



College of Europe
Collège d'Europe



DEPARTMENT OF **EU INTERNATIONAL
RELATIONS AND DIPLOMACY STUDIES**

InBev-Baillet Latour Chair of
European Union-China Relations



Issue 1, 2009

EU-China Observer

www.coleurope.eu



Table of contents

1. FOREWORD	2
2. EU-CHINA RELATIONS NEED MORE MUTUAL UNDERSTANDING	3
EU-China relations face challenge.....	3
Lack of understanding between the EU and China	5
Differences demand mutual understanding.....	6
3. PROSPECTS AND CHALLENGES FOR THE EUROPEAN PROMOTION OF HUMAN RIGHTS IN CHINA	7
Introduction	8
Historical perspective.....	9
Instruments available	11
Future scenarios	12

InBev-Baillet Latour Chair of EU-China Relations, College of Europe, Department of EU International Relations and Diplomacy Studies, Dijver 11, BE-8000 Bruges, Fax +32-50-477250, www.coleurope.eu

Professor Jing Men: jing.men@coleurope.eu, Tel. +32-50-477258
Giuseppe Balducci: giuseppe.balducci@coleurope.eu, Tel. +32-50-477257

Views expressed in the EU China Observer are those of the authors only and do not necessarily reflect positions of either the editors or the College



College of Europe
Collège d'Europe



DEPARTMENT OF EU INTERNATIONAL
RELATIONS AND DIPLOMACY STUDIES

InBev-Baillet Latour Chair of
European Union-China Relations

FOREWORD

The EU's relationship with China is an exciting research topic. The EU and China share an important common ground in maintaining international peace and stimulating international economic development. At the same time, they have differences in political system, economic model and cultural heritage. Their relationship is characterised by both cooperation and competition. In order to analyze and help understand the challenges of EU-China relations, the InBev-Baillet Latour Chair of European Union-China Relations at the College of Europe, starting in February 2009, issues the e-journal EU-China Observer on a regular basis. It will provide an interdisciplinary platform for scholars and practitioners interested in exchanging ideas on current topics of EU-China relations.

Potential contributors are welcome to send their paper proposals (max. 150 words) to the Chair. Once accepted, articles should be no longer than 2,500 words. More information can be found on the Chair's website: www.coleurop.be/template.asp?pagename=EUChinachair



EU-CHINA RELATIONS NEED MORE MUTUAL UNDERSTANDING

Jing Men*

More than thirty years have passed since diplomatic relations were established between the EU and China. The establishment of a summit meeting system, the publication of policy papers from both sides, the deepening of political and human rights dialogues, the widening of sectoral dialogues, the development of a strategic partnership and the negotiation of the Partnership and Cooperation Agreement – all these mark the achievements obtained in EU-China relations. Between the EU and China, intensified economic and trade relations work as the cornerstone of the partnership. The EU is China's largest trading partner and its most important supplier of technology. China is the EU's second largest trading partner, the greatest source of manufactured imports, and the fastest growing export market. On the other hand, EU-China relations are hampered by problems. Particularly after 2005, the doubts about the strategic partnership between the two sides, the EU's rising trade deficit with China, and the suspension of the EU-China summit meeting at the end of last year, remind both the Europeans and the Chinese that it needs wisdom and efforts from both sides to further promote the development of bilateral relations.

EU-China relations face challenge

Despite the continuation of the human rights dialogue, Europeans are not satisfied with the limited progress in the field. All the China policy papers developed by the European Commission attached great importance to China's human rights record, and to the improvement of democracy and the rule of law in China as a major task in its cooperation with China.¹

Both the EU and China agreed to establish a strategic partnership in 2004. However, the description of the relationship is so ambiguous that it is not clear whether they have already a strategic partnership or they are in the process of building one. The fact that the arms embargo is still maintained after twenty years of further development of bilateral relations indicates that EU-China relations are not as well developed as the phrases used by the leaders, on both sides, sometimes suggest. Furthermore, the first round of strategic dialogue was held between the EU and China in 2005, one year after the two sides agreed to establish a strategic partnership. David Scott has expressed the view that strategic dialogue and strategic partnership are

* Prof. Dr. Jing Men is the Chairholder of the InBev Baillet Latour Chair of European Union - China Relations, Department of EU International Relations and Diplomacy, College of Europe, Bruges. In the meantime, she is assistant professor at the Vesalius College in Brussels.

¹ Please see the EU's China policy paper of 1995, 1998, 2001, 2003 and 2006, ec.europa.eu/external_relations/china/docs/index_en.htm.



somehow incoherent to each other. Strategic dialogue is used to overcome strategic divergences and differences, whereas strategic partnership indicates strategic convergence. The regularly held strategic dialogue between the EU and China seems to indicate that consensus and agreement still need to be established.² As a matter of fact, many problems exist between the EU and China that it may be premature to define the partnership as “strategic”.³

Furthermore, together with the impressive growth of two-way trade between the EU and China, the EU's trade deficit has also been rising rapidly. While China's exports to the EU grew from US\$19.83 billion in 1996 to US\$245.19 billion in 2007, China's imports from the EU only increased from US\$19.89 billion in 1996 to US\$110.96 billion in 2007. The past ten years saw the deficit shoot up to US\$ 134.23 billion.⁴ The EU faces much more pressure from the rising deficit in its trade with China. In its most recent China policy paper, the EU regards China as “the single most important challenge for EU trade policy.”⁵

EU-China relations encountered another challenge when China decided to postpone the summit meeting of 2008, due to French President Sarkozy's scheduled meeting with Dalai Lama in Poland. Disappointment with China's decision was obvious in the EU. According to John Fox, who works for the European Council on Foreign Relations in London, “China doesn't place much value in Europe any more.”⁶ “The Chinese are really taking a stand, but what this is going to do is provoke European leaders to discuss China in a more critical way.”⁷ Whereas in China, one day after the Chinese got to know that the EU-China summit meeting was postponed, the *Huaqiu shibao* (*Global Times*) made a survey online among about 9,000 netizens, 91.77% of them

² See D. Scott, 'The EU-China 'Strategic Dialogue': Pathways in the International System', in D. Kerr & F. Liu (eds.), *The International Politics of EU-China Relations*, Oxford, Oxford University Press, 2007, pp. 13-37.

³ See L. Odgaard & S. Biscop, 'The EU and China: Partners in Effective Multilateralism?', in D. Kerr & F. Liu (eds.), *The International Politics of EU-China Relations*, pp.54-77; J.P. Cabestan, 'The Role of France in Sino-European Relations: Central or Marginal?' in D. Kerr & F. Liu (eds.), *The International Politics of EU-China Relations*, pp.129-150; and A. J. K. Bailes & A. Wetter, 'EU-China Security Relations: The "Softer" Side,' in D. Kerr & F. Liu (eds.), *The International Politics of EU-China Relations*, pp. 153-183.

⁴ See X. Luo & J. Zhang, 'A Look at the China-EU Trade in 2004' [2004nian Zhongguo yu Oumeng maoyi huigu], *European Integration Studies [Ouzhou yitihua yanjiu]*, no. 2, 2002, p. 33; 'China-EU trade hits US\$272.3 billion in 2006,' *China Daily*, 28 January 2006, retrieved 30 January 2008, www.chinadaily.com.cn/bizchina/2007-01/28/content_794691.htm; and 'Facts and figures about China-EU trade,' *People's Daily Online*, 28 April 2008, retrieved 30 January 2008, english.peopledaily.com.cn/90001/90778/6400153.html.

⁵ Commission of the European Communities, 'A policy paper on EU-China trade and investment: Competition and Partnership Brussels' COM(2006) 632 final, Brussels, 24 October 2006, trade.ec.europa.eu/doclib/docs/2006/october/tradoc_130791.pdf, p. 3.

⁶ C. Buckley, 'Dumped summit exposes China-Europe disenchantment,' *Reuters*, 1 December 2008, retrieved 15 January 2009, ecfr.eu/content/entry/ecfr_john_fox_china_eu_summit_cancellation_reuters.

⁷ 'France heads into Chinese storm over Tibet,' *AFP*, 5 December 2008, retrieved 15 January 2009, ecfr.eu/content/entry/ecfr_john_fox_france_china_tibet_afp/.



expressed the view that the reception of the Dalai Lama by the Europeans will change their impression on the EU negatively. 96% of the netizens who participated in the survey supported the decision of the Chinese government to postpone the summit meeting.⁸

Lack of understanding between the EU and China

There seems to be a lack of understanding between the Europeans and the Chinese. Taking the Tibetan issue as an example, a lot of Europeans have sympathy for the Dalai Lama who demands political autonomy for Tibet from Beijing. The Dalai Lama enjoys a high level of respect in Europe as the spiritual leader of the Tibetan Buddhists. Such an image has been promoted for years in Europe by its media. For the government leaders in the EU, meeting Dalai Lama implies their adherence to the principles of human rights and support to the Dalai Lama, which is always well received by public opinion. On the other hand, the Chinese government regards the Tibetan issue as part of its core national interest. National sovereignty and territorial integrity are the priority in its external relations. The meetings between European leaders and the Dalai Lama indicated European interference of China's domestic affairs, to which China strongly opposed.⁹

While contesting the EU's approach to the Tibetan issue, China tries to limit the problem to the bilateral level between Beijing and Paris and does not want the issue to cause lasting damage to EU-China relations. In its contact with the EU, China has realised that the positions of the member states of the EU are far from harmonised. Each member state has its own national interest. In their relations with China, there are both competition and cooperation. After German Chancellor Merkel met the Dalai Lama in September 2007, Sarkozy went to Beijing two months later and was rewarded with business contracts worth of US\$30 billion. Now that Sino-French relations are in trouble, whether the contracts on Airbus and nuclear reactors will be affected or not remains to be seen.

What is clear is that the Chinese do not want to see that the general relationship between Beijing and Brussels will be damaged by its problem with Sarkozy. In order to strengthen contact with the EU after the postponement of the summit meeting, Chinese Premier Wen paid a visit to the EU between the end of January and the beginning of February, after participating in the World Economic Forum in Davos. Together with his trip to Brussels, the Chinese Premier Wen visited Germany, UK, and Spain. From the travel plan, it can be

⁸ 'Ouzhou naonu Sarkozy jian Dalai dianran Zhongguoren nuhuo' (Sarkozy's meeting with Dalai fuelled China's ire), *Huaqiu shibao* (Global Times), 5 December 2008, retrieved 15 January 2009, world.huanqiu.com/roll/2008-12/303457.html.

⁹ See, for example, the speech by the spokesperson of Chinese Foreign Ministry, 'Qin Gang: Zhongguo fandui renhe guojia chashou Xizang shiwu ganshe Zhongguo neizheng' (Qin Gang: China opposes any country to be involved in the Tibetan issue and interfere China's domestic affairs), *Xinhua Net*, 27 March 2008, retrieved 15 January 2009, news.xinhuanet.com/newscenter/2008-03/27/content_7871165.htm.



seen that the Chinese leader intentionally avoided France. This shows that while trying to enhance relations with the other countries surrounding France, China intends to exert pressure on the French government. Franco-Chinese relations may still take some time to be normalised.

All in all, China's decision to postpone the summit meeting with the EU can be regarded as the beginning of a new stage in EU-China relations. Following Deng Xiaoping's 24-character strategy to hide one's capacities and bide one's time,¹⁰ the Chinese government behaved rather cautiously in international relations in the past years. As a result of the rapid development of national power and its rising influence in international affairs, China gradually becomes more assertive in its foreign policy. This departs from the low-profile behaviour and represents a new stage of China's external relations.

In its relations with the EU, while China is frustrated by the fact that the European institutions are not as powerful as the member states in the field of common foreign and security policy, China is increasing skilful in exploiting the differences between its member states. To cultivate relations with the other major countries in the EU and to leave France behind may help trigger competition among the member states with regard to the overall direction of the EU's China policy. However, this tactic is not without risk. The differences between China and the EU member states are much larger than the differences between the member states of the EU, particularly in the field of norms and values. The Europeans attach great importance to human rights. The assertive attitude of the Chinese government in this field may anger some of the Europeans, making bilateral political relations difficult. Therefore, EU-China political relations may not be stable in the coming years. EU-China relations will probably face challenge on several occasions this year, including the anniversary of the suppression of the Tibetan uprising and the anniversary of the Tiananmen Event.

Differences demand mutual understanding

The EU and China have different political systems based on different ideological origins. Such differences are compounded by the fact that the EU and China are at different stages of economic development. The EU focuses on political freedom and attaches great importance to the political and civil rights of its citizens. In contrast, China concentrates on solving economic problems so that all the Chinese can have sufficient nutrition and basic material needs. China was lagging far behind the industrialised countries when the PRC was founded in 1949. The economic reform carried out since the end of the 1970s has brought dynamism to the Chinese economy. Some

¹⁰ The complete content of Deng Xiaoping's strategy is: 'keep cool-headed to observe, be composed to make reactions, stand firmly, hide our capacities and bide our time, never try to take the lead, and be able to accomplish something' (冷静观察,沉着应付,稳住阵脚,韬光养晦,决不当头,有所作为).



Chinese benefited from government policy and became rich. Nevertheless, the uneven development in China has led to a huge gap between the big cities such as Beijing, Shanghai and most of the vast land of the Chinese interior. China's GDP per capita in 2006 was around US\$ 2,100, whereas the GDP per capita of the fifteen members of the European Monetary Union had already reached more than US\$34,000 in the same year.¹¹ As a result, China stresses more the economic rights of its citizens. This fails to correspond to the EU's expectations. The EU expects to exert influence on China and to turn it into a liberal democratic regime, based on the rule of law. Since the 1990s, the EU has been keeping a close eye on the development of political rights of Chinese citizens. In order to promote an open society, the EU has financed many programs and projects in China including training programs of Chinese lawyers.¹²

China, in its relations with the EU has always called for equal partnership and mutual respect. In the view of the Chinese, cooperation with the EU should be mutually beneficial. Economically, as China has become the third largest economy in the world, a close cooperation between the EU and China is necessary to help find solutions to the international financial crisis. Politically, two of the member states of the EU are permanent members of the Security Council of the UN. The EU and China need to work together to maintain world peace and stability. The visit of Chinese Premier Wen, to the aforementioned European countries, is described by the Chinese government as "a trip of confidence". With this trip, China intended to remind the EU that the two remain important partners in spite of so many differences.¹³

As a whole, the differences in political regime, economic system, and ideology between the EU and China will not be overcome in the short term. But for the purpose of mutual benefit, the two sides need to have close cooperation. Political dialogue, human rights dialogue and sectoral dialogues have been maintained for more than a decade. Meetings at all levels from ministers to experts are held regularly between the two sides. The remaining obstacle is to find ways to raise public awareness from both sides on their mutual understanding so that EU-China relations will further develop constructively with efforts from both sides.

¹¹ 'Global income per capita,' retrieved 15 January 2009, www.finfacts.com/biz10/globalworldincomepercapita.htm.

¹² To fulfil the target of the EU's China Country Strategy Paper (CSP), the EU provided lots of funding. For example, between 2002 and 2006, the EU offered 250 million euros; between 2007 and 2013, the EU has a budget plan of 225 million euros.

¹³ D. Wei, 'Waijiaobu cheng Wen Jiabao Zongli fangwen Ouzhou siguo shi yici "xinxinzhilu"' (Foreign Ministry says that Premier Wen's visit to Europe is 'a trip of confidence'), People's Daily, 23 January 2009, retrieved 30 January 2009, politics.people.com.cn/GB/1024/8715320.html.



PROSPECTS AND CHALLENGES FOR THE EUROPEAN PROMOTION OF HUMAN RIGHTS IN CHINA

Giuseppe Balducci*

Introduction

Beijing's recent postponement, or rather cancellation, of the EU-China Summit, which should have been held in Lyon in December 2008, is interpreted by various analysts as a clear sign of the end of the honeymoon between the EU and the People's Republic of China (PRC).¹ On a further sombre note, China's move seems to point to the EU's irrelevance for Beijing, despite the European's efforts to establish a "strategic partnership" with the former.² According to this interpretation, Beijing appears to have instrumentally used the EU, allegedly the weakest of China's main international partners, to signal to other Western governments, and in particular to the incoming administration in the US, that it will not tolerate any interferences in its internal handling of Tibet, and human rights more generally, in such a critical year as 2009. Struggling with the present financial crisis, Beijing's government intends to sail peacefully through the 50th anniversary of the Tibetan revolt on March 10, the 10th anniversary of the Falun Gong protest on April 25 and the 20th anniversary of the Tiananmen Massacre on June 4, in order to smoothly celebrate the 60th anniversary from the founding of the People's Republic of China, on October 1st.

Despite its political significance the postponement of the EU-China Summit, which was triggered by France's 'cuddling' with the Dalai Lama, is perhaps even more important as a departure point to start reflecting on the European commitment to the promotion of human rights in China and its future prospects. More than ten years after the EU's inception of the policy of 'constructive engagement', proposed in the 1995 Commission Communication on China, the time seems ripe to assess the EU and its member states' promotion of human rights in China and extrapolate future scenarios.

This article maintains that Europeans should be thankful to the Chinese to have clearly reminded them that "the king is naked", i.e. that the EU and its

* Giuseppe Balducci is Research Assistant at the In-Bev Baillet Latour Chair of European Union - China Relations, Department of EU International Relations and Diplomacy, College of Europe, Bruges.

¹ F. Godement, 'China Analysis: Playing with Europe's Soft Agenda', *China Analysis*, No. 20, December 2008, retrieved 27 January 2009, ecfr.3cdn.net/972baed4227705fecc_jzm6iyjdk.pdf.

² J. Fox, 'It is Tibet, not the economy, stupid', *European Voice*, 28 November 2008, retrieved 27 January 2009, www.europeanvoice.com/article/2008/11/it%27s-tibet,-not-the-economy,-stupid!/63257.aspx



member states have so far largely failed in their engagement with China on human rights. This provides an opportunity for Europeans to critically understand what has happened so far and why, whilst perhaps trying to set out a new approach for their promotion of human rights in the PRC. This article first highlights the historical patterns of the EU and its member states' efforts in promoting human rights in China through the alleged constructive engagement. Second, it exposes the present EU instruments, including those which could emerge from the ongoing negotiations of the PCA, to promote human rights in China. Finally, it assesses their potentials against the actual demands and supply³ for human rights in China and puts forward some policy recommendations on the way ahead.

Historical perspective

Analyses of the EU promotion of human rights in China often overlook the member states dimension, i.e. their role in formulating and implementing the EU policies and in strengthening them or otherwise, through their bilateral policies. Strikingly, member states are only considered in times of crises to explain European failures in articulating coherent, consistent and coordinated policies. Interestingly, this is also presently happening, if one considers the ongoing blame game between France on one side and most of the other member states on the other, on their approaches to human rights promotion in China.

In fact member states are the main driving forces behind the European promotion of human rights in China, not least because the promotion of human rights is a policy objective of the CFSP. This implies that competences are spread throughout the entire gamut of the European multi-level system of foreign policy governance. Therefore when analysing and assessing the European promotion of human rights in China, it is necessary to single out its various levels, i.e. the CFSP, the EC, and the Member States, and therefore analyse the actors, internal dynamics and competences in each of them.

During the past ten years, at bilateral level, each member state has developed its own interpretation of China mostly on the basis of its material interests (that are mostly economic by nature), which have led to internal competition. Against this backdrop, membership of the EU has served member states to generally delegate their responsibilities in human rights promotion onto the EU level, justifying policy shifts to their constituencies on the basis of the EU membership. Bilaterally human rights dialogues, when set up, have been used as public relations tools, as often pointed out by national and international advocacy groups.⁴ Similarly, projects in political aid have

³ A thorough overview of the actual demand and supply for democratisation in China can be found in S. Breslin, 'Democratising One-Party Rule? Political Reform, Nationalism and Legitimacy in the People's Republic of China', FRIDE, retrieved 20 January 2009, <http://www.fride.org/publication/486/china-democratising-one-party-rule>.

⁴ S. Woodman, 'Canada's Bilateral Human Rights Dialogue with China: Considerations for a Policy Review', *Rights and Democracy*, No. 26, July 2005, retrieved 15 January 2009,



mostly focused on the promotion of national interests, such as an economic rule of law familiar to national enterprises and the creation of institutional links, rather than aiming at the improvement of human rights *per se*.⁵

At CFSP level, member states have managed to achieve common positions, but their normative character was absent, if not negative *tout court*. In 1997, member states agreed to abandon the shaming of China at the UNCHR, without yet ever threatening to return to it when grave violations occurred in the country, as in 1999 and in 2001.⁶ Similarly, they have maintained the arms embargo while de facto contravening it, in particular in the case of the major European arms exporters, such as France, Germany and Italy.⁷ Finally, member states have agreed on the establishment of a critical human rights dialogue with China, which in 2004 was highly criticised by the European Council and in 2008 was overshadowed by the execution of the 59-year old biochemist Wo Weihan, the same day the EU had urged China to reconsider his case.⁸

At EC level the Commission has strived to support the soft positions of those member states, which were most interested in engaging China economically through the WTO, helping them to Europeanize their positions and impose them on those member states which were more inclined towards criticism. What ensued was an uncritical negotiation of WTO entry, which did not feature any criticism of human rights, that differed from the US' position.⁹ Similarly, despite the fact that the Commission had elaborated and implemented quantitatively significant projects in political aid, these were constructive only in words, and lacked any real substance. Furthermore, the EC projects were badly coordinated with those of the member states as demonstrated by the Commission's 2007 evaluation.¹⁰

During the analysis of the last ten years of European promotion of human rights in China, it thus emerged that the European failure of conducting a coherent, consistent and coordinated human rights policy towards the country was due to a competition of the material interests of the major EU-China partners. In parallel, it was caused by the institutional structure of the

www.dd-d.ca/site/publications/index.php?id=1435&page=7&subsection=catalogue.

⁵ S. Woodman, 'Bilateral Aid to Improve Human Rights. Donors need to adopt a more coherent and thoughtful strategy', *China Perspectives*, No. 51, January-February, 2004, retrieved 15 January 2009, www.cefc.com.hk/pccpa.php?aid=1913.

⁶ P. Baker, 'Human Rights, Europe and the People's Republic of China', *The China Quarterly*, No. 169, 2002, pp. 45-63.

⁷ SIPRI, 'Arms Transfer Database: deliveries of major conventional weapons to China (1989-2007)', retrieved 15 June 2008, www.sipri.org.

⁸ P. Runner, 'EU-China relations continue to fray', *EU Observer.com*, December 2008.

⁹ M. Eglin, 'China's Entry into the WTO with a little help from the EU', *International Affairs*, Vol. 73, No. 3, 1997, pp. 489-508.

¹⁰ Commission of the European Communities, *Evaluation of the European Commission's Cooperation and Partnership with the People's Republic of China, Country Level Evaluation (2nd Draft Final Synthesis Report)*, March 2007, retrieved 15 January 2009, www.oecd.org/dataoecd/34/51/37274405.pdf.



European multi-level system of foreign policy governance, which proved unfit to handle China's firm position on a variety of human rights issues. In a nutshell, in the case of the European promotion of human rights in China, the EU looked more like a normative trap than a normative power, because it locked in all member states in ineffective policies and even prevented those member states more prone towards critically promoting human rights in China, to do so.

Instruments available

Despite the several European failures to conduct a coherent, consistent and coordinated human rights policy towards China, the 2006 Commission Communication on China, maintains that the EU still considers human rights as an important issue in its relations with China.¹¹ However, in light of past failures and of the present instruments at the disposal of the EU and its member states, this does not seem warranted.

On one hand the accession of China into the WTO in 2001 cancelled any possibility to sanction its behaviour through economic means, although these were never seriously considered by the EU and its member states. At the same time, the fact that the UNCHR was replaced by the Council on Human Rights in 2006, also rendered useless another multilateral venue where the EU could exert some influence on China. The only post-Tiananmen sanction to remain in place has been the arms embargo, whose lifting at the moment does not seem to be on the table due to the general European internal resistance.

On the other hand, the pretences of the previous 'constructive engagement' seem to have been further put aside with only the ECDHR remaining. Interestingly, while Chinese authorities continue to request member states' bilateral dialogues to be eliminated, EU officials appear to have given even more importance to the ECDHR, which has already proven to be ineffective. Strengthening the ECDHR and its relevant seminars are the only practical activities envisaged by the EU to promote human rights in China. Projects on the ground have not been foreseen either through the classical ALA budget lines or through the EIDHR in the CSP for 2007-2013. According to some EU officials, though, the issues of human rights, good governance and rule of law have not disappeared but they have been *streamlined* in all the actions of the EC.

The lack of any meaningful instruments to promote human rights in China may be partially filled by the ongoing discussions and negotiations of a human rights clause in the new Partnership Cooperation Agreement (PCA), which should replace the 1985 Economic and Cooperation Agreement. However, two possible scenarios seem likely. EU negotiators, supported by member states' accommodating attitudes towards China, may accept to

¹¹ Commission of the European Communities, *EU-China: Closer partners, growing responsibilities*, COM(2006) 631 final, 2006.



not include the essential clause in the PCA, if strongly pressured by China. This scenario is further confirmed by the fact that the human rights clause has not even been included in the recently signed PCA with India, certainly a less confrontational partner on human rights than China. Alternatively, the Chinese may prove more flexible and accept the human rights clause in exchange for the EU's acceptance of a clause on Taiwan, as it is presently voiced in some Chinese diplomatic quarters. This may prove a tricky scenario for Europeans. While the EU has rarely applied the human rights clause and it has only done so with mostly marginal countries, the Taiwan clause is more likely to be utilised by China. Thus, even in the case of a successful conclusion of the PCA negotiations, the EU will not acquire any other meaningful means of influence for the promotion of human rights in the country.

Future scenarios

In light of the historical overview of the European promotion of human rights in China and of the actual instruments at disposal of the EU and its member states in promoting human rights in the country, it would appear logical to argue that better coordination should be established among member states, in their bilateral policies, as well as in their positions in the definition of EU policies. This could also trigger a more coherent EU policy. Yet better coordination may seem highly idealistic, considering the internal divisions among member states on sensitive issues such as Tibet, and their divergences on the best ways to promote human rights in the country.

Therefore it could be argued that European officials and policy makers should be ready to lower their expectations in their human rights promotion, and mostly focus on issues where a real internal consensus can be built, at least for the time being, as the past and present disunited approach on highly sensitive issues, has not brought about any significant impact or change in China. Secondly, in relation to the previous point, European officials and policy makers should be aware that at the moment, the EU and its member states do not dispose of any meaningful instruments to promote human rights in China. Thus either new instruments are devised or some of the old ones are resumed. The need for better coordination, real consensus on issues, effective policy tools and the pursuit of a meaningful impact leads to a modest proposal: the issues in which the EU and the member states could reach a higher level of efficiency (in terms of contemporary human rights promotion today) could concern those on which the CCP is more readily willing to accept EU support, and those that Chinese civil society is more focused on.

Perhaps the biggest space of manoeuvre today seems to exist in the support for social and economic rights. These are the issues where the CCP has genuinely made progress on, as it is shown by the enactment of the 2007 Labour Contract Law or by the present attempts to establish a more equal, just and harmonious society, respectful of people's social rights. Similarly the Chinese civil society has raised and is raising its voice more often with regards to social and economic issues. The numerous protests occurring each year



show that the Chinese civil society strongly mobilises in cases of local corruption, environmental degradation, and labour rights.¹²

Focusing on these issues may prove the right strategy for Europeans in the short term, because coordination could be easier to achieve as furthering these rights will not imply any political costs on the Chinese side. Secondly, member states could find it easier to agree on these issues because there is a growing awareness in Europe towards environmental and socio-economic issues in the context of globalisation. Contributing to the improvement of such rights could at one time ease the living conditions of the Chinese population and diminish the competitiveness of China's production, often based on sheer exploitation of workers, the environment and the lack of social provisions. Thirdly, as the economic dimension remains the most important in the EU relations with China, useful and effective instruments exist in this domain to pursue such rights, as exemplified by the application of Corporate Social Responsibility on EU companies investing in the country and the ongoing European projects in the social security sector.

To conclude, in a paradoxically manner, the EU and its member states could reframe their policy for the promotion of human rights in China trying to push the CCP to embrace more social-democratic policies. At the moment, the EU and the member countries instead are only rhetorically, intermittently and incoherently criticising the CCP, while competing with it in a race to the bottom, which is already damaging the social and economic rights established in Europe. At least in the short term, a realist outlook on the actual abilities and weaknesses of the EU and its member states in relation to the actual situation of China, would suggest spending the bulk of European energies in improving Chinese social and economic rights, while keeping the pressure high on the violation of political and civil rights in China through the existing channels and instruments. In this light, the recent postponement of the EU-China Summit could represent a wake-up call for European officials and their civil society, in shifting their priorities in human rights promotion in China and pursuing concrete and durable results in the socio-economic field.

¹² Nick Macfie and Dean Yates, 'China Faces Wave of Unrest in 2009', Reuters, retrieved 20 January 2009, <http://uk.reuters.com/article/worldNews/idUKTRE5050FE20090106?sp=true>, and Simon Elegant, 'China Protests: a New Approach?', Time Online, retrieved 20 January 2009, <http://www.time.com/time/world/article/0,8599,1820345,00.html>.