China’s Response to Displaced Ethnic Kokangs and Kachins from Myanmar: Legal Grounds and Political Motivations

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I Introduction

II The 2009 Kokang Influx and China’s Response

III The 2011-2012 Kachin Influx and China’s Response

IV Legal Grounds for China’s Treatment of the Displaced Kokangs and Kachins

V Possible Political Motivations behind China’s Treatment of the Displaced Kokangs and Kachins
I Introduction

1 China

- Geography

- Ethnic composition
I Introduction

2 Refugees Protection in China

• China had received few refugees and asylum seekers prior to mid 1990s except the Indochinese refugees.


• No national refugee status determination has been established: UNHCR conducts refugee status determination in China.
Numbers of Registered UNHCR Refugees and Asylum Seekers in China 2000-2013

Asylum seekers
Non-Indochinese refugees
I Introduction

2 Refugees Protection in China

• Increasing number of incoming refugees and other displaced foreigners: UNHCR refugees and asylum seekers, North Korean escapees, ethnic minorities displaced by armed conflicts from Myanmar.

• Refugee issues are highly sensitive in China.

• The Chinese government’s emerging interest in refugee issues.
  – 2012 Exit-Entry Administration Law.
  – National asylum regulation drafted.
  – Growing contribution to UNHCR.
Chinese Government Contributions to UNHCR (USD)
II The 2009 Kokang Influx and China’s Response

1 The Chinese-Myanmar border

2 Ethnic minorities in Myanmar
II The 2009 Kokang Influx and China’s Response

3 The 2009 Kokang Influx
   – Conflict between Myanmar government troops and Kokang local army.
   – August 2009.
   – 37,000 civilians.
II The 2009 Kokang Influx and China’s Response

4 China’s response
   – Camps and humanitarian assistance.
   – “Border residents” instead of “refugees”.
II The 2009 Kokang Influx and China’s Response

4 China’s response

- Voluntary repatriation in September 2009.
III The 2011-2012 Kachin Influx and China’s Response

1 The Kachin influx
   – Conflict between Myanmar government troops and Kachin local army.
   – Between 7,000 and 10,000 Kachins entered China’s Yunnan Province.
III The 2011-2012 Kachin Influx and China’s Response

2 China’s response
   – Initial response.
   – Subsequent tolerance, but almost no humanitarian assistance.
III The 2011-2012 Kachin Influx and China’s Response

2 China’s response
   – Denial of refugee status.
   – Forced repatriation.
IV Legal Grounds for China’s Treatment of the Displaced Kokangs and Kachins

1 Chinese legal provision relating to asylum.
   – Art 32 of Constitution (1985)
     “The People’s Republic of China may grant asylum to foreigners who request it for political reasons.”

   – Art 46 of Exit-Entry Administration Law (2012)
     “Foreigners applying for refugee status may, during the screening process, stay in China on the strength of temporary identity certificates issued by public security organs; foreigners who are recognized as refugees may stay or reside in China on the strength of refugee identity certificates issued by public security organs.”
IV Legal Grounds for China’s Treatment of the Displaced Kokangs and Kachins


V Possible Political Motivations behind China’s Treatment of the Displaced Kokangs and Kachins

1 Relations between China and the Myanmar government and ethnic minority military forces in Myanmar.

2 Internal stability as a top priority for the Chinese government.

3 China’s strategic interests in Kachin State.