

The EU's Human Rights Dialogue with China: Quiet diplomacy and its limits

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ASIA IN FOCUS

Katrin Kinzelbach's book *The EU's Human Rights Dialogue with China* is a valuable contribution to the world of human rights diplomacy. It sheds light on how the European Union approaches China in this particular field. Kinzelbach provides new information on the relations between the two sides and discusses the validity of the EU's methods. Through the collection and analysis of EU confidential documents and official reports, and interviews with key actors in the European Commission, the author manages to outline the 20 year-old evolution of human rights diplomacy between the EU and China.

Kinzelbach is the Associate Director of the Global Public Policy Institute in Berlin and a professor at the Central European University in Budapest. The book can be inscribed as within the field of EU-China relations, however, its originality is that it approaches the relations from the perspective of human rights. This is the first book to provide a detailed reconstruction of EU's engagement with China in the field.

The relations are traced back to 1995, when the EU-China Human Rights Dialogue was established. The platform was meant to be a confidential exchange, and can be inscribed into the so-called policy of "quiet diplomacy". As a matter of fact, in the

mid-nineties, the EU's approach towards China followed the US policy and was known as *constructive engagement*. Direct confrontation had to be avoided, and a form of a "behind closed doors" diplomacy was to be implemented instead. At that time, China was significantly worried about the position of the US in the Commission on Human Rights at the United Nations, therefore it saw the Dialogue as a means to try to convince European States not to support the US resolution at the UN.

The participants from the European side included government officials, NGO representatives and academic experts, while the Chinese delegation was composed of officials from various departments and so-called *establishment intellectuals* from the Chinese Academy of Social Sciences (CASS). No dissidents or independent rights experts were ever present.

From an EU perspective, it was the lack of tangible results from the Dialogue that was the cause of frustration and disappointment among European actors. They felt that the Chinese counterpart acted in a pre-defined, staged manner, often replying to the most thorny issues by simply reading standard and empty formulas. One more interesting aspect is that the Dialogue's more or less assertive attitude was subject to singular European presidencies. In other

words, countries with stronger human rights traditions would push China more actively, while countries whose relations with Beijing had just started to be fruitful (in terms of economic exchange) were more reluctant to push the People's Republic on the most sensitive human rights concerns.

Kinzelbach's book is a key instrument for those who are interested in human rights diplomacy between China and the EU. Using a critical approach as her research method, she provides detailed and well-supported evidence of how the EU's quiet diplomacy has essentially been of little use in terms of influencing China's behaviour in the field of human rights. As Kinzelbach lucidly puts it, "Intended human rights promotion and protection in China, should it materialize in the medium or long term future, will not be causally linked to the EU-China Human Rights Dialogue" (p. 196). In the end, quiet diplomacy turned out to be the wrong choice. Instead of taking a stronger stance and backing the US with the resolution on China at the UN, the EU actually "diluted international pressure and weakened existing incentives" (p. 197) that might have led China to pursue a more internationally accepted behaviour on human rights, in light of possible concessions. The dialogue also failed to integrate NGOs and, moreover, the EU eventually bent to Chinese requests in order to prevent possible repercussions on the economic relations. Eventually in 2010, unconcerned about the EU's protests, it was China that walked away from the Dialogue, refusing to participate in the biannual sessions.

Why is the Dialogue still on then? Why do European diplomats still engage in confidential discussions with China on human rights? Kinzelbach argues that it is because the Dialogue is a small risk initiative and guarantees a semblance of diplomatic bonds between China and the EU on this very sensitive topic. According to the author, the weakness of the EU attitude and the overall failure of the Dialogue could also be dependent on European civil society, namely on the lack of protests about the Dialogue's ineffectiveness. The author links this problem to the

fact that the majority of Chinese dissidents reside in the US and not in Europe (p. 197-198). This passage is a little ambiguous though, and Kinzelbach does not provide a clear definition of "European civil society", which is a concept that might be worth deeper analysis.

As the Dialogue proved to be an insufficient tool to address China regarding human rights concerns, what are the alternatives? According to Kinzelbach, EU member states should engage in a stronger effort to better coordinate demarchés towards China, if they want them to be effective. Secondly, and more importantly, EU member states should re-think the issue of the arms embargo, as it might be a much more interesting incentive for the Chinese compared to the EU-China Human Rights Dialogue on its own. "With the lure of a credible offer on the arms embargo, Chinese diplomats would at least listen attentively to the EU's priorities" (p. 199), and this may possibly lead to the ratification of the International Covenant on Civil and Political Rights (ICCPR). The embargo should be lifted only if China agrees to re-assess the Tian'anmen massacre, to allow an independent investigation, and to stop censoring the memory of the incident. The final stance that the book takes is based on the author's belief that the EU would potentially be able to make use of the embargo (which has now been in place for 25 years) as a powerful incentive for China. This should be done, however, "before Chinese leaders stop worrying about its symbolic power in the same way they have stopped worrying about a UN resolution" (p. 199).

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