



(De-) Constructive ambiguity on values?

Tracing red lines in EU-China Human Rights
Diplomacy (1989-2014)



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Interregnum – Transition

- „Should an authoritarian China come to dominate international relations, the place of human rights in world affairs would change’.” (Forsythe, 2006)
- „There are strong signs (...) that China is assuming a more active role within the UN Human Rights Council”. (Catham House, 2012)
- The EU is in “search for new structures of non-hegemonic, respectful and responsible cooperation in, by and for a pluralistic world of increasing, but interdependent diversity” (Mayer 2008).
- „Stop being silent“ (Aaron Rhodes, Co-founder and principal investigator, Freedom Rights Project, 2013)

Contents

1. The “dilemmas” of Human Rights Diplomacy
2. EU-China HRD Changes in **Policy & Discourse** (1989 – 2014)
3. Conclusions & next step: Explaining changes

1. Introduction

The dilemmas of Human Rights Diplomacy

- Conceptual approach
- Research project

1. The myriad faces of human rights (scholarship)



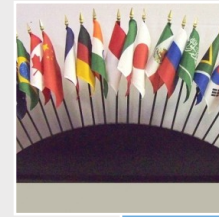
Human rights

- Anthropology
- Cultural studies
- ...



Human Rights

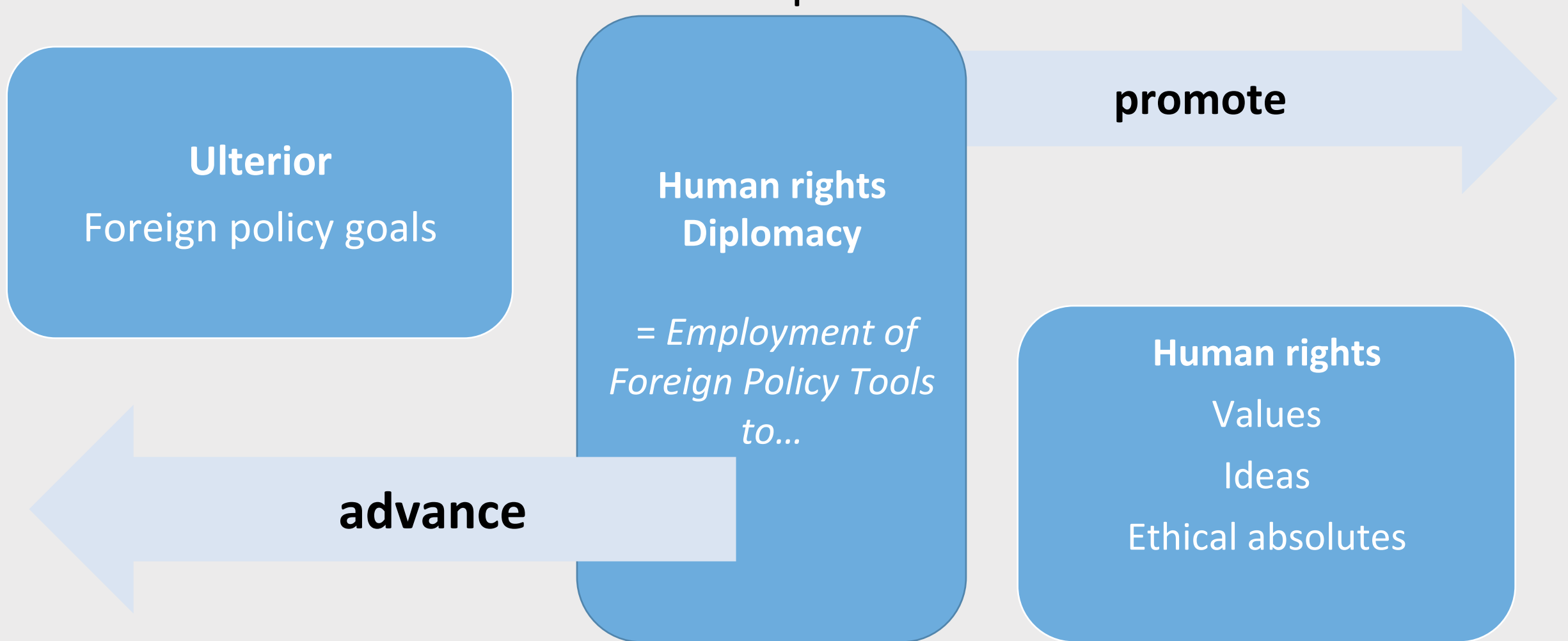
- International law
- Human rights treaty system
- ...



Human Rights

- Politics of Human rights
- Human Rights diplomacy
- Transnational civil society
- ...

Human rights Diplomacy – A Janus faced- concept



Research context

I. WHY DO THE EU AND CHINA ENGAGE EACH OTHER ON HRD?

A. Establishing changes during Critical Junctures (1989-2014)

- a) DISCOURSIIVE CHOICES
- b) POLICY CHOICES

II. Under what conditions / through what processes do both sides' HRD discourse and policy change?

B. Explaining change:

- a) Theorizing changes: Addressing the Explanatory Gap of extant models
- b) Structural factors
- c) Learning / Socialization



Significance of HRD discourse

- Discourse sets the “**limits of legitimate and meaningful foreign policy**” (Diez 2013, 12)
- Verbal tools of “**persuasion**” only viable EU-FP tool available
- Path dependence & unintended consequences for **policy**
- Identity = motivations in foreign policy („What motivates our actions should fit who we are“)

2. EU-China HRD (1989-2014)

- Changes in policy & discourse

Discursive Choices

Decision Matrix		
Dimension	Discursive choices	
		
Nature of Human Rights	Relative / open to debate	Universal / fix
Objectives of HR Diplomacy	Stability / Understanding	Results / Persuade
Challenges to HR Diplomacy	Lack of normative appeal (external)	Incoherence / Capacity (internal)

Data: Discourse Analysis

Variable	Source	
	EU	China
Motivation	<ul style="list-style-type: none"> • “Communications” on China 	“China's Policy Paper on the EU”
	Interviews with human rights diplomats	
Internal Construction	<ul style="list-style-type: none"> • EU Annual Human Rights Reports • European Parliament Resolutions • Civil society advocacies Commentary on HR Dialogues 	<ul style="list-style-type: none"> • White papers on human rights & Annual foreign affairs reviews of the PRC • Think Tanks / Universities • Newspapers
Jointly constructed „Appropriate“ on HRD	<ul style="list-style-type: none"> • Joint Press Releases / Joint Statements after summits and human rights dialogues • Reader: The European Union and China, 1949-2008: Basic Documents and Commentary (Hart Publishing, Oxford, 2009). 	

Shifting disc



HR = “an instrument of bourgeois powers to undermine China” (Beijing Review, 1979)

“Art. 33.3 The State respects and preserves human rights.” (Second Session of the 10th National People's Congress, 2004).

HRC “Human Social Responsibilities” (2004)

“pluralistic coexistence of different values” (Ding, C. (2012))

“(…) It is, (…)

the conditional linkage between responsibilities and human rights that we cannot allow to go unchallenged.” (Statement on behalf of the European Union, 2004)

Dimension

Nature of Human Rights (HR)

Objectives of HR Diplomacy

Challenges to HR Diplomacy

... / open to debate

Stability / Understanding








Lack of normative appeal (external)

[O]il companies have ‘hijacked’ [China’s] foreign policy including its stances on the promotion of human rights (Loke 2009)

concept (87).”

“to understand the different aspirations, values and interests of our partners” (European External Action Service 2015b).

Trendlines of discursive choices

Decision Matrix		
<i>HRD Discursive choices: Trends for the EU and China 1989 - 2014</i>		
Dimension	Discursive choices	
Nature of Human Rights	Relative / open to debate 	Universal / fix 
Objectives of HR Diplomacy	Stability / Understanding 	Results / Persuade 
Challenges to HR Diplomacy	Lack of normative appeal (external) 	Incoherence / Capacity (internal)  
	1989	2014
		1989

Policy: Internal Institutionalization



- Institutional: EEAS (2009) EUSR HR [1/7], 2012
- Legal : Preamble, Art.2 Art. 3 (5) para.2 , 21 (1) 2 (b), TEU (2009)
- Policy: Human Rights Clauses (1995) EU guidelines on human rights dialogues with third countries (2001); Human Rights Mainstreaming (2006) „HR Action Plan” (2012)

... and External Relativization



- De-linking
 - 1989: **Conditionality**
 - Trade & Human Rights (1990/2000)
- Tacit Agreement to new terms
 - No second Dialogue Round 2011
 - Chinese rejection of list of „cases of concern“
 - New challenges: Arms embargo (1989), Human Rights Clause (practice since 1995) in potential FTA

“The Commission and Member States have always ruled out all kind of conditionality between human rights and trade negotiations with China as counterproductive. We have consistently stressed that trade and human rights were better dealt with separately, within their respective fora, and with the support of specific instruments” (European Commission (Angelos Pangratis), 2000, p.1)



Policy: Emerging assertiveness on HRD

- Substance: Normative contestation
 - Human Social Responsibility (2004-2007)
 - Confucius Peace Prize (2011)
 - Re-election into HRC to “continuously enrich[...] the theory of human rights.” (2014-2016)
- Posture: Seeking leadership
 - “three (...) joint statements on behalf of allied states” (2012) Poverty
 - “high-profile joint statement on behalf of 32 states” (2011) Arab Spring

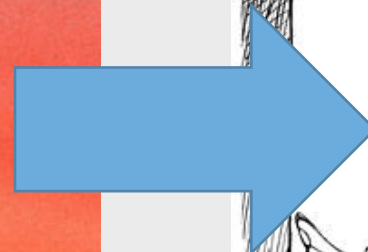


“Invested in Human Rights”

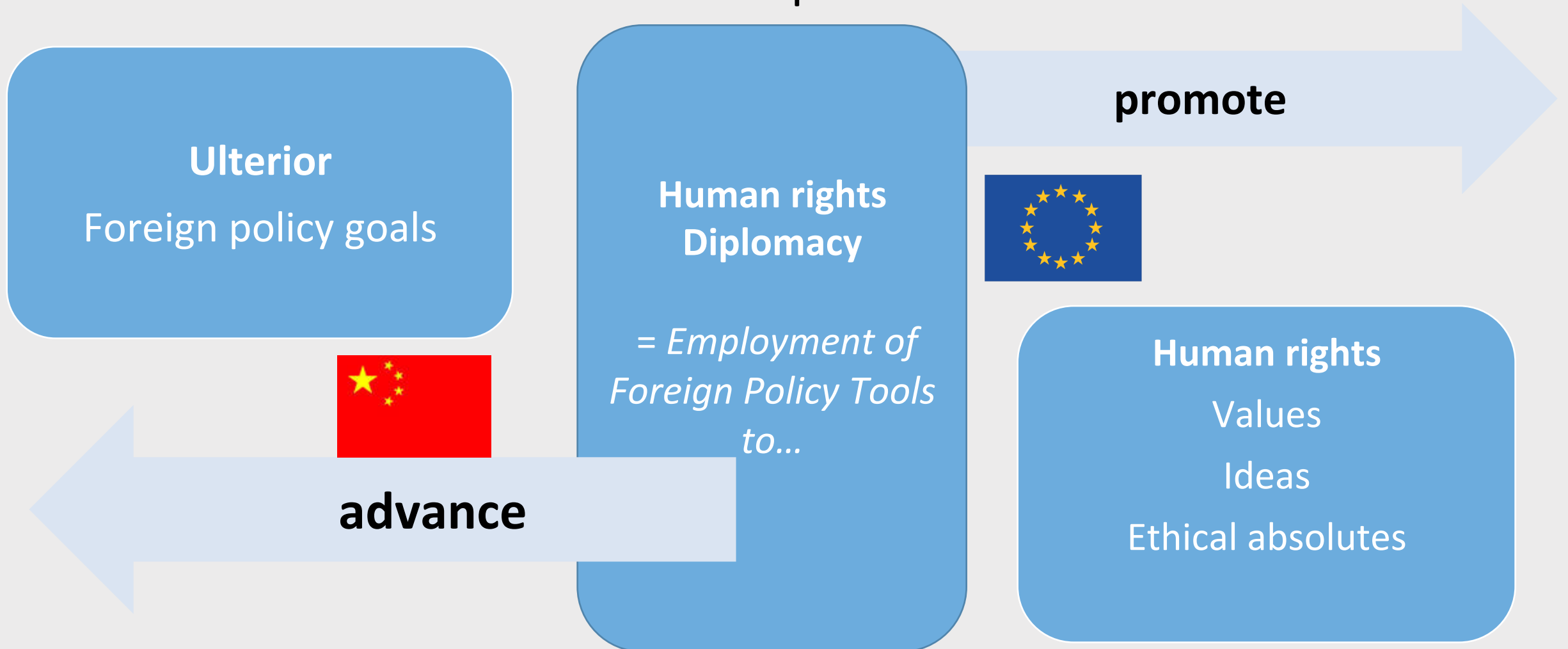
- HRC
 - “a sixteen-fold increase” in voluntary contributions to the UN Office of the High Commissioner for Human Rights (2013-2017)
- Investment security needs (SoEs, e.g.)
 - Meetings with South Sudanese Opposition since December 2013
- Security of Chinese peacekeeping missions
 - special envoy to Sudan (2011)
- Need for national resources
 - Antarctica (“mare liberum”)

3. Conclusion

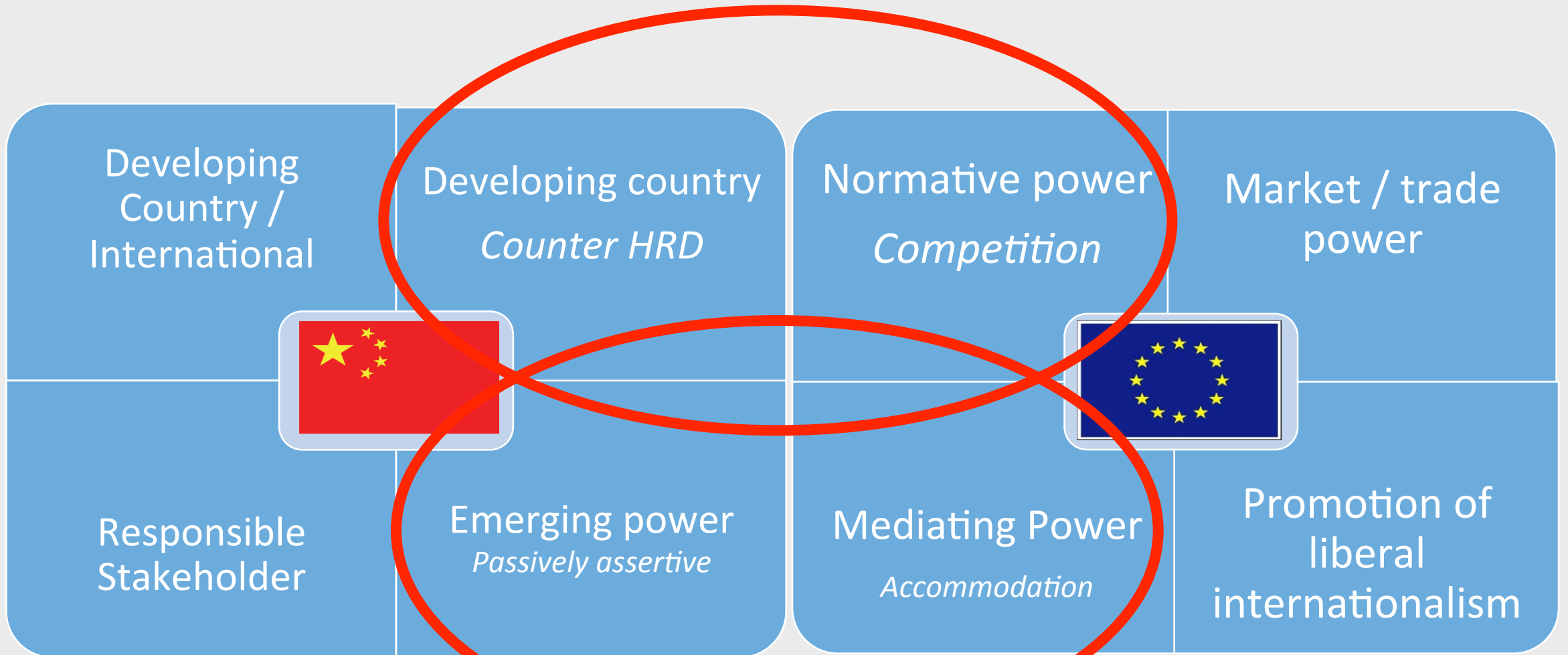
The dawn of a new HRD?



Human rights Diplomacy – A Janus faced- concept

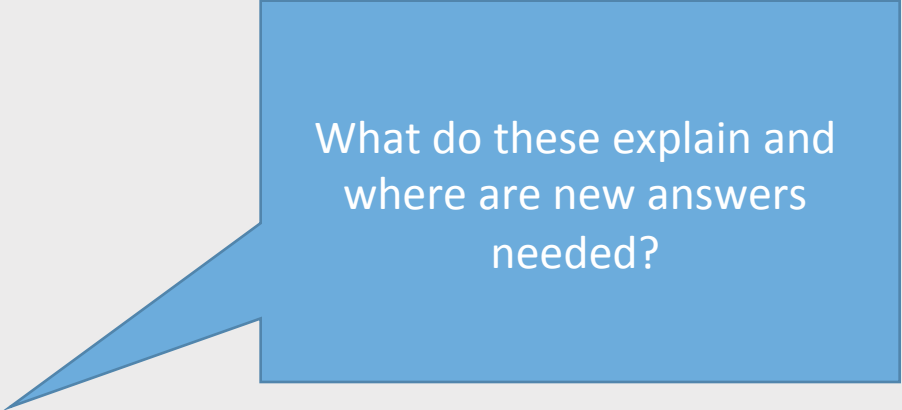


Changing FP identities on HRD?



Next step: Explaining changes

- CN Human Rights improvements
 - No improvements in EU priorities (CPR)
- Economic symmetry
 - Why / How does HRD persist?
- Coherence vs. Capability
 - „If I was the EU, I would concentrate on trade“ (Chinese HR defender, 2015)
- **Learning / Socialization**



What do these explain and where are new answers needed?



新型文明人权外交关系？ A new type of HRD?

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EUCE conference "State of the EU in Canada and the Asia Pacific"
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