

The European Union and China's Human Rights Perspective: It's Impact on Tibet Issue



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Delegation to the 2nd International Congress on Human Rights & Duties
(Regd: 13ICHRD2)

Abstract:

One of the most difficult and delicate areas in the EU-China relations is the question of human rights because of their differentiated and contested concepts of human rights and normative values. As we all know, the Chinese government does not believe in the universal value of human rights because of its authoritarian set. The People's Republic of China is deprived of necessary fundamental rights including freedom of expression, association, assembly, and religion. Exercise of any such activity perceived as a threat to their party (World Report 2015: China, Human Rights Watch). It is very evident in the case of Tibet as well that a series of self-immolations happened in Tibet since 2009 protesting against Chinese government's repressive and militarised rule in Tibet. On the other hand, European Union (EU) a noble peace laureate and normative actor in the international relations has been promoting human rights around the world as a universal value. Human rights, democracy and rule of law are core values of the EU. The EU has been very vigorous in case of massive human rights violation in Tibet as well. EU has expressed their support and concern for human rights situation in Tibet on many different occasions, by using various mechanism and instruments to improve human rights condition. Unfortunately gross violations of human rights remain a continuing fixture of the situation in Tibet, in spite of the EU's effort. However China argues that owing to their differences in historical background, social system, and cultural tradition, China can only start from its reality and explore a road with its characteristics. As a result, EU's pressure on China has substantially declined. Firstly because of Chinese obstinate behaviour towards international human rights norms and secondly, with the rising economic power of China, it is clearer that human rights issues get compromised over economic interest. In a way, Tibet issue is losing its voice and support. Therefore, the paper is intended to look into the ineffectiveness and the irony of EU in promoting HR in Tibet in the light of Chinese government's failure to comply with international standard HR norms.

Keywords: Europe, China, International Relation, Human Rights.



The relations between the European Union (EU) and Peoples' Republic of China (PRC) have been characterised by phases of agreement and cooperation as well as disagreement and tension. Both the EU and China gained important positions in international relations over the last decades, especially in economic terms (Algieri, 2002). Their economic growth is seen as both attractive and forward looking in the international system.

The year 2015 marks the 40th anniversary of the EU-China established diplomatic relations in May 1975. Their relationship based on Trade and Economic Cooperation Agreement 1985 has matured and transformed from Comprehensive Partnership to a Comprehensive Strategic Partnership in October 2003 (Li, 2009). Currently, China is one of the most important strategic partners of the EU among the Asian states. In 2004, China became the EU's second largest European trading partner behind the United States, in both exports and imports (Algieri, 2002), while the EU is China's largest trading partner, ahead of U.S and Japan. It was an unexpected yet significant relationship which Shambaugh describes as "one of the most important yet least appreciated development in the world affairs in recent years" (Shambaugh, 2004, p. 243).

One of the most difficult and delicate areas in the EU-China relations has been the question of human rights because of their differentiated and contested concepts of human rights and normative values. The Chinese government does not believe in the universal definition of human rights which is equal and inalienable to all the human beings. China argues that 'right' to individual is not inherent rather bestowed by the state (Goldman, 2002). The citizens of China is deprived of fundamental rights, such as freedom of expression, association, assembly, and political rights. Exercise of any such activity by its citizens is often perceived as a threat to the stability of their

party (World Report 2015: Human Rights Watch). The Tibetans are also denied the same fundamental rights. Therefore, over 100 Tibetans resorted to self-immolation since 2009. They do not have other legitimate options to protest against the PRC's continued repressive and militarised rule in Tibet. On the other hand, the EU a noble peace laureate and normative actor in the international relations arena has been promoting human rights around the world as a universal value. Human rights, democracy, and the rule of law are some of the core values of the EU. The EU has been vigorously bringing up the issues of massive human rights violation in Tibet with China. Further, the EU expressed their concern for human rights situation in Tibet on several occasions at different platforms. Unfortunately, the EU's attempts to make situations better in Tibet did not yeild desirable results because gross violations of human rights remain a continuing fixture of the situation in Tibet. To defend their position and counter criticisms of human rights violations by the world community, the PRC persistently uses the theory of cultural relativism. They use this theory to state that all the rights articulated in the Universal Declaration of Human Rights are not consistent with (or cannot be fully incorporated into) the Asian culture (Le, 2012). The EU's pressure on China to comply with the human rights norms fail to bring about necessary changes in the behviors of the PRC's leadership, specifically towards the hman rights of their citizens and that of the Tibetan people.

Therefore, the purpose of this paper is to examine the ineffectiveness of the EU's human rights policies particularly in making the Chinese authorities comply with the universal human rights rules in their country.

To cooperate into the proposed arguments, it will explore different views of EU and China on the issue of human rights and its implications on Tibet issue. It would also discuss the current situation of human rights



in China taking the case study of Tibet and EU's position on Chinese human rights violation. It would further analyse the shift in the ways in which the EU formulates human rights policy towards China and how it has changed over time. Lastly, it intends to understand to what extent economic and strategic interests have undermined the EU's promotion of human rights in its dealing with China. It will further question the effectiveness of EU in promoting human rights in China.

Human Rights Situation in China

After the 1989 Tiananmen Square protest, the PRC's human right abuse reached the forefront of international concern (Le, 2012), China faced unprecedented international pressure but responded by challenging certain aspects of the human rights system. Major issues of concern like repression of freedom of speech, freedom of religion, freedom from discrimination, freedom from torture, and other political rights continue to be a matter of concern (Office of the High Commissioner for Human Rights 2009; Human Rights Council Resolution 5/1: People's Republic of China). Those major concerns continue to exist because they have never been meaningfully addressed. The PRC in an attempt to clutch at straws has been using the theory of cultural relativism to defend their positions on human rights conditions in their country.

Human rights as a discourse did not exist in China before the 1970s.¹ The dominant political discourse back then was the discourse on class struggle² (Chen 2005: 162). Post Mao's era,

Chinese government has played a proactive role in the process of human rights discourse transformation. Since 1978, a discourse on human rights has slightly changed, as class struggle was no longer the main focus. The Party's policy shifted their focus on economic construction and reforming economic policies with a view to encourage foreign direct investment in their country. But there is less improvement in the political rights of the masses because Chinese foreign policy on human rights and most other subjects is overwhelming realist (Ming; Forsythe 2001: 1098), and thus devoted to a narrow national party interest.

With the coming of President Xi Jinping to power, it was assumed the decade-long repressive political policy of his predecessors would come to an end. Unfortunately his government chose to tighten control over key pillars of civil society and continues to curb fundamental rights (Human Rights Watch, World Report 2015: 155). According to Radio Free Asia 2015 Report, Chinese Right Group said, "China's human rights situation is currently the worst that has been seen in a quarter-century". Civil Rights and Livelihood Watch Founder Liu Feiyue told RFA that "the stability maintenance regime is getting stricter and stricter; you could say it's getting more and more brutal, more and more inhumane" (RFA 2015).³ In case of Tibet as well, human rights situation has worsened. The discontent of Chinese rule over Tibet is shown in the form of series of self-immolations and protest at mining operations.

EU and Human Rights

The institution of human rights assumes prestigious position in the international arena. This position is because of the evolution of human rights as one of the central arms in the machinery of the United

¹other terms like citizen rights, people's rights were used frequently though

²China believes class struggle is needed because there are some anti-socialist elements in society. So long as class enemies still exist, they should be suppressed and no rights should be extended to class enemies.

³Reported by Xin Lin for RFA's Mandarin Service, Translated and Written in English by Luisetta Mudie.



Nations (UN; Heyns&Viljoen, 2001). The EU believes that the “promotion and protection of human rights around the world is a legitimate concern of the international community” (UN Guidelines for Minorities, p. 1).

The EU is committed to the promotion of normative values and human rights in China in an active, sustained and constructive way.⁴ Democracy and human rights are typically placed at the core of its both foreign and internal politics (Kozma 2009: 603). There are two important factors for contemplating such issues as a strategic importance. First, EU is known as a normative power in international relations and human rights have become a value of honour for EU. It provided an idea of the creation of China as a safe place for EU’s future investment which has been the topmost priority in the EU’s agenda towards China. Successful democratisation and opening up of the Chinese market to the world has been another most important objective of EU (Sajdak 2013, p. 24).

EU's Position on Human Rights in Tibet

Human rights advocates argue that the political situation in Tibet makes it different from the rest of China. The implementation of Chinese authoritarian policies in Tibet has led to a cultural and physical genocide in contrast to the administration of its policies in the rest of China (Adams 1998). The Human Rights Watch, World Report 2014 has provided human rights report in Tibet which read as follows:

“The Chinese government systematically suppresses political, cultural, religious and socio-economic rights in Tibet in the name of combating what it sees as the separatist sentiment. Arbitrary arrest and imprisonment remain common, and torture and ill-treatment in detention are endemic. A politicised judiciary precludes fair trials

overly tasked with suppressing separatism”. (p. 328)

“Police systematically suppress any unauthorised gathering. On July 6, 2014, police opened fire in Nyitso, Dawu prefecture on a crowd that had gathered in the countryside to celebrate the Dalai Lama’s birthday. Several people were injured. The government censored news of the event” (Human Rights Watch, World Report 2014, p. 328).

EU accepts that China has one of the worst human rights records of any major country in the world. Certainly, the degree of protection for individual human rights is significantly lower than one is entitled to. In response to the China’s violation of human rights in Tibet and its repressive rule in Tibet, the EU has established different institutions, provided guidelines on human rights, initiated human rights dialogue, and laid down human rights policies towards China. The EU’s major condemnation of China’s human rights situation occurred following the Tiananmen Square massacre in 1989 by imposing arms embargo sanction on China. In 1995, EU has initiated ‘the EU-China Dialogue on Human Rights’⁵ which provided a new channel of communication between them regarding all issues of concern (ECOM 2001). The European Parliament⁶ has expressed support for Tibet on several occasions by using various tools and instruments at its disposal such as written or oral questions and statements, the annual report on human rights, hearings on China and/or Tibet by the Sub-committee on Human Rights or by the Foreign Affairs

⁵ The EU-China human rights dialogue held twice a year and it discusses all the necessary issues such as civil, political freedoms, ethnic minorities’ rights, death penalty and fair-trail, etc

⁶ European Parliament is an important actor on human rights.

⁴Eas.europa.com



Committee, meetings of the [Tibet Intergroup](#).⁷ The European Parliament reiterated its call on the Council to appoint an EU Special Representative for Tibet and felt the need for the rights of China's minority communities to be put on the agenda for future rounds of EU-China human rights dialogue (European Parliament 2011). The EU delegation urged China to address the root causes of unrest and foster dialogue with and between the different ethnic groups, especially in Tibet and Xinjiang (CTA 2015; UNHRC Session).

After formalising human rights dialogue with China, EU prioritised Chinese ratification of the “International Covenant on Civil and Political Rights (ICCPR)” along with the “Covenant of 1996 on Economic Social and Cultural Rights (ICESCR)” and the “Universal Declaration of Human Rights” as a part of solution for their relationship (Sautenet, 2007). The Chinese ratification of the ICCPR was considered as an important issue to be discussed in the EU-China dialogue (Murgo, 2007). The Chinese government has been declining to ratify the covenant despite continuous pressure on them (Lee, 2007: 449). There is less probability to improve political rights even if China agrees to ratify ICCPR. The irony is that in spite of ratification of the Convention Against Torture over 16 years ago, “amendments in legislation, and growing public awareness of the issue, torture remains a major problem for China” (Lee, 2007, p. 451). Torture and execution of its people still continue to take place behind the bar. China requires improving their value and behaviour substantially in terms of both the law and practice.

Effectiveness of EU's human rights policy towards China

Despite the EU's strategy of ‘constructive engagement’ based on cooperation and

dialogue over human rights issues in China, the latter's human rights record has worsened over time (Panebianco, 2006). In response to such concerns, the European Commission's 2001 China Strategy outlined more concrete actions that could strengthen the human rights dialogue, stating that dialogue was “an acceptable option only if progress achieved on the ground” and therefore it needed to be more ‘result-oriented’ (European Commission, 2001: 11). The steps to strengthen dialogues and make it more result-oriented were outlined in the European Commission papers published in 2003 and 2006 (European Commission, 2006: 4). No alternative policies on human rights were suggested despite an adverse report on China's human rights. In fact, mention of the term human rights declined from fifty in the 2003 European Commission Paper to just nine in 2006 (Mattlin, 2005).

The EU-China dialogue on human rights situation in China has been occurring between low-level diplomats of the two parties. The outcomes of such dialogues have never resulted in serious action plans to improve human rights situation in Tibet. Therefore, the dialogues between the two parties just remained dialogues and did not make any difference at all in the lives of its citizens.

The leadership of the PRC never fails to challenge any criticisms levelled against them. The EU's effort to improve human rights situations in Tibet is considered as an intrusion in its domestic affairs and opposed as an unfavourable act. It also alleges that the EU's stance on Tibet is more as a Western ploy to irritate China and seek some diplomatic leverage, particularly to gain economic concessions from China. Chinese Foreign Ministry spokesman Qin Gang retorted to some such human rights criticism by saying that “Tibetan issues and human rights are purely China's domestic affairs, and China would not allow any outside interference” (Qin, Gang 2008). The EU's diplomatic relationship with the Dalai Lama

⁷ <http://www.tibetpolicy.eu/european-parliament-resolutions-2000-2012>



resulted in cancellation of a few high-level meetings and refusal to attend "dialogues on environmental issues and human rights" (Li, 2009). For example, China cancelled EU-China summit when former President Sarkozy met with the Dalai Lama. In the subsequent months, China started demanding France to support China's position on the Tibet matter. Chinese responded to French failure to protect the Olympic torch in 2008 by boycotting the France's supermarket Carrefour. Towards the end of 2008, Chinese common people were not happy with the Europeans attitude towards them. Therefore, many boycotted tourism to France. Chinese Premier Wen Jiabao deliberately did not visit France during his official tour to EU in 2009 (Li, 2009). Chinese students also boycotted the London Metropolitan University because it offered an honorary degree to the Dalai Lama. Similarly, Prime Minister Cameron's meeting with the Dalai Lama in May 2012 and the British's human rights report on China, resulted in the cancellation of British-Chinese dialogue. Further, the prime minister's planned trip to Beijing during the same year was banned (VOA, Asia: 2014). Such brazen acts of the Chinese leadership forced many European governments to avoid direct contact with the Dalai Lama and raise Tibet issue. Some other member states faced Chinese demands for apologies for holding earlier meetings, and some of them took U-turn.

An exponential growth of the Chinese economy made them a prominent player in the arena of international relations because many countries developed mutually beneficial business relationships with them. As a result, the international community, including the EU became softer and less critical of the bad behaviours of Chinese. The EU's pressure on the Chinese to comply with the universal human rights regulations has diluted so much that the pressure today is not any closer to the one Chinese received when inhuman acts that they perpetrated on peaceful demonstrators in Tiananmen Square. One of the major reasons why the

EU's current pressure on the Chinese leadership pales in comparison to the pressures of yesteryears as alluded to earlier was the EU's economic interest that has been intricately linked with the Chinese economy. In the current EU-China economic relationship, the Chinese appears to have the upper hand. Therefore, the EU adopts overly cautious approach in bringing up the human rights issues with Chinese leadership. Based on their current strength, the Chinese leaders expects their EU counterparts to be respectful of their positions on Tibet, Xinjiang, and Taiwan by remaining silence on those sensitive issues.

The EU member states are divided among themselves and compete for their own national interest. For instance, France and some other member states began to push the EU to stop tabling resolutions to condemn "China's human rights record at the annual meeting of the UN Commission on Human Rights". It was solely motivated by their increased commercial interest in China (Casarini, 2006; Balducci, 2010). Meanwhile, Nordic countries such as Denmark and the Netherlands were under significant pressure from their public to link foreign policy to human rights. They can afford to do so because they had no important economic links to China. Nordic countries were against France leading the group in this regard because they wanted to continue tabling the critical resolutions (Balducci, 2010). This resulted in a division between EU member-states, culminating in the 1997 UNHCR meeting when a critical resolution towards China co-sponsored by Denmark, UK and the Netherlands was voted against by France and four other member-states (Casarini, 2006). After this discussion, it was agreed that no more critical resolutions would be tabled at following UNHCR meetings (Baker, 2002). Thereafter, EU members have failed to promote human rights because their positions have been weakened by the economic interests of their respective countries. As a result, China



appreciates the way the EU's treats the human rights issues.

The only effective measure adopted by the EU to condemn Chinese human rights violations was the arms embargo; that was imposed on China after the incidents of Tiananmen in 1989 (Kinzelbach&Katrin, 2014; Richardson, 2014). However, the condemnatory measures has moved from public to more diplomatic and closed door meetings (Human Rights Forum 2010). The EU member states considered lifting the arms embargo in 2004 when the Chinese pressure grew (Huang, 2011). However, Chinese failed to remove arms embargo because of the US interference in the debate of lifting off the arms embargo and divergence in the EU's decision-making.

The European Council on Foreign Relations published an assessment report on April 17, 2009, on the status of the EU-China relations, and the Council has expressed that "EU should no longer exercise any restraint on China's human rights and citizenship issues" Additionally, the report stated that "EU should combine issues such as protecting freedom of religion and promoting so-called political reconciliation with the Chinese central government to reinforce, and not weaken the EU's stance on the so-called issue of human rights in China". It was stated further that "European leaders and its parliament should issue a statement refusing to accept Beijing's "imposition of restrictions" on their meetings with some political and religious figures, including the Dalai Lama" (Zugui 2009). However, the Union's human rights diplomacy has, in general, remained limited to issuing condemnatory declarations. Declaratory diplomacy on the humanright is not futile as the Union's repeated denunciations of violations have helped to make clear that human rights abuses are no longer acceptable to the international community. Violators of human rights face symbolic and repeated condemnation, force them to pay a modest political cost and undermine their legitimacy

(Donnelly 1998). However, EU's full potential on human rights issues is far from being realised.

Conclusion

From this study, it became evident that the EU's human right policy towards China is ineffective particularly in the case of Tibet. This year is the 40th anniversary of the EU and China relationship. Their relationship assumes greater significance in the backdrop of ongoing economic crisis. For example, EU sought Chinese help to bail out Greece from the Eurozone crisis. China's growing economic clout over the EU is making the EU more subservient. Premier Li Keqiang, in Europe on a day when financial markets took fright that Greece might leave the euro, said China and the world wanted to see Athens remain in the currency area and that China would continue to buy euro zone debt (BRUSSELS, June 29, 2015).⁸ Moreover, China in response to their domestic economy challenges, President Xi Jinping initiated the "One Belt, One Road" (OBOR) on March 2015, to increase their focus on "improving diplomacy with neighbouring states and more strategic use of economic as part of China's overall diplomatic toolkit" (Kennedy& Parker, 2015).⁹ The EU's participation in the OBOR project, would definitely benefit from Chinese investment to update and reinforce Europe own infrastructure (Yan, 2015).

Thereby, human rights became an object of national foreign policy. The EU has a contradicting human rights policy towards China. They talk about promoting human

⁸<http://www.reuters.com/article/2015/06/29/eu-china-idUSL5N0ZF2N020150629>

⁹ Kennedy, Scott and Parker, D.A (2015), "Building China's One Belt, One Road", Center for Strategic and International Studies, Online, Accessed on 3rd Oct 2015, [URL]: <http://csis.org/publication/building-chinas-one-belt-one-road>



rights, but at the same time consider lifting the arms embargo sanctioned on China. The EU's economic interests weaken their position on human rights vis-à-vis violation of human rights in China. The gulf between the European Union's human rights rhetoric and reality evidently has not yet been bridged. As a result, Economic competition and conflicting national interest continue to restrict Europe's foreign policy on a human rights issue to mere declarations rather than actions. China believes Tibet as one of their core interest. Therefore, they do not accept and tolerate any intervention, be it in the name of human

As a result of overly cautious approach of the EU, it is likely that some sensitive issues for the rights, from outside forces. In such case, EU becomes helpless and makes them to believe that Chinese human rights situation will improve with its economic development. Hence, in this globalised world, EU's human rights approach towards China has been subordinated to the economic and trade interest. Principally, EU's foreign policy was set out to maintain its own norms and values in engaging with global actors in international politics but economic interest is taking over their norms. Chinese authorities, including human rights and Tibet, will be further marginalized. Further, pressure is likely to grow for the EU authorities to refrain from interfering in China's issues. The PRC might apply economic pressure on the EU respect Chinese human rights polices and lift the arms embargo.

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