

# China's Response to International Normative Pressure: The Case of Human Rights

Rana Siu Inboden and Titus C. Chen

Over the past three decades, the People's Republic of China's response to international human rights pressure has been guided by its strong state identity, an identity that has prioritised the pursuit of economic productivity, material power and international prestige. The goal of a strong socialist state led Beijing to participate in the UN human rights regime for strategic and diplomatic gains, and later to endorse human rights norms that were perceived as consistent with them. Accordingly, the PRC sees colonialism, imperialism, hegemonism, and racism as key human rights violations, while opposing the universality of human rights and rejecting intrusive human rights monitoring, deemed as detrimental to its strong state goal. After the 1989 Tiananmen Square protests, China faced unprecedented international pressure and responded by challenging aspects of the human rights system. During negotiations to replace the UN Commission on Human Rights with the Human Rights Council, China again sought to shield itself from human rights pressure, primarily by challenging country specific approaches. Thus, instead of the normative influence leading to norm-compliant behaviour, China has sought to diminish human rights pressure and shape international human rights institutions in ways that are advantageous to its state interests.

**Keywords:** China, human rights, United Nations, international norms

This article examines the People's Republic of China's (PRC) response to international human rights pressure. The Chinese Communist regime has adopted an understanding of human rights that emphasizes the predominant role of the state in the definition, provision and constriction of human rights in domestic politics. This statist notion of human rights, which emerged in the early 1980s as a

---

*Rana Siu Inboden* is a doctoral candidate in the Department of Politics and International Relations at the University of Oxford, UK. Email: rana.inboden@stx.ox.ac.uk. *Titus C. Chen* is an Assistant Research Fellow at the Institute of International Relations, National Chengchi University, Taiwan. Email: titusccc@nccu.edu.tw

result of a change in China's state identity, not only facilitated China's initial engagement with international human rights institutions, but also planted a seed of tension and pressure in China's international relations in the post-Tiananmen era. Despite international efforts to hold China to human rights norms, during the past two decades Beijing has effectively weathered human rights pressure by erratically making concessions, and strategically adapting and applying economic and political leverage to reshape the UN human rights regime.<sup>1</sup>

The article begins with a brief explication of the conceptual evolution of the official Chinese understanding of human rights, which took shape concomitantly to the change in China's state identity in the early stage of reform and opening-up.<sup>2</sup> It then discusses the evolution of China's initial participation in the United Nations human rights regime in the 1980s. China joined the human rights regime mostly for diplomatic and strategic gains, and much less for human rights *per se*. Once embedded in the regime, China concluded that the fundamental attributes of its political system were partially compatible with international human rights norms.

The third section presents a China that was jolted by international opprobrium and greater human rights scrutiny in the wake of the 1989 Tiananmen Square protests. Beijing applied both reactive and proactive measures to resist international sanctions and censure: employing no-action motions in the UN human rights body to avoid condemnatory resolutions, working with a coalition of like-minded states to challenge the country-specific mechanisms and press for institutional reform of the UN human rights regime, selectively approving international human rights covenants, and promoting bilateral, closed-door human rights dialogue. Beijing was largely successful: international criticism of China's human rights violations dissipated after the mid-1990s, and foreign governments expressed human rights concerns mainly through 'quiet diplomacy'. The last section investigates how China has effectively resisted and reshaped the UN human rights regime after 2005.

### **The official Chinese understanding of human rights**

The argument put forward here is that the Chinese state identity – the prevailing convictions concerning the properties of statehood as upheld intersubjectively by a majority of the Chinese political elites – has contextual and constitutive effects on

---

<sup>1</sup>Nathan, "China and International Human Rights", 210.

<sup>2</sup>The definition of state identity is taken from Jepperson *et al.* (*Norms, Identity and Culture in National Security*, 59–60), who define it as the normative-cognitive properties of statehood (distinctiveness and purposes of the state *vis-à-vis* others) that are enacted, upheld and reproduced collectively by state elites. State identity informs state interests and influences the nature and modalities of the state's relationship with other political entities and social groupings, both within and beyond the state borders.

the development of Chinese human rights policy.<sup>3</sup> On the one hand, normative and cognitive aspects of the Chinese state identity inform a national political context that dictates the legitimacy and value of universal human rights. That national political context may be permissive or obstructive to China's socialisation into international human rights norm. On the other hand, purposive and relational aspects of the Chinese state identity provide motivations and justifications for the Chinese state elites' decision to oppose or comply with the international human rights regime.<sup>4</sup> When key components of the Chinese state identity transformed as a result of domestic political contestation, the official Chinese evaluation of international human rights and its policy towards international human rights institutions underwent modifications.

From the late 1950s to the late 1970s, a revolutionary-internationalist identity dominated Chinese politics. During this time, constant class struggle and the proletarian dictatorship in domestic politics predicted an inevitable world war and the global proletarian revolution. The revolutionary-internationalist state identity shaped a domestic environment that rendered the concept of human rights less appealing to state elites, hence precluding Chinese recognition of human rights in domestic and foreign policy. Official disapproval resulted in China's principled absenteeism from the UN human rights regime. Until 1978, the only categories of human rights that Beijing acquiesced to internationally were the ones regarding the nation's right to physical existence, political independence, sovereign equality and economic autonomy.<sup>5</sup> Accordingly, 'violation of fundamental human rights' in the Chinese diplomatic phraseology almost invariably alluded to what Beijing perceived as instances and institutions of genocide, imperialism, colonialism and racism.<sup>6</sup>

The transformation of the Chinese state identity resulted in the domination of a strong socialist identity that prioritised pursuit of socialist China's economic productivity, material power and international prestige and a relatively permissive domestic environment for the discussion and evaluation of the idea of human rights. Furthermore, pragmatist elites who endorsed the strong socialist state identity abandoned the revolutionary effort to overthrow the existing pluralist international community and decided to pursue the increase and consolidation of China's

---

<sup>3</sup> To explain the impact of identity shift on China's human rights policy, the analytic framework of Abdelal *et al.* (*Measuring Identity*) is used, in which a collective identity consists of normative, purposive, relational and cognitive properties.

<sup>4</sup> Reus-Smit, *The Moral Purpose of the State*, 22.

<sup>5</sup> See, for instance, a statement by the Chinese foreign minister to the UN Secretary-General on 27 January 1972, regarding the Chinese government's support of national independence and anti-racism in Africa (UN, *Letter dated 27 January 1972*).

<sup>6</sup> Nathan and Ross, *Great Wall and Empty Fortress*, 179–84; Kent, *China, the United Nations, and Human Rights*, 41–2.

state power in that community.<sup>7</sup> Thus, Chinese pragmatists sought to secure legitimate membership in the international community to enable the growth of a materially strong Chinese state, and this was the reason for China's initial participation in the UN human rights regime. Yet, while the strong socialist state identity facilitated China's engagement with international human rights communities, it also rationalised the continuation of the Leninist state-society relationship that perpetuated pervasive and extensive state control over domestic society.

The Chinese government's new understanding of human rights distinguished two categories of human rights: individual rights and corporate rights. Individual rights referred to civil, economic and political entitlements of a bourgeois nature. Corporate human rights included the national rights to self-determination and economic development, which were a legacy of decolonisation campaigns after World War II. Chinese state media argued that corporate rights were the institutional foundation upon which individual rights could potentially be realised. Colonialism, imperialism, hegemonism and racism, according to Chinese discourses, were violations of human rights because they deliberately denied and even oppressed a nation's legitimate pursuit of statehood and economic autonomy.

A logical extension of such a definition of human rights was that a strong independent state that was free from foreign exploitation, humiliation and invasion was itself the embodiment of human rights writ large, for this fulfilled the nation's right to political independence and economic autonomy. To Chinese state elites, international human rights/humanitarian intervention in a state's domestic affairs was acceptable when, and only when, the said government carried out policies of colonialism, imperialism, hegemonism and/or racism, in other words, violations of corporate political and/or economic national rights.<sup>8</sup> Human rights in this statist vein were meant to support, not constrain, the augmentation of state power. Therefore, China's ratification of human rights conventions and voluntary commitments to human rights protection conveyed not the binding power of the international human rights regime, but the absolute, exclusive power of a strong, centralised state over human rights in both domestic politics and foreign relations. China's statist notion of human rights conceptualised human rights as a gift from the state, and entailed a nearly monopolistic power of the ruling elites and the state in granting or depriving citizens of the enjoyment of their human rights. Furthermore, this statist notion of human rights justified the prominence given to the Westphalian norms of state sovereignty – the principles of exclusive domestic

---

<sup>7</sup> Kim, "Thinking Globally in Post-Mao China", 193. To put it in the framework of Kim's argument, China now adopted a "system maintaining" and "system-exploiting" posture.

<sup>8</sup> The statist notion of human rights led Beijing not only to approve but even strongly justify in February 1985 the international intervention in Afghanistan during the 1980s because, so the Chinese argument went, "[t]he Afghan question is entirely the result of the invasion and occupation by foreign troops". International support for Afghan resistance against the Soviet invasion and occupation was hence "justified and beyond reproach" (UN, *Letter dated 19 February 1985*).

jurisdiction and non-intervention – in almost all of Beijing's human rights statements.

### **China and the United Nations human rights regime**

China did not initially participate in the UN's human rights activities after its entry into the United Nations in 1971. The changed state identity and a more active role in the UN system led to China's incremental induction into the international human rights regime. At the request of Cambodia's Khmer Rouge government, China first attended the UN Commission on Human Rights (UNCHR) in March 1979 as an observer state, with the aim of railing against Vietnam's military incursion into Cambodia.<sup>9</sup> Beijing soon realised that the Commission could further its interests, especially in condemning its rivals such as the Soviet Union and Vietnam. China then regularised and expanded its participation in the UN human rights regime, becoming a full member of the UNCHR in 1982.<sup>10</sup> During this period, human rights was an expedient foreign policy instrument, not a state interest in its own right, and China's engagement with multilateral human rights institutions was instrumental rather than in support of human rights *per se*.

During the 1980s, China began to "participate cautiously" in the UNCHR and focused on increasing its familiarity with the Commission's functions and procedures.<sup>11</sup> Chinese state elites began to see the fundamental attributes of China's political system as commensurate with the key conceptual components – that is, affirmation, protection and promotion of corporate, state-provided rights – of the existing international human rights regime. Chinese officials argued that socialist China under the rule of the Communist Party was a human rights success story.<sup>12</sup> This partial compatibility hence formed the conceptual foundation and justification for China's sustained participation in, and selective cooperation with, the UN human rights regime. Thereafter, the PRC not only voiced support for the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), but also signed seven human rights instruments, among them the Convention Against Torture (CAT) in 1986.<sup>13</sup>

China's sustained participation in the UNCHR was fuelled by Beijing's belief that the regime provided a useful diplomatic channel to support its strong state goal. China's very participation in the UN human rights regime brought with it

---

<sup>9</sup> Wu, *Waijiao Anli* [Case Studies in Diplomacy], 222.

<sup>10</sup> China's involvement in the human rights regime also coincided with its modernisation drive. See Kent, *China, the United Nations, and Human Rights*, 42.

<sup>11</sup> *Ibid.*, 43.

<sup>12</sup> Ma J. and Zhao L., "Shijie Renquan Xuanyan Sishi Zhounian" [40th Anniversary of UDHR], *People's Daily*, 10 December 1988, 6.

<sup>13</sup> Kent, *China, the United Nations, and Human Rights*, 44.

moral prestige and a positive international image. Overall, the enhanced domestic receptivity to the concept of international human rights and the perceived need for international legitimacy upgraded human rights from a non-issue to a minor state interest on the Chinese foreign policy agenda. Yet during this period, China also offered some opposition to certain human rights ideas and practices, such as the universality of human rights and intrusive human rights monitoring, that were deemed as detrimental to its strong state goal, mobilising cultural relativism and state sovereignty arguments, as well as making a case for the right to development.<sup>14</sup>

Most importantly, prior to 1989 the PRC was “only subject to the weak influence of the international human rights regime”, meaning that Chinese human rights abuses did not receive significant international attention.<sup>15</sup> As Ann Kent notes, the international community exempted China from its international human rights responsibilities and concentrated on “bringing China in” to the UN.<sup>16</sup> While there were limited instances of the international community focusing on human rights violations in Tibet, this did not result in consistent scrutiny of human rights conditions in China.<sup>17</sup>

### **China and human rights pressure in the post-Tiananmen era**

The 1989 Tiananmen Square protests and the resulting international condemnation was a turning point that significantly altered Beijing’s relationship with the human rights regime. China faced unprecedented international pressure, including UN censure, Western government sanctions, the suspension of high-level bilateral meetings, a freeze on World Bank and Asian Development Bank loans, and the cancellation of bilateral cooperation in a number of areas.<sup>18</sup> The passage of a resolution on China by UN Sub-Commission on Prevention of Discrimination and Protection of Minorities in August 1989 marked the first time a permanent member of the Security Council was censured by this body.<sup>19</sup> China continued to experience greater human rights scrutiny and normative pressure as the Sub-Commission passed another resolution in 1991 and UNCHR member

---

<sup>14</sup> Kim, “Human Rights in China’s International Relations”, 132–4. See also Kent, *Ibid.*

<sup>15</sup> Kent, *China, the United Nations, and Human Rights*, 45–6.

<sup>16</sup> *Ibid.*, 28.

<sup>17</sup> Foot, *Rights Beyond Borders*, 98. The UN General Assembly debated and passed resolutions on Chinese violations in Tibet in 1959, 1961 and 1965 with General Assembly Resolutions 1353 (XIV), 1723 (XVI) and 2079 (XX), respectively. After China joined the UN in 1971, however, it did not receive much human rights scrutiny.

<sup>18</sup> Foot, *Rights Beyond Borders*, 114–8.

<sup>19</sup> *Ibid.*, 119.

states attempted to adopt resolutions condemning PRC human rights abuses.<sup>20</sup> Although China defeated the passage of UNCHR resolutions by using no-action motions, the mere threat of censure in the Commission and the annual fight over the resolutions were embarrassing to Beijing. As a result, Beijing began to seek to lessen normative pressure.

The PRC's focus shifted to defending and protecting itself from human rights scrutiny by mounting a 'human rights offensive'.<sup>21</sup> According to Marina Svensson,

It was the harsh critique that the PRC faced in 1989 that convinced its political leadership that it had to take a more proactive approach to human rights issues, both in order to ward off foreign criticism and with the more long-term goal of launching a systematic view of its own.<sup>22</sup>

Beijing authorities started to challenge aspects of the human rights system. For example, China responded to the 1991 Sub-Commission resolution by working with other like-minded countries to diminish the power of the Sub-Commission.<sup>23</sup> PRC diplomats also adroitly used procedural manoeuvres to deflect criticism and "had little difficulty in mustering the votes to pass no action motions to thwart resolutions criticizing its human rights record".<sup>24</sup>

In the mid-1990s, Beijing began urging the UN to reform the human rights system.<sup>25</sup> At the 1995 Commission session, for the first time China's no-action motion failed and the PRC barely defeated a UNCHR resolution.<sup>26</sup> Beijing pressed for eliminating selectivity, meaning country-specific resolutions, or to use Beijing's

---

<sup>20</sup> The Duihua Foundation, "The Commission on Human Rights: Another Round in 2006?". Resolutions on China were not offered in 1991, 1998, 2003 and 2005. China successfully used a no-action motion to prevent discussion of resolutions in 1990, 1992, 1993, 1994, 1996, 1997, 1999, 2000, 2001, 2002 and 2004. The no-action motion is a political manoeuvre that prevents the Commission from considering the resolution. China's no-action motion did not pass in 1995, but the resolution failed to pass when brought to the floor for a vote.

<sup>21</sup> Seymour, "Human Rights in Chinese Foreign Relations", 222. See also Nathan, "Human Rights in Chinese Foreign Policy", 635. Nathan notes that "[t]he human rights issue did only modest damage to China's interests until 1989".

<sup>22</sup> Svensson, *Debating Human Rights in China*, 1.

<sup>23</sup> Kent, *China, the United Nations, and Human Rights*, 74–5. These changes included preventing the Sub-Commission from discussing a country already being considered by the UNCHR, and turning it into an advisory body.

<sup>24</sup> Duihua Foundation, "The Commission on Human Rights: Another Round in 2006?". China continued to complain about politicisation and confrontation, criticise the lack of objectivity, credibility and impartiality, and call for "dialogue and cooperation" over confrontation. See for example, UN, *Commission on Human Rights Opens Sixty-First Session*.

<sup>25</sup> Kim, "China and the United Nations". In 1996, China also called for geographic redistribution. See, for example, UNCHR, "Summary Record of the 33rd Meeting", paras 1–6.

<sup>26</sup> 1995 was the only year that the no-action motion failed. However, the resolution was defeated by one vote, when Russia, which had voted against the no-action motion, failed to support the resolution. See Kent, *China, the United Nations and Human Rights*, 176–7; and Foot, *Rights Beyond Borders*, 183.

terminology “confrontation” and “naming and shaming”, and complained that the UN’s Special Rapporteurs and UNCHR resolutions failed to address economic, social and cultural rights.<sup>27</sup>

Furthermore, in order to advance shared views, China worked with other developing countries that eventually coalesced into the ‘Like-Minded Group’ (LMG).<sup>28</sup> In fact, Beijing’s 1996 statement in response to the EU resolution on China, in which it claimed that the resolution was targeted not merely at China but the whole of the developing world, was an attempt to make common cause with developing countries. This allowed China to present its hostility toward resolutions critical of its human rights record as a principled opposition to country-resolutions generally and to depict its arguments as representing developing country interests. In 1997, China and 18 other countries from the LMG presented reform proposals to give states greater control over the Special Rapporteurs and independent experts serving within the UN human rights system.<sup>29</sup> Many developing, non-Western countries saw the use of country-specific resolutions as unfairly targeting them. As a Southeast Asian diplomat put it, “The feeling among developing countries, including us, was that there was a flavor of the month, a certain country would be targeted [for criticism by primarily Western countries]”.<sup>30</sup> The PRC was not the sole leader of the group and easily found countries that shared its views on opposing country-specific actions, challenging the universality of human rights, emphasizing the right to development, and stressing the need to protect state sovereignty.<sup>31</sup>

Beijing also attempted to weaken Western resolve to focus on China’s human rights record, particularly the use of UNCHR resolutions. The PRC argued for “dialogue and cooperation” over “confrontation”, and divided the primarily Western governments that had supported resolutions on China. The PRC’s tactics included counterattacks and counterarguments, as well as economic leverage such as threatening the loss of market access and investment opportunities.<sup>32</sup> In reaction to Denmark’s 1997 introduction of a resolution critical of China, the PRC carried

<sup>27</sup> UNCHR, “Summary of Record of the 44th Meeting”, paras 63–70, and Foot, *Rights Beyond Borders*, 205.

<sup>28</sup> The LMG included Algeria, Bangladesh, Belarus, Bhutan, Cuba, Egypt, India, Indonesia, Iran, Malaysia, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, Sudan, Vietnam and Zimbabwe.

<sup>29</sup> Alston, “Reconceiving the UN Human Rights Regime”, 196, 204–5. For examples of the group’s proposals, see UNCHR, “Rationalization of the Work of the Special Procedures System” and “Rationalization of the Work of the Commission”.

<sup>30</sup> Southeast Asian diplomat, interview, London, November 2011.

<sup>31</sup> Interviews with Middle Eastern, Southeast Asian, and Latin American diplomats, and a Human Rights NGO Representative/Human Rights Scholar, Geneva, May–June 2011. The PRC was described as a “core country” of the LMG. Ambassador Sha Zukang, PRC Ambassador to the UN in Geneva, specifically notes his role as “coordinator” of the LMG from 2004–07 in his biography on the UN site, 2 September 2011, <http://www.un.org/News/dh/infocus/SMG.asp?smgID=121>. LMG members refer to country-specific action as “selectivity” or “naming and shaming” and prefer thematic approaches to human rights. Alston, “Reconceiving the UN Human Rights Regime,” 216, 204.

<sup>32</sup> Foot, *Rights Beyond Borders*, 204–5.



out its threat that this would “bring harm to bilateral relations” and denied Denmark economic opportunities.<sup>33</sup> At the same time, China offered limited concessions, such as individual prisoner releases and selective acceptance of human rights covenants, such as signing the ICCPR in 1998 and ratifying the ICESCR in 2001.<sup>34</sup> Beijing further offered to engage in bilateral human rights dialogues in exchange for agreement to abandon UNCHR resolutions.<sup>35</sup>

Beijing was largely successful. Human rights pressure, particularly from Western European countries, began to recede. The PRC convinced these countries of the merits of “quiet diplomacy”, rather than UN resolutions. France’s refusal to co-sponsor a resolution in 1996 marked the end of a unified EU position on UNCHR resolutions.<sup>36</sup> After the 11 September 2001 terrorist attacks, the US focused on other priorities, did not consistently sponsor UNCHR resolutions on China and when it did, few other countries joined in support. Thus, the PRC succeeded in using a variety of methods to limit this pressure and continues to use some of these strategies in the Human Rights Council.<sup>37</sup>

### **China and the construction of the UN Human Rights Council**

When UN member states began negotiations in 2005 to establish the Human Rights Council (HRC) to replace the discredited UN Commission on Human Rights, China was initially sceptical of the proposed body. This reluctance stemmed from its success in minimising and deflecting the human rights scrutiny in the Commission. As a result of its earlier success, institutional human rights reform no longer served its interests. For Beijing, a new human rights entity brought the risk that normative human rights pressure might increase.

China viewed these discussions through the lens of shielding itself from normative human rights pressure. With a number of proposals under discussion to strengthen the Council’s ability to apply human rights pressure, China “entered into negotiations with the goal of minimizing or eliminating those parts of the proposal it found most objectionable”, such as membership criteria that held countries to particular human rights standards or commitments.<sup>38</sup> These concerns further informed more specific Chinese positions, such as challenging country-specific approaches to human rights; giving states greater control over the Special

---

<sup>33</sup> *Ibid.*, 205.

<sup>34</sup> China signed the ICESCR on 27 October 1997 and ratified it on 27 March 2001. It signed the ICCPR on 5 October 1998, but has not yet ratified it.

<sup>35</sup> Baker, “Human Rights, Europe and China”, 57–9. China has limited its willingness to engage in bilateral human rights dialogues to those dialogue partner countries agreeing not to offer resolutions critical of China’s human rights.

<sup>36</sup> *Ibid.*, 55–6.

<sup>37</sup> Beijing perceived its efforts as successful to the extent that when discussions began in 2004 to replace the Commission, it was comfortable with the status quo and uninterested in reform.

<sup>38</sup> Duihua Foundation, “The Commission on Human Rights: Another Round in 2006?”.

Procedures system; restricting the human rights advisory body and the confidential complaint procedure; and opposing robust NGO participation and binding follow-up action as part of the Universal Periodic Review Process (UPR).<sup>39</sup>

These concerns continued to shape PRC behaviour throughout the HRC negotiations. Late in the discussions, China held up agreement by introducing and insisting on a controversial proposal requiring country resolutions to be sponsored by one third of the Council and passed by a two-thirds vote.<sup>40</sup> Although China was ultimately unsuccessful, its willingness to take up this position alone without its normal allies suggests the importance Beijing attached to eliminating country-specific resolutions.<sup>41</sup> Beijing's opposition to a higher bar for membership, its support for a larger human rights body, and its insistence on a geographic redistribution of seats with Asian and African countries gaining representation were in keeping with its desire that the new Human Rights Council be composed of more countries that were sympathetic to Chinese views.<sup>42</sup> Chinese representatives also reiterated their customary grievances with the international human rights system, such as complaining about "political confrontation caused by country-specific resolutions" and referring to country-specific resolutions as "a chronic disease" of the CHR.<sup>43</sup>

As it did in the UNCHR, when possible, the PRC voiced its positions and arguments in concert with other countries that shared its views, particularly countries of the Like-Minded Group.<sup>44</sup> On a number of key issues, China and these countries successfully shaped the Human Rights Council. For example, they successfully opposed many of the improvements recommended by the UN Secretary-General, such as election of HRC member states by two thirds of the General Assembly, and the US proposal for membership criteria.<sup>45</sup> As a result of these victories and the geographic redistribution of seats, the Council now includes

---

<sup>39</sup> PRC positions taken from Abraham, *Building the New Human Rights Council*, 5, and documentation provided by the International Service for Human Rights' "Publications on the Institution-Building of the Human Rights Council", <http://www.ishr.ch/council-monitor/institution-building?task=view>.

<sup>40</sup> Bussard, "Night of Madness for Human Rights", 70; and "China Deals Setback to the UN Human Rights Watchdog", *New York Times*, 18 June 2007.

<sup>41</sup> Eventually Ambassador Sha accepted face-saving language suggesting that states should seek to secure the broadest possible support for resolutions. China's position had the potential to jeopardise the gains made by some of its allies, such as Cuba and Belarus, which had already secured the elimination of the mandates assigned to their countries.

<sup>42</sup> Ambassador Sha Zukang speaking on behalf of the Like-Minded Group at the meeting between the President of the General Assembly and the Commission on Human Rights, 25 November 2005, <http://www.china-un.ch/eng/rqrd/thsm/t223170.htm>. On the size of the Council, PRC views taken from interviews with a Western European diplomat and a former US government official conducted in New York in June 2011, and in Washington DC in October 2010.

<sup>43</sup> Ambassador Zhang Yishan, Permanent Representative of China to the UN, speaking to the UN General Assembly after the adoption of the draft resolution on the Human Rights Council, 15 March 2006, <http://www.china-un.org/eng/xw/t240623.htm>.

<sup>44</sup> Chinese views also often overlapped with the Non-Aligned Movement and the Organization of Islamic Conference.

<sup>45</sup> Western European diplomats interviewed in Geneva and Oslo, June 2011.

a greater proportion of countries sympathetic to PRC views, particularly countries of the Non-Aligned Movement. The current composition of the Human Rights Council and China's earlier success in weakening Western efforts to introduce resolutions have meant that Beijing has not faced the threat of resolutions in the Council. Moreover, post-9/11 the US has been preoccupied with other priorities and the Obama administration has declined to use China resolutions in the Council.

PRC diplomats have also worked to prevent a stronger focus on China in the Council and have opposed country-specific action in general. Chinese diplomats responded stridently when the Special Rapporteur on Torture mentioned China in his March 2010 report to the Human Rights Council and expressed concern about the Council's efforts to address human rights violations in places such as Myanmar and Sri Lanka.<sup>46</sup> During the HRC's February 2009 Universal Periodic Review, Beijing encouraged friendly comments and recommendations and stacked the speakers list with speakers from sympathetic countries, while actively discouraging criticism.<sup>47</sup> China and other countries cooperated to present soft-ball recommendations to shield each other from scrutiny.<sup>48</sup> For example, Cuba recommended that China "... avoid the impunity for people who are qualifying themselves as human rights defenders with the objective of attacking the interests of the state and the people of China".<sup>49</sup>

## Conclusion

This article advances a state-centred, identity-based explanation for China's response to international human rights pressure during the past three decades. A consequential change in state identity came with the adoption of the policy of reform and opening-up in the early 1980s. The national pursuit of a strong socialist state led Beijing to participate in the UN human rights regime for strategic and diplomatic gains, and later to endorse human rights norms that were deemed as consistent with the strong state thesis. In the wake of the Tiananmen suppression, however, rather than yielding to the normative influence and adopting norm-compliant behaviour, China sought to diminish normative pressure and shape the normative institutions in ways that are advantageous to its state interests as informed by the strong state goal. The PRC's efforts have met with success in part

---

<sup>46</sup> Western European diplomat, interviewed in June 2011 in New York, and North American diplomat, interviewed in 2011 in Washington DC. At the same time, Beijing did support a condemnatory resolution on Myanmar.

<sup>47</sup> Human Rights NGO Representative/Human Rights Scholar, interview conducted May 2011, Geneva, and Human Rights NGO representative, interview conducted June 2011, Geneva.

<sup>48</sup> Western European Diplomat, interview conducted May 2011. Some delegations also wrote statements for other countries to present during their UPR.

<sup>49</sup> UN GA, *Human Rights Council, Universal Periodic Review, China*, paragraph 46.

because it was able to cooperate with countries that share its human rights views.<sup>50</sup>

Nevertheless, Beijing is not completely immune to human rights pressure. The PRC has signed international human rights agreements, released individual prisoners, and adhered to at least procedural compliance with UN human rights monitoring. To summarize, normative pressure has increased China's sensitivity to its international human rights image, and has resulted in its deepening enmeshment and entrapment in the UN human rights regime. Moreover, China's principled opposition to international human rights pressure is not equivalent to a complete rejection of the whole notion of human rights. Far from being mutually exclusive, opposition and cooperation have co-existed in China's human rights diplomacy. The defining feature of the Chinese response to human rights pressure hence lies not in its defiant behaviour, but in its insistence on the domination of the party-state in making human rights policy. The international community's effort to socialise China into accepting human rights norms has not completely failed. A more realistic conclusion is that socialisation has worked more effectively in areas of governance where the power of the Chinese party-state is acknowledged, not curtailed.

## References

- Abdelal, R., Y.M. Herrera, A.I. Johnston and R. McDermott. *Measuring Identity: A Guide for Social Scientists*. Cambridge: Cambridge University Press, 2009.
- Abraham, M. *Building the New Human Rights Council: Outcome and Analysis of the Institution-building Year*, Friedrich-Ebert Stiftung Occasional Papers. Geneva: Friedrich-Ebert Stiftung, August 2007.
- Alston, P. "Reconceiving the UN Human Rights Regime: Challenges Confronting the New UN Human Rights Council". *Melbourne Journal of International Law* 7, no. 1 (2006): 185–224.
- Baker, P. "Human Rights, Europe and the People's Republic of China". *The China Quarterly* 169 (2002): 45–63.
- Bussard, S. "A Night of Madness for Human Rights". In *The First 365 Days of the Council*, edited by L. Muller. Bern: Swiss Department of Foreign Affairs, 2007.
- Duihua Foundation. "The Commission on Human Rights: Another Round in 2006?", *Dialogue* 21 (Fall 2005), [http://www.duihua.org/work/publications/nl/nl\\_pdf/nl\\_21\\_2.pdf](http://www.duihua.org/work/publications/nl/nl_pdf/nl_21_2.pdf).
- Foot, R. *Rights Beyond Borders: The Global Community and the Struggle over Human Rights*. Oxford: Oxford University Press, 2000.
- Jepperson, R.L., A. Wendt and P.J. Katzenstein. "Norms, Identity and Culture in National Security". In *The Culture of National Security*, edited by P. Katzenstein. New York: Columbia University Press, 1996.
- Kent, A. *China, the United Nations, and Human Rights: The Limits of Compliance*. Philadelphia: University of Pennsylvania Press, 1999.

---

<sup>50</sup> As a South Asian diplomat noted, "China easily finds other countries with similar views." Southeast Asian diplomat interviewed in June 2011, Geneva.

- Kim, S. "Human Rights in China's International Relations". In *What If China Doesn't Democratize?: Implications for War and Peace*, edited by E. Friedman and B.L. McCormick. New York: M.E. Sharpe, 2000.
- Kim, S. "China and the United Nations". In *China Joins the World: Progress and Prospects*, edited by E. Economy and M. Oksenberg. New York: Council on Foreign Relations, 1999.
- Kim, S. "Thinking Globally in Post-Mao China". *Journal of Peace Research* 27, no. 2 (1990): 191–209.
- Nathan, A. "China and International Human Rights: Tiananmen's Paradoxical Impact". In *The Impact of China's 1989 Tiananmen Massacre*, edited by J.-P. Béja. Routledge: New York, 2010.
- Nathan, A. "Human Rights in Chinese Foreign Policy". *The China Quarterly* 139 (September 1994): 622–43.
- Nathan, A. and R.S. Ross. *The Great Wall and the Empty Fortress: China's Search for Security*. New York: W. W. Norton, 1997.
- Reus-Smit, C. *The Moral Purpose of the State*. Princeton: Princeton University Press, 1999.
- Seymour, J.D. "Human Rights in Chinese Foreign Relations". In *China and the World: Chinese Foreign Policy Faces the New Millennium*, edited by S. Kim. New York: Westview Press, 1998.
- Svensson, M. *Debating Human Rights in China: A Conceptual and Political History*. New York: Rowman and Littlefield Publishers, 2002.
- United Nations. *Commission on Human Rights Opens Sixty-First Session*, press release, UN Doc. HR/CN/1107, New York, 14 March 2005, <http://www.un.org/News/Press/docs/2005/hrcn1107.doc.htm>.
- United Nations. *Letter dated 19 February 1985 from the Permanent Representative of China to the United Nations addressed to the Secretary-General*, UN Doc. A/40/138 – S/16968.
- United Nations. *Letter dated 27 January 1972 from the Deputy Permanent Representative of China to the United Nations addressed to the Secretary General*, UN Doc. No.A/8660 - S/10528.
- United Nations Commission on Human Rights. "Rationalization of the Work of the Commission", UN Doc. E/CN.4/1999/120, Geneva, 9 March 1999.
- United Nations Commission on Human Rights. "Rationalization of the Work of the Special Procedures System", UN Doc. E/CN.4/1997/L.86, Geneva, 10 April 1997.
- United Nations Commission on Human Rights. *Summary Record of the 33rd Meeting*, UN Doc. E/CN.4/1996/SR.33, Geneva, 16 April 1996.
- United Nations Commission on Human Rights. *Summary of Record of the 44th Meeting*, UN Doc. E/CN.4/1995/SR.44, Geneva, 3 March 1995.
- United Nations General Assembly. *Human Rights Council, Universal Periodic Review: Report of the Working Group on the Universal Periodic Review, China*, UN Doc. A/HRC/11/25. New York, 3 March 2009.
- Wu, J. *Waijiao Anli [Case Studies in Diplomacy]*. Beijing: Renmin University Press, 2007.