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

InBev-Baillet Latour Chair of  
European Union-China Relations



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## BRETTON-WOODS III NEEDS A G3-PLUS

Pierre Defraigne\*

The EU-China relationship is a complex one with promising long-term prospects, but doomed to be disappointing in the short-term. This is less because of genuine conflicts of interests, than because of misperceptions in the respective public opinions and regular misrepresentations in the media. Nevertheless, the unanimity rule in the EU Council also plays an essential part in this complexity since it sometimes makes European foreign policy unpredictable. This jeopardizes the EU's reliability as a partner for China. A huge centralized power like China dislikes being confronted with the uncertainty of a block, whose commitments are subject to the veto of one or a few member states, sometimes vulnerable themselves to the influence of other large powers. Nor can it cope with EU paralysis, caused by the rivalry among the Big Three – the UK, France and Germany – either still clinging to memories of their lost imperial power or competing for their national commercial interests, but unable to deliver on a reliable and robust EU partnership with China.<sup>1</sup> Yet for all its accomplishments, China badly needs supportive and reliable cooperation from its big partners in order to secure sustainable development for the largest population in the world, which also comprises the largest number of people living under the poverty line, after India and Africa.

The EU will be treated by China as a strategic power, only when it achieves unity and punches its full weight in world affairs. This will take time, but it is likely to happen in the foreseeable future as the crisis evolves and the need for in-depth reforms – a Bretton-Woods III – becomes more and more pressing.

### *What is China? What is the EU?*

The long-term perspective in this relationship requires sophisticated mutual understanding from both partners of their respective natures. Both need to deal with the crucial daily routine of their bilateral relations, as well as interacting with each other on global issues. Nurturing trust and respecting differences are two essential ingredients for fruitful cooperation. A successful partnership between these two dominant actors would also have a significant impact on the peace and security of the world at large. Let us now analyse each partner in turn.

China is not exempt from surprising contradictions. It is at the same time a major economic power and still a large developing country whose

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<sup>1</sup> The Lisbon Treaty – a pre-crisis Treaty for a post-crisis world – will not make much difference as unanimity will still prevail in the key areas of foreign policy and defence.



growth performance outranks any previous example in global economic history. Its main peculiarity lies in the fact that China owes this success to a unique combination of a one party-system – the CCP – with a mixed economy, whose market sector is growing fast and turning global. Its weight on the international scene makes it a key member of the club of large powers, whose participation is indispensable in addressing all major strategic international issues. China is also experiencing a trend of ongoing social change which finds its continuous transition in political and economic reforms, whose pace and consistency are also a remarkable feature of China's political model. When dealing with China, particularly when passing judgment on human rights issues, one should not lose sight of the dynamics of Chinese society: 1.3 billion people, living in a tough geographic environment exposed to severe natural disasters, are striving hard to improve their material and human welfare. Against all odds, they are thriving and past successes provide reasonable evidence that the huge challenges ahead will be overcome and that political change will develop in line with social and economic progress.

The EU is also a strange animal. In parallel with China, it is experiencing deep transformations, but not thanks to its growth performance – anyhow it is already a very wealthy region – but because of its successive enlargements and of the progress of integration. Yet there remains huge uncertainty about its definitive borders and its ultimate institutional setting, in particular with regard to the balance between competences remaining mostly national and those which will be transferred under collective sovereignty. Nor is it clear what precise form EU sovereignty will take. Will the EU some day have its own defence system, as it has its own currency? Will the EU someday be run by a President or an Executive chosen by the voters, or will it remain rather an intergovernmental organisation with some scattered federal policies? The main oddity concerning the EU's construction is, so far, that it never feels the need, nor is it able to assign a clear finality to its Herculean project. This makes Europe an ambivalent power – in other words, it is not an easy partner for China to deal with.

### ***A creeping credibility gap: monetary and financial matters***

For the last two decades of the 20th century, China and the EU were both on ascending trends and were looked at as two new global powers in the making: China because of its fast growth and the EU because of the pace of its integration process. But over the last decade, and probably for the upcoming decade, EU integration has come to a standstill. Moreover, the EU is entering into a sluggish economic growth era, while China continues to grow at a fast pace. Therefore, the previously converging trends are now diverging and this is a source of tension between the two partners. A credibility gap is surreptitiously setting in between the two players.

Paradoxically, the EU's reliability and predictability remains fortunately high with regard to the most important area of the bilateral relationship which



is also its most successful feature: trade and direct investment. However, this is also the only area of exclusive EU competence in external relations where the EU speaks with one voice after having determined its common position through qualified majority voting. The EU's trade policy is strong enough to contain the potentially disruptive competition among its member states with regard to exporting to China and with regards to attracting Chinese FDI.<sup>2</sup>

The credibility gap is particularly visible on the financial and monetary front. China has indeed retained its full sovereignty in monetary and financial matters because it keeps subordinating capital movements to the priorities and characteristics of the Chinese model. Conversely, the EU monetary, financial and tax sovereignty is caught between the rock of its member states' sovereignty and the hard surface of three external constraints which it has chosen to accept: the dollar rule, tax havens and the subordination of regulation and taxation to market arbitrage.

The differences between China and the EU are particularly conspicuous:

*With regard to visibility*, it's enough to look at the Pittsburg G20 picture: on the one hand stands President Obama who speaks for 350 million Americans and Chairman Hu Jintao who speaks for 1.3 billion Chinese; on the other there are no less than 8 European Heads of State or Government, who speak for 500 million Europeans, but not speak the same message. The same holds true for the IMF board, with its six European directors, but none is allowed to speak on behalf of the EU or the Eurozone, which are not even represented. In effect, there are too many Europeans but not enough Europe!

*With regard to policy performance*, China's cautious and defensive financial policy has sheltered its economy from the Wall Street meltdown. At the opposite end, EU banks acquired massive amounts of subprime products from the USA, overexposing themselves to the American real estate bubble. The ECB neither monitored asset inflation – financial and real estate bubble – nor took notice of the jump in some private banks' debt/GDP ratio in small countries, whilst national regulators proved helpless with regard to the huge leverage and massive purchasing of toxic assets undertaken by banks. This amounted to a serious twin policy failure. The unpleasant truth is that the EU imported financial instability from US, whilst the euro did not provide a shelter from the external financial shock.

*In terms of political clout*, China dared to question the dollar's privilege as a reserve currency run on the basis of US domestic stability, while the EU's authorities – who on and off lecture China on the Renminbi exchange-rate – carefully avoided discussing the dollar's fast depreciation and ensuing volatility on currency markets, with the US. Why, therefore, is there a double standard? Because for the EU, being subject to the dollar

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<sup>2</sup> Yet even in this era, the Chinese official purchasing missions in some EU capitals can harm the EU's unity and this is not in China's interest to exploit rivalry among member states, in particular France, Germany and the UK.



privilege, constitutes the price that it has to pay in order for its defence burden to be borne by the USA, within the Atlantic Alliance. In this respect, the EU behaves as Washington's tributary ally. If the EU means one day to become an effective player in a multi-polar world and in the multilateral governance system, it must at the same time gain full autonomy with regard to the dollar and gain more responsibility for its own geo-strategic defence, since both issues are narrowly intertwined.

We should all take the Wall Street 9/15 warning seriously, because global market capitalism will not survive another blow of this sort. This means that the world needs in-depth reforms. The financial regulation and the international monetary system reforms must be tackled head on and these reforms need to be carried out together, because they are two faces of the same coin.

#### ***What should be on the post-crisis reform agenda?***

*Trade:* As a prerequisite, we should start by reaping the trade harvest in the making, which would also serve as a clear sign of confidence to the world. The Doha Round must be completed because it is fundamental to world growth and to East-West convergence, through free trade, FDI and technology exchanges.

*Currency:* First and foremost reforms of the IMF's structure should be implemented because the shortcomings of the international monetary system lie at the very core of the financial crisis, due to the excessive leverage on real and financial markets.

*Monetary reform agenda:* There exists the need for effective surveillance and gradual correction of all structural imbalances (including for the US and China). Yet also the need for more IMF resources so as to allow it to ease adjustment in developing and emerging economies. Furthermore, it is important to rebalance IMF and World Bank governance mechanisms, by making more room for China and other emerging countries, and by substituting individual member states, and in particular the eurozone members, with the EU. Finally, it is also necessary to very gradually and cautiously switch from the dollar, as a reserve currency, to a basket of currencies including the Renminbi. This implies a move towards its full convertibility with the inherent risk of appreciation. This would ease the control of inflation and allow for the move from an export-driven to a consumer-driven growth model.

*Finance:* The re-regulation of finance must lead to a shrinking of a hypertrophied financial sector so as to release capital and labour resources, and make them available for innovation and growth in the real economy. Two aspects must be considered here: on the one hand the dangerous dysfunction represented by the recent quick expansion of tax havens, and on the other, the domestic regulation agenda. First, we should take the full measure of the damage caused by off-shore financial centres into account for our economies. These under-regulated and under-taxed havens





contribute to seriously aggravating inequalities through tax evasion, to generating instability through excessive leverage and speculative activities and to depriving governments of fiscal resources. Subjecting them to minimum regulatory standards and forcing them into cooperation with other countries' tax authorities should be pursued as a G20 priority, far beyond the modest move contemplated thus far. A token tax on international financial transactions could act as a useful marker for determining the origin and the destination of capital flows so as to ensure that they meet minimum taxation and regulatory standards. With regard to the regulation agenda, let's start from the assertion that the financial innovation's claim to nurture growth is vastly exaggerated. It might have contributed modestly to it, but financial innovation has eventually proved above all a source of instability, and a key tool for capturing an excessive share of the value added for the benefit of the shareholders, but also for the financial industry itself, whose profits and remunerations have blown out of proportion their social utility. Therefore, we need to bring the financial stream back into the riverbed and downsize the oversized financial industry.

#### ***What reforms does the world need?***

The most urgent priority is to finish the cleaning job: forcing the banks to purge remaining toxic assets from their balance sheets. Then we should revert to narrowing banking activities by separating deposits banks from investment banks, and allowing states to guarantee and rescue deposit banks only. One should strengthen banks' capital requirements according to the level of risks or let banks pay an insurance premium to the state budget, for an eventual public intervention. Accounting standards need to be amended, in order to make them less pro-cyclical and prevent conflicts of interest with rating agencies. Finally, supervision systems should be set-up, based on macroeconomic and microeconomic monitoring and surveillance.

#### ***From a partial economic power to a full-fledged one***

The EU stands on the sidelines in monetary and financial affairs, contrary to the trade sector where the EU operates as a fully-fledged actor. As long as it has not fully completed its financial market unity, and as long as it has not balanced its centralised monetary authority with an effective fiscal coordination, the EU will not enjoy a real monetary, financial and tax sovereignty. Therefore, the EU will not project itself to its international partners with a common position, speak with one voice and negotiate as a block. Its effective influence will remain far below its economic weight. Moreover if the EU, as a large economic block generating the largest flow of savings worldwide, does not dare to put its financial regulation above the unwritten neo-liberal law of letting capital move unrestricted across its borders, it will have to line-up its own norms and standards on the G20 minimum consensus. Eventually we are confronted here with a paradox: the EU pleads for multilateralism, but so far it is in no hurry to play as a major actor in all



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multilateral forums. The bleak picture made here – which goes against the official complacency with regard to the EU's capacity to be an effective player on the international governance scene – should not lead us to write off Europe altogether.

Three factors will force the EU to resume its march towards further integration and eventually allow it to achieve full unity and subsequent sovereignty. Firstly, the Lisbon Treaty has a limited potential to strengthen the EU's institutional capacity through built-in mechanisms, either by extending majority voting or by dodging the need for achieving a full consensus among the 27. Secondly, China's emergence as a global actor is facing Europe with a dilemma: either it chooses to act as just an economic subsystem of a US-led OECD mechanism and under a regional security system within US-led NATO – thus paving the way towards a G2; or it means to assert its own unique development model with a higher level of solidarity and environmental sustainability, as well as more strategic autonomy, so as to project its own vision of a multilateral world order in a G3-plus rules-based multi-polar world. Last but not least, the crisis will be a maker or breaker of the EU's unity. So far common responses to successive crises have eventually proved beneficial for European integration. Will it be true this time? This remains a question of political leadership.





## HUMAN RIGHTS, CAPITAL PUNISHMENT AND THE EU-CHINA RELATIONSHIP

William Schabas\*

China and Europe have been quarrelling about human rights for over a decade. At the heart of the relationship is the so-called “human rights dialogue.” Those who participate in the meetings, and in its specialised academic offshoot known as the “legal seminar,” know how difficult this process can be. Sometimes seminars are cancelled at the last minute, at great cost, not to mention the inconvenience to the participants, because of the disagreements that reign concerning the presence of certain individuals. At their best, the meetings consist of useful, constructive and ultimately productive exchanges.

### *A comparative approach to capital punishment*

Capital punishment has been one of the central themes in human rights interaction between China and Europe. On the surface, the two sides are at polar opposites. Europe prides itself on being a “death penalty free zone” (with the exception of Belarus). China, on the other hand, has the highest number of executions of any country in the world. In regards to the exact figures, no one cannot really say, because the actual number itself is apparently a State secret. Why the scope of this aspect of criminal justice – whose benefits are justified as a response to public opinion – should be kept confidential, remains a mystery. If China really believed that capital punishment deterred serious crime, or that it was mandated by public opinion, publicity of its scope ought to be desirable.

On closer examination, maybe there is more in common between Europe and China than meets the eye. It is worth recalling that European abolition of the death penalty is a relatively recent phenomenon. Countries like France and Spain held executions in the 1970s. Belgium was sentencing people to death in the 1990s, although hanging was not being carried out. One EU member, Latvia, conducted its last execution in 1999. In the grand scheme of human history, our societies are not all that far apart.

Cultural relativism is a familiar argument, and it may have some legitimate resonance in certain areas of human rights protection. For example, Article 5 of the Universal Declaration of Human Rights proscribes “cruel, inhuman and degrading treatment or punishment.” We probably all share the concept of “inhumanity,” but there are surely regional differences, relating to cultural traditions, in how we perceive what is “cruel” and “degrading.” But the significance of culture should not be exaggerated.

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When China appeared before the Human Rights Council, in February 2008, as part of the new “universal periodic review” procedure, it did not argue that there were no universal standards to which it was bound. China made no claim to be able to play by a different rule book because of its cultural traditions and distinct history. It presented its report to the Council using the rights enshrined in the Universal Declaration of Human Rights, as a normative basis. Eleanor Roosevelt called the Declaration the “Magna Charta of humanity.” As its title recalls, the Declaration is a truly universal benchmark.

It is often forgotten that China made a seminal contribution to the drafting of the Universal Declaration of Human Rights, through the work of Peng Chung Chang. Chang is widely acknowledged as being one of the intellectual heavyweights that comprised the Human Rights Commission in its early days, between 1947 and 1948. The secretary of the Commission, John Humphrey, described Chang as “a master of the art of compromise [who] under cover of a quotation from Confucius, would often provide the formula which made it possible for the Commission to escape from some impasse.”

Chinese colleagues often seem uneasy with Chang’s legacy because “he was a nationalist, not a communist.” But there was only one China in 1948, and Chang was as representative of it as Confucius. Chang’s colleague at the Commission, the Lebanese representative Charles Malik, wrote that “if communist China were then in the chair of China at the United Nations it would, on the whole, have held the same positions that Chang held.”

Before the Human Rights Council in February 2008, China spoke of its record in the area of capital punishment. It said that “positive consideration” was being given to reducing the number of executions, and of limiting them to “exceptionally grave” crimes. China explained that the death penalty was actually not enforced for many of the crimes where it is prescribed by legislation.

Instead, China might well have argued that it was under no obligation to comment on the issue of the death penalty. After all, it has never ratified an international treaty concerning capital punishment. Instead, China implicitly acknowledged that the Universal Declaration of Human Rights – which protects the right to life and prohibits cruel, inhuman and degrading treatment or punishment – governs death penalty practises. China accepts that it is accountable before the international community for the conduct of capital punishment, even if it has yet to bind itself to the International Covenant on Civil and Political Rights.

### ***The evolution of China’s death penalty rhetoric***

The death penalty debate has two dimensions. One is the campaign for strict abolition. The other consists of imposing limitations upon its implementation where capital punishment is still practised.

When the EU-China dialogue began over a decade ago, Chinese academic participants were rather steadfast defenders of capital



punishment. They often dismissed abolition as a “European obsession.” They explained that some changes would have to be made if China were to ratify the International Covenant on Civil and Political Rights, but suggested that until that step is taken, no particular obligations are applicable.

The discourse has dramatically changed in the past ten years or so. Chinese academic participants in international seminars and symposia, often explain that their country should abolish the death penalty. They quarrel about how soon, with the more radical of them saying it should take place immediately, but most say that the goal is for this to be implemented even if it will take some time and even if the timescale is yet to be defined. Similar views are expressed at the seminars by judges, public servants and officials of the National Peoples’ Congress.

Nevertheless, this debate takes place at a much higher level between the EU and China than it would if the EU and the United States were to commence a dialogue on capital punishment. To a certain extent, the United States’ official position on this subject could be summarized as the democratic right of its society to put people to death for committing serious crimes. From time to time, this is how American government representatives express their country’s position in international meetings. So on this count, China is actually closer to Europe than the United States. Not to mention countries like Iran, Saudi Arabia and Pakistan.

### ***The effects of European influence on China’s death penalty stance***

Here a parenthesis is in order about the extent of capital punishment in the modern world. To view the abolishment of capital punishment as a “European obsession” constitutes a historical misinterpretation. Latin America was the first continent to abolish the death penalty, although like Europe there are a couple of exceptions (Cuba and Guatemala, both of which are now essentially abolitionist *de facto*). Since 2004, there has been a single execution in the entire western hemisphere, provided that one country is excluded from the tally. More recently, sub-Saharan Africa has come very close to being a “death penalty free zone.” In 2008, there was only one execution in sub-Saharan Africa (Botswana). This compares quite favourably to Europe because four executions took place in Belarus.

Today, only about 35 countries regularly practise capital punishment. China is increasingly aware of its isolation in the world on this issue. One of the arguments that Chinese policy-makers frequently invoke is that China is a developing country. They suggest that abolition is for developed countries but it is hard to reconcile this claim when considering Africa’s march towards abolition.

Aside from the debate about abolition – which is sure to find growing resonance among progressive Chinese thinkers in the years to come, given the international trend – there is also an important debate taking place concerning the practice of the death penalty. On this subject, Europe is efficient at establishing international norms and standards, although it



currently has less to offer because the death penalty has virtually been abolished on the continent. Europe will not even extradite suspects to countries that employ capital punishment unless there are appropriate guarantees. Similarly, it withholds other forms of mutual legal assistance.

China cannot be considered the worst performing country in the world, in terms of fair trial standards and related rights, but it is far from acting as the best performer either. For example, there are very serious deficiencies in terms of providing an accused person with a good defence lawyer. Probably the biggest problem with capital punishment in China is its extensive scope. China allows capital punishment for many dozens of different crimes, whereas it really should confine the scope of the death penalty to only one – intentional killing or murder. Instead, executions are carried out for non-violent economic crimes and drug trafficking. This is contrary to all international standards, and China is aware of this. For this reason alone, China refuses to ratify the International Covenant on Civil and Political Rights.

At a European Parliament session, in December 2009, Human rights in China were the focus of much debate at the Subcommittee on Human Rights of the Committee on Foreign Affairs of the European Parliament. One speaker said that the EU-China dialogue had accomplished nothing, and that human rights in China were in a worse situation than they were before the dialogue started, in the late 1990s.

Some parliamentarians were understandably aghast when they were told that the dialogue was a waste of time. For people who spend their days in meeting rooms and conferences talking about these issues, it is difficult to sell the idea that such exchanges are counter-productive. Are they not more efficient than the alternative, which is to hold no dialogue whatsoever? It may well be that the critics are correct in their claim that more robust measures to pressurise China, are required, but from this writer's perspective, it is overstating the case to claim that the dialogue is not productive and that it does not provide added-value. The debate about the death penalty offers a very good example of positive outcomes however modest they may be. Nor can this claim be answered by claiming that the current standing is bad and getting worse in other areas.

There is no doubt that China's position on capital punishment has shifted over the past decade. The lack of statistical information makes it difficult to say by how much. However, credible reports from Chinese scholars, as well as from authoritative spokespersons within the Chinese judicial system, confirm that the number of executions has considerably dropped in the last few years. What we know is that there is an important reform in criminal procedure that requires the Supreme Peoples' Court to review every death sentence. At the October 2009 seminar, organised by the GB-China Project (funded by the EU), Zhang Jun, the vice president of Supreme Peoples' Court said the approval rate of the death penalty by the Court now equates to about 10%. We do not know how to calculate the 10% because the absolute figures are unknown, but if he is correct – and we have



no reason to doubt his words – this represents a dramatic decline in the usage of the death penalty sanction. Indeed, given what we do know about the death penalty in China, if there has been such a decline, then more people have been spared the scaffold in China, than have been executed in the rest of the world.

***Bearing the fruits from the EU-China human rights dialogue: a future outlook***

Is this because of the EU-China human rights dialogue? Has China made these changes because a relatively small number of European scholars and diplomats gave lectures, spoke at conferences, and organised for the translation of their books and articles into modern Chinese? Answering this question is comparable to the attempt to explain who is responsible for the melting of the glaciers in the Arctic, but if nobody is prepared to give the EU-China dialogue credit for these developments in the area of capital punishment then it is also unfair to charge the process with not having produced any results. One certainty remains: China's progress on the death penalty is not the result of the US-China dialogue.

Proving that a human rights project actually delivers results is a difficult enterprise to undertake in any context, applicants for EU funding are regularly asked to produce what is known as a "log-frame" (logical framework). The idea is to show that your project or initiative delivers meaningful results, and that you know how to measure them, but in the context of human rights, how can this be achieved? Who knows whether there is less racial discrimination, or less torture, or more gender equality, or fairer trials? This is compounded by the fact that human rights advocates, and notably the major NGOs, are constantly claiming that the current picture is worsening. However, they do have reasons for promoting this message: the day they tell everyone that the situation is improving is the day that they will lose funding from their supporters. They are probably not the best judges in terms of measuring forward motion in the area of human rights, for understandable reasons.

In recent years, there has been progress with respect to the issue of capital punishment in China. It appears probable that this progression will continue in the future. It is also true that the death penalty has been one of the central concerns addressed in the EU-China dialogue, and the accompanying "legal seminar." Assuming that there is some causal connection – a hypothesis that is unproven and impossible to prove – provides good reasons to persevere with these efforts. Maybe, improvements in the area of capital punishment are not totally isolated but rather the most visible and quantifiable manifestations of more general developments in EU-China relations.





## HUMAN RIGHTS AND ITS ASSESSMENT: AN OBSTACLE TO THE DEVELOPMENT OF CHINA-EU RELATIONS

Li Junru\*

In the exchanges between the EU and China, there is a phenomenon which deserves consideration. That is, between the Chinese and the Europeans, the conclusions drawn from the same facts and the same phenomenon are totally different when it comes to the assessment of China's human rights situation, in particular, in the assessment of the fundamental political rights such as freedom of belief, freedom of the press. This has affected the development of normal relations between China and Europe. Therefore, in order to better promote the exchange on human rights issues and the development of EU-China relations, we should look in depth at this issue, and seek for common ground between the two sides.

### *Realisation of human rights: an important subject of human rights research*

Before discussing this issue, we should first examine what is "the realisation of human rights." This is a basic question. Human rights refer to political, economic, cultural and social rights that human beings enjoy, which are formed in the context of historical development. In the long history of human development, only in modern times has the human rights issue developed into human rights theory. This shows that it took time for human beings to recognise their human rights, and such recognition came from the transition from theory to practise and the rising demand in society. In other words, to realise human rights is relative to historical development, especially societal progress. Therefore, we can say that the realisation of human rights refers to the process and the application of human rights theory in practice.

If we examine the realisation of human rights in the process of human rights recognition and practice, we will find that undertaking important research in this domain, must includes at least four crucial research areas:

First of all, it is necessary to study human rights in practice. To transform the recognition of human rights into practice reflects the dynamic nature of this recognition process. However, this cognitive dynamism is in no terms purely subjective – it is not motivated by subjective design, but formed due to practical needs under certain conditions. To examine the realisation of human rights, we first need to study the historical conditions. Whether a society can satisfy its demand for human rights or not, serves as a criterion to assess the human rights situation in this society – and this is the only criterion. What needs to be clarified here is that the realisation of human rights is

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obviously related to human rights theory. Nevertheless, it is neither analogous to the rigid application of human rights theory, nor should it be directly compared with the theory. To study the realisation of human rights in China, we should not rigidly apply human rights theory and compare the theory with the reality of the situation. Furthermore, we should not compare the human rights condition in China with that of developed countries. Instead, we should examine whether nowadays the realisation of human rights satisfies the demand for human rights in China.

Secondly, it is necessary to study which part of human rights theory has been put into practice on the basis of actual demand. Practice refers to the process of purposefully transforming the world from a material perspective. The goal is recognition, which enters into practice and it is to be realised through practice. The first step is to advance from the stage of recognition to then putting this into practice. It is necessary to turn recognition from theory into concrete goals and guidelines, policies, laws and regulations. To study China's human rights situation, we must first study which human rights theory and principles have been translated into guidelines and policies in China's development process, and which human rights laws and regulations have been created in China. It is worth noting that whilst studying the human rights situation in China, we cannot simply rely on paper, but we cannot ignore that the changes and progress that have taken place in the documents are also progress of human rights, which is an indispensable procedure and acts as a significant expression of human rights realisation.

Thirdly, it is necessary to study the result that human rights theory has produced when applied in practice. The fact that human rights theory, based on demand, has been developed into practical goals, serves as the first step of turning theory into practice, but not as the ultimate application of human rights theory. The ultimate application of human rights theory, with the purpose to put human rights theory and principles into practice, becomes a social reality in the process of practice. To put it simply, they become the real rights of the people during their everyday lives and these rights can be protected according to the law.

Finally, it is necessary to use practice as a criterion to examine human rights theory and its development. To study the realisation of human rights in a state, we need to first be aware of two conditions: firstly, we need to know which human rights principles have evolved into practice in this state; secondly, we need to consider which developments and progress have been achieved in realising human rights in this state, including new understandings of human rights theory. Based on such understandings and considerations, we need to take the "realisation of human rights" as an important subject if we intend to deepen our research on human rights.

### ***Assessing the human rights realisation: a vital issue in human rights exchanges***

Whilst researching the human rights issue and the exchange between the EU and China, different academics usually arrive at different conclusions on the



human rights situation in China. This is related to the assessment of human rights realisation. In order to better promote the exchange on the human rights issue between the EU and China, we should discuss with our European friends on how to assess human rights realisation.

The essence of this issue is to make value judgements on the basic situation of the human rights realisation in a particular state. People with different values and value orientations will have different value judgements on the human rights condition of a same state. This is unavoidable. However, this does not mean that we cannot find a way out. As mentioned earlier, the realisation of human rights should, first of all, be exemplified by the actual demand for human rights development. Therefore, to make value judgements, the starting point and the basic requirements should be to observe the degree of satisfaction of the people within a state in relation to their demand for human rights. In other words, to judge the human rights condition of the state, we should first examine which demand its people have made during the historical development process, and then examine whether the policies, laws and their practices have satisfied these demand. In my opinion, it may be possible for us to reach consensus if we can make such objective examinations and judgements based on historical developments.

Two points needs to be highlighted:

Firstly, the demand for human rights refers to the demand that the people within the state have developed in practice. In other words, it is incorrect to judge the demand of its people in relation to the demands developed by citizens from other states. This is the objectivity that we refer to.

We have noticed, for example, that when discussing with some European officials and individuals about China's human rights situation, the Chinese think that the country is in its best historical period in regards to human rights; in contrast, the Europeans hold that the human rights situation in China has not fundamentally changed and that many problems remain. If we examine both sides' viewpoints in-depth, we may find that although they talk about the same topic, they are actually discussing different issues. The Chinese argue that after sixty years' development of the People's Republic of China (PRC), especially after the last thirty years of reform and efforts in opening-up, the Chinese people have enjoyed the rights to subsistence, development and other rights, which would have been impossible in the past. The Europeans, based on their demand for human rights and their demand for human rights in China, emphasise that the Chinese people do not enjoy basic political rights. If everyone, on the basis of his or her own demands, judges the human rights situation of other states, it is natural that he or she will arrive at a different understanding. Such behaviour is not objective.

Therefore, we believe that in order to objectively examine the human rights situation of a state, one should look at the practical demands for human rights of the people of that state, and then examine the degree of satisfaction of the people of that same state.



Secondly, the demand for human rights is continuously developed in the process of practice and will not remain unchanged. In other words, on this issue, we cannot exceed the actual stage of development, neither can we ignore the changes on the demand for human rights that result from social progress. We should follow the changes of the demand for human rights dynamically, in order to satisfy the rising demand of people for increased human rights.

For example, when examining the human rights situation in China, one must note that people's demand for human rights, in different historical periods, has been very different. Before the founding of the PRC in 1949, China was a semi-colonial and semi-feudal society. It was the historical mission of the Chinese people to struggle for national independence and liberation. At that time, the demand for human rights was to gain collective human rights on the basis of national independence and to realise the basic political, economic and social rights on the basis of individual liberation. Sixty years ago, the policies adopted and the reforms implemented at the founding of the New China, satisfied the demand of its people and therefore opened a new epoch in Chinese history.

After such basic rights were realised, the Chinese people eagerly wanted to change their backward economy and culture, to eliminate poverty and to realise industrialisation rapidly. Against such a background, the Chinese people's desire for a new life had been reflected in their focus on obtaining the rights to subsistence and development. This has become, since the 1950s, the Chinese people's new pursuit. In order to realise this and eliminate poverty, the Chinese Communist Party led its people to engage in large-scale economic development. However, due to the mistakes in the party guidelines, this historical mission was not able to be completed. Not until the end of 1978 did the focus of the party turn from class struggle to economic construction. Reform was then started, and the rights to subsistence and development could gradually be realised step by step for the Chinese people.

In the 21<sup>st</sup> century, the Chinese people's demand for human rights has again changed. China needs to continue to focus both on economic growth to protect the rights to subsistence and development, to guarantee a harmonious economic and social development, and to lead and support the Chinese people's pursuit to obtain more social welfare rights. As to the demand for political rights requested by the Chinese people in recent years, by examining their specific requests, we will find that their demands for the rights to information, expression, participation and supervision were originally put forward in order to guarantee the rights to subsistence and development, and now the same is being applied for their social welfare rights.

Needless to say, what I am discussing here is the demand for human rights proclaimed by the majority of Chinese people. In China, I have wide contact with people from all walks of life and I have noticed that the demand from the majority of Chinese people for human rights, in particular,



people from lower classes, mainly focus on economic and social rights. Their demand widely diverges from those of the international society, which includes Europeans' demands.

While studying this interesting phenomenon of the realisation of human rights in China, we may find that the demands for human rights, made by the Chinese people, are evolving – they change at different stages and rise in accordance with steady economic and social developments.

As a whole, in order to examine and assess the human rights situation in a state, we need to look at the specific demands of the citizens for human rights within the state, especially the changing demand of the people in different historical periods. We should also find out whether the state satisfied the demand of its people on human rights, in particular, whether the state adapted itself to the rise and development of the demands made by its citizens in regards to human rights. This is what we should promote and follow when assessing the realisation of human rights in a given state.

***Highlights of human rights realisation: the improvement and development of human rights theory***

Since the process to realise human rights is also a way of testing human rights theory and subsequently improving and developing it, we need to attach great importance to the new issues and ideas developed on the basis of traditional human rights theory in our research.

In the human rights theory and principles, which are nowadays popular worldwide, the main ideas were formed as early as the emergence and the development of capitalism in Europe and the United States. Geographically, this reflected in the ideological principles formed in the human rights realisation process of these regions. Historically, it expressed the demand of the people in these regions to get rid of feudalism and religious control. Substantively, it demonstrated the demand for individual liberation and development in the process that feudalism was replaced by capitalism. Such traditional human rights theory and its basic principles, both have universal applicability and historical limitations. Therefore, in the process to strive for human rights in the other parts of the world, such human rights theory and principles both played an important role, and have also encountered many problems, which should be considered in-depth, improved and developed. For example, the Universal Declaration of Human Rights published sixty-one years ago, both followed the traditional human rights theory and its principles, and summarised the successful experience of anti-fascism and the achievements of human rights in democratic states. This thus added new substance to the human rights theory. On the other hand, in the post-war period, especially in the last two or three decades, the Western democratic system and its human rights principles, promoted in some states of Latin America and Africa, has not had many positive impacts. All these problems are worth taking into consideration.



We have noticed that in the sixty-one years since the Universal Declaration of Human Rights came into being, a series of important historical events occurred. Among them, there were two essential events. The trend of national independence and liberation after WWII, followed by the collapse of the colonial system, led to the creation of a large number of developing countries. Socialism took its strength and developed in the post-war period in a number of countries, but encountered a serious setback in the late 20<sup>th</sup> century. In the meantime, China, with one-fifth of the world's population, selected the socialist path, based on Chinese characteristics and attained remarkable achievements in the thirty years' reform period.

These two historical events posed two major questions. The first point is that human rights are not only human rights in relation to individual liberation and development, but also collective rights that a nation or a state should enjoy. Secondly, human rights are not only political rights developed against the control of feudalism and religion, but are primarily the rights to subsistence and development of the people. These are new questions that appeared in the post-war era and should, without doubt, be added to the human rights theory.

Therefore, when we study human rights, we also need to, with a scientific and innovative attitude, summarise carefully the new experiences, and ideas collected concerning human rights practice, improve and develop traditional human rights theory and make new contributions to the development of human rights causes worldwide.

My overall thought, when focusing on the study and discussion of the human rights issue from a methodological perspective, aims at finding consensus between the EU and China on the understanding of human rights, and avoiding unnecessary barriers, in order to further promote the healthy development of EU-China relations. I am not certain whether our European friends would understand this or not.