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East Asia remained relatively quiet in the second half of 2005, with the world’s eyes trained on America’s endeavors in Iraq and an increasingly menacing Iran. The avian flu was in and out of the headlines, claiming lives in Cambodia, China, Indonesia, Thailand and Vietnam this year, always threatening to turn into a global pandemic.

In China, two toxic river spills, a month apart, caused panic in the provinces of Heilongjiang and Guangdong, highlighting China’s lack of environmental safety standards for industry and the government’s tight-lipped opacity with regard to public health concerns. However, Michael Pareles argues rather optimistically in this issue that the government has made gradual progress through the promulgation of new laws to meet international human rights standards in China’s prison-labor camps. Meanwhile, Chinese oil giant, UNOOC, made a bold US$18.5 billion bid to buy Unocal, trumping Chevron and setting off alarm-bells in Washington D.C., although it eventually withdrew its bid in August in the face of hostility on Capitol Hill. Across the Atlantic, China’s dispute with Europe over textiles ended with an agreement in September to unblock $500 million of garments that had been sitting in European docks due to a recent June quota. The event seems now but a small stutter on the path to greater bilateral trade between the European Union and China, which topped $200 billion in 2005. In his article, Ame Patel explores the potential influence of competing economic interests on international relations, specifically the implications of economic competition on future Sino-Indian relations.

Amid relatively little fanfare, Japan’s economy turned a corner and looks to be emerging from its deflationary doldrums, with prices finally rising and consumer confidence returning. American beef is also finding its way back into Japanese stores as the government lifted a two-year ban on imports triggered by incidences of mad-cow disease, although consumers remain skeptical as American ranchers try to win back what was once their largest overseas market. In the political realm, Koizumi’s landslide re-election in October allowed him to push ahead with his agenda to privatize the Japanese Post (valued at $3 trillion), due to happen in 2007. Controversial constitutional reform got underway in November, as the Liberal Democratic Party wrapped up a draft constitution that aims to increase the role of Japan’s military in international affairs, even as the US reduced its troop presence.
in Okinawa and offered help in constructing a Japanese missile defense system. The LDP's decision to step up its military involvement in foreign affairs has significant implications for Tokyo-Taipei relations; Jason Chen predicts in his article that Japan will continue to provide and possibly increase its political and security support for Taiwan in the coming years.

The Korean peninsula remained troubled, if out of the spotlight; much of these six months were spent in intermittent six-way talks amid verbal sparring between American and North Korean officials. After admitting last February that it was seeking nuclear weapons, the Democratic People’s Republic of Korea agreed in September to give up its program in exchange for aid and security guarantees, but hopes for change collapsed again when it demanded a civilian nuclear reactor. Shadowed by the highly publicized attempted and failed negotiations, human rights violations in North Korea received significantly less attention, but which nonetheless is also of urgent concern. Cara D. Cutler suggests that China’s temporary visa program, which allows North Koreans to temporarily enter China without granting them refugee status, serves not only China’s interests, but also meets the basic needs of North Korean migrants. In the meantime, South Korea has become the biggest foreign investor in China, overtaking Japan (an economy four times as large) with its hand mainly in steel and auto-manufacturing. The 2005 APEC summit, held amidst demonstrations by farmers and trade unionists in South Korea, however, achieved little: Europe kept its agricultural markets closed despite pressure from many Asian countries.

In Singapore, the execution of a young Australian man, accused of smuggling heroin en route to Cambodia, was done in secrecy early in December, despite appeals for clemency from the Australian government and threats of a boycott. Next door in Malaysia, the worst haze since 1997 shut down schools and airports again, as government officials went into crisis talks with their Indonesian counterparts over how to control the damage.

Even as these events are being written into history by news groups, policy makers, or as part of dissertations, new scholarship continues to debate the approaches to historiography. Challenging the application of rational-choice theory in understanding the 1979 Sino-Vietnamese conflict, Todd MacEgan West makes a case for prospect theory as one that produces a more coherent narrative for the events culminating in China’s decision to enter war with Vietnam. Kenji Hasegawa revisits the experiences of student-soldiers who participated in the student movements in postwar Japan, and attempts to reconstruct, from the perspective of these students, a historical narrative that was largely omitted from Japanese Communist Party history. Finally, Seanon Wong challenges traditional perceptions of globalization, and proposes that, far from being a threat to indigenous culture, globalization stimulates cultural diversity.

The Stanford Journal of East Asian Affairs has entered its sixth year of semi-annual publications. The number and quality of submissions has met and even exceeded our expectations, even as we are actively seeking the contribution of those who find satisfaction, and even necessity, in understanding and examining the developments, past or present, in Greater East Asia. We welcome and appreciate your contributions, and hope that the Journal continues to inform our readers, and to invite a more diverse readership in the coming years. Betty Luan & Shameel Ahmad
Editors-in-Chief, 2006
In “The End of the Unipolar International Order? Implications of the Recent Thaw in Sino-Indian Relations,” Amee Patel examines the warming relationship between the two most populous countries in the world. He shows that the theoretical frameworks of power transition and balance-of-power, while useful for situating this bilateral relationship in the broader global system, ultimately prove inadequate. By failing to take into account the extent to which economic competition might hinder a theoretically-viable strategic alliance, they overstate the future evolution of this new cooperative friendship.

Seanon Wong reverses traditional narratives about globalization as homogenization in “What's In A Dumpling? The Chinese Fast Food Industry and the Spread of Indigenous Cultures under Globalization.” Critics of globalization who bemoan the corruptive effects of McDonald’s and KFC on fragile local cuisines overlook the interesting corollary that globalization also serves to export local cuisines, stimulating instead of stifling cultural diversity. Taking as his major example Chinese fast-food, Wong makes a strong case that, far from being subsumed, local cultures have thrived in today’s globalized environment by benefiting from enlarged markets and modern business management.

The world’s biggest prison system is undergoing serious reform, argues Michael Pareles. In “Hard Times, Hard Labor: Prison Labor Reform in the People's Republic of China from 1978 to the Present,” he discusses the steps that the government has taken to reduce human-rights abuses and corruption within the laogai, the nation’s system of prison-labor camps. New laws have been promulgated and are being enforced, and Pareles makes the case that China is finally beginning to legally internalize a notion of human rights compatible with international standards.
Japan

Kenji Hasegawa revisits the Japanese Community Party (JCP) of the early 1950s in “Student Soldiers in the Japanese Communist Party’s ‘Period of Extreme Leftist Adventurism,” during a militant phase in which students headed to rural villages to prepare for a Maoist revolution. This strategy was rejected outright in 1955 and, since then, the experiences of these student-soldiers have largely been forgotten in histories of the JCP, student movements and post-war Japan. Hasegawa attempts to reevaluate and reconstruct the historical narrative from the perspective of the students and activists of the time, using their memoirs as primary sources.

Japan has significantly increased its political and security support for Taiwan in recent years. Jason Chen explains why in “Japan’s Policies Toward Taiwan: Recent Trends, Causes, and Implications for the Future of Tokyo-Taipei Relations,” analyzing trends in US-Japanese relations, Japan’s own realist interests and popular domestic support for Taiwan in Japan. He forecasts that these developments show no signs of changing and that Japan will continue to grow closer to Taiwan in the year.

Korea

Faced with rising levels of illegal immigrants from North Korea, China has implemented a visa program that allows North Koreans to enter China temporarily without granting them refugee status. In “China’s Provision of Temporary Visas to North Koreans: Reconsidering the Protection of Migrants in the 21st Century,” Cara Cutler suggests that this program serves both China’s security and foreign-policy interests and the basic needs of North Korean migrants. She argues forcefully that the current international scheme for dealing with refugees is broken, serving neither the needs of host-nations nor migrants, and is in need of urgent reform.

South East Asia

In “Failed Deterrence: The 1979 Sino-Vietnamese Conflict,” Todd MacEgan West sheds new light on the incident by bringing to bear prospect theory, a new mode of understanding decision-making under risk, on the problem of explaining the Chinese decision to attack Vietnam. This decision makes little sense according to rational-choice theory, which relies strictly on expected cost-benefit calculations. Prospect theory generates different implications for the analysis of military deterrence and a more coherent narrative for the lead-up to the conflict.
THE END OF THE UNIPOLAR INTERNATIONAL ORDER?
IMPLICATIONS OF THE RECENT THAW IN SINO-INDIAN RELATIONS

Amee Patel
Davidson College

Amee Patel examines the warming relationship between the two most populous countries in the world. He shows that the theoretical frameworks of power transition and balance-of-power, while useful for situating this bilateral relationship in the broader global system, ultimately prove inadequate. By failing to take into account the extent to which economic competition might hinder a theoretically-viable strategic alliance, they overstate the future evolution of this new cooperative friendship.

A concept central to Mao Zedong Thought is a belief in contradictions. Mao viewed the world as inherently conflictual, with certain struggles more imminent than others. To put down the most pervasive contradiction first, Mao advocated forming strategic alliances. This “united front work” was evident in the Chinese Communist Party’s (CCP) strategic partnership with Guomindong (GMD) to defeat the Japanese threat in 1945. While the CCP has attempted to rein in ideology as its base of legitimacy, this tenet on contradictions is still reflected in China’s relations with India. China undoubtedly desires greater regional stability with its neighbor. A more comprehensive analysis of the recent thaw in relations, however, will reveal China’s attempt to remove its greatest contradiction — the United States.

Classical international relations theory such as power transition and balance of power offer valuable insight into China’s role and resentment of the unipolar international order defined by the United States. While both theories offer a useful framework for assessing China’s role on the world stage, neither takes into account the many dimensions a Sino-Indian alliance would have. While China and India may share a deep distaste for the current international order as described by theoretical frameworks, the nations’ competing interests, primarily economic, will hinder any such partnership between the two Asian giants. This paper will utilize both theories to set up the international system and China’s view of it. It will look at the current thaw in Sino-Indian relations and analyze the difficulties in turning this friendship into a strategic alliance to counter the United States’ dominance in the international community.

Power transition theory: the current international system

The title of one analysis sums up Sino-Indian relationship most concisely: “China-India relations: not independent of US-China relations.” At the core of Sino-Indian relations rests a shared response to the international system and, more specifically, the role played by the United States in shaping it. Any discussion of the recent thaw in
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China’s relations with India must, therefore, begin with a look at the current international order. The power transition theory provides a fitting medium to frame this very question. Broadly speaking, the power transition theory is a realist approach to international relations. Originally put forth by theorist A. F. K. Organski in the early years of the Cold War, the theory’s foundation rests on the belief that each nation’s power (which was originally determined by Organski as a nation’s per capita GDP) determines its role on the world stage.\(^4\) The result is a hierarchical international system with an uneven balance of power.\(^5\) Those with the most power are defined as dominant powers and assert enormous influence on the international system as a whole. Political theorist Douglas Lemke wrote, “The dominant country establishes an international order with rules that direct political, economic, diplomatic and military interactions.”\(^6\) Dominant powers play a crucial role in setting up and influencing world politics.

The international system Organski witnessed in the early 1950s as he developed the power transition theory was a bipolar structure with dominant power status divided more or less equally between the USSR and the US. The post Cold War structure, however, is unequivocally distinguished by the US’s unipolar dominance. America has developed the “rules of the game” for multilateral organizations like the United Nations and NATO. It provides much of the financial and advisory support for the IMF and World Bank. In return, the United States exerts the sole veto power in the organizations’ international economic decisions.\(^7\) The reason for much of the nation’s authority inevitably stems from its immense economic power. In 2002, the US ranked highest in gross national income with $10.2 trillion.\(^8\) The second and third richest countries, Japan and Germany, could not even compare with their combined GNI of $6.20 trillion.\(^9\) While economic power is not the only determinant of a nation’s power, it has undoubtedly helped establish its military and political influence around the world. The war against terrorism and the recent invasion of Iraq illustrate this military and diplomatic will. No other leader could have unilaterally invaded Iraq or established a coalition against international terrorism as President George W. Bush did in his first term of office. Moreover, the vast number of free trade agreements currently circulating the globe under the US’s direction elucidates the clear and expansive power of this dominant nation. As the power transition theory asserts, the dominant power of the US and its influence in the international community is unmatched.

Yet this dominant power is not the sole player in power transition theory. As Jonathan DiCocco and Jack Levy wrote, “[Organski] also argued that there is usually a dominant power that sits atop an international hierarchy, positioned above several lesser great powers, other medium and smaller states, and dependencies.”\(^10\) Great and weak powers also have an influence on the international system, albeit within the structure created by the United States. As Organski describes, the reason for this range in power is the different rates of growth nations undergo.\(^11\) While the dominant power is defined as one with the most power, it does not necessarily experience the fastest growth in such power. On the other hand, the power transition theory delineates the great powers as nations experiencing fast growth rates, even though their absolute power remains to be less than that of the dominant state.

Despite the challenges it still must face, China can be classified as such a great power. Over the last decade, the nation’s economy has been the
fastest growing in the world. With a GDP growth rate of 8.0 percent in 2001-02, China’s economic expansion vastly exceeds the 2.4 percent growth rate of the United States. This growth has created and added to China’s military and diplomatic influence. While some analysts may criticize the classification of China as a great power, the nation’s influence is unavoidable. As the United States aims to defuse the North Korea situation while using as little political capital as possible, officials turn the negotiation processes over to China. Particularly within the region, China is a dominating force that cannot be ignored. This influence is noticeable outside Asia as well. As a permanent member of the United Nation’s Security Council, China has a powerful and distinct voice heard by all nations in the international community. Just as the power transition theory asserts, while China does not have the dominant influence over the rules of the game, it still retains significant influence on international relations.

**China’s dissatisfaction with the world order**

In addition to distinguishing nations based on their power, the theory attempts to predict when power transitions from dominant to great nations are most likely. While the growth of great powers is important, the determining factor of power transitions is how the great power views the international order. Organski highlights the rapid growth of great powers as a potential cause of instability and conflict in the international order. Mark Amstutz wrote, “A key insight of this theory is its emphasis on a dynamic assessment of power patterns, rather than a static analysis.” States consistently experience fluctuations in power – whether it is in military, political or economic strength. Power transition theory asserts that when a great power’s stature surpasses that of the dominant power, the former dominant nation will be forced to transfer its influence on the “rules of the game” to the new dominant power. While this transfer can result in violent means, it does not have to be the case. History provides several examples of peaceful power transitions. During World War II, the United States displaced Britain with its efforts on both fronts and with its leadership in creating multilateral organizations such as the League of Nations. Britain and the United States did not engage in war over this transition. In addition, Britain overtook France as the dominant power following Napoleon’s defeat in the 19th century. These power transitions were smooth shifts that the dominant power accepted rather than contested. What the power transition theory points out, however, is that only when a great power, aided by its rapid growth, is dissatisfied with the balance of power set by the dominant nation will it seek new direction in the international system.

Falling in line with this theoretical framework, China has indeed grown resentful of the United States’ role as the dominant power in the international system. Nationalist fervor has amplified its desire to maintain territorial claims and hinder the paths of expansionist powers. As top Chinese leadership has made clear, the United States is China’s greatest strategic concern. The United States’ tendency toward intervention for “humanitarian” purposes frightens a China constantly struggling to retain its control over the dispute concerning Taiwan. Moreover, the hegemonic power of the United States, which China defined by the Bush Doctrine of preemption and unilateralist foreign policy, is seen to be expansionary. China views the US-created international order as a means for meddling in other nations’ internal affairs. This is worrisome for more than China’s territorial claims. The threat aims to
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undermine the rule of the CCP. In China’s view, the United States’ intention is not just to create the rules of the game in the international system, but also to expand its influence over other nations. For China, dissatisfaction toward this unipolar system is undeniably clear and present.

How will China resolve its dissatisfaction?

While the power transition theory accurately describes the structure of the international system and the animosity great powers direct towards it, the theory incorrectly articulates the action China is likely to undertake. As China specialist Wayne Bert wrote, “Chinese leaders would say that in many ways China is dissatisfied, but it is not clear that a laundry list of grievances and objectives add up to a profile of a nation that is willing to endure considerable sacrifice to change the international system.” It is true that China detests the unipolar dominance of the USA and views the nation as its greatest concern. At the same time, it is less certain whether or not China desires to overtake the United States as the dominant power.

Citing the still limited power China holds in the international community, along with its many imminent internal challenges, Bert finds China has “more incentives to work within the system than to challenge it on a broad front.” This point has been the source of much contention for US foreign policy makers. China specialists diverge as to whether China intends to take the US’s place as the dominant power or simply wants to balance US power. Bert’s analysis of a dissatisfied great power’s potential actions highlights China’s likely move toward “system reformation” rather than “system transformation.” While nationalistic fervor is pervasive in China, the nation is far from posing a serious threat to US power. China faces a difficult balancing act between expanding its economic prosperity and ensuring that development occurs throughout the nation. Chinese leadership must also address separatist movements in Xinjiang and Tibet, requiring a lot of political capital that could otherwise be utilized in attaining greater global dominance. China’s intentions to act on its resentment regarding the international system deviate from those proposed by the power transition theory due mainly to the internal dilemmas it must address. For while the CCP must establish a powerful position on the world stage, its legitimacy is ultimately based on China’s handling of issues directly related to the people. Rather than wanting the top position in the international order, China seeks a less absolute solution by counterweighing its greatest contradiction. To better assess this more feasible course of action, another classic theory will prove illuminating: the balance of power theory.

Balance of power theory:
a viable solution for a dissatisfied China

This classic international relations theory, initially put forth by political scientist Kenneth Waltz, asserts that alliances offer great powers a means of curbing the expansionism of a dominant power. Waltz advocates the creation of a multipolar system in which great powers, sometimes in the form of coalitions, balance against the dominant power. Both the power transition and balance of power theories offer valuable insights into the dynamic and static characteristics of nation-states. Power transition theory focuses on the dynamic nature of power shifts and asserts that alliances will be unable to withstand the constant fluctuations of power. DiCocco and Levy wrote, “Organski rejected [the balance of power theory] that an equality of capabilities between adversaries contributes to peace and argued that such a condition of parity is more
likely to lead to war.”25 The balance of power theory, however, centers on a static analysis that assumes that these alliances serve as a constant that will help great powers counterweigh the hegemon’s power.26 As Michael Mastanduno assessed the theory, “… we should find evidence that other major powers are, in Waltz’s words, ‘edging away’ from the United States and balancing or preparing to balance against it.”27 In balance of power theory, China finds a viable theoretical solution to resist the unipolar world order it detests.

Despite their inherent differences, both power transition and balance of power theories offer useful frameworks with which to assess China’s intentions in the current international order. While the power transition theory offers a straightforward description of the United States’ role as a dominant power, the solution it offers – attaining dominant power status – is unreasonable given China’s current position. The balance of power theory, however, provides a more realistic approach: seeking a strategic alliance with another great power in an attempt to counterbalance the United States and to create a multipolar order. The recent thaw in Sino-Indian relations may serve as China’s perfect opportunity to attain the solution provided by the balance of power theory.

**India: a practical candidate for China’s balance of power attempt**

While India’s great power status may be more contested than China’s, the nation has great influence and emerging power in the world, albeit to a lesser extent than its neighbor. One of the most powerful qualities India offers is its politically stable democracy.28 Despite the challenges it still faces, India’s political situation serves as a model for other developing nations. In addition to its successful politics, India experienced 4.6 percent economic growth in 1992-2001, making it one of the ten fastest growing economies in the world.29 This economic growth has had a similar effect on India as it has had on China, helping to expand its political and military role in the world.30 In its short history as an independent nation, India has served as a champion for the developing world by providing leadership during the Cold War in the nonaligned movement and, most recently, by organizing the Group of 21, a coalition of developing nations formed shortly before the WTO Doha Development Agenda in Cancun last September.31 Under the leadership of India, Brazil and South Africa, “G-21” protested rich nations’ agricultural subsidies. India’s military threat also augmented tremendously in May 1998 when the nation tested three nuclear weapons outside of New Delhi. The nation’s historical legacy as a champion for the developing world and its nuclear capabilities makes it a nation whose support is desired by all. President Bush’s appeal to Indian leadership for support in the Iraqi war was as much a desire for troops as it was for India’s backing as a leader in the developing world. While India’s power relative to China remains low, it is still a great power within the international order as discussed in the power transition theory.

Moreover, with a population of over one billion people, India shares many of the same development and security issues as China. The economic growth rates cited earlier seem less impressive when compared to the wide income gaps in both nations and the 34.7 percent and 16.1 percent of Indians and Chinese, respectively, living below $1 a day in 2003.32 In 1997-8, the poorest 10 percent of Indians and Chinese received 3.5 and 2.4 percent of total income consumption, respectively, while the richest 10 percent received 33.5 and 30.4 percent.33 Both India and China must learn to balance the macro
and micro aspects of development, ensuring that the nation moves forward to a more prosperous future without leaving large segments of its populations behind. These developmental challenges are exacerbated by significant external security challenges. Until recently, escalating tensions with Pakistan required a large amount of political capital of India’s leadership. China’s continued struggle to retain its territorial boundaries in Tibet and Taiwan also require great attention. Improvements in Chinese and Indian relations could mean greater cooperation in aiding each nation’s development. A strategic alliance between the two nations could promote greater regional stability.

**India’s resentment of the current world order**

While improved relations could alleviate each nation’s challenges, a further motivation is given by India’s shared resentment toward the international system. Analyst John Garver wrote:

“These development-oriented motivations continued into the post-Cold War period, but the epochal shifts associated with that transition added an additional rationale for better Chinese relations with India: strengthening China’s position in the face of US ‘unipolar’ pressure and interference.”

As a nation that has spoken out for developing nations and has led a nonaligned movement in the face of dominant powers, India is undoubtedly skeptical of the current international order. In 1957, in the midst of the Cold War, former Indian Prime Minister Jawaharlal Nehru warned that US imperialism would be the main cause of war. He urged nations to back out of the bipolar world order and refuse to align with either power. Nehru asserted that a coalition of developing nations, the nonaligned movement, would succeed in balancing these bipolar threats. While the international order is no longer bipolar, India uses the same logic in supporting a multipolar international system today. Analyst John Garver wrote, “Neither China nor India liked the fact of unipolarity. Both resented it and felt it was unjust both in terms of its origins and its consequences.” A Sino-Indian strategic partnership could provide China with resolution to its biggest contradiction: US hegemony. The recent thaw seems like the first step in establishing this strategic alliance.

**A recent thaw in Sino-Indian Relations**

In June 2003, Indian Prime Minister Vajpayee made a state visit to the People’s Republic of China. Following the weeklong visit, leadership of the world’s two most populous nations signed “The Declaration on Principles for Relations and Comprehensive Cooperation between the People’s Republic of China and the Republic of India.”

Laying out the measures of friendship both states intended to undertake, the declaration stated, “The common interests of the two sides outweigh their differences. The two countries are not a threat to each other. Neither side shall use or threaten to use force against the other.” For nearly half of the twentieth century, China’s relationship with India had been one of mutual suspicion and halfhearted attempts toward cooperation. The declaration’s signatories put into words what analysts had witnessed for nearly two years: a significant shift in Chinese and Indian attitudes toward one another. Efforts made by both countries, particularly in areas of political and diplomatic negotiations and military cooperation, reflect a return to Sino-Indian friendship yet fall short of a strategic alliance.

**Boundary issues being resolved**

China has entertained the idea of a Sino-Indian
partnership against dominant powers since the mid 1950s. Each effort has been hindered by China’s imminent strategic concerns, however. Through the nonaligned movement, China, as a passive observer, and India, as one of the movement’s leaders, first came together to oppose the bipolar international system. Yet China’s proclivity towards the Soviet bloc caused tension between the People’s Republic and India, as India remained a staunch supporter of complete nonalignment. India’s offer of sanctuary to the Dalai Lama in 1959 only widened the rift between the two neighbors.

Tensions finally exploded into outright war in 1962 over boundary disputes in the Himalayas. The indistinct 2,200-mile border between the Asian nations had been discussed somewhat in 1914 between Chinese Tibetan authorities and the British crown. Shortly after gaining independence from Britain in 1947, India began demanding greater territorial reaches to its claims according to the so-called 1914 McMahon Line distinguished by earlier negotiations. The Chinese government protested, claiming this compromise was an illegal affair since the Tibetan government had no autonomous governance. As negotiations between the two nations failed and India continued to occupy the contested territory, China deployed troops into the region and began a surprise and aggressive attack on Indian soldiers stationed along the border. The war resulted in the death of over 2,000 Indian troops, China’s seizure of Indian “territory,” and, most importantly, a profound suspicion between the two nations that would last for decades to come.

While the two nations returned to the negotiation table time and again since the war, the mutual suspicion it caused hardly dissipated. Since former Prime Minister Rajiv Gandhi visited China in 1988 in an attempt to improve relations, 14 meetings of a Sino-Indian Joint Working Group, a group assigned to resolve the boundary issues, have all been unsuccessful. Both nations’ stubborn refusal to limit their nationalistic tendencies for a compromise has resulted in little progress.

Vajpayee’s recent visit, however, reflects a significant alleviation of tensions related to the four decade-long boundary dispute and has made even cynics of improved relations optimistic. During the visit, both China and India appointed special representatives to address the dispute. So far, the special representatives — Chinese vice foreign minister Dai Bingguo and Indian advisor to national security Brajesh Mishra — have met twice and reported that progress has been made. Indian analyst Pramit Mitra wrote, “Neither country’s leadership seems in a hurry to withdraw any part of its contested territorial claims. But the mutual policy adjustment is unmistakable and points toward continued slow and pragmatic progress.”

In addition to nudging border negotiations forward, the visit resulted in China’s acknowledgement of India’s claim to the northwestern state of Sikkim. India also began to refer to “the Tibet Autonomous Region,” China’s name for Tibet in agreements. The thawing of Sino-Indian relations regarding territory promises to reduce the suspicion it caused four decades ago. As one analyst wrote, “…both nations have slowly come to the understanding that their national interests can be compatible. When asked, leading officials and scholars in both countries state that remaining disputes on borders are not worth a war.”

**Military tensions dissipating**

This thaw in Sino-Indian relations has also been witnessed in the military tensions between the two giants. In 1998, the entire world was taken aback by
India's nuclear tests. When Vajpayee announced that three tests had taken place 330 miles outside of New Delhi, few nations stood behind India's decision. The prime minister's letter to US President Clinton after conducting the tests offered three primary reasons for its action. One of these reasons given was the threat posed by China. As Indian Defense Minister George Fernandes made clear in Mumbai prior to the tests, “We certainly have tensions and disputes with Pakistan, but for a country like India, Pakistan is not our biggest threat. The biggest threat is China.” The tests and statement made by a top Indian official created a ripple effect throughout the world, particularly damaging the already fragile relations with China. India's nuclear tests pushed efforts at alleviating tensions one step backward.

In a recent reduction of these military tensions, Indian and Chinese fleets engaged in joint naval exercises off the coast of Shanghai in November 2003, just months after the Sino-Indian declaration of renewed friendship was signed. The exercise included a rescue mission simulation, where a Chinese ship was set on fire and then rescued by Indian warships and a Chinese-guided missile corvette. This seemingly insignificant step illustrates a great improvement in Sino-Indian communication and partnership regarding security matters. China’s foreign ministry spokesman Liu Jianchao said of the exercises, “This cooperation between the two sides will further enrich our friendly relations and will further improve understanding between our armed forces.” While the joint exercises may be a small maneuver in military strategy, it nevertheless serves as a symbolic sign of friendship between China and India.

During Chinese defense minister Cao Gangchuan's visit to India in March 2004, Fernandes said, “Opportunities and challenges abound for Sino-Indian relations in the coming decades. A normalized and stable bilateral relationship makes significant contribution to regional and global peace and security.” Just six years prior to this statement, Fernandes made little effort to hide his disregard for China. The top official's shift in attitude toward China exemplifies the friendship that now exists between the Asian giants. Yet the greater question for Sino-Indian relations is not whether the nations can compromise on intra-national conflicts, but whether they may ally against the greater contradiction posed by US hegemony.

Sino-Indian friendship, short of a strategic alliance
While from the theoretical perspective offered by power transition and balance of power it appears that the recent thaw serves as the alliance necessary to counterweigh US hegemony, neither theory makes the necessary distinction between strategic cooperation and strategic alliance. As Indian political analyst Dr. Subhash Kapila writes, there is an important difference between the two. The current strategic cooperation between China and India reflects a mutual “coordination of views by both countries to the common challenges posed in the economic, political and security spheres.” Strategic partnerships take this cooperative agreement one step further, increasing its applicability within the spheres. It is “an evolving alliance relationship,” as Kapila describes it. In order for China to address its top contradiction using the balance of power solution, it must establish the latter.

While signs of friendship have been promising, many analysts do not believe it will prove sustainable and expansive enough to form a Sino-Indian strategic partnership. Dr. Rollie Lal of the RAND Corporation wrote, “The joint [naval] exercises… serve as confidence building measures between the
two countries militaries. However, the exercises do not mark the beginning of a security alliance by any means.” The power transition and balance of power theories offer a framework for analyzing China’s resentment toward the current international order and its desire to balance this power using the Maoist tactic of contradiction, yet the current thaw in Sino-Indian relations does not fit within this framework. Both theories miss an essential component of the current international order — economic competition. While the two nations have made great strides in strategic cooperation, the nations will always be held back from a more expansive strategic alliance due to their economic interests, many of which are ironically tied to the dominant power China and India oppose.

The problem of Sino-Indian alliance-building: economic competition

Optimistic analysts of the recent thaw in Sino-Indian cooperation often point to the increased trade between the two nations in recent years. The volume of trade between China and India has increased from $300 million just a decade ago to an estimated $7 billion in 2004-05. This trade is expected to rise to $10 billion in 2005-06. Interdependence between the two nations’ economies promises to bring greater future cooperation. Yet a point these analyses miss is the role China and India’s shared developmental challenges play in hindering a counterbalance against the United States. Along with the same challenges will come greater competition within this field. One area in which both China and India hope to increase development is through the rapidly growing information technology sector.

China’s domination in manufacturing and in producing consumer goods is overshadowed by its desire to succeed in information technology, the sector from which India derives its recent economic success. Kiran Karnik, president of India’s National Association of Software and Service Companies (NASSCOM), claims that India aspires to become synonymous with IT services, “as France is to wines and Switzerland to watches.” The IT sector has had 40 percent annual growth since 1994, making up 20.4 percent of India’s total export revenue in 2002-03. In addition to the emphasis on English fluency in Indian education, some regard India’s political situation as a beneficial environment in which the entrepreneurial skills needed to develop software companies can be honed. The IT sector’s recent success has also put India in the middle of a heated debate about outsourcing of jobs, demonstrating India’s growing relevance in the international economy. Some of the strongest resentment India has experienced in its success in this high-end sector of the economy has been that of none other than the nation with whom it has just renewed its friendship — China.

While China continues its dominance in manufacturing and consumer goods, it understands this type of economic strategy will not take it far. While the manufacturing sector provides China with employment opportunities for the uneducated, this sector will not carry China into economic prosperity. China hopes to benefit from high-end, well-paying software jobs as India has done. As analysts predict, China poses a credible threat to Indian IT dominance. Rajat Mathur, an Indian software executive with WIPRO said, “India has moved up the value chain. This means that we are not competing on prices alone anymore but also quality. This paves the way for a cheaper Chinese workforce to reap a good harvest in time to come.” A cheaper Chinese labor force is among the top on the list. Chinese businesses are also beginning to understand
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The importance of English in establishing successful information technology jobs. English language training has increasingly become a component to Chinese schooling, partially in an effort to secure more software contracts.\textsuperscript{71} The closing of the gap between China and India is visible in the statistics. In financial year 2002-03, India’s revenue in IT services export totaled $9.5 billion and is estimated at $12 billion in FY 2003-04, whereas China’s revenue in 2001 totaled $700 million and is expected to rise to $5 billion in 2005.\textsuperscript{72}

The implications of this economic competition are great, especially since it relates to gaining the support of the dominant power of the international order. US corporations, in order to get lower costs, continue to export jobs overseas. IBM’s decision in March to move 3,000 jobs to China and India illustrates the current economic triangle between the three nations.\textsuperscript{73} Infosys Technologies, India’s largest IT company, reported in 2003 that 73 percent of its $750 million revenues came from the United States.\textsuperscript{74} The need for both China and India to increase English fluency among citizens further emphasizes how both nations’ software markets are directed at the United States. The United States’ domination in software and technology will be one of its strengths in defying any balance of power promoted by China. Not only does the current and future Sino-Indian economic competition promise tensions between the two developing nations, but it signals a greater subservience to the current international order as both great powers vie for economic ties with the dominant power. While China and India may continue to despise the implications of the US world order, it will find a coalition to balance power with this dominant nation complicated by their economic interests.

The competition now witnessed between China and India is to be expected. The two nations share the same challenges and, in many cases, the same strengths. Both nations boast incredible sources of labor and potential for economic power that they hope to use for the same goal: success in the high-end software sector. This competition will be detrimental in China’s attempt to counterbalance the United States. In India, China may have found such a nation that shares its resentment toward the unipolar international order. Yet this one-sided share in interests will not prevail over the economic competition found between the nations and the economic interests each find in the United States. While this competition may never lead to outright war as the nations have witnessed in the past, it remains a significant hindrance for the current Sino-Indian strategic cooperation to evolve into a strategic alliance.

This study demonstrates the variety of interests Chinese and Indian relations involve. While recent steps toward strategic cooperation signal immense improvements from the mutual suspicion of the past four decades, the thaw does not reflect a move toward acting against the current unipolar international order. Despite the frameworks established by each theory, Sino-Indian relations are doomed by potent economic competition in high-level sectors such as information technology. This sector’s importance has yet to be fully comprehended, but both China and India understand how crucial success in this market could be for their nations’ development. For reasons both good and bad, this decision will override China’s desire to counterweigh US hegemony.

The failure to form a Chinese-Indian strategic alliance reflects a shift in the traditional Maoist conception of contradiction. No longer does China hold the need to fend off a great contradiction before dealing with smaller ones. As China’s role
in the international community has expanded in past decades, its foreign policy has become more malleable to the political, military and economic interests it holds in the world. The contradictions have lost their hierarchy, forcing China to address many concerns simultaneously. It has also made unlikely an expansive alliance with India for the sole purpose of balancing US hegemony.

**The rift between theory and application**

A look at Sino-Indian relations through the frameworks of power transition and balance of power theories establishes the inadequacies of judging current international relations solely through the lens of theory. In *Bridging the Gap: Theory and Practice in Foreign Policy*, Alexander L. George examines this inconsistency between theory and application. George wrote, “. . . theory must often struggle to catch up with realities, theory generally does better explaining what has happened than predicting what will happen.”

While classical international relations theories offer plenty of valuable insight in the framework of the international order and the potential capabilities of a Sino-Indian alliance, neither succeeds in assessing the various roadblocks hindering current friendship from evolving into a more expansive alliance. As George indicates, theories succeed in framing the situation of Sino-Indian relations in the greater context of the international order. The realistic outcome of Sino-Indian relations falls short of that projected by contemporary international relations theory. The framework’s one-dimensional assessment of Sino-Indian relations discounts the all too important aspect of economic competition, one that will undoubtedly shape the friendship of the two nations in the future.

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6 Ibid.
9 Ibid.
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WHAT’S IN A DUMPLING?

THE CHINESE FAST-FOOD INDUSTRY AND THE SPREAD OF INDIGENOUS CULTURES UNDER GLOBALIZATION

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Critics of globalization who bemoan the corruptive effects of McDonald’s and KFC on fragile local cuisines often overlook the interesting corollary that globalization also serves to export local cuisines, stimulating instead of stifling cultural diversity. Taking as her major example Chinese fast-food, Wong makes a strong case that, far from being subsumed, local cultures have thrived in today’s globalized environment by benefiting from enlarged markets and modern business management.

The impact of globalization on indigenous cultures has been hotly debated in recent years. Proponents of globalization celebrate it as the ultimate order of humanity. David Rothkopf, an international trade scholar, for example, argues that the “homogenizing influences of globalization… [are] positive; globalization promotes integration and the removal not only of cultural barriers but of many of the negative dimensions of culture.” Being the primary sponsors of globalization, Americans should not hesitate to promote their culture worldwide because it is “fundamentally different” and provides “the best model for the future.”1 On the other hand, critics condemn globalization as a new form of domination. The cultural imperialism thesis claims that “authentic, traditional and local culture in many parts of the world is being battered out of existence by the indiscriminate dumping of large quantities of slick commercial and media products, mainly from the United States.”2 Regardless of one’s take on this debate, one common assumption prevails: Indigenous cultures, as Barber famously proclaims, are giving way to the uniform culture of “McWorld.”

Commentators have rightly observed that in China, as in other countries opening up to global exchanges, the entry of Western fast food (American in particular) has altered the dietary habits of many Chinese. However, it would be a grave oversight to conclude that Chinese culinary practices are in peril on the course towards cultural homogenization. In this article, I take a revisionist standpoint on the cultural effects of globalization. Using the culinary cultures of China as illustration, I refute the claim that globalization is simply cultural homogenization by highlighting that globalization has provided for the promotion and exportation of certain local cuisines; it can thus be understood as a means of propagating elements of traditional cultures in novel ways. The increasing awareness of Chinese culinary cultures worldwide offers a case in point: thanks to the proliferation of Chinese fast food establishments globally, Australians, Europeans and Americans can savor Chinese dumplings, Mongolian hotpots, Cantonese dim sum and northwestern Chinese noodles – cuisines that were mostly unheard of in the West before China lifted the “bamboo curtain” and resumed foreign contact in the 1970s – with
as much convenience as hamburgers and pizzas are found in China nowadays.

My arguments are presented in three sections. First, I provide an overview of past discussions on China’s experience with cultural globalization. Second, I argue that the extant literature is flawed by a theoretical misconception about globalization. As the experience of other developing countries confirms, globalization allows indigenous cultures to grow through participation in one important institution of modernity – the global market. To conclude, I discuss the origin and evolution of China’s fast food industry. I select several notable chains to illustrate how China is contributing to global cultural diversity by reviving and exporting its culinary cultures abroad.

The Advent of McWorld?

As recently as two to three decades ago, it was assumed that hamburgers, French fries, pizza and other fast food products would never succeed in China. When McDonald’s opened its first restaurant in Hong Kong in 1975, “few thought it would survive more than a few months.” American fast food chains brought products and services that bore little resemblance to the local culinary interests. In a region where rice is the traditional staple, fast food was largely perceived as a snack rather than a proper meal. Besides, fast food table manners typically oppose traditional eating etiquette. For example, in Japan, eating while standing or with one’s bare hands were social taboos. Chinese societies shared similar attitudes, as formal meals are traditionally consumed with chopsticks and other utensils. How could Western companies such as KFC market its “finger-lickin’ chicken in such an adverse environment?

As a result, many were surprised when Western fast food became an enormous success in China. The industry expanded into mainland China in 1987 when KFC set up its first franchise in downtown Beijing. At that time, the restaurant was the world’s largest fast food outlet, drawing up to 3,000 customers daily during its first year of operation and subsequently setting numerous company records. The Golden Arches first appeared when McDonald’s arrived at Shenzhen in 1990, and American fast food chains experienced a spectacular boom thereafter. When Beijing’s first McDonald’s opened in 1992, the restaurant – equipped with 700 seats and 29 cash registers – served 40,000 customers on its first day. Currently, there are approximately 70 McDonald’s all over mainland China. Hong Kong alone boasts over 200 with more than 10,000 employees. The company proudly declares on its website that in 2003, “McDonald’s Hong Kong cracked 32.5 million U.S.A. Grade A eggs, prepared over 25 million pounds of French fries, and grilled over 4.4 million pounds of beef patties to serve its customers.” KFC has been even more ambitious. From 2001 to 2003, the number of KFC franchises in the mainland doubled from 400 to over 800. Today, it has 1,400 in more than 200 Chinese cities, with a presence in every province save Tibet.

What does this phenomenal success of Western fast food reveal about cultural globalization? As anthropologist James Watson points out, Chinese cuisines “are not small-scale cultures under imminent threat of extinction; we are dealing with… societies noted for their haute cuisines. If McDonald’s can make inroads in these societies… it may indeed be an irresistible force for world culinary change.” Indeed, at first glance, the introduction of American-style fast food in China may suggest that indigenous cultures will soon be tossed into the trash heap of history. In Beijing, people reacted with a mixture of surprise and anxiety. Some Chinese restaurants, including
ones that have been local favorites for generations, were soon driven out of business as customers opted for Western food. The “invasion” was seen as “an alarming threat to both the local food industry and the national pride of Chinese culinary culture.”

This viewpoint is echoed by other academics: humanity, as some suggest, is on an irreversible track towards cultural homogenization. Benjamin Barber, for instance, foresees the future as “a busy portrait of onrushing economic, technological, and economic forces that demand integration and uniformity and that mesmerize peoples everywhere with fast music, fast computers, and fast food – MTV, Macintosh, and McDonald’s – pressing nations into one homogeneous global theme park, one McWorld tied together by communications, information, entertainment, and commerce.” In his international bestseller, Fast Food Nation, journalist Eric Schlosser claims that the end of the Cold War “has led to an unprecedented ‘Americanization’ of the world, expressed in the growing popularity of movies, CDs, music videos, television shows, and clothing from the United States.”

The Western media has also sided with academic wisdom. According to the Washington Post, “China’s cuisine is increasingly being altered by the growing consumption of fast food, with Chinese now more likely than Americans to eat takeout meals.” Ironically, as China strives to assert its stature as an autonomous and distinctive power, it finds itself being integrated into the “Filet-O-Fish-eating, Pepsi-drinking cosmos.” Globalization has made the country susceptible to foreign ideas, and culinary preferences have shifted accordingly. For example, cheese traditionally had been too pungent to be palatable for many Chinese. But in recent years, aggressive marketing by multinational suppliers of dairy products – along with their allies in the supermarket and fast food industries – are gradually recasting Chinese tastes. The demand for cheese is growing.

Chinese lifestyle has changed so dramatically that some even call into question the meaning of being Chinese. The New York Times notes that “ordinary people in China’s cities have found much common ground with Americans, with the way they live converging rapidly in the marketplace… Europeans may be wont to view every Big Mac as a terrifying sign of American cultural imperialism, but Chinese have mostly welcomed the invasion – indeed they have internalized it.” Studies show that receptiveness to American fast food has little to do with the taste of the food itself. Rather, most Chinese visit the Golden Arches or KFC because the experience satisfies their curiosity about, if not yearning for, American culture. The Big Mac, in the words of Yunxiang Yan, is “a Symbol of Americana.” Especially to the younger generations, eating fast food is “an integral part of their new lifestyle, a way for them to participate in the transnational cultural system.”

Globalization and the Spread of Indigenous Cultures

Has the extant literature aptly described and explained the dynamics of globalization and its impact on the culinary cultures of China? Those who lament the end of cultural diversity base their reasoning on two assumptions. The first is that globalization on the one hand and the persistence of indigenous cultures on the other are inherently antithetical; as Barber puts it, their relationship constitutes the “dialectic of McWorld.” The second assumption is that local identities exist a priori. A culture must already be recognized by both members within and without a community before being brought under the impact.
of globalization. For instance, to make the case that KFC is uprooting Beijing’s native identity by ousting the city’s famed roast duck from its restaurant menus, one must argue that people were conscious of a Beijing identity in the first place, and that Beijing delicacies are an essential component of this identity. Identity erosion would not be an issue if this identity never existed.

Both of these assumptions are flawed, as cultural identities are more a modern creation than a primordial conception. “Globalization,” according to Tomlinson, is really the globalization of modernity, and modernity is the harbinger of identity… Modernity… means, above all, the abstraction of social and cultural practices from contexts of local particularity… [It] institutionalizes and regulates cultural practices, including those by which we imagine attachment and belonging to a place or a community. The mode of such imagination it promotes is what we have come to know as ‘cultural identity’. (italics in original)\(^\text{18}\)

Contrary to popular belief, globalization is not a unilateral process in which a “McWorld” culture spreads, erodes and ultimately supplants indigenous cultures. Globalization produces – rather than victimizes – people’s consciousness of their cultural environment. As in the case of Chinese culinary cultures, by successfully incorporating an important institution of modernity – a market economy – “globalizing” societies are empowered to repackage and promote their cultures beyond their geographical confines.

The experiences of Japan and India are instructive. According to Tulasi Srinivas, while the forces of “cultural globalization… do enter India, cultural models are also increasingly emitted from India.” The most prominent example is the rise of New Age culture, as reflected by the widespread practice of meditation, yoga and spiritual healing, and by the consumption of Indian cultural artifacts all over the world.\(^\text{19}\) Furthermore, the “entry of multinational food companies has been widely reported… but the concurrent boom in local foods and indigenous cuisine has been ignored.” Inspired by the efficiency of Western management, the Indian catering sector “takes Indian recipes, simplifies them for quick production, and decreases time and cost to the consumer.”\(^\text{20}\) Indian society, as Srinivas succinctly posits, is experiencing “a restructuring of cultural concepts and institutions, incorporating the global and modern with the traditional and local.”\(^\text{21}\)

In addition, a culture’s influence abroad has less to do with its inherent “strength” – a notion Huntington adopts in his famous analysis of civilization conflict – than with a society’s level of economic development and integration with the global order. According to Tamotsu Aoki, the success of American fast food in Japan since the 1960s only in part reflected a dietary revolution that transformed Japanese society. As the number of foreign restaurants grew exponentially, “a simultaneous process of fast-foodization of traditional Japanese food was occurring.”\(^\text{22}\) Nowadays, hamburgers have to compete with sushi in many Western countries.

Economic development also enabled Japanese corporations to promote their native cultures internationally. Suntory, for instance, pioneered “the penetration of Japanese mass culture and Japan’s image in Asia” through the aggressive marketing of its beverages. Shiseido managed to infiltrate the saturated European market and compete on par with the European cosmetic giants because the company
highlighted its Japanese origin. The exoticism associated with Japanese aesthetics bolstered Shiseido’s popularity among European consumers. The case of Japan shows that globalization “progresses in accordance with the degree of development in each society, and the traditions and culture of each country and society are reflected in the process.”

Similar observations can be made for other Asian societies. For example, economic prosperity has provided the material foundation for Hong Kong and Taiwan to develop their entertainment sectors. Combining traditional Chinese with modern elements, Hong Kong and Taiwanese popular cultures have been enormously influential in mainland China and also globally. Despite its history as a British colony and its cosmopolitan outlook, Hong Kong retained its Chinese roots. The city became an exemplar of Chinese culture as it became the chief producer and exporter of products ranging from Chinese qipao (cheongsams) to movies glorifying Shaolin martial arts.

**Noodles vs. Sesame Seed Buns**

Considering the omnipresence of McDonald’s, KFC and Pizza Hut, American fast food has been a revolutionary force in China’s everyday culture. They have yet to become the most popular dining locations, however. Indigenous cultures, including culinary traditions, are on the rise in China. Paradoxically, globalization is responsible for their revival.

The evolution of Hong Kong’s culinary scene offers an ideal starting point for discussion, since the city has been on the forefront of global integration for a much longer time than mainland China. As American fast food chains have boomed in Hong Kong over the last three decades, the demand for fast food – American or otherwise – has grown even faster. Currently, Hong Kong ranks first in the world for frequency of fast food consumption. Over 60 percent of the city’s denizens eat at takeaway restaurants at least once a week, compared to only 41 percent and 35 percent in mainland China and the United States respectively.

Hong Kong’s fast food industry, nevertheless, is dominated by Chinese companies such as Café de Coral, Fairwood and Maxim. Chinese dishes accounted for over 70 percent of fast food supplied in Hong Kong in 2002.

Just as India underwent a trend of “fast-foodization” as it joined the global economy, the success of Café de Coral in Hong Kong epitomized the mass commoditization of Chinese cuisines. Before the company was established in 1969, Hong Kong already had a long history of eating out. Café de Coral, however, was among the first to put Chinese food into large-scale production and consumption. Its initial strategy was simple: “It moved Hong Kong’s street foods indoors, to a clean, well-lighted cafeteria that offered instant services and moderate prices…”, and business expanded steadily thereafter. Ironically, the real boost for Café de Carol came when the Golden Arches arrived in 1975. According to Michael Chan, the company’s current chairman, “McDonald’s landing… inspired [Café de Coral’s] confidence in self-service catering.” In the late-1970s, Café de Coral started using television commercials for mass advertising, and learning from McDonald’s production model, established its first central food processing plant. Café de Coral is now Hong Kong’s largest supplier of fast food.

Recently, Café de Coral extended its ambition beyond Hong Kong. The company’s mission is to become “a distinguished corporation in the food and catering industry as the world’s largest Chinese quick service restaurant group…” In 2000, it
acquired Manchu Wok, Canada’s largest Chinese fast food supplier and second largest in the United States. With over 200 restaurants throughout North America and the number rising constantly, Café de Coral prides itself “as a menu innovator specializing in fast and fresh Chinese cuisine, ranging in style from Cantonese to Szechwan.” Chan boasts that eventually, “Chinese [food] will displace the burger and the pizza”. The future of fast food, as The Economist predicts, “may be congee, tofu and roast duck.”

The recent flourish of local fast food restaurants in mainland China is reminiscent of Hong Kong’s experience, as challenges posed by American fast food since the late-1980s have compelled many Chinese restaurateurs to react and innovate. It was against this backdrop of foreign competition that the genesis of Chinese fast food occurred. The industry’s nascent phase – which lasted until the early-1990s – was marked by constant attempts by local entrepreneurs to imitate their foreign challengers. Numerous copycat restaurants, with names such as “McDuck’s,” “Mcdonald’s” and “Modormal’s”, appeared in the major cities. Most of them have posed little threat to the Western fast food giants. One outstanding exception, however, is Ronghuaji, or “Glorious China Chicken”.

Ronghuaji was founded in 1989 after two Shanghai entrepreneurs were inspired by KFC’s business model. Since its inception, emulating KFC has been Ronghuaji’s modus operandi. Franchises were set up in downtown Beijing and Shanghai, usually right next to existing KFC restaurants, selling chicken products prepared with a wide variety of Chinese recipes. Although all of its Beijing outlets failed to be consistently profitable and eventually went out of business, Ronghuaji’s moment of success “demonstrated that Chinese entrepreneurs could employ Western technology and create an industry with ‘Chinese characteristics.’”

Throughout the 1990s, Chinese entrepreneurs learned that reinvention of Chinese cuisine in the form of fast food – rather than blind imitation of foreign recipes – provided a better path to business success. Alarmed by the popularity of the American chains, the Chinese government promulgated state policy in 1996 to foster a local fast food industry. As Yan observes, the “fast-food fever” jumpstarted by the Western restaurants in Beijing “has given restaurant frequenter a stronger consumer consciousness and has created a Chinese notion of fast food and an associated culture.” By the end of 1996, over 800 local fast food companies were doing business in China, operating over 4,000 restaurants. The annual revenue was over RMB40 billion, accounting for one-fifth of the catering industry’s total revenue. By 1999, annual revenue surged to RMB75 billion, 20 percent higher than the previous year, and accounted for one-third of the industry’s total. The growth rate for fast food was 7 percent higher than the average growth rate of the catering industry as a whole. Furthermore, contrary to the myth of foreign domination, Chinese-style fast food occupied a much larger portion of the market. As of 2002, four out of five fast food operators are Chinese restaurants. Business turnover of fast food restaurants serving Western dishes in 2000 accounted for only one-third of the industry’s total volume.

The extraordinary growth of the Chinese fast food market is the direct result of rising consumerism. As in Café de Coral’s success in Hong Kong, however, the real impetus to growth was the introduction of fast food management to aspiring Chinese entrepreneurs. Several of the industry’s leading figures were former employees of McDonald’s and KFC – an experience which equipped them with
Western management concepts and techniques. The success of their business owed much to their ability to combine “modern methods of preparation and hygiene with traditional Chinese cuisine...” Beijing’s most famous restaurant, Quanjude Roast Duck Restaurant, even sent its management team to McDonald’s in 1993. A year later, it introduced its own roast duck fast food.34

An important business concept that helped Chinese chains to proliferate is franchising. Today, nearly all fast food restaurants in China publicize telephone hotlines for franchise information. With the friendly denomination of jiameng rexian (literally, “the hotline to join the league”) these numbers are usually posted in prominent places, such as restaurant entrances. For instance, in 1996, Daniang Dumplings was merely a community restaurant in Changzhou in Jiangsu province with only six employees selling arguably the most prototypical of northern Chinese food – shuijiao (boiled dumplings). Within the next nine years, it expanded into an empire of over 150 franchises throughout the country and as far as Indonesia and Australia.

The phenomenal success of Café de Coral, Daniang Dumplings and others is of great significance not only to the preservation of Chinese culinary cultures at home, but also their influence abroad. When a new restaurant is established in a foreign territory, not only is its food consumed, but its associated culture is also propagated among the host community. The case of Mongolian hotpot illustrates how a culture that was once found in a restricted geographical region can spread through market expansion. In the past, Mongolian hotpot was found mostly in northern China; it was considered an exotic cuisine even to Chinese of other regions. In the past six years, however, Xiaofeiyang – a chain enterprise started at the turn of the century with just one outlet in Inner Mongolia – transformed hotpot into a regular repast throughout the country. Today, the chain owns franchises in as far south as Guangdong and Hong Kong – the geographical opposite of the cuisine’s origin in China. It has an aggressive plan to expand overseas, with outlets already set up in North America.

Another remarkable example is Malan Hand-Pulled Noodles. The company opened its first restaurant in 1993, serving traditional dishes from northwestern China in a fast food setting. By the end of 2002 it had multiplied into 436 outlets nationwide. By 2004, it had expanded outside of China, into Singapore, Western Europe, and California.35 On the opening day of its first restaurant in the United States, company manager Frank Wang declared that by “inheriting the essence of traditional beef noodles, and maintaining the original taste of Chinese food culture, Malan Noodle achieves further development by applying the modern fast food concept, thus making the national snack flourish.”36

Conclusion

The primary lesson one can learn from the thriving Chinese fast food sector is that globalization is facilitating the spread of cultural diversity, rather than – as the word “globalization” so misleadingly suggests – a tendency towards cultural homogeneity. The opening up of Chinese society cultivated a population curious about outside ideas, values and cultures. A taste for foreign lifestyle, however, is not the same as cultural submission. As the Chinese learned to become “modern,” globalization also nurtured a class of outward-looking entrepreneurs who extracted elements of Chinese culture and combined them with modern business management to compete in the global economy.
The arguments presented in this article serve to rectify the misconception of cultural homogenization that underpinned intellectual exchanges in the past. The case of Chinese culinary cultures, however, represents only the tip of the iceberg of China’s contribution to global cultural trends. Other areas of Chinese traditions are also experiencing a revival. The production, research and development of Chinese medicine, for example, have been modernized; its practice is gaining wide acceptance in many Western countries. Various types of qigong – the Chinese art of self-healing that combines meditation and body movements – are also proliferating. To truly understand the fate of indigenous cultures under globalization, analysts should pay more attention to China as a cultural emitter, rather than simply labeling it a passive follower of a purported global culture.

ENDNOTES

4 Ibid., 84.
16 Watson and his team have proposed a rebuttal to the cultural homogenization thesis. They claim that albeit its popularity in East Asia, McDonald’s has been more or less detached from its American root. In order to cater to the particular needs of local markets, the food and services of McDonald’s have changed so much that the company has ceased to be a fast food supplier in the American sense. For further details, see James L. Watson, ed., Golden Arches East: McDonald’s in East Asia (Stanford: Stanford University Press, 1997).
17 Barber, op.cit., 6.
20 Ibid., 94-99.
21 Ibid., 106.
23 Ibid., 74.
27 Café de Coral company profile, Hong Kong Chamber of Commerce, available online at <www.chamber.org.hk/info/member_a_week/member_profile.asp?id=80>.
30 Lozada, Jr., op. cit., 125.
31 Yan, “Of Hamburger and Social Space,” 207.
32 Ibid., 201.
33 Fast Food Market Report (Friedl Business Information, 2002)
34 Yan, “McDonald’s in Beijing,” 74-75.
The \textit{laogai}, China’s “Reform through Labor” system, is the biggest prison system in the world.\textsuperscript{1} In its vast network of over 1250 labor camps, prisons, and detention centers, it employs the productive power of over 2 million criminals, political prisoners, and innocents\textsuperscript{2} in the manufacture of goods ranging from textiles to weapons and industrial machinery. In 1988, Chinese prisoners produced goods worth over US$1.5 billion, accounting for 0.4 percent of China’s GDP.\textsuperscript{3} Since the “the Great Proletarian Cultural Revolution” period from 1966-1976, the \textit{laogai} has changed significantly, now serving simultaneously as means of criminal rehabilitation, political repression, and revenue production for the Chinese government. The issue in this paper is not the moral legitimacy of prison labor as a concept. Many countries force their inmates to work for profit or reform and neither is considered by international law to be a human rights violation in itself. Nor is this paper’s focus the Chinese government’s extremely poor system of judicial review and practice of political imprisonment, often without trial, as these have already been the subject of much literature regarding the \textit{laogai}. The subject of this paper is the abuse of prisoners’ human rights in the \textit{laogai}. The \textit{laogai} is a system riddled with corruption and abuse, plagued with structural problems, and operated in violation of both international and domestic law. However, as conditions in China broadly improve so do those in the \textit{laogai}. The central government has been making a huge effort in the last decade to address human rights abuses and to comply with international human rights standards in many areas of Chinese life. Though abuses still exist in the Chinese prison system, the government is taking good-faith steps to address them and for that, it should be commended.

\textbf{Laogai: An Overview}

The term \textit{laogai} literally means “reform through labor” and in reality refers to a specific type of criminal punishment. However, in common parlance the term \textit{laogai} is used to refer to both the specific punishment and the entire Chinese prison system.\textsuperscript{4} The Chinese prison system is split into two main types of detention based on crimes and sentencing: Reform through Labor (\textit{laogai}) and Re-education through Labor (\textit{laodong}).\textsuperscript{5} The greatest differences between the two are mainly procedural. \textit{Laodong} has been the object of most human rights
inquiries into the Chinese criminal justice system because defendants receive little, if any, due process. It accounts for about 10 percent of the entire Chinese prison population. Detainees are usually urban-dwellers, sentenced without trial for mostly ideological crimes for a period of up to three years. Before 1978, this was used mostly against political dissidents, however now laodong punishes primarily drug offenders and those involved in the sex trade, though many political crimes are still punished under this heading. About 87 percent of those in the Chinese prison system are sentenced to laogai. Laogai is for criminals with longer sentences and more serious crimes, although political prisoners are often sent there as well. They have been formally tried, convicted and sentenced. Both laogai and laodong facilities put prisoners to work manufacturing goods for sale, and though laodong is supposed to be less harsh than laogai, both have very high rates of human rights abuses.

**Human Rights Abuses in the Laogai System**

Although there are few if any government-documented instances of torture in the laogai, it is safe to say from prisoner accounts and NGO reports that at least until the promulgation of the Prison Law of 1994, human rights abuses in the laogai were rampant. Prisoners commonly reported being hung by their wrists, being beaten by guards or by fellow prisoners directed by guards in order to afford guards “deniability,” as well as having experienced electric shocks applied to sensitive body parts, solitary confinement, mental and emotional abuse and many other forms of torture.

Before Mao’s death in 1976, there was a much greater emphasis on thought reform through self-criticism and “struggle sessions.” There was also a much larger political prisoner population. Prisoner abuse was usually justified in accordance with a prisoner’s unwillingness to “reform,” to acknowledge the faults of his or her usually political crime, and to make significant progress in adopting the official ideological stance. However, starting in 1978 under the national leadership of Deng Xiaoping, the laogai’s ideological function of enforcing the “dictatorship of the proletariat” became far less important. Developing new importance was the system’s productive potential as a source of government revenue. Thousands of political prisoners were “rehabilitated” and freed starting in 1978 and the correctional system’s population rate of what we would consider political prisoners has dropped from over 90 percent in the 1950’s to less than 10 percent currently, and perhaps significantly less. Deng Xiaoping’s economic reforms ruled that the laogai should be subject to market principles and should thus be economically self-sufficient.

With this shift in emphasis from prisoner reform to prisoner production, abuse of prisoners became linked to a prisoner’s failure to meet or exceed production quotas, rather than a failure in thought reform. Although prisoners are officially supposed to work no more than eight hours a day, in the early 1990’s prisoners reported that they were often forced to work 12 to 16 hours a day or more, six to seven days a week depending on production quotas and deadlines. In addition, prisoner rations were routinely withheld or reduced depending on production performance, and prisoners received generally poor medical care.

Though not within the scope of this paper, it would be remiss not to mention that the Chinese criminal justice system’s largest source of human rights abuse is most likely the process of criminal review itself. To say that Chinese courts are a sham would perhaps be too strong, but to state that the
court’s officials play a more important role in court decision-making than do the court’s laws would not be an exaggeration. Though China’s rate of incarceration as a function of the population is not much higher than the international average, and far below that of the United States, China’s “defendant-to-conviction” rate is the highest in the world. This means that if a person is accused of a crime in China there is a smaller likelihood than anywhere else in the world that he or she will be acquitted. Access to appeal is limited; consequently, it is believed that there is an extremely high rate of innocents sent and kept in prison. This, perhaps more than anything else, is the greatest and most reform-resistant source of injustice in the Chinese criminal justice system today.

Abuses in the Laogai and the Law

International law has much to say regarding the types of abuses found in the laogai. The physical and mental abuse of prisoners by guards clearly falls under the definition of torture as defined in Article 1 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) which the Chinese government ratified in 1988. Though China did ratify the Convention with reservations, those reservations questioned the competence of the Committee Against Torture and not the document itself. China is still bound by the rest of the Convention’s provisions, and thus, is clearly in violation of its obligation under Article 2 to take appropriate measures to prevent and punish all acts of torture.

Article 2 of the International Labour Organization’s Convention on Forced Labour (1930) excludes from the definition of forced or compulsory labor “any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations.” Most Chinese reform through labor practices do not fall under the International Labour Organization’s definition of “forced or compulsory labour,” and thus, are not subject to the restrictions of its relevant conventions. However, camps involved in joint ventures with private corporations that force inmates to produce products for the public are guilty under this convention of employing forced labor. According to the ILO convention, the camps that produce goods for sale in partnership with private companies, and thus employ forced labor, must not, for example, use workers in underground mines, nor require a workday of over eight hours. The laogai has been reported as violating these provisions. The ILO’s Abolition of Forced Labour Convention of (1957) bans forced labor:

(a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
(b) as a method of mobilising and using labour for purposes of economic development;
(c) as a means of labour discipline;
(d) as a punishment for having participated in strikes;
(e) as a means of racial, social, national or religious discrimination.

Because the PRC has signed neither of these conventions, it is incorrect to say that the PRC has broken their covenants. But this document is useful for determining a standard of acceptable labor standards in a prison labor system. If we were to
apply this document to laogai we would find that its very ideology as both a reformative and productive institution through the compelled labor of its prisoners puts it in violation of points (a) through (c). Some argue that the laodong especially, since its inmates are sentenced without trial, routinely accuses dissidents with bogus charges when in reality their prosecution is due to their political and religious views and activities.\textsuperscript{20}

Though the provisions of the ILO’s forced labor agreements exclude prison labor as forced labor with few exceptions, the abuses listed above do violate several parts of the United Nations’ Rules for the Minimum Standards for the Treatment of Prisoners (1995), a document which lays out in detail the conditions under which prisoners are to be kept. Due to its relative newness, the high standards it sets for prison conditions, and rampant disregard of its provisions by many developed nations like the United States, this document is not a good benchmark for evaluating the excesses of the Chinese system. However, it does remain an articulated ideal towards which to strive for China and for all countries, and a concrete document to which activists and reformers can continually pressure China to adhere.


Articles 33 and 34 of the Criminal Law of 1997 dictate that the only punishments that can be handed down to criminal offenders are primarily public surveillance, criminal detention, fixed-term imprisonment, life imprisonment, and the death penalty, and secondarily fines, deprivation of political rights and the confiscation of property.\textsuperscript{21} The new Criminal Code is four times as long as its previous version, addressing areas of economic and technological crimes that did not exist when the first version was drafted. However, the parts this paper is concerned with are identical in both versions. Both exclude any type of corporal punishment. This cannot necessarily be said about criminal regulations during the Mao era.

The Prison Law of 1994 is the first comprehensive set of regulations in China for the administration of the Reform Through Labor system. The State Administration branch of the Chinese government created a short set of general guidelines called “Labor Reform Regulations” in 1954, and in the 1980s it issued two provisions that were soon found to be woefully inadequate.\textsuperscript{22} The Prison Law of 1994 is also significant in being the first to mention the word “torture.” It also set clear limits on prison cadres in their treatment of prisoners. It clearly states:

The people’s police of a prison shall not commit any of the following acts:

3) use torture to coerce a confession, or to use corporal punishment, or to maltreat a prisoner;
4) humiliate the dignity of a prisoner;
5) beat or connive at others to beat a prisoner;
6) utilize a prisoner to provide labor services for personal gains.23

The law dictates further that any member of the people's police who commits one of these crimes shall be investigated for criminal responsibility or given administrative sanctions.24 This law is important because it sets up protections for prisoners from guards. This law also represents a shift from the “class-struggle mindset” that routinely blamed prisoners for all problems in the laogai to the increasing recognition of unqualified and corrupt guards as a major difficulty.25

Structural Problems and Reform

Despite (and, to some extent, because of) the changes it has undergone over the past 25 years, the laogai suffers from several structural problems. These problems not only make some forms of abuse difficult to identify and address, but also create new forms of abuse. The application of market reforms to and the decree of economic self-sufficiency for individual laogai camps in the 1980s put pressure on prison officials and cadres to minimize overhead costs like prisoner facility maintenance and to overwork prisoners far beyond the eight-hour daily limit. In some instances, guards had a personal interest in pushing inmates to work harder because low budgets often meant they would not be paid.26 In addition, prison officials were under immense pressure to sell their products competitively on the market and to export prison-made goods to foreign countries. These exports were in direct violation of a local Chinese ban and an American-Chinese Memorandum of Understanding banning the export of prison-made goods.27 No doubt this incentive, if not necessity, to break Chinese regulations in order for the camp to survive economically bred a disregard for any laws governing the decent treatment of the prisoners themselves.

The poor oversight of administrative officers compounded this incentive to overwork prisoners and cut costs. As of 1989, the Ministry of Supervision, the government office responsible for overseeing China’s administrative organs, had 568 offices with a total staff of over 1300 for a system of about 1250 facilities. According to James D. Seymour of Columbia University, this works out to about one supervisor for every 1,000 to 2,000 prisoners, a woefully inadequate number to address many instances of administrative misconduct or prisoner appeal.28

The productive nature and increased marketization of laogai camps does not mean that laogai camps are particularly profitable nor does it mean that the Chinese government relies on them as a large source of revenue. Though the full integration of the laogai into the Chinese economy is undeniable, arguments attesting to the government's benefit from prison labor are mistaken. It is important to note that since Mao's death, profits from laogai enterprises have decreased significantly, declining 86 percent from 1978 to 1983. Though profits rose from 1983 until 1987, they were still 54 percent less than they were in 1978. To put these figures in perspective, laogai production in 1988 (the year before the government stopped reporting these figures), was 5 billion renminbi or about 0.4 percent of China’s GDP.29

The PRC is in the process of addressing many of these structural problems. The “self-financing system” was deemed a failure and abolished by President Jiang Zemin in 1994. Soon after, the State took the important step of exploring the separation of production enterprises from reform and re-
education through labor. More specifically, last year the government instated pilot prison programs in six provinces and municipalities in an effort to separate the reform aspect of the prison from the profit-making aspect. The official goal is “to separate the prison’s original function of penalty enforcement from its functions of production and operational management; and to build up a just, incorruptible, civilized and highly efficient new structure for the country’s prison work that mainly focuses on separating the functions of the prison system from those of an enterprise.” The Prison Administration, the department of the Chinese government that directly administers the laogai, will be both legally and functionally separating the reformatory and corporate organizations of each labor camp. This will hopefully both minimize the instances of production-motivated abuse and maximize reform through less production-intensive vocational training. While the first and only prison run directly by the Ministry of Justice seems to have a ridiculous emphasis on activities like painting that could not and should not be duplicated around the country, its emphasis on training and de-emphasis on production should and hopefully will.

A large source of abuse in the laogai is due to guards and cadres who are simply unqualified for the position of correctional officer. Guards and security personnel are chosen on the local level, and often administrators with political connections are chosen over more qualified candidates. However, as government projects are administered from higher and higher up the power structure, cronyism becomes less of a problem. Prisons tend to be increasingly well managed the more directly they come under control of the central government. Thus, as prisons begin to come under more direct central government control, and personnel are picked based on their qualifications and not their personal relationships, we are likely to see a decrease in abuses.

The Chinese have also made an effort to increase administrative oversight of prisons in order to address grievances, enforce new legislation, and assist the rising population of appellants. The Chinese government’s official report on human rights in China in 2004 boasted that they had set up 3,329 procuratorial offices at laogai institutions around the country, had organized procuratorates at 75 of its largest prisons, and had extended procuratorial services through representatives to 92 percent of the countries prisons, detention centers, and laodong centers. Hopefully, these new offices will go a long way towards providing the oversight and self-policing mechanism that is so essential to the effective enforcement of law in any prison system.

The laws that China has recently promulgated regarding the laogai, such as the Prison Law of 1994, have gone a long way to minimizing abuse by their mere enforcement and dissemination to prison officials and prisoners alike. As early as 1996, prisoners in certain provinces were reporting that conditions had improved and that abuses like beatings rarely occurred, although many abuses were still commonplace. Reform in China has not been limited to the criminal justice sector. They are part of a much greater effort over the past decade by Chinese leaders towards human rights, the elimination of conflicts of interest, and the rule by law instead of by administrative discretion. The incorporation of human rights into the actual text of the Chinese constitution is the most recent and perhaps most symbolically significant act towards these ends. On March 14, 2004 the 10th National People’s Congress, the highest legislative body of the PRC, adopted the recently proposed amendments to the Constitution, adding the provision “the state
respects and safeguards human rights,” amongst other human rights provisions. These “cognitive changes” not only reflect the ongoing discourse within the Chinese government regarding human rights, but also change and shape policy.\textsuperscript{57} The fact that there is a large and growing body of Chinese law, most passed within the last decade, banning these abuses and taking steps to prevent them is perhaps the most significant point of this paper. If nothing else, it shows what Professor Dali Yang at the University of Chicago describes as a huge ideological shift in the Chinese Communist Party from rejecting the Universal Declaration of Human Rights as “Western Human Rights” to an acceptance and growing internalization of international human rights standards.\textsuperscript{38} It is this internalization of human rights that is essential if the Chinese are going to work towards human rights \textit{sans} pressure from foreign governments, foreign companies, and foreign NGOs.

\textit{“What is to be done?”}

Scholars and organizations have long debated what measures China should take to cleanse the \textit{laogai} of its poor human rights record, or if the \textit{laogai} as an institution can be compatible with human rights at all. It is an increasingly small group of scholars, activists and former \textit{laogai} inmates who argue the latter. Many, like Steven Mosher, formerly of Stanford University, write from Taiwanese journals and are unequivocally anti-PRC. Others, like Harry Wu, founder and director of the Laogai Research Foundation, are former prisoners of the \textit{laogai} who have since emigrated or sought asylum in the West. Some, like Mr. Wu, have published books and testified in front of congressional committees, and though the struggle and courage of these people is admirable, their work is often more emotional than it is scholarly, and their figures more inflated than accurate.

Especially in light of the last decade’s reforms, an increasing number of scholars and organizations are disagreeing with Harry Wu’s claim that “labor reform camps are a necessary product of the Chinese totalitarian State.”\textsuperscript{39} In 1996, the UN Committee Against Torture commended China on its progress towards meeting its obligations under the Convention Against Torture. The committee was concerned, however, that authorities still did not follow up instances of torture in police stations and prisons with proper investigations. They were also concerned that the Chinese procuratorial bodies had yet to establish their authority over the security organs when dealing with torture allegations and the large number of deaths arising out of police custody. The Committee recommended to the Chinese government, among other things, that a “comprehensive system should be established to review, investigate and effectively deal with complaints of maltreatment, by those in custody of every sort” and be given the necessary jurisdiction to do so. The Committee also recommended that prison conditions should be brought up to meet standards set by Article 16 of the Convention Against Torture, that prisoners and detainees should be given access to legal counsel as soon as possible, and that “China should continue with its most welcome reforms to its criminal penal law, and continue to train its law enforcement personnel, procurators, judges and medical doctors to become professionals of the highest standing.”\textsuperscript{40} In the last paragraph of its recommendations, the Committee Against Torture declared:

An independent judiciary, as defined in international instruments, is so important for ensuring the objectives of the Convention
Against Torture, that the Committee recommends that appropriate measures be taken to ensure the autonomy/independence of the judiciary in China.41

This last recommendation is one shared by both Seymour and Chinese security expert and former professor of Political Science at Western Michigan University Murray Scot Tanner. Tanner puts the need for an independent judiciary in a greater context:

China, like most authoritarian systems, lacks the institutions to create self-generating or self-sustaining monitoring of law enforcement abuses, or to generate effective political pressure for reform. The institutions I am talking about, of course, would be things such as a free and investigative press, civil society, human rights monitoring groups, professional judges and prosecutors, elections, and so on.42

The independent judiciary is essential to both aborting the miscarriages of justice that occur even before people enter the laogai, as well as to addressing official misconduct after such miscarriages have occurred. The common thread between all these recommendations, however, is greater oversight and transparency of the laogai system by the government, by NGOs, by the media, and by the Chinese people. Chinese leaders—spurred on by issues of security, economics, foreign policy, and culture—are taking many of the necessary steps towards reform. But sufficient oversight needs to be in place to ensure both that their laws are enforced and that they continue to work to come in line with international human rights standards.

Conclusion

Though the prison population in China is growing (due to increased drug use and rising crime rates), the laogai as a revenue-producing institution is dying.35 Unlike the American prison system, it is increasingly becoming a place of legitimate criminal rehabilitation. Of course, China is still far behind many other industrialized countries when it comes to ensuring human rights in its prison system. It still incarcerates tens of thousands of political prisoners and sentences prisoners in the laodong system without trial. These are two areas which have yet to be reformed significantly, if not abolished, but the progress that the PRC has made and continues to make towards improving human rights is significant and should be encouraged and cautiously congratulated. Hopefully, with the greater effectiveness of China's Rule by Law policy, greater oversight of its procuratorial organs, and the greater liberalization of its media, we will soon see China emerge as an exemplar of the successes of international human rights, and not its failures.

As this paper is being written, people in China are mourning the 15th anniversary of the Tiananmen Square Massacres, the Beijing government is resisting calls for democracy in Hong Kong, and horror stories are coming to light about administrative misconduct and torture of inmates by American servicemen in Iraq and Guantanamo Bay. Though the United States has a population roughly one-fifth the size of China's, the size of its prison population is about the same. It may seem perverse to say, and only time will tell if this remains true, that countries like the United States stand to learn a great deal from the example that the People's Republic of China is setting in their efforts to reform and extend basic human rights to 1.3 billion countrymen. If a country without the necessary institutions for self-sustaining reform has made this effort, then the United States has little excuse not to.
ENDNOTES

2. Statement of James D. Seymour, After the Detention and Death of Sun Zhang: Prisons and Detention in China, roundtable before the Congressional Executive Commission on China, One Hundred and Eighth Congress, first session, October 27, 2003.
4. It is in this way, referring both to the specific type of punishment and to the entire Chinese prison system, that laogai will be used in this paper.
9. Ibid., 177.
13. Ibid., 213.
22. Seymour, op. cit., 27.
24. Ibid.
25. Seymour, op. cit., 188.
37. Interview with Dr. Dali Yang, Professor of Political Science at the University of Chicago, Pick Hall Room 426 on May 26, 2004.
38. Interview with Dr. Dali Yang, Professor of Political Science at the University of Chicago, Pick Hall Room 426 on May 26, 2004.
40. UN Committee against Torture, Decision of the United Nations Concerning China, UN Doc. Reference CAT/C/XVI/CRP.1/Add.5, 8-10.
41. Ibid.
42. Statement of Murray Scot Tanner, After the Detention and Death of Sun Zhang: Prisons and detention in China, roundtable before the Congressional Executive Commission on China, One Hundred and Eighth Congress, first session, October 27, 2003.
43. Seymour, op. cit., 209.

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In the early 1950s, as war raged on the neighboring Korean peninsula, the Japanese Communist Party (JCP) ended its postwar pursuit of peaceful revolution in favor of a more militant line. Molotov cocktails exploded on city streets and JCP members of the mountain village mobilization troops (samson kosakutai) headed for rural villages in preparation for a Maoist revolution. These tactics, in which student JCP members participated as rank and file soldiers, produced meager results and further alienated the beleaguered party from the Japanese public. In the summer of 1955, the JCP repudiated its military line in the Sixth Party Congress (rokuzenkyo).

In the history of the postwar student movement, these five years of military tactics are nearly universally denounced or disowned. Yamanaka Akira’s prominent history of the postwar student movement, for example, sees in this period a “rupture of the revolutionary tradition in the student movement” wherein the JCP leadership imposed its control over the student movement and misled it into pursuing meaningless and destructive terrorist tactics. The JCP’s official history similarly dismisses the period as the unfortunate interlude of “extreme leftist adventurism,” placing the blame for the imposition of unrealistic formulas onto Japan on the Communist Information Bureau, or Cominform. Yamanaka’s revolutionary tradition refers to the anti-imperial struggle led by the newly formed National Federation of Student Self-governing Associations, or Zengakuren, which peaked with the 1950 protests against the Red Purge. Whereas student activist recollections of the 1950 protests abound, much of what has been written on the ensuing military interlude has taken the form of literature, the most famous being Shibata Sho’s best-selling novel of 1964, Saredo wareraga bibi, which vividly portrays the despair and agony of a student samson kosakutai member.

Some former activists, however, who unlike Shibata actually participated in the student movement of the period, have reacted negatively to such literary portrayals by outsiders. Muto Kazuyo, for example, writes that none of the rokuzenkyo novels he read impressed him favorably. For him, “the more
skillfully it is written, the cheaper it seems.” Muto was frustrated by the collective silence of the student activists of this period. Yamada Takao, a former student activist, shared Muto’s dissatisfaction. While he was not officially a member of the JCP’s underground military organization referred to by party members as “Y,” he participated in the testing of Molotov cocktails and the military operations led by it. However, he held only a limited and fragmented view. He writes, “I would like my friends who went into...‘Y’ to speak directly about the life they led there. I want to know now how the party members and activists of that period fought, and how they lived their lives afterward.” Tsuchimoto Noriaki, another student activist, writes that he and his fellow activists could not see the overarching objectives of their movement at the time, as they had been forced to act within the hierarchical structure of the JCP. Recently breaking his silence about his experiences in the student movement of the early 1950s, Tsuchimoto writes how the period remained the “darkest part” of him that he had “forcefully frozen without ever resolving.”

In what ways was this dark and neglected period of “extreme leftist adventurism” experienced by student soldiers who participated in them? Excised from histories of the JCP and student movements, their experiences have naturally been neglected in more general histories of postwar Japan. The tendency has been to characterize the early 1950s as a period when the Korean War came, in the words of the prime minister at the time, Yoshida Shigeru, as a “gift from the gods,” rescuing the Japanese economy from postwar stagnation. While it may have been so for leaders like Yoshida, students in the JCP, many of whom had been resigned to death in battle just five years prior, certainly did not experience this period in the same way.

The New Platform of 1951

In mid-September of 1951, Waseda University JCP cell members assembled for an important meeting. The head of the cell held up a document, announcing that with this, they could “completely crush the factionalists” of the International faction and accomplish the unification of the party. This was the draft of the new platform of 1951 and the party leadership called for party-wide debate on it. But as students became intoxicated by the message, little debate ensued. One month later the new policy was officially adopted in the Fifth Party Congress.

In January 1950, the Cominform had criticized the JCP for its postwar policy of peaceful revolution and urged that they struggle more intensely against the American occupation forces. As a result, the JCP split over how to respond to the criticism: the Mainstream faction refused to unequivocally accept the criticism, while the dissenting International faction attacked the party leadership for this refusal. The influential Tokyo University JCP cell joined the International faction with alacrity, taking Zengakuren and most student groups with it. As a general tendency, the International faction had a more intellectual orientation, prone to value the student movement as an important part of Japan’s revolution. The Mainstream faction, on the other hand, was often referred to as “reeking of dirt” (dorokusai), tending to dismiss the “petit-bourgeois” nature of the student movement and emphasize the need to go “into the masses.”

The new platform of 1951 hammered home its message in the simple and didactic style characteristic of the Mainstream faction. Unlike International faction documents, the language was clearly intended for farmers and workers with little education, for those people were to be the main force
behind the coming revolution. First, it denounced the American imperialist occupiers for exploiting the Japanese people and dragging them into a new war. In order to rule over Asia, the Americans were in need of a “base with developed industries and a population large enough to recruit soldiers.” In its view, the US was using Japan for this purpose, and while American imperialists were spreading propaganda for a separate peace fully aware that it would lead to war with China and the Soviet Union, Japan should, it stated, choose “the road to peace and cooperation with China, the Soviet Union, and other peace loving nations.”

The new platform further stated that the Americans were misleading the farmers of Japan into believing that they could escape poverty only through war and imperial expansion. Land reform, not war, was the answer. It furthermore denounced the Yoshida government for acting as a front for the occupation forces. Just like the occupation forces themselves, the reactionaries of the Yoshida government wished to prolong the occupation for as long as possible in order to keep the Japanese people under their subjection: “Therefore the Yoshida government is the government for the enslavement of the Japanese nation under the American imperialists.” Like the occupation forces, they also wished for a new war, as it would lead to profits for the big landlords, monopoly capitalists, and the privileged bureaucrats: “Therefore the Yoshida government is the government of war, and the government that will ruin Japan.”

In order to liberate the country from the occupation, it was necessary to topple the Yoshida government and establish a people’s government (kokumin seifu) for national independence. Third, it proclaimed that a democratic revolution for national liberation was necessary. Land reform was especially important in this revolution. The land reform carried out under the occupation forces did not give land to poor farmers free of charge and thus did not help “the majority of farmers who had no money to buy land.” It added that land reform needed to be carried out not only in agricultural areas but other lands like forested areas in the mountains, as well, which the American land reform had left untouched. Finally and most importantly, regarding the tactics of revolution, it stated curtly that “it is a mistake to think that the liberation and democratic reform of Japan can be accomplished through peaceful means.”

Yui Chikai had been among the factionalists that the party was seeking to root out. Why did he and other former International faction students become intoxicated by this new platform? In late November of 1950, International faction students had rejoined the party after being expelled by the Mainstream faction, acting in accordance with the call for party unity in the September 3 issue of the Chinese Communist Party newspaper. They did so unapologetically, maintaining that their actions during the Red Purge struggles had been correct, convinced that they would eventually be able to change the party from within. Optimism proved short-lived, however, as they found themselves gradually succumbing to party discipline.

Tsuchimoto Noriaki was another student from Waseda University in a similar situation. He recalls that until early 1951, the International faction had held a firm grip on Zengakuren. But as the student movement experienced the cyclical stagnation that accompanied summer vacation, the tables were turned after the Cominform publicized its second criticism in August supporting the Mainstream faction. The Mainstream faction had already taken over the Kansai and Hokkaido student
organizations, but armed with Cominform support, they attacked the Tokyo organization (Togakuren), the most important pillar of Zengakuren. Former International faction activists of the Togakuren gave in, effectively surrendering the intact organization to the Mainstream faction. Tsuchimoto writes, “I knew what to expect from the student bureaucrats of the Mainstream faction, but my heart was broken by my [International faction] comrades with whom I had shared my faith for two years… I experienced the pain of losing sight of what it meant to be a truly good party member.”

Tsuchimoto returned to the Waseda campus in April 1952 after being expelled from the Zengakuren headquarters at Tokyo University. Feeling empty, he found himself “muttering ‘Bolshevik’ and ‘party member’ like Buddhist chants.” Ever since entering the party in 1946, Tsuchimoto had ceaselessly devoted himself to its causes. Being a factionalist was unbearable; he felt that he needed to prove himself. The new party platform, publicized as Tsuchimoto and Yui were agonizing over their place in the party, seemed to provide them with a simple solution: through the radical action it prescribed, they would be able to prove their devotion to the party.

**Ogouchi**

Waseda University’s Social Sciences Study Group (Shaken) was one of the first groups to put the new platform into action. In late 1951, it organized a “village survey” in Ogouchi, a village in the mountains of western Tokyo. Ostensibly, the survey was a voluntary activity, but in reality, it was ordered by the party as a punitive measure because of Shaken’s factionalist tendencies. In effect, the party ordered Shaken members to go into Ogouchi village and mold themselves into disciplined party members.

Why Ogouchi? In 1931, the Tokyo city government had initiated plans to build a dam that would sink the village. The plan was delayed temporarily when the Kanagawa prefectural government objected, and then due to the escalating war effort. In 1948, the decision was made to resume construction. For the JCP, Ogouchi, an “unliberated” mountain village that the Tokyo government was planning to erase from the map, was a fitting site for the struggle called for in the new platform of 1951.

In early 1952, Waseda students started preparing for village mobilization and the establishment of Y, the military organization. Yui was charged with organizing the military organization for the simple reason that he had brawled with university employees during the university festival the previous year. As preliminary training for Y, Yui’s troops surreptitiously sprayed graffiti and posted posters late at night, denouncing the “traitors” working for the police and the university employees—actions that left Yui with a “bad aftertaste in [his] mouth.” Then, after the February examinations, Yui entered Ogouchi with about twenty others to “learn the spirit of the new platform.” Before going, he was handed a party document titled “We Must Start Preparations and Actions for Armed Struggle.”

In the form of questions and answers, this document elaborated on the tactics of armed struggle called for in the new platform. Why did they need a military organization? Because they needed to rid the country of the occupation, a powerfully armed entity. Was it possible to form a military organization? It was difficult but possible, since they had the support of the Japanese people. How could they create a military organization of the workers and farmers? They could do so by gathering people willing to devote themselves to the armed struggle for national independence. The first step was to organize a Core Self Defense Force in the villages.
and factories, which eventually would develop into guerilla forces and finally into a “people’s army.” Was it possible to organize rural bases for guerilla forces in Japan? Although Japan did not have large-scale hinterlands that could serve as Chinese-style rural bases, they could develop rural bases especially in the mountain areas where feudal repression was harshest. What kind of activities was the military organization to lead? They would engage in hit-and-run attacks where the enemy was weak, retreating in disadvantageous situations.¹³

Once in Ogouchi, the members went around their assigned hamlets in groups of two and tried to mobilize the villagers into supporting the coming revolution. At night they assembled for the reporting and summation of the day’s activities. As the village mobilization sought the obliteration of students’ petit-bourgeois nature, the summations tended to be moralistic. One group, for example, found an old cigarette on the ground and after debating what to do, saw that nobody was looking and smoked it. At night, one of the members gravely confessed his crime and conducted a “self-criticism.” The other member who had failed to confess was subjected to harsh criticism at the meeting. Having learned his lesson, this member conducted his own “self-criticism” the following night. He confessed that he had muttered an obscenity to an old lady in the village who had torn up the hand bill he handed her. He offered that this was evidence of his lack of devotion to the masses. The others approvingly evaluated the progress he had made toward becoming a good party member. Such didactic thinking had not been completely absent in the student movement of 1950, Yui writes, but it became amplified to an extreme in the reconstruction cell led by the Mainstream faction.

Yui’s first stint in Ogouchi lasted about a month until late March, when he headed back onto campus to prepare for the organization of the self-defense force. Several days later came the first police crackdown, in which 23 members were arrested. When the Shaken members first entered the village, they had been provided a bunkhouse for shelter thanks to the name card provided by their faculty adviser. Yui recalls that the initial welcome wore off, however, after police intervention and a newspaper article reporting that the professor had been deceived by the JCP.¹⁴ Covering the arrests, the Asahi Shinbun reported that a group of men claiming to be Waseda University students arrived in Ogouchi village to conduct an opinion survey the previous December. They later occupied without permission a privately owned hut and started their campaign to mobilize against the planned construction. They published a newsletter, gave puppet shows, and handed out candy to children, while simultaneously recruiting villagers to join the Core Self Defense Force. On March 29, they were arrested on charges of trespassing, contravening Ordinance 325 (acts prejudicial to the occupation), illegally cutting down trees from a privately owned forest, and assaulting a police officer.¹⁵

Five days after the arrests, an article appeared in the Yomiuri Shinbun that gave readers a rare glimpse of the mysterious sanson kosakutai. The young reporter responsible for the article was Watanabe Tsuneo, the former leader of Tokyo University’s JCP cell. After hearing news of the arrests, he had headed to Ogouchi and hiked up to where some troops remained. After being interrogated by hostile troops, Watanabe reported, he succeeded in getting some answers:

Q: What do you eat up here?
A: The same food as the poor farmers of this village. 7 parts wheat, 3 parts rice, miso, leeks, and salt.
What do you do up here?
Stupid question. Mobilization for the revolution, of course.

Do the sanson kosakutai still exist?
There are kosakutai in all the mountains. You are lucky you came to this base. If it had been the next mountain over you would be dead. We are tame.

Don’t you think of life in Tokyo?
You folks think that way but we are most happy living together with the people.

Will you stay after April when school starts?
We are learning here. We do not do your kind of learning, disconnected from practice. It’s none of your business what we do after April.

Do you have weapons?
You people have written about it so you should know. We have all the weapons we need [He points to a log]. This, too, is a weapon. For us everything is a weapon.

How long will you barricade yourselves in?
That is not even worth answering. From here we can defeat one hundred, no, one thousand men with ten of us. Bazookas and tanks are useless up here….

Will the armed revolution succeed?
Of course it will succeed. When it happens, you should really be hung…but there is no use in killing you now. Beat it.16

Y

As the new school year started, Yui got to work constructing Y. Yui became captain of the Waseda organization, dubbed the National Liberation Waseda Storm Troops. Y organizations were built up in Tokyo University and Ochanomizu Women’s University, alongside a number of non-student cells.

The troops occasionally cooperated in manufacturing explosives and went into the mountains to practice throwing them. The new military organization was to be organizationally independent of the party, composed of those willing to “risk death fighting for national independence and democracy against American imperialists and the traitors.” Members were to be physically strong, without “personal problems” like amorous relationships. For Yui, building Y provided an enjoyable reprieve from JCP culture. Y was free of what Yui viewed as a moralistic “let us solve our problems together” style of operation that was increasingly prevalent in the party at large. It was also free of the ideological hairsplitting among the student factions. Students in the Waseda Y distanced themselves from campus-based activities, setting up their own headquarters, manufacturing explosives, working hard to keep pace with the Tokyo University troops. Since Y was supposedly free from problems of ideology and factionalism, participation boomed with outside activists joining in meetings and training missions.17

Yui and fellow Y members were ready for what they expected to be their first military operation by the first post-occupation May Day of 1952. The day before May Day, however, Y members were called into party headquarters, where Yui was disappointed to hear that their mission would merely be selling the soon-to-be-reissued JCP newspaper Akahata. If they had brought any weapons or explosives, the party leader said to them, they should dispose of them. Y members took up the rear during the clash with the police. While the student demonstrators charged into the forbidden area in front of the Imperial Palace, Y members led straggling demonstrators to the other gate and fought with law enforcement by throwing stones, jousting with placards, and throwing back the tear gas canisters.18
As a result of the harsh repression that followed the May Day clash, Yui was forced to abandon his room and live without fixed lodgings. In order to fight back and break out of the fearful calm prevailing on the campus, Waseda’s Y distributed a handbill that publicized their existence for the first time, calling upon students to join the military organization. It stated that harsh police repression during the May Day incident had proven the necessity of armed struggle. “Let us take arms and struggle together for national liberation,” it urged. “To devote one’s life to the liberation of the nation” was what it meant “to live our precious lives correctly and beautifully.”

While preparing the handbills, Yui and the cell captain decided to start a campus patrol, predicting that they could find police officers intruding on campus. If they could expose the intrusion, they could incite students and thus change the atmosphere of the campus. Not surprisingly, they were able to catch an officer who had come onto campus to gain information on a May Day participant. Their actions led to a violent clash between students and police on May 8. Y members participated in the demonstrations against the Anti-Subversive Acts Law and stayed aloof from the campus-based student movement with its factional antagonisms. Instead, they devoted their energies toward keeping up with the Tokyo University troops.

Yui threw his first Molotov cocktail on May 30. It was a rainy day and people had gathered in the district of Shinjuku for a demonstration against the Anti-Subversive Acts Law. Y troops dispersed themselves in the crowd, lobbing explosives toward the police. Troops from Ochanomizu Women’s University dressed as prostitutes stood on guard while others stood by the ready to defend the throwers from undercover police. As Yui threw his explosive, a man grabbed his arm from behind. At first thinking he had been caught by an officer, he found to his relief an onlooker congratulating him. At the party meeting the following day, this was cited as proof of mass support for military action, but Yui was unconvinced and embarrassed. “I was relieved that everybody was safe following our first action, but I also thought that throwing Molotov cocktails was mere child’s play. There was a natural desire for the development of more powerful weapons.”

**Guerrilla Warfare**

In June, Y members assembled on the roof of an Engineering Department building for an emergency meeting. The head of the district bureau announced that the time had come for them to organize Independence Guerilla Forces (dokuritsu yagekita). “Self defense” was now insufficient; they needed to organize offensive guerilla troops. Party members had been debating whether or not guerilla warfare in Japan was possible, but now the party leadership decided that this was both possible and necessary. Though each Y group was ordered to volunteer one member to join the Guerilla Forces, at first, no one willingly stood up for service. The head of the district bureau finally broke the silence by appointing a student known as K, who was already in his fifth year. Unable to bear watching K alone “volunteer,” Yui decided to go with him.

Alone with Yui after the meeting adjourned, K wondered sarcastically if Ogouchi was to become the graveyard for the student movement. Jokingly, Yui responded that since K had been a student in a military preparatory school, though he had missed out on becoming an imperial soldier, he now had the opportunity to become “a real military man.” Yui knew that his joining the guerilla force meant that he would leave the university permanently. “I did not feel any lingering attachment toward the
improbable. Tsuchimoto recalls that wherever he went, the villagers were unresponsive. There was a “mutual instinctive distrust” between the kosakutai and the villagers, and their “struggle” was going nowhere.

Rejected by the villagers they were supposed to liberate, the members refocused their campaign on the underpaid construction workers. In early July, they successfully mobilized the workers for a strike to demand time off and a special bonus payment for summer vacation. The workers were receiving 250 yen per day, with overtime payment of 60 yen for two hours. Nearly 200 yen were deducted for food, bedding, and cigarette costs. The workers were going to confront the boss with the demand to raise their daily pay to 300 yen and to provide a special summer payment of 500 yen.

The second police crackdown occurred as the members were preparing for the strike. They were ordered to light fires to flammable material near the dam. The military organization was going to prevent the police from entering the village by dropping a rock onto the road. This was, they were told, their opportunity to establish their rural base, and three thousand workers were headed their way to assist in their struggle. With this, the members were each handed a box of matches and ordered to set fire at their own discretion. Some members protested in vain on the grounds that they had done nothing to mobilize the villagers for military action. The plan to drop the rock failed and the police truck sped into the construction site unimpeded.

The third crackdown followed after about half a month. By this time, the Guerilla Force’s donations had run out and they were forced to join the kosakutai in their shelter. Members took turns descending the mountain to collect donations. When Yui returned from his run on July 29, the village
was tense. The previous day, *kosakutai* members had scuffled with the guard at the construction site after having revived the mobilization campaign of the dam construction workers. As a result, the police had entered the village and were on guard against *kosakutai* activities. Though most members argued against going into the construction site under such conditions, their leader overrode them. About ten members went in, including three students from Tokyo University who had come on their summer vacation. The third crackdown ensued and Yui was arrested, but was freed soon thereafter, as he had not taken part in the operation.27

After being freed, Yui headed back to the shelter and found K there alone. The day before the third crackdown, K had been involved in a separate mission to attack American troops. His group tried to stop a US military vehicle with a GI and *panpan* girl inside, but the GI threatened them with a pistol and drove off. K was arrested and held for interrogation for three days, after which he had returned to the shelter alone. He told Yui that JCP members had intermittently visited for about 10 days following the third crackdown to survey the situation. After that, however, the visits ceased and he had been alone.

Soon after Yui rejoined K, the *kosakutai* situation deteriorated even further with a police crackdown in Ongata and the arrest of the party leader in charge of the three troops. Their military tactic was supposed to be guerilla-style hit-and-run from the four rural bases, Yui thought, but their tactics were turning out to be “run-run-run.” Party members were occasionally sent in, but many of them broke down physically or mentally and did not stay long. Eventually Yui and K started working for the farmers in the fields and mountains. The troops were soon informed that the party was easing up on its policy of guerilla warfare, after which the force’s activities became essentially the same as the other *kosakutai*. Toward the end of 1952, the core members of the Ogouchi *kosakutai* rejoined them after being freed from prison. They were able to borrow a hut at the construction site and celebrated the 1953 New Year indoors with electricity. The Ongata troops, meanwhile, continued to live in the charcoal kiln until their demobilization with *rokuzenkyo* in the summer of 1955.28

**Conclusion**

Take a look, the shadow is already growing down there. A mere five hours of daylight per day. I have my own name for this village: the shaded village. There is another symbolic meaning to this name. As the great city of Tokyo develops, just as the grass at the foot of towering trees dies, Ogouchi becomes the sacrifice of developing Tokyo and dies. It was better when the village was under the shadow of the mountains. Once a village comes under the urban shadow, it is doomed.29

Soon after losing his girlfriend to a Tokyo youth, Ichinosuke was sent to Manchuria and died in battle. His bones were returned to Ogouchi and buried in an already abandoned village temple. By this time, villagers had grown indifferent to the upkeep of their doomed community. The construction of the Ogouchi dam was temporarily interrupted by the escalating Asia-Pacific War, then resumed in 1948. Ogouchi village disappeared under water in 1957.

Like the story of Ogouchi village, the experiences of the JCP student soldiers whose mission it was to “liberate” the village have been left in the shadows of postwar history. Many have preferred it that way, for they do not fit into heroic narratives of JCP or
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student movement history. But student soldiers like Yui Chikai and Tsuchimoto Noriaki could not simply leave their experiences in Ogouchi and in the JCP’s “extreme leftist adventurism” to oblivion. Fortunately, they have left behind recollections in writing so that some light can be shed on what it meant to be a JCP student soldier in the early 1950s.

ENDNOTES

3 The Red Purge of 1950 resulted in the dismissal of more than twenty thousand workers in the public and private sectors, most of them union activists. Although occupation and government officials announced their intention to extend the Red Purge onto the university campuses, this was for the most part not realized, in part due to widespread student protests. For the Cold War context of the Red Purge, see John Dower, "Occupied Japan and the Cold War in Asia," in John Dower, Japan in War and Peace (New York: New Press, 1993), 155-207.
8 Nihon kyosanto, Nihon kyosanto no tonen no yokyu — atassen koryo, August 1951 [underground JCP document].
9 Tsuchimoto, op.cit., 116-118.
10 Yui, "Paruchizan zenzenshi," 21-22. Matsuda Masao, who was a high school JCP member at the time, recalls fellow activists avidly memorizing the party line on military policy. He recalls how a senior comrade came down from the mountains and joined them during one of their study sessions. The man complimented them for studying hard, but then told them that military policy was not just theory. "It is this," he said, thrusting his fist toward the students’ faces and stunning them into silence. Matsuda Masao et al., Left Alone (Tokyo: Akashi shoten, 2005), 38.
11 Ibid., 23.
13 Kyokosu shinbun 2.22 (1951.11.8), 2-16 [underground JCP document].
14 Yui, "51 nen koryo to gokusa bokenshugi no hitokoma," 63. Yui Chikai, "Paruchizan zenzenshi," 26
15 Asahi Shinbun, March 29, 1952, 3.
16 Yomiuri Shinbun, April 3, 1952, 3.
18 Yui, "Paruchizan zenzenshi," 26. Yui doubts that the May Day incident was a JCP-led military operation. Illegal JCP publications contained articles of self-criticism by Y members who failed to keep up with the maus uprising. Although the party did call for the capture of the people’s plaza” leading up to the May Day demonstration, there were no concrete plans. Yui thinks that it was the sense of liberation brought on by the end of the occupation that resulted in the rebellious energy among the demonstrators. The party underestimated this energy, re-issuing Akahata but otherwise remaining tentative, inexplicably turning Y troops into paper boys and remaining prepared to re-close the Akahata printing press. Yui, "51 nen koryo to gokusa bokenshugi no hitokoma," 65-66. For an account of this “Bloody May Day” incident, see John Dower, Embracing Defeat (New York: WW. Norton & Company, 1999), 554-555.
20 Specifically, they had in mind the “Poporo incident” on the Tokyo University campus in February 1952. Students discovered an underground police officer attending a leftist theater and took his police notebook, leading to arrests and student protests.
21 Yui, "51 nen koryo to gokusa bokenshugi no hitokoma," 66.
23 Ibid., 29.
24 Ibid., 31. Yui, "51 nen koryo to gokusa bokenshugi no hitokoma," 68.
25 Tsuchimoto, 124.
JAPAN’S POLICIES TOWARDS TAIWAN
TRENDS, CAUSES AND IMPLICATIONS
FOR THE FUTURE OF TOKYO-TAIPEI RELATIONS

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Japan has significantly increased its political and security support for Taiwan in recent years. Jason Chen provides a nuanced explanation for this trend by analyzing the state of US-Japanese relations, Japan’s own realist interests and popular domestic support for Taiwan in Japan. He forecasts that these developments show no signs of changing and that Japan will continue to grow closer to Taiwan in the years to come.

Japan’s support for Taiwan’s political and security interests has improved sharply in recent years. Politically, this trend can be most clearly seen in the rapid growth of Japan’s support for Taipei’s repeated bids for entry into the World Health Organization (WHO). In the span of five years, Tokyo has gone from refusing to support Taipei despite US pressure to do so in 1999,1 to verbally backing Taipei for the first time in 2003,2 and to voting in Taiwan’s favor in 2004.3

Furthermore, Tokyo’s growing political support for Taipei can be seen in its unusually strong opposition to the January 2005 proposal by some European Union (EU) member states to lift the EU arms embargo on China.4 It can also be seen in Tokyo’s condemnation of China’s Anti-Secession Law of March 2005, which formally gave Beijing the domestic legal authority to use “non-peaceful means” to force Taiwan’s reunification with the mainland.5 In response to the former, Japan’s Foreign Minister bluntly declared: “The matter of the lifting of the arms embargo is one of great concern not only for Japan but for the security of East Asia as a whole. We are against a lifting of the arms embargo.”6

Militarily, Japan’s support for Taipei is also increasing. In March 2004, a team of retired Japanese naval officers began advising the Taiwanese navy.7 A year later, another team of retired Japanese military officers took this involvement a step further by actively training Taiwanese forces.8 And in August 2005, a multi-partisan group of legislators from the National Defense Committee of Taiwan’s Legislative Yuan traveled to Japan for the first time to discuss “issues concerning military cooperation between Taiwan and Japan” with Japanese legislators and retired military officials.9

Together these developments demonstrate growing military cooperation between Taiwan and Japan, although the cooperation is on an unofficial basis. China itself acknowledged this when its state councilor publicly declared in April 2005, “We are strongly dissatisfied with some negative tendencies in Japan’s recent policies concerning the Taiwan issue, and are especially concerned with deepening Japan-Taiwan ties in security.”10

Furthermore, Japan has shown a growing commitment to maintain peace in the Taiwan Strait. The 1996 US-Japan Joint Declaration simply stated that the United States and Japan would work together in addressing “situations that may emerge
in the areas surrounding Japan and which will have an important influence on the peace and security of Japan. . . [and] the Asia-Pacific region” – intentionally leaving the issue of Taiwan ambiguous.11 In the Japan Defense Agency’s (JDA) 2002 White Paper, however, Tokyo clarified its stance significantly when it declared that “the issue of China-Taiwan relations, though a domestic issue from the Chinese perspective, is perceived as a security problem which threatens regional peace and stability.”12 By doing so, Tokyo explicitly defined the Taiwan Straits issue in the language of the Joint Declaration, thus placing it directly under Japan’s purview – and, by association, under the terms of the US-Japan Security Agreement. This stance was further clarified in 2005, when the United States and Japan issued a joint statement that for the first time publicly and explicitly declared the peaceful resolution of issues concerning the Taiwan Strait to be a “common strategic objective” for both countries.13

**The Driving Causes Behind Tokyo’s Actions**

Having identified this recent shift in Japan’s policy toward being more supportive of Taiwan’s political and security interests, how can we best explain it? What are the driving forces behind Tokyo’s recent actions with regard to Taipei?

The evidence suggests that this trend is not being driven by any single cause. Rather, three separate factors appear to be involved: US influence on Japan’s foreign policy, Tokyo’s own realist interests in the context of China’s growing economic and military power, and strong domestic political support for Taiwan.

**US Influence: the US-Japan Security Alliance**

Perhaps the simplest explanation is that Japan has merely been going along with the actions of the United States, a key ally whom Tokyo is understandably reluctant to offend. Indeed, Japanese Prime Minister Junichiro Koizumi even declared in 2003, while justifying Japan’s decision to back the United States in its war against Iraq, that “maintenance of the US-Japan alliance will now be given priority,” thereby highlighting how heavily relations with Washington weigh into Tokyo’s policymaking.14

With regard to Japan’s actions toward Taiwan, US influence can perhaps best be seen in Japan’s growing commitment to the maintenance of peace in the Taiwan Straits. Washington, and the Bush Administration in particular, has long urged Japan to play a bigger role in maintaining peace and stability in East Asia. Indeed, some US policymakers have even called for developing Japan into the “Britain of the Far East” as a counter to the potential Chinese threat.15 Thus, Japan’s recent steps to assume greater responsibility in the Taiwan Straits by agreeing to bring it under the rubric of the US-Japan security alliance was probably driven to some degree by this pressure from Washington. American influence also likely contributed to Japan’s decision to support Taiwan’s participation in the WHO – a decision which, as noted above, came only after five years of US pressure to do so.16

In many other areas Japan’s actions have occurred in concert with Washington. For example, Tokyo and Washington explicitly agreed to cooperate in opposing moves by some EU members to end the arms embargo on China,17 and Tokyo’s criticism of China’s Anti-Secession Law followed similar condemnations from Washington.18 Indeed, Japan’s growing support for Taiwan’s security coincides with increased interest in Taiwan’s security demonstrated by the US. In July 2005, for example, the US sent its first active-duty military liaison officer to the

Given these developments, it seems likely that the actions of Washington, whether by pressure or example, are at least one of the major driving forces behind Tokyo’s recent moves to enhance its political and military support for Taipei.  

Realism: Protecting Japan’s Own Security Interests  

Although the US remains a major influence, Japan has instrumental reasons of its own to seek stronger Tokyo-Taipei ties. Most notable are fears over China’s growing military might and Japan’s numerous ongoing disputes with China over issues vital to its national security interests. Tokyo’s concern about growing Chinese military power has played a decisive role in shaping Japan’s security policy in recent years. Over the past decade, white papers issued by the JDA and policy guidelines issued by the Cabinet have all demonstrated increasing focus on the Chinese threat. The JDA first touched upon the issue in a 1996 White Paper declaring that “we need to continue to watch Chinese actions, such as modernization of its nuclear forces, naval and air forces; expanding its scope of activities in the high seas; and growing tension in the Taiwan Strait caused by its military exercises.” The JDA’s 2000 White Paper, meanwhile, further expanded upon the potential Chinese threat by explicitly noting that Japan lies within China’s missile range. In 2004, the JDA’s Committee on Defense Capability elevated the warning yet another step when it issued a report outlining three situations under which China might attack Japan – one of which involved a war over the Taiwan Straits.  

Responding to this cascade of warnings, Japan’s Cabinet adopted the new “National Defense Program Guideline, FY 2005” in December 2004. A multi-year plan intended to guide the country’s long-term defense development, the document identifies China as one of Japan’s major defense concerns in the Asia-Pacific region. Moreover, expressing Tokyo’s growing unease over China’s military modernization, the JDA chief publicly called for greater transparency in China’s military spending in June 2005 – a call later echoed by the JDA’s 2005 draft White Paper. Furthermore, the 2005 draft White Paper additionally cautioned – in three separate places – of the need to continue closely monitoring China’s rise, declaring that “China has been modernizing its military capabilities focusing on nuclear and missile forces as well as its naval and air forces in recent years. It is necessary to continue to pay close attention to these modernization trends and to carefully evaluate whether the modernization of China’s military forces exceeds the level necessary for its national defense.”  

This growing concern over China appears to be well justified. In terms of military strength, China is clearly on track to overtake Japan – if it has not already. The estimated $51 billion that China spent on defense in 2002 already easily outstripped Japan’s $39.5 billion. Moreover, China’s military spending is also growing rapidly, with its official defense budget ballooning by some 12.6% in 2005.  

Japan’s regional leadership is also coming under assault by China in other ways. In the economic sphere, Beijing successfully concluded a free trade agreement with the Association of Southeast Asian Nations (ASEAN) in November 2004, more than half a year before Japan-ASEAN free trade negotiations were scheduled to even begin.  

Japan has a number of ongoing and substantive disputes with China, many of which involve crucial strategic concerns. Most significantly, Japan
and China both claim ownership of the Senkaku Islands, which lie in the East China Sea halfway between Japan and Taiwan and which are currently administered by Tokyo. Both China and Japan view the issue as a matter of both national sovereignty and honor. The Senkaku Islands’ geographic position in the East China Sea is also crucial in supporting both Japan and China’s maritime claims on suspected underwater oil and gas deposits in the region. As a result, both countries have adamantly refused to back down or even to negotiate on the matter.29

This dispute reflects the larger strategic competition between Tokyo and Beijing over energy supplies. Both Japan and China are relatively oil- and gas-poor, which – coupled with China’s rapidly growing energy demands – has led Beijing and Tokyo into repeated and very tense conflict over territory and suspected energy reserves. Indeed, after Tokyo granted private companies test-drilling rights to suspected oil fields in the disputed area in July 2005, China’s Foreign Ministry declared that “if Japan is bent on doing such things, it will constitute a grave damage to China’s rights of sovereignty” – clearly highlighting how seriously both China and Japan treat the matter.30 This Sino-Japanese competition for energy supplies is not restricted to the East China Sea, however. The two countries have clashed elsewhere in their efforts to provide for their respective countries’ future energy security. When Russia was planning to build an oil pipeline across Eastern Siberia in early 2004, China and Japan both lobbied intensively for the pipeline route most advantageous to them, with Beijing urging Moscow to terminate the pipeline in northeastern China and Tokyo urging the Russians to terminate the pipeline at the Pacific coast.31

Another major dispute revolves around China’s stated intention to oppose Japan’s bid for a permanent seat on the UN Security Council – a “cherished goal” which Japan has now pursued for nearly four decades.32 Since any reform in the Security Council’s permanent membership would require China’s approval, or at least abstention, Beijing’s opposition could very well single-handedly and indefinitely prevent Tokyo from joining the Security Council as a permanent member.

Given all of these factors, it seems clear that Tokyo has solid reasons of its own to be wary of the recent proposal by some EU member states to lift the EU’s arms embargo against China: Japan itself is directly threatened by China’s growing might. In addition, these factors suggest that Japan has even more reason than the United States, from an instrumental perspective, to improve political and security relations with Taiwan through such means as dispatching military advisers and trainers to Taipei, supporting Taiwan’s participation in the WHO, and increasing its commitment to maintaining peace in the Taiwan Straits. This is because Taiwan, as a potential – if unofficial – ally, would be of great strategic value to Japan in its competition with China for security and influence. Indeed, possibly the worst resolution for Japan with regard to the Taiwan Straits issue would be a Taiwan under mainland Chinese control.

By virtue of geography, Taiwan “provides a gateway for China to enter the Pacific,”33 thus threatening Japan from the south and east in the event of hostilities. A Chinese-controlled Taiwan could also directly threaten Japan’s southern sea lanes of communication (SLOCs), upon which Japan is heavily reliant for trade. In fact, most of Japan’s crucial energy imports must travel through the South China Sea and the waters near Taiwan before reaching Japan.34 Indeed, largely because of this, Japan’s Self-Defense Forces since 1981 have
“assumed responsibility for the protection of 1,000 nautical miles of SLOCs to its south and southwest” – a region that encompasses the waters around Taiwan.\textsuperscript{35}

On the other hand, as an ally, Taiwan would be very valuable because of its geographic position. Coupled with its large and technologically advanced air force and sizeable modern navy,\textsuperscript{36} Taiwan’s position would allow it to help contain the Chinese navy in the event of hostilities while also helping to safeguard Japan’s SLOCs through the Western Pacific. In this way, Taipei could contribute considerably towards alleviating Japan’s energy and national security concerns with regard to China, as well as assist Japan’s Self-Defense Forces in their regional operations.

Thus, it is clear that US influence on Japan’s foreign policy is not the sole driving cause behind Tokyo’s recent support for Taipei. Rather, Japan has realist reasons of its own for its decision to side with Taiwan.

\textit{Domestic Politics: Growing Goodwill Toward Taipei}

While the foregoing two reasons are probably the most influential driving causes behind Japan’s improving political and security support for Taiwan, Japan’s own domestic politics has also clearly played a role in influencing the direction of Tokyo’s policy toward Taipei. Popular views of Taiwan among Japanese, and popular views of Japan among Taiwanese are among the most positive in Asia.\textsuperscript{37} This is important because if democratic theory is correct, in a functioning electoral democracy such as Japan this bilateral goodwill at the popular level will eventually be reflected at the legislative and executive levels. Indeed, the evidence clearly suggests that this has been the case. Both ruling and opposition politicians from Japan and Taiwan regularly exchange unofficial meetings. Both ruling pan-green Democratic Progressive Party (DPP) leader (and now President) Chen Shui-bian and opposition pan-blue People’s First Party (PFP) leader James Soong have visited Japan and met with top political leaders. In fact, when Chen traveled to Tokyo in July 1999, he was granted access to top Cabinet officials, including then-director of the Japan Defense Agency Norota Hosei and Prime Minister Obuchi Keizo.\textsuperscript{38}

The strength of political ties between Taiwan and Japan can best be observed in the influence of the so-called “Taiwan lobby” in the Japanese Diet: well over 300 members of the Diet – including several Cabinet ministers – out of a total of 722 have joined one of several Japan-Taiwan friendship associations. Nor is this support for Taiwan merely an example of political partisanship. Japan’s ruling Liberal Democratic Party (LDP), main opposition Democratic Party of Japan (DPJ), and many of Japan’s smaller parties are all represented in the Diet Members’ Dialogue Group on Japan-China Relations, one of the biggest of such Japan-Taiwan friendship associations.\textsuperscript{39}

As a result, some commentators have noted that the “Taiwan lobby” in the Japanese Diet is already more influential than its counterpart in the US Congress.\textsuperscript{40} Furthermore, younger legislators in the Japanese Diet tend to be more pro-Taiwan, and “as older politicians and officials who oversaw the 1972 China-Japan normalization fade from the scene,” these younger politicians are increasingly gaining influence.\textsuperscript{41}

This strong and growing support for Taiwan in the Diet – and therefore among the Cabinet as well, since in parliamentary systems such as Japan’s, the Cabinet is drawn directly from the Diet – helps further explain Japan’s overall movement towards stronger political and military ties with Taiwan.
JAPAN’S POLICIES TOWARDS TAIWAN

This support clearly assisted the aforementioned August 2005 visit of Taiwanese National Defense Committee legislators to Japan in order to discuss closer Japan-Taiwan military cooperation, where Taiwanese legislators met with several members of the Japanese Diet as part of the visit.42

Thus, although it is difficult to say just how important Japan’s growing popular and elite goodwill towards Taipei has been, it seems clear that this domestic political factor is indeed a third driving force pushing Tokyo’s foreign policy in Taipei’s direction.

The Future of Tokyo-Taipei Relations

These three driving forces suggest that the recent improving trend in Japan-Taiwan relations is much more stable than might otherwise be expected. This is due to two main reasons. First, the improving trend does not rest on any single factor that could suddenly shift, and second, the evidence suggests that all of these three driving forces will, if anything, only strengthen with time.

The fact that the recent trend toward closer Tokyo-Taipei relations rests on multiple causes strongly suggests that this trend will remain stable for the foreseeable future. Given the wide base on which the growing Tokyo-Taipei cooperation rests, it is unlikely that a shift in any one factor will single-handedly derail the strengthening relationship. For example, even if US policy toward Taiwan were suddenly to backtrack with the inauguration of a new administration in Washington, the threat Japan faces from China, together with the existence of a large and influential pro-Taiwan lobby in Japan’s Diet and Cabinet, would still help to push the Japan-Taiwan relationship forward.

Moreover, the fact that these trends rest heavily upon Japan’s own realist interests is particularly important. After all, if realist theory is correct, a country’s national interests should be the most accurate long-term predictor of its future actions. If true, this would bode very well for the future of the Japan-Taiwan relationship.

Furthermore, recent trends toward closer Tokyo-Taipei political and military cooperation will likely remain stable for another reason: all three driving factors behind these trends appear likely to strengthen, rather than weaken, with time.

US Influence on Japanese Foreign Policy

With regard to US influence on Japan’s foreign policy, Washington has shown no signs of deviating from its stance of maintaining support for Taiwan. In fact, as demonstrated above, in recent years US-Taiwan relations have steadily strengthened, with Washington gradually upgrading its relations with Taipei to include high-level military exchanges. These have included sending delegations to Taiwan to advise and observe Taiwan’s annual military exercises,43 establishing direct secure communications between the US and Taiwanese military commands,44 relaxing restrictions on US military officers visiting Taiwan,45 allowing top Taiwanese military officials to visit the US to discuss policy issues with American officials,46 and most recently, posting an active-duty army colonel to Taipei for the first time since the US terminated formal diplomatic relations with Taiwan in 1979.47 Additionally, as noted earlier, Washington has steadily pushed Japan to play an ever-greater security role in the region.48

It is admittedly difficult to predict how the US presidential elections in 2008 might affect these trends, as it is far too early to reasonably predict who the front-running candidates will be, let alone their foreign policy agendas with regard to the
Taiwan issue. However, the evidence available now clearly points in a positive direction with regard to the future US-Taiwan, and, by association, Japan-Taiwan relationship.

Protecting Japan’s Own Security Interests

Japan’s own realist interests with regard to China’s growing economic and military power will only push Japan further toward Taipei in the years ahead. As noted earlier, China’s growth rate is phenomenal, and shows no signs of slowing down. China has maintained an average 9.3 percent GDP growth since 1979, and its military spending has also grown with a commensurate breakneck speed of 11.5 percent on average over the past decade, which has in turn funded a massive modernization of the People Liberation Army’s (PLA). The centerpiece of this program is an effort by Beijing to expand its naval influence out to the “first island chain” – a series of islands in the Western Pacific stretching in a broad arc from the Kurile Islands, through Japan, Taiwan, and the Philippines, all the way to Indonesia – and eventually develop a blue-water navy. Clearly, the potential threat Japan will face from China will only increase for the foreseeable future, as an increasingly modern and capable PLA Navy puts this plan into action. Indeed, the JDA’s newest white paper explicitly pointed to China’s effort to expand its naval influence and develop a modern blue-water navy as a major threat to Japan’s security.

Nor does it seem likely that the many substantive and threatening Sino-Japanese disputes will be resolved in the foreseeable future. In fact, many of them are liable to worsen over the next few years. China’s energy needs, for example, are projected to grow at a 4-5 percent annual rate through 2015 – an enormous rate compared to the approximately 1 percent annual energy demand growth rate for industrialized countries – which will in turn likely intensify the Sino-Japanese competition over access to energy in the East China Sea and elsewhere over the next decade. Moreover, since this competition over energy is closely linked to the Sino-Japanese dispute over ownership of the Senkaku Islands, that sensitive territorial sovereignty issue will also likely intensify in proportion to China’s increasing energy demands.

Thus, if anything, the threat Japan faces from China will increase significantly over the next decade. As a result, Japan has even more instrumental reasons to build closer political and security relations with Taipei, as well as assume a larger role in maintaining peace in the Taiwan Straits.

Japan’s Domestic Politics

Japan’s domestic political situation will also likely lend itself to continued improvement in Japan-Taiwan ties. As noted above, younger politicians in Japan’s Diet tend to be more pro-Taiwan than their elders. As these older legislators retire, the younger politicians stand to gain even greater influence in Japan’s foreign policymaking – a trend that bodes well for the future of the Tokyo-Taipei relationship. Moreover, the fact that Taiwan maintains broad support in Japan’s Diet from both the ruling LDP and the main opposition DPJ suggests that this improving trend will continue regardless of which party comes to power in future elections.

The recent Sino-Japanese energy and sovereignty disputes have also fueled strong popular anger in Japan against China. Riding this wave of discontent, LDP Secretary-General Shinzo Abe – a leading advocate of hard-line anti-China policies who has publicly supported Japan coming to Taiwan’s aid in the event of Chinese aggression – is now seen as one of the
leading candidates to succeed Koizumi as Japan’s next prime minister, a possibility that would likely strengthen Japan-Taiwan ties in the future.

**Conclusion**

On both the political and security dimensions, Taiwan-Japan ties are unambiguously improving, and all available evidence suggests that this trend will continue well into the foreseeable future. Japan has multiple reasons for supporting Taipei, including instrumental realist reasons of its own. All of these driving forces will likely only strengthen with time. All of this suggests that Japan is clearly moving toward becoming a closer political partner and security ally for a future Taiwan.

**ENDNOTES**


2 Formosan Association for Public Affairs, *Taiwan Faced 2nd Time but Progress was Made* (Formosan Association for Public Affairs: Washington DC, 2003) <http://www.fapa.org/who/2003/0523UPDATE.Emm>.


6 O’Rourke, op. cit.


18 Tao, op. cit.


25 Ibid., 13. See also 14, 21.


34 Chin, op. cit., 2.


39 Lam, op. cit., 254-257.


41 Cromwell and Mutsuko.

42 ibid., 254-256.

43 Shih, op. cit., “Taiwan Quick Take.”


46 ibid.


52 According to the Stockholm International Peace Research Institute (SIPRI).


57 “China Protest on Japan Islands Lease.”

58 Lam, op. cit., 256-257.

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China’s Provision of Temporary Visas to North Koreans

Reconsidering the Protection of Migrants in the 21st Century

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After World War II, international human rights law emerged. In time, refugee law developed as a subsection of the field, through implementation of the United Nations Convention Relating to the Status of Refugees in 1951 and the United Nations Protocol Relating to the Status of Refugees in 1967. The Refugee Convention required for the first time that a member state not return a person within its borders to a country in which he suffered past or fears future persecution on account of his race, religion, nationality, political opinion, or membership in a particular social group.

In recent years, the aforementioned mechanisms for approaching and defining international human rights, especially the rights of “refugees,” have come under sharp criticism by nations, international human rights groups, and scholars. Many countries ignore their obligations under the Refugee Convention and 1967 Protocol, all apply it inconsistently, and many have suffered adverse national security consequences as a result of attempts to properly apply it.

Beginning in the mid-1990s, China has experienced a mass influx of North Koreans illegally entering the country. Arguing that North Korean migrants constitute refugees under the Refugee Convention and 1967 Protocol, the international human rights community and nations worldwide have called upon China to grant North Koreans refugee status. China has declined.

In late 2001, China implemented a visa program through which North Koreans may legally enter China temporarily. China’s visa program allows it to protect its national security, preserve national and regional stability, and preserve its diplomatic relations with North Korea by avoiding the political ramifications associated with granting refugee status to citizens of an ally nation. At the same time, the visa program allows North Koreans to enter China legally to work and buy provisions, enabling them to meet their basic needs.

This paper will argue that the current refugee law scheme does not effectively meet the needs of migrants and nations, and that a policy of allowing workers to temporarily enter a nation to work legally better meets the needs of nations and migrants than does the refugee law scheme, as is demonstrated by the success of China’s policy of providing temporary
employment visas, but not refugee status, to North Koreans. Part I will discuss the core instruments of refugee law from shortly after World War II to the present, the Refugee Convention and 1967 Protocol, and argue that they are in need of remodeling. Part II will discuss North Korean migration to China, and China’s implementation of its visa program for North Koreans, arguing that this implementation has allowed China to preserve its national and regional stability, national security, and diplomatic relations with North Korea, while simultaneously meeting the needs of North Korean migrants. Part III will argue that, as a matter of public international law, the use of temporary visas will better meet the needs of migrants, the nations receiving migrants, and the nations migrants come from than does the current refugee law scheme. Part IV concludes the paper.


A. The Refugee Law Instruments

The Refugee Convention and 1967 Protocol require that, “No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”16 The Refugee Convention only obligates nations to protect persons who were present in the member state as a result of events that occurred prior to January 1, 1951.17 The Protocol Relating to the Status of Refugees was adopted by the United Nations in 1967, for the purpose of removing a stipulation found in the 1951 Convention, which “limited the definition of ‘refugee’ to those who had fled as a result of events occurring before January 1, 1951.”18

The United Nations High Commissioner on Refugees (UNHCR) oversees the Convention and Protocol.19 There is no mechanism for sanctioning a nation that does not comply with its obligations under the Convention and Protocol, though the UNHCR, international human rights non-governmental organizations, and nations promote enforcement through public embarrassment.20 Historically, the Refugee Convention and 1967 Protocol have been relatively effective in protecting those individuals contemplated by the instruments, including political dissidents and religious, ethnic, and other minorities that have been subject to past harm or fear future harm in their home country and that have found their way to a member state.21 In recent years, however, the current refugee law scheme has been described as suffering from “erosion”22 and “in a state of disarray”… [that]… “could possibly [result in] ‘fragmentation,’ or worse disintegration.”23 Many believe the Refugee Convention is an outdated “Cold War’ document,”24 and that the Refugee Convention and 1967 Protocol are no longer effective.

Given its many shortcomings, many have suggested that the current refugee law scheme is in need of change.25 Some efforts have been made to change the scheme. For example, the “asylum or exile-oriented approach of the Cold War period is giving way to the preventive or root-causes oriented approach.”26 Under such an approach, rather than refugees being permitted to enter another country, aid workers enter the nation and work to protect internally displaced persons (IDPs).27 In practice, this and other variations on the refugee law scheme have proved unsuccessful.28

B. Critique of the Current Refugee Law Scheme

Two criticisms based on philosophy of government are of particular significance. First, under the Refugee Convention and 1967 Protocol,
civil and political rights, which are of an individual nature, are given priority over economic, social and cultural rights related to subsistence, which are of a collective nature. While the Refugee Convention and Protocol protect those who fear affirmative harm on account of an enumerated ground of race, religion, nationality, membership in a particular social group, or political opinion, it does not provide any protection to those who fear harm as a result of generalized violence such as war or lack of sustainability due to starvation or lack of medicine.

Debate over defining human rights as individual or collective has been a pervasive source of tension in the implementation of international human rights law instruments after World War II, as socialism and communism stress collective rights, while Western-style democracies stress individual rights. Because civil and political rights are the only rights protected by the Refugee Convention and 1967 Protocol, a member state can return a person to a nation in which he will likely starve or die from lack of medical care without violating the Convention or Protocol. Such migrants, widely referred to as “economic migrants,” are awarded no protection by the Refugee Convention and 1967 Protocol.

Second, the Refugee Convention and 1967 Protocol have been often negatively received because they encroach upon national sovereignty and therefore have not been enforced by nations. They are international instruments that impose an obligation on member nations not to refoul refugees present within their states, even when such refugees have violated their laws in order to enter their states.

Intertwined with the philosophical issues of individual versus collective rights and the notion of state sovereignty lie numerous problems associated with the efforts of member nations to comply with the Refugee Convention and 1967 Protocol. One such problem is that compliance with the Refugee Convention can put a strain on diplomatic relations. If a nation grants refugee status to a person, this can harm relations between the nation that the person is from and the granting nation.

Additionally, as the Refugee Convention and 1967 Protocol only obligate nations to protect refugees present within their borders, those seeking protection as refugees often use clandestine modes of entry into member nations, resulting in negative consequences for those seeking protection as refugees, their nations of exit, and their nations of entry. Those seeking protection as refugees often employ smugglers to help them enter member nations in order to lodge their claims. This puts them at risk of physical, sexual and emotional abuse. The use of smugglers by those claiming refugee status harms stability and national security in nations of exit and entry, as it results in an increase in the movement of people across borders without travel and identity documents or inspection, and an increase in profits and power for the organized crime rings that move them.

Posing another problem, Article 1A of the Refugee Convention requires member states to process asylum claims on a case-by-case basis. This requires that nations implement “sophisticated and costly procedures to determine the refugee claims.” Furthermore, it is difficult for nations to differentiate between bona fide refugees and those who are claiming to be refugees but are not. This results in inconsistent treatment of refugee claims.

Lastly, the difficulty of successfully determining which refugee claims are valid and which are not creates a risk to national security, especially when such determinations must be made even when those
claiming to be refugees lack travel and identity documents. The Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and 1967 Protocol Relating to the Status of Refugees, which represents the United Nations High Commissioner on Refugees’ interpretation of the Refugee Convention and 1967 Protocol, states that if a person seeking refugee status states his claim with consistency, he should be given the benefit of the doubt that he is being truthful, including that he is being honest about his identity.\(^4\) The Refugee Convention and Protocol provide a mechanism through which a person who lies convincingly may gain legal status in a member nation. A lying person may pose a security risk, as is demonstrated by the fact that at least three participants in acts of terrorism in the U.S. since 1993 had filed false asylum claims.\(^45\)

In addition to the problems associated with compliance, the Refugee Convention and 1967 Protocol also suffer the problem of increasing non-compliance. Increasing non-compliance has been attributed to the end of the Cold War stripping refugees of their “ideological or geopolitical value”\(^46\) and increases in the number of refugee claims being lodged,\(^47\) in addition to being attributed to the problems with compliance outlined above.\(^48\) As a result, bona fide refugees who seek protection in member states are failing to receive it.\(^49\)

III. China’s Visa Program for North Koreans

A. North Korean Migration to China

With famine in the Democratic People’s Republic of Korea (North Korea) during the mid-1990s came the beginning of a continuous stream of North Korean migrants over the porous border into northeastern provinces of the People’s Republic of China (China).\(^50\) The vast majority of these migrants were men who stayed in China temporarily from May to October, raising money to bring back to North Korea through farm work and logging.\(^51\) Initially, while neither China nor North Korea authorized this migration, both tolerated it.\(^52\) The famine peaked in 1997.\(^53\) By 1999, access to food in North Korea had increased significantly.\(^54\) Still, North Koreans continued to pour into China.\(^55\)

While North Koreans continued to enter China after the food shortage became less severe, the intentions of those entering China began to change. Starting in 1999, North Koreans no longer entered China nearly exclusively for short-term visits.\(^56\) Instead, approximately 10 to 15 percent of North Koreans entered China with the intent to reside outside of North Korea permanently.\(^57\) Additionally, greater numbers of North Koreans entered China each day.\(^58\)

With these changes, and the emergence of unwanted attention directed at North Koreans migrating to China by the United Nations High Commissioner for Refugees, the policies of the North Korean and Chinese governments changed.\(^59\) North Korea, likely fearing a loss of control over its citizens as a result of the migration,\(^60\) called on China to enforce a bilateral treaty between the nations by deporting North Korean citizens living in China illegally, as nearly all North Koreans living in China were.\(^61\) Citing its obligation to deport North Koreans illegally within its borders under the bilateral treaty, China complied with North Korea’s request.\(^62\)

Additionally, North Korea began to enforce its criminal law governing illegal exit.\(^63\) Under North Korean law, “A person who crosses a frontier of the Republic without permission shall be committed to a reform institution for up to three years.”\(^64\) Additionally, those arrested for illegal exit, may
be subjected to “long interrogation and torture, imprisonment under extremely harsh conditions [and] forced labor at camps.”

In 2002, “daring group dashes into embassies in Beijing...[put] the international spotlight” on North Korean migration to China.66 As the plight of North Koreans began to gain international attention, international human rights organizations and other nations began to vigorously condemn China for its practice of refouling North Koreans illegally within its borders.67 Still, migration continued. In April of 2004, it was estimated that 300,000 North Korean migrants were living in northeast China.68

B. The Treaty

The mass influx of North Korean migrants to China has put China in a difficult position. On the one hand, China seeks to protect its national security,69 preserve national and regional stability,70 and preserve its diplomatic relations with North Korea by avoiding the political ramifications associated with granting refugee status to citizens of an ally nation.71 On the other hand, in order to preserve its relations with other nations, to demonstrate to other nations and international organizations that it will adhere to international treaties to which it has acceded, and to protect North Koreans from suffering harm upon returning to North Korea after visiting China, it is advantageous to China to reduce the deportation of North Koreans.72 China has been able to balance these objectives by making temporary visas available to North Koreans.

Since late 2001,73 by agreement with North Korea, China has permitted North Koreans to legally enter China temporarily.74 The text of the North Korea-China agreement is not available. It has been described by an expert on the Korea Peninsula as being unavailable because it is a secret treaty.75 At least three independent sources have attested to the existence of the North Korea-China visa program.76 The ability of legal North Koreans in China to secure employment without facing prosecution for violating North Korean or Chinese law has been confirmed.77

Two types of visas are available to North Koreans. First, all North Koreans are eligible for short duration visitor visas, which allow them to enter China temporarily for the purpose of buying groceries and other items.78 Second, North Koreans with family in China are eligible for visas which allow them to enter China for up to one year.79 Given the fact that forty percent of the population of the Autonomous Korean Prefecture of Yanbian in Jilin province, China is ethnic Korean,80 it is not surprising that a significant minority of North Koreans have relatives in China.81 As a result of the treaty, tens of thousands of North Koreans have been allowed to enter China legally.82

The visa program is not without flaws. As most North Koreans do not have family in China, most North Koreans continue to be unable to legally enter China for significant periods of time.83 China continues to fail to abide by its obligation under the Refugee Convention and 1967 Protocol to the small minority of North Koreans who do leave for the purpose of defecting due to their political dissonance by refouling North Koreans who are present in China illegally and who will likely face persecution if forced to return to North Korea.84 Finally, cost has prohibited many North Koreans from taking advantage of the visa program. Those within North Korea must apply for and receive exit and entry visas.85 While there is no official charge for these visas, without adequate money to pay bribes obtaining these visas is nearly impossible.86 The fact that many North Koreans continue to be unable to
secure visas allowing them to legally enter China for significant periods of time is demonstrated by the continued presence of illegal North Koreans in China.87

Still, the benefits of the visa program outweigh its failures. The visa program helps China protect its national security as it encourages lawful and documented entry into China, improving China’s ability to keep track of who is present within its borders.88 China’s visa program promotes stability within the northeastern region of China as it works to reduce the total number of North Koreans in China at any given time by limiting lawful presence within China to limited durations of time.89 The visa program allows China to preserve its diplomatic relations with North Korea by avoiding the political ramifications associated with granting refugee status to citizens of an ally nation.90 The visa program allows China to preserve its relations with other nations, demonstrate to other nations and international organizations that it will adhere to international treaties it has acceded to, and reduce the number of North Koreans it deports by providing North Koreans a mechanism for being present in China without violating North Korean law and thus without their presence triggering fear of harm from persecution upon return to North Korea.91

III. Temporary Visas: Protecting Migrants into the 21st Century

As was discussed above, the current refugee law scheme is rife with problems.92 The result is that few migrants’ needs are being met. Protection of migrants can be better achieved by amending public international law to allow nations to meet their obligations to migrants through the use of measures other than those contemplated by the Refugee Convention and 1967 Protocol. Specifically, public international law should permit nations to meet their obligations to migrants by issuing temporary visas to persons from nations in which their economic and social rights are threatened. Such revision of public international law would benefit migrants, nations accepting migrants, and the nations that migrants come from.

Provision of temporary visas is less invasive of national sovereignty than is the current refugee law scheme, as nations are not obligated to provide any benefit to migrants who illegally enter. Additionally, issuance of temporary visas to migrants from nations in which their economic and social rights are threatened provides migrants who are faced with a threat to their economic and social rights a mechanism for alleviating that threat.

Provision of temporary visas to migrants in which persons face threats to their economic and social rights promotes the protection of the national security of nations receiving refugees, as it encourages documented entry and presence within receiving nations.93 Issuance of temporary visas promotes national and regional stability,94 as receiving nations limit mass influxes of non-citizens seeking to settle permanently through the granting of lawful temporary status rather than immigration.

The use of temporary visa programs to promote migration from nations in which economic and social rights are threatened allows receiving nations to preserve their diplomatic relations with nations from which migrants are arriving by bypassing the need to judge internal situations of other nations in order to determine whether or not to grant refugee status to a citizen of an ally nation.95 It should be noted that this could also have the potential negative consequence of enabling nations to avoid addressing human rights issues in other states altogether.
Provision of temporary visas to migrants from countries in which their economic and social rights are threatened allows nations to demonstrate that they are willing to take on their share of the burden of accepting migrants in need without putting their national security, national and regional stability, and diplomatic relations with the nations from which migrants are entering at risk. Similarly, it allows nations to avoid appearing unwilling to uphold their commitments under treaties.

Finally, presence of non-citizens temporarily within a country’s borders, filling labor gaps and serving as consumers of the nation’s products, is often more palatable for its citizens than is the subsidized permanent resettlement of people from other countries permitted by the current refugee law scheme. Thus, countries would likely be more amenable to providing an increased number of temporary employment visas than providing an increased number of people from other countries refugee status.

While protection of migrants can be better achieved by amending public international to allow nations to meet their obligations to migrants through the use of measures other than those contemplated by the Refugee Convention and 1967 Protocol, and specifically, to permit nations to meet their obligations to migrants by issuing temporary visas to persons from nations in which their economic and social rights are threatened, amending public international law is difficult. Such amendment would require revision through Protocol or abandonment of the Refugee Convention and 1967 Protocol, by nations party to those instruments. A new convention or protocol outlining nations’ obligations in relation to the new temporary visa program would need to be drafted and ratified, a process that would require much worldwide support. This would likely prove difficult.

IV. Conclusion

China has received criticism for failing to perform its obligations under the Refugee Convention and 1967 Protocol with regards to North Korean migrants. However, China has made available to North Koreans a legal right to remain in China temporarily. The use of temporary visas allows China to avoid strain on its diplomatic relations with North Korea, avoid harm to national security, help migrants to meet their needs, and implicitly meet its obligations under the Refugee Convention and 1967 Protocol by preventing China from returning North Koreans to persecution.

As demonstrated by China’s employment of its temporary visa program, protection of migrants can be better achieved by amending public international law to allow nations to meet their obligations to migrants through the use of measures other than those contemplated by the Refugee Convention and 1967 Protocol. Specifically, public international law should permit nations to meet their obligations to migrants by issuing temporary visas to persons from nations in which their economic and social rights are threatened. Such revision of public international law would benefit migrants, nations accepting migrants, and the nations that migrants come from.

ENDNOTES
TEMPORARY VISAS


7  Ibid.


12  C. Kenneth Quinones, “Legal Entry into China” (unpublished manuscript, on file with the author, April 2005). Dr. Quinones was the first U.S. diplomat to visit North Korea. He currently is the director of International Action’s Korea Peninsula Program.


15  Lecture of C. Kenneth Quinones, University of Washington Jackson School of International Studies (Mar. 30, 2005). Dr. Quinones was the first U.S. diplomat to visit North Korea. He currently is the director of International Action’s Korea Peninsula Program.


25  Ibid., 319.


27  Ibid.

28  Ibid.

29  Michael J. Dennis and David P. Stewart, Justiciability of Economic, Social, and Cultural Rights: Should There Be an International Complaints Mechanism to Adjudicate the Rights to Food, Water, Housing, and Health?, American Journal of International Law, vol. 98 (2004), 862. “The content of economic, social, and cultural rights is generally said to comprise the following: an adequate standard of living, including food, clothing, housing, health, and medical care; education; work; fair conditions of employment; the opportunity to form and join trade unions; social security; and participation in cultural life.”

30  Douzinas, op. cit., 165-166.


32  Douzinas, op. cit.

33  It should be noted that Article III of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), provides a mechanism through which a person shall not be refouled to a country in which “there are substantial grounds for believing that he would be in danger of being subject to torture,” irrespective of whether he fears such harm on account of one of the five enumerated grounds of the Refugee Convention and 1967 Protocol. In a 1997 decision, the European Court of Human Rights found that extreme cases of lack of economic rights may constitute torture and entitle a person to relief under CAT. European Court of Human Rights, 1997 Reports of Judgments and Decisions 777 (May 2, 1997). Specifically in D v. United Kingdom, the Court found that a person, who was suffering from the late stages of AIDS, and would likely be subject to imminent death from lack of medical care if returned to his home country, was entitled to protection from refoulment under CAT. The utility of CAT, and the significance of D v. United Kingdom, must not be overstated. Eligibility for CAT is difficult to demonstrate, law of Canada and the United States curtails the use of CAT for protection from refoulment based on economic necessity, and the ruling of D of itself is narrow. See e.g., Mutter of J-E-, 23 I&N Dec. 291 (BIA 2003); Canada’s Immigration and Refugee Protection Act, § 97(1)(b)(y) (2001).


36  Smith, 79-80 (stating,”a host country’s decision to grant asylum to another country’s citizens is viewed by the source country as an antagonistic or even hostile act”).


42  Gonzaga, op. cit., 236.

43  Ibid., 237.


45  "Omar Abdel Rahman, the Egyptian shiek who was convicted in 1995 of conspiring to blow up the United Nations headquarters and other landmarks in New York…Mir Aimal Khan, who killed two employees of the Central Intelligence Agency outside the agency’s headquarters in 1995, and Guzi Ibrahim Abu Mezer, who was convicted on 1997 charges of planting to bomb New York subway...Christopher Drew and Adam Liptak, A Nation at War: The Detainees: Immigration Groups Fault Rule on Automatic Detention of Some Asylum Seekers (March 31, 2003).


Ibid., 30, Lecture of C. Kenneth Quinones.


Ibid., 34, Park, op. cit., 31.

Park, op. cit., 31.

Ibid.

Lecture of C. Kenneth Quinones.

Ibid.

Seymour, op. cit., 24.


According to the UNHCR Background Paper, the document was obtained in December 2002 by Rescue the North Korean People Urgent Action Network (RENK), and "cannot be authenticated, it does not seem implausible," UNCHR Background Papers, 13. While the authenticity of the text is not confirmed, Chinese officials to verify that such a treaty exists. Kevin Platt, N. Korea Gets China's Cooperation on Refugee Returns," Christian Science Monitor, June 9, 2000.


Ibid., (citing Amnesty International, Persecuting the Starving: The Plight of North Koreans Fleeing to China (Dec. 15, 2000)).

Chao, op. cit., C1.


C. Kenneth Quinones, Legal Entry into China (April 2005) (unpublished manuscript, on file with the author).


Email of C. Kenneth Quinones to the author, Apr. 12, 2005.

Yamaoka, op. cit., 8.

E-mail of C. Kenneth Quinones to the author, 73.

Yamaoka, op. cit., 8; C. Kenneth Quinones, Legal Entry into China, 69; Park, 31.


Yamaoka, op. cit., 8.

Ibid.

French; Kirk; Platt, op. cit.

Lecture of C. Kenneth Quinones, 15. Dr. Quinones estimates this minority as constituting at least ten percent of the North Korean population.

Ibid.

Ibid.

Ibid.


C. Kenneth Quinones, Legal Entry into China, 69.

Ibid.

Ibid.

Ibid.

Lecture of C. Kenneth Quinones, 15.

Ibid.

Smith, op. cit., 79-80.

Lecture of C. Kenneth Quinones, 15.


Smith, op. cit., 79-80.

At dawn, on February 17, 1979, China attacked Vietnam. For roughly a month, Chinese and Vietnamese armies tore at each other along the Sino-Vietnamese border region in what came to be one of the deadliest contests between two supposedly “fraternal” communist countries in history. Oddly enough relations between China and Vietnam had been amicable up to 1965. Nevertheless, from 1965 to 1979, Vietnam took on a new pro-Soviet diplomacy, which China felt threatened its interests. Although China repeatedly expressed its rising discontent to Vietnam over the changing status quo, it took no militant steps for more than a decade. Chinese restraint finally snapped at the end of 1978 when Vietnam joined the Soviets in a joint security alliance. The Chinese attack on Vietnam in February 1979, however, was inconsistent with rational deterrence models: it occurred at a point when the odds for a victory or even for a significant gain in the case of a loss were too low for any “rational” cost/benefit analysis to have justified it. By contrast, the Chinese decision to attack seems to accord with prospect theory, which accounts for foreign policy choices involving gains and losses based on context.

This study begins by reviewing the tenets of prospect theory vis-à-vis extended deterrence. Next, I lay out the historical context of the 1979 Sino-Vietnamese conflict. A review of history is critical to the study, not only because it increases analytical clarity, but because the general reader may be unfamiliar with background information essential for understanding China-Vietnam relations. I selected the empirical aspects of part three based on evidence from interviews and research in China and the United States. Then, this paper analyzes the 1979 Sino-Vietnamese conflict through the theoretical predictions of prospect theory and provides a discussion of the findings before presenting some concluding remarks.

Prospect Theory

Prospect theory stands as an alternative to rational choice in that it conceptually frames the cognitive patterns of actual actors rather than strict cost/benefit calculations. The keystone of prospect theory is revealed in the observation that there is a decreasing value to continually rising gains. The subjective value of a gain of "$1000 is more highly
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valued than is the same $1000 when added to an initial gain of $10,000.” The same can be said for losses so that the difference between a loss of $10,000 and $10,100 is less significant than between a loss of $1,000 and $1,100. The main distinction between prospect theory and rational choice is found in the interpretation of the reactions to gains and losses. Per rational choice, states estimate the extent to which an outcome is desirable in conjunction with its net asset position. In contrast, prospect theory is based on the premise that states evaluate the desirability of outcomes according to an orientation of gains and losses measured against a neutral reference point. Moreover, gains feel good far less than losses feel bad, so that the thrill of a gain is less intense than the pain of a loss.

Prospect theory has two important implications for studies of military deterrence. The first is what many refer to as the framing effect according to which state-driven evaluations of the desirability of the status quo are a central component of deterrence behavior. If a state considers the status quo acceptable, and it knows that an offensive action on its part involves further gain but some probability of loss, that state is considered to be in a positive orientation. In a positive orientation, prospect theory predicts that states will prefer the security of the status quo over the insecurity of a risk of loss. On the contrary, if a state considers the status quo as unacceptable, and has an opportunity to improve its relative position through an attack, it is deemed to be in a negative orientation. Prospect theory posits that states in negative orientations tend to be risk-acceptant, and as such, prone to take actions that favor a return to an acceptable position in the status quo. The second implication is the concept of loss aversion. In essence, loss aversion implies that states “will act more aggressively to avoid a loss than to secure an equal gain, and will pursue loss aversion beyond a rational expectation of benefits.” The upshot for deterrence is that credible threats, rather than serving to deter a target state from attacking, may actually push it into a negative orientation. If this occurs, the target state, being in a negative orientation, might very well attack out of the notion that it is at an unacceptable position in the status quo.

A combination of the respective conceptual frameworks of the framing effect and loss aversion works to create a general two-part thesis for deterrence; that is, deterrence is more apt to be effective at such times that each of two states is concurrently in a positive orientation, and deterrence is less apt to be effective when either or both of two states are in a negative orientation. On the condition that there is some chance for loss, a state in a positive orientation will not seek to upset the status quo even if the expected utility of an offensive attack is greater than that of staying with the current situation. On the contrary, while in a negative orientation, there may be no level of military leverage great enough to deter a state from attacking provided that the attack involves some prospect for a return to normalcy in the status quo.

Prospect Theory and Extended Deterrence

Extended deterrence refers to the situation in which one state pledges to defend another against foreign attack. The security agreement between America and South Korea is a case in point. As per prospect theory, extended deterrence will be more operative if all states involved are in positive orientations. Once the orientation of any target state of a security arrangement goes negative, that state will become increasingly risk averse. Further, it is at such a point that a security arrangement is rendered
unstable.

In an extended security arrangement, patron states attempt to solidify their support for the client state through resolute public commitments. The patron state often claims that the preservation of the security of the client state is important to both countries, and the seriousness of the resolution is often manifested through deployment of significant numbers of armed forces on the ground. The American military in Okinawa is illustrative.

The purpose of a security alliance is to deter foreign aggression; however such an alliance may serve to push the target state into a negative orientation. To the target state, support for a rival means a greater security risk. According to prospect theory, if the target state comes to believe that its security under the status quo is in danger, it will attack the client state despite the risks. The failures of extended deterrence in Bosnia, Kosovo, and Iraq are good examples to cite.6

**Historical Context**

Credibly the most unexpected and striking event in Far Eastern politics after the American led war in Vietnam (1957-1975) was the 1979 Sino-Vietnamese conflict. “Unprecedented in scale and casualties, the brief Sino-Vietnamese border war in 1979 was the bloodiest military conflict in the ‘fraternal’ communist world.”7 As per the Chinese, the attack on Vietnam in 1979 was triggered by illicit Vietnamese land grabs of Chinese territory following a strategy of revanche.8 Apparently, “from August 25 to December 15, 1978, Vietnam sent a total of 2,000 armed personnel to invade more than 100 areas of China’s Guangxi region, instigating 200 border incidents—100 in Youyiguan area alone.”9 However, the actual catalyst was much more involved. For instance, ancient history and ethnic entanglements all played a part. Yet, it was broader geopolitical events that really provoked the Chinese. By 1978, Hanoi had completed several agreements with the Soviets, all of which threatened Chinese hegemony in communist East Asia. In reaction, China attacked Vietnam on February 17, 1979.

**The Sino-Vietnamese Alliance**

In the first half of the 20th century, Vietnamese communists battled against foreign imperialists as a result of their inspiration from the growing worldwide socialist movement.10 In 1946, they conquered significant territory above the 17th parallel, which effectively divided Vietnam into northern (communist) and southern (capitalist) partitions. The North established Hanoi as its capital while the South ruled from Saigon. In 1957, communist guerillas from the North began launching attacks on southern villages. The skirmishes at length coalesced into full-scale civil war. China, of course, backed the communists.11

In the 1950s and early 1960s, relations between China and Vietnam were reasonably close.12 To be sure, on February 6, 1950, the Chinese and North Vietnamese formed the Sino-Vietnamese alliance according to which both peoples would follow two broad principles: encouraging true friendship between themselves and creating a geopolitical bloc to guard against imperialist threats. Moreover, the 1950 Sino-Vietnamese alliance was just the first of a spate of such agreements that Beijing and Hanoi concluded between 1950 and 1965.

While China and Vietnam certainly had good formal relations until 1965, informal cooperation flourished between them as well. Indeed, Beijing staunchly supported Hanoi in its wars of national liberation far beyond what formal agreements mandated. For instance, during the American-led
war in Vietnam (1957-1975), China even went so far as to provide the North Vietnamese with matériel and space to shelter troops on Chinese territory:

At the end of 1949 Việt Minh [i.e. North Vietnam] prospects changed dramatically when the Communists won control in China . . . The long Chinese-Vietnamese border allowed the People’s Republic of China (PRC) to supply the Việt Minh with arms and equipment and to provide advisers and technicians as well as sanctuaries where the Việt Minh could train and replenish its troops. On 18 January 1950, the PRC formally recognized the DRV and agreed to furnish it with military assistance . . . By the end of 1952, more than 40,000 [northern] enlisted men and 10,000 officers had been trained in China. Arms were also available from the substantial stocks of weapons, including artillery that the US had supplied to the Chinese Nationalists.  

**Collapse of the Sino-Vietnamese Alliance**

The collapse of the Sino-Vietnamese alliance can be attributed to five separate but related conditions: ancient animosity, irredentism, Indochina, ethnic conflict and Soviet-Vietnamese relations. While Hanoi had positively cooperated with Beijing for over a decade, by 1965 it began fabricating a new brand of anti-China unilateral politics. Naturally, the Chinese disliked the new outlook in Vietnam and tried to change it. It was in China’s political interests to have Vietnam on its side. However, over the next thirteen years, the Sino-Vietnamese alliance would degenerate in sentiment from affinity to antipathy. So badly would the alliance worsen, both sides ultimately resorted to armed conflict to resolve their differences.

**Ancient Animosity:** Sino-Vietnamese political relations extend back two-thousand years with repeated Chinese invasions, occupations, and Vietnamese retaliations defining the two millennia.  

This pattern of history is not happenstance. The Imperial Chinese saw the domination of Vietnam as a critical part of their grand strategy to protect Chinese security against foreign (barbarian) encroachments from the south. Moreover, as Chinese history shows, this strategy was not a strategically wasteful endeavor. Foreign invasions from the north and south of China constantly posed a threat to Chinese sovereignty, and in some instances, actually resulted in barbarian domination. The Chinese sought to always maintain a layer of buffer countries around them for protection from outside invasion. In addition, by making the tributary states pay large amounts in riches to the Chinese Emperor from time to time, the Chinese could continually replenish their Imperial treasury for national projects such as military spending. Consequently, for centuries, the Vietnamese were compelled to pay tribute to the powerful Middle Kingdom, facing direct invasion and occupation otherwise.

While the Vietnamese traditionally “appreciated, admired and adopted Chinese culture, they despised, dreaded, and rejected Chinese political domination.” Certainly, “[s]ome of the greatest Vietnamese legends have been woven around the exploits of heroes who led the struggle against the Chinese.” The famous Trưng sisters’ rebellion is a case in point. Even after the Vietnamese defeated China at the battle of Bach Dang River to win independence in 938 A.D., ferocious fighting episodically continued. Examples include the wars against Mongol (1285), Ming (1428), and Qing (1789) forces.
In summary, the story of Sino-Vietnamese relations has been a struggle between nationalism and grand strategy. As a result, many Vietnamese mistrust and begrudge China. So, while the Vietnamese have historically defined their nation as “a cultural offshoot of China,” the resentment left over from “Chinese domination for long centuries” has acted to what “a militant nationalism against any alien rule” in the minds of many Vietnamese. It is no surprise, then, that Hanoi turned to Soviet aid to balance increasing Chinese influence in Southeast Asia after 1965.

Irredentism: Any contemporary attempt to demarcate conclusively the land-border that separates China and Vietnam is rife with subjectivity. Land on both sides of the border has been politically controlled by either side at one time or another. Certainly, northern Vietnam was a de facto part of Imperial China up to 948 A.D. Moreover, little consistency exists between Vietnamese and Chinese historical records. Thus, determining what nation has the “natural” right to disputed territory is extraordinarily difficult.

In April 1975, communist forces reunited northern and southern Vietnam. Hanoi remained the capital. The initial move of the new united government was to reassert certain historical claims on the Spratly Islands located in the South China Sea. According to Hanoi, the Spratlys (Truong Sa in Vietnamese) were rightfully part of Vietnam given that these islands were officially annexed into the Empire of Annam (Vietnam) almost 200 years before. Apparently, in 1815, King Gia Long of Annam sent an expedition to chart sea lanes in the South China Sea, and sometime during the expedition, the sailors involved decided to occupy and settle the Spratlys for Annam. Of course, the Chinese completely opposed and discredited Hanoi’s rendition of Spratly history, claiming that “the Spratly Islands had been Chinese territory from ancient times.” The Chinese asserted that these islands had not only been discovered by Chinese navigators, but had been under Chinese Imperial control since the Ming Dynasty (1368-1644). The Vietnamese, however, had just defeated two imperial powers. What threat could the Chinese pose in comparison? Thus, military leaders in Vietnam agreed that the moment had come to recover territorial entitlements of strategic and historical importance.

Indochina: Indochina is a geopolitical term defining an area that is today composed of three sovereign nations: Cambodia, Laos, and Vietnam. The northern border of Indochina adjoins the Chinese Provinces of Guangxi and Yunnan. Of the three original Indochinese states, only Cambodia does not share a border with China, being south of Laos and west of Vietnam. Starting in the late 1800s, these three countries, at one time or another, were each incorporated into a greater federation of states called Indochina under French rule. When the Vietnamese communists commenced in their crusade against foreign imperialism in the first half of the 20th century, the insurgency included men at arms from all three Indochinese states.

After World War II, the French sought to reestablish de facto control over Indochina, which had been briefly lost to Japanese forces between 1941 and 1945. The French rather easily regained political power over Cambodia and Laos, but had trouble negotiating a settlement with the chief communist leader in Vietnam, Ho Chi Minh, who led the Revolutionary League for the Independence of Vietnam (Vietminh) at that time. The two sides failed to settle their differences peacefully, and war broke out in December 1946. By 1953, the French campaign to retake Indochina was close to defeat.
In November 1953, Cambodia was recognized as an independent nation. Seven months later, after a successful 56-day siege of the fortress of Dien Bien Phu in Vietnam against French forces, Paris called for an end to the fighting. Vietminh and French officials met at Geneva, Switzerland in July 1954 to negotiate the details of the cease-fire. The final agreement gave control over Vietnam north of the 17th parallel to the communists, while the capitalists gained control over the territory south of the 17th parallel. In any event, the idea of an Indochinese federation (especially under Vietnamese control) lingered in the minds of many Vietnamese after independence. Thus, Hanoi predictably began coordinating plans of conquest over Cambodia and Laos following reunification in 1975.

The notion of a united Indochinese federation under Vietnamese and, by extension, Soviet aegis did not sit well with Beijing, as the political ramifications would have been particularly unfavorable to Chinese political interests. Consequently, as early as 1954, Beijing was looking to strengthen its position vis-à-vis control of Indochina. The Chinese for instance barred the Cambodians and Laotians from attending the 1954 Geneva conference as full members because of Vietminh influence over Laoian and Cambodian politics at that time. Apparently, if the Cambodians and Laotians had been allowed to attend as full members, they would have given the Vietminh delegation excessive political leverage with regard to Indochina. In the early 1960s, the Chinese began supporting the Cambodian leader, Prince Sihanouk, who was supposedly neutral in the struggle between communist and non-communist nations. The Chinese supported the prince because the Vietnamese had already shown signs of aggression toward the rest of Indochina as well as deepened relations with the Soviets. In the early 1970s, Beijing began staunchly supporting the Cambodian Khmer Rouge organization whose communist leader, Pol Pot, favored Beijing over Vietnam and the Soviet Union. The Chinese continued aiding Khmer Rouge even after it had taken full control of Cambodia in April 1975. The Chinese also actively encouraged Pol Pot to resist Vietnamese ambitions in Indochina at any cost. Pol Pot apparently took the advice from Beijing quite seriously: after signing a military-aid pact with China in September 1977, he wasted no time escalating hostilities with Vietnam. In November 1977, Chinese and Vietnamese officials held talks in order to settle the crisis. The Chinese demanded that Vietnamese forces withdraw entirely from eastern Cambodia. Hanoi rejected the demand, and Sino-Vietnamese relations took a turn for the worse.

Ethnic Conflict: In reaction to the failed bilateral talks with China, from May to June in 1978 the Vietnamese ejected an estimated 100,000 Chinese out of their country. By July, the number had reached 150,000. The campaign was callous and deliberate. The Vietnamese reasoned that if the border area could be cleared of any Chinese, the territorial disputes would naturally disappear, as well as any opportunities for Chinese expatriates to engage in espionage. Their strategy backfired: before long, violent incidents arose between civilians and soldiers. On May 4, 1977, for instance, “[a] bloody incident broke out at Youyiguan with 51 Chinese workers being injured by 500 Vietnamese soldiers.”

A few days later, Hanoi stepped up its expulsion and within two weeks, at least 57,000 more Chinese were forced to abandon their homes. By May 24, Beijing had lost all patience, and began publicly reproaching Hanoi. On May 29, Beijing “accused Vietnam of atrocities against the Chinese in Vietnam, including mass arrests, mass killings, and firing at the refugees crossing the land border and escaping by boats.”26
This was followed by “a series of documentary films on the plight of the refugees to drive home her arguments.”²⁷

Events in June and July unfolded in quick succession. In an effort to halt the exodus, Beijing ordered the entire Sino-Vietnamese border sealed on July 11. Predictably, the policy failed and the Chinese were compelled to continue absorbing thousands of refugees. Meanwhile, the Chinese in southern Vietnam were trying frantically to escape by boat. Among them many were caught and imprisoned. What’s more, those who stayed were often “fired from their jobs, ostracized, persecuted, and had their food rations stopped.”²⁸ In the end, an estimated 200,000 ethnic Chinese were expelled from Vietnam.²⁹ The ejection was so severe and cruel that the Chinese naturally listed it as a chief reason why they ultimately chose to attack Hanoi.³⁰

Soviet-Vietnamese Relations: As already mentioned, the Sino-Vietnamese alliance further declined over the prospects of a reunited Indochina. The Chinese warned the Vietnamese that any invasion of Cambodia or Laos would be intolerable and incite armed retribution. The Vietnamese were undaunted.

In the interim, Soviet strategists in Moscow began scheming how to exploit the new Sino-Vietnamese rift as a means to promote an alliance between themselves and the Vietnamese. Like the Chinese, the Soviets recognized the great strategic value of Indochina, just as the Vietnamese recognized the importance of Soviet deterrence against Beijing. The Chinese alleged that the new Soviet support for Vietnam was both unnecessary and anti-Chinese in motivation. The Soviet Union was already the largest nation on earth in territory, and thus, the Soviets had no need to extend their military forces into Indochina unless it involved some sort of political motivation. That is why Chinese officials suspected the Soviets of negotiating plans to construct naval bases in Vietnam and Cambodia as part of a grand strategy to encircle China from the Horn of Africa to Vladivostock.³¹ If the Soviets could succeed in encircling the Chinese, they would not only be in a strategic position to wrest control of the communist world from the Chinese, but would also gain a foothold in Southeast Asia from which to disrupt international trade between the West and Japan, South Korea, and Taiwan. The Spratly Islands with their rich oil reserves were certainly on the Soviet radar as well.

Final Polarization

In late October 1978, Vietnamese emissaries left for the Soviet Union to discuss the possibility of enacting a joint “Treaty of Friendship and Cooperation” to last for a quarter-century. The discourse went well: in less than a week, on November 3, 1978, the treaty was signed. This accord was not only the first of its kind in that region for the Soviets, it also stood as a geopolitical victory by legitimizing a Soviet military buildup in Indochina. The preamble and first nine articles of the alliance refer to Soviet-Vietnamese cooperation in all possible areas as well as an affirmation of the unification of the world socialist system and the need to resist all imperialist attempts at expansion.

While the terms of the treaty only stipulated “consultation” if either country came under attack, its overall tone plainly signaled a stronger military bond between Vietnam and the Soviet Union.³² In view of that, Beijing inferred that the Soviets meant to construct military facilities in and around Vietnam. The Chinese likewise predicted that the Vietnamese would use the new Soviet pact as a means to further their own political ambitions in Indochina.
Failed Deterrence

The Chinese reacted with antipathy to the Soviet-Vietnamese treaty. Indeed, within a week of its enactment, Chinese officials were announcing their enmity: “Emboldened by Soviet backing, the swell-headed Vietnamese authorities regard the great Chinese people as susceptible to bullying . . . We sternly warn the Vietnamese authorities: Draw back your criminal hand stretched to Chinese territory.” While such initial statements retained some diplomatic civility, later ones were militant:

Vietnam has gone far enough in pursuing her anti-China course. There is a limit to the Chinese people’s forbearance and restraint . . . We wish to warn the Vietnamese authorities that if they, emboldened by Moscow’s support, try to seek a foot after gaining an inch and continue to act in this unbridled fashion, they will decidedly meet with the punishment they deserve. By early January, Chinese leaders were even speaking of “teaching Vietnam a lesson.”

Meanwhile, a series of armed attacks between Chinese and Vietnamese forces escalated tensions. By the beginning of February, the Chinese “had assembled 330,000 troops, 1,200 tanks, at least 1,500 pieces of heavy artillery, and nearly 1,000 combat aircraft along the Sino-Vietnamese land border, and an unusually large Chinese fleet also gathered off Hainan Island” as a sign of their dissatisfaction. The Vietnamese reacted predictably with resentment and animosity. By early February, 1979, the threat of a Soviet reprisal was the only factor left that plausibly carried enough political weight to deter the Chinese from attacking Vietnam.

Open Conflict

On the morning of February 17, 1979, between 100,000 and 180,000 Chinese troops attacked Vietnam with “extremely powerful artillery shellings, followed by tank units” despite the threat of Soviet retaliation. The Chinese offensive was aimed at six border provinces: Quang Nknh, Lang Son, Cao Bang, Ha Tuyen, Hoang Lien Son, and Lai Chau. While the morning blitzkrieg effectively caught the Vietnamese military off guard, it failed to incite enough panic in Hanoi to disrupt government operations. Indeed, contrary to Chinese plans, the Vietnamese government issued public statements forthwith calling the leaders in Beijing “war criminals, more cruel than Hitler,” and describing how Vietnam would see a great and glorious victory over China. Further, Vietnamese generals ordered the deployment of between 75,000 and 100,000 border troops and militia to the front lines. It would be no less than a month later before the Vietnamese and Chinese armies would stop the carnage.

Analysis

The analysis of the Sino-Vietnamese conflict is divided into two periods. The first starts in the latter half of 1970, and ends with the 1978 Soviet-Vietnamese Treaty of Friendship and Cooperation. The second period begins just after the 1978 Soviet-Vietnamese Treaty and concludes with the outbreak of the 1979 Sino-Vietnamese conflict. The reversal in orientation of the Chinese in the time specified above can be accredited to objective and particular variations in the theoretical frame of the status quo. In period one, the Chinese operated under a more or less positive orientation in which the status quo was defined by Vietnamese irresolution and incapacity relative to China. In period two, several events including the signing of the 1978 Soviet-Vietnamese treaty combined to effect a reversal in orientation from positive to negative among the
Chinese. Because of the reversal, the Chinese grew negatively oriented and thus attacked Vietnam.

**Positive Orientation**

**Critical Facts:** In the autumn of 1970 the Chinese policy towards North Vietnam underwent a critical change. Previously, the North Vietnamese had relied heavily on Chinese assistance in its struggle against foreign imperialists and Saigon. In the latter half of 1970, however, Hanoi began seeking increasingly more Soviet support while decreasing its reliance on China (for reasons specified in part two). The ensuing nine years saw an incremental deterioration in Sino-Vietnamese relations against a corresponding increase in cooperation between the Soviet Union and Vietnam.

On October 3, 1971, Soviet diplomats arrived in Hanoi to negotiate several agreements pertaining to bilateral military and economic aid. Soon after that, another top Soviet delegation visited Hanoi. Among them were such high-ranking officials as the Deputy Minister of Defense and the Commander of the Soviet Air Defense Force. The delegation remained in the capital until March 1972 while scores of Soviet matériel ranging from “tanks, long-range artillery, mobile anti-air- craft missile, and SA-2 missiles arrived in North Vietnam” at a cost of roughly $700 million.39

In October 1975, Vietnamese envoys visited the Soviet Union to sign two major economic aid agreements according to which the Soviets would provide financial assistance to Vietnam for a period of five years. In addition, Soviet officials enounced that an accord had been reached with Hanoi for the joint management of the national economic strategies of Vietnam and the Soviet Union for 1976 through 1980. The Soviets also said that they had invited Hanoi to join the Council for Mutual Economic Assistance, and in June 1978, Vietnam did sign on as a member.40

By 1975, it had become obvious that the Soviets had embarked on a course to put military personnel in Vietnam and Cambodia.41 The Soviet strategy was straightforward. It called for the Soviet military to surround and squeeze the eastern flank of China from the northern City of Vladivostok to the southern Bay of Cam Ranh. It also sought control of the Straits of Malacca to obstruct naval and oil routes to Europe and the United States. Further, the Soviet purpose overlapped with the Vietnamese twin desires of establishing Vietnam as a regional power and dealing a heavy blow to the prestige of China.

On November 3, 1978, delegates from the Socialist Republic of Vietnam signed a Treaty of Friendship and Cooperation with the Soviet Union to last for twenty-five years. It was a diplomatic victory for both the Soviets and the Vietnamese, but a great loss for China. The Soviets and Vietnamese had “played a deep game” against China, and it was not a game the Chinese would easily forget.42

**Analysis:** It is curious that, during the period before the Soviet-Vietnamese Treaty, the Chinese took no decisive action as the Vietnamese increasingly favored relations with the Soviets. Beijing was well aware of the strategic dangers in allowing the Soviet Union to gain a foothold in Indochina long before November 1978. Yet, it never tried to directly intervene to stop the chain of events that led to the signing of the Sino-Vietnamese Treaty. As per rational deterrence theory, states decide whether to use military force based on a comparison of the expected utility of using or not using such force, and they choose the option with the greatest expected utility. If this is so, it must be concluded that choosing not to attack Vietnam prior to the Soviet-Vietnamese treaty was irrational.
To clarify the above, consider first that until the Soviet-Vietnamese treaty had been enacted, the Chinese had both the military strength and the raw manpower to overrun Vietnam with little possibility of outside interference. Then consider that the actions taken by the Soviets to foster ties with Vietnam occurred in noticeable and incremental stages over a period of nine years. It makes little rational sense in light of these facts that the Chinese failed to clamp down on Vietnamese recalcitrance before it was too late.

I argue that the Chinese failed to act at an appropriate time because a positive orientation had been dominating their perception prior to the Soviet-Vietnamese treaty. Relations between China and Vietnam had been imbalanced and unequal from the start: the Chinese dominated the Vietnamese. In addition, the weakening effects of the Vietnamese civil war prior to reunification meant that the Chinese had little reason to worry about an emerging competitor on their southern flank. To further explain, consider the following: the Vietnamese communists needed and sought Chinese assistance to win their war against the capitalists and imperialists. This situation appealed to the Chinese because it indicated their relative superiority. In addition, because the Vietnamese were at war with each other, the Chinese knew that neither side would be strong enough to oppose them unilaterally. It was also recognized that, as long as the Vietnamese remained divided in war, the rest of Indochina would continue to be dependent on Chinese benefaction. Therefore the Chinese found the status quo quite comfortable, and accordingly, had no incentive to change it. As a result, even repeated and blatant acts of disregard on the part of the Vietnamese vis-à-vis Chinese prerogatives failed to incite a bold front by the Chinese. Only when it was “rationally” too late did the Chinese initiate any actions to reverse the retrogression.

**Negative Orientation**

**Critical Facts:** As Chinese leaders experienced feelings of frustration and vulnerability over the Soviet-Vietnamese Treaty, “the armed forces of communist Vietnam began a full-scale invasion of communist Cambodia” on December 25, 1978. Two weeks later, Vietnamese-backed Cambodian guerillas succeeded in overthrowing the legitimate Cambodian government. Naturally, the Chinese denounced the Vietnamese military operations and connected them to the Soviet plot to enclose the Chinese eastern flank. In the meantime, the Soviets succeeded in transporting an expeditionary force to southern Vietnam. To make matters worse for the Chinese, on January 25, 1979, the Vietnamese highlighted their diplomatic triumph by calling for the celebration of “the 109th anniversary of the Vietnamese military victory over Beijing in 1789 under the reign of Emperor Quang Trung.” By the end of January 1979, the Chinese attitude toward Vietnam had hardened, and a fury of calls to arms signaled that the Chinese had been pushed too far.

The Chinese army attacked Vietnam at 5 a.m. on February 17, 1979. It initially made considerable gains in territory, as Chinese war-planes bombed factories, power-plants, and communication facilities throughout northern Vietnam. As the conflict escalated, the number of Chinese ground forces burgeoned to an estimated 600,000. The aim of deploying so many troops was to compel Vietnamese reserves stationed in Cambodia to move to the front-lines. The Chinese reasoned that if they could force as many Vietnamese troops out of Cambodia as possible, there would be too few of them left to control the Cambodians by the end of the conflict.
While strategically sound, the tactic failed: Vietnam occupied Cambodia well into the 1980s.

China attacked Vietnam to lend credibility to its warning that the Chinese were not afraid to teach their southern neighbor a lesson. That is, China wanted Hanoi to understand categorically that it would attack and never stop attacking if military action in Cambodia continued and more Soviet troops came to the Bay of Cam Ranh. The Chinese démarche also served as a warning to other countries: excessive provocations against China would result in unadulterated retaliation.

Analysis: In theoretical terms, the 1979 Chinese attack against Vietnam was irrational. The odds against a successful military strike against Vietnam at that time were too low for any legitimate rational analysis to have justified it. That is, a cost/benefit analysis would have shown the relative gains of a loss in battle to have been less profitable compared to the effects of a sure loss of inaction. To validate this, consider the subsequent facts. The Soviets had already positioned troops in Vietnam. The Vietnamese were hardened fighters while the Chinese were not. The Soviets possessed such immense military strength especially in their nuclear strike capability that even powerful countries like the United States declined pleas to fight alongside the Chinese out of fear of Soviet retaliation. In that light, rational deterrence theory offers no coherent explanation for the impetuous activities of China.

I reason that the Chinese undertook their drastic military move on February 17, 1979 because of the many detrimental events that had affected Chinese national security and prestige from 1970 to 1978. More specifically, the events between 1970 and 1978 combined to put China in a negative orientation, which became risk-acceptant: no matter what the social or economic costs may have been, China’s subjective reaction to the negative orientation compelled it to follow a high-risk course of action involving low odds for high returns in the event of a loss. Such behavior is never predicted in rational deterrence theory. The signing of the Soviet-Vietnamese treaty marked a point of reversal in the Chinese orientation from positive to negative. As a result, the Chinese grew acceptant of risk and attacked Vietnam.

Discussion

Some may assert that the short duration of the 1979 Sino-Vietnamese conflict represents a rational decision on the part of Beijing to deliver its message of admonition to Vietnam based on a cost/benefit calculation of the odds for a Soviet non-response to Chinese action in a small window of time.40 On the surface, this conjecture is appealingly clear-cut, but it ignores the fact that China chose to attack Vietnam at a juncture least conducive to success. In other words, it fails to account for the broad context of state action. Imagine for instance that signing the 1978 Soviet-Vietnamese treaty had been just the first of such actions taken by the Vietnamese. It is not very reasonable to say in this case that the Chinese would have necessarily attacked Vietnam. It stands to reason then that an analysis of whether the Chinese based their final attack plan on some calculation of Soviet response time is beside the point. The decision to attack Vietnam must be evaluated in the broader context so as to come to the most sensible conclusion as to the motives of state action.

Other analysts may try to explain the chaotic nature of the 1979 attack as resulting from aftereffects of the Great Proletarian Cultural Revolution. Again, while appealing, this account is not entirely plausible. The growing empirical evidence of research in
prospect theory indicates that actors systematically make decisions based on the status of their cognitive orientation. Thus, ongoing political chaos caused by the Cultural Revolution could not reasonably be categorized as an endogenous variable affecting foreign policy decisions. Rather, it is predictable cognitive processes that shape what choices actors make. When Beijing was satisfied with the status quo, cognitive processes led to predictable “risk averse” patterns based on a positive orientation. By contrast, dissatisfaction with the status quo led to predictable “risk acceptant” behavior in Beijing based on a negative orientation. Hence, before Hanoi and the Soviets joined forces, the Chinese were in a positive frame, and therefore, risk averse. But, after the alliance, Beijing fell in a negative orientation, and risked the wrath of Soviet retaliation.

There is one counter argument that deserves further analysis, however. According to some political analysts, Beijing showed no fear of Soviet deterrent threats in Vietnam because it had already tested Soviet resolve in 1969 directly. In reaction to alleged illegal occupation of Chinese territory, on March 2, 1969, Chinese soldiers waylaid Soviet patrols on Chenpao Island on the Ussuri River. In the ensuing fight, dozens of Soviet patrols fell to wounds. As expected, the Soviets retaliated (protested) with armor and heavy artillery, but eventually stood down. China had won the fight and resumed control of its land. Hence it could stand to reason that, in view of the Soviet capitulation on Chenpao, China attacked Vietnam in 1979 without fear. That is, the Chinese may have rationally calculated that, since the Soviets were unwilling to wage war even after Chenpao, they would unlikely do so in Vietnam as well. I believe this line of reasoning deserves more investigation.

**Conclusion**

The idea that states take actions as a result of cost/benefit calculations does not support the empirical evidence: the Chinese attack on Vietnam occurred at a time when the odds for a victory or even for a significant gain in the case of a loss were too low for any rational cost/benefit analysis to have justified it. By contrast, the Chinese attack is consistent with the predictions of prospect theory. In a positive orientation, the Chinese were risk averse, choosing not to upset the status quo by engaging the Vietnamese militantly. On the other hand, in a negative orientation, the Chinese became risk acceptant and attacked the Vietnamese at one of the least opportune times.

**ENDNOTES**

1 Baogang Guo, “Political Legitimacy and China’s Transition,” *Journal of Chinese Political Science*, vol. 8, nos. 1-2 (Fall 2003), 8.
5 Berejikian, op. cit.,172.
6 Ibid., 178-179.
9 Ibid., 48.
11 Chinese mainlanders had been communist since 1949, and ruled China from Beijing.
22 Spencer, op.cit.
23 SarDesai, op.cit., 7.
29 ibid., 217.
30 People's Daily (10 November 1978); in British Broadcasting Corporation, SWB, FE 5966-A/1-2; in Anne Gilks, 218-219.
31 Xinhua News Agency (24 December 1978); in Chang, 52.
33 ibid., 217.
34 Chinese Aggression against Vietnam (Hanoi, 1979), 113-28; in Raj, 101.
35 ibid., 54.
36 Raj, op.cit., 54-65.
37 Chen, op.cit.
38 ibid., 92.
40 ibid., 93.