

The Chinese Challenge

Implications for Human Rights as China rises to
world power

Abstract

The essay deals with implications for Human Rights development in light of China's rise to power. It discusses the problem from three perspectives, China's Human Rights commitment, the clash between western and Asian values and China's potential influence. It is mainly an overview and discussion of the problems and complexities involved in the development. From these three perspective two opposing scenarios are constructed, the pessimist and the optimist perspectives. The essay then tries to evaluate which are the more likely outcomes from the two perspectives, claiming that a possible development is the shift in focus from first generation of Human Rights (civil and political rights) to the second generation (social and economic rights). The essay also lines out how these conclusions relate to normative implications for different actors.

Keywords: China, Human Rights, Asian Values

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1 Introduction & purpose

The post WWII time is sometimes described as the Human Rights era. China is growing to be one of the world's largest economies, if not the largest. China is also the world's most populous country. Meanwhile there are two conflicting images of China, one serving as a paradigm for developing countries and the other the other is the image of a repressive authoritarian state that continuously violates internationally recognized Human Rights. The focus of much of the research pertaining to Human Rights in China is focused on what is lacking in China's Human Rights record and in what areas China needs to better itself as well as. This essay reverses the perspective and tries to examine what impact China will have on Human Rights in general. Instead of looking at how China will have to adapt to Human Rights standards it asks how Human Rights standards will have to adapt to China. Most literature and research focus on specific issues either concerning Human Rights in a Chinese domestic setting or Chinese trade in specific regions. This essay takes a step back and looks at China's influence from a wider perspective. Taking a more holistic approach to the question of human rights and China this essay attempts to look beyond the Chinese borders and treat Human Rights in more general terms. The purpose can summarized as a way of shedding light on a complex issue that is in my own view often oversimplified.

1.2 Methodology

1.2.1 Framing of the problem

In essence this essay tries to answer the following question:

- What will be the normative implications for Human Rights as China's influence increases?

However to answer this we need to answer the following questions.

- What is the current status of Human Rights?
- How does China's Human Rights record look like?
- How do Chinese values correspond to/clash with Human Rights?
- What is the potential influence of China?

This first of these secondary questions should be and will be treated lightly, since any real assessment of the current status of Human Rights requires extensive research and the length of this entire essay could probably not cover it satisfactory. I will instead try to point out certain characteristics of the current perspective on Human Rights and try

to make a shallow assessment simply in order to contrast this to the Chinese perspective. Unfortunately shallow will be a key word here as I realise that trying to answer these question with any form of validity borders on the impossible. They should be more be viewed as a point of departure for a discussion for which this essay presents an argument for. As such the points and conclusions made in this essay have to be taken for what they are, speculations, however it is my belief that they are educated speculations based on the academic works in the field, putting some of the complexities of China and Human Rights into perspective.

One could argue that the essay also needs to consider other new potential global actors, for instance India, as well as address whether or not the US will keep its hegemonic position. However some restrictions need to be made, some would argue more than have already been, and while these indeed are factors worthy of consideration they will only receive little attention. The objection could of course be made that looking at what the normative implications of China's influence are futile without properly establishing what China's role in the international community will be. But the fact that China is growing rapidly still remains and that this will have some impact on the Human Rights regime can be almost safely assumed. And while it is still under question the decline of US hegemony has been suggested.¹ China definitely stands as one of the likely successors, or at least part of a succession structure, should that prove to be the case. The question o potential influence will be a shallow assessment in order to establish that some influence is possible and where that influence is likely to be. I will not dwell on the question of to what degree this influence will be. The primary focus is an evaluation of how the Chinese notion Human Rights corresponds with current prevailing notion or the western notion of Human Rights.

1.2.2 Method and theory

Making predictions about the future is tricky, no matter the field. Trying to make a valid assessment on what Human Rights will become in the future is almost impossible, especially since Human Rights hardly are rigid and are evolving even without the influence of China. To make my prediction I will therefore briefly try to assess what or where Human Rights are today, and then try to examine the Chinese notion of Human Rights. By contrasting these two images, together with look at what possible influence China will have in the future, a prediction of Human Rights developments is possible.

¹ Wallerstein, Immanuel 2002 "The Eagle has crash landed" *Foreign Policy*, August 2002 & Wallerstein, Immanuel 2007 "Precipitate decline: The advent of Multipolarity" *Harvard International Review Volume 29 Issue 1*

This of course relies on the assumption that the ethical notions of China, at least from a rhetorical perspective, will remain fairly steady. The real difference lies in that there is no explicit problem that is easily pointed out, therefore the essay also has to try and establish the current and future development of Human Rights. The problem can thus be defined as what will happen to Human Rights. By also examining the cause of this development we can establish what the normative implications will be, and what considerations have to be made.

My assessment of China's human rights policy and potential influence relies largely on the works of Randall P Peerenboom and Ann Kent and their analysis of modern Chinese developments.² I have chosen these authors since they are both frequently occurring in academia and both retain a level of authority in the field. They are also chosen since their perspectives on China differ, making it possible to contrast two images of China. Relying on secondary sources becomes preferable since China is of its massive size, thus it is impractical to constantly look at the direct empirical sources, at least for the purpose of this essay. The part where I summarize the contemporary Human Rights issues in China, however, is based on Human Rights Watch reports. Trying to make an assessment on the potential influence of China I base my conclusions on a number of articles on the field.

1.2.3 Definitions

Human Rights: Human Rights can be defined in a number of ways but the two definitions I intend to use are firstly Human Rights from a strict legal perspective where Human Rights refer to what has been agreed upon in their respective conventions, and secondly the more abstract definition where Human Rights are considered to be norms. These different definitions will be used somewhat interchangeable, but the context should serve to illuminate the intended use.

Influence: Given that the essay has takes a discourse standpoint, influence is given a wide definition, encompassing both "real" influence such as economic and military power as well as more abstract forms of influence such as norm exports. These different

² Kent, Ann 2007 "Beyond Compliance: China, International Organizations and Global Security" Stanford University Press, Stanford & Kent, Ann 2005 "China's Growth Treadmill. Globalization, Human Rights and International relations" in Keith, Ronald C "China as rising world power and its response to globalization" Routledge, Oxon & Peerenboom, Randall 2007 "*China Modernizes: Threat to the west or Model for the Rest?*" Oxford University Press, Oxford

forms of influence however are dealt with overlapping as it is my opinion that they are mutually dependent.

1.2.4 Structure of the Essay

The essay is divided into four parts; the first part tries to assess some sort of current status of human rights in order to establish a reference point for speculations on the future of Human Rights. The first part also deals with China's record of Human Rights and some possible explanations of it. It also covers China's commitment to Human Rights, its entry into the International Community and the Chinese notion of sovereignty. This is because China's entry into the international community is rather unique and has had an influence on its foreign policy, and the Chinese notion of sovereignty is considered because Human Rights and sovereignty are often put at opposite ends to each other.

The second part deals with the sometimes suggested clash of values between Western and Asian values in order to establish what relevance to the Human Rights development this possible clash could have. The third part deals with the potential influence China is likely to have and where this influence is likely to be. The fourth part is the conclusion together with the normative implications of these conclusions. Hopefully this will provide an overview of both the problems and possibilities of China's rise to power.

Part 1

2 Human Rights today

2.1 Current Status of Human Rights

What can be described as the current status of Human Rights? It could of course be described in the pure legal sense of the word. However there is also another way of viewing the current status of Human Rights. Human Rights has become or perhaps still becoming the pre-eminent regime of norms, perhaps most notably in academia. For instance when describing atrocious acts many scholars describe them not simply as mass killings or torture but also and sometimes only as Human Rights violations. Even in cases where the violator is not a party to the legal conventions he is violating this is true, which means that Human Rights is more than the legal foundations on which they rest. The legal justification for this is that Human Rights and especially the universal declaration have come to be recognized, by some, as customary law. Human Rights have also come to challenge previously uncontested norms such as sovereignty, rather recently highlighted in the “Responsibility to protect”. Michael Ignatieff suggests that the purpose of Human Rights is to protect people from the atrocities that could be committed behind the cover of the sovereignty granted upon states after the Peace of Westphalia, such as the Nazi concentration camps. ³ It could be argued that there is proof of this actually being the case, for instance the NATO operations in Kosovo in 1999 which were legitimated on humanitarian grounds, and NATO implicitly received some confirmation of the legitimacy of these operations. However, while there are indicators of Human Rights being or at least becoming the universal ethical standard, the implementation of them has been not been consistent, both in what has been done within state borders and how the international community has reacted inadequately or failed to react on gross Human Rights violations. As such we can conclude that while Human Rights have attained a pre-eminent position they are still not the only moral guideline for states.

³ Ignatieff, Michael 2003 *Human Rights as politics and idolatry* Princeton University Press, Princeton N.J, p 4

2.2 China's record of Human Rights

2.2.1 Summary of contemporary issues (Human Rights Watch reports)

This description of China's human rights record is based on the 2002-2006 Human Rights Watch (HRW) world reports⁴ (with the exclusion of 2004).⁵ A number of trends can be noted by examination of the reports by HRW.

First, all of the reports bring attention to the governments restrictions on free speech. Namely restrictions on Internet access, including censoring, as well as closing of Internet Cafés and arrests of people expressing themselves over the Internet. Moreover the Chinese government has also imposed restrictions on other media such as newspapers, books and broadcasted media. Second, Labour Rights issues are a recurring theme in China, mostly related to the fact that China does not allow independent trade unions. This has sparked unrest through protests in a number of cases resulting in arrests and imprisonment of labour rights advocates. The lack of labour rights has also resulted in poor working conditions for many Chinese workers. Thirdly, is the issue of religious freedom, which is not recognized outside a state-controlled system in China, requiring all congregations to register in order to be of legal status. Persecutions have taken place most famously in the case of the Falun-Gong movement. Freedom of Religion is also a recurring theme in Sino-US relations, explicitly expressed in talks with US president George W. Bush.

Fourth, are the issues concerning the Chinese government policy on Tibet and Xinjiang both in whom the government seeks to suppress separatist movements. The Tibetan struggle for independence has met severe repression by the Chinese government. Efforts have been made to curtail the influence of the Dalai Lama in the region. In Xinjiang persecutions of the Turkic speaking Uighurs have been noted and the Chinese Government have been accused of using the "war on terrorism in order to justify it's crackdown on the region. China has claimed that the Uighurs supporting an independent East Turkestan are terrorists, a claim strengthened (at least politically) by the US designating the East Turkestan Islamic Movement (ETIM) a terrorist group.

⁴ All reports can be located at "<http://hrw.org/doc/?t=asia&c=china>

⁵ The 2004 World Report by Human rights watch is excluded from the analysis on account of it's special theme, for details se "<http://hrw.org/wr2k4/>"

Fifth, the reports have continuously brought attention to China's legal system claiming it is insufficient to ensure rule-of-law and fair trials, and the ever returning death-penalty. Sixth, the issue of HIV has long gone unaddressed in China even though lately steps have been taken by the Chinese government to address this. Another key issue has been the human rights-monitoring itself, as HRW continuously notes. China has not tolerated independent human rights monitoring organizations leaving much to be desired in this area.

In addition to this has been the question of Hong Kong which was promised a great deal of autonomy following its accession to China. China has received critique for denying Hong Kong citizens universal suffrage.

Trying to identify unifying factors of these trends we find that at least the first three are related to civil and political rights, also known as the first generation of rights, as well as that pertaining to China's legal system. In fact most of the critique directed against China concerns civil and political rights, not surprising given China's authoritarian nature. This can be understood as an indication of a greater respect for social and economic rights, seeing as how these seem to be less violated, although it could also be understood as a more blatant disregard for civil and political rights. It can certainly be argued that the cases of Tibet and Xinjiang as well as the lack of engagement in dealing with HIV suggest the latter. In either case it suggests a ranking between the two.

2.2.2 Explanations of China's Human Rights record

China has often been described as having a poor human rights record, though this could be explained simply by claiming China's disrespect of rights, credited to it almost as given in light of the authoritarian nature of the state. This thesis can be questioned on a number of points.

Starting with the Chinese government's own explanation, the official Chinese government's Human Rights Policy consist of several main tenets.⁶ First it claims that while on the highest level of abstraction many of the rights are universal their implementation is dependent on local circumstances. Second, rights must be prioritized even though they are of an interdependent nature, subsistence is primal. Limitations on some rights can therefore be justified in respect of economic development and stability. Third, China believes that the International Human Rights

⁶ Peerenboom 2007 op cita, p. 85

regime assumes a liberal democratic framework emphasizing individual autonomy to a degree not found in other cultures, including China. Fourth, the scope of Human Rights, claims of individuals and the ability for other states to pressure China into compliance is limited by sovereignty, a policy China has followed in its reservations when signing treaties. Fifth, other states sometimes use human rights as an excuse for strong arm-politics. Sixth other states criticizing China's human right's record have their own human rights problems.⁷

In Peerenboom's analysis of this policy he gives the Chinese government credit on some of the points made, such as the widespread view of subsistence first in developing countries, nor is China alone in it's stressing of sovereignty and the claim that human rights have been politicized. Moreover he gives credit to the point of other Human Rights violators casting criticism against China, highlighting the US, exemplified recently with the disclosure of torture in the Abu-Ghraib-prison. This last point is significant, having created a sentiment among a large part of the Chinese population that China is being held to a double standard on Human Rights.⁸

Ann Kent proposes in her examination of China and the International Convention against Torture (CAT) and the International Labour Organization (ILO) that China also exhibits a double standard on human rights, having supported the norms of these organizations in theory but in practice having seen them as incompatible with the state's notion of sovereignty.⁹

2.2.3 China overly criticized?

China has received a level-4 rating on Amnesty International's Political Terror Scale (PTS) putting it in the same category as states such as Sudan, Russia and Pakistan, but Randall Peerenboom challenges this rating. He claims that the allegations against China must be viewed in relation to China's size. For instance the claims of the Falun Gong is that somewhere near 20000 people are today imprisoned on political grounds, if true this would still only account for 0.0015% of the population making it difficult to see how execution, political murders, disappearances, brutality and torture are a part of everyday life, which is required for a level-4 rating.¹⁰

⁷ Ibid, p 85-90

⁸ Ibid, p 85-90

⁹ Kent 2007 op cita, p. 218

¹⁰ Peerenboom 2007 op cita, p 92, 99

Peerenboom also compares China to other countries who have received the same rating looking especially to India where he notes that violations physical integrity rights seem to more severe. He notes that while some critics claim that China merits more attention on account of its size it is no excuse for presenting an unbalanced view.¹¹

2.3 China's commitment to Human Rights

2.3.1 China's legal commitment

Trying to evaluate China's commitment to Human Rights is not entirely simple since Human Rights are a thing of politics differencing between what is for show and what is a genuine commitment is not an easy task.

Looking merely at how many of the core conventions of Human Rights China is a state party to we can see that China is a state party to 5 of the 9 core conventions, while this is somewhat on the short side it is at the same time not really making China stand out in either direction. One can note that China is only a signatory to the International Convention on Civil and Political Rights and thus not bound by it.¹² Which is interesting since most of the criticism directed against China derives from rights expressed in this convention. China is as such, at least in a legal sense, not guilty of having a double standard. Of course it could be argued that signing a treaty without then ratifying it is having a double standard in itself, but China is hardly alone in this, and in company of many states which would not be considered gross Human Rights abusers.

In making reservations upon ascension to the treaties China's reservations predominately makes reservations concerning sovereignty, as with the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) China made reservations to article 20 and 30.1 not acknowledging the Committee's competence or allowing disputes between parties to be submitted for arbitration. The reservations made to the other conventions are of a similar nature, with exception of the International Covenant on Economic, Social and Cultural Rights where China made a statement that article 8.1, the article containing the right to freely form and join trade unions, would be applied in a manner consistent with the Constitution of the People's Republic of China, Trade Union Law of the People's

¹¹ Ibid, p 166, 169

¹² www.rwi.lu.se

Republic of China and Labour Law of the People's Republic of China. Making some other states declare that this was in fact constituted a reservation.

2.3.2 Sovereignty

China's Foreign policy is at core influenced by the importance of the Chinese government's attaches to sovereignty,¹³ and has as history of doing so looking back at the Cold war.¹⁴ There are however limits to China's emphasis on the importance of sovereignty. Looking back at China's entry into the Conference on Disarmament (CD), the ascension to the Nuclear Non-proliferation treaty (NPT) and later the signing of the Comprehensive Test Ban Treaty (CTBT), the two treaties both resulted in a loss of Chinese sovereignty, the first allowing inspections of the International Atomic Energy Agency (IAEA), and the latter resulting in a severe diminution of sovereignty.¹⁵ According to Ann Kent China's more recent behaviour in the area of the international security has shown "readiness in this regime to redefine its interests, to renegotiate its sovereignty and to accept the costs, as well as benefits, of participation in arms control treaties and organizations."¹⁶

The importance of these concessions of sovereignty should not be overstated since there are still several areas where Chinese sovereignty is still being prioritized, especially in the field of Human Rights. The lack of the transparency and openness undertaken when joining the World Health Organization was highlighted by China's dealings with the global spread of acquired immune deficiency syndrome (AIDS) and the outbreak SARS, first not responding to WHO warnings about AIDS and then not reporting cases of SARS to the WHO and reports of attempts to cover up the incident. Both cases indicating that the China's entry into globalization had not brought with it a change in attitude.¹⁷

In both cases however China in the end had to change its policy and allow more transparency and it has been argued that these events have had a transformative effect on China, making its leaders more modest, and promoting greater concern for its people's health. A conclusion supported by the swiftness with which the Chinese government reported an outbreak of the disease in 2004.¹⁸ One could assume that the

¹³ Peerenboom 2007 op cita, p. 8

¹⁴ Keith, Ronald C 2005 "China as rising world power and its response to globalization" Routledge Oxon, p. 2

¹⁵ Kent, Ann 2007 op cita, p. 77-78, 82

¹⁶ Ibid., p. 98

¹⁷ Ibid., p. 28-30

¹⁸ Ibid., p. 32

Chinese notion of sovereignty stems, at least in part, from the fact that China experienced imperialism from the short end of the stick.

Part 2

3 Clash of Values?

3.1 Clashing cultural norms

The clash of values I intend to examine here is what has been called the clash between Western values and Asian values, often credited to Confucianism.¹⁹ Henry Rosemont Jr. has described this clash as being a clash between different concept clusters. Western philosophy have a strict rights perspective not found in at least early Confucianism, a lot of the concepts which are necessary for western dialogue on the subject are simply not found in early Confucian philosophy. The fundamental difference he claims is the difference in perspectives on what it means to be a human being. Western philosophy and rights theory have treated human beings as autonomous individuals separated from one another while in Confucian theory the case is not so. One cannot simply think of a person by itself but always has to consider the social environment he or she is part of.²⁰ Put simply Confucianism always treats persons as social animals.²¹

Rosemont further stresses that Human Rights as described by the Universal Declaration are sprung from a Western perspective and western culture, a culture the larger part of the world is not a part of. The western world is the left with choice of simply accepting that Human Rights are not applicable in all cultures or that they should be insisted on everywhere with no consideration for cultural differences. The first alternative leaves no moral incentive to react against activities such as those undertaken by the Nazis during WWII. The latter alternative on the other hand leaves the door open for imperialism and chauvinism.²²

3.2 Common Ground

It has been argued that there really is no inherent clash between Confucianism and Human rights. For instance the concept of natural nobility within Confucianism seems

¹⁹ Berthrong, John 2003 "Human Rights and responsibilities: A Confucian Perspective on the Universal Declaration of Human Rights" in Runzo, Joseph, Martin, Nancy M & Sharma, Arvind 2003 *Human Rights and Responsibilities in the world religions* Oneworld Publications, Oxford, p. 199

²⁰ Rosemont 1988 "Why take rights seriously?: a Confucian Critique" in Rouner, Leroy S *Human Rights and the World's Religions* University of Notre Dame press, Notre Dame, Indiana 1988, p 169-178

²¹ Berthrong 2003, op cita, p. 202

²² Rosemont 1988, op cita, p. 167-168

to resonate well with the concept of human dignity stressed by Human Rights.²³ Though it may sound implausible it has also been argued that there is some agreement between civil and political rights and Confucianism stemming from the concept of the people's right to revolt against a corrupt or unjust leader.²⁴ Further common ground can be found in for instance the rights to education resounding well with certain Confucian theory.²⁵

One can also find common ground with human rights in Neo-Confucian theory, such as in the case of Chen Te-Hsiu who argued for cleaning up of the penal system and the establishment of the charitable granaries to help feed the hapless peasants.²⁶ The first can easily be compared to the right to a fair trial, and the latter to rights pertaining to subsistence.

3.3 Confucianism in Chinese politics

Perhaps the clash or lack thereof between Confucianism and human rights should not be overstressed. It is important to also look at how Confucianism has been a part of Chinese policy.

Anti-Confucianism played a major part in the Maoist era, however this changed with Deng Xiaoping's cultural reforms and Confucianism started rising again.²⁷ This trend as continued and in 2005 Hu Jintao even launched a campaign to promote a more harmonious society which that clearly touched with the Chinese public, and around the world 80 Confucius institutes have been built in order to extend China's influence.²⁸ However according to Shaohua Hu the impact of Confucianism on China should not be exaggerated as there are other influences that should not be overlooked, such as Legalism, Buddhism and Taoism.²⁹

²³ Twiss, Sumner B 2003 "Confucian Values and Human Rights" in Runzo, Joseph, Martin, Nancy M & Sharma, Arvind 2003 *Human Rights and Responsibilities in the world religions* Oneworld Publications, Oxford, p. 285

²⁴ Berthrong, op cita, p. 201 & Twiss, op cita, p 285 & Hu, Shaohua 2007 "Confucianism and Chinese Politics" *Politics & Policy Volume 35 Issue 1*, pp 136-153, p. 148

²⁵ Twiss 2003 op cita, p 289-290

²⁶ De Bary, W. Theodore 1988 "Neo-Confucianism and Human Rights" in Rouner 1988 op cita, p. 191-192

²⁷ Hu 2007 op cita, p 139

²⁸ Ibid 2007, p142

²⁹ Ibid, p 143-144

Confucian theory can not be entirely dismissed since it has had very dominant position and thus it has had different cultural implications and legacies that still linger, for instance the importance of education.³⁰

3.4 Conclusion

Even though we can find arguments both for and against the incompatibility between Human Rights and Confucianism it should be remembered that these incompatibilities as well as the common ground found will be reliant on how people choose to interpret different aspects of both Confucianism and Human Rights. As is and has been the case of trying to incorporate all moral codes with Human Rights as they are expressed in the different covenants, especially in the case of different religions. While Confucianism may not be a religion in the western sense of the word its complex relation to Human Rights is very similar. Though we may find common denominators we are forced to make the conclusion that Confucianism is not the same as Human Rights and while there might be some common ground there will definitely also be clashes. The discussion of what parts of Confucianism that are compatible with Human Rights is in a way futile, especially for the purpose of this essay since the real question is not whether Human Rights will be a part of Chinese policy and culture or not but whether Chinese culture will be a part of Human Rights.

³⁰ Ibid, p. 147,150

Part 3

4 China's potential influence

4.1 China as a potential new rule-giver

In tandem with China's economic growth China has begun to try and play a larger part in international and especially Asian affairs. China is for instance trying to make its new position clear by increasing its military budget thus increasing its hard power. The value of this is increasing its national prestige and projecting power, making it a potential security partner to the United States and "...laying the foundation for its eventual assumption of the American role of guarantor of peace".³¹ China has the added strength of not suffering from the lacking political will which seems to be taking hold of US opinion concerning especially the war in Iraq.³² China has also expanded its foreign policy to include soft power instruments such as foreign aid, foreign direct investment and cultural exchange to project a more benign image to the world.³³

It seems improbable that China would become a norm exporter when it comes to the western world. But looking to other parts of the world, namely what is known as the Third World, it seems more likely. In fact China is already a policy exporter as countries near and far such as Vietnam and Laos and countries in both Latin America and Africa, who have followed in China's footsteps with pragmatic market reforms.³⁴ While Human Rights and economic policies are not the same, it is not impossible to think that a shared economical system might serve as a facilitator for the exchange of other norms as well. This becomes more evident if we turn our eyes to how norms were divided between capitalism and socialism during the cold war.

China also seeks cooperation with the rest of the world and ever since Deng Xiaoping's "open door" policy worldwide connections have been made.³⁵

³¹ Restall, Hugo 2007 "China's bid for Asian Hegemony" *Far Eastern Economic Review Volume 170 Issue 4*, p 11

³² *Ibid*, p 13

³³ *Ibid*, p11

³⁴ Peerenboom 2007 op cita, p. 9

³⁵ Kent 2005 op cita, p. 14

4.2 China's bumpy entry into to the International Community

China had a late start entering the international human rights system, and internationalization in general, first being excluded from the international community and then not becoming fully active until the 1980s. ³⁶ When the People's republic of China (PRC) replaced Taiwan in the UN it was first characterized by its belief of social justice but shared with the Soviet Union a lack of respect for civil an political rights. Becoming a member of the UN in 1971 China was at first not subject to international pressure to liberalize its human rights conditions on account on its strategic usefulness as a counterbalance to the Soviet Union.³⁷

China's entry into the beginnings of globalization brought with it some major changes in Chinese policy, this however was a selectively done. The Chinese government adopted some neo-liberal economic policies although without adopting the civil and political rights often perceived as necessary in order for the system to work smoothly. This created tensions in the country stemming from human rights expectations of the people, this clash of new and old values reached it's culmination in the outbreak of China's Democratic movement, which in June 1989 was suppressed by force. ³⁸

To tackle the problem Chinese leaders decided to deepen economic reform, striking an "implicit social contract" with its citizens of maintaining an annual growth of GDP of at least 7-8 percent. A result of this was that the Chinese government became preoccupied with the maintenance of international peace and security. However this also led to a sacrifice of social values not prized in the globalization stakes.³⁹

4.3 Legacy of the west

To describe what I call the legacy of the west I'm going to try to point to a few key matters of western policy, both current and past, often more specifically US policy. It can of course be argued that the US is not a fitting nor accurate model for the entire western world, but it can also be argued that the US serves as the personification of the "West" to a large part of the World if not the larger part. It should be noted that I do not intend this as any sort of accurate description of how the West will be remembered nor accounting for even nearly of all of its achievements.

³⁶ Ibid, p. 19

³⁷ Ibid, p. 21

³⁸ Ibid, p. 21-22

³⁹ Ibid, p. 23

The US has frequently criticized China of not honouring Human Rights, especially those pertaining to freedom of religion and, but what record of Human Rights does the US have? It cannot come as a surprise that the US also has been accused of incorporating a double standard on Human Rights. One of the more interesting examples is how the US has led in creating a number of international criminal courts such as Nuremberg and Tokyo and more recently the ones in former Yugoslavia and in Rwanda but then opposing the creation of a permanent one, namely the International Criminal Court (ICC).⁴⁰ This isn't the only example neither, the US seemingly arbitrary protection of Human Rights through different interventions. Security Council passiveness could be argued in some cases but the intervention in Kosovo showed that a Security Council resolution wasn't necessary to the US. According to US legislation human rights considerations must be prioritized when deciding on whether a country receives foreign aid or not. Findings however show that while Human Rights considerations are present they have a tendency to take a back seat to national interest concerns.⁴¹

The world today is also immensely unequal in terms of wealth, divided between the North and South. Most in the North would probably not consider themselves rich beyond imagination, but from a global perspective they are. There are of course exceptions of poor in the North and rich in the South but these exceptions are few. One could argue that the North bears a moral responsibility of not acting on this injustice.⁴²

Most of the third world countries of today are also heavily influenced by five centuries of imperialism. They are to a large extent shaped by unequal oppressive relations with European states.⁴³ Moreover most of the third worlds economic development history since their independence has been a history of false promises,⁴⁴ and some of these promises are definitely western by nature. Promises of increased aid are still not being fulfilled and a large part of the OECD countries are still spending more than ten times more on military budgets than aid.⁴⁵ All of this and perhaps more has served the Third World little incentive to trust or want western involvement or norms.

⁴⁰ Turner, Scott 2003 "The Dilemma of Double Standards in U.S. Human Rights Policy" *Peace & Change Volume 28 Issue 4* pp 524-554, p 541

⁴¹ Apodaca, Clair & Stohl, Michael 1999 "United States Human Rights Policy and Foreign Assistance" *International Studies Quarterly, Volume 43 Issue 1*, pp 185-198, p 195

⁴² Isbister, John 2006 *Promises not kept: Poverty and the betrayal of Third World Development, Seventh Edition* Kumarian Press, Inc., Bloomfield, p 26-27

⁴³ *Ibid*, p 97

⁴⁴ *Ibid*, p 157

⁴⁵ Peerenboom 2007 op cita, p. 15

China on the other hand, upholding the flag of principle in its diplomatic relations and one of these principles being to always side with the developing countries,⁴⁶ and not having a history of imperialism might seem a more alluring place for inspiration.

The legacy of the west is also noticeable in China on the matter of Human Rights. In a survey of students in China a majority thought that the US was using the Human Rights issue to attack China and impose sanctions on it and that it constituted a form of power politics.⁴⁷

4.4 China and economic development

Ever since China implemented its “open door policy” in 1978 Chinese foreign trade have increased dramatically rising from less than one percent to five percent of the world total and its national ranking in world trade went from 32nd place to third (after the US and Germany) in 2004, and at the same time foreign investment have increased both from and to China.⁴⁸ While this has made China dependent on other nations, other nations of course also have become dependent on China, simply put China has created interdependent bonds with other nations to a significantly higher degree than before.

China is for instance growing more and more interdependent in the area of oil. As China has grown at an impressive rate it has increased its energy needs to a level that domestic production can not support. In 2006 China became the third largest oil-importer after the US and Japan, the gap between demand and internal supply has led China to seek China foreign sources of oil, and securing energy reserves a key aim of its foreign policy. Africa has been a key interest for China and commercial and strategic cooperation between China and Africa has increased considerably and has been institutionalized in the China-Africa Cooperation Forum (CACF).⁴⁹ a considerably presence however the competition between the three should not be seen in zero-sum terms but should instead be seen as a contributing factor to globally stable oil markets.⁵⁰ China has become a key if not the key player in African affairs presenting a viable and alluring alternative to previous western trading partners. Another important

⁴⁶ Xinbo, Wu 2001 “Four Contradictions Constraining China's Foreign Policy Behaviour”, *Journal of Contemporary China*, Volume 10 Issue 27, pp. 293 - 301 p. 297

⁴⁷ Peerenboom 2007 op cita, p 165-166

⁴⁸ Liang, Bin & Lauderdale, Pat 2006 “China and Globalization: Economic and Legal Changes in the World System” *Journal of Developing Societies* Volume 22 Issue 2 pp 197-219, p 201-203

⁴⁹ Baghat, Gawdat 2007 “Africa’s oil: potential and implications” *OPEC Review* Volume 31 Issue 2 pp. 91-104, p. 98

⁵⁰ Ibid, p. 101

factor to why Chinese trade and especially aid are more alluring to African countries is because it comes without demands for democracy and human rights standards.⁵¹

The US has also increased its interdependence with China especially in the trade of technology where China has gone from being a technological net importer to a net exporter, and increased its share in world production from 0.58 percent in 1980 to 2.9 in 1998.⁵²

⁵¹ Tull, Denis M. 2006 "China's engagement in Africa: scope, significance and consequences" *Journal of Modern African Studies*, Volume 44 Issue 3, pp 459-479, p 466- 467

⁵² Jongsthapongpanth, Annitra and Bagchi-Sen, Sharmistha 2007 "US-Asia Interdependencies: A Study of Business and Knowledge Links", *Journal of the Asia Pacific Economy Volume 12 Issue 2* pp 215-249, p 223

Part 4

5 Conclusions

Since the end of the cold war there has been a widespread sense of liberal triumphalism sweeping the West, which recognizes an inherent peaceful nature between the western democracies and their unmatched protection of their citizens' civil and political rights and therefore also recognizes a greater moral reliability.⁵³ However western democracies are no longer the only ones on the international playing field, new actors are assuming pre-eminent roles.

5.1 Making a prediction on the future of Human Rights

What can then be said about the future of Human Rights? The outset of this essay was to reverse the question of how Human Rights will or can influence China and instead ask how China will influence Human Rights. China is the world's most populous country and accounts for more than a sixth of the world's population so one could argue that any notion of what constitutes Human Rights has to take in to account the Chinese notion, and the Chinese have a notion of Human Rights having been present at the drafting of the Universal Declaration. What then is this notion?

It is clear that China and the west do not see eye to eye when it comes to human rights. But Human Rights is a matter of perspective, the predominant perspective in the west has been that the most fundamental rights are those pertaining to individual freedoms such as freedom of religion and democratic governance, also known as first generation rights. The Chinese however do not seem to share this notion of what is fundamental when it comes to Human Rights. The Chinese notion seems to stress subsistence and rights pertaining to livelihood such as the right to education and food. Does this mean that we are simply to assume that there will simply be no consensus between the West and China? Well we will probably not see a convergence of norms in the immediate future. But neither the West nor China are stagnant entities, they are of course both changing, China perhaps more dramatically than the former. Peerenboom for instance points to the fact that China's population is now reaching the income levels where history has shown that people start demanding democratic rights.⁵⁴ China could

⁵³ Reus-Smith, Chris 2005 "Liberal hierarchy and the licence to use force", *Review of International Studies Volume 31* pp. 71–92, p. 75

⁵⁴ Peerenboom 2007 op cita , p. 124-125

perhaps be flung into inner turmoil soon and emerging as a democracy with a totally new set of principles to live by. But let's for the purpose of this essay say that it does not, and keeps its notion of what human rights are important. What does this mean for Human Rights in the rest of the world?

We can rather safely assume that China is making its presence known in the international field, and given China's sheer size it should definitely have an impact on what can be deemed as internationally recognized rights. China has especially created bonds on the African continent striking a chord with African leaders with trade and aid without demands on reform. How are we then to judge what this impact will be? I going to present two extremes, calling them the pessimist and the optimist perspective, then look at what could be the more likely outcome of the two.

5.1.2 The Pessimist Perspective

Looking strictly at what could be considered negative outcomes or interpretations from a Human Rights perspective we can conclude that China is a major Human Rights violator, still lacking in protection of fundamental rights such as free speech and the right to association. Tibet and Xinjiang remains to be a thorn in the eye of Human Rights advocates. Not having taken sufficient action for the prevention of HIV suggests that China is not the caring and socially concerned power it sometimes tries to characterize itself as. Still suffering from an inadequate legal system and a lack of transparency, China does not seem fit or likely to be a guardian of Human Rights. The explanations offered on the Chinese account more sound like excuses than adequate explanations and the claims that China exhibits a double standard seems more fitting. While there might be some truth to the fact that China is overly criticized when judged in relation to its size this does not make the criticism unwarranted or unmerited.

China still retains an outdated view on sovereignty and the reservations made to the acceded conventions have made them dull and showed that China clearly value its sovereignty more than it cares for Human Rights.

Moving on to the Clash of Values, as Henry Rosemont Jr claims the clash is a question of different concept clusters, common ground is only found in small instances and is not enough to bridge the vast differences in worldviews that is present. Looking then at China's bumpy entry into the international community this gap seems to stretch over

more than moral ground. China's awkward entry into the international sphere will probably affect cooperation and adaptation to presiding international norm.

The legacy of the west mentioned before is not only problematic in relation to China but will probably have cautioning effect on all states previously ravaged by imperialism or cold war meddling in what would normally be called internal state business. The current divide between north and south and the clear northern origins of Human Rights makes the memories of the "mission civilisatrice" seem all the more vivid. China's influence is also especially felt where the legacy of the west is also most vivid, Africa.

The Pessimist perspective views the advent of Chinese influence on Human Rights as the beginning of the end of Human Rights, at least in Asia and Africa. China has not exhibited much respect for Human Rights more than on account of diplomatic necessity in an international community that holds them in high regard. The universalism of Human Rights does simply not stretch far enough and the clash between values will not be bridged. While China has opposed the western focus on first generation rights, China has not done enough to prove that China would use its power to try and work for social and economic rights. The "new" China should not be seen as new advocate of certain principles but as simply having adopted economic principles in order to get ahead in the international stakes, judging from the human rights problems that still reside within China even after the liberalization of the economy China will remain an oppressive regime and its success will show that democracy and individual freedoms are western norms that are not necessary, nor perhaps wanted in the rest of the world. In effect China will not bring something to Human Rights but rather take something from it, undermining respect for what has become known as fundamental freedoms and rights.

5.1.3 The Optimist Perspective

Looking at China from an optimistic perspective one also takes into account the unprecedented current status of Human Rights, having attained a significant legal status and having challenged previously relatively unchallenged norms such as sovereignty, there seems to be less and less acceptance of violations, and while Chinese violations remains a thorn in the eye of Human Rights advocates, upon closer examination, they at least seem to be in line with government priorities on Human Rights. A government priority list all may not agree with but that still indicate a consciousness of Human Rights and not simply a disregard for them. Also China is not

the grim dictatorship it is sometimes made out to be when measured in relation to its size.

While there may be some truth to the argument presented by Henry Rosemont Jr that Confucianism and Human Rights stem from different concept clusters making them incompatible there is still evidence of some common ground, and globalization and interdependence is nearly forcing understanding between cultures, making the clash of civilizations seem more and more distant. While Confucianism is not the same as Human Rights it not so vastly different that they are incompatible either, especially in light of neither of them being complete rigid entities.

Chinese influence is growing that is certain, but so is China's integration into the international community, while China may influence the world or parts of it the world is also likely to influence China or parts of China. The bumpy entry into the international community should not be overstressed as China enters a stage in development where international cooperation is more necessary than optional. Even if China chooses to avoid integration into the international community, globalization is making the flow of norms transcend state boundaries through channels out of the governments reach.

In conclusion China's potential influence on Human Rights could be considered most beneficial, the Chinese argument that the West has an overemphasis on civil and political rights is sound and China can help to balance this, with the current status of Human Rights Chinese influence can help to complement this skewness.

5.1.4 Discussion of the perspectives and conclusions

Which of these perspectives is then the more likely outcome? Both of them actually point to important considerations that have to be taken into account in trying to predict a likely outcome for Human Rights. What is certain is that Chinese economic power is growing and together with it is its influence, especially in the African region, making it a new potential role-model in the area, an area which has suffered at many western ideas, not only in the form of the white man's burden but also more recently with the debt crisis arising after western-modelled economic reforms in the 80's. China stands as an attractive new business partner which seems shares more common ground both in experience and values. Sharing the experience of the legacy of the west and the view that subsistence is primal.

This means that we can make the assessment that Human Rights development at least in Africa is likely to tilt towards social and economic rights or second generation rights. This likelihood is enhanced by the fact that these values are hardly strangers to the African continent. The problem with this conclusion is however that Chinese policy has had and has a much stricter concern for sovereignty.

The current focus on civil and political rights should not however be disregarded, since they have a pre-eminent position in the world and as the optimist perspective implies globalization makes sure that norms travel the globe and therefore it would be rash to make any predictions concerning any decline of first generation rights.

5.2 Normative implications

Given the conclusions reached in the previous section one can suggest the following policy adjustments:

- If western powers still want civil and political rights to remain prioritized, they have an image problem, here named the legacy of the west, to deal with. Improving this image is important because civil and political rights have come to be and perhaps rightly so strongly associated with western culture.
- Chinese policymakers could use their growing influence and relatively more alluring image as a means to work for social and economic rights. Or possibly other norms as well, however part of their strength is the common ground they share with Africa and third world countries, stretching too far from this will make matters proceed less smoothly.
- If powers however would like to protect both first and second generation of Human Rights this could be a golden opportunity to even out priorities between different rights, with cooperation and a new power representing the social aspects covered in Human Rights.

5.3 Closing statements

As previously suggested these conclusions have to be treated somewhat lightly since their empirical foundation is rather thin. However it is also my opinion that they are not without their due merit. Having taken a step back the suggested implications may serve as a way of finding links between phenomena. Further research could of course dwell deeper into the concept of the legacy of the west and try and evaluate if this concept has any bearing on today's world. Likewise one could examine what real relevance the suggested clash between values has in a modern globalized context. The different emphasis on first or second generation of right could be examined in more detail. This essay has been a way of putting the different aspects of China's relation to Human Rights in a broader context.

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