

International Law

Discussion Scenario 1 for Chapter Four

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In June 2002, a well-known dissident in the PRC entered the US Embassy in Beijing seeking diplomatic asylum. Fang Lizhi, a prominent astrophysicist and human rights advocate remains there to this very day, refusing treatment for his heart ailment for fear of arrest by Chinese authorities. Fang's request for asylum has not yet been resolved. Also, no diplomatic arrangements have been made regarding his safe passage out of the PRC.

Now that his immediate family has joined him in the US Embassy, Fang has declared his intention to defect to either the United States or to the United Kingdom. In fact, they are all ready to leave on short notice to *any* State that will take them.

The US Ambassador, Clark T. Randt, after consultation with his bosses in the US Department of State, asserts that the "granting of asylum at this critical time might jeopardize the US negotiations with China over human rights issues." After further consultations with the US Secretary of State and with the British Foreign Secretary, David Miliband, the parties decide that Fang Lizhi should apply for British citizenship. While Fang has never been outside China, much less to the United Kingdom, the British government is willing to waive all citizenship requirements, including the standard waiting period of thirty months. The very next week, the United Kingdom issues Fang Lizhi and his family British passports, which are delivered to them at the US Embassy.

Unfortunately, the Chinese government protests, accusing both the United States and the United Kingdom of meddling in the domestic affairs of a sovereign State. The PRC is not willing to allow the safe passage of Fang, or his family, from the US Embassy to Beijing Capital International Airport. The Chinese government's Minister of Foreign Affairs, Yang Jiechi, advises all concerned that this dissident, engaging in anti-State conduct, will be arrested the moment he leaves the embassy. In the eyes of the PRC government, Fang remains a Chinese citizen, and, as such, a subject of Chinese laws.

Questions

- You are China. You want to keep Fang from leaving. What is your International Law argument in not allowing him freedom of movement from an embassy to the airport?
- You are the United States. You want Fang to leave. What is your International Law argument allowing him freedom of movement from your embassy to the airport?
- You are the United Kingdom. You also want Fang to leave. What is *your* International Law argument allowing him freedom of movement from an allied embassy to the airport?
- You are Fang Lizhi. You *really* want to leave the PRC. What is *your* International Law argument allowing you freedom of movement from an embassy to the airport?
- Which of these four arguments is strongest?