THE RISING STAKES OF REFUGEE ISSUES IN CHINA

ROUNDTABLE

BEFORE THE

CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

MAY 1, 2009

Printed for the use of the Congressional-Executive Commission on China

Available via the World Wide Web: http://www.cecc.gov

U.S. GOVERNMENT PRINTING OFFICE

50–716 PDF WASHINGTON : 2009

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

CONTENTS

	Page
Opening statement of Charlotte Oldham-Moore, Staff Director, Congressional-Executive Commission on China	1
Reid, Toy, Senior Research Associate, Congressional-Executive Commission on China	1
Charny, Joel, Vice President for Policy, Refugees International	3
Scholte, Suzanne, North Korean Refugee expert; President, Defense Forum Foundation; Chairman, North Korean Freedom Coalition	5
Markey, Mary Beth, Tibetan Refugee expert; Vice President for Advocacy and Communications, International Campaign for Tibet	7
Roberts, Sean R., Uyghur Refugee expert; Associate Professor of the Practice of International Affairs, The George Washington University	10

THE RISING STAKES OF REFUGEE ISSUES IN CHINA

FRIDAY, MAY 1, 2009

CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA,
Washington, DC.

The roundtable was convened, pursuant to notice, at 10:27 a.m., in room 628, Dirksen Senate Office Building, Charlotte Oldham-Moore, Staff Director, presiding.

Also present: Toy Reid, Senior Research Associate; Steve Marshall, Senior Advisor; and Kara Abramson, Advocacy Director.

OPENING STATEMENT OF CHARLOTTE OLDHAM-MOORE, STAFF DIRECTOR, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

Ms. OLDHAM-MOORE. Good morning. My name is Charlotte Oldham-Moore. I am the Staff Director for the Congressional-Executive Commission on China. It is terrific to have all of you here today.

For those of you who are not familiar with the Commission, please visit our Web site. We are at *www.cecc.gov*. We post daily analysis on rule of law and human rights developments, as well as an annual review on human rights and rule of law developments in China, plus transcripts of roundtables and hearings.

Today's roundtable is "The Rising Stakes of Refugee Issues in China," a little-explored issue and a very important one, so I am delighted that we are doing this today.

Douglas Grob, my colleague who usually hosts these with me, is at a conference, so we are very pleased to have our Senior Research Associate, Toy Reid, and he will take it from here. Thank you.

STATEMENT OF TOY REID, SENIOR RESEARCH ASSOCIATE, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

Mr. REID. Thank you, Charlotte. And thanks to all of you for joining us here today.

The focus of today's roundtable is an important one, not only because the issue of refugees is so often overlooked in conversations about China's growing role in the international system, but also because it provides a useful test case. What, if anything, does China's record with regard to fulfilling its obligations to refugees tell us about its general willingness to comply with international laws and norms?

China has reaped substantial benefits from its integration into the international system and its power and influence within the

system continue to rise. But questions remain regarding the strength and depth of China's commitment to key aspects of the international system and whether it will seek to reshape the system in ways that might modify or dilute longstanding norms and practices.

For these and other reasons, the Commission is drawn to consider the question of whether China has made progress toward fulfilling its obligations to refugees under international law. Within this discussion, North Korea looms large. North Korea's neighbors such as China, and other interested nations such as our own, struggle to respond effectively to North Korea's unparalleled human rights abuses and chronic humanitarian crises, ranging from persistent hunger and periodic starvation caused by the use of food distribution as a political tool, to the extreme punishments that the regime metes out to those whom it perceives as disloyal to it, especially repatriated refugees. The Commission found, in its 2008 Annual Report, that the Chinese authorities have stepped up efforts to locate and forcibly repatriate North Korean refugees who have fled to China.

Moving in the opposite direction, each year Tibetans leave China and risk the dangerous crossing over Himalayan passes to seek asylum in India and elsewhere. If Chinese authorities intercept them en route to the border they may face detention, and sometimes torture.

Those who successfully cross into Nepal often face forcible repatriation back to China. Uyghurs fleeing government repression in the Xinjiang Uyghur Autonomous Region also face similar risks and barriers to asylum, often under the sway of Chinese Government pressure on neighboring countries to refuse refugee status, to impede access to local asylum proceedings, and to forcibly refoul them.

Our distinguished panelists will now offer their thoughts and observations on these, and other issues.

To my left, Joel Charny. Mr. Charny is Vice President for Policy at Refugees International, where he oversees the organization's Policy & Advocacy Program. Mr. Charny has conducted humanitarian assessment missions to various troubled regions around the world, including the Chinese border with North Korea. He is the author of "Acts of Betrayal: The Challenge of Protecting North Koreans in China," and a host of other articles on humanitarian issues published in outlets such as the New York Times, The Economist, and the Asian Wall Street Journal.

Also to my left is Suzanne Scholte. Ms. Scholte is the President of the Defense Forum Foundation, a nonprofit organization that sponsors educational programs on foreign affairs, national security, and human rights issues. She was the recipient of the 2008 Seoul Peace Prize for her work on North Korean human rights issues and her work with Western Sahara refugees. She also serves as the chairman of the North Korea Freedom Coalition and the vice chairman of the Committee for Human Rights in North Korea.

To my right is Mary Beth Markey. She is the Vice President for International Advocacy at the International Campaign for Tibet [ICT]. She has worked at ICT since 1996, where she coordinates its international government advocacy and field research in Nepal and

India. She is the recent recipient of a Human Rights Press Award from the Far Eastern Economic Review and the Hong Kong Foreign Correspondents Club for her article, "Tibetans' Uncertain Future in Nepal."

And, finally, to my right is Dr. Sean Roberts. Dr. Roberts is the director of the International Development Studies Program and an Associate Professor at the George Washington University's Elliot School for International Affairs. He has spent significant time conducting research in Uyghur communities in both China and central Asia, and is the author of numerous articles and a documentary film on the Uyghurs along the Pakistan-China borderland. He earned his doctorate in Social Anthropology at the University of Southern California.

So, thank you to all of you for coming, and we will start with Joel.

STATEMENT OF JOEL CHARNY, VICE PRESIDENT FOR POLICY, REFUGEES INTERNATIONAL

Mr. CHARNY. So, good morning. Welcome. It is good to see—I gather there are many North Koreans here, so that is very good.

I want to thank Charlotte and the staff of the Commission for inviting me to be a part of this session. I am afraid I made a presentation on North Korean refugees in China to the Commission in 2005 and I wish I could say that the situation has improved, but I think basically when it comes to China we are facing the same problems and obstacles that we faced then.

Now, my role this morning is to place China's response to refugees within the overall context of its international legal obligations and put its response to North Koreans in particular within the context of China's approach to other refugees and asylum-seekers. So, Suzanne is going to be the one to really focus on conditions for North Koreans, and I am going to try to put that more in context.

China is a signatory of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, acceding to both in September 1982. This, in and of itself, is positive and must be seen in the context of other major Asian countries that have refused to become a states party to the convention, including India, Thailand, and Malaysia. China is also a member of the Executive Committee of the Office of the UN High Commissioner for Refugees [UNHCR], again reflecting what you were referring to about China's increasing status in the world and their ability to use that status within international institutions.

The largest refugee flow faced by China was that of Vietnamese of Chinese ethnicity who fled Vietnam in 1979 at the time of China's border war with Vietnam. Vietnamese fled across the border to southwest China, as well as by boat to Hong Kong, then a British colony. About 260,000 Vietnamese received asylum in China. The community now numbers 300,000. They are fully integrated into China and exercise many of the rights of citizens, but they do not have formal citizenship.

In 2006, the High Commissioner for Refugees, Antonio Guterres, visited the Vietnamese refugee communities—I am going to mangle the pronunciation—in Guangxi Zhuang Autonomous Region and judged them one of the best examples of successful integration any-

where in the world. So the point is, China has shown, in the case of Vietnamese refugees, that they can abide by their international obligations. In their dialogue with the Office of the High Commissioner, they often point to that example and they have been working with UNHCR also on improving and doing training on Chinese refugee law.

So this positive example makes that of China's treatment of North Koreans even more egregious. The Chinese know full well and firsthand the horrible human rights and humanitarian situation prevailing in North Korea. They know that North Koreans are severely punished upon deportation. Nonetheless, China is adamant that North Koreans fleeing into northeast China are illegal economic migrants. They frequently arrest and deport individual asylum-seekers with no regard for breaking up families and separating children from their parents.

The Chinese authorities categorically refuse to allow UNHCR to visit the region where North Korean refugees are present. They harass and detain institutions that attempt to provide protection and assistance to the asylum-seekers, especially Christian missionaries and individuals who attempt to facilitate the access of North Koreans to South Korea through broker networks.

Now, I worked on this issue for four years on behalf of Refugees International. I made one visit and a colleague made another, so we made two assessment missions to the border region, but we were never able to pursue a dialogue with the Chinese authorities on this matter.

Now, at the local level where Chinese of Korean ethnicity are in the majority, officials did allow a few support organizations to operate legally and the deportation orders usually came from the center, reflecting overall geopolitical interests. They did not tend to come from local officials. We struggled in terms of the awareness raising, which I think begs the question that presumably we are all going to address, which is what works?

What strategy with China is going to work? The more confrontational strategies of having high-profile movement of North Koreans into consulates in Beijing, some of the other global campaigning work, it raised consciousness about this issue but it also forced the hand of the Chinese; it forced them to respond, it embarrassed them. As we know, the Chinese tend not to respond very well to being embarrassed.

I still have the same recommendations on China that I had four years ago. I do not see any reason to change them. The Chinese need to stop deportations, they need to grant temporary humanitarian status to North Koreans and allow their children to attend school, they need to grant citizenship to North Koreans with Chinese spouses and their children, they need to crack down on the trafficking of North Korean women, and they need to allow UNHCR to assess the situation and make recommendations to the Chinese Government as to how to proceed.

I think the problem fundamentally is finding the right people to engage with in China to pursue this very modest agenda. There should be a way to put this in the framework of China's international legal obligations, but to my knowledge, as with many

human rights issues related to China, a meaningful and sustained dialogue has never taken place. Thank you.

Ms. OLDHAM-MOORE. Thank you, Joel.

Suzanne, please.

STATEMENT OF SUZANNE SCHOLTE, NORTH KOREAN REFUGEE EXPERT; PRESIDENT, DEFENSE FORUM FOUNDATION; CHAIRMAN, NORTH KOREA FREEDOM COALITION

Ms. SCHOLTE. I am deeply grateful to Charlotte and Toy for organizing this roundtable as part of North Korea Freedom Week and to give me the opportunity to talk about the North Korean refugees in China. I also want to express my appreciation to the fact that they have always taken the time to meet with witnesses that we have brought to Washington over the years.

As Joel has pointed out, under international law China is obligated not to repatriate North Korean refugees because every North Korean who is forced back to North Korea by China is tortured and imprisoned. Those who are found to have crossed more than once or have been in contact with Christians can be publicly executed.

China established a policy even to fine and jail their own citizens, as well as humanitarian workers who provide food and shelter to the refugees. In fact, here today at this hearing we have Steve Kim. If you could stand, Steve, just for a minute. Steve Kim of Huntington, NY. He was jailed for four years because he was caught rescuing North Koreans.

By refusing to abide by its international agreements and in jailing humanitarians who try to help North Korean refugees, China is directly responsible for creating a horrific human rights crisis. Over 80 percent of North Korean females have been victims of trafficking, while men are treated as slave laborers. The shortage of women in China has created a demand for North Korean females and human traffickers are luring them into China to sell them.

I have with me two women who are examples of what thousands of North Korean women are facing and I am just going to ask Mrs. Kim Young-Ae if she could just stand for a moment. This is Mrs. Kim Young-Ae. Her husband died in an accident when she, her son, and her parents were already at the brink of starvation. Lured to China by a trafficker who promised her a job as a nanny, she crossed the Yalu River, only to be met on the other side by a trafficker who took her to Liaoning Province to be sold to a mentally unstable Chinese pig farmer for $733.

According to Mrs. Kim, "I had to live a life of hell, for he threatened that he would hand me over to the Chinese police if I said or did anything that displeased him." Mrs. Kim gave birth to a daughter, which gave her the only comfort she knew as she worked as a slave laborer by day and was beaten and abused at night by her so-called husband, who kicked her so hard he damaged her teeth. One day, her daughter, while under the care of her mother-in-law, drowned in a stream in front of the house. Her daughter had not yet even learned how to walk.

Mrs. Kim, filled with guilt, fled in the night, only to be caught again by a human trafficking gang who sold her to a farmer in a rural village in Henan Province. The farmer told Mrs. Kim he had

bought her for $1,100. Unable to speak the language or adjust to the food, she suffered serious medical problems and she ended up begging the trafficker who had sold her to take her away. Of course he was glad to do this, and he sold her again to a handicapped man. She finally escaped to South Korea in 2007.

Mrs. Bang Mi-Sun is another witness. If you could just stand. Ms. Bang Mi-Sun's husband starved to death during the famine. Afraid that the rest of her family might starve, she and her son and daughter crossed the Tuman River in June 2002. She said, "I thought I would be able to feed my children once I got to China, but what was really waiting for us was the possibility of arrest and forced return to North Korea by the Chinese police. Just as I was ready to do anything that would guarantee my children's safety, a Chinese trafficker appeared and began to threaten me, using my children's vulnerability. In the end, I was sold for $586 and taken to a place called Heilong. The Chinese brokers called us North Korean women 'pigs.'"

There were many North Korean women with Mrs. Bang and she was sold first as the "best pig." The person who bought her then sold her to his relative in Shangdong Province. Her new husband was 15 years her senior and treated her as a beast of burden, constantly stressing how he had bought her for an enormous sum of $1,025. While the man who bought her was out of the house, a group of people stormed in and took her to be sold again. In addition to the traffickers, there are also vicious brokers who steal North Korean women only to resell them.

This time she was sold to a man over 10 years younger than she; he was 34 and she was 48. He demanded that she bear him a child. When he found out that she had a contraceptive device, he brought in an obstetrician and had the members of his family hold her down while the obstetrician brutally tore the contraceptive device out of her body. This caused her to be bedridden for a month.

She fled the house, but soon was arrested by the Chinese police and forced back to North Korea to a labor camp in Musan, where she was forced to do intensive physical activity. When she fell in exhaustion, the North Korean guards beat her with a bludgeon on her leg, permanently disabling her.

After the labor camp, she was sent to a detention facility where she witnessed the guards force a pregnant repatriated North Korean to lose her baby by putting a plank on her belly and forcing the other inmates to stand on it. Then Mrs. Bang was sent to a political prison camp where she witnessed the terrible suffering of other North Koreans; all of this because they both wanted to feed their children.

The stories of these two women are typical of what is happening right now in China, and right now North Koreans are facing a tragedy that seems to never end: starvation in North Korea, leading them to flee to China; abuse and inhumane treatment in China, and then punishment and torture when China forces them back to North Korea.

How can Hu Jintao continue to placate Kim Jong Il with this repatriation policy? Kim Jong Il has shown his racist contempt for the Chinese people because he has ordered his border guards to

force North Korean women to abort their babies because they are half Chinese.

The Chinese Government, and even U.S. policymakers, have an unfounded fear that if China showed compassion to the refugees, China would be flooded with refugees, which would lead to the collapse of the North Korea regime. This fear is not only unfounded, but it is prolonging the suffering.

To end this crisis, China should allow them safe passage because, unlike any refugee crisis in the world today, North Koreans have a place to go as they have automatic citizenship under the South Korean Constitution. Second, they should let the UN High Commissioner for Refugees do their job. Third, they should work with the humanitarian community rather than jailing them. The United States and other countries in the region should establish a First Asylum policy for North Korean refugees, as was done to save the Vietnamese boat people.

In February, I met a woman named Mrs. Ko Mae Hwa, who fled to China with her 16-year-old daughter. While they were separated, her daughter was caught by Chinese police and forced back to North Korea, where she was beaten to death by North Korean border guards. It is hard to imagine that people could beat a 16-year-old girl to death who was simply trying to find her mother.

As Mrs. Bang has said, "I realized that there was a world where human beings were bought and sold and that people could show such cruel shamelessness. If someone does not wipe their tears, heal their wounds, and help them regain their human dignity, female refugees will continue to be sold like pigs in China. They will never know life's happiness. How long can we let this barbaric situation continue, especially when all the solutions are right at hand?"

I thank you for the opportunity to address this issue.

Ms. OLDHAM-MOORE. Now to Mary Beth Markey, who is going to explore the challenges facing Tibetan refugees who seek to leave China.

STATEMENT OF MARY BETH MARKEY, TIBETAN REFUGEE EXPERT; VICE PRESIDENT FOR ADVOCACY AND COMMUNICATIONS, INTERNATIONAL CAMPAIGN FOR TIBET

Ms. MARKEY. Thank you, Charlotte.

I first want to express my deep sympathy to the Korean women who were referred to in the testimony this morning. My heart goes out to you, and I hope you are able to find some peace in your life now.

It occurs to me, before I start my testimony, that China's strong resistance to cooperating on the Korean refugee issue or to provide refuge, even temporary refuge to the Korean refugees, should be considered also in relation to their policy concerning Tibetan refugees. I hope my testimony will help illuminate why that may be the case.

The measures that China has in place to deal with Tibetan asylum-seekers are primarily internal, but the Chinese Government has increasingly sought to contain its Tibetan refugee problem through its engagement with Nepal, making the Tibet issue the defining element of its bilateral relations.

The reasons that Tibetans flee are predictably similar. Parents send their children for an education, monks and nuns seek religious freedom, and nomads separated from their traditional livelihoods hope to find a future and an affirmation of their Tibetan identity in exile. Virtually all Tibetans say they wish to be near His Holiness the Dalai Lama.

Somewhere between 2,500 and 3,500 Tibetans are registered each year by the UNHCR as Persons of Concern and provided assistance at the Tibetan Refugee Reception Center in Kathmandu. There have been unusual spikes in those numbers and we are now seeing a major decrease. Only 652 Tibetans arrived safely at the Kathmandu Reception Center last year.

Depending on their point of origin, it can take months or weeks to make the journey out of Tibet, and the journey becomes more perilous in the approach to the Tibet-Nepal border where shelter, food, and water become scarce and frostbite, snow-blindness, and other injuries are common. In this final leg, most Tibetan refugees pass through the glaciated Nagpa Mountain Pass, which rises nearly 19,000 feet above sea level west of Mt. Everest.

Chinese border security is intense. Just six years ago, the main People's Armed Police Border Patrol station was some 25 kilometers northwest of Nagpa Pass, but in 2003 the Chinese Government completed construction of a motorable road to a point just 6 kilometers north of Nagpa La. The Chinese Government also began to draw attention to its efforts to tighten border security. It made quite a show of commending border security for intercepting people attempting to flee the country while maintaining "revolutionary spirit in a place with insufficient oxygen."

Further inside Tibet, a prison near Shigatse houses Tibetans caught en route. Former inmates report that there have been as many as 500 prisoners there at any time, nearly all caught at Nagpa La or near the Chinese-Nepal Friendship Bridge border crossing at Dram, which is the main commercial crossing at the Tibet-Nepal border.

Most Tibetans serve from three to five months, during which time they receive beatings and are tortured regularly. They must perform hard labor, usually road building in and around Shigatse, and must sign, ultimately, a document that they will never again attempt to leave the People's Republic of China to go to India. According to Article 322 of the Chinese Criminal Law, such Tibetans are subject to imprisonment for "secretly crossing the national boundary."

Chinese border police aggressively pursue Tibetans, including into Nepalese territory. In 2002 and 2005, border security fired on Tibetan refugees while they were attempting to cross over Nagpa La. In September 2006, a young Tibetan nun, Kelsang Namtso, was shot dead by Chinese border police on the Nagpa Pass. It was the first time that such an incident had been captured on video by international witnesses, climbers on near Mount Cho Oyu. The Chinese Government described the incident as "normal border management."

Nepalese authorities stepped up border security dramatically following the protests in Tibet that began last spring and in the run-up to the Beijing Olympics last summer. Indeed, the border was

virtually closed. Tibetans living near the border reported being harassed by Chinese security and photographed by Nepalese informers during this period. TAR Chairman Jumpa Punsok made a rare trip to the Tibet-Nepal border to congratulate security stationed there for their work in preventing "splitism."

Responding to China's plans for its climbers to carry the Olympic Torch to the summit of Mt. Everest, Nepalese officials agreed to close down access for the 2008 spring climbing season and allegedly received a cash sum in the millions of dollars to compensate for the loss of revenue associated with such a massive disruption of the climbing season.

Throughout the 1990s, Nepal authorities generally permitted Tibetans to enter Nepal and have assisted or directed them to the refugee center in Kathmandu, typically after they have been detained by border police and handed over to Nepal immigration officials. Nonetheless, incidents of forced repatriation at the border, and even from Kathmandu, have occurred periodically and often in exchange for even minor enticements from the Chinese. In 2003, Nepalese police were photographed carrying back cases of beer from the Tibetan side of the border following the refoulement of 18 Tibetan refugees.

As pressure from the Chinese Government intensifies, Nepal's attitude regarding Tibetans entering or transiting its territory becomes markedly less welcoming. China quickly registered its Tibet position with the new Maoist-led government in Nepal, and Prime Minister Pushpa Kamal Dahal, a.k.a. Prachanda, reiterated his intention to support China on the Tibet issue and readily affirmed that Nepal would not be used by Tibetan separatists for any anti-Chinese activities. The new government in Nepal has also allowed Chinese diplomats extraordinary and extrajudicial influence in dealing with Tibetan issues in Nepal.

Prachanda supported the Chinese Government's harsh suppression of Tibetans following the 2008 demonstrations, and in Nepal ruled out allowing the Tibetan Refugee Welfare Office and the office of the representative of His Holiness the Dalai Lama to reopen, both of which had operated in Kathmandu since the 1960s. The two offices had been ordered closed in 2005 by King Gyanendra in an apparent quid pro quo for China's support when Gyanendra dismissed the democratic government in Nepal, fired the entire parliament, and assumed absolute control.

Nepalese authorities adopted a zero tolerance approach to Tibetan protesters last year, and Nepalese police, on occasion, employed excessive force against the protesters, using canes to beat them. Chinese Embassy personnel were witnessed and photographed working behind police lines, guiding the handling of protests and arrests of demonstrators, even going so far as to direct the positioning of Nepalese police officers.

In August, Nepal's Home Ministry announced that Tibetans residing in Nepal without legal documentation would face deportation, a response to Chinese pressure to put an end to Tibetan protesters demonstrating in front of the Chinese Embassy. Foreign embassies cautioned Prachanda that his inaugural appearance at the UN Security Council meeting in New York the next month might not go well if his government had just deported a large num-

ber of Tibetans to China. At the end of the year, China announced a substantial military assistance package to Nepal, at which time the Chinese deputy chief of staff said that his meeting with Nepal's Defense Minister had focused on border management and the One China policy.

Last fall, small numbers of Tibetans began to attempt the crossing again. The repressive aftermath of the spring demonstrations and security crackdown, while checking movement across the Tibetan plateau, also means that more Tibetans will likely see no other alternative but to seek to escape Tibet.

International Campaign for Tibet [ICT] offers the following recommendations for attention by the Congress and administration:

First, China has proposed a friendship treaty to Nepal. Nepal, distracted with internal problems, has yet to respond, but there is talk that if the treaty does not move then Beijing will seek a narrower extradition treaty as a first step. There is concern that the China draft will seek to legitimize their position that the Tibetans in Nepal are illegal economic migrants, not refugees, and if adopted would undermine any protection that the Tibetan refugees currently have.

The U.S. Government and its partners should take a clear position with the Nepal Government against any extradition treaty that would codify the PRC position, and at the stroke of a pen turn Tibetan refugees in Nepal into criminal illegal aliens and could lead to their extradition to China where they would face a credible fear of persecution.

Second, the Tibetan Refugee Reception Center in Kathmandu is an essential lifeline for the refugees coming across the border and transiting through Nepal onward to India. It is also supported by U.S. Government funds. The center is likely to be the next target of Chinese pressure on Nepal. The U.S. Government and its partners must work to keep the reception center open. Closure would frustrate the ability of the UNHCR to offer protection and expose Tibetans fleeing through Nepal to exploitation and refoulement.

Thank you.

Ms. OLDHAM-MOORE. Thank you, Mary Beth.

Sean Roberts, to speak on the challenges facing Uyghur refugees who leave Xinjiang.

STATEMENT OF SEAN R. ROBERTS, UYGHUR REFUGEE EXPERT; ASSOCIATE PROFESSOR OF THE PRACTICE OF INTERNATIONAL AFFAIRS, THE GEORGE WASHINGTON UNIVERSITY

Mr. ROBERTS. Thank you. I think perhaps the audience is less knowledgeable about the situation of Uyghurs than some of the other situations of others who have been discussed thus far, so I am going to talk both about why many Uyghurs seek political asylum and about the challenges that they face in doing so.

To understand why so many Uyghurs seek political asylum outside of China, one must first understand the position of Uyghurs in their homeland within the Chinese state. For those unfamiliar with the Uyghurs, they are a Muslim minority who live primarily in China's northwest and speak a Turkic language closely related to the Uzbek language in the former Soviet Union.

Much like the better-known Tibetans, Uyghurs are a minority within the Chinese state and have a distinct homeland located within the borders of the People's Republic of China [PRC]. Many, if not most, Uyghurs believe this homeland, which is presently called the Xinjiang Uyghur Autonomous Region of China, should be an independent state, or at the very least should have greater autonomy within the PRC. Much like Tibet, the Chinese state refutes these ideas.

I would argue, however, that historically China has viewed Xinjiang as a buffer zone for their relations with neighbors to the west, and therefore this issue has not been as pronounced as it has become recently. Since the economic reforms of the 1980s in China, Xinjiang has increasingly gained in importance to the PRC. For the first time, China has begun to seriously develop the region and to successfully convince Han Chinese migrants to move to the northwest voluntarily for economic opportunity. With the fall of the Soviet Union, Xinjiang has also become a trade gateway to the west for China, and in the context of China's growing economy, both a source of oil and a route through which to bring oil and gas from central Asia. All of these developments have suddenly made the Chinese state view Uyghur aspirations for sovereignty as a bigger threat to national security than at any time since the Sino-Soviet split of the 1960s.

Since the early 1990s, therefore, Uyghurs have come under increasingly greater scrutiny from authorities for their political behavior and unsanctioned religious activity. Successive "Strike Hard" campaigns launched by authorities have targeted Uyghurs as suspected political criminals, guilty of aspirations to split China or to worship Islam through unofficial channels. As a result, thousands of Uyghurs have been imprisoned and tortured for their political and religious beliefs in the last 15 years, with scores of those being executed.

These campaigns aimed at eradicating Uyghurs' desire to establish an independent state intensified after the September 11 terrorist attacks on the United States, which has allowed the Chinese Government to now frame Uyghur political dissent as a terrorist threat. Even more troubling, in the aftermath of September 11 both the United States and the United Nations officially recognized a little-known Uyghur organization called the Eastern Turkistan Islamic Movement as a terrorist group in 2002, despite the fact that there is no conclusive evidence of any organized terrorist acts perpetrated by Uyghurs inside or outside of China.

As a result of this international recognition, which many believe was undertaken for political reasons to gain China's support in the war on terror, the Chinese state has felt that it now has an international mandate to crack down on Uyghur dissent without regard for human rights because Uyghurs have been recognized among the common enemies in the global war on terror.

Inside China, this has made Uyghurs more vulnerable to political and religious repression than anytime in recent history. It does not mean that all Uyghurs are targeted by the state as terrorists, but it does mean that virtually any Uyghur is at risk of being deemed such, particularly if they publicly voice their political opinions or worship Islam outside state-sanctioned mosques.

This situation offers an obvious impetus for Uyghurs to seek political asylum outside of China and makes it difficult to distinguish who is and who is not deserving of refugee status, as international law stipulates, "owing to fear of persecution on account of their political or religious beliefs." Furthermore, a Uyghur who has applied for political asylum but is denied is likely to be targeted by state organs on return to China, making such a denial a potentially lethal sentence for those who receive it.

Unfortunately, these ethical issues regarding Uyghur refugee cases are not the only quandary the international community faces with regards to asylum-seekers. Uyghur refugee issues are further complicated by the overwhelming strength of China's so-called "soft power" around the world. China's growing leverage globally as the world's fastest-growing economy has allowed it to unduly influence the positions of other states. This phenomenon has received particular attention over the last several years as China has sought increasing influence in the developing world where it desires better access to energy sources and other raw materials needed to fuel its growing economy.

But the decision of the United States to recognize a Uyghur terrorist group despite a lack of conclusive evidence suggests China may also be capable of influencing more developed countries, especially on an issue like the Uyghurs, which does not have any bearing on other countries' direct interests.

China has continually used its soft power in this instance to influence other states to avoid taking Uyghur refugees. Perhaps the most visible example of this problem is the difficulty that the United States has had in finding countries to host Uyghur refugees who have been held in the Guantanamo detention facilities but have been cleared of any wrongdoing.

But there are numerous other examples to draw from. In recent years, China has especially engaged countries that would naturally be sympathetic to the Uyghur cause, including Turkey, the Arab states, the central Asian states, and Pakistan, seeking to dissuade them of taking Uyghur refugees or allowing Uyghurs already living in these countries from advocating the Uyghur cause internationally.

Furthermore, China's soft-power influence has not only been employed to discourage countries from taking asylum-seekers; it has also been used to make countries one might think would be sympathetic to the plight of the Uyghurs willingly extradite those who might qualify for political asylum back to China to face prison terms and/or execution. The most recent example of such extradition comes from Pakistan, which only this month extradited nine Uyghurs who are accused of being terrorists by the Chinese Government.

But there are similar cases from the central Asian states, going back to the later 1990s. In fact, China initiated the Shanghai Cooperation Organization in the mid-1990s, at that time called the Shanghai Five Group, explicitly to influence the central Asian states not to harbor Uyghurs who advocated political views contrary to the positions of the Chinese state.

The most troubling example from central Asia involves Hussein Jalil, a Uyghur with Canadian citizenship who was extradited to

China by Uzbek authorities while he was visiting family in Uzbekistan in March 2006. He is presently serving a 15-year prison term for his alleged involvement in terrorism. While the Canadian authorities have complained about this case to the Chinese Government, they have not been able to secure his release.

In most of these cases of extradition, the country involved does not undertake any legal deliberation of the validity of the accusations against those they are returning to China; they merely take the word of the Chinese Government as valid in itself. Furthermore, in several cases of this kind I witnessed in Kazakhstan in the last decade, the UNHCR did little to prevent the extraditions. As one UNHCR official told me in the 1990s, he felt extensive pressure from his home office on this issue, since the UNHCR was worried that spending its political capital on issues related to Uyghurs might jeopardize more important endeavors in which it was involved in China.

In conclusion, therefore, I would like to advocate for more international recognition of this problem, and at the very least, more recognition of the problem within the U.S. Government. As China takes a more visible position in the international community, the problem is only likely to become larger and will continue to rear its head in countries throughout the world.

Uyghur refugee cases must be considered consistently on their legal merits and not be subjected to political manipulation. Furthermore, the UNHCR, as a neutral international body, must take a more active role in advocating for objectivity and due process with regard to Uyghur refugee cases.

Thank you.

Ms. OLDHAM-MOORE. Thank you, Sean.

Now we turn to the question and answer portion of this morning's roundtable. For those of you who are new to the CECC, I want to just give you a quick background on how we handle this. There will be an official congressional transcript created from this event. Members of the audience are encouraged to ask questions. If you do not want your name used in the transcript, to be printed in the transcript, just let us know and it will not be. We will just have "audience participant."

Another challenge we have had is voices. People are sometimes too shy for my taste. So when you get up to ask your question, please project. Judy Wright of our staff will also have a little, not a microphone, a little device that will help our transcriber hear your question.

The first question for the panelists: As we see in the United States, rarely is a state's response, a government's response to refugees' challenges monolithic. Certainly in our country, in response to the Haitians and other refugee populations, we have had segments of our government respond differently or have different impulses.

Joel commented that China had made positive developments, including being a signatory to the refugee convention, and joining the Executive Committee of the UNHCR. I was curious whether any of the other panelists in their areas of expertise also saw notable trends or developments from the government?

Ms. MARKEY. No. No.

Ms. OLDHAM-MOORE. No split between the local and the central as Joel commented on the North Korean refugees. No?

Ms. MARKEY. No. No. Nothing from the Chinese Government. In fact, I would be very—my judgment, based on the Tibetan refugee experience, on China's presence on the Executive Committee of the UNHCR, and even its signing of the International Refugee Covenant, is that signing a document has little to do with implementation. China is very eager to wield its influence in international fora, and I would say its involvement in these fora reflects its own strategic self-interests. So, I am sorry, that is my perspective.

Ms. OLDHAM-MOORE. Sean, anything in terms of the Uyghur perspective?

Mr. ROBERTS. Well, I guess since the refugee problem is part and parcel of the general state of relations with the Uyghur people, I would say that the one glimmer of hope you see is that the Chinese state is not only using a "stick" in terms of its control of Xinjiang, it is trying to establish various "carrots" to integrate the Uyghur population more into society.

Unfortunately, I think that there is not enough input from the Uyghur population in terms of, what types of "carrots" they might like to be given. The Chinese state, for example, is providing more education to Uyghurs, but it is more education in Mandarin language and not more education in Uyghur. So, that can also be a divisive issue.

Ms. OLDHAM-MOORE. Okay. Thank you.

Joel, anything? Suzanne?

Mr. CHARNY. This is where I gather, at one point, Michel Gabaudan from UNHCR was going to be a respondent or part of the panel. I have talked to Michel privately about this. He was the UNHCR representative in Beijing, I think, for four or five years. From what he said, UNHCR is trying to pursue a sustained dialogue and advocate with the Chinese Government on these issues, and at various times they might get a commitment from an official that they are going to relax their policy or not arrest and deport people. But my feeling is, we just have not seen results.

I mean, in the case of North Koreans, if anything—again, I haven't been to the border region now for a long time. But my understanding is, if anything, the policy is harsher now in the sense that they have really made an arrangement, they have cut a deal with the North Korean border guards and the military on the other side of the border to really limit the flow. I mean, that's their strategy right now. So given the continued deprivation in North Korea, that in effect is blocking asylum-seekers. Then at the same time, as Suzanne said, they are continuing the harassment of the networks of people trying to assist, and so on.

So I think it would be a reach at this point to see anything positive. This, again, begs the question of how, how do we pursue collectively the issues that we are raising with the Chinese Government in a way that is going to make any difference whatsoever? I would be very interested if anyone has any bright ideas on that score.

Ms. SCHOLTE. I do not know if I have a bright idea, but I was going to say, just to echo what Joel was talking about, and I think everyone on this panel would agree, the irony of the Olympics was

Beijing won the Olympics with a promise that China was going to improve on human rights. The irony of that was, the situation got worse for all the groups that we are concerned about.

The Chinese Government actually told the UNHCR that the group of North Korean defectors that had gotten asylum and were being protected by the UNHCR before the Olympics, that they will not let these North Koreans go to South Korea unless the UNHCR promised that it will not bring in any more North Koreans until after the Olympics, and putting the UNHCR in a terrible position, because that is their whole job, to take care of refugees. We were able to get this out and get some Members of Congress to write letters, and that group eventually got out.

In fact, three of them came to the United States. But after that, we had two families that were ready to seek asylum with the UNHCR and we waited until after the Olympics because we thought maybe things will get better. The UNHCR actually told us it was actually worse after the Olympics. It was horrible before the Olympics. So, I see no improvement. This continues to be a terribly difficult situation.

Ms. OLDHAM-MOORE. Okay. Thank you.

We are going to turn to the audience. If you would like to ask a question, please raise your hand and I will call on you. Anybody interested? Patricia Kim, our intern, please.

Ms. KIM. I've heard that North Korean refugees also cross the border into Mongolia, but I haven't heard too much information on that route. Is the Mongolian route to South Korea just as popular as the Chinese route? Could you explain what the situation is like at the Mongolian border.

Ms. OLDHAM-MOORE. Patricia Kim just asked whether North Koreans go into Mongolia as a preferred route and whether that is a good route or not.

Ms. SCHOLTE. Yes. That was a good route for a time. But what happened is, it was actually a year and a half ago, the Chinese tried to shut that route down. The reason why you do not hear a lot about the refugees getting out of Mongolia is because the Mongolian Government has a very good relationship with North Korea and they don't want to rock the boat. But as long as the refugees get there, I don't know of any case where the Mongolians have forced them back. But they like to do it very quietly because they want to keep good relations with North Korea.

But I want to say, if anybody has not seen this movie, you've got to see the movie "Crossing" because it's based on true stories. It's an incredible movie. Actually, the escape route they used in that movie was Mongolia, but it's a very dangerous route getting out. Actually, the southern routes are actually safer, but all of them are dangerous.

Mr. CHARNY. It should just be stressed for those of you who are not up on your northeast Asia geography, there is no direct access from North Korea to Mongolia, so, you still have to go through China. Even if Mongolia is the destination, you are subject to the risk of arrest and deportation simply by traveling through China to get to Mongolia.

Ms. OLDHAM-MOORE. Steve Marshall?

Mr. MARSHALL. I'm Steve Marshall. I work for the Congressional-Executive Commission on China and I cover the Tibet issue. I thank all of you for your testimony today, and I have a question for Mary Beth Markey.

This is a very basic question but I think it goes right to the heart of the matter: why are all these Tibetans traveling illegally across the border? The question is, do they have an option to travel legally? My understanding would be that they would need possibly four documents to travel legally to, say, get to India for personal, religious, cultural purposes: (1) a Chinese passport; (2) permission to use that passport for exit and reentry; (3) visas to travel through Nepal, and (4) to enter India. What options do they have to do this legally and acquire these documents? Thank you.

Ms. MARKEY. It is possible for Tibetans to get Chinese passports and to travel on Chinese passports. It is not possible across the board and in every circumstance and, especially since the spring 2008 demonstrations began, it is nearly impossible for Tibetans to get passports to travel abroad.

Those Tibetans that have been able to attain passports usually use them to enter Nepal and leave them there. Any indication on a Chinese passport that you, as a Tibetan, have been to India will be treated with tremendous suspicion on return to China. So, in fact, we do know that there are many cases where Tibetans may have passports, but they certainly leave them behind in Nepal. Did I answer your question, Steve?

Mr. MARSHALL. [Off microphone].

Ms. MARKEY. Well, actually I don't know. Generally Tibetans do not use any legal means, any legal documentation from Tibet for the entire route through Nepal and onward to India. When they arrive in Kathmandu they present themselves to the UNCHR as having no documents. They certainly, again, would not use a document to go to India.

There is a specific population, a very small part of the Tibetans walking out of Tibet over the Himalayas, who, understandably, would have an interest in going back that way. These Tibetans come out, for example, to get a blessing from His Holiness the Dalai Lama or to receive a special teaching, or perhaps to bring their children to the Tibetan refugee schools in India and then leave their children there and go back.

Mr. MARSHALL. [Off microphone].

Ms. MARKEY. They would not have good prospects for getting travel documents now because of the intense security across Tibet, neither would they want to use those documents if they provided evidence that they had gone to India and the come back to Tibet, because then they would expose themselves to harassment.

Ms. OLDHAM-MOORE. Kara Abramson, and then the gentleman in the back.

Ms. ABRAMSON. I'm Kara Abramson with the Congressional-Executive Commission on China. I'd like to ask Ms. Markey and Dr. Roberts to please discuss conditions for family members of people who leave China and seek asylum elsewhere. Do these family members who remain inside China face any repercussions, and are they able to apply for derivative refugee status and eventually leave China to join their relatives who have already left?

Ms. OLDHAM-MOORE. A quick repeat on the question for those in the back. Ms. Abramson asked about the status of families left behind in terms of Uyghurs and Tibetans who leave, and whether those family members who stayed behind face any negative repercussions, and also did they get any derivative refugee status later, can they obtain it.

Mr. ROBERTS. I guess the answer is that it is not a very good situation. The most visible case of this concerning Uyghurs involves Rabiya Khadeer, who is a refugee in the United States. Several of her family members have been arrested, not overtly on charges that she had left the country as a political refugee, but I think it's fair to say that that certainly contributed to their arrests.

In general, it's my impression that once you've become a refugee it's very difficult to establish contact, direct contact, with family members. The only possible way might be if they were to meet in a third country. Unfortunately for Uyghurs, while it used to be fairly easy to get legal travel documents to go from Xinjiang to central Asia, which was a place where people could meet, now that has become much more difficult.

As the case I mentioned about the Canadian citizen who was extradited while visiting Uzbekistan points out, it is not even a safe option necessarily for refugees to go to central Asian states. Many of the Uyghur refugees who are in the United States, in Europe, and other countries, the Chinese have cases out against them, politically motivated criminal cases. So if they land in a country that is practicing this type of extradition, they could be in serious problems.

Ms. MARKEY. Generally families are placed under suspicion and can be harassed if the authorities know that other family members have left Tibet to go to India. It has been common practice for Tibetans to send their children to schools run by the Central Tibetan Administration, the Tibetan government in exile, in India. Tibetan cadres have been required to withdraw their children from Tibetan schools in India or face termination if they work for the government.

Most Tibetans who live in India or Nepal, long-staying Tibetan refugees who arrived before 1989, have resident status. In Nepal, it is no longer possible for new arrivals from Tibet to get resident status. In India, it is possible to even get citizenship, but it is a long and cumbersome process and I have heard accounts from some Tibetans that it is even impossible to get. In Nepal, some things are possible in the margins, but Tibetans are generally in a vulnerable position and resident status does not even convey basic rights.

Tibetans have been able to get visas to come to the United States. Some apply for political asylum and there are family reunification possibilities in the United States. But again, these days it is very difficult for Tibetans to come out of Tibet. If their families were in India or even Nepal, family reunification would be much easier. I don't know of any circumstances of family reunification from Tibet. I could imagine that if somebody got asylum in the United States and their family was in Tibet, their family members may try to leave Tibet to go to India and then try for family reunification from there.

Ms. OLDHAM-MOORE. Thank you.

Yes, sir?

Mr. RENDLER. Thank you. I'm Jack Rendler from Amnesty International. I'd like to take a crack at Joel's question about how to encourage the Chinese to accept more North Korean refugees and not to turn them back.

Wouldn't you think, Joel, that you, Joel Charny, could convince the Chinese that stability on the Korean peninsula would be enhanced by allowing more people to leave North Korea? Wouldn't the Chinese have an interest in people who are either starving to death or dissident, to not be in North Korea, to leave? I could picture tactically, say, you write an article that makes that case, and then we, Amnesty International, would take it around to Chinese Embassies and consulates around the world and say, what do you think about this, doesn't this make sense?

The other thing I wondered about is the issue of trafficking. It would seem to me that of all the issues on human rights abuses that come up in discussions around North Korean refugees, that trafficking might be the issue that the Chinese would be most sensitive to. Wouldn't it be in their interest to give some kind of status to women who are coming out of North Korea into China so that they wouldn't be so susceptible to trafficking?

Ms. OLDHAM-MOORE. Did you have those questions? Yes. Great.

Mr. CHARNY. So Jack tried to basically respond to my challenge about, how can we move the Chinese on this issue, the suggestion being to argue that it is in China's security interests because it would lead to a more stable North Korea to allow people who are suffering and people who are politically persecuted to move into China, thereby relieving pressure on the North Korea state.

I don't know. I mean, I think it would be—whether the Chinese would respond to that argument, I'm really not sure. We had a good discussion yesterday at the Heritage Foundation, and I think a good point that was made there was, first of all, China has a longstanding security relationship with North Korea that they are fundamentally trying to maintain, and furthermore they need, and want, North Korea as kind of a buffer between any encroachment from the south and the China border.

So would the Chinese buy the argument of more people moving into China increasing the stability of North Korea? I'm not sure that they would. I think the Chinese also are, as Suzanne referred to, either genuinely, or they just use it as an excuse, afraid of kind of a massive outflow into China that would change the demographics in that part of the country. So, I don't know. I need to mull that over. Maybe there is something there.

I should have mentioned the trafficking angle. I actually think that is one of—I would like to think that that's potentially a promising way to approach this. I think a refugee rights approach is basically not going to work, but many countries in the world, including totalitarian ones, are nominally on side on this whole question of trying to limit the trafficking of women. Trafficking of women, I think, has managed to emerge in the international dialogue as something that everyone should be against. So that is our big advantage in this case.

Now, I don't know. Being a refugee expert and not a trafficking expert, I don't know the international institutions that would be

best to take this up with the Chinese, but I would like to believe that that would be a promising angle, that you would go to the Chinese and say, look, you have got a big problem with illegal trafficking of women, this is both wrong and damaging your international reputation, can we start discussions about how to limit that, they might be open to that.

Ms. OLDHAM-MOORE. Let me just comment. CECC's last report has a big section on trafficking and China's response, and the government has done many positive steps in terms of enforcement, offering victims' services. So I don't think in that regard that there's an all-negative story there, so that might be a good angle.

Ms. SCHOLTE. I just wanted to make a comment, too, about the argument about—I think I mentioned that China has an unfounded fear that if it did show compassion to the refugees, that they may be flooded with refugees. I wanted to speak to that.

First of all, if refugee flows out of North Korea would have had that effect—I think they fear that it would cause the regime to collapse in North Korea. We have to remember that during the famine, at least half a million people crossed the border and 3 million people died, and it didn't affect Kim Jong Il at all. So this idea that this would collapse the regime if more refugees tried to flee is unfounded, but I think China has that mind-set.

The other thing that people have to remember is the refugees who are leaving North Korea don't want to leave North Korea. I've been working on this issue since 1996. I have never met a North Korean that didn't want to go back to North Korea. They left Kim Jong Il, they left that regime. So what China is doing is prolonging this problem because if it did show some compassion for the refugees it would actually create subtle pressure on the regime to reform and to open up if they did show some compassion.

But also in the long term it would be an economic benefit to China for North Korea to open up because that area of China is depressed, that border region. There is going to be so much that North Korea needs to build that country. I mean, they don't even have electricity or roads, or very poor roads, in most of North Korea. They need all kinds of things, all kinds of infrastructure that China could actually help with.

So I think we need to do what we can to make China realize that it would be—as Jack was saying, to make them realize that it would actually be a long-term benefit to China. We know this regime is going to go down eventually and the Chinese ought to be looking toward the future.

Ms. OLDHAM-MOORE. Thank you.

Any folks from the audience? Yes, ma'am. Please.

AUDIENCE PARTICIPANT. I would actually prefer that my name not be on the record. But first and foremost, I just wanted to thank the panel, as well as all the North Koreans and the advocates in this room, because I think that really your presence and your stories and your bravery—it's really one of the primary lights of hope, I think, regarding this issue. [Statement made in foreign language].

Second, I wanted to respond to the Amnesty International point. I think that one issue that isn't really discussed explicitly is that China has a very long-term policy and their vision, I think, is not

only an unfounded fear of the refugees coming across, but also an unfounded fear—or perhaps a founded fear—of reunification in the Korean peninsula and the power dynamics that will result because of that. I think that is something that is just not really addressed.

I have two questions. The first, is whether or not international organizations and the UN have tried to focus recommendations to China, not sort of on the broad proactive measures that should be taken, but on sort of the passive measure that should be taken just to allow the UNHCR to move to that northern frontierland or the borderland. I think that just focusing on that specific issue might be perhaps a little bit more compelling because it makes an easier decisionmaking process for the government.

The second question is what the U.S. public and the public around the world can do to try and create more awareness about this issue. I know that with regard to a lot of other crises in the world in recent years, the Web has provided incredible public awareness and action. I just wonder whether or not there are certain things that the U.S. public should take into mind, and if you have any suggestions.

Ms. OLDHAM-MOORE. Thank you.

Joel? Suzanne?

Mr. CHARNY. Well, on the—I think there have been sustained efforts to try and get the Chinese to change their mind about allowing UNHCR access, but the Chinese just continue to rebuff them. One idea that we had—and I don't know enough about how UNHCR actually functions internally, and this is probably——

Ms. OLDHAM-MOORE. Oh. Yes, you do.

Mr. CHARNY [continuing]. This is probably, again, completely infeasible, or even naive, but it seems to me—for China, it's a privilege. I mean, one of the—this extends across the board, I think. I mean, China has been brilliant, as part of this soft power, of insinuating itself into mainstream international institutions without, in many ways, fundamentally improving their practice on issues that we care about.

So one of the points I made three or four years ago was, how does China get to be on the UNHCR Executive Committee if they're not allowing UNHCR to perform their fundamental obligation with North Korean refugees? I mean, shouldn't that be just a basic contradiction? Everyone's nodding. It's obvious. Okay. Well, given that basic contradiction, is there any way to work that within the UNHCR Executive Committee? But again, this is where I get discouraged, because China just has so much leverage right now.

The United States is simply not going to stand up in Geneva at the UNHCR Executive Committee and ask China tough questions about the treatment of North Korean refugees. Why? Because we are on the hook for, I don't know, how many trillion in terms of the Chinese buying our treasury bonds, and so on? There's an interlocking economic dependence at this point that I think really weakens the United States in terms of its overall leverage with China and getting them to change their behavior.

So then—and Suzanne will remember this. One thing I used to get a little bit annoyed about, was everyone was kind of blaming UNHCR for the fact that they couldn't get up to the northeast. No. Let's blame the member states of the United Nations for not back-

ing UNHCR in their drive to get up there. You can't ask UNHCR to perform political miracles. So again, I'm sorry to be kind of depressing, but it's kind of, this issue has been stuck.

Efforts have been made, and unfortunately they haven't really gotten anywhere. Suzanne, I think, is the expert on mobilizing. But overall, I think there is just so much more information now about the situation, both inside North Korea and at the border. I think what we haven't found is the spark to really make this a public international issue. It's much more known than it was 10 years ago, but as we discussed yesterday at Heritage, it is hardly the Darfur of Asia in terms of public awareness.

So, any ideas that people have to make this a true international global cause—it's nowhere near as recognized as Tibet, for example. I think if we were ranking the causes, Tibet would be number one by far. I think that relates primarily to the visibility of the Dalai Lama. North Korea is then way, way, way down on the scale, and I think the Uyghur situation is virtually unknown.

Ms. OLDHAM-MOORE. I agree with that assessment.

Mary Beth?

Ms. MARKEY. I would like to make one comment, a couple of comments, actually. First of all, I think that you were absolutely right, Joel, when you said that the problem is with the refugee issue itself. This is where I was trying to suggest commonality between the Korean refugee issue and the Tibetan refugee issue. China has a problem with the very definition of refugees. They do not want people to believe that Tibetans are fleeing because they have a credible fear of persecution, that their own homeland is inhospitable to them because of China's Tibet policy. The Chinese are working very hard to turn that perception around and belittle the humanitarian and human rights issues that compel people to leave. China would like the world to believe that all these refugees are simply economic migrants who are illegally sneaking around looking for opportunity.

I think they see this as a problem for Korea, too, which is an ally of theirs. So, it is the political issue for them linked to failed policies and oppression. The refugee issue is much harder for China to acknowledge as a legitimate international concern than the issue of trafficking would be. I agree that engaging China on trafficking would be a very good inroad to providing help to the Koreans, to Korean refugees, in fact.

In response to the comment about the attention that Tibet is getting, I have been following this issue for a very long time, and I can tell you that it's getting a great deal of attention primarily because China is putting a great deal of attention on Tibet right now. It used to be that Chinese diplomats would run around capitals screeching about Taiwan. That has gone down a great deal, primarily because of more accommodating politics in Taiwan as a result of the success of the KMT in the last elections.

Now Chinese diplomats are going around the Hill and call on the administration, and they raise their problem with Tibet. They are unhappy with U.S. policy on Tibet, and on, and on, and on. I assume they don't come and harangue President Obama about their Korean refugee problem. So I think there's a priority there within

China's own internal thinking. Obviously they think that they can handle this Korean refugee problem.

Advocates on behalf of Korean refugees need to make it clear that China is not handling it in the right way, and I agree that an approach through the trafficking issue may be the right way to go.

Ms. OLDHAM-MOORE. Suzanne? Thank you, Mary Beth.

Ms. SCHOLTE. I want to make a couple of points to that question. It's been very frustrating for all of us in the North Korean human rights movement to get more attention to this because we do think it's the worst human rights tragedy going on by far, because we're talking about 3 million people who died just from the famine alone, and all of those were needless deaths when you look at the humanitarian assistance that could have been provided to them; 200,000 people in political prisoner camps, anywhere from 30,000 to 200,000 to 300,000 refugees in China.

But I want to respond. One of the difficulties that we have had is that we don't have a high-profile person. There's no movie stars, no Richard Gere or Mia Farrow—and God bless them for what they're doing to help raise the cause of the Darfur and the Tibet issue. And one of the things we face is the lack of access. We know there are political prison camps, but all we have is eyewitnesses to tell us about it and satellite photos.

To demonstrate the difficulty of reporting on the refugee and the trafficking issue—Laura Ling and Anna Lee—where are they right now, the two reporters that were trying to cover this issue in China? This just shows the collusion between North Korea and China. The North Korea border guards went into China, took those two women at gunpoint, and they are in Pyongyang now facing trial for espionage because they were trying to report on the trafficking of North Korean women. So that is one of the other problems, the lack of access.

But as far as what we could do to create awareness, what are you doing tomorrow? Noon, the Chinese Embassy, we are having a protest on behalf of the North Korean refugees. Now, I'm not a diplomat, I'm an NGO person, so I can talk about these things. But we're having a protest against the repatriation because "Hu Jintao and Kim Jong Il are side by side in genocide." That's the theme for tomorrow.

But I also want to mention very significant—how many of you have heard of Charter 08?

Ms. OLDHAM-MOORE. Hopefully many of them.

Ms. SCHOLTE. Okay.

Ms. OLDHAM-MOORE. We have a lot of analysis on our Web site on Charter 08. But, please.

Ms. SCHOLTE. I was going to say, Charter 08. This is an incredible thing, 303 Chinese intellectuals, lawyers. They put their lives on the line to sign Charter 08, this document that lays out a path for China, calling for an end to the Communist Party. And God bless them, because these same people signed a letter back before the Olympics, basically opposing the Olympics as Chinese citizens, and they mentioned all our causes. They even mentioned the North Korean refugees.

So, we need to do more to support the signers of Charter 08 and work together. I know many of us—I see Alim from the Uyghurs.

Many of us have tried to put together a coalition of all our groups where the source of all our problems is Hu Jintao, and we need to all band together to do more together about this China issue, in solidarity with the Chinese citizens that are putting their lives on the line, because they are with us.

Ms. OLDHAM-MOORE. Thank you.

Toy, do you want to ask a question?

Mr. REID. I have a question for the panelists. Feel free to chime in as you like. Starting with North Korea, I know China has occasionally appealed to a bilateral border agreement that it has with the North Koreans, and said essentially, we can't do anything about these refugees because this bilateral agreement says we will send them back if they come here. Now, the issue then becomes, there's a clear conflict between this bilateral agreement and the 1951 Convention on Refugees that China has signed.

So, Joel, if you could speak to that particular issue and whether you think there is genuine concern on China's part in wanting to show respect for this particular bilateral agreement, or whether it is just used as a convenient justification for their repatriation policy.

Likewise, in the case of the Tibetans and the Uyghurs, Mary Beth mentioned a bilateral agreement that is in the works between China and Nepal. Could you please talk a little more about that? And with regard to the central Asian states that border China, Sean, do you see a pattern that is similar? Are there bilateral agreements in place? Are they being drafted?

Do such agreements contain provisions that the Chinese Government, or the Kazakhstan Government, or the Nepali Government, may appeal to as taking precedence over international law? Thanks.

Ms. OLDHAM-MOORE. Great.

We only have time for one other question after this, so let's do a lightening round, as they say on "Meet the Press."

Mr. CHARNY. Well, I'll be brief: I think it's bogus. I think to hide behind an agreement with the state that's violated the human rights of its citizens to the degree that North Korea has—and again, I insist that the Chinese know every detail of the horrors that the North Korean people go through—to say, oh, we cannot honor our international obligations because of this agreement, I mean, it's preposterous, and I think the Chinese know it is preposterous.

Ms. OLDHAM-MOORE. Mary Beth? There's a lot to say on this, I know.

Ms. MARKEY. We have seen China, over the years, pulling Nepal closer and closer into its orbit through various enticements, and we know that China is very serious about stopping the Tibetan refugee flow. It is an embarrassment. And, as I said at the outset, as far as international treaties go, China will implement those agreements or laws that it is so inclined to implement, and it will ignore those that it is not. I don't know in the pecking order which supersedes which, but I think that if there's an extradition treaty in place, then, in this case, China will readily point to it and say, "it's the law."

Ms. OLDHAM-MOORE. Sean?

Mr. ROBERTS. Well, it's been my impression that China has historically deliberately left a lot of disputed borders for various reasons, they can use politically. In central Asia, that was really the major "carrot" that got everybody into the Shanghai Cooperation Organization in the mid-1990s. The Chinese were very interested in the central Asian states limiting Uyghur political activity on their territories, and the central Asian states wanted these disputed borders resolved because they saw them as something that the Chinese could use to encroach on their territory eventually and they just wanted it resolved. So, in fact, in central Asia, most of those borders have now been resolved, but to the detriment of the situation of Uyghurs in those countries.

Ms. OLDHAM-MOORE. Thank you.

One last question from the audience. Anybody? Yes, sir.

Mr. MARSHALL. [Off microphone].

Ms. MARKEY. It is complicated. I think your question encapsulates all of the variables that come together. Yes, there is enhanced security across Tibet, making movement around the Tibetan plateau much more difficult. We had anticipated, in fact, that there would be a rise in the numbers of Tibetans who would want to come out because they were implicated in the demonstrations and so on. So the fact that there has not been this rise is disturbing. It means that the crackdown is very effective. It also suggests that people are postponing their flight until the situation is determined to be less heated.

I think one element we haven't talked about is the guides. Most Tibetans come out of Tibet in large groups led by a guide. It's dangerous for those guides if they're caught. They sometimes are caught and they're treated very harshly. If they're going to take the risk to bring over 20 people when they're used to taking a risk to bring over 200, then the guides will also hold back. So a lot of these elements are coming together, but it is alarming and I think we should be looking at it.

Ms. OLDHAM-MOORE. Thank you.

I just want to thank our panelists. These are very complicated and difficult topics we have looked at today. We will have a transcript of this proceeding up on our Web site in a few weeks.

I want to thank Joel Charny, Suzanne Scholte, Mary Beth Markey, and Sean Roberts, and also Ms. Bang and Ms. Kim, for your courage and presence here today, and Mr. Steve Kim. Thank you so much.

Please come back. We're going to have, again, May 22, in this room, a roundtable on democracy, the concept of democracy in China. Then June 4, we're having a Commission hearing on Tiananmen's 20th anniversary.

Thank you so much for being here today. I appreciate it.

[Applause.]

[Whereupon, at 11:51 a.m. the roundtable was adjourned.]

○