

# Chasing Ghosts: Rumours and Representations of the Export of Chinese Convict Labour to Developing Countries

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## Abstract

A recent addition to the global discourse of China's interaction with developing countries has been the claim that the Chinese government exports prison labour to these countries. While no evidence is ever presented to support this claim, it has been widely circulated in international and local media, as well as on the internet. This article examines the origins of the rumour and the mechanisms of its transmission. It shows that while the rumour often originates at the grass roots in developing countries, it is promoted locally and globally by political, economic and media elites with distinct agendas that often involve building support for opposition parties, competition in obtaining contracts, or geo-strategic and ideological rivalry. We analyse the rumour's circulation in light of the larger discourse on China and developing countries, and discuss why Chinese official responses to the claim have proved to be ineffective.

**Keywords:** China; Africa; convict labour; rumour

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A political rumour people believe is true can grow despite an absence of evidence, if forces are interested in sustaining it. Take the rumours 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 per cent of supporters of his own Democratic Party believe he is a Christian, down from 55 per cent in March 2009. Some 18 per cent of Americans, up from 11 per cent 18 months earlier, believe him to be a Muslim and 43 per cent say they do not know his religion, while 27 per cent (up from 20 per cent four months earlier) doubt Obama was born in the United States, a constitutional requisite to being president. Obama is demonstrably not the foreign-born Muslim rumours depict, but his communications director has noted the credence placed in the "tweets of discredited rabble-rousers."<sup>1</sup> Obama's detractors concentrate

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<sup>1</sup> Sheryl Stolberg, "In defining Obama, misperceptions stick," *New York Times*, 19 August 2010.

in the media: 60 per cent of those polled who think he is a Muslim said they learned it there, while 15 per cent cited his behaviour, words, ancestry, family background, appearance or name.<sup>2</sup> The media-spread rumour that he is a foreign-born Muslim implies a belief that Obama, his aides, and public and private organizations conspire to cover up the secrets of his true faith and nativity.

From the late 2000s, rumours have circulated globally that China sends convicts to developing states.<sup>3</sup> In 2010, newspapers on five continents promoted these rumours to “facts” by publishing sensational, but unsubstantiated, charges about the export of 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 conjuror of this spectre. His claim is also one of conspiracy, in which the Chinese government, its state-owned enterprises (SOEs), and, it is implied, Chinese communities and national governments in developing countries, keep secret the transfer of large numbers of Chinese convicts abroad.

This article first examines rumoured images of Chinese convict labour in developing countries and then analyses the confluence of actors and interests that have produced and circulated the rumours. Finally, it gauges their political impact. Rumours of Chinese convict labour began locally, “from below,” as conjectures of non-elites, but their internet propagators – often Western visitors or expatriates and members of the African diaspora in the West – put the rumours 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 rumour 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 labouring 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

2 “Growing number of Americans say Obama is a Muslim,” Pew Research Center, 19 August 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).

3 See e.g. Massimo Alberizzi, “Somalia: preoccupazione dietro i sorrisi” (“Somalia: concern behind the smiles”), *Corriere della Sera* (Italy) 31 August 2007 (to conquer Africa, Chinese state uses forced labour from China to build roads, buildings and railroads); Editorial, “Beware Chinese bearing gifts,” *Sunday Times* (South Africa), 5 September 2010 (China’s “approach to building infrastructure [is] shipping in prison labour rather than passing on skills and hiring locals”).

4 See e.g. “China now exports its convicts,” *Japan Times*, 5 July 2010; “Exporting convicts stains China’s reputation,” *Globe & Mail* (Canada), 27 July 2010; “Convicts for export,” *Daily News Egypt*, 28 July 2010; “China’s newest export: convicts,” *Guardian* (UK), 29 July 2010; “China’s convict shame,” *The Australian*, 5 August 2010.

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

The rumour 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 per cent 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 rumours, 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 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 rumours 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

5 Jamie Monson, “Freedom railway: the unexpected successes of a Cold War development project,” *Boston Review* (December 2004–January 2005).

6 Roberta Cohen, “China has used prison labor in Africa,” *New York Times*, 11 May 1991.

7 Chen Guoqing, “China doesn’t use prison labor in Africa,” *New York Times*, 1 June 1991.

8 Andrew Malone, *Daily Mail*, 18 July 2008.

9 Cass Sunstein, *On Rumors* (New York: Farrar, 2009), p. 21.

10 www.galizur.com, s.d., July 2010, www.galizur.com/forums/showthread.php/74-Is-China-exporting-prisoners-to-Ghana?s=156b1490b91828b740e7b3c51eb7d00f.

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

12 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 for reasons of space. To obtain these and other sources making such claims please contact sobarrys@ust.hk.

fight rebels, build a pipeline, guard oil installations in Sudan, put up parliament buildings in Malawi and Gabon, work in mines and build power stations in Zambia, labour 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 Defence 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 doughnuts 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 people permanently residing in supposedly affected countries. Fewer claims still involve people who work or live near sites where purported convicts labour or reside.

“Eyewitnesses” mostly draw inferences based on passive sightings of Chinese, who are seen as having a putative characteristic of prisoners, such as engaging in long hours of gruelling labour. For example, it has been implied that convict labour may have been used to build a 1,500-kilometre 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 labour and living conditions of Chinese workers is not very far from that of prisoners.<sup>14</sup>

The rumours 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 labour. An anthropologist encountered the rumour 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 rumours. 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 rumours are obviously unfounded, but readily believed.<sup>15</sup>

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

13 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).

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

15 Gregor Dobler, “Solidarity, xenophobia and the regulation of Chinese businesses in Namibia,” in Chris Alden (ed.), *China Returns to Africa: A Rising Power and a Continent Embrace* (Oxford: Oxford University Press, 2008), pp. 237–55 at p. 243.

release.”<sup>16</sup> Most claims, however, assume that Chinese prisoners are sentenced to deportation labour for a term of years, what Chellaney terms “forced dispatch.” Whatever method is 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 favourable 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 rumours of convict labour. 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> Rumours may also include charges 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 these contracts are Chinese prisoners,” which must be the result of kickbacks.<sup>20</sup> The Chinese government is thus rumoured 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 rumours of this arrangement, but other factors, involving national and international politics, propel their transmission to a global audience.

## Rumours Local, Translocal and Global

Rumours, 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

16 “Chinese prisoners used as laborers in developing countries,” AsiaNews.it, 12 August 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).

17 See Barry Sautman and Yan Hairong, “African perspectives on China–Africa links,” *The China Quarterly*, No. 199 (2009), pp. 729–60.

18 Aaron Marlecy, “Chinese investors (new deal Chinese),” 30 April 2007, [www.mysms.co.zm/forum\\_thread.php?id=495](http://www.mysms.co.zm/forum_thread.php?id=495).

19 Trueslash post to “Des prisonniers Chinois travaillent en Afrique?” (“Chinese prisoners working in Africa?”), Hardware.fr, 12 March 2007.

20 M.T. Banda, post no. 25 to “Chinese company wins three stadia contracts,” *Lusaka Times (LT)*, 9 April 2009.

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

and rationalize their belief in the rumour by “where there is smoke, there must be fire.”<sup>22</sup> Elites, such as business people, politicians and researchers, may engage in rumour-mongering for different ends. Politics often leads to fostering unsubstantiated claims, such as those of Chinese convicts labouring overseas.

### *Local rumours*

In Africa and other developing regions, rumours of the presence of Chinese prisoners 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 the Chinese was comprehensive. A translator for the railway project known as Mama Li, who became a long-term resident of Tanzania, told us of 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 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 rumours 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 *lao Feizhou* 老非洲 (old African-hands) of her generation, “if there was too much discipline in the 1970s, there's now too little discipline” among Chinese in Africa today. Be that as it may, Chinese employees have a distinctively vigorous work pace in the eyes of non-Chinese. A Swiss anthropologist who heard rumours of Chinese convicts in two African countries attributed them to “Chinese workers' phenomenal work pace.”<sup>24</sup> A Chinese engineer 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 neighbouring 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 expatriates, who in developing countries have individual houses and local servants. Many Chinese live collectively, in compounds, which provoked Zambian elites we interviewed to remark on their obvious lack of concern for status, either positively (“refreshing”) or negatively (“they don't behave like expats”). A UK Zambian who often posts on Zambian newspaper websites 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

22 Sunstein, *On Rumors*, p. 5.

23 Interview with Li Jinglan, Dar Es Salaam, 16 July 2006.

24 Antoine Kernen, “Small and medium-sized Chinese businesses in Mali and Senegal, *African and Asian Studies*, Vol. 9, No. 3 (2010), pp. 252–68.

25 Tessa Thornilley, “Chinese entrepreneurs ‘invade’ Africa,” *Uhuru* (Nigeria), 7 August 2010. See also “Africans marvel at China's hard workers,” *The Chronicle* (Ghana), 4 September 2008.

hear of SARS breaking out in Chililabombwe and spread across to innocent Zambians.”<sup>26</sup>

An Irish journalist said that typical Chinese living habits in Africa “encourage sometimes fantastical speculation about the new arrivals and the way they live. One frequently heard rumour 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 imagine foreign professionals living that way and imagine them to be prisoners. Deborah Brautigam, a US specialist of China–Africa relations, 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>

Rumours circulate in part because of local people’s lack of direct knowledge about China and the Chinese. A new local interest has also emerged to motivate the rumour’s circulation. A leader of the then opposition Patriotic Front in Copperbelt pointed out that Zambians think that “if 100 Chinese come, 20 of them are skilled and the other 80 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 labour markets for their livelihood and find Chinese work styles and pace inexplicable and threatening, the rumour “rationalizes while it relieves.”<sup>30</sup>

### *The rumours’ translocal and global transmission*

The blogs and web posts 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 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 rumours:<sup>33</sup> anti-China sentiment makes it more likely to believe the rumour and a belief in the rumour 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

26 Alfred Mutale, post no. 1 to “Criticism of China in mineral rich Zambia,” *LT*, 2 February 2007.

27 Mary Fitzgerald, “West’s difficulty in Angola is Beijing’s opportunity,” *Irish Times*, 26 August 2008.

28 “African respect for Chinese expatriates grows,” *Voice of America*, 8 May 2007.

29 Interview with Robert Mwewa, PF treasurer, Copperbelt Province, Ndola, 15 July 2008.

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

31 “UPI Poll: China’s influence in Africa,” United Press International, 27 July 2007.

32 “China seen as biggest threat to stability,” *Financial Times*, 15 April 2008.

33 Sunstein, *On Rumors*, p. 9.

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, as a result of a syllogistic reasoning: China does bad things in the world; sending convicts to labour in developing countries is a bad thing, *ergo* assertions that China sends convicts to do so are true.

Belief in a rumour makes its transmission more likely. So does high anxiety where a rumour involves danger, such as a murderer (or foreign convict) being on the loose.<sup>35</sup> In the case of the rumour 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 rumour thus criminalizes Chinese workers and firms and casts their presence as a government conspiracy. The perceived threat compels the rumour'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 rumour'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 probably added verisimilitude to the rumour they were prisoners, as it has with a claim that Chinese prisoners who built Maputo, Mozambique's airport, lived 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 rumours from blogs and internet posts to formal publications are crucial to their global circulation. Researchers who transmit rumours are in a different category from non-scholars, who may take rumours at face value and informally spread them. Even if they present no evidence, researchers' professional status often makes their assertions

34 "China's new heart of darkness," *Mullings and Ruminations*, 19 February 2010. <http://mullingsandruminations.com/>.

35 Mark Pezzo and Jason Beckstead, "A multilevel analysis of rumor transmission: effects of anxiety and belief in two field experiments," *Basic and Applied Psychology*, Vol. 28, No. 1 (2006), pp. 91–100.

36 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 prisoners, including "prisoners" with "various crimes here," including rape. "20,000 Indian work-force," *Daily Mirror*, 31 August 2010.

37 John and Arlene, "Welcome to Africa on a wing and a prayer," 4 July 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.

38 Carol Lazar, "Travel," *The Star* (Johannesburg), 4 September 2010.

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 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 labour 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 this 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 rumour 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 labour (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 rumour of Chinese convict labour. Chellaney's article initially circulated in several newspapers. When we asked a media insider in Hong Kong why the city's preeminent English newspaper printed Chellaney's story, he responded that Chellaney is a frequent contributor to the media and this story fits thinking that editors already have about China. Representations by Western-led media about China in developing countries are often unfavourable and condescending. A study of UK broadsheet newspapers' treatment of China–Africa links found they are generally negative about it, and treat Africans as passive, childish actors while disregarding negative roles played by

39 "Local News," Q95 FM radio (Dominica), 12 August 2010, [www.wiceqfm.com/past\\_thu.html](http://www.wiceqfm.com/past_thu.html).

40 "Businessman says government should apply labour laws to Chinese nationals," Kairi FM (Dominica), 19 August 2010, <http://kairifm.dm/modules/news/article.php?storyid=604>.

41 "Government has no information indicating Chinese engineers are prisoners: national security minister," Dominica News Online, 31 August 2010.

42 "Hubert Ingraham to decide if he will allow 5,000 Chinese convicts to enter the country," *Bahamas News*, 7 September 2010.

43 Gerard Prunier, "Sudan: irreconcilable differences," *Le Monde Diplomatique*, December 2002.

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

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

### *Rumour mongering: domestic politics*

Popular rumours of Chinese convicts also have a domestic political aspect. Western media often quote Michael Sata, leader of Zambia’s then opposition Patriotic Front (PF). In one of his anti-Chinese mobilizations, he claimed: “Zambia has become a labour 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 conditions 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

45 Emma Mawdsley, “Fu Manchu versus Dr Livingstone in the Dark Continent? Representing China, Africa and the West in British broadsheet newspapers,” *Political Geography*, Vol. 27, No. 5 (2008), pp. 509–29.

46 Carola Richter and Sebastien Gebauer, *Die China-Berichterstattung in den deutschen Medien (China Reporting in the German Media)* (Berlin: Heinrich Boll Stiftung, 2010), pp. 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).

47 Te-Ping Chen, “China in Africa podcast: understanding the negative narrative,” *China Talking Points*, 12 June 2010, [www.chinatalkingpoints.com/china-in-africa-podcast-the-negative-narrative/](http://www.chinatalkingpoints.com/china-in-africa-podcast-the-negative-narrative/).

48 See Barry Sautman and Yan Hairong, “African perspectives on China–Africa links,” *The China Quarterly*, No. 199 (2009), pp. 728–59.

49 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/).

50 Bivan Saluseki, “I’m not ashamed to deal with Taiwan, says Sata,” *The Post* (Zambia), 1 November 2007.

51 Songok Han Thornton and William H. Thornton, *Development without Freedom: The Politics of Asian Globalization* (Farnham, UK: Ashgate, 2008), p. 194.

from China are being brought to work in Zambia. The government should provide jobs for Zambians.”<sup>52</sup>

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

Chililabombwe, Kamenza Township has been infested by Chinese. There are close to 500 Chinese in Chililabombwe alone ... They are not qualified and skilled as Movement for Multi-Party Democracy 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>

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 rumours 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 probably 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 Metal Mining Co. (CNMC). 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 CNMC-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 an opposition effort to embarrass the MMD government, which is “pro-China,” but also “pro-Western.”

In 2007, Kambwili asked how many Chinese prisoners work for the Chambishi mine. 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 the Chambishi mine 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 labour and said Zambian law requires that prison labour 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

52 “Change is inevitable, observes Fr Bwalya,” *The Post* (Zambia), 19 January 2010.

53 Godfrey Ndhlovu, post no. 35 to “Government refutes Sata’s claims over Chinese nationals in Zambia,” *LT*, 27 October 2007.

54 Hard MC, post no. 62 to “Zambia deplore the indictment of Sudanese president,” *LT*, July 24, 2010.

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

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 were among builders of the biggest port in South Asia, at Hambantota, President Mahinda Rajapaksa’s home town. The billion dollar project, 85 per cent 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 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 rumour 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

56 “Chinese prisoners employed by NFC Mining Plc,” National Assembly of Zambia, 3 August 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).

57 “Foreign nationals serving prison sentences,” National Assembly of Zambia, 17 March 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).

58 “Can China bear a regime change in SL?” *Daily Mirror* (Sri Lanka), 11 November 2009; Halik Azeez, “China holds sway at Hambantota,” *Sunday Leader* (Sri Lanka), 4 July 2010.

59 “SL would virtually become a Chinese colony: UNP MP,” *Daily Mirror* (Sri Lanka), 10 June 2010; “SL is now a China’s colony: Dayasiri Jayasekera,” *Colombo Times*, 11 June 2010.

60 “Sri Lanka will become a Chinese colony at the end of the Rajapaksa regime: UNP MP Rajan Ramanayake,” 24 July 2010, <http://worldtamilrefugeefroum.blogspot.com/2010/07/if-this-situation-continues-without-any.html>.

61 “Jayalithaa warns centre against presence of Chinese convict labour in Lanka,” *The Statesman* (India), 18 June 2010.

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 labour 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>

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

In some developing countries, rumours of Chinese prisoners also have deliberate economic aims, connected to competition between local and Chinese construction companies. This 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 to Tajikistan, upon seeing a road being built from the Chinese border to the capital, Dushanbe, recounted: "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 rumour to anti-Chinese racism common in Central Asia, but it may have originated with Tajik business people whose goods compete with Chinese products.

### *Rumour mongering: 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 labour, thereby undermining security and employment opportunities in receiving states. An analysis of China–Sri Lanka relations note that the rumours "have the potential of triggering anti-China public sentiment and souring the current Sino-Sri Lankan bonhomie."<sup>70</sup>

62 See e.g. Policy Research Group, "How the Chinese dragon is gobbling up the Sri Lankan lion," *lanka-newspapers.com*, 15 May 2010; "One lakh ten thousand Chinese in SL irk Indian and American govts," *Lanka-e-news*, 15 May 2010, <http://www.lankaenews.com/English/news.php?id=9550>.

63 Tisarane Gunasekara, "The war on media resumes," *Asian Tribune*, 1 August 2010.

64 Sharmila, "External Affairs Ministry says Chinese prisoners not employed in Sri Lanka," *Virakesari* (Sri Lanka), 20 June 2010, in BBC Worldwide Monitoring, 23 June 2010.

65 "Chinese prisoners used in Lankan development projects," *Colombo Times*, 22 December 2009.

66 "Spenceon cries foul over Chinese industry invasion," *East African Business Week*, 15 October 2007.

67 S. van den Bosch, "China in Africa: south-south exploitation?" *InterPress Service*, 21 May 2009.

68 Will Clowes, "China changing minds," *Trinity News* (Ireland), No. 4 (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).

69 Brahma Chellaney, "Convicts for exports: China's global human rights reputation hits new low," *The Nation*, 29 July 2010.

70 Sudha Ramachandran, "Sri Lankan waters run deep with China," *Asia Times*, 13 August 2010, [www.atimes.com/atimes/South\\_Asia/LH13DF02.html](http://www.atimes.com/atimes/South_Asia/LH13DF02.html).

There was an issue in the US in the 1990s concerning China exporting prison-made goods to the United States. The US compelled China to prohibit such exports, even though the US itself exports prison-made goods and allows for private use of prison labour, in violation of international law protections against forced labour.<sup>71</sup> For example, in 2010 BP extensively used (overwhelmingly African-American) unpaid prison labour 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 it has been replaced by the rumour of Chinese convicts abroad.

In response to a plan by Governor Arnold Schwarzenegger 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 18th and 19th centuries, the US criminalized importation of convicts,<sup>75</sup> because, as President Abraham Lincoln's future Secretary of State William Seward orated, if 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 labour 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 rumours about the export of Chinese convict labour. In a 2010 State Department report on human trafficking it asserted that:

71 Susan Kang, "Forcing prison labor: international labor standards, human rights and the privatization of prison labor in the contemporary United States," *New Political Science*, Vol. 31, No. 2 (2009), pp. 139–61 at p. 160.

72 "BP hires prison labor to clean up spill while coastal residents struggle," *The Nation* (US), 21 July 2010.

73 "Governor looks south of the border for prisons," *San Francisco Chronicle*, 26 January 2010.

74 Francis Bacon, "On plantations," in *Essays: Moral, Economical and Political* (London: John Sharpe, 1822)[1597], pp. 125–28 at p.125.

75 See Juliet Stumpf, "States of confusion: the rise of state and local power over immigration," *North Carolina Law Review*, No. 88 (2008), pp. 1557–1618 at p. 1567.

76 "Senator Seward's western tour," *New York Times*, 15 September 1860.

77 Anand Yang, "Indian convict workers in Southeast Asia in the late 18th and early 19th centuries," *Journal of World History*, Vol. 14, No. 2 (2003), pp. 179–208 at pp. 207–08.

78 "China denies exporting convict labor for overseas projects," *The Hindu*, 11 August 2010.

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.

### *Rumour refuting*

Propagators of rumours of exported Chinese convict labour 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; yet, confronted by persistent, pervasive rumours, only a few observers retain a modicum of scepticism. A Western expatriate 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 questions 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 per cent 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 rumours of Chinese convict labour 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 rumours. 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

79 US State Department, "Trafficking in Persons Report 2010: country narrative: countries N through Z," 14 June 2010, [www.state.gov/g/tip/rls/tiprpt/2010/142761.htm](http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm).

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

81 John Langbein, "The historical origins of sanction of imprisonment for serious crime," *The Journal of Legal Studies*, Vol. 5, No. 1 (1976), pp. 25–60 at p. 58; Farley Grubb, "The transatlantic market for British contract labor," *Journal of Economic History*, Vol. 60, No. 1 (2000), pp. 94–122 at p. 108.

denying Namibians much needed jobs, and add that over the years many more rumours have been spread in order to discredit them.<sup>82</sup>

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 stated: “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, said that: “The rumour 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 rumours of Chinese construction companies in all countries surveyed using Chinese prison labour ... we found no evidence to support these rumours.”<sup>87</sup> Swiss journalists Serge Michel and Michel Beuret, who visited many African countries for a book on the Chinese presence, said that “in all our travels we have not met a single [Chinese prisoner] and feel free to assert that this is anti-Chinese propaganda.”<sup>88</sup> The African Labour Research Network produced in 2009 a critical study by African researchers of Chinese investment in African countries. Its ten lengthy case studies focused on labour conditions for Africans and Chinese, but none reported any presence of Chinese convicts.<sup>89</sup>

82 “Getting up to Shenzhen speed,” *Insight* (Namibia), April 2006, p. 21, [http://crgp.stanford.edu/publications/articles\\_presentations/Chinese\\_puzzle.pdf](http://crgp.stanford.edu/publications/articles_presentations/Chinese_puzzle.pdf).

83 Thornilley, “Chinese entrepreneurs.”

84 Deborah Brautigam, “Is China sending prisoners to work overseas?” *China in Africa: The Real Story*, 13 August 2010, [www.chinaafricarealstory.com/](http://www.chinaafricarealstory.com/).

85 “Chinese will maintain African investment, says frontier advisory,” *Metals Bulletin*, 12 February 2009.

86 Anna Ying Chen, “China’s role in infrastructure development in Botswana,” SAIIA, Occasional Paper No. 44 (2009), p. 11.

87 Chris Burke and Lucy Corkin, *China’s Interest and Activities in Africa’s Construction and Infrastructure Sectors* (Stellenbosch: CCS, 2008), p. 82.

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

89 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-Africapercen20Reportpercent202009-final.pdf>; Alex Vines, “China in Africa: a mixed blessing?” *Current History* (May 2007), pp. 213–19 at p. 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.), *US and Chinese Engagement in Africa* (Washington: CSIS, 2008), pp. 12–32 at p. 28 (Chinese “companies are charged with using prison labor, even if no evidence to that effect has ever come out in Kenya”).

Rumour 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 rumour, 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, labour is relatively cheap. Human Rights Watch has observed that:

It was widely rumoured 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 labourers brought to Sudan could live and work for less than southern Sudanese labourers, 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 those in administrative detention – as the US does (some two million), although China's population is more than four times as large.<sup>92</sup> Moreover, in the US "federal prisons house 60 per cent 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 prisoners to Mexico were overcrowding and cost-saving,<sup>93</sup> yet Chinese prisons have no economic incentive to export inmates. In 1999, the average annual cost of incarcerating a prisoner in China was 10,000 yuan (about US\$1,200) and Chinese prisoners produce saleable goods that partly cover the their incarceration costs. Even if these costs have doubled since then, savings could hardly be had by shipping them to far-off countries.

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

Rumours 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

90 "The Bavarians in Huambo," CS Angola Project, 13 October 2009, <http://c6angola.wordpress.com/2009/10/page/2/>

91 Human Rights Watch, "Sudan, oil and human rights," 23 November 2003, [www.hrw.org/en/node/12243/section/32](http://www.hrw.org/en/node/12243/section/32).

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

93 "Two many laws, too many prisoners," *Economist* (UK), 22 July 2010; "Practical, humanitarian means can help relieve crowded Chinese prisons," Dialogue.Online, No. 25 (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.

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 rumours may end up being “self-defeating corrections,” reinforcing the belief in the rumours.<sup>95</sup> A source of political “information” everywhere, rumours 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 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 rumours 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:

During informal conversation I was told “*Angola is a land of rumours*” and I later met this problem several times during my collection of information. People often referred to rumours 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>

94 Sunstein, *On Rumors*, p. 10.

95 *Ibid.* p. 46.

96 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 (2009), p. 30, [www.clingendael.nl/publications/2010/20100100\\_cdsp\\_paper\\_dhooghe\\_china.pdf](http://www.clingendael.nl/publications/2010/20100100_cdsp_paper_dhooghe_china.pdf).

97 [inforguerre.com](http://inforguerre.com), 2008, p. 7.

98 “Report on China sending convicts abroad to labor denied,” Xinhua, 10 August 2010.

99 Untitled letter to *The Guardian*, appended to Chellaney’s article on 20 August 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).

100 “Obama blames online ‘misinformation’ campaign for creating myth that he is Muslim,” *Asian News International*, 30 August 2010.

101 Bjorn Erik Loken, “Development for whom? Narrative on the impact of Chinese involvement in Angola,” unpublished master’s thesis, Department of Geography, University of Bergen, 2009, p. 61.

With the Chinese and developing country governments written off as not credible, it is rare for those reporting the existence of Chinese convict labour abroad to indicate that their assertion is based on rumour. A few who foster the rumour admit that evidence for it has not yet been produced, but attribute that to the disingenuousness of receiving state governments. A Nigerian on a US-based diaspora website wrote 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 the backgrounds of 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, Mr Hu, "how many prisoners he had brought to Ghana for the job," a question based on an existing "widespread rumour, 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 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 rumour by two well-known former Chinese citizens now living in the United States. The BBC's Chinese service asked Wu Hongda (Harry Wu) for his view of Chellaney's charges. Wu, founder of the Laogai Foundation in the US, served 19 years in prison 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*) management style, which may give the misimpression that employees are prisoners, but added that as far as labour export is concerned, China does not lack labour resources and has no need to export prisoners. He concluded that he has found not even a clue that China sends prisoners overseas. The BBC also interviewed Li Qiang, head of

102 Olamide, response to Adeniyi Ologunleko, "China: the dangers of the dragon," *Nigerian Village Square*, 26 December 2008, [www.nigeriavillagesquare.com/j/index.php?option=com\\_content&view=article&id=11044:china-the-dangers-of-a-dying-dragon&catid=67:Guestpercent20&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:Guestpercent20&Itemid=46).

103 "Employ local people: Osafo-Maafa to Chinese," Ghanaian News Agency, 9 February 2006, <http://ghananationalcouncil.org/blog/2006/02/>; "Controversy over Chinese workers," *Ghanaian Chronicle*, 9 February 2006.

US-based China Labor Watch and critic of the Chinese government on labour issues. He stated that the probability is 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 rumours. In the weeks that followed the publication of Chellaney's article, news of it and the responses appeared on tens of thousands of Chinese-language websites. Some comments regard the rumours as shockingly stupid, deeply ideological China-bashing. A newspaper article focused on Chellaney's lack of evidence for any of his claims and 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," and considered that if indeed prisoners were exported to work, they would probably accomplish nothing, given the need for surveillance, their unwillingness to show initiative and their low level of skill.<sup>106</sup> Another netizen argued that it would obviously be more costly, both 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 30 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 conclude erroneously 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 rumour 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 labourers," an idea promoted by some Western officials, such as one

104 Wei Liang "Zhongguo xiang haiwai shuchu qiufan: zhize yu fanbo" ("Chinese export of prison labour overseas: accusations and rebuttals"), BBC Zhongwen Wang, 1 August 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).

105 Sun Lizhou, "Ying wangyou libo Yindu xuezhe huangyan" ("British netizens forcefully refute Indian scholar's lies"), *Qingnian cankao*, 13 August 2010, [www.cyol.net/qnck/content/2010-08/13/content\\_3374617.htm](http://www.cyol.net/qnck/content/2010-08/13/content_3374617.htm).

106 Han Mei, "Zhen you chuanyu ah!" [bbs.huanqiu.com](http://bbs.huanqiu.com/), 23 August 2010, <http://bbs.huanqiu.com/huanqiubaoliaotai/thread-418129-1-1.html>.

107 Liu Haitian, "'Zhongguo pai qiufan dao jingwai zuo laogong' baodao shi yuchun de zhengzhi wumie" ("The report on China sending convict labourers abroad is stupid political slandering"), 10 August 2010, [http://blog.sina.com.cn/s/blog\\_5e13dc040100k4m1.html?retcode=0](http://blog.sina.com.cn/s/blog_5e13dc040100k4m1.html?retcode=0).

108 Zhuo Jing, "Cong 'chukou' qiu fan shuo kan Zhongguo dagongzai de shengcun zhuangkuang" ("Reflecting on conditions for Chinese migrant workers from the thesis of China exporting prisoners"), 24 August 2010, <http://zhjys.blog.sohu.com/158539212.html>.

from the US embassy in Angola 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, which threaten the employment and safety of the peoples of importing countries. Finally, there is the 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 now conjures 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 rumours’ 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 rumour 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 rumour’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 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 rumours are ghosts that can be chased after, but cannot be easily chased away.

109 Jesse Ovadia, “China in Africa: a ‘both/and’ approach to development and underdevelopment with reference to Angola,” *China Monitor* (South Africa), August 2010, pp. 11–17 at p. 16 n. 14).

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