

## **Chasing Ghosts: Rumors and Representations of the Export of Chinese Convict Labor to Developing Countries**

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A political rumor people believe is true can grow despite an absence of evidence, if forces are interested in sustaining it. Take the rumors about US President Barack Obama's religious affiliation and birthplace. Obama emphasizes his Christianity and has a US birth certificate, yet 2010 polls showed that only 46% of supporters of his own Democratic Party believe he is a Christian, down from 55% in March, 2009. Some 18% of Americans, up from 11% a year and half earlier, believe him to be a Muslim and 43% say they do not know his religion, while 27% (up from 20% four months earlier) doubt Obama was born in the US, a constitutional requisite to being president. Obama is demonstrably not the foreign-born Muslim rumors depict, but his communications director has noted the credence placed in the "tweets of discredited rabble-rousers."<sup>1</sup> Obama's detractors concentrate in the media: 60% of those polled who thought he is a Muslim said they learned it there, while 15% cited his behavior, words, ancestry, family background, appearance or name.<sup>2</sup> The media-spread rumor that he is a foreign-born Muslim implies a belief that Obama, his aides, public and private organizations conspire to cover up the secrets of his true faith and nativity.

From the late-2000s, rumors have circulated globally that China sends convicts to developing states.<sup>3</sup> In 2010, newspapers on five continents promoted these rumors to "facts", by publishing sensational, but unsubstantiated, charges about the export of

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<sup>1</sup> Sheryl Stolberg, "In Defining Obama, Misperceptions Stick," *New York Times* (NYT), Aug. 19, 2010.

<sup>2</sup> "Growing Number of Americans Say Obama is a Muslim," Pew Research Center, Aug. 19, 2010, [http://pewforum.org/uploadedFiles/Topics/Issues/Politics\\_and\\_Elections/growingnumber-full-report.pdf](http://pewforum.org/uploadedFiles/Topics/Issues/Politics_and_Elections/growingnumber-full-report.pdf).

<sup>3</sup> See, e.g. Massimo Alberizzi, "Somalia: Preoccupazione dietro i sorrisi" (Somalia: concern behind the smiles), *Corriere della Serra* (Italy), Aug. 31, 2007 (to conquer Africa, Chinese state uses forced labor from China to build roads, buildings and railroads); Editorial, "Beware Chinese Bearing Gifts," *Sunday Times* (South Africa), Sept. 5, 2010 (China's "approach to building infrastructure [is] shipping in prison labor rather than passing on skills and hiring locals"). .

Chinese prisoners.<sup>4</sup> Brahma Chellaney, a strategic studies specialist and Indian government advisor, made the charge, in an article with a litany of problematic claims about Chinese conduct in developing states. He is, however, only the best-known conjurer of this specter. His claim is also one of conspiracy, in which the Chinese government, its state-owned enterprises (SOEs), and impliedly, Chinese communities and national governments in developing countries, keep secret the transfer of large numbers of Chinese convicts to labor abroad.

We first examine rumored images of Chinese convict labor in developing countries and then analyze the confluence of actors and interests that have produced and circulated the rumors. Finally, we gauge their political impact. Rumors of Chinese convict labor began locally, “from below,” as conjectures of non-elites, but their internet propagators -- often Western visitors or expats and members of the African diaspora in the West -- put the rumors into translocal circulation. They are further promoted “from above,” as part of a global discourse of Chinese activities overseas, by those political and media elites who seek to discredit the Chinese presence in the developing world and national governments that approve of it. With its implications of cruel disregard for the well-being of people in developing countries, the rumor will give added weight to the existing host of allegations against the Chinese government and thus meet its promoters’ expectations of haunting China for years to come.

#### Ghost Shadows: Images of Chinese Convicts Abroad

The notion of Chinese prisoners laboring abroad is not new. In the 1970s, 25,000 Chinese and 50,000 local workers built the Tanzania-Zambia Railway (Tazara).

When the first thousand Chinese workers arrived in Tanzania “all wearing identical

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<sup>4</sup> See, e.g., “China Now Exports its Convicts,” *Japan Times*, July 5, 2010; “Exporting Convicts Stains China’s Reputation,” *Globe & Mail* (Canada), July 27, 2010; “Convicts for Export,” *Daily News Egypt*, July 28, 2010; “China’s Newest Export: Convicts,” *Guardian* (UK), July 29, 2010; “China’s Convict Shame,” *The Australian*, Aug. 5, 2010.

gray cotton suits and balancing small blue suitcases on their shoulders . . . curious onlookers gathered, some speculating the strangers were soldiers or prisoners sentenced to hard labor.”<sup>5</sup> That impression was largely confined to the two countries where the railway was built.

The rumor of Chinese convicts in Africa first received a modicum of global circulation in 1991, through Roberta Cohen, a former US Deputy Assistant Secretary of State for Human Rights. In arguing in the *New York Times* that the US should deny China normal trade relations status, Cohen reported that she had “learned” several years earlier that 75% of workers that China’s Jiangsu Construction Co. employed to build a road in Benin were Chinese convicts.<sup>6</sup> She did not specify the source for the claim and the Chinese government dismissed it as hearsay.<sup>7</sup>

By the late 2000s, articles could circulate massively on the internet. A British tabloid article in 2008 entitled “How China is Taking over Africa and why we in the West should be VERY Worried about it” claimed that “As well as enticing hundreds of thousands to settle in Africa, [Chinese officials] have even shipped Chinese prisoners to produce the [infrastructure and other] goods cheaply.”<sup>8</sup> It was reproduced globally by other newspapers and soon appeared on thousands of websites.

Chellaney’s article also appeared on more than ten thousand websites. Taken by many as scholarly confirmation of earlier rumors, it created a “cascading” effect.<sup>9</sup> A popular Ghanaian website reprinted it under a caption querying “Is China Exporting Prisoners to Ghana?” followed by “Yes. According to Indian scholar Brahma

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<sup>5</sup> Jamie Monson, “Freedom Railway: the Unexpected Successes of a Cold War Development Project,” *Boston Review* (Dec. 2004-Jan. 2005).

<sup>6</sup> Roberta Cohen, “China has Used Prison Labor in Africa,” *NYT*, May 11, 1991.

<sup>7</sup> Chen Guoqing, “China Doesn’t Use Prison Labor in Africa,” *NYT*, June 1, 1991.

<sup>8</sup> Andrew Malone, *Daily Mail*, July 18, 2008.

<sup>9</sup> Cass Sunstein, *On Rumors* (New York: Farrar, 2009): 21.

Chellaney.”<sup>10</sup> Chellaney however had said nothing about Ghana. An NGO that monitors activities at the Chinese-owned Ramu mine in Papua New Guinea (PNG) put Chellaney’s article on their website under the headline “Is China Sending Convicts to PNG? Almost Certainly.”<sup>11</sup> No evidence was presented of Chinese prisoners in PNG, which Chellaney had not mentioned.

Printed and internet rumors of Chinese convicts appear in at least half of Africa’s states, in South Asia (Sri Lanka, the Maldives),<sup>12</sup> Central Asia (Tajikistan), the Caribbean (Antigua, Barbados, Bahamas, Grenada, Trinidad and Dominica) and the Middle East (Dubai). Many kinds of work are attributed to the supposed Chinese prisoners in Africa. They are said to have been made to fight rebels, build a pipeline, and guard oil installations in Sudan, put up parliament buildings in Malawi and Gabon, work in mines and build power stations in Zambia, labor on roads and plantations in Zimbabwe, work as textile and garment workers in [privately-owned Taiwanese] factories in Lesotho, slave in a cement factory in Rwanda, engage in construction and even serve as “foreign experts” in Nigeria, put up viaducts and roads in Ethiopia and hospitals, railways and other infrastructure in Mauritania and Congo, lay highways and construct Ministry of Defense buildings in Kenya, work for building companies in Algeria, Mozambique, Mali, Senegal Togo, and Equatorial Guinea, build stadia in Ghana, Tanzania, Morocco, and Liberia, create oil refineries in Angola and Niger, and even sell donuts in Cameroon. Media and internet claims of Chinese convicts in developing countries largely emanate from Western visitors and expatriates from countries where Chinese convicts are said to work. A minority of claims derive from

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<sup>10</sup> [www.galizur.com](http://www.galizur.com), s.d., July, 2010, [www.galizur.com/forums/showthread.php/74-Is-China-exporting-prisoners-to-Ghana?s=156b1490b91828b740e7b3c51eb7d00f](http://www.galizur.com/forums/showthread.php/74-Is-China-exporting-prisoners-to-Ghana?s=156b1490b91828b740e7b3c51eb7d00f).

<sup>11</sup> Ramu Minewatch, June 8, 2010, <http://ramumine.wordpress.com/2010/07/08/is-china-sending-convicts-to-png-almost-certainly/>.

<sup>12</sup> This paragraph’s sources are newspapers articles and blogs that discuss the putative presence of Chinese convicts in each county mentioned and have been omitted due to space considerations. To obtain these and other sources making such claims please contact [sobarrys@ust.hk](mailto:sobarrys@ust.hk).

people permanently residing in supposedly affected countries. Fewer claims still involve people who work or live near sites where purported convicts labor or reside.

“Eyewitnesses” mostly draw inferences based on passive sightings of Chinese, who are, without more, seen as having a putative characteristic of prisoners, such as engaging in long hours of grueling labor. For example, it has been implied that a convict labor may have been used to build a 1500 km. oil pipeline in Sudan in 18 months because Chinese workers worked 14 hours a day in searing heat.<sup>13</sup> An Angolan newspaper article that has been reprinted globally states

A part of the workforce brought to Angola is formed by common prisoners . . . The Chinese prisoners do not receive any salary and are only paid with food . . . According to the *Courrier International*, there is no proof that the Chinese state sends prisoners to Angola, although the labor and living conditions of Chinese workers is not very far from that of prisoners.<sup>14</sup>

The rumors set out three ways in which Chinese convicts come to developing countries. Some say prisoners opt to do their time overseas; others that ex-convicts are paroled into developing countries. Most, however, portray prisoners forcibly sent out to labor. An anthropologist encountered the rumor in Namibia as involving prisoners who had the option of serving their time there:

Chinese . . . are both newcomers and foreigners, and are suspect to many locals under both headings. This is most strikingly expressed in pervasive rumors. Many Namibians, including journalists, politicians, businesspeople, and academics alike, are convinced Chinese convicts can choose to serve their prison terms on Namibian construction sites. These rumors are obviously unfounded, but readily believed.<sup>15</sup>

A website highly critical of China’s religious policies has cited Chellaney and stated that in developing countries there are Chinese “prisoners on conditional

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<sup>13</sup> See, e.g., Human Rights First, “Investing in Tragedy: China, Money, Arms, and Politics in Sudan,” 2008, [www.humanrightsfirst.info/pdf/080311-cah-investing-in-tragedy-report.pdf](http://www.humanrightsfirst.info/pdf/080311-cah-investing-in-tragedy-report.pdf).

<sup>14</sup> Aguiar dos Santos, “China Conquista Luanda” (China conquers Luanda), *Oozebap* (Spain), June 8, 2006, [www.oozebap.org/text/china-africa.htm](http://www.oozebap.org/text/china-africa.htm).

<sup>15</sup> Gregor Dobler, “Solidarity, Xenophobia and the Regulation of Chinese Businesses in Namibia,” in Chris Alden, et al. (ed.), *China Returns to Africa: a Rising Power and a Continent Embrace* (Oxford: Oxford University Press, 2008): 237-255 (243).

release.<sup>16</sup> Most claims however assume that Chinese prisoners are sentenced to deportation labor for a term of years, what Chellaney terms “forced dispatch.” Whatever method used to send out this putative part of the prison population, their image is of victims of an especially cruel Chinese government and of compliant receiving governments, rewarded by China. Developing country ruling elites are thereby shown to conform to their Western media image of “pro-China,” in contrast to non-elites, who supposedly oppose the “colonial” relationship that China allegedly has with developing countries, especially in Africa. Surveyed African non-elites however generally also have a favorable view of China and Chinese; with the opposite view often a consequence of national opposition parties’ efforts.<sup>17</sup>

Relations of subordination and conspiracy involving Chinese and African governments are assumed by those who advance rumors of convict labor. For example, a poster to a Zambia-related SMS site claimed that the Zambian government agreed to repay a US\$ 1.7 million loan that China provided to cover the cost of Chinese convicts building a housing project in Lusaka,<sup>18</sup> implying that local officials knew the Chinese workers were prisoners. Sometimes, as in the case of a French website posting on Chinese prisoners in Africa, it is speculated that African countries are silent about them because it is “one of the conditions by which China lends them their dollars.”<sup>19</sup> Rumors may also include a charge of corruption among national officials. A Zambian newspaper website post by a Zambian in Australia, about Chinese firms rehabilitating stadia, contended that “Most of the people employed on

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<sup>16</sup> “Chinese Prisoners Used as Laborers in Developing Countries,” AsiaNews.it, Aug. 12, 2010, [www.asianews.it/news-en/Chinese-prisoners-used-as-labourers-in-developing-countries-19180.html](http://www.asianews.it/news-en/Chinese-prisoners-used-as-labourers-in-developing-countries-19180.html).

<sup>17</sup> See Barry Sautman and Yan Hairong, “African Perspectives on China-Africa Links,” *China Quarterly* (CQ) 199 (2009): 729-760.

<sup>18</sup> Aaron Marley, “Chinese Investors (New Deal Chinese),” Apr. 30, 2007, [www.mysms.co.zm/forum\\_thread.php?id=495](http://www.mysms.co.zm/forum_thread.php?id=495).

<sup>19</sup> Trueslash post to “Des Prisonniers Chinois Travillent en Afrique?” (Chinese prisoners working in Africa?), Hardware.fr, Mar. 12, 2007.

these contracts are Chinese prisoners,” which must be the result of kickbacks.<sup>20</sup> The Chinese government is thus rumored to arrange the outflow of convicts to jobs in developing countries, while host governments condone their inflow for political and pecuniary reasons. Several factors involving misperception at their source create popularly-based rumors of this arrangement, but other factors, involving national and international politics, propel their transmission to a global audience.

### Rumors Local, Translocal, and Global

Rumors, it is said, are "improvised news" in which people comment upon events around them, collectively in ambiguous situations.<sup>21</sup> Average people "lacking direct or personal knowledge" rely on them to understand new phenomena and rationalize their belief in the rumor by "where there is smoke, there must be fire."<sup>22</sup> Elites, such as business people, politicians and researchers, may however engage in rumor-mongering for different ends. Politics often leads to fostering unsubstantiated claims, such as those of Chinese convicts laboring overseas.

#### *Local Rumors*

In Africa and other developing regions, rumors of Chinese prisoners' presence arise partly because of cultural differences in work and living habits. A rigorous work pace, discipline, and collective living style among Chinese employees cause people to imagine they are prisoners. When Chinese workers and engineers came to build Tazara, the discipline observed by Chinese was comprehensive. A translator for the railway project, who became a long-term resident of Tanzania known as Mama Li, recalled to us her experience then:

We were taught how to be disciplined and respond to certain kinds of questions, etc. We were not allowed to go out on our own, unless there were at least three people

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<sup>20</sup> M. T. Banda, post no. 25 to "Chinese Company Wins Three Stadia Contracts," LT, Apr. 9, 2009.

<sup>21</sup> Tamotsu Shibutani, *Improvvised News: A Sociological Study of Rumor* (Indianapolis: Bobbs-Merrill, 1966).

<sup>22</sup> Sunstein, p. 5.

in the group . . . We were given two sets of the same grey uniform. We often went to events collectively . . . When we did, we formed lines and walked. That's partly why some people said that those who worked on Tazara were prisoners; we were so very disciplined. Those people who spread these rumors also may have had bad intentions. Actually those who were chosen to go abroad those days were the ones who were the better qualified, both in terms of expertise and ideology.<sup>23</sup>

In the eyes of Mama Li and other old African-hands(lao feizhou,老非洲) of her generation, "If there was too much discipline in the 1970s, there's now too little discipline" today among Chinese in Africa. Be that as it may, Chinese employees have a distinctively vigorous work pace in the eyes of non-Chinese. A Swiss anthropologist who heard rumors of Chinese convicts in two African countries has attributed them to "Chinese workers' phenomenal work pace."<sup>24</sup> A Chinese engineer has recounted that in Angola, Africans urged him to adopt "Angola time" because his timetables were impossible. He replied that a Chinese firm built a giant tower there in less than two years, while a neighboring edifice being built by non-Chinese was unfinished after ten years.<sup>25</sup>

As in the Tazara era, Chinese skilled workers and engineers still do not live like Western expats, who in developing countries have individual houses and local servants. Many Chinese live collectively, in compounds, which has provoked Zambian elites we interviewed to remark on their obvious lack of concern for status -- positively ("refreshing") or negatively ("they don't behave like expats"). A UK Zambian who often posts on Zambian newspaper websites has complained of Chinese in a mining town in Zambia's Copperbelt Province: "these people have bundled 20 people in one house . . . It will not be long before we hear of SARS breaking out in Chililabombwe and spread across to innocent Zambians."<sup>26</sup>

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<sup>23</sup> Interview with Li Jinglan, Dar Es Salaam, July 16, 2006.

<sup>24</sup> Kernen, Small and Medium-Sized.

<sup>25</sup> Tessa Thornilley, "Chinese Entrepreneurs 'Invade' Africa," *Uhuru* (Nigeria), Aug. 7, 2010. See also "Africans Marvel at China's Hard Workers," *The Chronicle* (Ghana), Sept. 4, 2008.

<sup>26</sup> Alfred Mutale, post no. 1 to "Criticism of China in Mineral Rich Zambia," LT, Feb. 2, 2007.

An Irish journalist has said that typical Chinese living habits in Africa “encourage sometimes fantastical speculation about the new arrivals and the way they live. One frequently heard rumor in Angola is that China has sent . . . prisoners over to work on the roads.”<sup>27</sup> Many Chinese share rooms and do their own housework. Local people often cannot conceive foreign professionals would live that way and imagine them to be prisoners. Deborah Brautigam, a US specialist of China-Africa relations, has said “Some of these (Chinese) experts living at local standards have led local people to think that they must be convicts, because who else would live like that?”<sup>28</sup>

Rumors circulate in part due to local people’s lack of direct knowledge about China and Chinese. A new local interest has also emerged to motivate the rumor’s circulation. A leader of the opposition Patriotic Front in Copperbelt we interviewed pointed out that Zambians think that “if a hundred Chinese come, twenty of them are skilled and the other eighty are unskilled prisoners. It’s a way for local people to demean the Chinese and to say we’re better than the (prisoners).”<sup>29</sup> For some locals who depend on labor markets for their livelihood and find Chinese work styles and pace inexplicable and threatening, the rumor “rationalizes while it relieves.”<sup>30</sup>

#### *The Rumors’ Translocal and Global Transmission*

Blogs and web posts about rumors that we cite are mostly transmitted translocally by Westerners who have lived or visited developing countries or by diasporic members from those countries who live in the West. Most people in the West have a negative view of China’s overseas activities. In a 2007 poll, half of US respondents saw China’s influence in Africa as a great or moderate threat to US national

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<sup>27</sup> Mary Fitzgerald, “West’s Difficulty in Angola is Beijing’s Opportunity,” *Irish Times*, Aug. 26 2008.

<sup>28</sup> “African Respect for Chinese Expatriates Grows,” Voice of America (VOA), May 8, 2007.

<sup>29</sup> Interview with Robert Mwewa, PF treasurer, Copperbelt Province, Ndola, July 15, 2008.

<sup>30</sup> Gordon Allport and Leo Postman, *The Psychology of Rumor* (New York: Henry Holt, 1947): 503.

interests.<sup>31</sup> A 2008 poll of Western Europeans found that most saw China as the greatest threat to global stability.<sup>32</sup> Negativity about China and Chinese activities overseas creates a predisposition for “biased assimilation” of rumors:<sup>33</sup> “anti-China” sentiment makes it more likely to believe the rumor and a belief in the rumor reinforces anti-China sentiment.

A typical claim comes from a white expatriate microfinance specialist working in Malawi, who discusses “Chinese imperialism in Africa”:

Chinese prisoners in the mainland, convicted of crimes, are sometimes given the option of serving their sentence in Chinese prison, or to go to Africa and live and work with the mineral extraction/road construction . . . Many of these prisoners also work on construction projects for China, all to the end of getting these metals back to China. It just blows me away that in the 21st century, a country could or would establish a penal colony.<sup>34</sup>

People with negative views of Chinese activities in the world are inclined to believe China sends out convicts, despite a lack of evidence, due to a syllogistic reasoning: China does bad things in the world; sending convicts to labor in developing countries is a bad thing, *ergo* assertions that China sends convicts to do so are true.

Belief in a rumor makes its transmission more likely. So does high anxiety where a rumor involves danger, such as a murderer (or foreign convict) being on the loose.<sup>35</sup> In the case of the rumor of Chinese convicts working in developing countries, the danger-induced anxiety is linked to the criminality of their presence<sup>36</sup> and presumed super-competitiveness that their presence brings to Chinese business. The rumor thus criminalizes Chinese workers and firms and casts their presence as a government

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<sup>31</sup> “UPI Poll: China’s Influence in Africa,” United Press International, July 27, 2007.

<sup>32</sup> “China Seen as Biggest Threat to Stability,” *Financial Times*, Apr. 15, 2008.

<sup>33</sup> Sunstein, p. 9.

<sup>34</sup> “China’s New Heart of Darkness,” Mullings and Ruminations, Feb. 19, 2010. <http://mullingsandruminations.com/>.

<sup>35</sup> Mark Pezzo and Jason Beckstead, “A Multilevel Analysis of Rumor Transmission: Effects of Anxiety and Belief in Two Field Experiments,” *Basic and Applied Psychology* 28:1 (1006): 91-100.

<sup>36</sup> A British visitor claimed “with Chinese convicts bored in Malawi there have been reports of crimes including rape having been committed by them.” Unreported Africa. A Sri Lankan news article associated Chinese, including “prisoners” with “various crimes here,” including rape. “20,000 Indian Workforce,” *Daily Mirror*, Aug. 31, 2010.

conspiracy. The perceived threat compels the rumor's global transmission even where transmitters realize they have no evidence. The easier access to the internet by people connected with the West facilitates the rumor's translocal transmission on the internet.

For example, two (white) South African visitors to Mozambique recalled that

On our trip we have picked up the vibe and the talk on the street that China is going to take over Africa. In Mozam they are building a new soccer stadium which was behind schedule, so they have imported 350 Chinese prisoners, got rid of the locals, of course they don't have to pay the prisoners either, work them to death and in the evenings house them in containers, wonderful. (*That's the story we are told*).<sup>37</sup>

That Chinese stadia-builders were claimed to be housed in containers likely added verisimilitude to the rumor they were prisoners, as it has with a claim that Chinese prisoners who built Maputo, Mozambique's airport live in containers.<sup>38</sup> We have seen Chinese in Africa who were not convicts, but lived in containers or container-like pre-fabricated housing, habitation common for construction workers in China.

Researchers and political and media elites who bring rumors from blogs and internet posts to formal publications are crucial to their global circulation. Researchers who transmit rumors are in a different category from non-scholars, who may take rumors at face value and informally spread them. Even if they present no evidence, researchers' professional status often makes their assertions credible. Days after Chellaney's article appeared, a prominent developer in the Caribbean island state of Dominica approached local media to demand the government "determine whether or not some or all of the Chinese workers on the West Coast Road project are in fact convicts released on parole." Criticizing the local government for laxity, he referred to Chellaney's charges and asserted they contained "documented facts" about countries

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<sup>37</sup> John and Arlene, *Welcome to Africa on a Wing and a Prayer*, July 4, 2009, [www.africaonawingandaprayer.com/](http://www.africaonawingandaprayer.com/). A French-language Algerian newspaper has even claimed that Chinese prisoners who built the oil pipeline in Sudan were shipped there in containers. Travail Force.

<sup>38</sup> Carol Lazar, "Travel," *The Star* (Johannesburg), Sept. 4, 2010.

with similarities to conditions in Dominica.<sup>39</sup> As with Chellaney, the developer presented no evidence that the road builders were prisoners, but insisted that local labor laws were not being applied to “the Chinese.”<sup>40</sup> The Dominica government responded by stating that it had no information of any Chinese prisoners in Dominica and that the road building firm was reputable. Online commentators dismissed his statement as not credible however, because it emanated from the government.<sup>41</sup> In the Bahamas, critics of the government, citing Chellaney -- who had said nothing about the country in his articles -- berated it for approving work permits for “Chinese convicts” to build a \$2.5 billion resort.<sup>42</sup>

Chellaney is but the latest scholar to propagate the rumor of Chinese convicts. Earlier, Gerard Prunier, an historian of the Horn of Africa who has been sharply critical of China’s activities in Sudan, stated that 10,000 Chinese who built the oil pipeline there in the late 1990s “provided almost free labor (their workers were convicts who came to Sudan in exchange for a reduction in their sentences).” That he presented no evidence did not prevent a leading French newspaper from publishing his claim.<sup>43</sup> A Quebec television website devoted to Sudan conflicts then put it that “A little known, but quite curious phenomenon is that of Chinese convicts who built the oil pipeline. The work was protected by thousands of Chinese soldiers, one of the most imposing military deployments outside China’s borders.”<sup>44</sup>

Media actively promote the rumor of Chinese convict labor. Chellaney’s article initially circulated in several newspapers. When we queried a media insider in Hong

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<sup>39</sup> “Local News,” Q95 FM radio (Dominica), Aug. 12, 2010, [www.wiceqfm.com/past\\_thu.html](http://www.wiceqfm.com/past_thu.html).

<sup>40</sup> “Businessman Says Government should Apply Labour Laws to Chinese Nationals,” Kairi FM (Dominica), Aug. 19, 2010, <http://kairifm.dm/modules/news/article.php?storyid=604>.

<sup>41</sup> “Government has no Information Indicating Chinese Engineers are Prisoners: National Security Minister,” Dominica News Online, Aug. 31, 2010.

<sup>42</sup> “Hubert Ingraham to Decide if he will Allow 5,000 Chinese Convicts to Enter the Country,” *Bahamas News*, Sept. 7, 2010.

<sup>43</sup> Gerard Prunier, “Sudan: Irreconcilable Differences,” *Le Monde Diplomatique*, Dec. 2002.

<sup>44</sup> “Soudan: Pax Americana,” Points Chauds: TeleQuebec, Feb. 2004, <http://points.telequebec.tv/sujet.aspx?EmissionID=46>.

Kong why the city's preeminent English newspaper would print Chellaney's story, he responded that Chellaney is a frequent contributor to media and this story fits thinking that editors already have about China. Representations by Western-led media about China in developing countries are often unfavorable and condescending. A study of UK broadsheet newspapers' treatment of China/Africa links found they are generally negative about it, while treating Africans as passive, childish actors, and disregarding negative roles played by Western entities in Africa.<sup>45</sup> A study of German media reached similar conclusions.<sup>46</sup> US journalist Te-Ping Chen has termed Western representations of China in Africa "the negative narrative."<sup>47</sup> Because China is seen as a competitor for Western interests and has a policy framework for developing countries not fully aligned with Western-led "global governance," media negativity about Chinese activities persists, despite some scholars' nuanced analysis and contrary evidence from pollsters on Africans' views about the Chinese presence.<sup>48</sup>

Media promotion of the rumor lends it a veneer of credibility and authority and creates conditions for what Sunstein calls "conformity cascades": the claim's circulation through the world's mainly Western-dominated media is enough for some observers to put aside their own doubts about the rumor's logic. A Dutch film specialist has written of his reaction to an Austrian filmmaker's seeming discovery of Chinese convicts building a stadium in Mozambique:

One day Ella observed the transport of a large group of Chinese prisoners to a building site. I imagined that the construction workers would live like prisoners . . . but actual prisoners I felt for sure hard to believe in a continent

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<sup>45</sup> Emma Mawdsley, "Fu Manchu versus Dr Livingstone in the Dark Continent? Representing China, Africa and the West in British Broadsheet Newspapers," *Political Geography* 27:5 (2008):509-529.

<sup>46</sup> Carola Richter and Sebastien Gebauer, *Die China-Berichterstattung in den deutschen Medien* (China reporting in the German media) (Berlin: Heinrich Boll Stiftung, 2010): 18, 161, [www.boell.de/downloads/bildungskultur/Neue\\_Endf\\_Studie\\_China-Berichterstattung.pdf](http://www.boell.de/downloads/bildungskultur/Neue_Endf_Studie_China-Berichterstattung.pdf).

<sup>47</sup> Te-Ping Chen, "China in Africa Podcast: Understanding the Negative Narrative," China Talking Points, June 12, 2010, [www.chinatalkingpoints.com/china-in-africa-podcast-the-negative-narrative/](http://www.chinatalkingpoints.com/china-in-africa-podcast-the-negative-narrative/).

<sup>48</sup> See Sautman and Yan, *African Perspectives*.

like Africa, where human labor is so available and so cheap. Anyway, when you google the words Africa/ Chinese /Prisoners/you will have to believe.<sup>49</sup>

### *Rumor Mongering*

#### *Domestic Politics*

Popular rumors of Chinese convicts also have a domestic political aspect. Western media often quote Michael Sata, leader of Zambia's opposition Patriotic Front (PF). In one of his anti-Chinese mobilizations, he claimed "Zambia has become a labor camp. Most of the Chinese are prisoners of conscience."<sup>50</sup> Some scholars, relying on media accounts, have echoed Sata's view. For example, two Taiwan-based scholars claimed that "In the last decade, over 30,000 Chinese had poured into Zambia, where low pay and abysmal working condition give Chinese operations the look of penal colonies."<sup>51</sup> Frank Bwalya, a priest famous for criticizing the Zambian government, stated at a 2010 rally that "Zambia has become a foreign prison for China. Prisoners from China are being brought to work in Zambia. Government should provide jobs for Zambians."<sup>52</sup>

In Zambia, the rumor is also a repudiation of Zambia's ruling Movement for Multi-Party Democracy (MMD). A post to a Zambian newspaper website from a Zambian in Israel has stated that

Chililabombwe, Kamenza Township has been infested by Chinese. [T]here are close to 500 Chinese in Chililabombwe alone... [T]hey are not qualified and skilled as MMD ministers put it. In fact, they have said they are prisoners where they come from. They are in Zambia to serve prison sentences. And now there are Indians moving in groups in Kamenza Township ... Mr. Sata is right.<sup>53</sup>

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<sup>49</sup> Gert Jan Zuilhof, "Raiding Africa," International Film Festival Rotterdam, s.d. 2010, [www.filmfestivalrotterdam.com/professionals/blogs/gertjan\\_zuilhof/raiding-africa/](http://www.filmfestivalrotterdam.com/professionals/blogs/gertjan_zuilhof/raiding-africa/).

<sup>50</sup> Bivan Saluseki, "I'm not Ashamed to Deal with Taiwan, says Sata," *The Post (Zambia)*, Nov.1, 2007.

<sup>51</sup> Songok Han Thornton and William H. Thornton, *Development without Freedom: the Politics of Asian Globalization* (Farnham, UK: Ashgate, 2008): 194. .

<sup>52</sup> "Change is Inevitable, Observes Fr Bwalya," *The Post (Zambia)*, Jan. 19, 2010.

<sup>53</sup> Godfrey Ndhlovu, post no. 35 to "Government Refutes Sata's Claims over Chinese Nationals in Zambia," LT, Oct. 27, 2007.

We have been to Chililabombwe and interviewed Chinese, from an Anhui Province-based mining construction firm working on mine shafts. Their working and living conditions typified those that give rise to rumors of Chinese prisoners: they move around in groups to their worksites and live dormitory-style, eight to a house. In no other respect is there the slightest hint they are convicts however.

The poster mentioned above and a Zambian in Canada who claimed Chinese convicts work in a Zambian mine,<sup>54</sup> were likely unaware that in 2007, a Minister was asked in Zambia's parliament about Chinese convicts supposedly working at the Chambishi copper mine, owned by China's Non-Ferrous Company Africa (NFCA). In 2010, a question was also raised in parliament about Chinese serving prison sentences in Zambia. The questioner in both cases was Chishimba Kambwili, a PF MP from Luanshya, a town now home to another NFCA-owned copper mine. No one who follows Zambian politics would have failed to understand that raising the matter of "Chinese in Zambia to serve prison sentences" was as an opposition effort to embarrass the government, which is "pro-China," but also "pro-Western."

In 2007, Kambwili asked how many Chinese prisoners work for NFCA. The Minister of Mines replied that the Department of Immigration issues work permits and confirmed there are no Chinese prisoners. Without offering evidence, Kambwili said he was "convinced beyond a reasonable doubt" that the Chinese government has prisoners at NFCA and asked whether the Ministry "had been to Chambishi to find out on their own whether there are Chinese prisoners working at the mine." The Minister spoke of "very exhaustive research" in which official and non-official sources confirmed there were no prisoners. He referred to "stringent instruments" of national and international law on prison labor and said Zambian law requires that

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<sup>54</sup> Hard MC, post no. 62 to "Zambia Deplore the Indictment of Sudanese President," LT, July 24, 2010.

prison labor be approved by the Commissioner-General of Prisons, who rarely does so. The Minister added that there is a United Nations convention to be satisfied,<sup>55</sup> so “it would be unlawful for any Government to engage in this type of activity.” He mentioned a lack of reciprocal agreement with China to bring in prisoners and asked Kambwili for evidence. Another PF MP asked what mechanism was in place to “screen these Chinese who are coming into this country so that we know whether they are prisoners or not . . .” The Minister said that in the work permits process “If there is any disclosure that a particular individual is a prisoner, we will probably not allow him to work here because we do not have that kind of arrangement.”<sup>56</sup>

In 2010, the question asked was “How many foreign nationals were serving prison sentences in Zambia in 2008 and 2009?” This may have been an indirect way of raising the same matter as in 2007, while not confining the question to mining at Chambishi. The Deputy Minister of Home Affairs replied that 761 foreigners of 31 nationalities were serving prison sentences in Zambia and produced a breakdown of these prisoners by nationality. PF MPs then enquired about only one nationality: Chinese. They asked why it was not on the list and were told that it was not there because no Chinese had been sentenced to prison in Zambia.<sup>57</sup>

The question of Chinese convicts has also become part of Sri Lankan politics. The main opposition, the neo-liberal United National Party (UNP), claimed in 2009 that 400 unskilled and semi-skilled Chinese prisoners are among builders of the biggest port in South Asia, at Hambantota, President Mahinda Rajapaksa’s home town. The

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<sup>55</sup> The Standard Minimum Rules for the Treatment of Prisoners, a non-binding UN document. The export of prison-made goods or convict labor per se does not appear to violate international law. Cf. Nigel Rodley, *The Treatment of Prisoners under International Law* (Oxford: Clarendon Press, 1999).

<sup>56</sup> “Chinese Prisoners Employed by NFC Mining Plc,” National Assembly of Zambia, Aug. 3, 2007, [www.parliament.gov.zm/index.php?option=com\\_content&task=view&id=576&Itemid=86&limit=1&limitstart=3](http://www.parliament.gov.zm/index.php?option=com_content&task=view&id=576&Itemid=86&limit=1&limitstart=3).

<sup>57</sup> “Foreign Nationals Serving Prison Sentences,” National Assembly of Zambia, Mar, 17, 2010, [www.parliament.gov.zm/index.php?option=com\\_content&task=view&id=1138&Itemid=86&limit=1&limitstart=2](http://www.parliament.gov.zm/index.php?option=com_content&task=view&id=1138&Itemid=86&limit=1&limitstart=2).

billion dollar project, 85% financed by China Exim Bank concessionary loans, was begun by China Harbor Engineering and Sinohydro Corp. in 2008.<sup>58</sup> The UNP claimed that Chinese infrastructure building is making Sri Lanka a colony, that Sri Lanka has 25,000 Chinese convicts (2,042 at Hambantota), and that Chinese projects exist due to official corruption.<sup>59</sup> A UNP MP has said most of “over a *lakh*” (100,000) Chinese working in Sri Lanka are prisoners who will not return to China.<sup>60</sup> The rumor is also promoted by an India-based ethnic Tamil party, which complains that Sri Lanka’s government gives contracts to rebuild Tamil areas ruined in Sri Lanka’s civil war to Chinese, not Tamils. It also alleges that prisoners are used as a cover for Chinese intelligence agencies.<sup>61</sup> Local media have run stories that assert Chinese prisoners will stay on in Sri Lanka, perhaps in order to create Chinese military bases close to India.<sup>62</sup> No evidence of a Chinese convict presence has been presented, but Sri Lankan journalists critical of the government speak of it as a fact:

That a large number of Chinese convicts are present in various parts of the country, engaging in manual labor in Chinese funded infrastructure projects is an open secret. This is an unprecedented development which can have long term repercussions, both national and regional.<sup>63</sup>

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<sup>58</sup> “Can China Bear a Regime Change in SL?” *Daily Mirror* (DM) (Sri Lanka), Nov. 11, 2009; Halik Azeez, “China Holds Sway at Hambantota,” *Sunday Leader* (Sri Lanka), July 4, 2010.

<sup>59</sup> “SL would Virtually become a Chinese Colony: UNP MP,” DM, June 10, 2010; “SL is Now a China’s Colony: Dayasiri Jayasekera,” *Colombo Times* (CT), June 11, 2010.

<sup>60</sup> “Sri Lanka will Become a Chinese Colony at the End of the Rajapaksa Regime: UNP MP Rajan Ramanayake,” July 24, 2010, <http://worldtamilrefugeefrom.blogspot.com/2010/07/if-this-situation-continues-without-any.html>.

<sup>61</sup> Jayalithaa Wams Centre Against Presence of Chinese Convict Labour in Lanka,” *The Statesman* (India), June 18, 2010.

<sup>62</sup> See, e.g. Policy Research Group, “How the Chinese Dragon is Gobbling Up the Sri Lankan Lion,” [lankaenewspapers.com](http://lankaenewspapers.com), May 15, 2010; “One Lakh Ten Thousand Chinese in SL Irk Indian and American Govts,” Lanka-e-news, May 15, 2010, <http://www.lankaenews.com/English/news.php?id=9550>.

<sup>63</sup> Tisarane Gunasekera, “The War on Media Resumes,” *Asian Tribune*, Aug. 1, 2010.

More than a month before Chellaney's claim of Chinese convicts in Sri Lanka, that country's government stated that no Chinese prisoners are employed in the country.<sup>64</sup> Yet, in his articles, Chellaney neglected to mention this denial.

In some developing countries, rumors of Chinese prisoners also have deliberate economic aims, connected to competition between local and Chinese construction companies. The charge has been made by a prominent local building firm owner in Sri Lanka<sup>65</sup> and by the CEO of a "leading player" in Kenya's construction industry.<sup>66</sup> In Namibia, a local construction boss stated: "We have a hard time getting jobs from government, while the Chinese ship in container-loads of prisoners to work on public projects."<sup>67</sup> An Irish visitor has recounted that in Tajikistan, upon seeing a road being built from the Chinese border to the capital, Dushanbe, "I was told it was being built by Chinese convicts so that the country could be flooded with cheap products."<sup>68</sup> He attributed the rumor to anti-Chinese racism common in Central Asia, but it may have originated with Tajik business people whose goods compete with Chinese products.

### *International Politics*

Then there is international politics. What else could promoters of the China Threat idea, such as Challeney, add to their litany of charges that would be sufficient to provoke a headline like the one that accompanied his article in a Thai newspaper: "China's Global Human Rights Reputation Hits New Low"?<sup>69</sup> What better way to deflate China's soft power than to claim it exports prison labor, thereby undermining security and employment opportunities in receiving states. An analysis of China-Sri

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<sup>64</sup> Sharmila, "External Affairs Ministry says Chinese Prisoners not Employed in Sri Lanka," *Virakesari* (Sri Lanka), June 20, 2010, in BBC Worldwide Monitoring, June 23, 2010.

<sup>65</sup> "Chinese Prisoners used in Lankan Development Projects," CT, Dec. 22, 2009.

<sup>66</sup> "Spenco Cries Foul over Chinese Industry Invasion," *East African Business Week*, Oct. 15, 2007.

<sup>67</sup> S. van den Bosch, "China in Africa: South-South Exploitation?" InterPress Service, May 21, 2009.

<sup>68</sup> Will Clowes, "China's Changing Minds," *Trinity News* (Ireland) no. 4 (Nov. 2008), [www.trinitynews.ie/index.php/features/6-features/331-...?fontstyle=f-smaller](http://www.trinitynews.ie/index.php/features/6-features/331-...?fontstyle=f-smaller).

<sup>69</sup> Brahma Chellaney, "Convicts for Exports: China's Global Human Rights Reputation Hits New Low," *The Nation*, July 29, 2010.

Lanka relations note that the rumors “have the potential of triggering anti-China public sentiment and souring the current Sino-Sri Lankan bonhomie.”<sup>70</sup>

There was an issue in the US in the 1990s of China’s exporting prison-made goods to the US. The US compelled China to prohibit such exports, even though the US exports prison-made goods and allows for private use of prison labor, in violation of international law protections against forced labor.<sup>71</sup> For example, in 2010 BP extensively used (overwhelmingly African-American) unpaid prison labor in the US Gulf Coast oil clean-up, working convicts up to 72 hours a week under hazardous conditions and housing many in containers.<sup>72</sup> The issue of China’s exported prison-made goods never caught on outside the US however and has receded, but the rumor of Chinese convicts abroad has now appeared.

In response to a plan by Governor Arnold Schwatzenegger to export California convicts to Mexican prisons, it has been noted that a sovereign nation is not obliged to receive prisoners who have not committed crimes within its borders.<sup>73</sup> In fact, exported prisoners could hardly come even covertly, because few governments would accept the political and security risks. Early colonial period English philosopher-scientist Francis Bacon articulated the common sentiment that it is shameful to export convicts, who are “the scum of people and wicked condemned men.”<sup>74</sup> In the late 18<sup>th</sup> and 19<sup>th</sup> centuries, the US criminalized importation of convicts,<sup>75</sup> because, as President Abraham Lincoln’s future Secretary of State William Seward orated, if

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<sup>70</sup> Sudha Ramachandran, “Sri Lankan Waters Run Deep with China,” *Asia Times*, Aug. 13, 2010, [www.atimes.com/atimes/South\\_Asia/LH13Df02.html](http://www.atimes.com/atimes/South_Asia/LH13Df02.html).

<sup>71</sup> Susan Kang, “Forcing Prison Labor: International Labor Standards, Human Rights and the Privatization of Prison Labor in the Contemporary United States,” *New Political Science* 31:2 (2009): 139-161 (160).

<sup>72</sup> “BP Hires Prison Labor to Clean Up Spill while Coastal Residents Struggle,” *The Nation* (US), July 21, 2010.

<sup>73</sup> “Governor Looks South of the Border for Prisons,” *San Francisco Chronicle*, Jan. 26, 2010.

<sup>74</sup> Francis Bacon, “On Plantations,” in *Essays: Moral, Economical and Political* (London: John Sharpe, 1822)[1597]: 125-128 (125).

<sup>75</sup> See Juliet Stumpf, “States of Confusion: the Rise of State and Local Power over Immigration,” *North Carolina Law Review* 88 (2008): 1557-1618 (1567).

Europe sent convicts to the US, it would “deteriorate fatally the character, the prosperity and the virtue of the people.”<sup>76</sup> When British Indian authorities sought to send to present-day Malaysia and Singapore rebels captured during India’s first war for independence, those colonies refused to take them.<sup>77</sup> After Chellaney’s article appeared, an Indian newspaper reported that

Several diplomats . . . from countries where Chinese firms were working on big projects dismissed the likelihood that prison labor was being widely used, citing security concerns as well as an already sensitive situation involving Chinese firms overseas . . . “Chinese workers overseas is already a sensitive issue, just by their being there and working on projects in large numbers,” said a diplomat from an African country. “Why on earth will China make matters worse by shipping out criminals? It is very hard to believe.”<sup>78</sup>

The US government has however spread rumors about the export of Chinese convict labor. In a 2010 State Department report on human trafficking it asserted that

An increasing number of Chinese and Indian men recruited to work in Chinese or Indian-owned mines in Zambia’s Copperbelt region are reportedly exploited by the mining companies in forced labor. After work hours, some Chinese miners are confined to guarded compounds surrounded by high concrete walls topped by electrified barbed wire.”<sup>79</sup>

We have interviewed Chinese at mines in Zambia. They are salaried, highly-skilled workers, engineers or managers. Their compounds’ walls and wire serve the same function as similar structures throughout Africa and the world: to keep out intruders.

### *Rumor Refuting*

Propagators of rumors of exported Chinese convict labor have failed to offer evidence, which might include reports of escapees, asylum applications, admissions by some Chinese to outsiders or within Chinese communities, or physical discipline and strict surveillance of workers by Chinese supervisors. No such evidence exists;

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<sup>76</sup> “Senator Seward’s Western Tour,” NYT, Sept. 15, 1860.

<sup>77</sup> Anand Yang, “Indian Convict Workers in Southeast Asia in the Late 18<sup>th</sup> and Early Nineteenth Centuries,” *Journal of World History* 14:2 (2003): 179-208 (207-208).

<sup>78</sup> “China Denies Exporting Convict Labor for Overseas Projects,” *The Hindu*, Aug. 11, 2010.

<sup>79</sup> US State Department, “Trafficking in Persons Report 2010: Country Narrative: Countries N through Z, June 14, 2010, [www.state.gov/g/tip/rls/tiprpt/2010/142761.htm](http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm).

yet, confronted by persistent, pervasive rumors, only a few observers retain a modicum of skepticism. A Western expat in Mozambique has sardonically blogged

I often see a Chinese bus full of sleepy, overall-clad workers being ferried across town in the early morning, and fancy that these are the convicts. But, probably not . . . these guys look miserable, but not *that* miserable! I'd like to know where these convicts are. Do they wear stripes..? Are they on chain-gangs? Have any yet fled into the African bush?!<sup>80</sup>

The last of this observer's rhetorical question is pertinent: why have no escapes been reported? From 1717 to 1787, British authorities sent 20,000 convicts to their colonies in Virginia and Maryland and 16% of those transported to Maryland escaped after arrival.<sup>81</sup> There are now hundreds of thousands of Chinese in Africa, with some living furtively, due to a lack of visas. One would expect at least some putative cases of convicts doing the same. If Chinese convicts were in developing countries, states that regard China as a "strategic competitor" could also gain a propaganda coup by welcoming convicts to their embassies as political asylum applicants.

There may be former Chinese prisoners among the hundreds of thousands of Chinese working in developing countries, but no research on the Chinese presence in Africa has found the rumors of Chinese convict labor to be true. In the ten African countries where we have carried out research on China-Africa links, no one we spoke to about Chinese convicts could substantiate the rumors. Chinese construction firm managers not only deny it, but find it risible:

The construction company representatives laugh when confronted with talk of droves of Chinese convicts being brought to Namibia to work on construction sites, in the process denying Namibians much needed jobs, and add that over the years many more rumors have been spread in order to discredit them.<sup>82</sup>

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<sup>80</sup> Dom, "China in Mozambique," Africa Heart, Mar. 4, 2010, [http://dominika-debska.blogspot.com/2010\\_03\\_01\\_archive.html](http://dominika-debska.blogspot.com/2010_03_01_archive.html).

<sup>81</sup> John Langbein, "The Historical Origins of Sanction of Imprisonment for Serious Crime," *The Journal of Legal Studies* 5:1 (1976): 25-60 (58); Farley Grubb, "The Transatlantic Market for British Contract Labor," *Journal of Economic History* 60:1 (2000): 94-122 (108). .

<sup>82</sup> "Getting Up to Shenzhen Speed," *Insight* (Namibia) (Apr. 2006): 21, [http://crgp.stanford.edu/publications/articles\\_presentations/Chinese\\_puzzle.pdf](http://crgp.stanford.edu/publications/articles_presentations/Chinese_puzzle.pdf).

Chinese managers we interviewed in Africa found the idea of importing convicts laughable because of African governments' close scrutiny of and long delays in processing applications for visas and work permits. Managers complain that it takes many months or even years to obtain visas and work permits and that bringing anyone from China is expensive. In 2010, visas for Chinese workers going to Angola, together with travel costs and welfare payments, cost as much as US\$20,000.<sup>83</sup>

Other researchers of China/Africa links have also found no evidence of Chinese convicts. Deborah Brautigam has stated that "I ask about this issue fairly frequently during my research and have never come across any evidence of Chinese prisoners working in Africa."<sup>84</sup> Martyn Davies, head of the South African research and strategy consultancy Frontier Advisory, has described the claims as "absolute rubbish."<sup>85</sup> Anna Ying Chen, research associate at the South African Institute of International Affairs, has said that "The rumor that Chinese companies employ prisoners who are confined to their own camp to save costs is indeed a misperception."<sup>86</sup> Chris Burke and Lucy Corkin, in a report on Chinese construction firms in African countries, wrote that although there were "widespread rumors of Chinese construction companies in all countries surveyed using Chinese prison labor . . . we found no evidence to support these rumors."<sup>87</sup> Swiss journalists Serge Michel and Michel Beuret, who visited many African countries for a book on the Chinese presence, have said that "in all our travels we have not met a single [Chinese prisoner] and feel free to assert that this is anti-

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<sup>83</sup> Thornilley, *Chinese Entrepreneurs*.

<sup>84</sup> Deborah Brautigam, "Is China Sending Prisoners to Work Overseas?" *China in Africa: the Real Story*, Aug. 13, 2010, [www.chinaafricarealstory.com/](http://www.chinaafricarealstory.com/).

<sup>85</sup> "Chinese will Maintain African Investment, says Frontier Advisory," *Metals Bulletin*, Feb. 12, 2009.

<sup>86</sup> Anna Ying Chen, "China's Role in Infrastructure Development in Botswana," SAIIA, Occ. Paper No. 44 (Sept. 2009): 11.

<sup>87</sup> Chris Burke and Lucy Corkin, "China's Interest and Activities in Africa's Construction and Infrastructure Sectors" (Stellenbosch: CCS, 2008): 82.

Chinese propaganda.”<sup>88</sup> The African Labor Research Network produced in 2009 a lengthy, critical study by African researchers of Chinese investment in African countries. Its ten lengthy case studies focused on labor conditions for Africans and Chinese, but none reported any presence of Chinese convicts.<sup>89</sup>

Rumor propagators also cannot explain why China’s government would incur the reputational risk and expense to send convicts abroad. After all, few convicts are highly-skilled. An Angolan responding to the rumor, transmitted by Germans building a brewery in Huambo, that Chinese prisoners were building a railway there, observed that “this made no sense [as] it was important for the companies working in Angola to have good workers, and if there were prisoners on the work crews, then the bosses would only have problems and this would be counter-productive.”<sup>90</sup> In developing countries moreover, labor is relatively cheap. Human Rights Watch has observed that

It was widely rumored in the oil business in Sudan that the Chinese planned to bring in prisoners to build the pipelines, which was allegedly how they underbid others to get the pipeline contract. Still, it is difficult to see how Chinese laborers brought to Sudan could live and work for less than southern Sudanese laborers, even Chinese prisoners, because of the transportation cost . . .<sup>91</sup>

Often claims of Chinese convicts abroad are based on the idea that China overflows with prisoners. In fact, China has about the same number of prisoners -- including all those in administrative detention -- as the US does (some two million), although

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<sup>88</sup> Serge Michel and Michel Beuret, *China Safari: on the Trail of Beijing’s Expansion in Africa* (New York :Nation Books, 2009): 252.

<sup>89</sup> Anthony Yaw Baah and Herbert Jauch, *Chinese Investments in Africa: a Labour Perspective*, African Labor Research Network, 2009 <http://sask-fi-bin.directo.fi/@Bin/c69828e96b93871035b9fd468577631d/1283335997/application/pdf/298928/China-Africa%20Report%202009-final.pdf>. Alex Vines, “China in Africa: a Mixed Blessing?” *Current History* (May 2007): 213-219 (216) (“Although rumors of the use of Chinese prison labor are widespread, there is no evidence to support this”); Michael Chege, “Economic Relations Between Kenya and China, 1963-2007,” in Jennifer Cooke (ed.), *U.S. and Chinese Engagement in Africa* (Washington: CSIS, 2008): 12-32 (28) (Chinese “companies are charged with using prison labor, even if no evidence to that effect has ever come out in Kenya”).

<sup>90</sup> “The Bavarians in Huambo,” CS Angola Project, Oct. 13, 2009, [http://c6angola.wordpress.com/2009/10/page/2./](http://c6angola.wordpress.com/2009/10/page/2/)

<sup>91</sup> Human Rights Watch, “Sudan, Oil and Human Rights,” Nov. 23, 2003, [www.hrw.org/en/node/12243/section/32](http://www.hrw.org/en/node/12243/section/32).

China's population is more than four times as large.<sup>92</sup> Moreover, "Federal prisons house 60% more inmates than they were designed for. State lock-ups are only slightly less stuffed." Annual incarceration costs for US prisoners range from \$18,000 in Mississippi to \$50,000 in California. The two reasons given by Schwarzenegger for his proposal to export US prisoners to Mexico were overcrowding and cost-saving,<sup>93</sup> yet Chinese prisons do have no economic incentive to export inmates. In 1999, the average annual cost of incarcerating a prisoner in China was RMB 10,000 (about US\$1,200) and Chinese prisoners produce saleable goods that partly cover their incarceration costs. Even if the cost of incarceration has doubled since then, savings could hardly be had by shipping them to far-off countries.

#### On an Unlevel Playing Field: Chinese Reactions to Claims of Convicts Sent Abroad

Rumors are very difficult to dispel, especially in the internet age, so much so that Cass Sunstein, Harvard legal scholar and head of Obama's White House Office of Information and Regulatory Affairs, questions long-held beliefs about the marketplace of ideas bringing about truth: "Far from being the best test of truth, the marketplace can ensure that many people accept falsehoods . . . The problem is serious and pervasive, and -- with the growing influence of the Internet and new kinds of surveillance -- it seems to be increasing."<sup>94</sup>

Efforts at dispelling rumors may end up being "self-defeating corrections," reinforcing the belief in the rumors.<sup>95</sup> A source of political "information" everywhere, rumors are more apt to be credited where they arise in a political culture deemed to be non-transparent. A Dutch scholar of China's public diplomacy has typically argued

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<sup>92</sup> Roy Walmsley, "World Prison Population List," (8<sup>th</sup> ed.), Kings College London, International Centre for Prison Studies, 2008, [www.kcl.ac.uk/depsta/law/research/icps/downloads/wpp1-8th\\_41.pdf](http://www.kcl.ac.uk/depsta/law/research/icps/downloads/wpp1-8th_41.pdf).

<sup>93</sup> "Two Many Laws, Too Many Prisoners," *Economist* (UK), July 22, 2010; "Practical, Humanitarian Means Can Help Relieve Crowded Chinese Prisons," *Dialogue*.Online, no. 25 (Spring, 2009), [www.duihua.org/work/publications/nl/dialogue/nl\\_txt/n135/n135\\_2c.htm](http://www.duihua.org/work/publications/nl/dialogue/nl_txt/n135/n135_2c.htm); Buchanan, Governor Looks.

<sup>94</sup> Sunstein, *On Rumors*: 10.

<sup>95</sup> *Ibid*: 46.

that the Chinese government is almost necessarily disbelieved, because “State organizations . . . are seldom trusted as messengers and China’s government is trusted even less by foreign audiences.”<sup>96</sup> It follows that even if the Chinese government denies it sends out convicts, as it did in 1991 and 2010, the denials are to be dismissed as “propaganda,” allowing the rumors to subsist. China’s officials, such as its ambassador to Algeria, have consistently denied that China exports prisoners.<sup>97</sup> Its Ministry of Commerce, Department of Outward Investment and Economic Cooperation, argued that Chellaney has no evidence and that the Law of the People’s Republic of China on the Control of Exit and Entry of Citizens forbids persons with criminal or administrative detention records to leave the country to work.<sup>98</sup> The Chinese Embassy in Britain has added that “Chinese companies are not permitted to hire people with criminal records to work on their overseas projects.”<sup>99</sup> Yet, Chinese officials find themselves in the same position as Obama, who has said in frustration that he often denies claims he is foreign-born, but “can’t spend all of my time with my birth certificate plastered on my forehead.”<sup>100</sup>

With Chinese government denials dismissed out of hand, Western media negativity about the Chinese government and reflexive characterization of Chinese statements as propaganda are sufficient to unlevel the discursive field. The same dismissive attitude holds true for denials by developing country officials. A researcher who has studied perceptions of the Chinese in Angola has related that because of the local government’s credibility problem

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<sup>96</sup> Ingrid d’Hooghe, “The Limits of China’s Soft Power in Europe: Beijing’s Public Diplomacy Puzzle,” Netherlands Institute of International Relations “Clingendael” Paper no. 25, Jan. 2009: 30, [www.clingendael.nl/publications/2010/20100100\\_cdsp\\_paper\\_dhooghe\\_china.pdf](http://www.clingendael.nl/publications/2010/20100100_cdsp_paper_dhooghe_china.pdf).

<sup>97</sup> Inforguerre.com, 2008: 7.

<sup>98</sup> “Report on China Sending Convicts Abroad to Labor Denied,” Xinhua, Aug. 10, 2010.

<sup>99</sup> Untitled letter to *The Guardian*, appended to Chellaney’s article on Aug. 20, 2010, [www.guardian.co.uk/commentisfree/libertycentral/2010/jul/29/china-export-convict-labour](http://www.guardian.co.uk/commentisfree/libertycentral/2010/jul/29/china-export-convict-labour).

<sup>100</sup> “Obama Blames Online ‘Misinformation’ Campaign for Creating Myth that he is Muslim,” Asian News International, Aug. 30, 2010.

During informal conversation I was told “*Angola is a land of rumors*” and I later met this problem several times during my collection of information. People often referred to rumors and the word on the street, for example, that the governmental-owned Chinese enterprises used Chinese prisoners as work force in Angola.<sup>101</sup>

With the Chinese and developing country governments written off as not credible, it is rare for those reporting the existence of Chinese convict labor abroad to indicate that their assertion is based on rumor. A few who foster the rumor admit that evidence for it has not yet been produced, but chock that up to the disingenuousness of receiving state governments. A Nigerian on a US-based diaspora website has written that

The latest information on the atrocities of the Chinese against Africans is the practice of bringing Chinese convicts who are released to come and serve their sentences in Africa by providing cheap labor to Chinese firms, thereby undermining the local technicians. This is true, but has not been documented anywhere for now. Who will confront them and do the right thing? Not our dealers masquerading as leaders.<sup>102</sup>

Firms accused of employing prisoners have also issued denials, explained why importing convicts is not possible, and provided background about the Chinese they do employ. When Shanghai Construction Co. began building the Sekondi Sports Complex in Ghana, a Ghanaian reporter asked the firm’s CEO, a Mr. Hu, “how many prisoners he had brought to Ghana for the job,” a question based on an existing “widespread rumor, which has already been carried by different media houses to the effect that his company has brought into the country Chinese prisoners to work on the project.” Hu said the 60 Chinese workers at the site were employees of his firm in China experienced in stadium construction and 60 more would come to help meet the completion deadline. Some Chinese were doing unskilled work at the site because a Ghanaian company that Hu had hired to supply local workers was still gearing up to do so, a statement confirmed by the Ghanaian firm. Hu queried the assembled

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<sup>101</sup> Bjorn Erik Loken, *Development for Whom? Narrative on the Impact of Chinese Involvement in Angola*, Unpub’d master’s thesis, Department of Geography University of Bergen, 2009: 61.

<sup>102</sup> Olamide, response to Adeniyi Ologunleko, “China: the Dangers of the Dragon,” Nigerian Village Square, Dec. 26, 2008, [www.nigeriavillagesquare.com/j/index.php?option=com\\_content&view=article&id=11044:china-the-dangers-of-a-dying-dragon&catid=67:Guest%20&Itemid=46](http://www.nigeriavillagesquare.com/j/index.php?option=com_content&view=article&id=11044:china-the-dangers-of-a-dying-dragon&catid=67:Guest%20&Itemid=46).

journalists: “If these workers were Chinese prisoners, why did the Ghana government grant them visas to enter this country to work?”<sup>103</sup>

More telling still were responses to the rumor by two well-known former Chinese citizens now living in the US. The BBC’s Chinese service asked Harry Wu (Wu Hongda 吴弘达) for his view of Chellaney’s charges. Wu, founder of the Laogai Foundation in the US, served 19 years in prisons as a counterrevolutionary, moved to the US, and became a political activist critical of the Chinese government, especially of its prison system. He responded that it is impossible that China exports prisoners overseas. Wu stated that Chinese firms overseas sometimes use a “military camp” (junying, 军营) management style, which may give the misimpression that employees are prisoners, but added that as far as labor export is concerned, China does not lack labor resources and has no need to export prisoners. Wu concluded that he has found not even a clue that China sends prisoners overseas. The BBC also interviewed Li Qiang, head of US-based China Labor Watch and critic of the Chinese government on labor issues. He stated that the probability is rather low that the Chinese government would allow Chinese firms to export prisoners, as it clearly understands how much damage this would do to China’s image internationally.<sup>104</sup>

Chinese journalists and netizens have also commented on the rumors. In the weeks that followed the publications of Chellaney’s article, news of it and responses appeared on tens of thousands of Chinese-language websites. Some comments regard the rumors as shockingly stupid, deeply ideological China-bashing. A newspaper article focused on Chellaney’s lack of evidence for any of his claims and

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<sup>103</sup> “Employ Local People: Osafo-Maafa to Chinese,” Ghanaian News Agency, Feb. 9, 2006, <http://ghananationalcouncil.org/blog/2006/02/>; “Controversy over Chinese Workers,” *Ghanaian Chronicle*, Feb. 9, 2006.

<sup>104</sup> Wei Liang “Zhongguo xiang haiwai shuchu qiufan: zhize yu fanbo” (Chinese export of prison labor overseas: accusations and rebuttals), BBC Zhongwen Wang, Aug. 1, 2010, [www.bbc.co.uk/zhongwen/trad/china/2010/08/100810\\_ana-China\\_prisoner.shtml](http://www.bbc.co.uk/zhongwen/trad/china/2010/08/100810_ana-China_prisoner.shtml).

commented on his “anti-China” politics and his national and gender discriminatory positions within the Indian political context.<sup>105</sup> One poster to a BBS sarcastically called the allegation “creative,” but figured if indeed prisoners were exported to work, they would likely accomplish nothing, given the need for surveillance, their unwillingness to show initiative, and their low level of skill.<sup>106</sup> Another netizen argued it is obviously more costly, financially and politically, to surveil convicts sent abroad than keep them imprisoned in China.<sup>107</sup> Others have seen the mistaking of Chinese workers as prisoners as an opportunity to reflect on the conditions of Chinese working abroad. One pointed out that in the past thirty years many average Chinese have not enjoyed the fruits of China’s development, including some who had gone abroad to work, but have instead had onerous working conditions that lead people abroad to erroneously conclude that they are prisoners.<sup>108</sup>

#### Conclusion: Convicts Abroad as the New Metaphor for China

The notion that China sends convicts to developing countries is only new in the sense that, with media syndication and the internet, the rumor is now heard globally for the first time. It is often embedded in a discourse of negative characteristics attributed to “China,” whose antagonists can promote the notion as a new metaphor for the country. It groups together condemnatory themes. There is a theme of authoritarianism, with its super-abundance of prisoners and “slave laborers,” an idea promoted by some Western officials, such as one from the US embassy in Angola

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<sup>105</sup> Sun Lizhou, “Ying wang you libo Yindu xuezhe huangyan” (British netizens forcefully refute Indian scholar’s lies), *Qingnian Cankao*, Aug. 13, 2010, [www.cyol.net/qnck/content/2010-08/13/content\\_3374617.htm](http://www.cyol.net/qnck/content/2010-08/13/content_3374617.htm).

<sup>106</sup> Han Mei, “Zhen you chuangyi a!” *bbs.huanqiu.com*, Aug. 23, 2010, <http://bbs.huanqiu.com/huanqiubaoliaotai/thread-418129-1-1.html>.

<sup>107</sup> Liu Haitian, “‘Zhongguo pai qiufan dao jingwai zuo laogong’ baodao shi yuchunde zhengzhi wumie” (The report on China sending convict laborers abroad is stupid political slandering), Aug. 10, 2010, [http://blog.sina.com.cn/s/blog\\_5e13dc040100k4m1.html?retcode=0](http://blog.sina.com.cn/s/blog_5e13dc040100k4m1.html?retcode=0).

<sup>108</sup> Zhuo Jing, “Cong ‘chu kou’ qiu fan shuo kan Zhongguo dagongzai de shengcun zhuangkuang” (Reflecting on conditions for Chinese migrant workers from the thesis of China exporting prisoners), Aug. 24, 2010, <http://zhjys.blog.sohu.com/158539212.html>.

who told a public forum in Luanda that China is trying to create a “new slave empire in Africa.”<sup>109</sup> There is also a theme of yet another Chinese export, along with purported “floods” of cheap, hazardous goods, that threaten the employment and safety of peoples of importing countries. There is the additional theme of colonialism, which includes the idea that sending convicts abroad involves not just their cruel exploitation, but also implantation of the agents and castoffs of a colonial metropole.

To speak of the export of Chinese prisoners will now be to conjure up this whole emotionally evocative mix. Metaphors are often used in fiction, where a suspension of disbelief may be required. The lack of evidence of the rumors’ veracity thus presents no great obstacle to its deployment as a metaphor in soft power strategic competition, as studies cited above indicate Western media construct a narrative that portrays China in developing regions as neo-colonialist and the West as beneficent.

Repudiations of claims that Chinese prisoners work abroad raise the question of whether rumor promoters, such as Chellaney, understand principles of proof. Perhaps they concur with the logic of former US Secretary of Defense Donald Rumsfeld’s statement about non-existent weapons of mass destruction in pre-war Iraq: “the absence of evidence is not evidence of absence.” They also seem unaware that one against whom a claim is made does not have the burden of proof, especially to prove a negative -- such as that it does not send out prisoners -- but that the whole burden of going forward with evidence lies with the claim’s proponents.

The unquestioned acceptance and unchecked circulation of the “urban myth” of Chinese convicts abroad through mainstream media outlets should give us pause: like a ghost, the rumor’s materiality consists of nothing more than the effects its putative presence has on the people who believe in it. Perhaps then not all prisoners are

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<sup>109</sup> Jesse Ovadia, “China in Africa: a ‘Both/And’ Approach to Development and Underdevelopment with Reference to Angola,” *China Monitor* (South Africa), Aug. 2010: 11-17 (16 fn. 14)..

confined behind thick walls and electrified fences; some sit behind editorial desks and are prisoners of their own ideological prejudices. The Chinese government may have largely worked within the existing international order and conciliated the big powers, but its residual political difference and putative rise is the new context in which Western and allied political forces are geared up for an extended effort at “containment.” As in the last great effort, first of containment and then dissolution of the former “socialist bloc,” demonization will be a key element in the contest.<sup>110</sup> The notion that China exports convicts to developing countries is likely to have a role in that struggle, because even in the absence of proof, these rumors are ghosts that can be chased after, but cannot be easily chased away.

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<sup>110</sup> See, e.g., Stefan Halper, *The Beijing Consensus: How China’s Authoritarian Model will Dominate the 21<sup>st</sup> Century* (New York: Basic Books, 2010).