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# All Roads Lead to Beijing? Shifts in Chinese Labour and Capital During the COVID-19 Pandemic

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## Abstract

The unprecedented global pandemic has shaken the world's foundations – upending legal institutions, toppling established principles of transnational governance, and limiting mobility between nations. In the People's Republic of China (the PRC or China), one of the most significant legal developments is the major reconfiguration of the state's labour and capital policies oriented towards its economic partners with emerging economies and economies in transition. These policies have changed dramatically, especially given the disproportionate impact of the pandemic on lower-income states. China's domestic situation and its need to meet evolving transnational demands also contribute to the reformation of these economic ties, and perhaps precede further changes to be implemented in the future. To provide much-needed insight into this ongoing transformation, this Article investigates how China's labour and capital policies towards its key international partners have developed in response to the pandemic. Drawing on three case studies, we use a socio-legal approach to analyse the status of migrants from African countries in China, labour immigration to China from its southwestern border regions, and the emigration of Chinese nationals to Serbia and the Balkans for the purposes of labour and investment. Through these representative developments, this Article unveils new trends in China's post-pandemic labour and capital policies, including enhanced responsiveness; a security-centric approach to border management; and an improving regulatory approach to ordinary migration channels.

## Introduction

Although there is little consensus on the historical definition of globalisation,<sup>1</sup> it is generally believed that its contemporary meaning developed in the 1970s and came into common usage in the 1980s. In 2000, the International Monetary Fund identified four basic aspects of globalisation: (1) trade, (2) financial flows, (3) labour migration, and (4) the dissemination of knowledge.<sup>2</sup> The outbreak of the COVID-19 pandemic has brought one of globalisation's most important aspects, human mobility, to a virtual standstill. After the World Health Organisation declared COVID-19 a pandemic, most countries imposed strict border closures to halt the spread of the virus, which restricted movement and brought economic activity to a halt.

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<sup>1</sup>DS Bell, 'History and Globalization: reflections on temporality' (2003) 79 *International Affairs* 801, 802

<sup>2</sup>International Monetary Fund, 'Globalization: Threat or Opportunity?' (Apr 2000) <<https://www.imf.org/external/np/exr/ib/2000/041200to.htm>> accessed 10 Sep 2021.

According to a major report by the UN International Organisation for Migration (IOM), in the initial phase of the pandemic alone, there were over 43,300 travel measures and at least 70 travel bans implemented across the world (January–May 2020). The same report states that ‘the number of passengers on international flights fell by 92% in April and May compared to the same months in 2019. At the same time, [the EU border agency] Frontex recorded an all-time low in irregular border crossings.’<sup>3</sup> As for outward mobility from China, the general downward trend in travel that followed the global pandemic affected the outward mobility of Chinese workers. According to the Ministry of Commerce of the PRC, the total number of the dispatched workers overseas reached 992,000. This number almost halved during the pandemic: from January to August of 2020, ‘644,000 workers were working overseas’ according to the Ministry’s statistics.<sup>4</sup> So, in terms of mobility and global trade, which has also suffered an overall setback, 2020 should probably be described as a time of ‘deglobalisation’. According to the Organisation for Economic Cooperation and Development (OECD), the global economy has experienced the slowest growth and a decreased rate of wealth and employment as a consequence of COVID-19.<sup>5</sup>

COVID-19 was indeed the trigger for a crisis in globalisation. It has cast doubt on taken-for-granted economic and governance models, for both powerful global leaders as well as developing states.<sup>6</sup> The pandemic is undoubtedly leading the world to a gradual move away from the harmonisation of international law which features a liberal international order<sup>7</sup> back towards the Westphalian origins of the international legal system.<sup>8</sup> Against this background, as during past decades, China has become both a labour supplier and a magnet country for global migrant workers, and has been at the epicentre of domestic and international change in response to the challenges posed by the pandemic. Considering its significant international role, we turn an eye to how China’s labour and capital policies have changed in response to the COVID-19 pandemic. Specifically, we focus this article on China’s relationship with emerging economies (EEs) and economies in transition (E&Ts),<sup>9</sup> or states in the earlier stages of economic development.

As nations already experiencing heightened levels of precarity given their uncertain position in the global supply chain, EEs and E&Ts have been overwhelmed by the challenges of the pandemic and the displacement of transnational economic infrastructures. As a result, many of these states were forced to significantly change or revolutionise their relationships with China, a powerful and committed partner. As a related consideration, while more powerful states have begun the process of ‘moving on’ from the impacts of the pandemic, we believe it is important to analyse the lasting impacts of COVID-19 on the relationships between China and these under-researched regions to bring a more global perspective to the extent of this problem. In doing so, we focus on three regions, including Africa, China’s southwestern border states, and the Balkans. We argue that it

<sup>3</sup>IOM, ‘COVID-19 and the State of Global Mobility in 2020’

<[https://reliefweb.int/sites/reliefweb.int/files/resources/mpi-covid19-impact-global-mobility\\_final.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/mpi-covid19-impact-global-mobility_final.pdf)> accessed 14 Sep 2021.

<sup>4</sup>Ministry of Commerce PRC, ‘Brief Statistics on China’s Overseas Labour Service Cooperation in 2019’ (Sep 2020) <<http://english.mofcom.gov.cn/article/statistic/foreigntradeoperation/202010/20201003010998.shtml>> accessed 14 Sep 2021.

<sup>5</sup>OECD, ‘OECD Economic Outlook Volume 2020 Issue 1’ (2020) <<https://www.oecd.org/economic-outlook/june-2020/>> accessed 17 Dec 2021.

<sup>6</sup>Matthew S Erie, ‘Chinese law and development’ (2021) 62 *Harvard International Law Journal* 51, 51.

<sup>7</sup>As for an account of ‘liberal international order’, see Daniel Deudney & G John Ikenberry, ‘The Nature and Sources of Liberal International Order’ (1999) *Review of International Studies* 25, 179 ; See also, Beate Jahn, ‘Liberal Internationalism: Historical Trajectory and Current Prospects,’ (2018) *International Affairs* 94, 43.

<sup>8</sup>See generally Andreas Osiander ‘Sovereignty, International Relations, and the Westphalian Myth’ (2001) 55 *International Organization* 251.

<sup>9</sup>We define these states consistent with the United Nations’ World Economic Situation and Prospect Report’s designation, which is intended to reflect the basic economic conditions of each region studied. ‘World Economic Situation and Prospect Report 2022: Statistical Annex’ (United Nations Department of Economic and Social Affairs, 13 Jan 2022) <[https://www.un.org/development/desa/dpad/wp-content/uploads/sites/45/WESP2022\\_ANNEX.pdf](https://www.un.org/development/desa/dpad/wp-content/uploads/sites/45/WESP2022_ANNEX.pdf)> accessed 12 Oct 2022.

is timely now to examine Chinese laws, policies and practices in relation to labour and capital, with particular regard towards its partners in emerging economies and economies in transition, which were burdened disproportionately by the impacts of the pandemic. In this work, we examine recent shifts in the labour and capital laws, policies, and practices linking China and these regions, how these shifts might influence the political economy landscape, and what these shifts imply domestically and internationally, especially with respect to China's Belt and Road Initiative partners. We begin with a brief description of China's migration regulations and labour situation and an overview of the three selected case studies.

### China's Evolving Migration Governance

Prior to the COVID-19 pandemic, the legal framework concerning foreign nationals had seen numerous changes since the PRC joined the World Trade Organisation on 11 December 2001. Historically, the administrative framework governing migration divided authority among several different ministries and departments but is now facing challenges that may instigate new developments. Aside from the pandemic, an important background issue is the fact that the PRC is standing on the verge of a demographic transition. As a consequence of the 'One Child Policy', a long-term state policy enshrined in the Constitution with a tremendous impact on the socio-economic structure in China,<sup>10</sup> China is currently among the most populous countries yet has one of the lowest fertility rates.<sup>11</sup> The 2021 national census showed that population growth in China has slipped to the lowest rate since modern census-taking began in the 1950s.<sup>12</sup> Consequently, China has faced an aging society since 2000. As a response to China's looming demographic crisis, in August 2021, the PRC's top legislative body passed an amendment to the Population and Family Planning Law (人口与计划生育法, *renkou yu jihua shengyu fa*). This modification of the law, in other words, marks the end of the four-decades-long fertility control policy. While the revised Family Planning Law 2021 attempts to address the supportive measures both economically and socially, the fear of rising economic costs such as those related to income distribution, land and housing policies, and the wealth gap between classes, are likely to curb any significant population growth. As will be demonstrated in the latter part of the article, this has implications for changes to migration governance in China's border areas.

As China's population shrinks and ages, the gap in the workforce is an unavoidable issue. However, although China plays a role in both an inflow and an outflow of labour, it does not possess substantial experience in migration-related governance and generally lacks cultural diversity. Due to restrictive policies that limit their stay as well as cultural and linguistic differences, foreign nationals find it a struggle to integrate into Chinese communities. In the following section of this article, we explore this theme in the context of COVID-19, which fuelled widespread expressions of nationalism and racism online.

In this article, we examine the political and economic landscape of labour and capital, evaluating three fundamentally interlinked instances of China's transnational economic exchanges during the COVID-19 era. We draw from case studies taken from emerging economies and economies in transition, which have experienced marked changes to their transnational relationships with China.

<sup>10</sup>Isabelle Attane, 'China's Family Planning Policy: An Overview of Its Past and Future' (2002) 33 *Studies in Family Planning* 103. Attane's article provides an overview of China's family planning policy by the 2000s. For a quick look at China's population policy evolution, see Russell Goldman, 'From One Child to Three: How China's Family Planning Policies Have Evolved' (The New York Times, 31 May 2021) <<https://www.nytimes.com/2021/05/31/world/asia/china-child-policy.html>> accessed 25 Aug 2021.

<sup>11</sup>World Population Prospects 2019: Highlights' (United Nations, Department of Economic and Social Affairs, Population Division 2019) <[https://population.un.org/wpp/Publications/Files/WPP2019\\_Highlights.pdf](https://population.un.org/wpp/Publications/Files/WPP2019_Highlights.pdf)> accessed 28 Aug 2021.

<sup>12</sup>National Bureau of Statistics, 'The New Characteristics and New Trends of the PRC's Population Development [我国人口发展呈现新特点与新趋势——第七次全国人口普查公报解读]' (May 2021) <[http://www.stats.gov.cn/xxgk/jd/sjjd2020/202105/t20210513\\_1817408.html](http://www.stats.gov.cn/xxgk/jd/sjjd2020/202105/t20210513_1817408.html)> accessed 25 Aug 2021.

Together, these illustrate new trends of China's labour and capital policies, including enhanced responsiveness to domestic concerns impacting foreign relations; a security-centric approach to border management; and an improving regulatory approach to ordinary migration channels.

We first consider the diplomatic fallout during COVID-19 that threatens the long-term economic and political cooperation between the PRC and its partner states in Africa. Coronavirus management regimes in China disparately targeted black African migrant workers, resulting in the deprivation of essential freedoms as well as heightened levels of discriminatory treatment. High-level global condemnation and social outcry through intensive grassroots media campaigns suggest that China will soon be required to evaluate its domestic policies more carefully and improve its cultural awareness to better incorporate the needs of its guest workers.

In the second case study, we highlight cross-border communities who traditionally live everyday life across national borders via informal crossings. We use the Yunnan area as a spotlight to investigate how restrictive policies on movement during the pandemic have significantly changed the political economy landscape of the cross-border communities. Because of the complex communal and political dynamics between China and neighbouring Southeast Asian countries, we see a result-ant 'pull and push' in the governance of this region.

The third case study focuses on bi-national migration cooperation, but from the angle of tracking the regulation of new migration flows within Serbia and the Balkans. Like other cases discussed in this article, migrants from the Balkans also faced bans on entry into China. Although the inflow and outflow of labour and migration exists in all of the Balkan states, the Republic of Serbia became one of only nine European countries to regulate their social insurance following a particularly large boom in Chinese investment in late 2018. Hence, we primarily analyse the Serbian case, while other Western Balkan countries are mentioned where relevant data is available. This section shows that, as the pandemic eased, China prioritised the (moderated) relaxation of labour migration regulations.

We begin with the diplomatic crisis in China during the initial stages of the pandemic, which threatened the nation's relationship with its African partner states.

### Trade and Migration From African States

Diplomatic and economic cooperation with African states has long been a key initiative of Chinese foreign policy. This sentiment appeared as early as the 1955 Bandung Conference, the first major summit between Afro-Asian nation-states,<sup>13</sup> during which Premier and Foreign Minister Zhou Enlai declared that, '[T]hough the present economic and cultural cooperation among ourselves cannot yet be a very large scale, it can definitively be said that this ... will have a great future'.<sup>14</sup> In the following years, the newly formed PRC invested in extensive development projects throughout Africa, culminating in the famous Tazara Railway, which stretches 1,860 kilometres from Dar es Salaam in Tanzania to Kapiri Mposhi in Zambia.<sup>15</sup> Today, the state has continued to pursue economic engagement with the continent, with present trade valuations approximating US\$192

<sup>13</sup>Final Communiqué of the Asian-African Conference of Bandung' (Centre Virtuel de la Connaissance sur l'Europe, 3 Jan 2017) <[https://www.cvce.eu/en/obj/final\\_communique\\_of\\_the\\_asian\\_african\\_conference\\_of\\_bandung\\_24\\_april\\_1955-en-676237bd-72f7-471f-949a-88b6ae513585.html](https://www.cvce.eu/en/obj/final_communique_of_the_asian_african_conference_of_bandung_24_april_1955-en-676237bd-72f7-471f-949a-88b6ae513585.html)> accessed 21 Sep 2021.

<sup>14</sup>April 19, 1955 Main Speech by Premier Zhou Enlai, Head of the Delegation of the People's Republic of China, Distributed at the Plenary Session of the Asian-African Conference' (Wilson Center Digital Archive, 21 Sep 2021) <<https://digitalarchive.wilsoncenter.org/document/121623.pdf?v=e1cd06384e2e67bdf11f809ead78849>> accessed 21 Sep 2021. Zhou followed these statements with a tour of the continent, as well as other Asian nations present at the conference: 'Premier Zhou Enlai's Three Tours of Asian and African Countries [周恩来总理对亚非国家的三次出访]' (Ministry of Foreign Affairs of the People's Republic of China, 7 Nov 2000) <[https://www.fmprc.gov.cn/web/ziliao\\_674904/wjs\\_674919/2159\\_674923/t9010.shtml](https://www.fmprc.gov.cn/web/ziliao_674904/wjs_674919/2159_674923/t9010.shtml)> accessed 21 Sep 2021.

<sup>15</sup>Also referred to as the Tanzam Railway or the Uhuru Railway. See 'China's Assistance in the Construction of the Tanzania-Zambia Railway [中国援建坦赞铁路]' (Ministry of Foreign Affairs of the People's Republic of China in the

billion.<sup>16</sup> Among other projects, the PRC has especially focused on the African continent as a recipient of its Belt and Road Initiative (BRI), a policy and infrastructure project intended to facilitate Chinese economic cooperation throughout Europe, Africa and Asia.<sup>17</sup>

The partnership between Africa and China has also grown to produce an influx of labour exchange in the last few decades. At present, the Chinese diaspora residing in Africa is estimated to be around 1 million.<sup>18</sup> Likewise, approximately 500,000 Africans are living throughout China.<sup>19</sup> A conservative approximation would place 20,000 of this number residing in the city of Guangzhou alone, many of whom are migrant workers pursuing new opportunities in the 'Factory of the World'.<sup>20</sup> However, challenges posed by the COVID-19 crisis have illuminated systemic problems that threaten to destabilise the flow of migrant workers between these partners, and generated a forceful grassroots campaign in Africa to create a more favourable environment for guest workers in the PRC.<sup>21</sup> This case study will critically analyse the source of this contention and assess its projected impact on labour exchange between the parties, beginning with a brief overview of obstacles to African residents in Chinese communities which preceded these incidents.

For Africans, integration into Chinese communities was challenging from the outset. Even following China's rapid economic growth and globalisation throughout the Reform and Opening Up period (改革开放, *gaige kaifang*) and beyond, the PRC has lacked cultural diversity. Today, 91 per cent of the population is part of the Han Chinese majority.<sup>22</sup> As the population of black Africans in Guangzhou began to rise dramatically in the early 2000s, many migrants reported experiencing instances of discrimination, including accusations of racial profiling by the local police.<sup>23</sup> Cases of illegal residence or other offenses were often sensationalised in the local media and online, with strong xenophobic language against Africans permeating these discussions.<sup>24</sup> At the same time, discourse revolving around the 'three illegals' (三非, *sanfei*) or individuals that live, stay or work in China without valid documentation, rose to the forefront of national concern.<sup>25</sup> The penalties for such crimes were subsequently raised, placing further strain on African residents.<sup>26</sup> While

Hong Kong Special Administrative Region, 7 Nov 2000), <<https://www.fmprc.gov.cn/ce/cohk/chn/topic/zgwj/wjshk/t9001.htm>> accessed 21 Sep 2021.

<sup>16</sup>'Data: China-Africa Trade' (The China Africa Research Initiative, 2021) <<http://www.sais-cari.org/data-china-africa-trade>> accessed 21 Sep 2021

<sup>17</sup>State Information Center, 'Profiles' <[https://eng.yidaiyilu.gov.cn/info/iList.jsp?cat\\_id=10076](https://eng.yidaiyilu.gov.cn/info/iList.jsp?cat_id=10076)> accessed 21 Sep 2021.

<sup>18</sup>Li Zhangpeng, 'Analysis of Overseas Chinese in Africa [非洲侨情分析]' (World Overseas Chinese Report [世界侨情报告], 1 Dec 2020) <[https://www.pishu.com.cn/skwx\\_ps/databasedetail?SiteID=14&contentId=12330675&contentType=literature&type=%25E6%258A%25A5%25E5%2591%258A&subLibID](https://www.pishu.com.cn/skwx_ps/databasedetail?SiteID=14&contentId=12330675&contentType=literature&type=%25E6%258A%25A5%25E5%2591%258A&subLibID)> accessed 21 Sep 2021.

<sup>19</sup>Adams Bodomo, 'Historical and contemporary perspectives on inequalities and well-being of Africans in China' (2020) 21 *Asian Ethnicity* 526, 528.

<sup>20</sup>Shanshan Lan, *Mapping the New African Diaspora in China: Race and the Cultural Politics of Belonging* (Routledge 2017) 2; see also Asha-Rose Migiro, 'Chinese Dream, African Dream: Achieving Common Development' (China Daily, 28 Aug 2013) <[https://www.chinadaily.com.cn/china/2013-08/28/content\\_16927171.htm](https://www.chinadaily.com.cn/china/2013-08/28/content_16927171.htm)> accessed 21 Sep 2021.

<sup>21</sup>Anwar Ouassini, Mostafa Amini & Nabil Ouassini, '#ChinaMustexplain: Global Tweets, COVID-19, and Anti-Black Racism in China' (2022) 49 *The Review of Black Political Economy* 61.

<sup>22</sup>National Bureau of Statistics, 'Main Data of the Seventh National Population Census' (5 May 2021) <[http://www.stats.gov.cn/english/PressRelease/202105/t20210510\\_1817185.html](http://www.stats.gov.cn/english/PressRelease/202105/t20210510_1817185.html)> accessed 3 Oct 2022.

<sup>23</sup>Shanshan Lan, 'State Regulation of Undocumented African Migrants in China: A Multi-Scalar Analysis' (2015) 50 *Journal of Asian and African Studies* 289, 295.

<sup>24</sup>See eg, 'Investigation on the Gathering of People of African Descent: Tens of Thousands of People Reside Illegally in Guangzhou' [非洲裔人员聚集事件调查：数万人非法居留广州]' (Sina News Center [新闻中心], 20 Jul 2009) <<http://news.sina.com.cn/c/sd/2009-07-20/095918257011.shtml>> accessed 21 Sep 2021.

<sup>25</sup>Heidi Haugen, 'Destination China: The Country Adjusts to its New Migration Reality' (Migration Policy Institute, 4 Mar 2015) <<https://www.migrationpolicy.org/article/destination-china-country-adjusts-its-new-migration-reality>> accessed 21 Sep 2021

<sup>26</sup>*ibid.* Guangdong province, where Guangzhou is located, issued its own anti-immigration rules during this time that provided "rewards" for individuals or businesses that reported suspected *san fei* offenders and broadened police powers to deal with illegal migrants. Interim Provisions of Guangdong Province on Foreigner Management Services [广东省外国人管理服

recent years have produced ‘soft’ initiatives to combat racism in China, the lack of measures intended to address cultural and structural racism remains a persistent national problem. This is well illustrated by the PRC’s lack of a unified piece of legislation that defines discrimination and provides recourse for instances of discriminatory harms.

China’s initial COVID-19 management efforts further exacerbated these issues and revived xenophobic discourse targeting African workers. Like in other nation states, the PRC’s administration struggled to conform to the fast-changing environment of the pandemic’s early years, which still complicates transnational relations at the time of this writing. In line with national policies, provincial and local governments adopted intensive restrictions on the activities of all residents to curb or eliminate the threat of the virus. Among those facing restrictions, however, migrant workers and entrepreneurs from Africa experienced especially heightened levels of surveillance.<sup>27</sup> While many returned to their home countries, those that remained within the state during the initial organisation of China’s coronavirus management efforts were subjected to disparate restrictions by the government. This included incidents of unnecessary or prolonged quarantines and lack of access to healthcare and random PCR testing among other problematic measures.<sup>28</sup> Private instances of discrimination were also well-documented, like forced evictions and the refusal of entry to certain businesses.<sup>29</sup> Isolation from public and private institutions ensured a dangerous and hostile living environment for these guest workers and their dependents.<sup>30</sup>

In response to reports and news stories of these incidents, grassroots activists – especially those within Africa – began to organise and protest the treatment of Africans in Guangzhou via a social media campaign. Twitter in particular was an active venue for civil society participation, and hashtags such as #africansinchina, #chinairacist and #chinamustexplain were used and frequently retweeted to bring attention to the situation of black Africans in Guangzhou and place pressure on the PRC’s leadership and African representatives to China to ameliorate these problems.<sup>31</sup> Following this campaign, both heads of state and ambassadors from Africa arranged to meet with their Chinese counterparts to demand an explanation.<sup>32</sup> Several of these representatives drafted a joint letter demanding the ‘cessation of forceful testing, quarantine and other inhuman treatments meted out to Africans’.<sup>33</sup>

Initially, these concerns were met with either assurances of reprisals or denial from the PRC’s administration, as domestic news agencies rapidly endeavoured to disprove the allegations.<sup>34</sup> Despite attracting global attention, few initiatives were ultimately adopted to correct these practices

务暂行规定] (16 Mar 2011), arts 10 and 48 <[http://www.gd.gov.cn/gkmlpt/content/0/139/post\\_139630.html#6](http://www.gd.gov.cn/gkmlpt/content/0/139/post_139630.html#6)> accessed 21 Sep 2021.

<sup>27</sup>Jenni Marsh & Nectar Gan, ‘Africans in Guangzhou are on Edge’ (CNN, 12 Apr 2020) <<https://www.cnn.com/2020/04/10/china/africans-guangzhou-china-coronavirus-hnk-intl/index.html>> accessed 21 Sep 2021.

<sup>28</sup>Hillary Leung, ‘Africans in Guangzhou Say They Are Targets of Discrimination Over Coronavirus’ (Time Magazine, 16 Apr 2020) <<https://time.com/5820389/africans-guangzhou-china-coronavirus-discrimination/>> accessed 21 Sep 2021.

<sup>29</sup>ibid.

<sup>30</sup>Leigha Crout, ‘Economic Migration of African Migrants to China in the Era of COVID-19: Tensions and Transitions’ (The University of Oxford China, Law and Development Project, Research Brief No 1/2021, 27 Apr 2021) <<https://cld.web.ox.ac.uk/files/finalrbleighacroutpdf>> accessed 21 Sep 2021.

<sup>31</sup>Ouassini et al, ‘#ChinaMustexplain’ (n 21) 68.

<sup>32</sup>Jenni Marsh, ‘Beijing Faces a Diplomatic Crisis After Reports of Mistreatment of Africans in China Causes Outrage’ (CNN, 14 Apr 2020) <<https://edition.cnn.com/2020/04/13/asia/china-guangzhou-african-backlash-hnk-intl/index.html>> accessed 21 Sep 2021; see also Oloye Akin Alabi (@akinalabi), ‘Mr Speaker reads the riot act to the Chinese ambassador: We will not tolerate maltreatment of Nigerians in China!!!’ (Twitter, 11 Apr 2020) <<https://twitter.com/akinalabi/status/1248690552486400001>> accessed 21 Sep 2021; Dave Kirton, ‘Treatment of Africans in Southern China Sparks Diplomatic Backlash’ (Reuters, 16 Apr 2020), <<https://www.reuters.com/article/us-health-coronavirus-china-africans/treatment-of-africans-in-southern-china-sparks-diplomatic-backlash-idUSKCN21Y0PL>> accessed 21 Sep 2021.

<sup>33</sup>Kirton (n 32).

<sup>34</sup>See eg, Huaxia, ‘Rumor Buster: Videos Showing Discrimination in China’s Anti-Epidemic Measures are Fake’ (Xinhua, 24 Apr 2020) <[http://www.xinhuanet.com/english/2020-04/24/c\\_139005055.htm](http://www.xinhuanet.com/english/2020-04/24/c_139005055.htm)> accessed 1 Jan 2023.

and were insufficient to prohibit future instances of like harm.<sup>35</sup> Providing further legal protections for guest workers through legislative reforms or other measures were not pursued. In lieu of collaborating with concerned ambassadors and representatives calling for more comprehensive protections, China's leadership engaged in a reparative campaign, including a continental tour by Foreign Minister Wang Yi<sup>36</sup> and the special inclusion of Africa in the PRC's vaccine rollout.<sup>37</sup> To many, these methods were regarded as insufficient in addressing the harms to black Africans in Guangzhou.

The discriminatory policies in Guangzhou have also been connected to local crackdowns on Chinese citizens living throughout Africa. These reports occurred a month after the social media campaign began and included 'reciprocating evictions of Chinese nationals in Kenya, increased scrutinisation of immigration documents for every Chinese national in Nigeria, and cracking down and arresting Chinese citizens involved in the Wildlife trade in Uganda'.<sup>38</sup> Like black Africans living in Guangzhou, Chinese citizens living throughout Africa have also been historically targeted in racially motivated attacks and disparate government policies. However, the intensity and reciprocity of these acts suggests that the migrant workers living in either destination now occupy a newly difficult and dangerous position, particularly as economies recover in the aftermath of a health crisis.

The pandemic has served as a reminder of the absolute necessity of addressing domestic racial disparities to protect the health, welfare and very lives of guest workers and migrants, and revealed a new and previously unexplored nexus between this issue and the maintenance of Sino-African relations. Several related conclusions may be drawn from this basis. First, although the PRC has prohibited access to Twitter and other platforms within its borders, the state is not immune to civic activism abroad via social media campaigns. These fora present a challenge to the administration and demand accountability for racially motivated policies. Second, the strong response of African activists and representatives to the treatment of their nationals in Guangzhou suggests that similar incidents will not be tolerated. In a press released published in the aftermath of Deputy Commissioner Kwesi Quartey's meeting with Liu Yuxi, Ambassador to the African Union, the Directorate of Information and Communication announced that, 'Africa values its relationship with China, but not at any price. Further acts of brutality meted out to Africans will not be countenanced by the African Union and indeed all Africans'.<sup>39</sup>

Finally, this incident has made clear that all forms of racism must be more comprehensively addressed within China if it is to remain a destination country and a partner to African states. Providing more substantive legal protections for those experiencing racial discrimination, as well as measures intended to bring social awareness to racial discrimination should be a priority for China as it continues to deepen its relationship with its global partners.

The following section will build upon and extend this analysis to discuss issues of labour within the PRC's border regions, with an emphasis on communities along the border that have been disparately impacted by COVID-19 policies – some which continue to remain in place.

<sup>35</sup>While a complaint hotline was established in Guangzhou to report unequal practices, at present the effectiveness of this initiative is not clear. Feng Shuang, 'Guangdong Orders Same Treatment to All Amid Epidemic Control' (China News, 2 May 2020) <<http://www.ecns.cn/news/2020-05-02/detail-1fzvzxzm6834063.shtml>> accessed 21 Sep 2021.

<sup>36</sup>Jenni Marsh, 'China Keeps Promising Africa Coronavirus Vaccines. But Where Are They?' (CNN, 11 Jan 2021) <<https://edition.cnn.com/2021/01/09/china/china-vaccine-diplomacy-africa-dst-intl-hnk/index.html>> accessed 21 Sep 2021.

<sup>37</sup>See eg, 'China to Donate 100,000 COVID-19 Vaccine Doses to the Congo Republic' (Reuters, 5 Feb 2021) <<https://www.reuters.com/article/us-health-coronavirus-congorepublic-vacc/china-to-donate-100000-covid-19-vaccine-doses-to-congo-republic-idUSKBN2A42OI>> accessed 21 Sep 2021.

<sup>38</sup>Kwasi Gyamfi Asiedu & Yomi Kazeem, 'Chinese workers are facing a backlash across Africa over the Guangzhou racism incidents' (Quartz, 20 Jul 2022) <<https://qz.com/africa/1860045/china-faces-african-backlash-of-guangzhou-racism-incidents/>> accessed 3 Oct 2022.

<sup>39</sup>'Chinese Ambassador Meets the Deputy Chairperson over the Attack on Africans in China' (African Union Directorate of Information & Communication, 31 Apr 2020) <<https://qz.com/africa/1860045/china-faces-african-backlash-of-guangzhou-racism-incidents/>> accessed 3 Oct 2022.

## COVID-19: The PRC's Border Regions

China is surrounded by 14 states along its 22,000 km international borders, making it the state with the second-largest number of neighbours.<sup>40</sup> From the perspective of densely populated areas, China's border regions can be roughly divided into three geographic parts: the northeast, the northwest, and the southwest frontiers.<sup>41</sup> Correspondingly, there exist three border trade regions in Heilongjiang, Uyghur Autonomous Region, and Guangxi-Yunnan.<sup>42</sup> Border prefectures maintain special regulations for resident communities as the citizens often are ethnically related in so-called 'cross-border communities'.<sup>43</sup> They traditionally live everyday life across national borders and very often the crossings are informal. Although a lot of interaction takes place through these borders, the official border governance in China typically follows a security-centric trajectory. As the following cases will show, the pandemic reinforced the security-centric border system in these cross-border communities, which directly implicates the political economy landscape of labour and capital in the border regions.

A wealth of literature emphasises China's border governance towards Central Asia and illustrates the evolving role the Shanghai Cooperation Organisation plays from the perspective of border management, the security of the regions and the supervision of trade and investment.<sup>44</sup> Although substantial scholarship likewise exists on the northern border areas, very limited studies of the southwest frontier have been conducted. Therefore, this section focuses on the Green Border in Yunnan province. The thick rainforest at the Yunnan border includes a lively 'grey border' market with goods and people travelling from different countries; before the pandemic, Myanmar residents made routine journeys into the neighbouring state<sup>45</sup> for work or trade. Although this practice is formally illegal, local authorities typically acquiesce as the crossings provide valuable resources to the border economy through the provision of goods as well as the contribution of labour.<sup>46</sup> However, the COVID-19 pandemic, with its resulting restrictions on cross-border travel, has had a significant impact on China's border regions. During the pandemic, in October 2021, China released a new border law: the *National Land Boundary Law* (中华人民共和国陆地国界法, *zhonghua renmin gongheguo ludi guojie fa*), which represents an effort to strengthen its border control and advance the nation's security interests. In this section, we consider the southwestern border region as a case study to explore the various impacts that COVID-19 restrictions have imposed on the residents of these areas and articulate how this relates to the broader relationship between China and its neighbouring states. This analysis will begin with a discussion of new restrictions on informal border crossings and their impact on those living outside China.

### The Escalating Restriction Policies around Yunnan

At the outset of the pandemic, Yunnan province enhanced its border control measures through policies such as the Three Lines of Defence (三道防线, *san dao fang xian*). This specific policy was

<sup>40</sup>The other is Russia.

<sup>41</sup>Daquan Huang, Yue Lang & Tao Liu, 'Evolving Population Distribution in China's Border Regions: Spatial Differences, Driving Forces and Policy Implications' (2020) 15(10) PLoS ONE <<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0240592>> accessed 20 Nov 2021.

<sup>42</sup>Daming Zhou [周大明], 'The Review and Prospect of the Study on Borderland Immigration in China [我国边境移民研究的回顾与展望]' (2021) 5 Academic Research [学术研究] 39.

<sup>43</sup>Franziska Plümmer, 'Border Crossers and the Militarization of China's Border in Times of COVID-19' (Transient Spaces, 13 Aug 2020) <<https://www.transient-spaces.org/blog/blog-border-crossers-and-the-militarization-of-chinas-border-in-times-of-covid19/>> accessed 20 Nov 2021.

<sup>44</sup>See eg, Niva Yau, 'China's Security Management towards Central Asia' (Foreign Policy Research Institute, Apr 2022) <<https://www.fpri.org/wp-content/uploads/2022/04/chinas-security-management-towards-central-asia.pdf>> accessed 5 Oct 2022 (a very recent study on China's security-centric migration governance towards Central Asia).

<sup>45</sup>Yew Lun Tian & Keith Zhai, 'China scrambles to plug border gaps as thousands flood home' (Reuter, 3 Apr 2020) <<https://www.reuters.com/article/us-health-coronavirus-china-border/china-scrambles-to-plug-border-gaps-as-thousands-flood-home-idUSKBN21L1B8>> accessed 20 Nov 2021.

<sup>46</sup>ibid.



intended to quickly curb imported COVID-19 cases and prevent further infections through border control. The first line of defence was to set up temperature checkpoints at airports, railway stations, expressway entrances and main roads into the province. The second line of control consisted of communal surveillance and grid management (网格化管理, *wang ge hua guan li*)<sup>47</sup> of neighbourhoods. The third line focused on the distribution of medical resources. The government in Yunnan is said to have built 200 new fever clinics around the province to ensure the observation, hospitalisation, and quarantine of infected individuals.<sup>48</sup>

With multiple imported cases and resulting clusters of local transmission, the Chinese Central Leading Group on Taskforce on Responding to the COVID-19 Outbreak chaired by Premier Li Keqiang urged for intensified efforts to control China's borders and impose quarantines.<sup>49</sup> In response, the border area restrictions escalated and migration controls became more rigorously enforced. The police militarised the border, conducting intensive surveillance with drones and facial recognition systems.<sup>50</sup> However, as cross-border communities were highly reliant on the permeability of the Green Border, these restrictive policies brought considerable difficulties to their livelihoods. If caught informally crossing the border, migrants would be held accountable for violating the quarantine policies and risk losing their border residency status, thereby compromising their ability to move freely across the border and often their only source of income.<sup>51</sup> According to reports, several border-crossers without entry documents were arrested or repatriated immediately.<sup>52</sup> Some were sentenced to prison with fines imposed. Overall, these regulations limited such movements, curtailing economic activity in the border region.<sup>53</sup> The following section will address the inverse situation, wherein Chinese migrant workers crossed into Vietnam to search for employment.

### *Chinese Migrant Workers Crossing into Vietnam to Search for Employment*

Since China is a destination for and a source of international migrants, Yunnan is at the frontline of workers not only entering, but also leaving China. Accordingly, we explore the outflow of Chinese migrant workers from the province into Vietnam to investigate changes in emigration governance during the pandemic. China's migration governance in relation to Vietnam has also been significantly affected by COVID-19 travel restrictions, in addition to the brewing tensions between the countries related to the South China Sea. While relations have mostly normalised within the past

<sup>47</sup>Grid management is a mode of social management system by Chinese government aims to impose a direct and close monitoring of society to collect information and pre-empt social instability in a timely manner. The adoption of grid management signals the government's tightened monitoring of society in China. See Yongshun Cai, 'Grid Management and Social Control in China' (Asia Dialogue, 28 Apr 2018) <<https://theasiadialogue.com/2018/04/27/grid-management-and-social-control-in-china/>> accessed 12 Oct 2022.

<sup>48</sup>Yunnan Reported 114 New Confirmed Coronavirus Cases, Three Lines of Defense Have Been Set Up [云南确诊新型冠状病毒病感染病例 114 例, 已设三道防线全力外堵输入] (Yunnan News [云南网], 3 Feb 2020) <<https://m.yunnan.cn/system/2020/02/03/030580259.shtml>> accessed 20 Nov 2021.

<sup>49</sup>Li Keqiang presided over the meeting of the Chinese Central Leading Group on Taskforce on Responding to the COVID-19 Outbreak, requiring the continued efforts to normalize the prevention and control of the epidemic and the further prevention of the cross-border import of epidemics on land borders, as well as optimizing the prevention and control measures of enterprises and institutions to effectively promote the resumption of work and production [李克强主持召开中央应对新冠肺炎疫情工作领导小组会议 要求持续抓好疫情常态化防控 进一步防范陆地边境疫情跨境输入 动态优化企事业单位防控措施有力有序推进复工复产] (Central Government of the Peoples' Republic of China [中央人民政府网], 6 Apr 2020) <[http://www.gov.cn/premier/2020-04/06/content\\_5499619.htm](http://www.gov.cn/premier/2020-04/06/content_5499619.htm)> accessed 27 Nov 2021.

<sup>50</sup>Plümmer (n 43).

<sup>51</sup>*ibid.*

<sup>52</sup>For example, see Yew & Zhai (n 45). See also Yang Zekun, 'China tightens land borders to contain COVID-19' (China Daily, 6 Apr 2020) <<https://www.chinadaily.com.cn/a/202004/06/WS5e8b1179a310128217284949.html>> accessed 20 Nov 2021.

<sup>53</sup>20 sentenced for illegal border crossing during COVID-19 in SW China's Yunnan' (Global Times, 28 Sep 2020) <<https://www.globaltimes.cn/page/202009/1202312.shtml>> accessed 20 Nov 2021.

few decades with China becoming Vietnam's largest trading partner,<sup>54</sup> the impact of the COVID-19 crisis threatens to upend this precarious stability.

As is common with states sharing a land border, migration between China and Vietnam has been a historical constant.<sup>55</sup> This is particularly true during the era of economic globalisation, wherein both nations are considered both migration source and destination countries.<sup>56</sup> Both states have also experienced recent labour shortages, prompting further legal migration as well as more illicit forms of migration, such as human trafficking.<sup>57</sup> Typically, as the state with the faster-growing economy, China was considered the primary destination for Vietnamese migrants searching for employment. However, in 2020, this trend made a rather public shift: migrants primarily from Yunnan province and the Guangxi Autonomous Region illegally crossing the border have been detained and subsequently repatriated by the Vietnamese Public Security Border Bureau. These migrants' destinations were often Chinese manufacturing companies operating in Vietnam that were struggling under the current labour shortage in the state, creating a further political complication.<sup>58</sup> To reduce these flows, the Chinese government began to extend its existing wall along its southern border with Vietnam – possibly both to keep migrants out and to keep Chinese nationals in. The following analysis will discuss the problematic consequences within China that result from the inhibition of free movement and economic strain in China's border regions.

### *Human Trafficking Trends during the Pandemic*

With economic uncertainty devastating vulnerable communities, human trafficking is on the rise. Because of longstanding historical connections, transborder marriage in the southwestern provinces was relatively common.<sup>59</sup> Previously, this phenomenon of transborder marriage was primarily local and took place within particular ethnic groups. However, this dynamic has now dramatically changed. Since 2000, transnational bride trafficking has become one of the primary forms of cross-border human trafficking in the region.<sup>60</sup> Most trafficked women are of an ethnic minority from impoverished communities in bordering countries who have had little access to education. The PRC's one-child policy and a cultural preference for male offspring has caused a huge gender imbalance in China. The massively outnumbered men are thus burdened with soaring marriage costs, such as betrothal gifts.<sup>61</sup> Therefore, women with little access to education from neighbouring countries who lack contact with their family at home are very attractive in the marriage market in China.

China's economic growth is another factor which influences trafficking, as more women from border countries anticipate opportunities for well-paid employment in China. These women and underaged girls are forced or tricked by brokers who arrange a transnational marriage with

<sup>54</sup>China accounts for approximately 30% of Vietnam's imports and 22% of its exports. The World Bank – World Integrated Trade Solution, 'Vietnam Trade' (3 Jan 2020) <<https://wits.worldbank.org/CountrySnapshot/en/VNM>> accessed 15 Nov 2021.

<sup>55</sup>See generally 'Net Migration – Vietnam' (The World Bank, 2020) <[https://data.worldbank.org/indicator/SM.POP.NETM?locations=VN&name\\_desc=false](https://data.worldbank.org/indicator/SM.POP.NETM?locations=VN&name_desc=false)> accessed 23 Nov 2021; 'Net Migration – China' (The World Bank, 2020) <[https://data.worldbank.org/indicator/SM.POP.NETM?locations=CN&name\\_desc=false](https://data.worldbank.org/indicator/SM.POP.NETM?locations=CN&name_desc=false)> accessed 23 Nov 2021.

<sup>56</sup>China is considered a 'top destination' country for international migrants as assessed by the Migration Policy Institute: Migration Policy Institute, 'Top 25 Destinations of International Migrants' (2020) <<https://www.migrationpolicy.org/programs/data-hub/charts/top-25-destinations-international-migrants>> accessed 23 Nov 2021.

<sup>57</sup>Qiao Long (乔龙), 'More Than 100 Guangxi Migrant Workers Arrested for Crossing into Vietnam to Make a Living [中国再掀出逃潮逾百广西民工偷渡越南谋生被捕]' (Radio Free Asia, 28 Oct 2020).

<sup>58</sup>*ibid.*

<sup>59</sup>Laura K Hackney, 'Re-evaluating Palermo: The case of Burmese women as Chinese brides' (2015) 4 *Anti-Trafficking Review* 98.

<sup>60</sup>Laetitia Lhomme, Siren Zhong & Billie Du, 'Demi Bride Trafficking: A Unique Trend of Human Trafficking from South-East Asia To China' (2021) 22 *Journal of International Women's Studies* 28, 28

<sup>61</sup>Traditionally, a betrothal gifts are the Chinese pre-wedding custom to thank and show respect to the bride's parent. In accepting the gifts, the bride's parents formally pledge her to the groom.

Chinese men. They are promised a good job or improved financial health in the PRC but find themselves exploited for sex and childbearing. The data suggest that the pandemic has fuelled this bride trafficking. As a result of the economic hardship and job loss caused by the pandemic, women and underage girls in border countries are desperate to find jobs to support their families so they are more easily deceived and lured into the sex trade and false marriages.<sup>62</sup> It is reported that in Cambodia, for example, there was a new case every three days on average in 2020 – double the case-load of previous years.<sup>63</sup>

### *The Political Economy of Labour and Capital in the Border Regions*

Migration governance in the PRC's border regions has typically been dictated by complex communal and political dynamics, which have fostered primarily open transnational relationships. Meanwhile, the communities along the borders have close economic ties and maintain historical and cultural transborder connections. However, residents living along the PRC's land borders have been placed under new strain following the advent of the pandemic. Informal crossings have become highly regulated as China imposes its stringent pandemic management regime; consequently, human trafficking has markedly increased. Delocalised conflicts also threaten the PRC's international relations objectives. For example, these conflicts complicate the PRC's efforts to develop its relationships with the Association of Southeast Asian Nations (ASEAN) member states, who already play, and will continue to play, a critical role in this 'geo-economic narrative of globalization'.<sup>64</sup> The pandemic has placed the PRC in a delicate position, which demands further consideration of its nearest neighbours.

The PRC does experiment with different measures to continue facilitating trade despite pandemic-related restrictions. The BAOBO Card (胞波卡, *bao bo ka*) is a notable example. By 2020 in China (Yunnan) Pilot Free Trade Zone Dehong Area, 26,117 people from Myanmar were issued a BAOBO Card.<sup>65</sup> The BAOBO Card is a chip card the size of an ID card and integrates the functions of a Myanmar National Identity Card, a Myanmar-China Border Pass, a Health Certificate, a Work Permit, a Temporary Residence Permit for Overseas Border Residents in Border Areas in Yunnan, and a Training Certificate as needed by Myanmar migrants who are working and doing business in Ruili, a border city in Yunnan.<sup>66</sup> With this card, Myanmar people can use the facial recognition and identity information checking processes, access medical services, and supply proof of training.

In the following section, the paper will turn to the Western Balkans, to highlight labour and capital flows and the regulations governing them between China and the region, focusing predominantly on Serbia as China's main partner.

### **COVID-19: The Western Balkans**

Although there are both migration inflows and outflows virtually all Balkan countries the Republic of Serbia was one of only nine European countries to regulate its social security following a

<sup>62</sup>COVID-19 Drives New Surge in Trafficking of Women From Laos to China' (Radio Free Asia, 3 Jul 2021) <<https://www.rfa.org/english/news/laos/surge-07032021082612.html>> accessed 20 Nov 2021.

<sup>63</sup>Matt Blomberg, 'Pandemic seen fuelling Cambodian "bride trafficking" to China' (Reuters, 11 Dec 2020) <<https://www.reuters.com/article/cambodia-china-trafficking/pandemic-seen-fuelling-cambodian-bride-trafficking-to-china-idUSL8N2IQ2MF>> accessed 20 Nov 2021.

<sup>64</sup>Anthea Roberts and Nicolas Lamp use this concept to capture the narrative that reflects a 'securitisation' of economic policy and an 'economisation' of security policy. See Anthea Roberts & Nicolas Lamp, *Six Faces of Globalization* (Harvard University Press 2021)

<sup>65</sup>26,117 Burmese people received the Chinese ID card: Extremely Convenient! [26117 名缅甸人拿到中国“身份证”纷纷点赞：太方便!] (The Paper [澎湃], 19 Nov 2020) <[https://www.thepaper.cn/newsDetail\\_forward\\_10056055](https://www.thepaper.cn/newsDetail_forward_10056055)> accessed 20 Nov 2021.

<sup>66</sup>Integrating Six Certificates into One: China (Yunnan) Pilot Free Trade Zone Dehong Area Issues the First BAOBO Card' (China Yunnan Pilot Free Trade Zone Dehong Area – News and Info, 29 May 2020) <<http://dehong.ynmaker.com/en-us/news/detail/id/1545.html>> accessed 20 Nov 2021.

particularly large boom in Chinese investment in late 2018. Therefore, the following section will first analyse the Serbian case. It then considers other Western Balkan countries for which relevant data are available. The section then concludes that the main purpose for these regulatory changes, both in Serbia and in the Western Balkans as a whole, has been to facilitate labour migration. Each subsection will first discuss capital relations, then focus on labour issues in terms of regulatory changes to provide a complete picture based upon the available information.

The development of China's relations with the Western Balkans is inextricably linked to economic cooperation. From 2013 to 2019, China's investments in Europe were mainly focused on transportation (US\$63,220 million), agriculture (US\$54,580 million), finance (US\$31,900 million), energy (US\$31,390 million), technology (US\$26,130 million), entertainment (US\$23,940 million), real estate (US\$22,540 million) and logistics (US\$18,690 million).<sup>67</sup> Investments in chemicals, health, metals, tourism and utilities were comparatively lower before the pandemic; however, many of these investments have proven crucial to China's 'vaccine policy'. Moreover, according to one study,<sup>68</sup> the rapid expansion in foreign investment has led to an increase in the number of Chinese nationals working abroad. With the growth of bilateral trade, both China and the EU have seen increased migration in recent years. A similar trend has developed in the Western Balkans. In the following sections, we address Chinese labour migration regulations in the region before and during the COVID-19 pandemic.

### The Western Balkans and China

In terms of trade, most of the Western Balkan countries (North Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina and Kosovo) are similar to the EU's profile. However, unlike the EU, all countries within the Western Balkans (with the notable exception of Kosovo) belong to the '17+1' group,<sup>69</sup> which can be defined as a 'China-centric strategic bloc in Central and Eastern Europe' established in 2012. The group is also known as the China-Central and Eastern European Countries Cooperation and is part of China's ambitious BRI.<sup>70</sup> It should therefore come as no surprise that China was taking initiative to introduce stronger regulatory measures in the region even before the COVID-19 pandemic. However, not all Western Balkan countries are 'equal' in terms of their legal relations with China. Of all the Western Balkan countries, Serbia has the most regulations on migration and labour, while Kosovo has none, as China considers it part of the former. This should not be surprising, given the close legal ties between China and Serbia.

Before assessing the Serbian case, a brief background on China's ties with the jurisdiction is helpful. First of all, Serbia is one of the few countries within which China has regulated social security. This would not have been possible without the Chinese *Social Security Law* (SSL), which came into force in 2011, commensurate with the development of relations between the jurisdictions. The SSL included five social insurance programmes, namely pension insurance, health insurance, work injury insurance, unemployment benefits, and maternity insurance. In parallel with the increase in trade and migration, China signed 9 bilateral social security agreements with European countries from 2002 to 2019, thereby allowing Chinese nationals to be exempt from social security contributions in party host countries for 5 years. In all cases, the agreements are reciprocal and cover pensions and social security contributions, while health care, occupational accidents and maternity are

<sup>67</sup>Darko Marjanović, Elena Jovičić & Danijela Stojanović, 'The Global Distribution of Chinese Investments – Importance for the Economy of Serbia' (2021) 1 *Ekonomika* 67, 48.

<sup>68</sup>Fang Lianquan, *Improving the social protection of workers migrating between China and the EU countries* (International Labour Organisation and International Organisation for Migration 2019) 5 <[https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-beijing/documents/publication/wcms\\_732201.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-beijing/documents/publication/wcms_732201.pdf)> accessed 19 Nov 2021.

<sup>69</sup>Now, by default, '14+1' because Estonia, Lithuania and Latvia have left the group.

<sup>70</sup>Anne-Marie Brady & Hiromichi Higashi, 'Are we real friends? Albania-China relations in the Xi era' (Sinopsis, 17 Sep 2021) <<https://sinopsis.cz/en/are-we-real-friends-albania-china-relations-in-the-xi-era/>> accessed 19 Nov 2021.

not covered.<sup>71</sup> In addition, all agreements cover dispatched persons, airline employees and consular staff, as well as civil servants.<sup>72</sup> One of the few non-EU countries, and the only one among the Western Balkan countries, with which China has signed an agreement is the Republic of Serbia. In acknowledgement of this close relationship, this analysis begins by addressing the case of Serbia.

### *The Case of Serbia*

Chinese migration into Serbia will first be addressed in this section, then followed by the reverse, Serbian migration into China. With regard to the former, the aforementioned social security agreement followed an increase in Chinese investments in Serbia. Although Serbia is not necessarily a leader in every sector,<sup>73</sup> at €1,996,500 it still leads the region when it comes to total Chinese FDI inflows. This growth runs parallel to developments in diplomatic relations. After the disintegration of Yugoslavia,<sup>74</sup> China and Serbia signed a strategic partnership agreement in 2009. This partnership was upgraded to a comprehensive strategic partnership in 2016. A year later, China and Serbia lifted visa restrictions on travellers between the two countries. More recently in 2018, anticipating an increase in the number of Chinese workers in Serbia, China and Serbia settled the legal status of ‘dispatched persons’. This remarkable development represents the only bilateral agreement between a Western Balkan country and China regarding labour migration. Its adoption testifies to the fact that the strengthened relationship between the countries allows for the regulation of Chinese workers outside of China.

The agreement was proposed during Serbian President Vučić’s visit to Beijing, where a memorandum was signed with a private Chinese tyre manufacturer, (Linglong). The following week, a law on social security between China and Serbia regulating dispatched persons<sup>75</sup> was adopted by the Serbian National Assembly – which is unexpectedly fast for the Serbian bureaucracy.<sup>76</sup> The law was followed by an agreement on 19 May 2019 permitting the deployment of Chinese police officers to the ‘project sites’ of Chinese investors, as well as tourist sites. This is regulated by Article 1 of the Memorandum of Understanding between the Ministry of Internal Affairs of the Republic of Serbia and the Ministry of Public Security People’s Republic of China on conducting joint police patrols.<sup>77</sup>

<sup>71</sup>That is, except for Denmark and Switzerland where the length of time of Chinese nationals’ exemption from social security contributions in party host countries is six years: Fang (n 68) vi.

<sup>72</sup>*ibid* 23.

<sup>73</sup>For example, when it comes to energy loans, Bosnia seems to take the lead with €1,084,980 for coal-related projects, compared to €918,494 in total for Serbia (both CDB and Exim bank). ‘China’s global energy finance’ (Global Development Policy Center, 30 Sep 2021) <<https://www.bu.edu/cgef/#/all/Country>> accessed 30 Sep 2021.

<sup>74</sup>During the breaking-up of Yugoslavia, an initial wave of Chinese migration occurred during the 1990’s when Serbia was still a member of what was left of the Yugoslav Federation under Slobodan Milošević (ie, Serbia and Montenegro). According to Jelena Gledić, a researcher from Belgrade, the wave of Chinese nationals came mostly from other Eastern European countries ‘after unfavorable changes in Hungary’s visa requirements. They were mostly traders originating from China’s southern provinces, operating transnational businesses and living in relatively isolated communities. They continued to distribute goods across the region, only now from Belgrade instead of Budapest.’ See Jelena Gledić ‘The Changing Status of the Chinese in Serbia’ (Global Dialogue, 21 Feb 2021) <<https://globaldialogue.isa-sociology.org/the-changing-status-of-the-chinese-in-serbia/>> accessed 19 Nov 2021.

<sup>75</sup>The number of dispatched persons subsequently rose twelfefold from 193 in 2019 to 2374 by August 2021, while the total number of work permits in 2021 is currently 5535, according to the statistics from the Serbian National Employment Bureau made available to the author via e-mail. For more information, see Aleksandar Matković, ‘Unfree labor, from Hanoi to Belgrade: Chinese Investment and Labor Dispatch in the case of 750 Workers from Vietnam’, in Jelena Minović, Milica Kočović De Santo & Aleksandar Matković (eds), *Značaj institucionalnih promena u ekonomiji Srbije kroz istoriju [The significance of institutional changes in Serbia’s economy throughout history]* (Institut ekonomskih nauka [Institute of Economic Sciences] 2021) 114.

<sup>76</sup>The agreement was approved on 25 September 2018, during the same week that President Vučić visited Beijing to sign another agreement with Linglong tyres.

<sup>77</sup>Ministry of Internal Affairs of the Republic of Serbia, ‘Меморандум о разумевању између Министарства унутрашњих послова Републике Србије и Министарства јавне безбедности Народне Републике Кине о

However, the public presentation of the two agreements sparked controversy in Serbia as an opposition party, called ‘Enough is Enough!’, publicly used the agreement to revive a pre-existing rumour that ‘Chinese prisoners’ would be exported to Serbia and guarded by Chinese police. As a result, the Serbian public was convinced that Serbian laws no longer applied to Chinese nationals, and news stories proclaiming the initiation of ‘Chinese colonialism’ were circulated in the media.<sup>78</sup>

The agreements were followed by an influx of mostly dispatched workers from China during the pandemic, which further exacerbated local tensions. However, the law’s significance soon became clear. According to official data from the Serbian National Labour Agency, the official number of dispatched people increased from 193 in 2019 to 494 in 2020 and 2,374 in August 2021, a twelve-fold increase.<sup>79</sup> While this is a relatively small number compared to the total number of Chinese workers sent abroad each year, it shows a clear upward trend that largely parallels the increasing Chinese direct investment in Serbia.<sup>80</sup> Thus, even during the pandemic, the introduction of this law facilitated closer ties between the states.

Moreover, the increasing number of Chinese dispatched workers paralleled the increasing number of Vietnamese dispatched workers who began working on the same project – that of the aforementioned Chinese privately-owned Shandong Linglong tyre manufacturing company in Zrenjanin, Serbia. This was discovered when approximately 500 Vietnamese workers were found living in appalling conditions, living in facilities without heating, warm water or beds. The workers were not paid their salary, and their passports were confiscated by the factory’s management. They had been hired by Chinese contractors of Linglong who had outsourced their labour dispatch to Vietnamese agencies for the construction of Linglong’s factory.

Subsidised by the Serbian government, the factory was initially hailed as an advancement of relations between Serbia and China, yet the case now threatens the relationship of all three implicated states – China, Serbia and Vietnam. Initially, Linglong refused to allow NGOs to speak with the affected migrants, although they have since permitted limited access. The case was discussed at the European Parliament on 16 December 2021. Moreover, Serbia does not maintain any diplomatic relationship with Vietnam – the closest Vietnamese embassy is in Romania, which serves the population both there and in Serbia. This further complicated the provision of aid and even mutual understanding between Serbian activists and Vietnamese workers, particularly as there were initially no Vietnamese-Serbian translators available.

This incident also illustrates how the impact of China’s new migration governance in relation to its border countries extends to its partners in Europe, and particularly in Serbia. The outcome of the Linglong case remains to be seen. This article previously asserted that migration from Vietnam to China has been a historical constant that has been reversed as Chinese companies outsource to Vietnam. Here, we can further this argument by acknowledging that these same migratory trends

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спровођењу заједничких полицијских патрола [Memorandum of understanding between Ministry of Internal Affairs of the Republic of Serbia and Ministry of Public Security People’s Republic of China on conducting joint police patrols] (Ministry of Internal Affairs of the Republic of Serbia, 19 May 2019) <<http://www.mup.gov.rs/wps/wcm/connect/94593249-ea65-4af8-a6fd-a7e9a1a0a165/Kina+-+Memorandum+o+rzumevanju+o+sprowo%C4%91enju+zajedni%C4%8Dkih+policijskih+patrola.pdf?MOD=AJPERES&CVID=nca3uwf>> accessed 19 Nov 2021.

<sup>78</sup>Aleksandar Matković, ‘Discourse analysis of ideological stances on Chinese investments in Serbia 2018–2022 – pilot study’ (Research & Alternatives, 18 Aug 2021) <<https://aleksandarmatkovic.wordpress.com/2021/08/18/antikineska-propaganda-u-srbiji-kako-ne-kritikovati-kinu/>> accessed 29 Sep 2021.

<sup>79</sup>Aleksandar Matković, ‘Nekoliko statistika povodom kineske radničke klase u Srbiji [Some Statistics Regarding the Chinese Working Class in Serbia]’ (Research & Alternatives, 24 Aug 2021) <<https://aleksandarmatkovic.wordpress.com/2021/08/24/nekoliko-statistika-povodom-kineske-radnicke-klase-u-srbiji/>> accessed 29 Sep 2021.

<sup>80</sup>For example, from the 1950s until the 1970s, China sent about 150,000 workers to African countries on building infrastructure, including the aforementioned railway from Dar es Salaam in Tanzania to Kapingiri in Zambia. See Biao Xiang, ‘Emigration Trends and Policies in China: Movement of the Wealthy and Highly Skilled’ (Transatlantic Council on Migration, Emigration Trends and Policies in China, Feb 2016) <[https://www.migrationpolicy.org/sites/default/files/publications/TCM\\_Emigration-China-FINAL.pdf](https://www.migrationpolicy.org/sites/default/files/publications/TCM_Emigration-China-FINAL.pdf)> accessed 29 Sep 2021.

can be seen within the Western Balkans. In short, the relationships between Chinese companies and (in this case, Vietnamese) labour agencies began to be ‘exported’ into the Western Balkans. Similarities can be seen in the use of labour dispatch agencies that are close to Chinese companies, and the existence of local labour shortages. Also, to journalists and civil society organisations, the Linglong incident has raised allegations human trafficking similar to the ones previously discussed in Vietnam. Thus, labour and capital relations between China and Vietnam, and Serbia and China, began to mirror each other during COVID-19.

However, when discussing Serbian citizens travelling into China, there is a completely different situation. Here, there are no significant capital investments by Serbia into China, which would be followed by increased labour dispatch. On the contrary, for Serbian citizens, as elsewhere after the outbreak of COVID-19, the Chinese Embassy in Belgrade published the 26 March 2020 statement from the Chinese Ministry of Foreign Affairs and the National Immigration Administration banning the entry of foreigners, including those who had valid visas and residence permits before 28 March.<sup>81</sup> The ban was then relaxed on 28 September and the proclamation was amended. Business travellers, those seeking family reunification, or those with work permits could enter China without having to apply for a new visa, while those whose visas have expired in the meantime could apply for a new one.<sup>82</sup> However, on 13 August, China’s embassy in Sarajevo, Bosnia and Herzegovina, issued an announcement regarding visa facilitation for foreigners who hold a residence permit. It included a list of 36 European countries for which similar rules applied and included all the countries of the Western Balkans, except Kosovo.<sup>83</sup> Hence, with the sole exception of Kosovo, China could be said to view Serbia and the Western Balkans as part of Europe in terms of travel regulations during the COVID-19 pandemic.<sup>84</sup> Despite Serbia’s special relationship with China in terms of labour migration, there seems to be no ‘special’ advantage for Serbian citizens when it came to travelling to China,<sup>85</sup> aside from labour migration becoming an area of increased focus.

### *The Case of Montenegro, and Regional Differences*

Serbia’s relationship with China is not generalisable within the region, although other developments during the pandemic are similarly unique. A peculiarity of the Western Balkans is that Montenegro and Albania remain two ‘traditional’ hubs for illegal Chinese migration, which represent attractive jurisdictions for their less stringent legal regulations.<sup>86</sup> Therefore, it is difficult to estimate the

<sup>81</sup>China’s Embassy in Belgrade, Serbia, ‘Obaveštenje o privremnoj obustavi ulaska u NR Kinu za strance koji su imali važeće vize i boravišne dozvole izdate pre 28. marta [Announcement on the Temporary Suspension of Entry by Foreign Nationals Holding Valid Chinese Visas or Residence Permits issued before March 28]’ (China’s Embassy in Belgrade, 7 Apr 2021) <[http://rs.chineseembassy.org/srp/lsyw/tz/20200724\\_3370651.htm](http://rs.chineseembassy.org/srp/lsyw/tz/20200724_3370651.htm)> accessed 19 Nov 2021.

<sup>82</sup>China’s Embassy in Belgrade, Serbia, ‘Obaveštenje o novoj viznoj politici (23.09) [Announcement Regarding the New Visa Policy (23.09)]’ (China’s Embassy in Belgrade, 24 Sep 2020) <[http://rs.chineseembassy.org/srp/lsyw/tz/20200924\\_3370655.htm](http://rs.chineseembassy.org/srp/lsyw/tz/20200924_3370655.htm)> accessed 19 Nov 2021.

<sup>83</sup>China’s Embassy in Sarajevo, Bosnia and Herzegovina, ‘Vizne olakšice za strane državljane sa važećim dozvolama boravka u NR Kini [Visa facilitation for foreign nationals with valid residence permits in the PRC]’ (China’s Embassy in Sarajevo, Bosnia and Herzegovina, 13 Aug 2020) <[http://ba.chineseembassy.org/ba/qzfw\\_1/202008/t20200813\\_2316925.htm](http://ba.chineseembassy.org/ba/qzfw_1/202008/t20200813_2316925.htm)> accessed 19 Nov 2021.

<sup>84</sup>The only factor that varied between embassy statements was the time they were released, which is understandable as the pandemic hit different countries at different times.

<sup>85</sup>The only clear orientation towards a country-of-origin-approach could be argued to have been implemented through a proclamation issued later, on 31 August 2021, when it was announced that only citizens for whom Serbia is considered the country of origin (ie, holders of passports or ID and temporary residents of Serbia who have obtained a visa to stay in Serbia) could enter China. See China’s Embassy in Belgrade, Serbia, ‘Najnoviji uslovi za podnošenje zahteva zdravstvenog koda za putnike koji putuju iz Srbije za Kinu (ažurirano 31. avgusta) [The latest conditions for submitting a health code request for travelers traveling from Serbia to China (updated on 31 August)]’ (China’s Embassy in Belgrade, Serbia, 8 Sep 2021) <[http://rs.chineseembassy.org/srp/sgxx/sghd/202109/t20210908\\_10251376.htm](http://rs.chineseembassy.org/srp/sgxx/sghd/202109/t20210908_10251376.htm)> accessed 19 Nov 2021.

<sup>86</sup>Brady & Higashi (n 70).

number of Chinese migrants in these countries. However, this does not indicate that Chinese immigration is not regulated at all, but rather suggests it is not the subject of special regulations.

This can best be seen in the example of Montenegro. As one of the major tourist destinations in the Balkans, the seasonal labour market is an important part of the economy and labour market. This work is generally regulated by the *Law on Foreigners* and the *Law on Employment and Work of Foreigners*; unlike Serbia, however, there are no specific agreements that would affect Chinese nationals. The lack of special regulations is perhaps understandable given that Chinese migrant and seasonal workers – although growing – make up only a small proportion of the seasonal workforce.<sup>87</sup> According to one study, Romanian, Russian and Chinese workers make up less than 5 per cent of the total seasonal workforce.<sup>88</sup>

However, despite the lack of detailed data, the COVID-19 pandemic has brought the two countries closer, not only in terms of providing medical aid to Montenegro, but also in terms of the growing influx of Chinese workers despite the pandemic. A notable example of this is the return of 95 construction workers from the China Road and Bridge Corporation (CRBC) to Montenegro on 4 June 2020 to work on the Boljare Highway, the first day that foreign citizens were allowed to enter Montenegro. This fact was emphasised by Liu Jin, the Chinese ambassador to Montenegro, in a statement that projected future cooperation between the nations.<sup>89</sup> However, laws regulating the entry of Montenegrin citizens into China were not relaxed until 15 March 2021, when the Chinese Embassy in Montenegro issued a ‘Notice on Facilitating the Entry of Foreigners Taking Chinese Vaccines’,<sup>90</sup> which allowed foreign nationals and their family members coming to China to resume necessary business activities, and permitted family members of Chinese nationals and foreign nationals with Asia-Pacific Economic Cooperation (APEC) business travel cards to reapply for visas. About five months later on 5 July, the same arrangement was announced by the Chinese Embassy in Tirana, Albania.<sup>91</sup> Both are still in force at the time of this writing. Accordingly, despite the regional differences, there exists substantive cooperation efforts on promoting and enabling business activities between the jurisdictions.

## Conclusion

The rise of the PRC’s globalisation makes the country both a source of labour outflows and a magnet destination for migrants from all over the world. Changes due to the pandemic provide an opportunity to revisit and re-examine China’s orientation of its migration laws and capital

<sup>87</sup>RTCG, ‘CRBC: Na gradilištu 411 kineskih i 106 domaćih radnika [CRBC: 411 Chinese and 106 local workers on construction yard]’ (Radio-Television Network of Montenegro, 21 Sep 2021)

<<http://www.rtcg.me/vijesti/ekonomija/335385/crbc-na-gradilistu-411-kineskih-i-106-domacih-radnika.html>> accessed 19 Nov 2021.

<sup>88</sup>See Grega Strban, ‘Social Security of (migrant) seasonal workers’ (Council of Europe, 2010) <<https://www.coe.int/t/dg3/sscssr/Source/Social%20security%20of%20migrant%20seasonal%20workers%20-%20Montenegro.doc>> accessed 19 Nov 2021. Since the figures are for 2010, for a comparison, a recent ILO study could be more appropriate. This ILO study estimates the total number of seasonal workers in 2019 at around 27,634 based on the number of work and employment permits issued to foreigners. See Mihail Arandarenko et al, ‘COVID-19 and the World of Work: Rapid Assessment of the Employment Impacts and Policy Responses, Montenegro’ (International Labour Organisation, 2020) <[https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/publication/wcms\\_749201.pdf](https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/publication/wcms_749201.pdf)> accessed 19 Nov 2021.

<sup>89</sup>Liu Jin, ‘Budućnost bilateralnih odnosa izgleda svijetlo [The future of bilateral relations looks bright]’ (China’s Embassy in Podgorica, Montenegro, 1 Oct 2020) <[http://me.chineseembassy.org/mon/sghd\\_1/202009/t20200930\\_2845324.htm](http://me.chineseembassy.org/mon/sghd_1/202009/t20200930_2845324.htm)> accessed 19 Nov 2021.

<sup>90</sup>China’s Embassy in Podgorica, Montenegro, ‘Obavještenje o apliciranju za vize za osoblje koje je primilo kineske vakcine protiv COVID-19 [Notice on Providing Conveniences for China-bound Foreign Nationals taking Chinese Vaccines]’ (China’s Embassy in Podgorica, Montenegro, 15 Mar 2021) <[http://me.chineseembassy.org/mon/lswf/202103/t20210315\\_9900483.htm](http://me.chineseembassy.org/mon/lswf/202103/t20210315_9900483.htm)> accessed 19 Nov 2021.

<sup>91</sup>China’s Embassy in Tirana, Albania, ‘Notice on Visa Facilitation for Applicants Inoculated with Chinese COVID-19 Vaccines’ (China’s Embassy in Tirana, Albania, 7 May 2021) <[http://al.china-embassy.org/eng/lswf/fhqz/202105/t20210507\\_9046511.htm](http://al.china-embassy.org/eng/lswf/fhqz/202105/t20210507_9046511.htm)> accessed 19 Nov 2021.



exchange. This article illustrates that partners from emerging economies and economies in transition have been subject to increased control, scrutiny, and restrictions during the pandemic, and analyses how the PRC has responded to these needs. Vulnerable communities are particularly at risk. Since the PRC has consistently regarded itself as a representative of the 'Third World', further neglect of the insecurity of its guest workers and the issues like discrimination which predicate these conflicts will no longer be a proper solution. Without a proactive approach, these problems will continue to harm the welfare of the state's migrants and exert a negative influence on the relationship between China and its political and economic partners.

With regard to its border areas, the formerly tolerated 'informal' crossings are now illegal as the PRC has escalated its stringent border migration governance. Further, transnational conflicts have been exacerbated by the pandemic. All these elements impact the local economic and political relationships between China and its border countries. As the relationship with border countries plays a critical role in the 'geo-economic narrative of globalisation', China is trying to find a good balance here. As for the outflow of migration, the case study of Serbia in the pandemic shows how the PRC is strengthening people-to-people ties through investment in local economies and associated migration of labour.

The PRC is drafting an alternative approach to multilateralism in the post-pandemic deglobalisation wave, and it is critical for the country to embrace change in its orientation towards its policies related to migration and capital. How the PRC assumes this role might have far-reaching implications – not only domestically but globally as well. Its new emphasis on enhanced responsiveness, a security-centric approach to border management, and an improving regulatory approach to regular migration channels is key to understanding China's next steps. In this regard, our study represents just the beginning of contemporary efforts to capture these new and essential dynamics.