or race."[64] In this context, North Korean boys of ten years or so in age often survive as beggars in Chinese cities, sleeping on the street. These North Korean street children in China are known in Korean as KKot-jebi.[65]

More seriously, even children born in China do not receive proper educational services. "Under China's Nationality Law, a child born in China is entitled to Chinese nationality if either parent is a Chinese citizen."[66] However, families of North Korean mothers and Chinese fathers are reluctant to register their children because this can lead to the danger of arrest for the North Korean mothers. For instance, Human Rights Watch describes "how some families had begun registering their North Korean wives on the

household registration with the expectation that they would thus be able to legitimize their China-born children, but these women were also being rounded up for forced return when crackdowns took place."[67] Under this atmosphere, many children born from marriages or relationships between North Korean women and Chinese men live without a legal identity and are not allowed to study in Chinese public school.

In some cases, a child can be registered in school after the father submits written proof that a North Korean mother has been repatriated or that she has run away. [68] Moreover, parents of North Korean children must pay bribes to local administrators in order to ensure their children's access to elementary education.

> (Chinese father of MH, age 8, told Human Rights Watch) "Where I live, if you want to obtain hukou (household registration permit) for a half-Chinese, half-North Korean child, you must obtain a police document verifying the mother's arrest or another form that you fill out explaining that the mother ran away. You also need signatures of three witnesses who would testify that she was repatriated or ran away, and submit them to the police. But that's not all. You have to treat [bribe] relevant officials." [69]

This shows that North Koreans as well as half-North Koreans have little possibility of attending school. As a result, China is experiencing a growing number of uneducated children who are only able to work in certain or limited work places. North Koreans, who have defected to China, are in a dangerous and violent situation. North Korean refugees, however, are unable to ask for government help because they fear being discovered by Chinese security officials and being returned to their homeland, where they are often executed as traitors.

CHAPTER 4

INTERNATIONAL RESPONSE

As seen in the previous chapter, large numbers of North Koreans who are seeking refuge within Chinese territory have faced various risky situations because the PRC does not provide humanitarian aid, violating its obligations under several treaties providing protection to refugees. Consequently, some argue that China's North Korean refugee policy has challenged international law and the international community.

In order to understand the international community's approach to North Korean refugees, this chapter will examine how other countries recognize North Koreans who flee to China, how international actors respond to the North Koreans' requests for refuge, and the international community's activities that assist and encourage North Korean refugees in the PRC.

This chapter covers several international actors, such as international organizations, foreign governments, and NGOs. Particularly, understanding the United Nations' stance on refugees is useful because international discourses on the rightful status of refugees have been derived from the 1951 UN Convention Relating the Status of Refugees and its 1967 Protocol, suggesting international legal norms for refugees. Specific state actors covered are South Korea and the United States. Although many states have become interested in the human rights situation regarding North Koreans, a

growing international awareness of the North Korean refugee problem has not necessarily led to changes in the political and juridical practices of different countries. However, both South Korea and the United States have worked for legal rights of North Korean refugees. This paper also briefly examines the critical role of non-governmental organizations (NGOs) because they are directly participating in promoting the North Koreans' rights as refugees.

United Nations

Regarding the issue of North Korean refugees in China, the United Nations maintains a specialized agency. The United Nations has recognized that the refugee problem needs continued attention, and member states have a responsibility in caring for refugees. In their collective effort to coordinate international action for the protection of refugees and the resolution of refugee problems worldwide, the United Nations has designated (or set up) the United Nations High Commissioner for Refugees (UNHCR). In general, UNHCR tries to find permanent, long-term solutions for people driven from their homes because of conflict, human rights abuses, or famine. This UN refugee agency also coordinates emergency humanitarian relief for refugees and, increasingly, other persons of concern.[70]

The United Nations also has developed a legal basis for the status of refugees. Refugees are granted special status under the 1951 United Nations Convention Relating to the Status of Refugees (the 1951 Convention) and the 1967 Protocol to that Convention. According to the 1951 Convention, "a refugee is defined as a person that owing to 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."[71]

All member countries have various obligations under the 1951 Convention. According to Article 33 of the 1951 Convention, "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 or political opinion." In short, the 1951 Convention prohibits the forcible return of refugees to countries where they risk serious human rights violations.[72]

Moreover, Article II of the 1967 Protocol Relating to the Status of Refugees obligates "the national authorities to co-operate with the Office of UNHCR, or any other UN agency which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of the present Protocol" [73]. This Article also indicates that the state members must provide UNHCR with information and statistical data concerning the condition of refugees.[74] The People's Republic of China joined the 1951 Convention and the 1967 Protocol relating to the Status of Refugees in 1982. As a Refugee Convention signatory, China is obligated to provide certain resources and protection for refugees.

The Chinese authorities, however, do not allow North Koreans to obtain refugee status. Instead, the PRC has used the word "economic immigrant" when referring to North Koreans who enter China illegally. This position was manifested in the statements of the Chinese Foreign Minister. In 2002 he stated, "Some people from DPRK have entered China illegally due to economic difficulties. Those people within the Chinese

territory who illegally entered China are not refugees. Rather, they are illegal trespassers and so it is unnecessary for China to have the United Nations High Commissioner for Refugees (UNHCR) involved."[75] In this light, China has limited the UNHCR's access to the China-DPRK border region, and therefore the UNHCR has not carried out an organized activity along the border region based on the international law and other relevant laws.[76]

More seriously, and notwithstanding its obligations under the Refugee convention, China has deported North Korean refugees back to North Korea. China has been neglecting its obligations because the convention contradicts the 1986 repatriation agreement between North Korea and China: there is an agreement between China and North Korea that the issue of people transiting the border is to be dealt with on a bilateral basis, grounded in pre-existing agreements between the two countries.[77] In other words, Chinese laws are not sufficiently developed to allow full implementation or enforcement of the provisions of the Refugee Convention.

South Korean Policy

China so far has developed a balanced relationship with North Korea and South Korea because both nations are important for China both strategically and economically. Today, China executes very friendly policies toward North Korea and helps North Korea's regime to survive. China is the biggest trading partner for North Korea, and since the collapse of the Soviet Union, China has emerged as the main source of humanitarian and development assistance, providing aid ranging from food to energy and technical assistance for North Korea. At the same time, China has expanded its political and military relations with South Korea since establishing formal diplomatic relations in

1992. Continuous meetings of political leaders in almost every year show the developed relationship between China and South Korea. Apparently, there has been significant cooperation between China and South Korea.

However, the two Koreas have different positions in handling the North Korean refugee problem. While South Korea urges the PRC to give refugee status to North Koreans in China, North Korea requests China to return North Korean refugees. As long as a large number of North Koreans remain in China, this problem will challenge China's willingness to simultaneously keep a good relationship with both South Korea and North Korea. In this regard, it is meaningful to understand South Korea's policy because recent North Korean refugee problems often represent the diplomatic tensions between China and South Korea, making it hard for the two countries to reach the best solution.

South Korea has begun to take some action on the North Korean refugee problem since the late 1990s. With the inauguration of President Kim Dae-Jung in February 1998, the South Korean government established a National Human Rights Commission to strengthen human rights protections. However, at that time, the general public and mass media pointed out that the Kim Dae-Jung administration does not pay attention to the North Korean human rights issues with regard to its foreign policy.

In response to mounting public concerns, the South Korean government has made it an official policy to accept all North Koreans who wish to resettle in South Korea. South Korea argues that North Koreans in China should be treated and protected as refugees; that is, they should not be forced to return to North Korea against their wills under any circumstances. Although the South Korean government understands and respects China's situation from a legal point of view (China's obligation based on the

treaty between China and North Korea), the South Korean government calls for special consideration for North Korean refugees from a humanitarian point of view. The South Korean government also urges China to consider the possible persecution that North Korean refugees may face after repatriation.[78]

Despite its official position of accepting North Korean refugees, the South Korean government in practice did not actively announce its willingness to assist North Korean refugees in previous years. For instance, except in 2006 when North Korea carried out its first test of a nuclear weapon, South Korea abstained from or was absent from UN human rights resolutions calling on North Korea to make improvements in its human rights situation.

Instead, "the South Korean government has chosen to take human rights off the table as an issue for negotiation in its bilateral relations with North Korea and instead has quietly pursued assistance programs"[79] for North Korean refugees. The reason why South Korea had taken a dual position was because South Korea's generosity toward North Korean refugees conflicted with its framework for the "Sunshine" policy, which offers unconditional aid to the North Korea. From South Korea's perspective, this North Korean policy was very important because it contributed to open channels of communication with North Korea. At the same time, South Korea could not ignore the importance of North Korean refugees' human rights as a universal value. In this regard, South Korea had taken a dual position. Accordingly, only a few North Korean refugees actually came to South Korea in the late 1990's, either with the informal help of the South Korean government or the assistance of the UNHCR or NGOs.

This dual position of the South Korean government is well shown through its selective acceptance of North Korean refugees as semi-citizens. In July 1997, the South Korean government passed the Law on the Protection and Settlement Assistance of the North Korean refugees. In December 1998 the law was revised, providing a North Korean refugee settled in Korea with financial assistance and education for self-reliance for three years. The South Korean law stipulates that North Koreans should "receive assistance at reception centers for one year with limited freedom of movement." Consequently, the relocated refugees should receive up to three years of additional "supervised assistance, including food, accommodation, medical services, education, and job placement."[80]

Another example of South Korea's dual position on North Korean rights was shown in July 2004. While South Korea accepted 468 North Korean refugees flown in from Vietnam, the largest single entry to date, the South Korean government, at the end of the same year, announced that it would tighten the defector screening process at South Korea's foreign missions in China, saying that "the government does not want to create an impression that it is trying to undermine the stability and leadership of North Korea".[81]

After the launch of the new administration in 2008, the South Korean government has taken a clear stance for improving North Korean human rights. At the seventh session of the UN Human Rights Council in Geneva, the new government of President Lee Myung-bak urged North Korea to take appropriate measures to improve its human rights situation and record.

Furthermore, the South Korean government has voted in favor of a U.N. General Assembly resolution calling for improvement of human rights in North Korea for 2008

and 2009. More importantly, in contrast to the Sunshine policy and other previous policies toward North Korea, the new government of President Lee Myung-bak developed the Vision 3000 policy, which demands the North's denuclearization and openness as preconditions for offering large-scale financial and technical assistance for North Korea's development.[82]

However, South Korea under Lee Myung-bak still raises the issue of North Korean human rights and refugees at various international organizations while avoiding direct conflict with either the North Korean or Chinese governments. It can be assumed that as a front-line state, South Korea has been particularly sensitive to the possibility of a military conflict on the peninsula, which would have devastating consequences for the country and its population. Moreover, South Korea has been reluctant to press Chinese leaders at a time when China's cooperation is vital to talks concerning North Korea's nuclear program.

U.S. Policy

The United States' attention to North Korean human rights and refugee issues has been consistent and critical and has finally developed a legal tool to assist North Korean refugees. The U.S Congress has expressed its interest in human rights issues in North Korea by unanimously passing a bill on the subject; this bill, the North Korean Human Rights Act, was signed into law by President George W. Bush in October 2004.

A practical aspect included in the Act authorizes the President $24 million per year for FY 2005-2008. Among these funds, $2 million is authorized to support NGOs engaged in the promotion of "human rights, democracy, rule of law, [and] a market economy in North Korea". Another $2 million is pooled for programs that promote

freedom of information in North Korea through the expansion of radio broadcasting services and the distribution of radio receivers in North Korea. The Act particularly calls for two radio stations, Radio Free Asia and Voice of America, to broadcast in North Korea 12 hours each day. These U.S. radio broadcasting programs were launched based on the assessment that the citizens of North Korea perceive the voices of North Korean defectors and South Korean democracy activists as more persuasive than messages from the U.S. government.[83] Therefore, these programs train them in journalistic and broadcasting skills.

Besides North Koreans within North Korea, the Act focuses on North Koreans outside of the country without the permission of North Korean government and asserts the necessity of providing protection for these people. In practice, the largest portion of $20 million is available for humanitarian assistance for this vulnerable North Korean population. In addition, as one of the means of protection, the Act calls for the U.S. to grant refugee status to North Koreans and resettle them in the United States, making it easier for North Koreans to apply for asylum in the country. The first group of six North Koreans arrived in the United States for resettlement in May 2006, as advocated in the Act.[84] Since then, the United States admitted a total of 67 North Koreans for resettlement as of the end of 2008. This figure breaks down into 9 in 2006, 22 in 2007 and 36 in 2008.[85] Although the United States has not set a quota for accepting North Korean refugees, a somewhat limited number of North Korean refugees have enjoyed the benefit of the resettlement program in the United States. This is because the U. S. administration has tightened the screening requirement in admitting North Koreans, particularly pointing out that admitting the wrong person could threaten US security.[86] After the arrest of a

North Korean spy (Won Jong Hwa, 35) disguised as a refugee in South Korea in August 2008, the administration has emphasized more strongly the need to confirm the identities of North Korean refugees.[87]

Especially with regard to North Korean refugees in China, the Act expresses the need for the Chinese government to behave in accordance with international human rights norms and to fulfill its obligations as a signatory to the 1951 U.N. Refugee Convention and the related 1966 Protocol. To further protect refugees, the UNHCR to use all available resources to obtain access to North Koreans in China. In addition, UNHCR requests the PRC to allow free access to North Korean refugees, along with refugee camp operations.[88] In particular, the Act expresses strong concern about China's practice of capturing such North Koreans defined as economic migrants and repatriating them to North Korea.

As the United States has increased its participation in the assistance of North Korean refugees, the Act was extended on September 23, 2008. Accordingly, the North Korean Human Rights Reauthorization Act of 2008 has authorized funds through FY 2009-2012 to help North Koreans. It has also urged the administration to give the rank of ambassador to the special envoy and make this position a full-time job.

Although concern for the human rights abuse by North Korea is huge, there are limits on the involvement of the United States in providing direct assistance to North Koreans. This is not a major problem for United States due to the fact that North Korea's violations of human rights are local, as compared to the North Korean nuclear issue that puts global peace at risk. In addition, the United States is not a front-line state and has never been asked to manage North Korean refugee problems by North Korea, South

Korea, or China. Rather, the United States' involvement in North Korean refugee issues has raised concerns regarding negative impact. Some liberal organizations in South Korea[89] and some members of South Korea's Uri Party have criticized the North Korean Human Rights Act. They claim that the new law would have no substantial effect in improving North Koreans' rights and instead would endanger relations between North and South Korea, ultimately destabilizing the delicate political balance in the region.[90] As a matter of fact, North Korea accused South Korea of cooperating with the United States Congress.[91] Moreover, "North Korea called the Act an attempt to topple the North Korean government under the pretext of promoting democracy and a market economy."[92]

Despite its limited position concerning the North Korean refugee issue, the Bush administration took an aggressive measure in accordance with the North Koran Human Rights Act of 2004. Some scholars claim that the promotion of human rights and democracy sought by the U.S. is ultimately aimed at serving the nation's own interests.[93] With this perception, the Bush administration, which had been criticized due to its mismanagement of the Iraq war on humanitarian grounds, needed to adjust its traditional concept of human rights in order to restore public support and justify itself. Thus, the United States sought to address human rights as a substantial matter on the political agenda. Consequently, with enactment of the North Korean Human Rights Act, the Bush administration linked the issue of human rights as a key element to any future negotiations between the United States and North Korea.[94] Lee Sang-Hwan states that the "Bush administration followed the American tradition of integrating human rights and

called for democracy into a broader foreign policy that continues to place a primacy on American security interests".[95]

In parallel with these developments, "the Bush administration's elevation of human rights as a primary political agenda" has threatened the Chinese administration known for its human rights violations towards North Korean refugees.[96] Some scholars particularly suggest that the North Korean Human Rights Act of 2004 contains hidden strategies or political motives for a US expansion into Northeast Asia, posing a considerable obstacle to Chinese national interests. That is, today the PRC struggles to maintain a stable regional atmosphere that will enhance its leading role in Northeast Asia, but this Chinese interest is threatened by the actions of the United States. In terms of peace on the Korean peninsula and in Northeast Asia, there is no doubt that the United States, which has continued to improve human rights situations in North Korea, has more valid political clout than China, which has been recognized for its lack of respect on fundamental human rights. Furthermore, it is understood that China fears that the Act might serve as a beacon to refugees and encourage a greater number of North Koreans to cross the border into China, posing a tremendous economic burden. In this regard, the North Korean Human Rights Acts has a high potential for huge effects on China's attitudes towards North Korean refugees.

NGOs

There are a number of non-governmental organizations (NGOs) that have made efforts to protect the human rights of North Korean refugees in China (see Table 4.1).

Table 4.1 The List of Major NGO Groups for North Korean Refugees in China

The List of Major NGOs for NK Refugees in China	Contents
Rescue the North Korean People! Urgent Action Network (RENK)	Japan-based NGO
Life Funds for North Korean Refugees (LFNKR)	Japan-based NGO
Life Funds for North Korean Refugees (LFNKR)	Japan-based NGO
Helping Hands Korea	South Korea-based NGO
Free North Korea	South Korea-based NGO
Citizens Alliance for North Korean Human Rights (NKHR)	South Korea-based NGO
The Commission to Help North Korean Refugees (CNKR)	South Korea-based NGO
Korean American Sharing Movement (KASM)	U.S.-based NGO
Medecins Sans Frontieres (MSF-Seoul bureau)	U.S.-based NGO

NGOs have worked vigorously to provide humanitarian relief, including shelter or safe houses, to North Korean refugees in China. They have assisted the economic needs of the refugees in Northeast China as well as in foreign sites such as Southeast Asian countries. NGOs have also internationally managed various programs to help North Korean refugees move to third countries such as Thailand or Vietnam or resettle in South Korea. NGOs have often been composed of human rights networks with individual activists, journalists, and missionaries with the purpose of problematizing the issue of North Korean refugees. They often strategically employ international media as a means to effectively draw global attention to North Korean refugees in China. NGOs have persuaded the international public to accept their shared beliefs on the issue of North Korean refugees through organized issue campaigns and conferences. Most importantly, NGOs have urged China to soften its policy towards the North Korean refugees by providing refugee status to them.

The North Korean refugee problem might have been a largely ignored issue in the past. However, international actors such as international organizations, foreign governments, and NGOs have become increasingly attentive to the issue of North Korean refugees today.

While China's repatriation policy towards North Korean refugees suggests that China is a state whose foreign policy tends to be insensitive to international human rights standards and rules, the international community recognizes the refugee status of the asylum-seeking North Koreans based on international human rights norms. The United Nations has provided jurisdictional frameworks for the human rights of North Korean refugees in China. Moreover, South Korea and the United States have given political and legal assistance to the issue. In short, China and the international community have demonstrated contradictory policies. The different types of responsiveness regarding the need of refugee status for North Koreans in China may have caused normative conflicts between China and the international community.

Moreover, with broader international public interest concerning the North Korean refugee problem, China has come under considerable international pressure. The United States as the hegemonic power and its North Korean Human Rights Act will have an especially substantive impact in pressing the Chinese government. Accordingly, it is questionable if China can maintain its repatriation policy and endure the pressuring influences of the international community. Within this atmosphere, one might have expected that China has become increasingly compliant with international human rights norms in its handling the North Korean refugee problem. It can also be seen that China

has temporarily modified its repatriation policy in order to mute rising international criticism for that policy.

Based on these assumptions, the next chapter will examine whether China's foreign policy toward North Korean refugees has been redirected and reframed by international human right norms.

CHAPTER 5

CHINA'S POLICY TOWARD NORTH KOREAN REFUGEES

In the 1990s

In the early 1990's, the economic situation in North Korea began to decline severely.[97] With the collapse of the Soviet Union in 1991, North Korea lost strategic economic ties upon which the country's economy had been heavily dependent. The effects of the country's struggling economy were further exacerbated by the dramatic reduction in overall trade with China following China's improved relations with South Korea. After the PRC normalized diplomatic relations with the Republic of Korea (ROK) in 1992, Chinese-South Korean trade rose to $16.5 billion a year by 1995 while trade with North Korea decreased to $550 million. During this difficult economic situation, a number of North Koreans fled to China in order to be able to eat. [98] This was "the first great exodus of North Koreans into China."[99]

This situation became even worse in North Korea; by the mid-1990's, North Korea faced significant economic disruptions due to years of economic mismanagement and natural disasters such as heavy floods in the summer of 1995. Additionally, in 1995 China decided to sharply reduce economic aid to North Korea so that it could devote economic resources to developing its own economy. Finally, the North Korean government stopped distributing rations to most people and was in desperate need of international aid to feed its starving population.[100] In spite of humanitarian aid from

international sources, it has been reported that since the mid-1990's about 2 million North Koreans have died in their homeland of sickness and desperate hunger.[101] In their struggle to survive, thousands of North Koreans were driven across the border into China in search of food. In other words, the famine is what caused the modern NK refugee problem in China.

In the 1990's, China's policies towards North Korean refugees were based on two agreements between China and North Korea. In 1961, the Chinese government signed 'a confidential Sino-Korean treaty'.[102] In August 1986, China's Ministry of Public Security and the State Security of the North Korea entered into a further agreement entitled the Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas (the 1986 North Korea-China repatriation agreement).[103] Article 4 of this agreement states:

> Clause 1 "Both sides shall mutually cooperate on the work of preventing the illegal border crossing of residents. In the case of crossing the border without possession of a legal certificate or without passing through screening agencies or the passage places stated on the possessed certificate, [the individual] shall be treated as an illegal border crosser [...]."
>
> Clause 2 " Regarding individuals who illegally cross the border, depending on the situation a name-list or relevant materials should be turned over to the other side [...]."[104]

According to these bilateral agreements, the Chinese government should deny refugee status to North Koreans who enter into China illegally and reside on its soil. China, therefore, has deported North Koreans when they are captured within its border.

Until the middle 1990's, however, in practice it seems that Chinese authorities were unenthusiastic about repatriating North Korean refugees. Many researchers point out China's tolerance of the presence of North Koreans during the early 1990's. It is generally agreed that China informally "allowed some degree of stability for North Koreans" staying in the border area as long as they did not create problems.[105] China even tacitly tolerated the smuggling trade which operated in the border region. This behavior did not mean that China attempted to act against North Korea's wishes. When there was a repatriation request from North Korea, China returned the North Korean refugees. It is assumed that China could maintain its flexible policy toward North Korean refugees because the refugees only briefly stayed in the border area until they obtained some food and money from their relatives or acquaintances in China; once the North Koreans acquired food and other necessities, they voluntarily returned to their homeland to feed their families.

However, in the mid and late 1990's, there was a significant change in China's attitudes toward North Korean refugees. China started to actively search, arrest, and deport large numbers of North Koreans who were hiding in China. No accurate record is available regarding how many North Koreans have been repatriated to North Korea because there are few publicized statistics from Chinese organizations. However, the NGO arguments asserting that China has sent a large number of North Koreans back to North Korea each year have been proven by one authoritative estimation concerning deported North Koreans. A government-sponsored institute under the Chinese administration conducted field research in the three northeastern provinces where most North Korean defectors were staying. According to its report entitled "*North Korean*

defectors and the Social Phenomena," the number of forcibly deported defectors increased from 589 in 1996 to 5,439 in 1997.[106] The practice accelerated in 1998. Another bilateral agreement between China and North Korea, the Jilin Province Border Area Management Clause of 1998, laid the legal ground for China's repatriation policy, and at least 6,300 North Koreans were forcibly repatriated during the 1998.[107] It is also reported that Chinese police extensively searched for North Koreans in the northeastern part of China for only one day (on December 16, 1998,) and sent about 150 people back to North Korea.[108]

In previous years, China sporadically searched for North Koreans, but the sharp increase in the number of North Koreans deported during the mid and late 1990's shows how the Chinese government made a desperate effort to arrest more North Korean refugees and rid them from Chinese territory. In the mid to late 1990's, Chinese authorities seemed to recognize that a relatively large number of North Korean refugees compared to previous years had illegally crossed the border; the majority of North Koreans in China began to present a threat to social stability because some of them were inevitably involved in crime.[109] In addition, since 1997, South Korean media has often broadcasted programs about the rough situations of North Korean escapees in China, causing North Korea's claim on China.[110] It is certain that throughout the 1990's China continued its cooperation with North Korea per returning North Korean refugees to their homeland, taking somewhat more active actions in the late 1990's.

It is assumed that because China and North Korea had maintained their traditional socialist alliance since China's 1950's decision to intervene in the Korean War, China cooperated with North Korea on the issue of North Korean refugees. However,

throughout the 1990's, China-North Korean relations remained distant because China shifted its Korea policy from its 'one-sided' diplomacy to an 'equal-distance diplomacy' by establishing formal diplomatic relations with South Korea in 1992. This means that China deals equally and separately with South and North Korea.[111] In response to the PRC-ROK normalization, North Korea expressed its strong indignation. Although China refuses to recognize Taiwan as a sovereign state, North Korea internationally demonstrated an interest in developing economic and cultural ties with Taiwan. Moreover, in 1993 the North Korean member of the International Olympic Committee did not cast a supporting vote for China's sponsorship of the 2000 Olympic Games; this action caused conflict between China and North Korea.

Although closer relations between China and South Korea were likely to irritate North Korea, "this momentous political shift from China's traditional relationship with North Korea was facilitated by economic ties with the South."[112] From the perspective of post-Mao reformism, the South Korean economy has provided opportunities to be positively exploited, whereas North Korea's economic troubles have posed a burden. Since China normalized its relations with South Korea in 1992, the economic cooperation between two countries has dramatically developed, and they have become important trading partners for each other.

Meanwhile, China and North Korea's economic relationship has been sharply weakened. The volume of Chinese-North Korean trade decreased steadily in the following seven years, from $899 million in 1993 to $370 million in 1999.[113] At the same time, as China's economy further integrates with the world economy, political differences between China and North Korea are likely to increase.

During almost seven years (1992-1999), the top leaders from the two countries did not visit each other.[114] The difficulty of managing the relationship was further augmented when personal ties among top leaders in Beijing and Pyongyang were no longer operative following the deaths of Kim Il Sung (in 1994) and Deng Xiaoping (in 1997). In this atmosphere there was also tension between China and North Korea regarding the North Korean refugee policies. In February 1997, China allowed Hwang Jang-Yop, the former secretary of the Workers Party of North Korea, to go to South Korea after seeking refuge at the ROK embassy in Beijing, even though North Korea asked China to comply with their obligations under the Agreed Framework. At the time, China did not unilaterally support North Korea on delicate issues involving the two Koreas, and tension became further intensified between China and North Korea.[115]

Snyder describes China-North Korean relations in the 1990's in these terms: "China's official relationship with South Korea has started only recently, but the momentum for closer economic relations and closer political ties is growing quickly, while North Korea's former influence and shared ideological ties are dying with its first-generation leadership."[116]

As shown with the establishment of a diplomatic relationship with South Korea, the Chinese relationship with the two Koreas became more dynamic during the 1990's. However, China indeed endeavored to preserve its traditional friendship with North Korea. For instance, China remained North Korea's largest trading partner in the 1990's in terms of total value. Although the exact amount of China' aid remains unknown, support for North Korea is generally estimated at one-quarter to one-third of China's overall foreign aid.[117] In the mid-1990's, Beijing's emergency food aid to

Pyongyang certainly saved the North Korean society from a disastrous collapse, and this shortened the diplomatic distance between the two countries.

Similarly, despite the tensions between China and North Korea in the 1990's, the Chinese government has kept its repatriation policy, with the exception of Hwang Jang-Yop case. It seems that in this period, the Chinese government put a priority on its relationship with North Korea regarding the North Korean refugee problem. In addition, at that time it seemed that there was little international attention focused on China's role in the North Korean refugee issue. There are neither significant scholarly works on North Korean refugees in China nor historical records of North Korean refugee human rights campaigns. During this period it is believed that only Chinese and North Korean leaders were concerned about the North Korean refugee problem, and their decisions did not face any challenges from the international community. Accordingly, China's policies towards North Korean refugees were not based on international human rights norms and laws, but instead based on bilateral agreements between China and North Korea.

2001-2007

The North Korean food shortage that began in the early 1990's continues during the 2000's. Political repression and mismanagement, droughts (in 2000 and 2001), typhoons, and acute energy shortages have led to a complete collapse of North Korea's agricultural industry. In order to seek help, many North Koreans still make the risky trek across the North Korean-Chinese border today. In the 2000's, however, existing policy concerning North Korean refugees has faced several challenges.

Starting with the Gil-su family's successive intrusion into the UNHCR, an unprecedented number (approximately 300,000) of North Koreans forced their entry into

several diplomatic missions in China during 2002 in order to request asylum.[118] In many cases, China has often shown a significantly different attitude toward the North Korean refugee problem compared with previous years. In contravention of the 1986 North Korea-China bilateral repatriation agreement, China did not deport these North Korean asylum-seekers to their homeland, but rather sent them to South Korea via third countries. This is a dramatic change in China's North Korean refugee policy. Analyzing a number of embassy intrusion cases, as well as contents drawn from official statements such as the Foreign Ministry Spokesman's Press Release, will allow us to further understand China's North Korean refugee policy in the 2000's.

The first incident that upset the Chinese repatriation policy occurred in June 26, 2001, when seven North Koreans of the Jang, Gil Su family entered into the United Nations High Commission for Refugees (UNHCR) office in Beijing and requested asylum.[119] It was the first case in which North Koreans sought refuge in the UNHCR office (which deals with refugee-related issues). As this case entered into the media's focus, China promptly took action to expel Gil-Su's family to the Philippines instead of deporting them to North Korea. It took four days for the family to leave. However, this did not mean that the perception of the Chinese leaders regarding the North Korean refugees had changed. Soon after Gil-su's family's departure, the Chinese government conducted massive house-to-house crackdowns searching for North Koreans along the border between China and North Korea and forcibly returned those captured to North Korea. The US Committee for Refugees and Immigrants (USCRI) reported that a total of 6,000 were arrested in June and July alone in 2001.[120]

In an angry response regarding China's anti-humanitarian policy, the international community increased its assistance for North Korean refugees. Human rights organizations, human rights activists, missionaries, and journalists in different countries planned the first embassy storming case. A group of 25 North Koreans, systemically aided by humanitarian organizations, pushed their way past Chinese guards and rushed into the Spanish Embassy in Beijing in March 2002. This incident was also the first instance in which a large number of people tried to enter a foreign compound (compared to previous individual intrusions), shocking China. The scene was caught on camera by CNN and was broadcasted live, revealing the real North Korean refugees who were denied living there by Chinese authorities.

China described this incident as undermining China's stability and challenging China's laws and regulations.[121] However, China dealt with these refugees on humanitarian grounds. The day after the incident they were flown to the Philippines and then on to South Korea. They were released by China only 27 hours after the incident, compared to the four days of the Gil-su family case in 2001.

On May 8, 2002, when China was still sensitive to the issue, another significant diplomatic incident took place. Two North Korean men (Kwang-chul Kim and his brother) rushed the open gate of the Japanese consulate in Shenyang while two North Korean women and a baby were detained. Armed Chinese policemen entered the consulate and harshly dragged out the two Koreans. While China insisted that authorities had received permission from Japanese officials to enter the compound, the Japanese government accused the Chinese government of violating the Vienna Convention on Consular Relations and requested an explanation. Japan also strongly demanded that

China hand over the five Koreans to Japan.[122] The whole process was filmed and the photos and videotapes repeatedly played on air by influential media. A videotape of the incident proved that the Japanese did nothing to head off Chinese policemen.[123] Finally, China and Japan reached a consensus to send the North Koreans to a third country. The Shenyang case hardened the Chinese government's position concerning North Korean refugees, and this was evidenced in a "diplomatic memorandum dated May 21, 2002, circulated by China's foreign ministry to all Beijing embassies," demanding that foreign governments hand over any illegal intruders found within their premises.[124]

A similar diplomatic incident occurred one month later. On June 13, 2002, a 56-year old North Korean man who sought asylum at the visa office of the South Korean embassy with his 15–year-old son was forcibly seized and taken away by Chinese security guards despite attempts by the embassy staff to protect them. The following day, the South Korean government demanded that the Chinese government apologize for the incident and that the Chinese officials involved be punished for what Seoul claimed was China's violation of the extraterritorial status of South Korea's diplomatic mission.[125] On June 17th, however, China expressed strong dissatisfaction with the fact that South Korean diplomats prevented the Chinese public security staff from fulfilling their duties on Chinese territory.[126] The dispute ended when China allowed 26 North Koreans to depart for South Korea after conferences between China and South Korea negotiators in Thailand on June 19th.

Ever since North Koreans successfully entered the Japanese consulate and the South Korean embassy, there were several incidents in which self-claimed DPRK citizens (or North Koreans) broke into the Canadian embassy, Japanese and South Korean

schools, and other foreign diplomatic compounds, seeking entry into the ROK. Table 5.1 shows the cases of North Korean escapees who attempted to enter into foreign diplomatic compounds after the Gil-Su family's intrusion in 2002.

As the number of embassy invasions increased, China often took a tougher stance regarding North Korean asylum-seekers in foreign embassies in China by delaying diplomatic agreements. For example, there was another elaborately planned asylum attempt by North Koreans hiding in China on September 29, 2004. Forty-four North Korean asylum-seekers, including seven children, entered the Canadian Embassy in Beijing using home-made ladders to scale a 3m- high wall in the compound. They wore hard-hats to disguise themselves as construction workers.[127] It was one of the largest groups of North Koreans ever to rush into a diplomatic compound in China. China asked the Canadian Embassy to turn the group over to Chinese authorities, but the Canadians denied this request for custody of the 44 North Koreans.[128] In response to Canada, Chinese Foreign Ministry spokeswoman Zhang Qiyue criticized foreign embassies that shelter refugees (including the Canadian Embassy), saying that "The reason they stay in the embassies is that some countries' governments and diplomatic missions indulge them and provide asylum to those who illegally cross the border."[129]

In this case, a diplomatic standoff between China and Canada lasted over eight week**s,** while in 2002 China accepted the third-country compromise only 15 days after two North Korean people entered the Canadian Embassy. Many people wondered whether China would halt its new attitude towards allowing the publicized refugees to travel to South Korea via a third country. However, after a stand-off lasting several weeks, China reversed its decision and allowed the North Koreans to leave the country

for South Korea. There were also many cases of North Korean refugees attempting to enter into foreign missions in China between 2002 and 2007 (see Table 5.2)

Table 5.1 North Korean's Intrusions into Foreign Diplomatic Compounds in China, 2001.6.-2002.12.

Date	Place	Number of intruders	Contents
Jun 26, 2001	The UNHCR office in Beijing	7(including Gil-su Jang)	The first case of intrusion into the UNHCR office in China
Mar 14, 2002	The Spanish Embassy in Beijing	25	The first North Korean refugees' entry into foreign embassies as advised by international human rights organizations and individual activists.
Apr 25, 2002	The German Embassy in Beijing	1	
Apr 26, 2002	The U.S. Embassy in Beijing[130]	2	
Apr 29, 2002	The South Korean Embassy in Beijing	5	
May 8, 2002	The Japanese Consulate in Shenyang	5	5 North Koreans of Han-mi Kim's family
May 9, 2002	The American Consulate in Shenyang	2	Two people successfully entered the American Consulate in Shenyang.[131]
May 9, 2002	The American Consulate in Shenyang	1	
May 11, 2002	The Canadian Embassy in Beijing	2	Two North Koreans entered the Canadian embassy.
May 12, 2002	The Canadian Embassy in Beijing	2	
May 23, 2002	The South Korea Consulate in China	1	
May 24, 2002	The South Korean Embassy	2	
May 27, 2002	The South Korean Embassy	1	
Jun 1, 2002	The South Korean Embassy	1	
Jun 8, 2002	The Canadian Embassy in Beijing	2	
Jun 9, 2002	The South Korean Embassy	3	
Jun 11, 2002	The South Korean Embassy	9	

Table 5.1 (continued)

Jun 13, 2002	The South Korean Embassy	2	1 North Korean was arrested.
Jun 17, 2002	The South Korean Embassy	2	
Jun 20, 2002	The South Korean Embassy	1	
Jun 21, 2002	The South Korean Embassy	2	
Jun 24, 2002	The South Korean Embassy in China	3	
July 11-21, 2002	The South Korean Embassy	11	11 North Koreans rushed into the South Korean Embassy and remained for 10 days.
Aug 13, 2002	The Albanian Embassy in Beijing[132]	2	
Aug 26,2002	The Chinese Ministry of Foreign Affairs building in Beijing[133]	7	All intruders were arrested.
Sep 3, 2002	The German school in Beijing	15	15 North Koreans forced their way into the German school on September 3th, 2002. They [clambered over a low cement wall and into the protection of the school in the lightly guarded German Embassy compound]. It was [the second mass effort to gain asylum by North Koreans].[134]
Sep 13, 2002	The apartments of German diplomats	5	Two North Korean refugees entered the apartments of German diplomats (on the afternoon of 13 September, 2002). Three other North Koreans were caught by Chinese police.
Oct 7, 2002	The German School in Beijing	3	Three North Koreans entered the German school on October 7th, 2002.
Oct 10, 2002	The South Korean Consulate in Qingdao	2	
Oct 20, 2002	The South Korean Embassy in China	20	
Oct 30, 2002	The German Embassy in Beijing	1	
Oct 31, 2002	The German school	7	
Dec 10, 2002	The German school in Beijing	2	

Sources are based on Life Funds for North Korean Refugees (LFNK), the Christian Science monitor, Voice Of America, and newspaper articles from the New York Times and Yonhap News(Korean)[135]

Table 5.2 North Korean's Intrusions into Foreign Diplomatic Compounds in China, 2004-2006

Date	Place	Number of intruders	Contents
Feb 23, 2004	The German school in Beijing	8	Eight defectors entered a German school in Beijing.
Jun 30, 2004	The German diplomatic facilities.	4	Four North Koreans entered German diplomatic facilities, and another North Korean woman was caught by the Chinese police.[136]
Sep1, 2004	The Japanese school in Beijing	29	A group of twenty nine North Koreans climbed a wall to get into the Japanese school in Beijing.[137]
Sep 27, 2004	American school in Shanghai	9	A group of nine North Koreans entered the American School and were handed over to police.[138]
Sep 29, 2004	The Canadian Embassy in Beijing	44	Forty four North Korean defectors entered the Canadian Embassy in Beijing (the 45th defector was arrested by Chinese security).[139]
Oct 22, 2004	The South Korean school in Beijing	29	Twenty-nine North Korean defectors (23 women, six men, and two children aged seven and eight) entered the Korean school in Beijing, demanding to be send to South Korea.
Oct 25,2004	The Korean Consulate General in Beijing	20	Twenty North Korean defectors attempt to enter Korean Consulate General in Beijing.[140]
Jan 24, 2005	The Japanese school in Beijing	8	Eight North Koreans entered a Japanese school in Beijing asking to go to South Korea.
Mar 9, 2005	The Japanese school in Chaoyan	8	Eight North Korean men and women (apparent defectors) entered a Japanese school in Chaoyan District of Beijing, asking for asylum.
Jun 28, 2005	The Korean International School in Tsingtao, China	3	Three North Korean women entered the Korean International School in Tsingtao, China.
Oct 11, 2005	The Korean International School in Tsingtao, China	8	Eight North Korean defectors enter a Korean International School in Tsingtao, China, asking to go to South Korea.
Nov 2005	The Korean International School in Dalian	1	A 31-year-old North Korean woman sought asylum at a South Korean international school in Dalian, China, but Beijing later revealed she was sent back to North Korea.[141]

Source : Korean Institute for National Unification, Republic of Korea, *White Paper on Human Rights in North Korea, 2005-2008; also* based on newspapers

This table indicates that the recent embassy intrusions of North Koreans in China are not just instances of unique phenomena during a specific year. They also show that many North Korean refugees live within Chinese territory. Moreover, it is assumed that the North Korean refugee problem has become a more serious concern to the Chinese government.

Whenever North Koreans attempted to break into an embassy in China, Chinese security actively tried to arrest or drag them out of the building in order to deport them back to North Korea, even using violence. However, once the North Koreans managed to enter a foreign embassy, thereby gaining public attention, China eventually permitted them to leave the country rather than be returned to North Korea.[142] China has required them to go to South Korea via a third country as a courtesy to North Korea. All North Koreans who succeeded in entering diplomatic compounds during 2002 were eventually taken to South Korea.[143] In addition, from June 2002 to July 2004, China has permitted a total of over 700 North Koreans who entered diplomatic compounds or international schools to travel to Seoul.[144]

Meanwhile, these intrusions provided a reason for China to take stricter formal action regarding the North Korean refugees. China took steps to prevent further embassy incidents. The Chinese government's stance on embassy intrusions is clearly shown in the Foreign Ministry's statement released on October 27th, 2004, after China arrested 65 defectors and two South Koreans who were helping them.[145] "These acts severely violated Chinese laws, undermined China's social order and stability and seriously disturbed the normal order of these foreign embassies, consulates and schools, posing an immediate threat to their lives and property safety."[146] Chinese Foreign Ministry

spokesman Ryu Jen-chao also emphasized China's standpoint, on December 23, 2004, announcing that China would strictly prevent North Korean defectors from entering foreign missions in China.[147] Accordingly, China has tightened security around foreign embassies. China has increased the number of soldiers in the embassy district of Beijing and has strung barbed wire and police tape around each embassy compound.[148] Although China seems to show its willingness to protect foreign embassies from North Korean refugees at first glance, China threatened North Koreans who intended to reach foreign embassies or schools, and China also seems to want to control the refugee issue by itself, having asked all foreign missions to hand over North Koreans in their buildings.[149]

A series of asylum-seeking incidents also instigated China to heighten security measures at the border between China and North Korea. Humanitarian workers have reported that armed soldiers have replaced border patrols (police) at checkpoints, and China has built a barbed wire fence along the border with North Korea.[150]

The Chinese government has intensified its crackdown against the refugees. According to the USCRI, China and North Korea launched a 100-day campaign to return North Korean refugees in December 2002, and China expelled "as many as 1,000 North Koreans each day by the end of the year."[151] In the 2000s, large deportations have been carried out frequently as well. Almost every year since 2000, a nonprofit American organization, the U.S. Committee for Refugees and Immigrants (USCRI) has published its annual report, the World Refugee Survey, which compiles the total number of North Korean escapees deported back to North Korea. The World Refugee Survey from 2003 asserts that China forcibly deported tens of thousands of North Korean refugees to North

Korea in 2000.[152] The 2002 World Refugee Survey reports that a total of 6,000 were arrested in June and July alone in the spring of 2001.[153] Regarding the total number of repatriated in 2002, significant differences exist between two documents compiled by the USCRI and Jeng Sin-jo, a researcher at the Chinese Social Science Academy. The USCRI released a list of tens of thousands of deported North Koreans,[154] while Jeng Sin-jo's list showed only 4,809 deported persons in 2002.[155] In 2006, China sent roughly 1,800 refugees back to North Korea, a sharp reduction from the approximately 5,000 who were repatriated in 2005."[156] Repatriation of North Koreans fell to the lowest levels in 2007. China deported fewer than 1,000 North Koreans during 2007.[157] In short, it has been estimated that at least 5,000 North Koreans in China have been repatriated each year between 2000 and 2005. Although the number has declined since 2006, the situation of repatriation of North Koreans from China is still desperate.

Table 5.3 The Number of Repatriated North Koreans

Year	Number of Repatriated North Koreans	Sources
1996	589	A government-sponsored institute under the Chinese administration
1997	5,439	A government-sponsored institute under the Chinese administration
1998	6,300	A government-sponsored institute under the Chinese administration
2000	Tens of thousands of North Koreans	U.S. Committee for Refugees and Immigrants (USCRI)
2001	at least 12,000	USCRI
2002	Tens of thousands of North Koreans	USCRI
	4,809	Jeng Sin-jo, a researcher at the Chinese Social Science Academy
2005	5,000	USCRI
2006	about 1,800	USCRI
2007	fewer than 1,000	USCRI

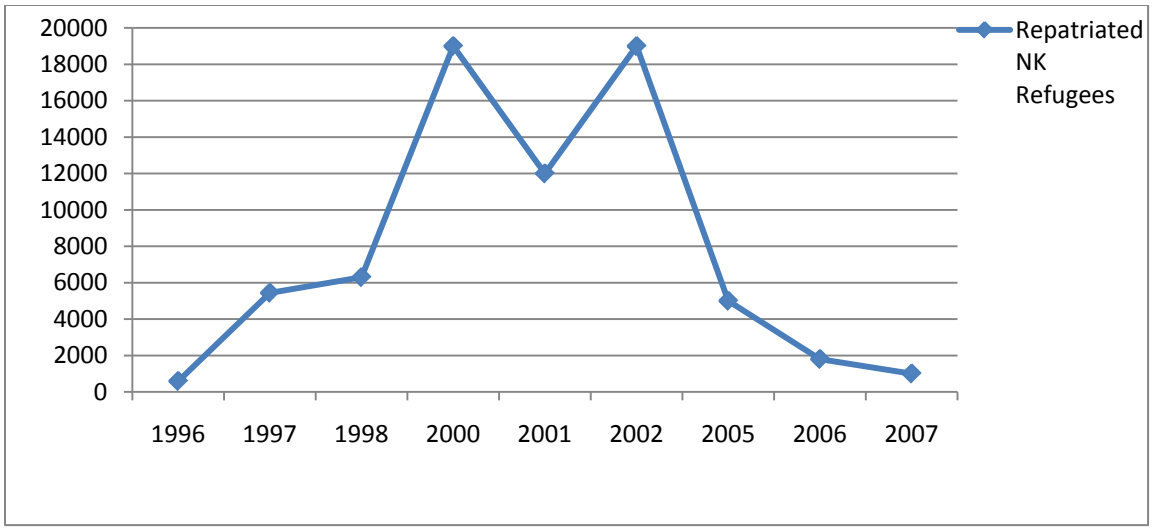

Figure 5.1 The Number of Repatriated North Koreans, 1996-2007

In other words, only those North Koreans who gained public attention by illegally entering into foreign establishments were allowed passage to South Korea. Relatively large numbers of North Koreans in China fell into more desperate situations because China has not yet reversed its long-standing policy of repatriating North Korean refugees.

As China has tightened its repatriation policy, those who help North Korean refugees in China have also fallen into harsher situations along with the refugees because Chinese public security officers fine Chinese citizens who provide material assistance or refuge to North Koreans.[158] In this vein, Chinese authorities have arrested and detained foreign aid workers who assist North Korean refugees because these actors are viewed as people who severely threaten China's social stability and violate Chinese laws. There have been several cases when Chinese police have arrested and detained people who attempt to transport North Korean refugees to third countries. Table 5.4 shows the names

of humanitarian activists known to have been seized by Chinese authorities from 2001 to 2005.

Table 5.4 List of Humanitarian Workers Seized in China, 2001-2006.

Dates and Places	Contents
Seized between 29-30 December 2001, near the Mongolian border	Pastor Chun Ki-won, a South Korean human rights activist of the Seoul-based missionary group Durihana Mission, was held from December 2001 until August 2002 (220 days in jail) for trying to help a group of North Korean defectors attempting to reach Mongolia.
Seized on 12 April 2002, in Yanji, China	Rev. Choi Bong-il (54), a humanitarian worker, was caught helping two North Korean refugees and was sentenced to 9 years of imprisonment, but he was released on 22 September 2004.
Seized on 9 May 2002, in Yanbian	Rev. John Daniel Choi, an American citizen, set up an orphanage to care for North Korean refugee children. Choi was sentenced to a 7 year prison term in Tiebei, Changchun prison. On 22 September 2004, Rev. Choi was released after serving 2½ years of this harsh sentence.
Seized on 31 August 2002, in Changchun in Northeast China	Kim Hee-tae, a humanitarian worker, was seized along with eight North Korean refugees attempting to leave China. He was sentenced to 7 years imprisonment but was released on 15 July 2004.
Seized from his hotel room on November 2002	Hiroshi Kato, a humanitarian worker of Life Funds for North Korea Refugees and a citizen of Japan, was seized at his hotel in China for helping North Korean refugees and was held in prison for a week in November 2002.
Seized on 18 January 2003, in Yantai City, Shandong Province	Choi Yong-hun, a South Korean humanitarian aid worker, was arrested for attempting to help a group of North Korean refugees out of China on a fishing boat in Yantai. On 22 May 2003, he was sentenced to a 5-year imprisonment and was fined 30,000 RMB. He was released on November 29, 2006.[159] Seok Jae-hyun, a South Korean photojournalist, was also arrested on 18 January 2003, while covering an attempted operation to evacuate refugees from China to South Korea and Japan. He was sentenced on 22 May 2003 to 2 years in prison by a court in Yantai, Shandong province, for trafficking persons. He was released March 2004.
Seized 27 July 2003	Rev. Park Young-hwa, an American citizen, was held for 1½ years for helping North Korean refugees. He was seized on 27 July 2003, officially arrested on 8 September 2004, and released in late October 2004.
Seized on 7 August 2003, in Shanghai	Fumiaki Yamada, a humanitarian worker of Society to Help Returnees to North Korea and a citizen of Japan, was seized with North Korean refugees. He was trying to help them.

Table 5.4 (continued)

Seized on 26 September 2003, in Guangdong Province	Kim Seung-whan (Steve Kim, 54), an American citizen of South Korean descent, was sentenced on 5 April 2004 to 5 years in jail. He was deported and was fined 20,000 RMB. He was charged with assisting North Koreans illegally across the national border.[160] He was released in September 2007, after four years in Tiebi prison in Changchun, Jilin Province, China.
Seized on 13 December 2003, in Guangxi	Takayuki Noguchi (male, 32), a humanitarian worker of Life Funds for North Korean Refugees, was seized by Chinese police along with three Japanese-born North Korean refugees. Noguchi was released in August 2004 after 9 months of incarceration.
Seized on 13 January 2004, in China --Cindy	China arrested one member of a Japanese NGO and one North Korean defector.[161]
Seized on 25 October 2004, in Tongzhou, Beijing	Hong Jin-hee, Kim hong-kyun, and Lee Soo-cheol helped North Korean defectors break into the Japanese embassy in Beijing on September 1, 2004. On October 25, 2004, Chinese police raided an apartment in Tongzhou, Beijing, to arrest Lee and Kim along with 60 North Korean escapees. Hong fled the scene but was arrested in Shenyang. Chinese authorities imprisoned the three for two years before their trial. At a delayed trial in 2006, the Chinese government sentenced Hong to seven years, Kim to five years, and Lee to two years in prison.[162]
Seized between 26 – 27 October 2004, in the Tong Chow Section of Beijing	On Oct 27, 2004, Chinese police raided a North Korean refugee shelter in Beijing and arrested two South Koreans who were helping North Koreans along with 65 defectors, including 11 children and a 70 year old man believed to be planning a forced entry into a diplomatic compound or international school in Beijing.[163]
Seized in February and May 2005, in China	The PRC arrested at least two NGO workers for aiding North Korean refugees: a former North Korean refugee with South Korean citizenship in February, and a Korean-American in May. Authorities held both in the Yanji PSB Detention Center at the end of 2005.[164]
Seized on 4 February 2005, at Yanji Airport	An Chung-hak (47) was arrested for helping North Korean refugees and was detained at Yanji prison since February 2005.[165]
Seized on 9 May 2005, in China	China detained Korean-American missionary Phillip J. Buck along with nine North Koreans. He was helping refugees in China on May 9, 2005. He was held for 15 months under the charge of having violated Chinese law prohibiting the transportation of people out of the country.[166] He was released on 9 August 2006.[167]

Sources are based on newspaper articles, reports from USCRI and LFNK, and the list that the Defense Forum Foundation (DFF) has compiled.

As seen above, the Chinese authorities have recently been active in arresting people helping North Koreans. In the case of Seok's in 2003 (although he was a freelance

photojournalist and not a human rights activist), he was caught and sentenced by the Chinese court for trafficking persons. Chinese authorities held trials to humanitarian aid workers under "Criminal law 318, which carries a jail sentence of two to seven years for what it calls illegal transport of people out of China."[168] In some cases, however, aid workers were imprisoned before their trials. Overall, in the 2000's, Chinese authorities have enforced harsh measures regarding the humanitarian efforts responding to the plight of North Korean refugees in China.

In regard to the reason as to why China has recently expressed divergent behavior from its previous practices, there are various possible explanations. During the 2000's, China's influence over North Korea has become more insignificant. Regarding the DPRK nuclear issue, China has been expected by the international community to persuade North Korea to give up its nuclear weapons program by using this somewhat limited influence; China has managed to alleviate the crisis by bringing North Korea to the negotiation table and hosting international talks. North Korea, however, has not welcomed China's new role as a mediator, and therefore, China's conversations with North Korea have not always been easy. For instance, in the heat of the second U.S.-DPRK nuclear crisis in October 2002, when North Korea admitted the existence of a secret highly enriched-uranium (HEU) program, China (for the first time) initiated and hosted a round of trilateral talks in Beijing involving the Unites States, North Korea, and China on April 23-25, 2003.

Despite China's decisive role in bringing North Korea back to the negotiation table, when American and North Korean negotiators gathered in the first quarter of 2003 to seek a peaceful end to the showdown over North Korea's nuclear weapon program,

North Korea argued that the meeting would be a one-on-one dialogue with the United States and that the Chinese would not play a critical role.

Meanwhile, since August 2003 China has also hosted the Six-Party Talks aimed at discouraging North Korea's nuclear program. The members (the United States, China, South Korea, Russia, and Japan) have convened in Beijing for several rounds of negotiations. These meetings could not have been arranged without China putting great pressure on its communist ally to come to the table. However, the North Korean leaders have been often uncooperative regarding China's efforts to resolve the nuclear crisis through multilateral dialogue and cooperation. For instance, the North Korean government announced the suspension of its participation in the Six-Party Talks for an indefinite period on February 10, 2005, and refused to return to the Six-Party Talks even though China strongly urged North Korea to resume participation.

Additionally, through the North Korean nuclear test in 2006,[169] China's leadership has apparently recognized that North Korea is not an ally that China is able to depend on any longer. North Korea has carried out a nuclear test despite China's strong opposition. China was only given a 20 minute advance warning that the test was about to occur. To be sure, China has not been in close contact and consultation with North Korea over the DPRK nuclear issue. This shows that China's economic aid to North Korea has not directly increased its leverage with North Korea. Consequently, it is natural that China has revised its attitude and adopted a pragmatic perspective in terms of its relationship with North Korea. Foreign ministry Spokesperson Qin Gang stated that "We (China) are ready to explore economic cooperation with the DPRK on the basis of equality and mutual benefit," at a press conference on February 27, 2007. In short, with

the extension of tensions between China and North Korea over the North Korean nuclear problem, China during the 2000's has seemingly allowed more exceptions in regard to its North Korean repatriation policy.

However, the troubled relationship between China and North Korea is not enough to explain why the Chinese government has not accepted repatriation requests from North Korea in the many cases of North Koreans' embassy intrusions in the early 2000's. It must also be noted that as the North Korean refugee problem emerged as an international humanitarian issue instead of as a problem only existing between China and North Korea, China's policy toward North Korean refugees has changed.

As noted, during 2001-2007 the PRC was troubled with many North Korean embassy gate-crashers. Repetitive media exposure of these incidents and the physical harm caused to the North Koreans has brought international focus on the plight of North Korean refugees, magnifying the desperate images of North Koreans in China.

Moreover, the active involvement of the United States concerning the North Korean refugee issue during this period has contributed to draw global attention to North Korean refugees in China and has influenced China's behavior toward these refugees. The United States Congress passed the North Korean Human Rights Act in 2004 (NK Human Rights Act of 2004), which describes in harsh language the condition that refugees face in China and insists on intensifying diplomatic pressure so that the Chinese government will revoke its policy of repatriating North Korean refugees.

Certainly this Act has threatened a Chinese administration known for its human rights violations towards North Korean refugees. In response to the Bush administration's adoption of the Act, China has expressed anger at the criticism, calling the accusations

groundless and charging Washington with interfering in the country's internal affairs. Although the Human Rights Act of 2004 has increased tensions between two countries, China, (at least superficially) has endeavored to maintain a cooperative relationship with the United States. A positive relationship between China and this major economic power is hoped to facilitate pragmatic results during the period in which China prepares for the 2008 Summer Olympics.

During this period, Chinese government leaders believed that the Games offered them an opportunity to develop the economy, and China has also wanted to avoid the human rights criticism by the international community. Therefore, China has inevitably shown an unconventional response toward North Korean refugees, allowing them to leave Chinese territory. There are clear examples of how China has responded quickly to the North Korean refugee issue in order to avoid international criticism. In the case of Spanish Embassy intrusion in March 2002, China needed to manage the incident as soon as possible because the summit of European Union leaders was scheduled in Spain the next day. Spain was taking the EU president at that time and portrayed a symbolic meaning of the EU community. Additionally, the U.N. Human Rights Commissioner meeting was supposed to be held a few days later on March 18, 2002. The PRC, as a member of WTO and as an Olympic host country, did not want diplomatic conflicts, and ultimately China did not deport the North Koreans who successfully entered the Spanish Embassy back to North Korea.

In the 2000's, further diplomatic tensions arose when South Korea began to press more strongly regarding the North Korean refugee issue. While the South Korean government had previously remained relatively silent on this issue, in the 2000's South

Korea has become more sensitive to the plight of North Korean citizens in China. As several cases of embassy intrusions gained global attention, South Korea could not sit by any longer and inevitably took a more aggressive attitude. A diplomatic conflict in June 13, 2002, is a particularly good example of South Korea's active involvement regarding the North Korean refugee issue. It is well known that the PRC basically wants to keep good relations with South Korea because South Korea is an important trading partner. During this period, the PRC has seemingly temporarily allowed some North Korean refugees to leave for South Korea or a third country in order to lessen serious diplomatic tensions.

As noted, while there have been many cases in which China did not deport North Koreans to North Korea in the 2000's, China has fundamentally maintained its North Korean repatriation policy. It has been argued that strategic factors are continuously playing an important role in China's policy toward North Korean refugees. For China, North Korea is a very important strategic state because North Korea has served as a security buffer between China and the United States not only during the Cold War period, but also in the present.[170] Additionally, the fact that North Korea is the only state to have a mutual defense treaty with China reflects North Korea's strategic importance for China. Accordingly, the PRC wants to keep a close relationship with North Korea and accepts repatriation requests from North Korea.

Another viewpoint argues that the PRC has returned North Korean refugees to their homeland for the purpose of keeping in line with its own interests, such as economic prosperity. Since 1978, the PRC has enacted a 'reform and opening' policy in order to achieve economic modernization. This has been a primary national goal, and Chinese

foreign policy has also been constructed to support this economic program and to create a favorable international environment for the PRC's economic modernization. In other words, one of the most important aims of the PRC's diplomacy is to prevent any security threats that might reduce foreign investment. However, if North Korea's political and economic collapse occurs, it would harm China's economic development in at least two ways. First, Beijing would have to participate in alleviating the major humanitarian and economic disaster in North Korea by spending economic resources rebuilding North Korea. Second, it can also be assumed that this collapse would result in a reduction of PRC-South Korea trade since South Korea and its allies would likely reallocate spending to concentrate more heavily on North Korean development initiatives.[171] In this regard, in order to help maintain social stability in North Korea, China has deported North Korean refugees.

This section has examined the series of incidents that called into question China's diplomatic approach to North Korea. In the 2000's, "the new activism of the North Korean refugees involves complexities that concern China," a number of governments, and the international community. The United States and other governments whose diplomatic offices have been involved (Canada, Japan, and South Korea) have protested China's refugee policies per North Koreans. Moreover, some embassy intrusions were deliberately planned and broadly publicized by non-governmental organizations (NGOs) and foreign individuals.

In terms of its reaction, Chinese policy towards the North Korean refugees in the North Korea-China border regions has been redirected and reframed. In the 1990's, China cooperated with North Korea almost all of the time, despite several diplomatic tensions

between the two countries. In recent years, however, China has begun to take a variable attitude, often violating the long-standing refugee repatriation agreement with North Korea. In short, although the PRC has a treaty with Pyongyang requiring it to return illegal entrants, once North Koreans are able to get inside an embassy, Chinese authorities have often allowed them to leave its territory.

It may be partly true that as China's influence over North Korea has weakened, China has become more cautious regarding its unconditional support for North Korea. In other words, China's distant relations with North Korea in the 2000's have contributed to China's adopting a different policy mechanism. However, China's changed policy regarding North Korean refugees in the 2000's has been motivated not only by the need to respond to North Korean actions *per se* but also by international pressure. As national actors and international actors (such as NGOs and humanitarian activists) have become more involved in the North Korean refugee issue, the problem has become more widely publicized than at any previous point in history, causing China to more deeply consider the reactions of international community when handling the North Korean refugee problem.

In short, regarding North Korean refugee policy, in the 1990's China saw the relationship with North Korea as a major priority and almost always showed respect for the mutual agreement between China and North Korea. Meanwhile, from 2001-2007 Chinese central decision-makers were simultaneously constrained by effects on the relationship between China and North Korea as well as by the international community's reactions in regards to dealing with the North Korean refugee problem. Although China does not want to damage its alliance with North Korea, it seems that the Chinese

government cares more about international pressure than a relationship with North Korea. In conclusion, the changes of Chinese policy toward North Korean refugees resulted from changes in the international political environment.

2008

In 2008, there was no striking embassy intrusion by North Korean refugees compared to in previous years. However, as the host of the 2008 Summer Olympics, China became even more sensitive about the North Korean refugee issue because the government was criticized for violating human rights in the suppression of Tibetan demonstrators in March 2008. In this context, many people expected China to moderate its repatriation policy in order to launder its national image as an abuser of human rights.

On the other hand, others were concerned that China might block all bridges and underground railroads leading into China during the Olympics in order to prevent the flow of refugees from North Korea. They also expressed concerns that the Chinese government might arrest as many North Korean refugees as possible and forcibly deport them back North Korea ahead of the 2008 Beijing Olympic Games. Regarding this, China did not admit to those concerns and seemed to soften its repatriation policy by issuing exit stamps to many refugees before the Beijing Olympic Games.[172]

However, Chinese authorities took another approach at the same time. The Chinese government intensified border surveillance and called on the North Korean government to tighten border security.[173] Chinese border agents also installed electronic sensors along the river to detect incoming refugees during the Olympic season. Multiple checkpoints were set up in 2008 along the road from the border crossing at Tumen to

Longjing, and security agents blocked the "underground railroads" that refugees used to travel from the border region to seek shelter at embassies in Beijing.[174]

China stepped up its campaign of cracking down on North Korean refugees in order to remove them from Beijing before the Games. For instance, around 40 North Korean refugees were imprisoned during a massive search for North Koreans in the city of Shenyang on March 17, 2008.[175] Helping Hands Korea, a U.S.-based aid organization, reports that Chinese police intensified house-to-house checks to search for North Koreans hiding out in the homes of Korean-Chinese residents, and these house inspections resulted in the repatriation of about 30 percent of North Korean refugees.[176] Additionally, recent interviews conducted with residents of the Yanbian Korean Autonomous Prefecture (YKAP) in Jilin province revealed that local authorities had repatriated "several hundred" refugees each month.[177] North Korean refugees were even nabbed in the street by state security agents prior to the Olympic Games.[178] It is also reported that Chinese authorities detained four North Korean refugees on March 5, 2008, at a local restaurant in Shenyang.[179]

According to Sunny Lee, China recognized North Korean refugees as potential protesters who would try to use the international pressure on China in conjunction with the Olympics.[180] Therefore, China, as an Olympic Games host country, wanted to make Beijing a "refugee-free" city before the Olympic Games began by granting North Korean refugees permission to leave the country or by repatriating as many as possible back to North Korea. Since foreign journalists and guests would not see North Korean refugees in Beijing, the refugee problem would not be likely to become an international issue during the 2008 Summer Olympics.

The Chinese government carried out periodic crackdowns against Chinese citizens who provided refuge to North Koreans who had crossed the border into China. It is reported that Chinese security agents performed "daily inspections of the homes of Chinese citizens of Korean descent" who were living in villages and towns near the border during April 2008.[181]

As noted previously, the Chinese government has routinely fined and imprisoned Chinese citizens who provide refuge to North Koreans. The government has also reportedly provided financial incentives to informants who disclose the locations of refugees. These policies continued in 2008, with reports that fines for harboring refugees ranged from 8,000 up to 10,000 yuan (US$ 1,150-1,445).[182] Furthermore, in spring of 2008 the YKAP government ordered that the local departments of public security and religious affairs raise the incentive pay given to informants by 16-fold, from 500 yuan to at least 8,000 yuan (US $ 1,171).[183]

This intensified crackdown against North Korean refugees by Chinese authorities has reportedly extended to the harassment of foreign humanitarian activists helping North Korean refugees, and in many cases, aid workers have been sentenced by the Chinese court for human smuggling.[184]

As China prepared to host this largest global event, it also showed a very strict attitude toward even those North Koreans who had already made their way into foreign diplomatic compounds. For example, the PRC did not issue exit visas to seventeen North Koreans who were under UNHCR's protection in Beijing, demanding that "UNHCR not grant asylum to any North Korean until the end of the 2008 Olympics."[185] It is apparent

that China made efforts to avoid criticism for its human rights violations prior to the Olympics by eliminating visible incidents related to the North Korean refugee issue.

When the Communist Party of China bid for the organization of the Olympics, it publicly pledged that there would be visible progress regarding human rights in China by the time of the Olympics. However, there is little evidence to suggest that North Korean refugees were treated in a humanitarian manner in 2008. It is also reported that China continued to catch and repatriate North Koreans after the Olympic Games.[186] Overall, the Chinese government's determination to host a successful Olympics and ensure a positive image before the event led to the deterioration of human rights of North Korean refugees, particularly in 2008.

The 2008 Beijing Olympics was expected to be a good chance for the international community to put pressure on the Chinese government regarding the plight of North Korean defectors in the country. However, some people argue that the earthquake, along with no visible embassy intrusions, distracted the international community's interest for the human rights issue. Since China did not confront the international community, China seems to be paying little attention to improving North Korean refugees' rights. As a result, the selection of China to be the host of the 2008 Olympic Games was not accompanied by significant pledges in China for improvements regarding human rights.

CHAPTER 6

CONCLUSION

This paper has analyzed the changes of China's North Korean refugee policies over the past two decades. It has also examined how international factors have influenced the variations of North Korean refugee policies. One certain fact is that China's North Korean refugee polices have been mainly influenced by international factors over the past two decades. In the 1990's, China gave priority to the bilateral treaty with North Korea in regards to repatriating North Korean refugees. However, analyses of the 2000's provide compelling evidence that the influence of the relationship between China and North Korea has been relatively weakened. China's relationship with the rest of world, by contrast, has become strong when related to its attitude toward North Korean refugees. As described before, in the 2000's (despite repatriation requests from North Korea), the Chinese leaders have not often cooperated with North Korea in case China would then face soaring human rights claims from the international community. China seems to realize that, regarding the issue of North Korean refugees, if the Chinese government only concentrates on maintaining diplomatic channels with the North Korean government, it will have difficulties resolving this issue. From its own experience with a number of foreign embassy intrusions by North Koreans since 2002, China has learned that the North Korean refugee issue is now very complex. So complex, in fact, that the

issue has every potential for creating diplomatic conflicts between China and North Korea as well as between China and other countries in the world. In short, although the PRC's approach to North Korean refugees has undergone subtle modifications over the last few decades, international relations (including China's relations with both North Korea and with the international community at large) have turned out to be constant key considerations for China's North Korean refugee policy.

Regarding China's responsiveness concerning the transnational human rights advocates in the 2000's, some have interpreted China as being in the process of integrating with the international system and preparing to become a responsible member in the international community. According to these people, China has often refused to deport North Korean refugees to North Korea, meaning that China will gradually come to work within international rules and norms.

However, it should be noted that the PRC has transcended the traditional ways that primarily concern national interests. China's North Korean refugee policy has been largely pushed not by its willingness to integrate into international system, but by its national interests. As shown through the many embassy intrusion cases in the 2000's, while the PRC has allowed North Korean refugees who have gained global attention to leave China, it has cracked down and repatriated the majority of North Korean refugees who have not gained global attention. That is, China handles the North Korean refugee problem in a cooperative way only when it needs to avoid international claims against human rights or potential diplomatic conflicts with other international players. Such limited and temporarily generous policy proves that China is ultimately not willing to follow international human rights norms. Instead, this suggests that China's North

Korean refugee policy has been trumped by its national interests. China has tactically shifted its behavior pattern to defend its national interest and protect its national image.

In this regard, realism is an applicable theory that can largely prescribe and explain China's foreign policy toward North Korean refugees. The realist view of international relations is based on the assumptions that each state must survive on its own because the international system is essentially anarchic. That is, the behavior of individual states is primarily caused by the international structure. As seen previously, China to some extent does consider the reactions of North Korea and other states in the world in implementing its North Korean refugee policy. However, it is not true that China has completely cooperated with requests from North Korea or the international community at all times. This indicates that China does not accept any state as an authority for its decisions. The fact that there is no central authority governing the behavior of China or protecting China from other states supports the realist view of international relations.

Realism also describes states as self-interested beings, and they permanently compete to survive and gain power through a self-help system. From China's perspectives regarding the North Korean refugee problem, the Chinese government has faced various constraints: repatriation requests from North Korea, international claims on China concerning North Korean refugees' human rights, diplomatic tensions in cases when North Korean refugees entered foreign embassies in China, the economic burden caused by the flood of North Korean refugees, the North Korean Human Rights Act, and the increasing role of the United States in the Korean peninsula. For China, these factors all represent some sort of threat from the external environment.

To cope with these threats, China has behaved strategically. The PRC has adhered to its repatriation policy partly in order to protect economic development, but at the same time has often refused repatriation requests from North Korea so as not to damage its national image. This suggests that China as a self-interested state has tried to maximize its power through economic means and building its international reputation. The PRC has responded rationally to the issue of North Korean refugees in order to survive against the threats caused by North Korean refugee problems. In conclusion, as demonstrated, China's policy towards North Korean refugees is essentially realist in nature.

Even if a state behaves in one way in the present, this does not mean that it will behave in the same way in the future. Likewise, there is no way to predict exactly how Chinese policymakers will respond to the North Korean refugee problem in the future. However, understanding the variation of China's North Korean refugee policy from the 1900's up to the present day reduces uncertainty about China's future behaviors and provides significant guidance on how China's North Korean refugee policy will be developed.

At this point only one thing is certain that China will grow to care more about international factors when implementing its North Korean refugee policies. It is to be expected that the Chinese government will continue to carry out the North Korean refugee policies in the same way that they have been carried out in the past. In other words, the Chinese government will primarily consider its relationship with North Korea so long as there is no other great international challenge, but once the PRC faces substantial international challenges, it will handle the North Korean refugee problem

differently by more heavily considering how its relations with the international community at large will be affected by its policy.

Moreover, in cases when the PRC government experiences different pressures from different international players simultaneously and thus must give precedence to one relationship, the PRC will make decisions on the basis of its national interest instead of on international relationships. In short, China will primarily be concerned with international relations as a means to promote its national interests.

In general, decision-makers have sought to advance national interests. While there is no definitive statutory definition of a national interest, typically, national interest has meant territorial or regime security, economic development, and internal legitimacy. However, today, having a prominent national status and good image in the international system have emerged as competing national interests also. This idea can be persuasively applied in the Chinese case. In the past, for Chinese decision-makers, territorial or regime security was more important than other national interests. Since beginning the process of reform and opening-up in 1978, economic development has been the primary national interest. Going in this direction, Chinese leaders have pursued the creation of a favorable international environment within the region that is conducive to China's main goal of developing its economy.[187] In this regard, Chinese leadership has improved China's relationships with many nations of the world and seeks to keep good relations with them. Since the mid-1990's, China has also deepened its involvement in major international organizations for trade security.

Today the PRC seeks to play a leading role in world affairs, and its international reputation serves as the center of China's national interest and guides China's actions. In

this light, the idea of improving China's relationships with other countries in the world through greater assurance and cooperation is further strengthened. Accordingly, China will expand the number and depth of its bilateral relationships. China will seek to broaden its pre-existing ties with the Korean peninsula, because to China, the Korean peninsula is important in its dealings with the United States. China will pursue the enhancement of its influence in Korean affairs to balance against the United States' influence in a future reunified Korea. At the same time, the PRC will certainly seek to develop a far more intimate relationship with the United States, because China wants the United States to play a positive role in the region's stability. Over all, the PRC now faces new challenges regarding how to conduct future relations with the international community.

For the moment, however, there is the gap between the PRC and the international community on how the PRC ought to behave in the world. Attitudes toward the North Korean refugee problem evidence sharp policy differences between the PRC and the rest of the world. While Chinese authorities adhere to the repatriation policy and do not fulfill the obligations as a signatory to the 1951 U.N. Refugee Convention and the related 1966 Protocol, Chinese leadership is under increasing pressure from the international community to extend humanitarian measures toward North Korean refugees. It is true that China has made limited progress toward an international transparency standard. Despite the enormous progress that has been registered in its foreign relations, the PRC has failed to verify to the international community its willingness to respect human rights. The failure of the PRC and the international community to share the same policy

orientation leads to the disagreement over whether or not China is a prominent member of the international system. Moreover, this brings tension between nations.

In this regard, China must revise its North Korean refugee policies. It is crucial that the PRC cease deporting North Koreans; instead, China needs to give North Koreans the opportunity to claim asylum. China should also end the suppression of humanitarian aid to North Korean refugees. That is, China should cease arrests of either Chinese citizens or foreign activists assisting North Koreans, and should allow foreign NGOs to distribute sufficient food and clothing to North Koreans. Finally, China must be held accountable for its role in addressing the North Korean human rights crisis and its role in providing shelters for North Korean refugees.

A number of countries throughout the world are developing in very different ways, but each should work with the rest of the world. If China desires to play a more influential role in world affairs, then China should also collaborate with the international community. The PRC must stop abusive behaviors and respect international human rights laws. Without any clear sign that the PRC is developing a new approach towards improving its stance on North Korean refugees' human rights, China cannot become a respected nation in the international community. However, if the PRC acts in accordance with international community standards, it will have more opportunities than challenges within today's international environment. The PRC will contribute to the peaceful development of the international community as a whole. Ultimately, this might lead to the possibility of reaching some sort of consensus concerning China's status as a great power among international nations.

Notes

[1] Evan S. Medeiros and M. Taylor Fravel, "China's New Diplomacy," Foreign Affairs 82.6 (2003): 23-35.

[2] David Hale, "China's growing appetites," The National Interest, 76.2 (2004): 143.

[3] Hale 141.

[4] Gerald Segal, "Does China Matter?" Foreign Affairs, 78.5 (1999): 34.

[5] Segal 34.

[6] "Shadow Children Denied National ID," Life Funds for North Korean Refugees (LFNKR), 6 Jul. 2009, 1 Aug. 2009 <http://www.northkoreanrefugees.com/2009-07-shadowchildren.htm>.

[7] United States, United States Congressional Research Service, North Korean Refugees in China and Human Rights Issues: International Response and U.S. Policy Options (Washington : GPO, 2008) RL34189.

[8] Medeiros 23-35

[9] Robert L. Worden, "China: A Country Study," 1987, 7 Jul. 2009 < http://countrystudies.us/china/>.

[10] Joseph Fewsmith and Stanley Rosen, "The domestic context of Chinese Foreign Policy: Does 'Public opinion' Matter?" The making of Chinese foreign and security policy in the era of reform 1978-2000, ed. David M. Lampton (Stanford: Stanford University Press, 2001) 154.

[11] Fewsmith 153.

[12] Sun-Young Kwak, "The Role of Transnational Advocacy Network in Channing Chinese Foreign Policy Towards North Korean Refugees," A paper presented at the 2004 Annual Meeting of the American Political Science Association, 2 Sept. 2004, p5. <http://www.allacademic.com//meta/p_mla_apa_research_citation/0/5/9/7/4/pages59742/p57442-25.php>.

[13] Medeiros 23-35.

[14] H. Lyman Miller and Liu Xiaohong , "The foreign policy outlook of China's 'third Generation' elite," The making of Chinese foreign and security policy in the era of reform, 1978-2000, ed. David M. Lampton (Stanford: Stanford University Press ,2001) 129.

[15] Quansheng Zhao, "Impact of intellecturals and Think Tanks on CFP," China's Foreign Policy Making: Societal Force and Chinese American Policy, ed. Yufan Hao and Lin Su (Burlington: Ashgate, 2005) 126.

[16] Fewsmith 172.

[17] Fewsmith 155.

[18] Medeiros 23-35.

[19] Yufan Hao and Lin Su, "Contending Views: Emerging Chinese Elite's perception of America," China's Foreign Policy Making: Societal Force and Chinese American Policy, ed. Yufan Hao and Lin Su (Burlington: Ashgate, 2005) 35.

[20] Hao 35.

[21] Michale Ng-Quinn, "The analytic study of Chinese Foreign Policy," Chinese Foreign policy in transition, ed. Guoli Liu (New York: Walter de Gruyter, 2004) 25.

[22] John W. Garver, Foreign Relatoins of the People's Republic of China (Englewood Cliffts: Prentice-Hall, 1993) 2.

[23] Garver 13-18.

[24] Garver 18.

[25] C. P. Fitzgerald, The Chinese View of Their Place in the World (Oxford University Press, 1969) 71.

[26] Ng-Quinn 30-31.

[27] Michale Alan Brittingham, "The Role of nationalism in Chinese Foreign Policy: A reactive model of nationalism and Conflict," Journal of Chinese Political Science 12. 2 (2007): 147.

[28] Garver 20.

[29] Garver 8.

[30] Martin Griffiths, Fifty Key Thinkers in International Relations (New York: Routledge, 1999) 37.

[31] Griffiths 38.

[32] Ng-Quinn 25.

[33] Thomas J. Christensen, "Chinese Realpolitik," Foreign Affairs 75. 5 (1996): 37

[34] Christensen 37-52.

[35] John Gittings, "Great Power Triangle and Chinese Foreign Policy," The China Quarterly 39. July (1969): 42-43.

[36] Stephen M. Walt, "International relations: One world, many theories," Foreign Policy, 110. 1 (1998): 29-47.

[37] Walt 29-47.

[38] Tang Tso and Morton H. Halperin, "Mao Tse-tong's Revolutionalry Ideology and Peking's international Behaviour," American Political Science Review 59.1(1965):81.

[39] Tang Shiping, "From Offensive Realism to Defensive Realism: A Social Evolutionary Interpretation of China's Security Strategy," Oct 7. 2009 <http://www.rsis.edu.sg/publications/SSIS/SSIS003.pdf>.

[40] Andrew J. Nathan and Robert S. Ross, The Great Wall and the Empty Fortress: China's Search for Security (New York: W. W. Norton, 1997) 230.

[41] Nathan 230.

[42] Griffiths 51.

[43] Walt 29-47.

[44] Hempson-Jones Justin S, "The evolution of China's engagement with international governmental organizations toward a liberal foreign policy?" Asian Survey, 45.5 (2005): 703

[45] Walt 29-47.

[46] Alistair Ian Johnston, Cultural Realism: Strategic Culture and Grand Strategy in Chinese history Princeton (Princeton: Princeton University Press, 1995) 248-266.

[47] Thomas G. Moor and Dixia Yang, "Empowered and Restrained: Chinese Foreign Policy in the Age of Economic interdependence," The making of Chinese foreign and security policy in the era of reform, 1978-2000, ed. David M. Lampton (Stanford, CA: Stanford University Press, 2001) 199.

[48] Justin S 702-721.

[49] Christensen 37-52.

[50] Ng-Quinn 25.

[51] Gittings 42-43.

[52] "The Word Refugee Survey 2008," USCRI, 25 Mar. 2009 <http://www.refugees.org/countryreports.aspx?id=2127>.

[53] Wooyoung Lee, Solution on North Korean Escapees (Seoul, South Korea: Korean institute for National unification, 2000) 13-20.

[54] Yoonok Chang, Stephan Haggard, and Marcus Noland, "Migration Experiences of North Korean Refugees: Survey Evidence from China," Peterson Institute, March. 2008: 13

[55] James D. Semour, "China: Background paper on the situation North Koreans in China," WRITENET, 1 Jan. 2005, 7 Jul. 2009 <http://www.unhcr.org/refworld/docid/4231d11d4.html>.

[56] *White Paper on Human Rights in North Korea 2008 (*Seoul: Korean institute for National unification, 2007) 361.

[57] "Amnesty International Report 2007," Amnesty International, 25 Jul. 2009 <http://archive.amnesty.org/report2007/>

[58] *White Paper on Human Rights in North Korea 2008* (Seoul: Korean institute for National unification, 2007) 369.

[59] "The Word Refugee Survey 2008," USCRI, 25 Mar. 2009 <http://www.refugees.org/countryreports.aspx?id=2127>.

[60] *White Paper on Human Rights in North Korea 2008* (Seoul: Korean institute for National unification, 2007) 361.

[61] Wooyoung Lee 18-20.

[62] *White Paper on Human Rights in North Korea 2008* (Seoul: Korean institute for National unification, 2007) 21.

[63] "China's Olympian human rights challenges," Human Rights Watch, 3 Aug. 2009 <http://china.hrw.org/press/news_release/china_educate_children_of_north_korean_women>.

[64] Ibid.

[65] PoKempner D, Baik Tu, and Jendrzejczyk, "The invisible Exodus: North Koreans in the PRC," Human Rights Watch, 14.8 (Nov.2002):15

[66] "Letter to President Hu Jintao on North Korea and Internatioanl Chidren's Day," Human Rights Watch, 29 May 2009, 5 Oct. 2009 <http://www.hrw.org/en/news/2009/05/29/letter-president-hu-jintao-north-korea-and-international-childrens-day>.

[67] PoKempner 15.

[68] "The Word Refugee Survey 2008," USCRI, 25 Mar. 2009 <http://www.refugees.org/countryreports.aspx?id=2127>.

[69] "The Word Refugee Survey 2008," USCRI, 25 Mar. 2009 <http://www.refugees.org/countryreports.aspx?id=2127> ; "Denied Status, Denied Education: Children of North Korean Women in China," Human Right Watch, 3 Aug. 2009 <http://www.hrw.org/sites/default/files/reports/northkorea0408web.pdf>.

[70] "UNHCR Origins and Background, "The Office of the United Nations High Commissioner for Refugees (UNHCR), 3 Jun. 2009 <http://www.un-ngls.org/orf/documents/publications.en/ngls.handbook/a19unhcr.htm>.

[71] "Convention and Protocol Relating to the Status of Refugees," UNHCR, 3 Jun. 2009 <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>.

[72] Text of the 1951 United Nations Convention Relating to the Status of Refugees, Chapter 1, Article 33.1. <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>.

[73] Text of the 1967 Protocol Relating to the Status of Refugees, Chapter 1, Article II. <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>.

[74] Ibid.

[75] "Foreign Ministry Spokesman's Press Conference," Ministry of Foreign Affairs of the People's Republic of China, 13 Jun 2002, 5 Feb. 2009 <www.fmprc.gov.cn/eng/xwfw/2510/2511/t14673.htm>.

[76] PoKempner D, Baik Tu, and Jendrzejczyk, "The invisible Exodus: North Koreans in the PRC," Human Rights Watch, 14.8 (Nov.2002): 5.

[77] James D. Semour, "China: Background paper on the situation North Koreans in China," WRITENET, 1 Jan. 2005, 7 Jul. 2009 <http://www.unhcr.org/refworld/docid/4231d11d4.html>.

[78] Kum-Soon Lee, Talbookja Moonjae Haekyul Bangahn (Seoul, South Korea: Unification Research Institute, 1999)

[79] Balbina Y Hwang, "Spotlight on the north Korean Human Rights Act: Correcting Misperceptions," The heritage Foundation, 10 Feb. 2005, 2 Apr. 2009 <http://www.heritage.org/Research/AsiaandthePacific/bg1823.cfm>.

[80] Heun Soon Park, "Improving North Korean Human Rights and the Role of NGOs," A paper presented at the 1999 1st International Conference on North Korean Human Rights and Refugees, 15 Dec. 2008 <http://www.unhcr.org/refworld/country,,USCRI,,KOR,4562d8cf2,3ae6a8cd28,0.html>.

[81] Andrei Lankov, “Rejecting Northern Refugees,” Asia Times, 14 Mar. 2009 <http://www.atimes.com/atimes/Korea/GA07Dg06.html>.

[82] Scott Snyder, “Inauguration of Lee Myung-bak: Grappling with Korea’s Future Challenges,” The Brooking Institution, Feb.2008, 10 Oct. 2009 <http://www.brookings.edu/opinions/2008/02_south_korea_snyder.aspx>.

[83] United States, US Department of State, Reports on Activities of the Special Envoy on Human Rights in North Korea (Washington : GPO, May 2007)

[84] United States, US Department of State, Reports on Activities of the Special Envoy on Human Rights in North Korea (Washington : GPO, July 2006)

[85] “미, 말로만 ‘북인권’? 탈북자 입국 허용 고작 ‘67 명’(Korean),” Database Center for N.Korean Human Rights, 7 Feb. 2009 <http://nkdb.org/bbs1/view.php?id=kornews&page=14&sn1=&divpage=1&sn=off&ss=on&sc=on&select_arrange=headnum&desc=asc&no=4103>.

[86] Sung-Ki Jung, “37 N. Korean Refugees Settle in US,” The Korea Times, 9 Jan. 2008, 4 Oct. 2009 <www.koreatimes.co.kr/www/news/nation/2009/01/120_16982.html> : “The United States is reluctant to accept a massive number of them due to security reasons, including the possibility of infiltration by North Korean spies.”

[87] For more information about the arrest of North Korean spy in South Korea see Jong-Heon Lee, “Analysis: North Korean spies in Seoul,” 29 Aug. 2008, 1 Oct. 2009 <http://www.spacewar.com/reports/Analysis_North_Korean_spies_in_Seoul_999.html>.

[88] “U.S. House Passes NK Human Rights Package,” OhmyNews, 22 Jul. 2004, 8 Apr. 2009 <http://english.ohmynews.com/articleview/article_view.asp?no=178593&rel_no=1>.

[89] “North Korean Human Rights Act of 2004,” Wikipedia, 2 Nov. 2008 <http://en.wikipedia.org/wiki/North_Korean_Human_Rights_Act_of_2004#cite_ref-3>.

[90] Ibid.

[91] "N. Korea accuses South of terror over refugee influx," Reuters, 29 Jul. 2004, 3 Oct. 2009 <http://www.rssstart.be/artikel.php/238657/NKorea+Accuses+South+of+Terror+Over+Refugee+Influx+Reuters.html>.

[92] "NK Official Blasts US Human Rights Policy," KBS Global 2005, 20 Mar. 2009 <http://english.kbs.co.kr/news/newsview_sub.php?menu=8&key=2005110501>.

[93] Ibid.

[94] Balbina Y Hwang, "Spotlight on the north Korean Human Rights Act: Correcting Misperceptions," The heritage Foundation, 10 Feb. 2005, 2 Apr. 2009 <http://www.heritage.org/Research/AsiaandthePacific/bg1823.cfm>.

[95] Sang-Hwan Lee, “The U.S. Human Rights Policy to North Korea in Cold War and Post-Cold War Periods,” Paper presented at the annual meeting of the International Studies Association, Hilton Hawaiian Village, Honolulu, Hawaii, 2 Mar. 2005, 3 Apr. 2009 <http://www.allacademic.com/meta/p_mla_apa_research_citation/0/7/1/2/6/p71263_index.html>.

[96] Mikyoung Kim, “Beijing’s hot Potato: North Korean Refugees and Human Rights Debates,” The Jamestown Foundation, 18 Oct. 2009

<http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=3722>.

[97] Kongdan Oh and Ralph Hassing, "North Korea between Collapse and Reform," Asian Survey 39. 2 (1999): 287-309.

[98] Kay Seok, "North Korea's Transformation: Famine, Aid and Markets," Human Rights Watch, 14 Apr. 2008, 13 Oct. 2009 <http://www.hrw.org/en/news/2008/04/14/north-korea-s-transformation-famine-aid-and-markets>.

[99] "Shadow Children Denied National ID," LFNKR, 6 Jul. 2009, 1 Aug. 2009 <http://www.northkoreanrefugees.com/2009-07-shadowchildren.htm>.

[100] Ibid.

[101] Elim Chan, "North Korean Refugees and International Refugee Law," International Journal of Refugee Law 19(2007): 215-245.

[102] *White Paper on Human Rights in North Korea 2004* (Seoul: Korean institute for National unification, 2003) 217.

[103] Byeung-Bum Jeon, "A Study about North Korean Refugee's human rights in China," diss., Kongju National University, 2004, 12

[104] "Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas," Rescue the North Korean People Urgent Action Network (RENK), 23 Mar. 2009 <http://www.bekkoame.ne.jp/ro/renk/Protocol.htm> : "Its contents have been made public by RENK in 2003 ."

[105] "The World Refugee Survey 2007: China," USCRI, 25 Mar. 2009 <http://www.refugees.org/countryreports.aspx?id=1989>.

[106] *White Paper on Human Rights in North Korea 2000*(Seoul: Korean institute for National unification ,1999) 136-137.

[107] *White Paper on Human Rights in North Korea 2000* (Seoul: Korean institute for National unification, 1999) 136-137.

[108] Chosun newspaper 22Dec.1998: p31.

[109] Lee, Woo young, 66-69.

[110] Kwangbok Kim. "중국체류탈북자문제(Korean)," diss., Kangwon U, 2004, 29

[111] Dongwook Cha and Choong-Nam Kang, "How Can China and South Korea Avoid a Diplomatic Dust-Up with Each Other?" *Paper presented at the annual meeting of the Midwest Political Science Association, Palmer House Hilton, Chicago, Illinois*, 15 Apr. 2004, 2 Oct. 2009, p6 <http://www.allacademic.com/meta/p84450_index.html>.

[112] Scott Snyder, "North Korea's Decline and China's Strategic Dilemmas (Special Report No. 27)," United States Institute of Peace, Oct. 1997, 23 Aug. 2009 <http://www.usip.org/resources/north-koreas-decline-and-chinas-strategic-dilemmas >.

[113] Byong-Chul Lee, "Separating North Korea from China," Asia Sentinel, 23 Sept. 2009, 2 Oct. 2009 < http://asiasentinel.com/index.php?option=com_content&task=view&id=2067&Itemid=179>.

[114] Chien Jian, "Limits of the 'Lips and Teeth' Alliance: An Historical Review of Chinese-North Korean Relations," Woodrow Wilson international Center for Scholars 115 Sept. 2003: 9.

[115] In- Taek Hyun, "South Korea's Changing Strategic Thinking and The Future of Korea-U.S.-Japan Relations," New Asia Research Institute, 1 Oct. 2009 <http://74.125.47.132/search?q=cache:3odmckNeqaQJ:nari.re.kr/tt/board/ttboard.cgi%3Fact%3Ddownload%26db%3Dnewasia_1%26aidx%3D154%26fidx%3D1+after+Hwang%27+Chang+Yop%27s+case,+China&cd=5&hl=en&ct=clnk&gl=us>.

[116] Scott Snyder, "North Korea's Decline and China's Strategic Dilemmas (Special Report No. 27)," United States Institute of Peace, Oct. 1997, 23 Aug. 2009 <http://www.usip.org/resources/north-koreas-decline-and-chinas-strategic-dilemmas >.

[117] Samuel S. Kim, "The Making of China's Korea Policy in the Era of Reform," The Making of Chinese Foreign and Security Policy in the Era of Reform 1978-2000, ed. David M. Lampton (Stanford: Stanford University Press, 2001) 385.

[118] Cha 10.

[119] "장길수군 가족 UNHCR에 난민요청(Korean)," *Yonhap News* 26 Jun. 2001.

[120] "The World Refugee Survey 2003: China," USCRI, 25 Mar. 2009 <http://www.refugees.org/newsroomsub.aspx?id=1065>.

[121] Brad Glosserman, "Asylum Policy the real Scandal," The Japan Times, 22 May 2002, 8 Sept. 2009 <http://search.japantimes.co.jp/cgi-bin/eo20020522bg.html>.

[122] Glosserman ; Zhang Tianguang, "Beijing's folly over north Korean refugees, " Asia Times, 2002, 5 Sept. 2009 <www.atimes.com/china/DE31Ad05.html>.

[123] James Brooke, "A Human Face on North Koreans' Plight," New York Times, 21 Aug. 2002, 3 Oct. 2009 <http://www.nyutimes.com/2002/08/21/world/a-human-face-on-north-koreans-plight.html>.

[124] PoKempner 29.

[125] Cha 3.

[126] "Foreign Ministry Spokesperson's Press Conference on the Break-in of the South Korean Embassy," Ministry of Foreign Affairs of the People's Republic of China, 17 Jun. 2002, 7 Mar. 2009 <www.fmprc.gov.cn/eng/xwfw/2510/2535/t14798.htm>.

[127] Robin Wright, "2 North Koreans Seek Asylum at U.S. Embassy in Beijing," Los Angeles Times, 27 Apr. 2002, 15 Oct. 2009 <http://articles.latimes.com/2002/apr/27/news/mn-40327>.

[128] "North Koreans Seek Asylum At Consulates In China," The New York Times, 9 May 2002, 3 Jul. 2009 <http://query.nytimes.com/gst/fullpage.html?res=9F0DE5D81330F93AA35756C0A9649C8B63>.

[129] Robert Marquand, "A refugee's perilous odyssey from N. Korea," The Christian Science monitor, 16 Aug. 2002, 23 Feb. 2009 < http://www.csmonitor.com/2002/0816/p01s02-wosc.html>.

[130] "LFNKR's Registered Letter to President Jiang Zemin," LFNKR, 29 Jan. 2009 <http://www.northkoreanrefugees.com/registered.html>.

[131] Jim Randle, "15 North Koreans Enter German Embassy in Beijing in Asylum Bid," Voice of America, 3 Sept. 2002, 27 Jan. 2009 <http://www.voanews.com/english/archive/2002-09/a-2002-09-03-23-15.cfm>.

[132] Byung-Soo Kim, "탈북자 재중공관 진입," Yonhap News, 13 Jun.2002, 3 Feb. 2009 <http://news.naver.com/main/read.nhn?mode=LSD&mid=sec&sid1=001&oid=001&aid=0000187277&>.

[133] "Refugees storm Beijing embassy," BBC NEWS, 29 Sept. 2004, 4 Oct. 2009 <http://news.bbc.co.uk/1/hi/world/asia-pacific/3699786.stm>.

[134] "Beijing asks embassy for N Koreans," Taipei News, 1 Oct. 2004, 3 Oct. 2009 <http://www.taipeitimes.com/News/world/archives/2004/10/01/2003205098> : "We hope Canada will hand them over to the Chinese side to handle, because we oppose this method of breaking into embassies as it relates to the issue of the security of embassies in China," Shen said.

[135] Geoffrey York, "Clash over refugees at Canadian Embassy in Beijing," Seattlepi.com, 19 Nov. 2004, 15 Oct. 2009 <http://seattlepi.nwsource.com/national/200307_china19.html>.

[136] "Foreign Ministry Spokesperson Zhang Qiyu's Regular Press Conference, " Ministry of Foreign Affairs of the People's Republic of China, 15 Jul.2004, 29 Mar. 2009 <www.fmprc.gov.cn/eng/xwfw/2510/t143271.htm>.

[137] "Refugees storm Beijing embassy," BBC NEWS, 29 Sept. 2004, 4 Oct. 2009 <http://news.bbc.co.uk/1/hi/world/asia-pacific/3699786.stm>.

[138] "Beijing asks embassy for N Koreans," Taipei News, 1 Oct. 2004, 3 Oct. 2009 <http://www.taipeitimes.com/News/world/archives/2004/10/01/2003205098>

[139] Dec. 22, 2004: Canadian government confirms that 44 North Korean refugees who entered the Canadian embassy compound Sept. 29 have safely left for a third country.

[140] Only three could take shelter inside, the others were arrested by Chinese security police or flee.

[141] "Washington Slams China for Sending N. Koreans Back," Chosun Ilbo, 31 Mar. 2006, 4 Oct. 2009 <http://english.chosun.com/w21data/html/news/200603/200603310026.html>.

[142] James Brooke, "A Human Face on North Koreans' Plight," New York Times, 21 Aug. 2002, 3 Oct. 2009 < http://www.nyutimes.com/2002/08/21/world/a-human-face-on-north-koreans-plight.html>.

[143] "Asia Overview," Human Rights Watch. 30 Jan. 2009 <http://www.hrw.org/wr2k3/asia.html>.

[144] "In 2003, Amnesty international reported that some 100 North Korean refugees left the PRC for the ROK and other third countries after forcing entry into diplomatic compounds and foreign schools: Amnesty international, Report 2003"

[145] "Foreign Ministry Spokesperson Zhang Qiyu's Regular Press Conference, " Ministry of Foreign Affairs of the People's Republic of China, 29 Oct. 2004, 5 Feb. 2009 <www.fmprc.gov.cn/eng/xwfw/s2510/t168339.htm>.

[146] "Foreign Ministry Spokeswoman Zhang Qiyue's Remarks On Recent Intrusions into Foreign Diplomatic Missions and Schools,"Ministry of Foreign Affairs of the People's Republic of China, 2004, 5 Feb. 2009 <http://www.fmprc.gov.cn/eng/xwfw/s2510/2535/t167965.htm>.

[147] *White Paper on Human Rights in North Korea 2005* (Seoul: Korean institute for National unification, 200)

[148] Elisabeth Rosenthal, "North Koreans Seek Asylum At Consulates In China," The New York Times, 9 May 2002, 3 Oct. 2009 <http://query.nytimes.com/gst/fullpage.html?res=9F0DE5D81330F93AA35756C0A9649C8B63>.

[149] "Chinese Foreign Ministry Spokesperson's Press Conference," Ministry of Foreign Affairs of the People's Republic of China. 18 Jun. 2002, 5 Feb. 2009 <http://www.fmprc.gov.cn/eng/xwfw/2510/2511/t14673.htm>.

[150] "The Word Refugee Survey 2008: China," USCRI, 25 Mar. 2009 <http://www.refugees.org/countryreports.aspx?id=2127>.

[151] "The World Refugee Survey 2003: China," USCRI, 25 Mar. 2009 < http://www.refugees.org/newsroomsub.aspx?id=1065>.

[152] "The World Refugee Survey 2001: China," USCRI, 25 Mar. 2009 < http://www.refugees.org/newsroomsub.aspx?id=1060>.

[153] "The World Refugee Survey 2002: China," USCRI, 25 Mar. 2009 < http://www.refugees.org/newsroomsub.aspx?id=1060>.

[154] "The World Refugee Survey 2003: China," USCRI, 25 Mar. 2009 <http://www.refugees.org/newsroomsub.aspx?id=1065 >.

[155] Korea Institute for National Unification (KINU), *North Korean Human Rights: Trends of the International Community* and North Korea's Response, 2. 1 (2007): 46.

[156] "The World Refugee Survey 2007: China," USCRI, 25 Mar. 2009 <http://www.refugees.org/countryreports.aspx?id=1989>.

[157] "The World Refugee Survey 2008: China," USCRI, 25 Mar. 2009 <http://www.refugees.org/countryreports.aspx?id=2127>.

[158] Mikyoung Kim, "Human rights: North Korean refugees in China," The rise of China and international security: America and Asia respond, ed. Kevin J. Cooney and Yoichiro Sato (New York: Routlege, 2009) 250.

[159] "LFNKR Report for Fiscal Year 2005," LFNKR, 4 Oct. 2009 <http://www.northkoreanrefugees.com/2005-fiscal-report.htm > ; "Advocate for North Korean Refugees Urges Stronger U.S. Steps," The Chosun Ilbo, 22 Oct.2006, 3 Oct. 2009 < http://english.chosun.com/w21data/html/news/200610/200610220005.html>.; "The World Refugee Survey 2007: China," USCRI, 25 Mar. 2009 < http://www.refugees.org/countryreports.aspx?id=1989>.

[160] "The World Refugee Survey 2008: China," USCRI, 25 Mar. 2009 <http://www.refugees.org/countryreports.aspx?id=2127>.

[161] *White Paper on Human Rights in North Korea* 2005 (Seoul: Korean institute for National unification, 2004)

[162] "China imprisons N.Korean Defector Ring,"The Chosun Ilbo, 28 May 2007, 4 Oct. 2009 <http://english.chosun.com/w21data/html/news/200705/200705280026.html>.

[163] "Foreign Ministry Spokesperson Zhang Qiyue's Press Conference," Ministry of Foreign Affairs of the PRC, 28 Oct. 2004, 5 Feb. 2009 < www.fmprc.gov.cn/eng/xwfw/s2510/t168339.htm>.

[164] "The World Refugee Survey 2006: China," USCRI, 25 Mar. 2009 <http://www.refugees.org/countryreports.aspx?id=1577>.

[165] "Petition to Save An Chung Hak," LFNKR, 15 Oct. 2009 <http://www.northkoreanrefugees.com/petition-an-chung-hak.htm>.

[166] "Advocate for North Korean Refugees Urges Stronger U.S. Steps," Voice Of America, 20 Oct.2006, 3 Oct. 2009 <http://www.voanews.com/english/archive/2006-10/2006-10-20-voa91.cfm?CFID=304695017&CFTOKEN=59893250&jsessionid=00308c10f1c9f4c139fd2c7a524141714805>.

[167] "The World Refugee Survey 2006: China," USCRI, 25 Mar. 2009 <http://www.refugees.org/countryreports.aspx?id=1577>; "The World Refugee Survey 2007: China," USCRI, 25 Mar. 2009 <http://www.refugees.org/countryreports.aspx?id=1989>.

[168] "Advocate for North Korean Refugees Urges Stronger U.S. Steps," Voice Of America, 20 Oct.2006, 3 Oct. 2009 < http://www.voanews.com/english/archive/2006-10/2006-10-20-voa91.cfm?CFID=304695017&CFTOKEN=59893250&jsessionid=00308c10f1c9f4c139fd2c7a524141714805>.

[169] North Korea has a nuclear weapons program and tested its first nuclear device on 9 October 2006 at 10:35AM (local time) near Mount Mant'ap and P'unggye-ri, Kilchu-kun, North Hamgyŏng Province

[170] Jian Yang, "China and North Korea: old friends, new challenges," NZ International Review, May/June 2003: 1.

[171] "Intelligence Brief: China's Policy toward North Korea remains unchanged," The Power and Interest News Report, 11 Oct. 2006, 2 Oct. 2009 <http:// www.pinr.com/report.php?ac=view_report&report_id=568&language_id=1>.

[172] "올림픽 이후 재중 탈북자 상황 개선없어(Korean),"Database Center for N.Korean Human Rights, 21 Nov. 2008, 11 Oct. 2009 <http://nkdb.org/bbs1/view.php?id=kornews&page=14&sn1=&divpage=1&sn=off&ss=on&sc=on&select_arrange=headnum&desc=asc&no=3908>.

[173] "Annual Report 2008," Congressional –Executive Commission on China (CECC), 1 Oct. 2009. <www.cecc.gov >.

[174] Sunny Lee, "China's 'Olympic Approach' to Refugees," Asia Times, 26 Jan. 2008, 15 Oct. 2009 <http://www.atimes.com/atimes/China/JA26Ad01.html>.

[175] "Chinese Stage Sweep, Arrest 40 north Koreans," Radio Free Asia, 21 Mar. 2008, 20 Oct. 2009 < http://www.rfa.org/english/korea/north_koreans-arrest-20080321.html>; "China Human Rights and Rule of Law Update," CECC, 1 Oct. 2009 <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20080625&show=ALL>.

[176] Sunny Lee, "North Korean defectors," Asia Times, 26 May.2008, 14 Oct. 2009 <www.koreatimes.co.kr/www/news/art/2008/05/202_24767.html>.

[177] "Statement on China's Olympic Commitments by Chairman Sander Levin and Co-Chairman Byron Dorgan," CECC, 1 Aug. 2008, 5 Oct. 2009 <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20080731&show=ALL>: "Interviews conducted by the Sunday Times with border residents in June found that local authorities were repatriating "several hundred" refugees per month as a result of the house inspections."

[178] Sunny Lee, "China's 'Olympic Approach' to Refugees," Asia Times, 26 Jan. 2008, 15 Oct. 2009 <http://www.atimes.com/atimes/China/JA26Ad01.html>.

[179] "Chinese Stage Sweep, Arrest 40 north Koreans," Radio Free Asia, 21 Mar. 2008, 1 Oct. 2009 <http://www.rfa.org/english/korea/north_koreans-arrest-20080321.html>.

[180] Sunny Lee

[181] "North Korean Defectors: China Urged To Provide Shelter to Those in Plight," Korea Times, 26 May 2008, 1 Nov. 2009 < http://www.koreatimes.co.kr/www/news/opinon/2008/05/202_24767.html>.; "Statement on China's Olympic Commitments by Chairman Sander Levin and Co-Chairman Byron Dorgan," CECC, 1 Aug. 2008, 5 Oct. 2009 <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20080731&show=ALL>

[182] Michale Sheridan, "Refugees Shot Fleeing North Korea," Times of London, 29 Jun. 2008, 5 Oct. 2009 <http://www.timesonline.co.uk/tol/news/world/asia/article4232059.ece>.

[183] "China Raise Bounty on North Korean Refugees 1600 Percent," LFNKR, 10 Apr. 2008, 5 Oct. 2009 <http://www.northkoreanrefugees.com/2008-04-up1600percent.htm> ; "China's National Per Capital Income Reaches $1,740," People's Daily,18 Aug. 2006, 20 Oct. 2009 < http://en.chinagate.cn/english/48305.htm>. "In 2006, China's national per capita income reached US$1,740, according to the PRC National Bureau of Statistics.

[184] United States, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, Country Reports on "Human Rights Practices-2007", China (includes Tibet, Hong Kong, and Macau) (Washington : GPO, 2008) 21.

[185] "The World Refugee Survey 2008: China," USCRI, 25 Mar. 2009 <http://www.refugees.org/countryreports.aspx?id=2127>.

[186] "The Chinese government still deports North Korean refugees," Database Center for N. Korean Human Rights, 4 Dec. 2008, 6 Oct. 2009 <http://nkdb.org/bbs1/view.php?id=kornews&page=12&sn1=&divpage=1&sn=off&ss=on&sc=on&select_arrange=headnum&desc=asc&no=3943>.

[187] Richard Louis Edmonds, The People's Republic of China after 50 years (New York: New York Oxford University Press, 2000) 97.

REFERENCES

Advocate for North Korean Refugees Urges Stronger US Steps. (n.d.), Retrieved October 3, 2009, from http://www.voanews.com/english/archive/2006-10/2006-10-20-voa91.cfm?CFID=304695017&CFTOKEN=59893250&jsessionid=00308c10f1c9f4c139fd2c7a524141714805

Amnesty International. (2007). *Amnesty international Report 2007*. Retrieved July 25, 2009, from http://report2007.amnesty.org/document/231

Baik Tu, P. D, and Jendrzejczyk (2002). The invisible Exodus: North Koreans in the PRC. *Human Rights Watch,* 14 (8)

Beijing asks embassy for N Koreans. (2004, Oct 1) Retrieved October 3, 2009, from http://www.taipeitimes.com/News/world/archives/2004/10/01/2003205098

Brittingham, M. A. (2007). The Role of nationalism in Chinese Foreign Policy: A reactive model of nationalism and Conflict. *Journal of Chinese Political Science*, 12(2), 147-166.

Brooke, J. (2002, August 21). A Human Face on North Koreans' Plight. *New York Times*. Retrieved October 3, 2009, from http://www.nyutimes.com/2002/08/21/world/a-human-face-on-north-koreans-plight.html

Cha, D. and Kang, C. (2004, April). *How Can China and South Korea Avoid a Diplomatic Dust-Up with Each Other? : A Game-Theory Approach to the North Korean Refugee Problem*. Paper presented at the annual meeting of the Midwest Political Science Association, Palmer House Hilton, Chicago, Illinois. Retrieved October 2, 2009, from http://www.allacademic.com/meta/p84450_index.html

Chan, E. (2007). North Korean Refugees and International Refugee Law. *International Journal of Refugee Law,* 19, 215-245.

Chang, Y., Haggard, S., and Noland, M. (2008). *Migration Experiences of North Korean Refugees: Survey Evidence from China*. Retrieved October 5, 2009, from Peterson Institute website: http://nkdb.org/bbs/data/con/Peterson.pdf

China imprisons N.Korean Defector Ring (2007, May 28) Retrieved October 4, 2009, from http://english.chosun.com/w21data/html/news/200705/200705280026.html

China Raise Bounty on North Korean Refugees 1600 Percent (2008, April 10). Retrieved October 5, 2009, from http://www.northkoreanrefugees.com/2008-04-up1600percent.htm

China's National Per Capital Income Reaches $1, 740(2006, August 18). Retrieved October 20, 2009, from http://en.chinagate.cn/english/48305.htm

China Urged To Provide Shelter to Those in Plight (2008, May 26). Retrieved March 16, 2009, from http://www.koreatimes.co.kr/www/news/opinon/2008/05/202_24767.html

Chinese Stage Sweep, Arrest 40 North Koreans. (2008, March 21). Retrieved October 20, 2009, from http://www.rfa.org/english/korea/north_koreans-arrest-20080321.html
Christensen, T.J. (1996). Chinese Realpolitik. *Foreign Affairs,* 75(5), 37-52.

Congressional –Executive Commission on China. (2008). *Annual Report 2008* (44-748PDF). Washington, DC : U.S. Government Printing Office.

Congressional –Executive Commission on China. (2008, August 1). *Statement on China's Olympic Commitments by Chairman Sander Levin and Co-Chairman Byron Dorgan.* Washington, DC: U.S. Government Printing Office.

Congressional Research Service (2007). *North Korean Refugees in China and Human Rights Issues: International Response and U.S. Policy Options (*CRS Report RL34189). Washington, DC: U.S. Government Printing Office. Retrieved from http://www.fas.org/sgp/crs/row/RL34189.pdf

Edmonds, R. L. (2000). *The People's Republic of China after 50 years*. New York, NY: Oxford University Press.

Fewsmith, J., & Rosen, S.R. (2001). The domestic context of Chinese Foreign Policy: Does "Public opinion" Matter? In D.M. Lampton (Ed.), *The making of Chinese foreign and security policy in the era of reform, 1978-2000* (pp. 151-190). Stanford, CA: Stanford University Press.

Fifteen North Koreans Enter German Embassy in Beijing in Asylum Bid.(n.d.). Retrieved March 14, 2009, from http://www.voanews.com/english/archive/2002-09/a-2002-09-03-23-15.cfm

Fitzgerald, C. P. (1969). *The Chinese View of Their Place in the World*. New York, NY: Oxford University Press.

Garver, J. W. (1993). *Foreign Relations of the People's Republic of China.* Englewood Cliffts, NJ: Prentice-Hall.

Gittings, J. (1969). Great Power Triangle and Chinese Foreign Policy. *The China Quarterly*, 39 (July), 41-54.

Glosserman, B. (2002, May 22). Asylum Policy the real Scandal. *Japan Times*. Retrieved September 8, 2009, from http://search.japantimes.co.jp/cgi-bin/eo20020522bg.html

Griffiths, M. (1999). *Fifty Key Thinkers in International Relations*. New York, NY: Routledge.

Hale, D. (2004). China's growing appetites. *The National Interest,* 76 (Summer), 137-147.

Hao, Y., & Su, L. (2005). Contending Views: Emerging Chinese Elite's perception of America. In Y. Hao & L. Su (Eds.) *China's Foreign Policy Making: Societal Force and Chinese American Policy* (pp.19-40). Burlington, VT: Ashgate.

Hempson-Jones, Justin S. (2005). The evolution of China's engagement with international governmental organizations toward a liberal foreign policy? *Asian Survey,* 45 (5), 702-721.

Human Rights Watch. (2003). *Asia Overview*. New York, Human Right Watch: Author. Retrieved January 30, 2009, from http://www.hrw.org/wr2k3/asia.html

Human Rights Watch. (2008). *Beijing 2008 China's Olympian Human Rights Challenges.* New York, Human Right Watch: Author. Retrieved October 1, 2009, from http://china.hrw.org/press/news_release/china_educate_children_of_north_korean_women

Human Right Watch. (2008). *Denied Status, Denied Education: Children of North Korean Women in China* (No.1-56432-304-8). New York, Human Right Watch: Author. Retrieved August 3, 2009, from http://www.hrw.org/sites/default/files/reports/northkorea0408web.pdf

Hwang, B. Y. (2005). *Spotlight on the North Korean Human Rights Act: Correcting Misperceptions.* Retrieved April 2, 2009, from The Heritage Foundation website: http://www.heritage.org/Research/AsiaandthePacific/bg1823.cfm

Hyun, I. (1999). *South Korea's Changing Strategic Thinking and The Future of Korea-U.S.-Japan Relations.* Retrieved October 1, 2009, from New Asia Research Institute website : http://74.125.47.132/search?q=cache:3odmckNeqaQJ:nari.re.kr/tt/board/ttboard.cgi%3Fact%3Ddownload%26db%3Dnewasia_1%26aidx%3D154%26fidx%3D1+after+Hwang%27+Chang+Yop%27s+case,+China&cd=5&hl=en&ct=clnk&gl=us

Intelligence Brief: China's Policy toward North Korea remains unchanged. (2006, October 11). Retrieved October 2, 2009, from The Power and Interest News Report website: http:// www.pinr.com/report.php?ac=view_report&report_id=568&language_id=1

Jeng. (2007). The Impact of Korean Peninsula Situation on the Regional Development and Stability of Ethnic Koreans. *Southern Chinese National College Journal,* 2(1), 46.

Jeon, B. (2004). *A Study about North Korean Refugee's human rights in China.* Kongju, South Korea: Kongju National University.

Jian, C. (2003). Limits of the 'Lips and Teeth' Alliance: An Historical Review of Chinese-North Korean Relations. *Woodrow Wilson international Center for Scholars,* 115 (September), 4-10.

Johnston, A. I. (1995). *Cultural Realism: Strategic Culture and Grand Strategy in Chinese history*. Princeton, NJ: Princeton University Press.

Jung, S. K. (2008, January 9). 37 N. Korean Refugees Settle in US. *Korea Times*. Retrieved October 4, 2009, from www.koreatimes.co.kr/www/news/nation/2009/01/120_16982.html

Justin S, H. J. (2005). The evolution of China's engagement with international governmental organizations toward a liberal foreign policy? *Asian Survey,* 45(5), 702-721.

Kim, B.S. (2002, June 13). 탈북자 재중공관 진입(Korean). *Yonhap News.* Retrieved February 3, 2009, from http://news.naver.com/main/read.nhn?mode=LSD&mid=sec&sid1=001&oid=001&aid=0000187277&

Kim, K.B. (2004). 중국체류탈북자문제(Korean). Retrieved from Kangwon University Dissertations.

Kim, M.K.(n.d). Beijing's hot Potato: North Korean Refugees and Human Rights Debates. Retrieved October 18, 2009, from The Jamestown Foundation website: http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=3722

Kim, M.K. (2009). Political construction of human rights: with a focus on North Korean refugees in China. In K. J. Cooney & Y. Sato (Eds.) *The rise of China and international security: America and Asia respond* (pp. 213-241). New York: Routlege.

Kim, S. (2001). The Making of China's Korea Policy in the Era of Reform. In D. M. Lampton (Ed.), *The making of Chinese foreign and security policy in the era of reform, 1978-2000* (pp. 371-408). Stanford, CA: Stanford University Press.

Korea Institute for National Unification. (2007). *North Korean Human Rights: Trends of the International Community and North Korea's Response*. Seoul: South Korea 2. 1

Kwak, S. Y. (Eds.). (2004). *The Role of Transnational Advocacy Network in Channing Chinese Foreign Policy Towards North Korean Refugees*. Paper presented at the 2004 annual meeting of the American Political Science Association. Chicago, Illinois.

Lankov, A. (n.d.) Rejecting Northern Refugees. *Asia Times.* Retrieved March 14, 2009 from http://www.atimes.com/atimes/Korea/GA07Dg06.html

Lee, B. C. (2009, September 23). Separating North Korea from China. *Asia Sentinel.* Retrieved October 2, 2009, from http://asiasentinel.com/index.php?option=com_content&task=view&id=2067&Itemid=179

Lee, K.S. (1999). *Talbookja Moonjae Haekyul Bangahn*. Seoul, South Korea: Unification Research Institute.

Lee, S.H. (2005). *The U.S. Human Rights Policy to North Korea in Cold War and Post-Cold War Periods*. Retrieved April 3, 2009, from http://www.allacademic.com/meta/p_mla_apa_research_citation/0/7/1/2/6/p71263_index.html

Lee, S.Y.(2009, January 19). 미, 말로만 북 인권? 탈북자 입국 허용 고작 67 명(Korean). *Database Center for N.Korean Human Rights.* Retrieved September 13, 2009, from http://nkdb.org/bbs1/view.php?id=kornews&page=14&sn1=&divpage=1&sn=off&ss=on&sc=on&select_arrange=headnum&desc=asc&no=4103

Lee, S. (2008, January 26). China's 'Olympic Approach' to Refugees. *Asia Times*. Retrieved October 15, 2009, from http://www.atimes.com/atimes/China/JA26Ad01.html
Lee, Sunny. (2008, May 26). North Korean defectors. *Asia Times*. Retrieved October 14, 2009, from www.koreatimes.co.kr/www/news/art/2008/05/202_24767.html_

Lee, J. (2008, August 29). *Analysis: North Korean spies in Seoul*. Retrieved October 1, 2009, from http://www.spacewar.com/reports/Analysis_North_Korean_spies_in_Seoul_999.html

Lee, W. (2000). *Solution on North Korean Escapees*. Seoul, South Korea: Korean institute for National unification.

Life Funds for North Korean Refugees (LFNKR). (2002). *LFNK's registered letter to president Jiang Zemin*. Retrieved January 29, 2009, from http://www.northkoreanrefugees.com/registered.html.

LFNKR. (n.d.). *Petition to Save An Chung Hak*. Retrieved October 15, 2009, from http://www.northkoreanrefugees.com/petition-an-chung-hak.htm

LFNKR. (2005, October 9). *LFNKR Report for Fiscal Year 2005.*Retrieved October 4, 2009, from http://www.northkoreanrefugees.com/2005-fiscal-report.htm

LFNKR. (2009, July 6). *Shadow children denied national ID.* Retrieved August 1, 2009, from http://www.northkoreanrefugees.com/2009- 07-shadowchildren.htm

Marquand, R. (2002, August 16). A refugee's perilous odyssey from N. Korea, *Christian Science monitor.* Retrieved February 23, 2009, from http://www.csmonitor.com/2002/0816/p01s02-wosc.html

Medeiros, E. S., & Fravel, M.T. (2003). China's New Diplomacy. *Foreign Affairs,* 82(6), 23-35.

Miller, H. L., & Xiaohong, L. (2005). The foreign policy outlook of China's 'third Generation' elite. In D. M. Lampton (Ed.), *The making of Chinese foreign and security policy in the era of reform, 1978-2000* (pp. 123-150). Stanford, CA: Stanford University Press.

Ministry of Foreign Affairs of the People's Republic of China. (2002). *Chinese Foreign Ministry Spokesperson's Press Conference on June 13*. Retrieved February 5, 2009, from http://www.fmprc.gov.cn/eng/xwfw/2510/2511/t14673.htm

Ministry of Foreign Affairs of the People's Republic of China. (2002). *Foreign Ministry Spokesperson's Press Conference on the Break-in of the South Korean Embassy*. Retrieved March 7, 2009, from www.fmprc.gov.cn/eng/xwfw/2510/2535/t14798.htm

Ministry of Foreign Affairs of the People's Republic of China. (2004). *Foreign Ministry Spokesperson Zhang Qiyu's Regular Press Conference on 15 July 2004*. Retrieved March 29, 2009, from www.fmprc.gov.cn/eng/xwfw/2510/t143271.htm

Ministry of Foreign Affairs of the People's Republic of China. (2004). *Foreign Ministry Spokeswoman Zhang Qiyue's Remarks On Recent Intrusions into Foreign Diplomatic Missions and Schools*. Retrieved February 5, 2009, from http://www.fmprc.gov.cn/eng/xwfw/s2510/2535/t167965.htm

Ministry of Foreign Affairs of the People's Republic of China. (2004). *Foreign Ministry Spokesperson Zhang Qiyu's Regular Press Conference on 28 October 2004*. Retrieved February 5, 2009, from www.fmprc.gov.cn/eng/xwfw/s2510/t168339.htm

Moor, T. G., & Yang, D. (2001). Empowered and Restrained: Chinese Foreign Policy in the Age of Economic interdependence. In D. Lampton (Ed.), *The making of Chinese foreign and security policy in the era of reform, 1978-2000* (pp. 191-229). Stanford, CA: Stanford University Press.

Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas (n.d.) Retrieved March 23, 2009, from http://www.bekkoame.ne.jp/ro/renk/Protocol.htm

Nathan, A. J., & Ross, R. S. (1997), *The Great Wall and the Empty Fortress: China's Search for Security*. New York, NY: W. W. Norton.

Ng-Quinn, M. (2004). The analytic study of CFP. In G. Liu (Ed.), *Chinese Foreign policy in transition* (pp.25-58). New York, NY: Walter de Gruyter.

NK Official Blasts US Human Rights Policy (2005, November 5). Retrieved March 20, 2009, from http://english.kbs.co.kr/news/newsview_sub.php?menu=8&key=2005110501

Oh, K., & Hassing, R. (1999). North Korea between Collapse and Reform. *Asian Survey*, 39(2), 287-309.

Park, H. S. (1999). *Improving North Korean Human Rights and the Role of NGOs*. Paper presented at the 1999 1st International Conference on North Korean Human Rights and Refugees.

Park, I. (2008, November 21). 올림픽 이후 在中탈북자 인권상황 개선 없어(Korean). *Database Center for N.Korean Human Rights.* Retrieved September 2, 2009, from http://nkdb.org/bbs1/view.php?id=kornews&page=14&sn1=&divpage=1&sn=off&ss=on&sc=on&select_arrange=headnum&desc=asc&no=3908

Randle, J. (2002, September 3). 15 North Koreans Enter German Embassy in Beijing in Asylum Bid. *Voice of America*. Retrieved January 27, 2009, from http://www.voanews.com/english/archive/2002-09/a-2002-09-03-23-15.cfm

Refugees storm Beijing embassy. (2004, September 29). Retrieved October 4, 2009, from http://news.bbc.co.uk/1/hi/world/asia-pacific/3699786.stm

Rescue the North Korean People Urgent Action Network. (2003). *Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas*. Retrieved October 4, 2009, from http://www.bekkoame.ne.jp/ro/renk/Protocol.htm

Rosenthal, E. (2002, May 9). North Koreans Seek Asylum At Consulates In China. *New York Times*. Retrieved October 3, 2009, from http://query.nytimes.com/gst/fullpage.html?res=9F0DE5D81330F93AA35756C0A9649C8B63

Segal, G. (1999). Does China Matter? *Foreign Affairs.* 78. 5 (September-October), 24-36.

Semour, J.D. (2005). China: Background paper on the situation North Koreans in China. Retrieved July 7, 2009, from The UN Refugee Agency website: http://www.unhcr.org/refworld/docid/4231d11d4.html

Seok, K. (2008). North Korea's Transformation: Famine, Aid and Markets. Retrieved October 1, 2009, from Human Rights Watch website: http://www.hrw.org/en/news/2008/04/14/north-korea-s-transformation-famine-aid-and-markets

Sheridan, M. (2008, June 29). Refugees Shot Fleeing North Korea. *Times of London*. Retrieved October 5, 2009, from http://www.timesonline.co.uk/tol/news/world/asia/article4232059.ece

Shiping, T. (n.d.) From Offensive Realism to Defensive Realism: A Social Evolutionary Interpretation of China's Security Strategy. Retrieved October 7, 2009, from http://www.rsis.edu.sg/publications/SSIS/SSIS003.pdf

Sik, C. (2004, July 22). U.S. House Passes NK Human Rights Package. *OhmyNews*. Retrieved April 8, 2009, from http://english.ohmynews.com/articleview/article_view.asp?no=178593&rel_no=1

Snyder, S. (1997). North Korea's Decline and China's Strategic Dilemmas. Retrieved August 23, 2009 from United States Institute of Peace website: http://www.usip.org/resources/north-koreas-decline-and-chinas-strategic-dilemmas

Snyder, S. (2008, February). Inauguration of Lee Myung-bak: Grappling with Korea's Future Challenges. Retrieved October 10, 2009, from The Brooking Institution website: http://www.brookings.edu/opinions/2008/02_south_korea_snyder.aspx

The Bureau of Democracy, Human Rights and Labor Affairs at the U.S. Department of State. (2008, March 11). *Country Reports on "Human Rights Practices-2007", China (includes Tibet, Hong Kong, and Macau).* Washington, DC: U.S. Government Printing Office. Retrieved October 7, from http://www.state.gov/g/drl/rls/hrrpt/2007/100518.htm

The Office of the United Nations high Commissioner for Refugees (UNHCR) web site provides sources related to refugees around the world (http://www.un-ngls.org/orf/documents/publications.en/ngls.handbook/a19unhcr.htm.)

Tianguang , Z. (2002, May 31). Beijing's folly over North Korean refugees. *Asia Times*. Retrieved October 3, 2009, from www.atimes.com/china/DE31Ad05.html

Tso, T., & Halperin, M.H. (1965) Mao Tse-tong's Revolutionalry Ideology and Peking's international Behaviour. *American Political Science Review,* 59(1) 80-99.

U.S. Committee for Refugees and Immigrants (USCRI). (n.d.). *The World Refugee Survey 2001: China.* Retrieved Aug 3, 2009, from http://www.refugees.org/newsroomsub.aspx?id=1060

USCRI. (n.d.).*The World Refugee Survey 2003: China.* Retrieved March 25, 2009, from http://www.refugees.org/newsroomsub.aspx?id=1065

USCRI. (n.d.).*The World Refugee Survey 2006: China.* Retrieved March 25, 2009, from http://www.refugees.org/countryreports.aspx?id=1577

USCRI. (n.d.).*The World Refugee Survey 2007: China.* Retrieved March 25, 2009, from http://www.refugees.org/countryreports.aspx?id=1989

USCRI. (n.d.).*The World Refugee Survey 2008: China.* Retrieved March 25, 2009, from http://www.refugees.org/countryreports.aspx?id=2127

United States Congressional Research Service (2008). *North Korean Refugees in China and Human Rights Issues: International Response and U.S. Policy Options* (RL34189). Washington, DC: U.S. Government Printing Office.

U.S. Department of State. (2006). *Reports on Activities of the Special Envoy on Human Rights in North Korea*, Washington, DC: U.S. Government Printing Office.

U.S. Department of State. (2007). *Reports on Activities of the Special Envoy on Human Rights in North Korea*, Washington, DC: U.S. Government Printing Office.

Washington Slams China for Sending N. Koreans Back. (2006 Mar 31). Retrieved October 4, 2009, from http://english.chosun.com/w21data/html/news/200603/200603310026.html

Walt, S. M. (1998). International relations: One world, many theories. *Foreign Policy*, 110 (1), 29-47.

White Paper on Human Rights in North Korea, 2000. (1999). Seoul: Korean institute for National unification.

White Paper on Human Rights in North Korea, 2004. (2003). Seoul: Korean institute for National unification.

White Paper on Human Rights in North Korea, 2005. (2004). Seoul: Korean institute for National unification.

White Paper on Human Rights in North Korea, 2008. (2007). Seoul: Korean institute for National unification.

Worden, R. L. (1987). *China: A Country Study*. Retrieved July 7, 2009, from http://countrystudies.us/china/

Wright, R. (2002, April 27). 2 North Koreans Seek Asylum at U.S. Embassy in Beijing. *Los Angeles Times.* Retrieved October 15, 2009, from http://articles.latimes.com/2002/apr/27/news/mn-40327

Yang, J. (2003). China and North Korea: old friends, new challenges. *New Zealand International Review,* 28(3), 1-5.

York, G. (2004, November 19). Clash over refugees at Canadian Embassy in Beijing. *Seattlepi.com*, Retrieved October 15, 2009, from http://seattlepi.nwsource.com/national/200307_china19.html

Zhao, Q. (2005). Impact of intellecturals and Think Tanks on CFP. In Y.Hao & L. Su (Eds.) *China's Foreign Policy Making: Societal Force and Chinese American Policy,* (pp. 123 - 186). Burlington : Ashgate