

# CHAPTER I

## INTRODUCTION

This chapter seeks to discuss the background of the raised issue as well as the research question and the theoretical framework in favor of analyzing the issue followed by the hypothesis subsequently. This first chapter of the undergraduate thesis also includes the explanation of the purpose of research, research methodology, and the writing system.

### A. Background

The United Nations Convention Relating to the Status of Refugees or known as the 1951 Refugee Convention is the leading international legitimate document that becoming a centerpiece of International refugee protection nowadays. It was formulated in the immediate post-World War II period, mainly in response to European refugee flows and in the context of the Cold War (Loescher, 1999). According to the Convention Article 6, paragraph A, section 2, the refugee is,

*"any person 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; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it".*

There are 143 countries which have agreed to the obligations under both the Refugee Convention and its Protocol (known as 'states parties') (The Refugee Convention, 2016). Moreover, China is one of those countries. September 24, 1982, is indicated the date of deposit of the instrument of accession by

China with the Secretary-General of the United States (States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol). By agreeing on the convention, China has to obey the legal obligations including the right of resettlement and legal protection from deportation or forcible return to his country of origin (the so-called *non-refoulement* protection) (Loescher, 1999). According to the UNHCR, in 1981-1982 China provided resettlement opportunities for 2,500 Lao and some Cambodian refugees. Moreover, as of December 2015, China has accepted a total of 301,622 refugees from several conflicted countries such as Vietnam, Somalia, Nigeria, Iraq, and Liberia (The People's Republic of China : Fact Sheet, 2015). Unfortunately, China took a different action regarding the North Korean defectors by not recognizing them as refugees, but as an illegal immigrant and even repatriated them at any time.

Democratic People's Republic of Korea (DPRK) or North Korea's and People's Republic of China (PRC) China indeed share "a long history of the complex, intimate relations." (Xiaoming, 1998). Chinese influence in the Korean Peninsula derives from geographical proximity and historical linkage. Geographically, China and North Korea are neighbors and share a border of more than 1,334 kilometers. (Liu, 2003).

**Figure 1.1. China and North Korea Border Map**



*Source:* Kettley, 2017

Socially and historically, China has maintained close ties with North Korea through migration. Before and during the Japanese takeover of the Korean peninsula, North Koreans migrated to northeastern China by crossing the Apok (i.e., Yalu) and Turnan (Tumen) Rivers. The descendants of many of those who fled are still living in China's northeastern provinces of Jilin, Heilongjiang, and Liaoning. Approximately two million Korean Chinese reside there (Ko, Chung, & Oh, 2004). In the cold war era, China and North Korea have shared the same socialist ideology and were on the same page on struggling against the US imperialist threat. Besides China is the closest neighboring country, the long stories of each states' history and similarities are the reason why many of the North Korean are escaping to China.

North Korean Defectors or also known as North Korean refugees is a term to refer the people who have managed to defect from North Korea. According to Human Rights Watch, People's Republic of Korea (DPRK or North Korea) is one of the most repressive authoritarian states in the world. North Korea is a socialist, highly centralized, and isolated state and have an extremely restrict rules, social constraints, and massive violation of human rights towards its citizen. United Nations Commission of Inquiry (COI) report on human rights in North Korea found the government committed crimes against humanity, including extermination, murder, enslavement, torture, imprisonment, rape and other forms of sexual violence, and forced abortion (World Report 2018 : North Korea Events of 2017, 2018). North Korean long-time pain and suffering make them want to liberate themselves by escaping from their secretive country.

**Figure 1.2. Map of Defector Routes**

The exodus from North Korea began in the mid-1990s as a great devastating famine broke out across the country. This phenomenon caused food shortage, starvation, malnutrition, and the citizen have no choice other than look for the food in the neighboring country which is China. In recent years, the escalation of the migration is not only caused by economic deprivation, but also by political persecution.



*Source* : Lee H. , 2015

There were around 200.000 or 300.000 North Korean defectors hiding in China. The discrepancy is understandable since most North Korean entrants are dispersed and hiding in relatives' homes or are granted cover by their workplaces. Thus, no official organization or individual can obtain a complete and accurate figure (Liu, 2003).

Unfortunately, the Chinese government labels these North Koreans as illegal immigrants and does not recognize their refugee status. The Chinese government even adopts a policy of "compulsory repatriation." (Lee & Kim, 2011). Over the past 15 years, over 100,000 North Koreans refugees have been arrested by Chinese authorities and forcibly repatriated (Rhodes, 2013). Not only being repatriated, because they got no protection from the Chinese government, the defectors are very vulnerable to getting exploited by organized gangs and intermediaries. Human smuggling, trafficking, extortion, and exploitation are thought to be a growing problem. Women are particularly at risk to prostitution, rape, arranged marriages, and bride traffickers. (Margesson, Chanlett-Avery, & Bruno, 2007).

While on the other hand, China was already signed and ratified the 1951 Refugee Convention that included the Non-Refoulement. Non-refoulement is a fundamental principle under article 33 of the Refugee Convention that the refugees cannot be sent to a place where they may be persecuted (The Refugee Convention, 2016). It is not a secret anymore that North Korea is violating human rights towards its citizen, their closed state and extremely secretive conditions are only one of the reason that makes the defectors fled to China. In this case, the defectors are needed protection from other countries, and China is the closest one they can reach. The defectors' poor condition and the government's obligation on the 1951 Refugee Convention did not immediately get the Chinese government's sympathy. Instead, the defectors were treated as an illegal immigrant and even can be repatriated at any time.

## **B. Research Question**

Based on the background described above, then, a question emerges, *“Why did China's government not recognize the North Korean defectors as refugees?”*

## **C. Theoretical Framework**

To ease the writer's analysis in explaining the problems faced and the right concept in forming a hypothesis, a theoretical framework is needed. In this case, the writer will use two theoretical frameworks which are, the concept of National Interest and the theory of Foreign Policy Decision Making Process

### **1. National Interest**

National interest is the most popular concept in international relations' analyst to describe, explain, predict, and recommend the state's behavior (Mas'ood, 1990). As Hans Morgenthau emphasized that, more than anything else, interest "defined in terms of power" determines the behavior of states. All government, whether democratic or authoritarian, pursue such interest in the anarchy of world politics (Russett, Starr, & Kinsella, 2009) This makes international politics inherently selfish; nations rarely behave like saints. Countries may practice generosity and altruism, but often with an eye to enhancing their international power and prestige (Roskin, Cord, Medeiros, & Jones, 2000)

National interest also identified as a national survival. In a world in which sovereign nations vie for power, the foreign policies of all nations must consider survival as their minimum requirement. All nations are compelled to protect their physical, political and cultural identity against encroachments by other nations. As long as the world is divided into nations, Morgenthau asserts, the national interest is indeed the last word

in world politics. Interest, then, is the essence of politics (Dougherty & Robert L. Pfaltzgraff, 1971).

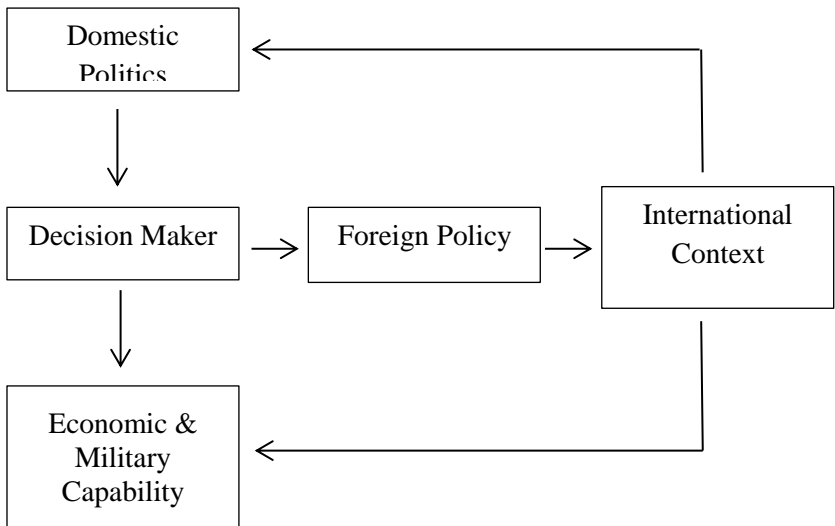
The fixed and irreducible content of the idea of the national interest would typically include the preservation of the nation as an independent political community, capable of maintaining the integrity of its territory and population and of safeguarding the autonomous development of its institution (Dougherty & Robert L. Pfaltzgraff, 1971). In this case of China's decision for not recognizing the North Korean defectors as a refugee is related to China's national interest. This national interest concept is relating to China's behavior as China seeks to preserve its traditional political standpoint, stressing the balance of power, militancy, and its geopolitical interests with North Korea (Liu, 2003).

## **2. Foreign Policy Decision Making Process**

The foreign policy itself is a concept that defines the goals and activities of government and particularly of foreign ministries in their relations with other countries. It consists of aims and measures that are intended to guide government decisions and actions concerning external affairs (Jackson & Sorensen, 2003).

Thus, to deepen the understanding of Foreign Policy, the writer use the theory of Foreign Policy Decision Making Process by William D. Coplin. Coplin explained how the foreign policy of the state is formulated using three board categories of considerations. First is domestic politics, second is the economic and military capability, and the third is the international context (Coplin, 2003). Below is the figure illustrates the relations between each of the explanatory categories and their interrelationships with one another.

**Figure 1.3. Foreign Policy Decision Making Process  
by William D. Coplin**



*Source* : Coplin, 2003

### **a. Domestic Politics**

To determine the way foreign policy works, it can be observed from the domestic situation of the state. It is seen as the main factor and the way of state's domestic actors trying to give their influence on the decision making process. The internal political situation of the state played a significant role in formulated foreign policy. The domestic political condition and policy influencer can influence such a way in the decision making process. Then, according to Coplin, there are four types of policy influencer as explained below :



**1) Bureaucratic influencer**

It refers to individuals or organizations in the executive body that help the government in the process of decision making on formulating and implementing the foreign policy. They also provide the information needed.

**2) Partisan influencer**

It refers to the political party that contributes to the decision making process. A political party can be seen as the one who delivers the people aspirations. Thus, they try to take part in the decision-making process through the political members seated in the government.

**3) Interest influencer**

It refers to a group of people who shared the same interest. They have a significant influence as a source of support for the decision makers. They might be from the economic, non-economic, or political sectors. They usually used the campaign as a way of expressing and seeking support for their interest.

**4) Mass Influencer**

It refers to public opinion. The public opinion can be seen as an input in the decision-making process. Mass media has a significant role in society. It is shaping the public perspectives toward the government's capability and also can use as a tool for propaganda.

In the case of China and North Korea, the Domestic Politics particularly Partisan influencer

seem like the main factor in this aspect. As a unitary one-party socialist, communist party plays a significant role in the Chinese government. Then, North Korea is China's closest neighbor who has the same ideology. Here, China wants the North Korea regime to survive and preserve both ideological allies.

### **b. Economic and Military Capability**

It is one of determinant that needs to be considered by the decision maker in order to achieve its national interest and sustain their foreign policy. Economic and military capability reflect the material power of the state and somehow explicitly shows how stable the state is.

Now China is rising, economically and militarily. China accounts for around 10% of global economic activity, and around 8% of global military spending (Palamar, 2013). However, still, even in its active position, China wants to maintain its stability. With the exodus movement of North Korean defectors, China concerned that it will interfere with its domestic stability of the country. China has over 1 billion citizens to be taken care of, by receiving and acknowledging the defectors, China put its stability on the stake. Those immigrants mostly came with nothing. It will add the burden of China's government which will impact on its political, economic, and also military sector.

### **c. International Context**

It refers to the situation that happened in the international sphere. It will influence how the

decision maker decides its action and decisions. According to Coplin, it includes a geographical, economic, and political condition in the past, present, and future that might be or be anticipated.

China is a socialist-communist country which believed that human rights is not something absolute and personal matter but rather a group matter. Human rights principle have always been refer to the concept of Western's human rights which is different when it implemented in China whose ideology, background, and history was way different with the Western. It affect to China's understanding regarding human rights. Thus, China with its socialist-communist background have a different persepectives towards human rights with the international human rights concept.

#### **D. Hypothesis**

Based on theoretical framework, research question, and background above, the reason on why China does not recognize North Korean defector as a refugee are due to;

1. Domestic factor : China's interest on maintaining the ideological ally with North Korea as a left-wing solidarity;
2. Economic factor: The exodus movement of defectors will burden China even more, thus it was China's effort to maintain China's domestic stability on social, economy, and also security sector;
3. International context : China's different perspective on human rights with the international community.

### **E. Purpose of Research**

The purpose of this research is to fulfill the university's requirement as an undergraduate student by completing the undergraduate thesis. Moreover, this research's goals is to find out and understand the reason why China who has already ratified the 1951 Refugee Convention did not acknowledge the North Korean defectors as a refugee while the defector's condition is needed help because the political persecution they experienced in their homeland.

### **F. Research Methodology**

For this research, the writer will use the method of collecting data and the method of qualitative research. The writer will collect data from several sources using literature and journal review, library research that done by from news, official website, books, biography, and other electronic sources related to the raised issue. The writer will also observe data and information from those sources, and analyze the secondary data and statistical data that relevant to the issue.

### **G. Writing System**

The system of writing of this research is arranged as follows:

- Chapter I.** This chapter is the introduction of the research which consists of a background of the research, research question, theoretical framework, hypothesis, the purpose of research, research method, research period, and writing system.
- Chapter II.** This chapter describes the refugee and its legal standing. This chapter also relating the definition of refugee in international law to the condition of North Korea

defector. The relations between North Korea and China also discussed in this chapter to make a more comprehensive description of the defector. This chapter helps the readers to understand in depth the condition of the defectors and how they supposed to be protected.

**Chapter III.** This chapter analyzes China's reason for not recognizing the North Korean defectors as refugees.

**Chapter IV** This chapter is the conclusion of the research.