

## **CHAPTER IV CONCLUSION**

China has assigned the UNHCR's 1951 Convention and 1967 Protocol that obliged them to give protection to those who seek asylum to China. China did receive and granting refugee status to some refugee from conflicting countries, such as Lao, Cambodia, and Iraq. However, they refused to give any protection to the North Korean defectors. China even repatriated them at any time. This China's movement for not recognizing and even repatriate the North Korean defector caused much international community's criticism. They believed that China abstained from their responsibility as a global power and as a member of the 1951 Convention & 1967 Protocol.

Whereas, the North Korean defector is facing the worst of their life. North Korea is well-known as a closed state; thus there is no exact explanation on how is the government is going in the country. Nonetheless, there were many pieces of evidence coming from some researches and testimony from the defectors that was showing the dictatorship and human right's violation carry on within the state. It was started when the extreme famine broke out on the 1990s and many of North Korean starving to death. This terrible condition forced them to survive by going to another region which was China. The famine was only the beginning of the massive exodus. The government continuously tormented its citizen by not only let them starved but also through the political repression which manifests explicitly within the prison camps.

Prison camps consist of those people who considered violate the law, including the defectors who caught in action. Within the prison camps, they experienced numerous human right's violation, such as overwork, starvation, sexual and

physical abuse, and many others. Likewise, it came to the point where the prison camps also are the home of the homemade genocide. North Korea was found destroying groups of different ethnic and religion. This cold condition within the country is one of the biggest reason why the North Korean wanted to get away from their homeland.

Once the defector escapes from their home country, they faced another big problem in China. As China only recognize them as an illegal immigrant rather than a refugee, they got no protection and very vulnerable. They need to survive in a foreign country by hiding and staying in their relatives. If China authorities found them, they could forcibly be repatriated back to North Korea where they would deal with the prison camps or even death penalty. This is why China received many criticizations from the international community. China did the violation of human rights under its commitment to the Convention 1951 and Protocol 1967.

China and North Korea's relations took a big part in this issue. North Korea was China long run ally since the Japan colonialization in the 1920s. North Korea acts as China's buffer zone; in return, China is becoming North Korea biggest trade partner. The interest of China and North Korea intertwined and the defectors' issue is becoming the casualty of both countries interest.

Thus, three determinants influence China's refusal to recognize the North Korean defector. First, in domestic politic factor, the Chinese Communist Party or CCP still played a big part in the decision-making process as the ruling party. China and North Korea who was called "blood brothers" due to their similar ideology seems still going strong up until now. In order to maintain its ideological ally, China did everything so that the Kim regime will not collapse, one of the movements of China was refusing the North Korean defector.

Second, in the economic and military sector, China as one of the leading nation which granting the status of the second-world largest economy also struggling with their economic problem which a slowdown in economic growth. China already had its hardships such as aging population, environmental issue, a significant number of unemployment and much more. China government did not want to burden their own by accepting the defectors. The massive flood of defector will eventually make the regime collapse, and China will be the one who bears the consequences. Thus, China prefers to accommodate the North Korean government by providing food and energy rather than accepting the defector.

The last determinant, in the international context, China have a different interpretation of human rights with the international community, particularly with the Western concept. China saw human rights as a state matter, not a personal one. Therefore, China will put their national interest first, rather than individual rights. In this case, China chose to prioritize stabilizing North Korea for the national benefits, instead of complying with its responsibility under international law.

Therefore, this research concludes that the reason why China rejected granting the North Korean defector as a refugee because China wants to maintain its domestic stability. This could achieve by preventing the Kim regime from collapsing. By avoiding China's responsibility in the International law regarding the defector's rights, China deemed it was the right action to put their national interest first, preserve the Kim regime and maintaining the stability within North Korea and China.