

CAN CHINA HANDLE A NORTH KOREAN REFUGEE CRISIS?

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Executive Summary

1. The Korean Peninsula crisis which could trigger a war is likely to lead to a deluge of North Koreans to China.
2. China and the West hold different views on the status of North Korean escapees. The West opines that these escapees are refugees on humanitarian grounds and international law while China deems them illegal economic immigrants.
3. International refugee protection framework is based on a series of international documents, namely, the 1951 United Nations Refugee Convention and its 1967 Protocol.
4. Concepts and practices of a “refugee” are thereafter refined and reconfigured in different areas of the world, reflecting regional contexts and a variety of causation and concerns.
5. In Asia, a non-legally binding agreement, the Bangkok Principles, serves more as a hortatory posture than a compulsory call for action due to the great diversity of Asia and the lack of state practices.
6. Without an appropriate Asian definition, these trespassing North Koreans are, at best, having a refugee-like status and can claim humanitarian assistance. The issue of dual nationality (of the two Koreas) however may prevent them from acquiring refugee status.
7. China’s refusal to deem these escapees as refugees has its grounds. It does not want international attention on these escapees, which may jeopardise the stability of its northeastern provinces.
8. To maintain good China-DPRK (Democratic People’s Republic of Korea or North Korea) relations, China is compelled to quietly handle these trespassing North

Koreans. Granting them refugee status may be construed as a hostile and humiliating posture to the DPRK.

9. China may seize the opportunity afforded by the Korean Peninsula crisis to reexamine its participation in international refugee protection and refine its domestic refugee accommodation mechanism.
10. The multi-way arrangement plan (Comprehensive Plan of Action) adopted in 1989 to tackle the 1979 Vietnamese refugee incident could be a reference. China's past experience with refugee reception has also provided empirical lessons.