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Jing Men

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**Between Human Rights and Sovereignty
--An Examination of EU-China Political Relations**

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Between Human Rights and Sovereignty*

--An Examination of EU-China Political Relations

In the post-Cold War era, the EU is generally regarded as a normative power. All the Member States have transferred part of their national sovereignty to this regional organisation to make decisions for the common market at the European level. The achievements realised in the construction of the internal market encouraged the Community to develop towards the direction of a Union where not only economic affairs, but also political and diplomatic affairs should be developed under the leadership of the Union. Benefiting from the widened and deepened European integration, the EU promotes liberal democratic values in its external relations. After the Tiananmen Event in China in 1989, the EU Member States had for eight consecutive years tabled a resolution at the UN Commission on Human Rights to criticise China's human rights record. Since 1997, the two sides have maintained a bi-annual human rights dialogue to facilitate mutual understanding on the issue. Nevertheless, the disagreement on human rights is much stronger than consensus between the two sides. The EU is frustrated in its political relations with China due to limited progress in the human rights dialogue.

This paper will study the differences between the EU and China on the understanding of human rights and national sovereignty and their impact on EU-China political relations. The paper will be divided into the following parts. The first part will give a review of the concepts of both sovereignty and human rights and the rising concern of human rights in the contemporary world. The second part will study the EU's policy of human rights to find out why the EU adheres to its values. The third part will look at China's policy on sovereignty and human rights. The fourth part will examine EU-China political relations and analyse the difficulties in bilateral relations, due to differences in values between the EU and China. The fifth part will draw some tentative conclusion.

1. Sovereignty and human rights: values in conflict?

The concept of sovereignty was developed in the 17th century as a consequence of the emergence of modern states in Europe. Between 1648 when the Peace of Westphalia was signed and 1948 when the Universal Declaration of Human rights was adopted, the world experienced great changes. In 1648, the great powers in Europe reached the agreement among themselves that sovereignty should be respected. Territorial integrity and non-intervention have since then been maintained as the two basic norms of sovereignty: 'Existing states, as sovereign members of the decentralised, state-centric international community, are entitled to recognition and respect and to the right of political autonomy....'¹ Thanks to the Peace of Westphalia, states are understood in principle as legally equal entities which work to maintain international peace via a range of widely accepted treaties, agreements, conventions, and declarations.

* The author would like to thank the peer reviewer for his comments.

¹ M. R. Amstutz, *International Ethic: Concepts, Theories, and Cases in Global Politics* (Rowman & Littlefield Publishers, Inc. 2005), 129.

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State sovereignty and human rights are two fundamental values in international relations. Traditionally, the state is regarded as the basic unit of international relations. Against the anarchical international system, the 'defining feature of the state is sovereignty, its absolute and unrestricted power.'² Anarchy obliges each state to take care of its own national security and property. Without world government, it is difficult for states to give much concern to the rights of individuals when facing intense national competition from others.³ Imbued with high autonomy, states are supposed to respect each other's independence.⁴

While the Treaty of Westphalia set principles for states to act in international relations, states have responsibilities to protect the basic rights of its people and to allow individuals to enjoy freedom within legal boundaries. International relations are ultimately relations between human beings. Human rights impose limitations on the scope of authority a state can exercise over its citizens.⁵ States, which are legitimate internationally, may not necessarily be legitimate domestically. McMahan proposed two criteria for domestic legitimacy: a state should be a representative of the political community or communities within its territorial boundaries; it should enjoy the support and approval of the mass of its citizens.⁶

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In today's world, the rights of human beings in each individual state are given increasing concern as a result of globalisation and growing interdependence between states. However, it seems unclear what human rights is.⁷ As a matter of fact, human rights is not an obvious idea.⁸ Following the view of the United Nations, we can distinguish between civil and political rights, on the one hand, and economic and social rights, on the other hand. The Universal Declaration of Human Rights expressed a liberal ideal of human rights that the individual is the basic unit whereas the state should be the creation of its citizens. However, liberalism is not the only contemporary conception of human rights. Debates on human rights between the liberal-minded market economy states and most of the Third world states have been continuing for decades. In the first two decades following the foundation of the UN, debates focused overwhelmingly on civil and political rights. As a consequence of the independence of a large number of former European colonies, the Third World states secured a majority in the UN which diverted the discussion more to the economic and cultural rights. Against such a background, the General Assembly of the UN in 1977 passed a resolution stating that it was impossible to have political and civil rights without providing for economic, social and cultural rights first.⁹

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The concerns of state sovereignty and of human rights are often in conflict. The emphasis of the state on sovereignty serves as a good argument to fend off foreign interference, but may lead to the violation of human rights. It is not easy to achieve balance between the respect for state sovereignty and the right of

² Ibid., 76.

³ See S. Hoffman, *Duties Beyond Borders: On the Limits and Possibilities of Ethical International Politics* (Syracuse: Syracuse University Press, 1981).

⁴ R. Jackson and G. Sorensen, *Introduction to International Relations: Theories and Approaches* (New York: Oxford University Press, 2006), 133.

⁵ S. D. Krasner, 'Sovereignty, Regimes, and Human Rights', in V. Rittberger and P. Mayer (eds.), *Regime Theory and International Relations* (Oxford: Oxford University Press, 1995), at 140.

⁶ J. McMahan, 'The Ethics of International Intervention', in K. Kipnis and D. T. Meyers (eds.), *Political Realism and International Morality: Ethics in the Nuclear Age* (Boulder, Colo.: Westview Press, 1987), at 85.

⁷ S. D. Krasner, 'Sovereignty, Regimes, and Human Rights', at 161.

⁸ R. J. Vincent, *Human rights and international relations* (Cambridge: University Press, 1986), 7.

⁹ S. D. Krasner, 'Sovereignty, Regimes, and Human Rights', at 162-164.

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3 humanitarian intervention. Different states hold different opinions on the priority of
4 the two values. Since the end of the Cold War, sovereignty is increasingly
5 circumscribed. Criticism of governments, which have unsatisfying human rights
6 records, is increasingly legitimate.¹⁰

7 Noticeably, there is a tendency that human rights are becoming
8 internationalised. Based on the Universal Declaration of Human Rights, both the UN
9 treaties including the International Covenant on Civil and Political Rights (ICCPR)
10 and the International Covenant on Economic, Social and Cultural Rights (ICESCR)
11 were created in 1966 and entered into force in 1976. The issue of human rights is 'no
12 longer a matter always or necessarily within the state domestic jurisdiction.'¹¹
13 Attention to human rights seems to have become part of international governance.¹²
14 Violation of human rights is often criticised world-wide. States are requested to be
15 responsible for the treatment of their citizens. In 2001, the International Commission
16 on Intervention and State Sovereignty (ICISS) proposed reconciling sovereignty with
17 the defence of human rights. Rather than taking for granted the right to independence
18 of a state, the ICISS suggested that sovereignty should be reconceived 'as a duty to
19 care for persons, as a responsibility to protect and promote human rights.'¹³

20 21 **II. The EU: respect for human rights as a universal value**

22 Between the 16th and 17th centuries, the rulers of Europe developed the idea of
23 sovereignty 'in the course of their rivalries and struggles, religious and secular.'¹⁴
24 Although this idea is remarkably long lasting, it is not fixed. The original
25 understanding of sovereignty is closely related to the authority of a single person.
26 Absolute monarchs regarded themselves as sovereign. As stated by Louis XIV of
27 France in the 17th century, 'L'Etat c'est moi.' This absolute notion of sovereignty was
28 challenged by Jean-Jacques Rousseau in the 18th century who developed the idea of
29 popular sovereignty. Popular sovereignty invested the ultimate authority in the hands
30 of people that 'general will' should be respected. This served as the basis of modern
31 democratic theory.¹⁶ In the historical development towards the direction of popular
32 sovereignty in European politics, several remarkable legal documents were produced
33 including the UK Bill of Rights of 1689, and the French Declaration of the Rights of
34 Man and the Citizen of 1789.

35 In the 20th century, more developments were witnessed in Europe towards
36 democracy and human rights following the introduction of the Universal Declaration
37 of Human Rights at the UN. This document inspired the Europeans and served as the
38 basis for the drafting of the European Convention on Human Rights.¹⁷ After the
39 WWII, the 1949 Geneva Conventions were formally accepted by all the states. The
40 European Court of Human Rights (ECHR), responsible for enforcing the European
41 Convention on Human Rights, was founded in 1959. Apart from the ECHR, the
42 Council of Europe also created the European Commission on Human Rights and the
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44 ¹⁰ J. H. Matlár, *Intervention for Human Rights in Europe* (New York: Palgrave, 2002), 14.

45 ¹¹ D. P. Forsythe, *Human Rights in International Relations* (Cambridge: Cambridge University Press,
46 2000), 4.

47 ¹² *Ibid.*, 5.

48 ¹³ M. R. Amstutz, *International Ethic: Concepts, Theories, and Cases in Global Politics*, 135.

49 ¹⁴ R. Jackson, *Sovereignty: The Evolution of an Idea* (Cambridge: Polity Press, 2007), 1.

50 ¹⁶ A. Heywood, *Political Theory: An Introduction*, 93.

51 ¹⁷ P. Alston and J. H. H. Weiler, 'An 'Ever Closer Union' in Need of a Human Rights Policy: The
52 European Union and Human Rights', in P. Alston et al. (eds.), *The EU and human rights* (Oxford:
53 Oxford University Press, 1999), at 3.

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Committee of Ministers to oversee the implementation of the Convention. After its creation, the ECHR has undergone a series of reforms. Since 1998, individuals have been allowed to bring cases of human rights violation directly to the court. All the 47 Member States of the Council of Europe are contracting parties of the convention. The spirit of the convention is protected by the Council and supported by the ECHR, and it represents a historically unprecedented step in international law—that the fundamental rights and freedoms of each individual should not be violated by the state.

The tradition of respecting the will of the people in Europe has a clear impact on the establishment and development of the European Community/Union. The creation of the Coal and Steel Community had the goal of preventing war between France and Germany.¹⁸ As people are the victims of wars, the design of European communities can also be understood as efforts made to respect the right to life of European people. Since the 1990s, concerns on human rights and democracy have been more vocal in the EC/EU's documents. This was marked by the Luxembourg Declaration of the European Council in June 1991 which stated that human rights and fundamental freedom 'cannot be considered as interference in the internal affairs of a State and constitute an important and legitimate part of their dialogue with third countries.'¹⁹ Several months later, a landmark resolution was issued by the Council of Ministers that, for the first time, mandated the inclusion of both 'the positive and negative tools for the pursuit of human rights and principles abroad through political, diplomatic, economic, and aid means.'²⁰

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After the end of the Cold War, a new international environment came into being, in which human rights plays a prominent role. The collapse of the Soviet Union and the dramatic changes in Eastern Europe triggered renewed discussions inside the Community of the possibilities of further enlargement. Unlike previous enlargements, candidate countries this time were economically lagging behind and politically unstable. In order to transform these countries, the European Council in 1993 developed Copenhagen Criteria, explicitly requiring its future members to respect human rights and to preserve democratic governance. The tools mandated by the Council in 1991 empowered the EU to press these conditions to the candidate countries. The Amsterdam Treaty formalised the membership conditions by stating that 'The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law,' and that any European state respecting these principles 'may apply to become a member of the Union.'²¹

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The EU's approach to promote democracy and human rights is regarded as 'new interventionism' which changes the norm of sovereignty. Values of human rights and democracy matter more than before, and become 'hard' values.²² Interventions aim at improving human rights. Those countries which have serious human rights problems can be understood as threats to international peace and security, as human rights and democracy are accepted as universal principles. In the

¹⁸ See Y. Devuyt, *The European Union Transformed. Community Method and Institutional Evolution from the Schuman Plan to the Constitution for Europe* (Brussels: Peter Lang, 2006).

¹⁹ European Council, 'Conclusion of the Luxembourg European Council', 28-29 June 1991, 1, retrieve 12 August 2009 from

http://www.centrodiritiumani.unipd.it/a_temi/normedu/003_ue/1_2/1_2_3_en.pdf.

²⁰ R. Balfour, 'Principles of Democracy and Human Rights', in S. Lucarelli and I. Manners (eds.), *Values and Principles in European Union Foreign Policy* (Oxon: Routledge, 2006), at 116.

²¹ *The Treaty of Amsterdam*, 2 October 1997, 6 and 22, retrieved 12 August 2009 from <http://www.eurotreaties.com/amsterdamtreaty.pdf>.

²² J. H. Matlary, *Intervention for Human Rights in Europe*, xii-xiii.

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relationship between sovereignty and human rights, an obvious development dated from the war of Kosovo was summarised by German Foreign Minister Joschka Fischer: 'The Kosovo conflict marks a change in the direction of the development of international relations—one in which human rights are valued as much as sovereignty.'²³

The EU stresses the universality and indivisibility of all human rights including civil, political, economic, social and cultural rights.²⁴ Inside the EU, the efforts to improve human rights were exemplified by the proclamation of the Charter of Fundamental Rights of the EU in 2000. Inspired by the 50th anniversary of the Universal Declaration of Human Rights, a debate on human rights in the EU was initiated in 1998. In about two years, all the Member States and the European institutions approved the charter.²⁵ The Preamble of the Charter of Fundamental Rights of the European Union proclaims that

The Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.²⁶

The Europeans believe that the values listed in the Charter should be universal. In other words, the protection of human rights and democracy has been gradually developed into an important component in the EU policy. More or less around the same time when the Charter was discussed in the EU, a coalition government was formed in Austria—the national election in October 1999 brought the Austrian Freedom Party (FPÖ) leader Jörg Haider into power. As a far-right extremist, Jörg Haider was criticised by the EU for his 'insulting, xenophobic, racist statements.'²⁷ His party opposed many ideas that constitute the common identity of the EU.²⁸ Fourteen EU Member States acted collectively to impose a set of sanctions against Austria in February 2000. During the first weeks of the sanctions, 'Ministers did not shake hands with their Austrian counterparts, French and Belgian ministers left the rooms when Austrian ministers spoke,...'²⁹ The sanctions were lifted in September that year after the Wise Men Report concluded that no proof was found concerning

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²³ Quoted in the *New York Times*, 23 September 1999, A5.

²⁴ DG External Relations, 'Promotion of Human Rights and Democratisation in the EU's External Relations', retrieved 5 August 2009 from http://ec.europa.eu/external_relations/human_rights/index_en.htm.

²⁵ European Commission, 'The Charter of Fundamental Rights of the EU', retrieved 5 August 2009 from http://ec.europa.eu/justice_home/fsj/rights/charter/fsj_rights_charter_en.htm.

²⁶ 'Charter of Fundamental Rights of the European Union', *Official Journal of the European Union*, C303/1, 14 December 2007, 2, retrieved 2 August 2009 from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:303:0001:0016:EN:PDF>.

²⁷ European Parliament, 'Resolution on the Legislative Elections in Austria and the Proposal to form a Coalition Government between the ÖVP (Austrian People's Party) and the FPÖ (Austrian Freedom Party)', Minutes of the Plenary Session of 3 February 2000, retrieved 3 August 2009 from <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B5-2000-0102&language=EN>

²⁸ M. Merlingen and U. Sedelmeier, 'The Right and the Righteous? European Norms, Domestic Politics and the Sanctions Against Austria', (2001) 1 *Journal of Common Market Studies* 60.

²⁹ J. A. K. Hey (ed.), *Small States in World Politics: Explaining Foreign Policy Behaviour* (Lynne Rienner Publishers, 2003), 108.

the breach by the Austrian government of the European Convention for the Protection of Human Rights and Fundamental Freedoms.³⁰

While the sanctions were not imposed directly by the EU, the fourteen bilateral moves were no doubt based on the EU treaties or the *acquis*. Such 'actions against Austria were justified on the grounds that if the EU places major stress on human rights in the admission of new members, then it must certainly have its own house in order.'³¹ Such strong reaction taken by the EU Member States against their own counterpart signalled that concerns over human rights are of overriding importance to the Europeans. Between sovereignty and human rights, the Europeans chose the latter. For them, values undoubtedly matter.³² Taking lessons from the Austrian crisis, in order to prevent violations of fundamental rights from occurring, the EU elaborated a mechanism in the Treaty of Nice that when 'a clear danger exists of a member state committing a serious breach of fundamental rights,' a declaration can be stated and the Council can then issue recommendations that fit to the member state in question.³³

Respect for human rights and democracy also serves as an important principle in the EU's external relations. Since the 1990s, in all the cooperation agreements that the EU has reached with third countries, a human rights clause is included.³⁴ By 2001, the EU had concluded such agreements with 120 countries. Stated in these agreements, the EU can adopt punitive approaches to counter human rights violations in third countries.³⁵ Due to its consistent efforts, the EU has been labelled as a normative power.³⁶

III. China: emphasis on sovereignty and collective rights

Before the English forced the Chinese door open in the 1840s, the Chinese believed that China was the centre of the world. The Imperial Chinese World Order was maintained with China situated at the top of the hierarchical system. The relationship between China and others was the relationship between the civilised world and barbarians. In view of Yongjin Zhang, the interactions between China and other states are 'better captured by a radiational pattern with Imperial China at the centre.'³⁷ As early as the Shang dynasty, the first dynasty with historical records, the rulers taught their subjects that 'The Chinese were at the centre of the world, with all other people outside China, the barbarians, surrounding them.'³⁸ For a long time in history, China was more understood as a civilisation than as a sovereign state. As Lucien Pye pointed out, 'The starting point for understanding the problem is to recognize that

³⁰ M. Ahtisaari, J. Frowein and M. Oreja, 'Report on the Austrian Government's Commitment to the Common European Values, in Particular Concerning the Rights of Minorities, Refugees and Immigrants and the Evolution of the Political Nature of the FPÖ (The Wise Men Report)', (2001) 1 *International Legal Materials* 101.

³¹ J. H. Matlary, *Intervention for Human Rights in Europe*, 189.

³² *Ibid.*, 190.

³³ J. Gower and I. Thomson, *The European Union Handbook* (Taylor & Francis, 2002), 253.

³⁴ B. Brandtner and A. Rosas, 'Human Rights and the External Relations of the European Community: An Analysis of Doctrine and Practice', (1998) 3 *European Journal of International Law* 473.

³⁵ R. Balfour, 'Principles of Democracy and Human Rights', 118.

³⁶ See, for example, I. Manners, 'Normative Power Europe: A Contradiction in Terms?', (2002) 2 *Journal of Common Market Studies* 235–58.

³⁷ Y. Zhang, 'System, Empire and State in Chinese International Relations', (2001) 5 *Review of International Studies*, 53.

³⁸ C. A. Frazee, *World History: Ancient and Medieval Times to A.D. 1500* (Hauppauge NY: Barrons Educational Series, Inc., 1997), 79.

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China is not just another nation-state in the family of nations. China is a civilization pretending to be a state.³⁹ Under the control of Chinese Emperor, the Chinese people were educated that ‘all the land under the heaven belongs to the emperor and all the people are the subjects of the emperor’ (*putian zhixia mofei wangtu, shuaitu zhibin mofei wangchen*).⁴⁰ A famous story in Chinese history was that the first English envoy Macartney visited China in 1793 but was requested by the Chinese emperor to *kowtow*. The Chinese Emperor Kangxi understood Lord Macartney as a tributary missionary. In one of his poems, Kangxi wrote: ‘Barbarians from afar coming to pay tribute is a form of reverence and obedience.’⁴¹ However, the refusal of Lord Macartney to *kowtow* indicated that the English followed different norms—they expected to be treated based on the principle of sovereign equality. This refusal, in view of Yongjin Zhang, ‘amounted to an initial European assault on the fundamental institutions of the Chinese world order.’⁴²

The concept of sovereignty was only introduced to China after Western colonial powers established their concession areas in Chinese territory. As Zhang pointed out, the Imperial China was ‘transformed into a nation-state within a short span of seventy years after the first violent arrival of the European international society in East Asia.’⁴³ In 1861, Emperor Xianfeng was obliged to concede that ‘Imperial China had to deal with Europe on the basis of sovereign equality.’⁴⁴

Since Emperor Qin unified the country, China has had a long history of authoritarian rule for nearly 2000 years. The top-down model was only interrupted temporarily at the end of each dynasty, and was resumed again once a new dynasty was founded. During the long imperial history of China, the absolute power of the emperor was maintained with a complete system of political, economic, cultural, social, and education control. The people in China were required to commit themselves to following the authoritarian order. Duties were emphasised instead of rights.

As explained by Wang Gungwu, when Confucius stated duties of the subjects to the rulers and duties of sons to their fathers, he implied that both the subjects and the sons got implicit rights from the rulers and the fathers, and that the rulers and the fathers should take care of their subjects and sons reciprocally. However, the Chinese political system gradually evolved towards the direction of stronger despotic control. The duties became absolute and unconditional. The large majority had only duties. Despotism was developed from Han dynasty all the way down to Qing dynasty. At the end of Qing dynasty, as a consequence of foreign invasion, some Chinese intelligentsia were in search of possibilities to revitalise China. Among these people, some were concerned with China’s sovereign rights. Some others were in favour of individual rights. The first group promoted sovereign rights (*zhuquan*), and the second, people’s rights (*minquan*). They talked about liberties and rights, the purpose of which was not to emphasise individual freedom, but to serve collective goals. Against the specific background in which China lost its sovereignty and the Chinese people were exploited by colonial powers, the concept of rights developed by the

Deleted: Martin Jacques in his recently published book stated that China is not a nation-state but a civilisation-state.

³⁹ See L. Pye, ‘China: Erratic State, Frustrated Society’, (1990) 4 *Foreign Affairs* 58.

⁴⁰ See *Shijing [The Book of Songs]*, chapter 2.

⁴¹ Quoted in X. Ye, ‘Ascendant Peace in the Four Seas: Tributary Drama and the Macartney Mission of 1793’, (2005) 2 *Late Imperial China* 104.

⁴² Y. Zhang, ‘System, Empire and State in Chinese International Relations’, 59.

⁴³ *Ibid.*, 58.

⁴⁴ *Ibid.*, 60.

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Chinese intelligentsia were different from universal principles, rather, it served as an instrument—to realise the revival of China.⁴⁵

In 1919 at the Paris Peace Conference, the Chinese government was forced to agree that Japan takes over the German concession area in Shangdong Province. This led to the outbreak of the May Fourth Movement in China. The Chinese were outraged that the allied powers did not respect China's sovereign integrity, despite the fact that China was one of them. This movement had a far-reaching impact on China's nation-building: National sovereignty equates to group rights—without the independence of the country, individuals would not enjoy any right. Only after China achieved national independence, could the country be respected in the world, and its people enjoy human rights.⁴⁶

Due to its historical experience, the Chinese always put sovereign rights ahead of human rights. State sovereignty and national security are always listed on top of its national interest. Mao Zedong, the founding father of the PRC, always emphasised self-independence. Taking heed from the colonial past, the Chinese leadership adheres to the principle of sovereignty in its foreign policy. The Five Principles of Peaceful Co-existence was put forward by Chinese leaders in their negotiations with the Indian government on the Tibetan issue in 1953, in which, respect of sovereignty and territorial integrity is listed as the first principle.⁴⁷

Deng Xiaoping followed the line developed by the first generation of Chinese leadership. At the opening ceremony of the 12th Party Congress in 1982, he stressed that 'the Chinese people appreciate friendship and cooperation with other countries and people, appreciate more the right of independence and self-determination through our long-term struggle. Any foreign countries should not expect that China will be dependent on them, not expect that China will damage its interest.'⁴⁸ His speech demonstrated that China takes its state sovereignty very seriously. Sovereignty and national independence rank as the top national interest.⁴⁹

Both Jiang Zemin and Hu Jintao inherited the idea from Deng and stressed on many occasions Chinese state sovereignty and national security. For example, Hu Jintao in his speech to commemorate the 30th anniversary of the reform and opening up stated that 'We should always adhere to the social system and development path that the Chinese people have chosen by themselves. We should always put the nation's sovereignty and security above anything else. We should resolutely safeguard China's interests in terms of sovereignty, security and development.'⁵⁰

At the first US-China Strategic and Economic Dialogue at the end of July 2009, Dai Bingguo, on behalf of the Chinese President Hu Jintao, made closing remarks and listed three Chinese major concerns in its national interest. Noticeably,

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⁴⁵ See G. Wang, 'Power, Rights and Duties in Chinese History', (1980) 3 *The Australian Journal of Chinese Affairs* 1-26.

⁴⁶ J. Li, 'Understanding Human Rights: An Issue in EU-China Relations', (2009) 4 *EU-China Observer* 8.

⁴⁷ 'China's Initiation of the Five Principles of Peaceful Co-Existence', 17 November 2000, retrieved 30 July 2009 from <http://www.fmprc.gov.cn/eng/ziliao/3602/3604/t18053.htm>.

⁴⁸ X. Deng, *Deng Xiaoping Wenxuan [Selected Works of Deng Xiaoping]* (Beijing: People's Publishing House, 1993), 3.

⁴⁹ J. Sun, 'Deng Xiaoping wajiao sixiang zhong de guojia liyiguan' [Concept of National interest in Deng Xiaoping's Diplomatic Theory], (2003) 1 *Dangdai Shijie yu Shehuizhuyi [Contemporary World and Socialism]*, available at <http://cpc.people.com.cn/GB/69112/69113/69117/4714249.html>.

⁵⁰ J. Hu, 'Speech at the Meeting Marking the 30th Anniversary of Reform and Opening Up', 18 December 2008 *Beijing Review*, retrieved 30 July 2009 from http://www.bjreview.com.cn/Key_Document_Translation/2009-04/27/content_194200.htm.

he mentioned that ‘for China, our concern is we must uphold our basic systems, our national security; and secondly, the sovereignty and territorial integrity; and thirdly, economic and social sustained development.’⁵¹ This seems to be the first time that sovereignty is listed as the second national interest by a Chinese leader. It is still too soon to tell whether Beijing will revise its understanding on the importance of sovereignty and be more flexible to the issues related to sovereignty in its external relations.

For several decades in the PRC’s history, human rights was regarded as a concept of the West. Official Chinese Communist Party documents or state laws did not include human rights discourse before the late 1970s. During those years, the concept of ‘human rights’ was seen in negative terms by the Chinese. To encourage human rights was to encourage capitalism. In the same vein, liberties and democracy were capitalist in nature which could be harmful to socialist society. For example, Chinese leader Deng Xiaoping in one of his speeches stressed that

An ideological trend called capitalist liberalisation appeared after the downfall of ‘Gang of Four.’ It admired ‘democracy’ and ‘liberties’ in Western capitalist countries and negated socialism. This is not acceptable. China will realise modernisation, will absolutely not follow liberalisation, and will absolutely not take the capitalist road.⁵²

In the first Constitution of the PRC which was introduced in 1954, it stated the fundamental rights and freedom that Chinese citizens enjoy. However, influenced by idea from the extreme left, the constitution in 1975 removed most of the rights listed in the 1954 version. Although the 1978 Constitution brought back some of the rights, it failed to restore that ‘All citizens are equal in law.’ After the reform and open-door policy was taken at the end of 1970s, the 1982 Constitution restored a chapter on the ‘fundamental rights and duties of citizens’ which was based on the 1954 version.⁵³

The reform policy has a profound impact on the human rights discourse in China. ‘Class struggle’ and ‘politics in command’ have been replaced by ‘getting rich is glorious.’ The emphasis on citizens’ duties to the state has been replaced by concern about citizens’ basic economic needs or rights. The key task of the Chinese government is to develop its economy so that people could have enough to eat and wear. Right to subsistence is the most fundamental right. In view of the Chinese government, to guarantee the right to subsistence is a better way to realise equality, liberties and democracy.⁵⁴ In other words, economic development level affects China’s understanding on human rights and policy making. The Chinese government divides the realisation of human rights into two steps: the first step is to gain the economic and development rights, and the second step is to realise political freedom and liberal democracy.

As mentioned earlier, human rights as an issue has been internationalised, particularly after the end of the Cold War. Accustomed to defending sovereignty and group rights, the Chinese government was not used to the attack on human rights abuse in China by the West in the post-Cold War era. It took some time for Beijing to develop a human rights policy as part of its foreign policy. Apart from dialogue with major Western countries on the issue and active efforts in the UN to block the

⁵¹ ‘Closing Remarks for U.S.-China Strategic and Economic Dialogue’, 28 July 2009, retrieved 30 July 2009 from http://hongkong.usconsulate.gov/uscn_state_2009072804.html.

⁵² X. Deng, *Deng Xiaoping wenxuan [Selected Works of Deng Xiaoping]*, 123.

⁵³ J. Chen, *Chinese law: Towards an Understanding of Chinese Law, Its Nature and Development* (The Hague: Martinus Nijhoff Publishers, 1999), 90.

⁵⁴ J. Li, ‘Understanding Human Rights: An Issue in EU-China Relations’, 8.

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resolutions criticising China, the Chinese government has since 1991 published about 70 white papers, with a majority of them on human rights. The two most important UN human rights documents, the ICESCR and the ICCPR, have been signed by China respectively in 1997 and 1998. China ratified the ICESCR in 2003.

To make comparison between the Chinese Constitution and the two international human rights covenants of the UN, it is not difficult to find out that most of the rights mentioned in both of the covenants are listed in the Chinese Constitution. The two major rights which are not included are: right of life and right to free movement.⁵⁵ In recent years, as a result of economic development and opening up to the outside world, an increasing number of Chinese scholars call for the Chinese government to consider including the right of life into the Constitution.⁵⁶

A review of the PRC's history demonstrates significant changes in political, economic, social and cultural areas. In contrast to the first three generations of Chinese leadership, the Hu-Wen Government introduced some new policy initiatives to improve the welfare of disadvantaged social groups and to stimulate the growth of underdeveloped regions in order to narrow the rich-poor gap and maintain social stability. In the meantime, they stressed the importance of the rule of law. In 2004, the government promulgated 'Implementing the Program of Comprehensively Pushing Forward Administration in Accordance with Law' with the goal of building 'a rule-of-law government around 2014.'⁵⁷ For the Hu-Wen Government, the most important is social stability, which not only depends on the efforts of social welfare improvement, but more importantly, on the successful and sustainable economic development.

Despite the efforts of the Chinese government on the improvement of human rights, China's human rights record is always selected as a target of criticism. This is due to several reasons. First of all, although China has made a large number of laws in the reform period, enforcement remains a major problem. This may be due to the growing administrative and fiscal decentralisation in the years of reform—as a direct result, the power and influence of the central government in China has been weakened. The lack of will of local officials to take effective measures to enforce these laws may be another reason. As economic development growth is often taken as priority in national policy, local officials attach more importance to economic goals. Secondly, the maintenance of stability is realised at the expense of some political human rights including freedom of expression. The arrest of some of the signatories of the 'Charter 08', a manifesto for human rights in China, indicated that the Chinese authorities are not ready to allow active citizens to freely express themselves. Thirdly, political reform is complementary and even secondary to economic reform. This is a lesson that China took from the disintegration of the Soviet Union. Rapid political change can lead to chaos and collapse of the country. Therefore, economic rights are stressed in China in contrast to political rights. As a consequence, the Chinese

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⁵⁵ See L. Liu, 'Guoji renquan xianzhang yu woguo xianfa de xiangguan bijiao' [Comparison between the International Human Rights Charter and the Constitution of Our Country], (1999) 5 *Zhonggong Zhejiang Shengwei Dangxiao Xuebao* [Academic Journal of Chinese Communist Party School of Zhejiang Province].

⁵⁶ See, for example, D. Sun, 'Lun shangmingquan de xianfa baozhang' [The Right of Life and Its Constitutional Safeguard], (2003) 1 *Yunnan Daxue Xuebao* [Yunnan University Academic Journal]; D. Han, 'Zhongguo xianfaxue yingdang guanzhu shengmingquan wenti de yanjiu' [Life Rights Deserve Closer Attention in China's Constitutional Studies], (2004) 1 *Shenzhen Daxue Xuebao* [Shenzhen University Academic Journal]; and P. Shangguo, 'Lun xianfa shang de shengmingquan' [On Right of Life of the Constitution], (2007) 1 *Dangdai Faxue* [Contemporary Law Studies].

⁵⁷ J. Wong and H. Lai, 'The Hu-Wen New Deal', in J. Wong and H. Lai (eds.), *China into the Hu-Wen Era: Policy Initiatives and Challenges* (Singapore: World Scientific Publishing Co., 2006), at 13-14.

government is more willing to conform to the ICESCR than to the ICCPR. Fourthly, the different understandings on human rights and the different approaches to realise human rights between China and the West lead to gaps of understanding and result in enduring criticism from the international human rights regimes on China. Under criticism, China has developed a strong aversion which is not conducive to the human rights improvement. For example, in June 2009, on the UN Human Rights Council, China rejected all the seventy recommendations made by fellow UN member states related to human rights abuses in China.⁵⁸ Lastly, and very importantly, China is ruled by the Chinese Communist Party, which adheres to the one-party system.⁵⁹ This is in direct conflict with the belief in the West in multi-party system and political democracy. For many Europeans, Communist Party belongs to the history instead of the future. Therefore, it is difficult for them to understand why the Chinese Communist Party is still in power after the Soviet Union collapsed and Eastern Europe changed colour. Such perception of the Chinese regime hinders mutual understanding.

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IV. EU-China political relations

Between the EU and China, economic and trade relations serve as the indispensable link in their bilateral ties. After diplomatic relations were established between the European Community and China in 1975, bilateral relations were strengthened by economic cooperation and rapidly growing trade. The fact that the EU is China's largest trading partner and that China stays as the EU's second largest trading partner demonstrates a close interdependent relationship between Brussels and Beijing. However, the close EU-China economic and trade relationship is mismatched by the slow pace in the development of political relations. Such a situation poses challenges to the EU-China partnership. As pointed out by the European Parliament, 'credibility, democratic values and responsibility should constitute the fundamental basis of the relationship between the EU and China.'⁶⁰ The logic behind is that strong political will can help overcome obstacles. Only when both sides share the same political belief can bilateral relations be stabilised.

The different approaches by the Chinese and the Europeans on sovereignty and human rights hamper a closer EU-China political relationship. Despite the fact that since the end of 2003, both sides started to talk about EU-China strategic partnership, there is no evidence that the two have become strategic partners.⁶¹ There is a big gap between China's emphasis on sovereign independence and the priority of economic development (in contrast to political reform), and the EU's high-profile commitment to human rights and democracy both within and outside the Union. These differences lead to difficulties in cooperation between Brussels and Beijing in many bilateral and international issues.

⁵⁸ 'China: Government Rebuffs UN Human Rights Council', 11 June 2009, retrieved 16 August 2009 from <http://www.hrw.org/en/news/2009/06/10/china-government-rebuffs-un-human-rights-council>.

⁵⁹ For the analysis of Chinese Communist Party, see David Shambaugh, *China's Communist Party: Atrophy and Adaptation* (Berkeley, CA: University of California Press, 2009); Kjeld Erik Brødsgaard and Yongnian Zheng (eds.), *The Chinese Communist Party in Reform* (New York: Routledge, 2006).

⁶⁰ European Parliament, 'Report on EU-China Relations 2005/2161(INI)', 20 July 2006, retrieved 13 August 2009 from <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2006-0257+0+DOC+PDF+V0//EN>.

⁶¹ Many scholars analysed EU-China relations and reached the conclusion that the strategic partnership does not exist between the EU and China. See, for example, D. Scott, 'China and the EU: A Strategic Axis for the Twenty-First Century?', (2007) 1 *International Relations* 23-45; J. Fox & F. Godement, *A Power Audit of EU-China Relations* (London: European Council on Foreign Relations, 2009).

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3 Since 1994, the EU-China political dialogue has been established with the idea
4 of exchanging views and understandings on issues of common concern. This
5 mechanism was upgraded in 1998 with the agreement that an annual summit would be
6 organised since then. Up till late 2008, the summits were held regularly which
7 provided an important framework for the European and Chinese leaders to have direct
8 dialogue. However, the summit meeting under the French Presidency in Lyon was
9 cancelled by the Chinese due to the planned meeting between the French President
10 Sarkozy and the Dalai Lama in early December 2008. The Chinese government
11 deems the Dalai Lama issue strictly as a domestic affair, thus requiring the European
12 counterpart to respect China's sovereignty and not to interfere. At the Prague EU-
13 China Summit in May 2009, the Chinese Premier Wen pointed out that the key to
14 China-EU relations is the principle of mutual respect and non-interference in each
15 other's internal affairs.⁶²

16 This position is far from that of the EU. Since the late 1980s, the European
17 Parliament has been active in keeping an eye on the situation in Tibet and issued
18 dozens of resolutions on the human rights situation in this region. When China was
19 preparing for the Olympic Games in 2008, the torch relay in major European cities
20 turned into demonstrations against China's human rights policy in Tibet. Some
21 European leaders threatened to boycott the opening ceremony of the Olympics due to
22 China's human rights policy. The noticeably different understanding on sovereignty
23 and human rights led to the diplomatic crisis between the EU and China at the end of
24 2008.

25 As a normative power, the EU intends to help China transform into a country
26 based on the rule of law, with respect for human rights and democracy. The statement
27 by Romano Prodi reflects the EU's motivation in its political relations with China:
28 'Europe needs to project its model of society into the wider world. We are not simply
29 here to defend our own interests: we have a unique historic experience to offer.... We
30 have forged a model of development and continental integration based on the
31 principles of democracy, freedom and solidarity—and it is a model that works.'⁶³

32 The EU is eager to integrate China into the international community so that
33 not only cooperation between the two sides will be improved but also the EU's role in
34 the world will be strengthened. In order to realise this goal, the EU invested for its
35 first China National Indicative Programme (2002-2006) € 250 million⁶⁴ and
36 committed € 224 million towards the current one (2007- 2010).⁶⁵ However, China's
37 progress in the field of human rights seems to be unsatisfactory—China's National
38 People's Congress (NPC) has not ratified the ICCPR twelve years after it was signed.
39 Due to lack of progress, the Europeans have become increasingly frustrated in the
40 human rights dialogue with their Chinese counterparts.

41 Both sides are well aware of their differences in regards to human rights—the
42 human rights dialogue has been established for a dozen years. However, in view of
43 the Europeans, the dialogue achieved no tangible results in China's human rights
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45 ⁶² 'Chinese Premier Attends 11th China-EU Summit', 21 May 2009, retrieved 15 August 2009 from
46 http://news.xinhuanet.com/english/2009-05/21/content_11409921.htm.

47 ⁶³ R. Prodi, '2000-2005: Shaping the New Europe', speech to the European Parliament, Strasbourg,
48 Speech 00/41, 15 February 2000, 3, retrieved 12 August 2009 from
49 <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/00/41&format=HTML&aged=1&language=EN&guiLanguage=en>.

50 ⁶⁴ See 'National Indicative Programme 2005-2006: China', in F. Snyder (ed.), *The European Union*
51 *and China: 1949-2008* (Oxford and Portland, Oregon: Hart, 2009), pp. 513-557.

52 ⁶⁵ See 'European Commission, China Strategy Paper, 2007-2013', in F. Snyder (ed.), *The European*
53 *Union and China: 1949-2008*, pp. 608-653.

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behaviour. There is a pervasive dialogue fatigue among the officials who are engaged in the dialogue with the Chinese.⁶⁶ Philip Baker complains that the human rights dialogue is exploited by the Chinese diplomats as a convenient tool to deter European criticism on China's human rights in international regimes. On the other hand, the Europeans are somehow tied to the valueless dialogue because without it, the EU Member States would have no policy towards human rights in China.⁶⁷ It needs to point out that the dialogue offers an important channel for the EU to voice its concerns as well as to raise individual cases to the Chinese counterpart.⁶⁸

As a rising power, the EU promotes multilateralism in international relations. European integration is based on a group of well recognised rules and norms as well as effective multilateralism. The significant achievement of enlargement from the original six members to the current twenty-seven members is a result of rule-building and institutionalised multilateral cooperation between the Member States. In a world in search of cooperative governance, the rule-based multilateral approach can allow the EU to give full play to its successful experience accumulated in the process of European integration. In the EU's design of world governance, multilateralism is an indispensable element.⁶⁹ However, effective multilateralism in the world will not be realised without support from China. The multipolarity promoted by China is not the same as the multilateralism advocated by the Europeans. As China attaches great importance to the traditional concept of sovereignty, it is difficult for the two to achieve consensus on the strategic vision of international economics and politics.

The lifting of the arms embargo was a topic for discussion in the EU between 2004 and 2005. The embargo was not lifted, not only because of the pressure from the United States, but mainly due to the consideration of China's human rights violations in the EU. The arms embargo was introduced in 1989 by the EU and other Western countries after the Tiananmen Event on June 4. To lift the embargo, the EU would need significant progress made in China in the field of human rights. When this issue was hotly debated in 2005, China's NPC passed the Anti-Secession Law by a vote of 2,896 to 0, with two abstentions on March 14, 2005 in order to prevent Taiwan from declaring independence. The stated right of use of force against Taiwan's independence worried the Europeans and further complicated the issue. Although the law dedicates most of the paragraphs to talking about peaceful reunification, the international media seemed to pay much more attention to Mainland China's coming military conflict with the Island. In general, the Anti-Secession Law is considered to aggravate 'the situation across the Straits in an unjustified way.'⁷⁰

On the other hand, the EU's Code of Conduct, accepted by all members in 1998, has eight criteria under which export licensing decisions should be based.⁷¹ These are linked to human rights violations and regional stability as well as the risk that exports to one country might be diverted to another that is not part of the license.

⁶⁶ Y. Dumas, 'European NGOs calls on EU to Ensure Human Rights in China Before 2008 Olympics', 15 May 2007 *The Epoch Times*, retrieved 15 August 2009 from <http://en.epochtimes.com/news/7-5-15/55349.html>.

⁶⁷ P. Baker, 'Human Rights, Europe and the People's Republic of China', (2002) 1 *The China Quarterly* 59.

⁶⁸ W. Schabas, 'Human Rights, Capital Punishment and the EU-China Relationship', (2009) 6 *EU-China Observer* 11.

⁶⁹ See European Security Strategy: 'A Secure Europe in a Better World', 12 December 2003, retrieved 15 June 2009 from <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>.

⁷⁰ R. Bernstein, 'Backpedaling on the arms ban', *International Herald Tribune*, 15 April 2005.

⁷¹ For the Code of Conduct on Arms Exports, see F. Snyder (ed.), *The European Union and China: 1949-2008*, pp. 743-744 and pp. 744-749.

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In addition, any country exporting weapons under the Code of Conduct has to assess if the weapons would be used for internal repression, if any exports would prolong or provoke armed conflicts or if they would be used aggressively against another country to assert by force a territorial claim.⁷²

The EU does not like to see an increase in cross-Strait instability and the risk of an arms race in the Taiwan Strait. The European Parliament passed four resolutions in 2004 supporting the embargo. In April 2005, the Parliament voted 431 to 85, with 31 abstentions, in favour of a resolution urging the EU not to lift the weapons embargo. It is generally held in the EU that the efforts to lifting the arms embargo will be linked to a gesture made by China on human rights. Annalisa Giannella, Personal Representative for Weapons of Mass Destruction of the High Representative for the Common Foreign and Security Policy of the EU, stated in 2005: ‘Nobody has said we are going to lift our embargo for free. It would require an important concrete step to be taken by the Chinese.’⁷³ The EU hopes that China will soon ratify the ICCPR it signed in 1998.

Side by side with difficulties in bilateral political relations, the EU-China cooperation has been growing so rapidly that the 1985 bilateral agreement needs to be updated. The negotiations for an updated agreement started officially from the beginning of 2007, but are moving slowly partly due to the different understandings in political relations.⁷⁴ Some sensitive issues for both Europeans and the Chinese are negotiated to be included into the new agreement —the Partnership and Cooperation Agreement. In particular, as mentioned earlier, the EU has introduced a human rights clause into all the cooperation agreements that it reached with third countries. Although the standard ‘human rights clause does not transform the basic nature of agreements which are otherwise concerned with matters not directly related to the promotion of human rights,’ the clause serves as ‘a precondition for economic and other cooperation under the agreements, and expressly allows for and regulates suspension in case of non-compliance with these values.’⁷⁵ Worried that the inclusion of the human rights clause will have negative impact on bilateral economic and trade cooperation, China is reluctant to accept the EU’s terms for negotiation. The Chinese insist that an independent economic and trade cooperation agreement should be reached between the two sides as an update of the 1985 agreement.

V. Conclusion

The different understandings on sovereignty and human rights help explain the difficulties in EU-China political relations. As Beijing does not share the same understanding as Brussels in the field of human rights, it is difficult for the two to

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⁷² J. Dempsey, ‘Britain wants to tighten rules on arms to China’, 9 March 2005 *International Herald Tribune*.

⁷³ K. Bennhold and G. Bowley, ‘EU weighs tying arms embargo to rights’, 13 April 2005 *International Herald Tribune*.

⁷⁴ For more detailed information on the negotiations of Partnership and Cooperation Agreement between the EU and China, see Antoine Sautenet, ‘The Current Status and Prospects of the “Strategic Partnership” between the EU and China: Towards the Conclusion of a Partnership and Cooperation Agreement’, (2007) 6 *European Law Journal* pp. 699-731; Zeng Lingliang, ‘A Preliminary Perspective of Negotiations of EU-China PCA: A New Bottle Carrying Old Wine or New Wine or Both?’, (2009) 1 *European Law Journal* pp. 121-141; Jing Men and Giuseppe Balducci (eds.), *Prospects and Challenges for EU-China Relations in the 21st Century: The Partnership and Cooperation Agreement* (P.I.E. Peter Lang, 2010).

⁷⁵ B. Brandtner and A. Rosas, ‘Human Rights and the External Relations of the European Community: An Analysis of Doctrine and Practice’, 474.

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make a breakthrough in a series of issues of common concern. The international system traditionally proscribes foreign intervention, however, the post-Cold War era witnesses an increasing tendency of humanitarian intervention under the auspices of the UN and some other international governmental organisations. In the meantime, criticism of human rights behaviour of a sovereign state by other states, IGOs, or NGOs is growing more commonplace. The concept of sovereignty is challenged by the universally recognised principle of human rights and democracy. Chinese scholars suggested that the understanding of sovereignty should be revised in order to serve China's national interest. As argued by Yan Yuetong, 'sovereignty is not synonymous (to national interest), rather it should be subject to overall national interests, not protected at all costs.'⁷⁶

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Yet, the general understanding in China is that human rights remains domestic affairs, no external actors should intervene China's domestic affairs. In October 2010, when Liu Xiaobo was announced as the Nobel Peace Prize winner, Chinese Ministry of Foreign Affairs opposed the Nobel Committee's decision, calling it an insult to people of China.⁷⁷ *People's Daily*, the most important Chinese government's newspaper, published an article in name of Li Yunlong, researcher of the Party School of the Central Committee of the Communist Party of China, expounded the relationship between human rights and sovereignty by emphasising that the principle of sovereignty is not out-dated and human rights should not be set above sovereign rights.⁷⁸ China suspects that the West attempts to interfere Chinese domestic affairs under the pretext of human rights.

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It is fair to say that Europe was the founding father of the idea of sovereignty. As mentioned earlier, the Peace of Westphalia regulated the relationship between the European powers and introduced a new concept of order. Over the centuries since then, via imperial expansion, the Europeans colonised many parts of the world, but also brought the idea of sovereignty to all the continents. China was developed into a sovereign state after its regional hierarchical system was destroyed by the Europeans. As an important member of the international society, China recognises the value of human rights and democracy but understands it differently than the EU. Contemporary human rights declarations have largely reflected the preferences of Western liberal democracies.⁷⁹

The PRC, as a late comer to the sovereign world, is to a large degree a follower of those principles already created by Western states. China's historical and cultural background, its economic development level, and its political system undeniably affect the policy-making of the Chinese leadership. The appreciation of independence and the unwavering emphasis on stability motivate China to hang on to the non-intervention principle and to caution any political reform which would trigger instability.

China's approach to focusing on economic growth achieved notable results, indicated in the Pew Research Center report in 2008. Among the 24 nations the Pew surveyed, the Chinese expressed 'the greatest level of satisfaction with the way things

⁷⁶ Quoted in B. Gill and J. Reilly, 'Sovereignty, Intervention and Peacekeeping: The View from Beijing', (2000) 3 *Survival* 43.

⁷⁷ Andrew Jacobs, 'Beijing Calls Nobel Insult To People Of China', 12 October 2010, *New York Times*, retrieved 11 November 2010 from <http://www.nytimes.com/2010/10/13/world/asia/13china.html>

⁷⁸ Y. Li, 'The True Relationship between Human Rights and Sovereignty', 31 September 2010,

[People's Daily](http://www.humanrights.cn/cn/dt/gnbb/t20101031_665051.htm), retrieved 11 November 2010 from http://www.humanrights.cn/cn/dt/gnbb/t20101031_665051.htm

⁷⁹ S. D. Krasner, 'Sovereignty, Regimes, and Human rights', at 166.

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3 are going in the country – 86% are satisfied, 25 percentage points higher than the next
4 highest country, Australia.⁸⁰ On the other hand, the Chinese leadership has also
5 realised that solely relying on economic growth without paying attention to political
6 reform is flawed. On many occasions, Chinese Premier Wen talked about political
7 reform and democracy, although in a prudent way. In 2007, just before the NPC was
8 held, Wen mentioned that China was not ready for political reform and it would take
9 another 100 years for democracy to be realised in China.⁸¹ In 2008, at the interview
10 by Zakaria in the United States, Wen said, ‘In 20 to 30 years’ time, the whole Chinese
11 society will be more democratic and fairer, and the legal system in China will further
12 be improved.’⁸² In early 2009, Wen in his government report to the NPC stated that
13 China is moving step by step to further political reform and to the promotion of
14 democracy in a typical Chinese way. The development of democracy and the legal
15 system should be strengthened in China.⁸³ In 2010, to commemorate the 30th
16 anniversary of establishment of Shenzhen Special Economic Zone, Wen stressed
17 again the significance of political reform, ‘We must not only encourage institutional
18 reform in economic life but also institutional reform in political life. Without the
19 safeguard of political reform,... the fruits of economic reform would be lost and the
20 goal of modernisation would not materialise.’⁸⁴ Wen’s speeches seem to indicate that
21 the Chinese government intends to introduce more political reform in the coming
22 years. Yet, how fast and how deep the political reform will be taken will need to be
23 seen.

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24 Nevertheless, these changes send a message to the EU that China may be
25 developing towards the direction that has long been advocated by the EU. As China’s
26 National Human Rights Action Plan of 2009 stated, ‘a new chapter has opened in the
27 history of the development of the cause of human rights in China.’⁸⁵ With more
28 guidance, more cooperation, more patience, and most importantly, more
29 understanding, the EU is in a good position to help China to extend political reform,
30 to improve human rights and democracy, and to strengthen law enforcement. In
31 return, China’s progress in these aspects will stimulate the development of political
32 relations between the EU and China, which will largely increase the influence of both
33 of them in maintaining world peace and security.

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39 ⁸⁰ The Pew Research Center, ‘The 2008 Pew Global Attitudes Survey in China’, 22 July 2008,
40 retrieved 31 July 2009 from <http://pewglobal.org/reports/pdf/261.pdf>.

41 ⁸¹ J. Lee, ‘China’s One Hundred Years of Ineptitude’, 14 July 2009 *Foreign Policy*, retrieved 16 August
42 2009 from
43 http://www.foreignpolicy.com/articles/2009/07/14/chinas_one_hundred_years_of_ineptitude.

44 ⁸² ‘Transcript of interview with Chinese Premier Wen Jiabao’, 29 September 2008, retrieved 16 August
45 2009 from <http://edition.cnn.com/2008/WORLD/asiapcf/09/29/chinese.premier.transcript/index.html>.

46 ⁸³ ‘China Will Carry Out Political Reform Actively Yet Prudently’, 5 March 2009 *People’s Daily*
47 *Online*, retrieved 16 August 2009 from
48 <http://english.peopledaily.com.cn/90001/90776/90785/6606774.html>.

49 ⁸⁴ Quoted in J. Li, ‘Political Reform in China: Wen Will it Happen and Hu Will Lead It?’ 19 September
50 2010 *East Asia Forum*, retrieved 10 November 2010 from
51 [http://www.eastasiaforum.org/2010/09/19/political-reform-in-china-wen-would-it-happen-and-hu-will-](http://www.eastasiaforum.org/2010/09/19/political-reform-in-china-wen-would-it-happen-and-hu-will-lead-it)
52 [lead-it](http://www.eastasiaforum.org/2010/09/19/political-reform-in-china-wen-would-it-happen-and-hu-will-lead-it).

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53 ⁸⁵ Information Office of the State Council of the People’s Republic of China, ‘National Human Rights
54 Action Plan of China (2009-2010)’, 13 April 2009, retrieved 16 August 2009 from
55 http://www.gov.cn/english/official/2009-04/13/content_1284128.htm.