

# The U.S. Promotion of Human Rights and China's Response\*

QUANSHENG ZHAO WITH BARRY PRESS

*This article discusses U.S.-China relations from the context of human rights. It believes that the issue of human rights has increasingly become a top priority in American foreign policy. On the other hand, the priority of Chinese foreign policy has moved from "revolution" under Mao Zedong to "economic modernization" under Deng Xiaoping. With these two opposite directions of foreign policy priorities, it is understandable that there have been and will continue to be confrontations between China and the United States around the democratization and human rights issues. Beijing has nevertheless been responsive to these pressures by making small but noticeable progress toward democratization and the improvement of its human rights record.*

*This paper will draw upon the works of earlier scholars and try to analyze the following issues: the motivations and internal dynamics of the U.S. promotion of democracy and its human rights diplomacy; China's official position and internal dissident pressures on democracy and human rights issues; China's view on Washington's human rights diplomacy; and the role human rights have played in U.S.-China relations. Attention is also given to the influence of Hong Kong as a contributing factor to China's*

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**Quansheng Zhao** (Ph.D. from University of California at Berkeley) is Professor of International Relations at the School of International Service of American University. He is also Associate-in-Research at the Fairbank Center for East Asian Research of Harvard University. Professor Zhao is author of *Interpreting Chinese Foreign Policy* (1996) and *Japanese Policy-making* (1993), and co-editor of *Politics of Divided Nations: China, Korea, Germany, and Vietnam* (1991).

**Barry Press** is an M.A. student at the School of International Service of American University. Currently he is also a Research Analyst at Washington/Core, a Bethesda-based information technology research firm.

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changing position on human rights and democratization.

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While the issue of human rights has increasingly become a top priority in American foreign policy, Chinese foreign policy priority has moved from "revolution" under Mao Zedong to "economic modernization" under Deng Xiaoping. For China, political considerations such as revolution or socialism have become much less prominent.<sup>1</sup> With these two opposite directions of foreign policy priorities, it is inevitable that there have been and will continue to be confrontations between China and the United States around the democratization and human rights issues.

Another important background issue regarding China's response to the U.S. promotion of democracy is the changing international environment. With the end of the Cold War since the late 1980s, American foreign policy has shifted away from containing communism toward increased attention to the differences between civilizations and cultures. A primary advocate of this view is Samuel P. Huntington's *Clash of Civilizations*. Huntington argues that future conflicts in the international community will be largely derived from the confrontation of West and non-West civilizations. He has further singled out Confucianism and Islam as two key components of non-Western civilization.<sup>2</sup> This controversial notion of a "clash of civilizations" has become a prominent research emphasis among some academics and practitioners in their study of contemporary international relations. This focus on Western/non-Western differences has become a source of conflict regarding the process of China's democratization and its human rights record.

There are a number of studies addressing the impact of China's de-

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<sup>1</sup>For a detailed analysis of the changing priority in Chinese foreign policy, see Quansheng Zhao, *Interpreting Chinese Foreign Policy: The Micro-Macro Linkage Approach* (New York, Hong Kong, and Oxford: Oxford University Press, 1996), chap. 3.

<sup>2</sup>Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon & Schuster, 1996), 20.

mocratization and human rights record on Sino-American relations.<sup>3</sup> This paper will partially draw upon these earlier works and try to analyze the following questions: What are the key actors and motivations for the U.S. promotion of democracy and its human rights diplomacy? What is China's position on democracy and human rights issues? What role have human rights played in the post-Tiananmen China? How has Beijing viewed Washington's human rights diplomacy? Is China's response reflective of a changing sociopolitical environment or a calculated "public relations" move?

### Democracy, Human Rights, and U.S. Foreign Policy

Democracy and human rights have been important factors in U.S. foreign policy toward China. The promotion of democracy has its roots in the vision of America's unique character and special mission. The ideological foundation for democracy and human rights and its interpretation has fostered debate on the objectives of foreign policy throughout U.S. history. Contending viewpoints have argued over whether the United States should promote its values and political system abroad or focus on its own needs and act as an exemplar rather than crusader. Questions regarding the focus of China policy have their foundation in this debate. A variety of actors engaged in the political process have taken competing positions on this issue. Washington's China policy has developed within the context of a

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<sup>3</sup>Peter Van Ness, "Addressing the Human Rights Issue in Sino-American Relations," *Journal of International Affairs* 49, no. 2 (Winter 1996): 309-31; Ming Wan, "Human Rights and Sino-U.S. Relations: Policies and Changing Realities," *The Pacific Review* 10, no. 2 (1997): 237-55; David M. Lampton, "America's China Policy in the Age of the Finance Minister: Clinton Ends Linkage," *The China Quarterly*, no. 139 (September 1994): 597-62; Andrew J. Nathan, "Human Rights in Chinese Foreign Policy," *ibid.*, no. 151 (September 1997): 622-43; Andrew J. Nathan, "China: Getting Human Rights Right," *The Washington Quarterly* 20, no. 2 (Spring 1997): 135-51; Yuan-li Wu et al., *Human Rights in the People's Republic of China* (Boulder, Colo.: Westview Press, 1988); R. Randle Edwards, Louis Henkin, and Andrew J. Nathan, *Human Rights in Contemporary China* (New York: Columbia University Press, 1986); Ann Kent, *Between Freedom and Subsistence: China and Human Rights* (New York: Oxford University Press, 1993); James C. Hsiung, ed., *Human Rights in East Asia: A Cultural Perspective* (New York: Paragon House, 1985).

changing international environment, competing ideological perspectives, and shifting interest coalitions.

### *Historical Legacy*

The considerations of human rights in U.S. foreign policy can be traced back to the Founding Fathers. There are many historical documents illuminating the fundamental thinking of democracy and human rights in American foreign policy. Thomas Paine's "Common Sense" served as the intellectual foundation for a vision of American distinction and world role based on the promotion of "civil and religious liberty." The synthesis of national greatness and liberty epitomized by "Common Sense" has been a powerful motivating force in U.S. foreign policy since the Jefferson-Hamilton debates, although the method of achieving these goals has varied throughout U.S. history. Michael Hunt argues that the relationship between liberty, greatness, and foreign policy has revolved around two perspectives.<sup>4</sup> One approach is that the United States should focus on "perfecting liberty at home" and exercise foreign policy restraint in order to serve as an exemplar for the world. The second approach, articulated by Thomas Jefferson, argued that promoting liberty by "crusading abroad would elevate the national character, strengthen national unity and pride, and smooth the workings of the economy."<sup>5</sup> The second vision of U.S. foreign policy links the belief of America's special character to a foreign policy that both reflects and revitalizes its values. It was highlighted by a number of U.S. presidents in early history from Thomas Jefferson to Woodrow Wilson.

More recently, Jimmy Carter was one of the first presidents to attach primary importance to human rights considerations in U.S. foreign policy. Late twentieth century human rights diplomacy is defined by a particular set of domestic and foreign policy goals rooted in American political culture. The role of culture and ideology in U.S. human rights foreign policy has not, however, negated internal debate. The promotion of human rights

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<sup>4</sup>Michael Hunt, *Ideology and U.S. Foreign Policy* (New Haven, Conn.: Yale University Press, 1987), 41-45.

<sup>5</sup>Ibid.

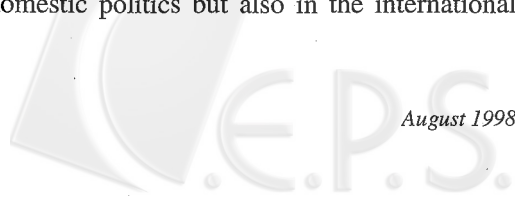
as a symbol and source of national greatness has competed with an opposite perspective that the United States should focus on its own domestic needs first. The failure of overseas promotion of democracy serves to undermine confidence in the former and legitimize the latter. This debate has repeated itself in the case of U.S.-China relations.

When we look at the historical development of Washington's China policy, strategic and economic objectives have usually assumed priority over the promotion of human rights. The best example is Richard Nixon. When President Nixon opened up relations with China in 1971-72, he and his National Security Adviser Henry Kissinger were preoccupied by the consideration of global strategic triangle and containing the expansion of the Soviet Union. When Nixon stepped on to Chinese soil, the first time a U.S. president visited China, China was at the peak of the Cultural Revolution—the worst period of China's human rights record. Democracy and human rights at that time, however, were a non-issue between Nixon and Kissinger on the one hand, Mao Zedong and Zhou Enlai on the other.

The formation of human rights policy in Washington involves at least the following five actors: (1) Congress; (2) the president; (3) nongovernmental organizations (NGOs); (4) the business community; and (5) the bureaucracy. These key actors in the promotion of democracy in American foreign policy are discussed below.

### *The Congress*

The U.S. Congress is a powerful institution in American politics including the realm of foreign policy formulation. The Congress is also quite sensitive and responsive to the demands of its domestic constituency. Many international-related resolutions from the Congress are driven by domestic considerations. As discussed earlier, individual rights and individual freedom have been a primary concern of the U.S. Constitution and human rights considerations have drawn increased attention in the United States over the past half century, particularly since the 1960s civil rights movement. This trend has greatly affected American foreign policy. The U.S. Congress has become a major force spearheading the advocacy of human rights issues, not only in domestic politics but also in the international arena.



The U.S. Congress has transmitted public opinion regarding human rights and other issues into the formulation of U.S.-China relations. The Republican victory in U.S. congressional elections in November 1994 produced what one specialist called the "most pro-democracy, pro-Taiwan, pro-Tibet, anti-Chinese Communist Party and anti-People's Liberation Army" Congress in recent memory.<sup>6</sup> Senator Jesse Helms, the new chairman of the powerful Senate Foreign Relations Committee, for example, reportedly claimed that, "Given the choice of Chinas, I would take Taiwan every time." Benjamin Gilman, Helms' counterpart in the House International Relations Committee and longtime supporter of the Dalai Lama, was the sponsor of a bill declaring Tibet an occupied country.<sup>7</sup> Gilman also stated in summer 1995 that "If the people of Taiwan want to join the United Nations as an independent nation, then they should be allowed to do so."<sup>8</sup> These claims further antagonized Beijing. To make things worse, House Speaker Newt Gingrich in July called for the United States to reestablish diplomatic ties with Taiwan.<sup>9</sup> All these sentiments have demonstrated significant influence from the U.S. Congress in the overall Sino-American relationship.

Congressional pressure was fundamental in the Clinton administration's decision not to block ROC President Lee Teng-hui's visit to Cornell University in 1995, despite the administration's previous reluctance to allow such a visit. Shortly after PRC President Jiang Zemin's state visit to the United States in October 1997, the House of Representatives passed eight anti-China bills.<sup>10</sup> The bills substituted threats to revoke most-favored-nation (MFN) status with symbolic expressions of public anger over human rights violations in China.

On the other hand, congressional responsiveness to public opinion

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<sup>6</sup>Nayan Chanda, "Storm Warning," *Far Eastern Economic Review*, December 1, 1994, 14-15.

<sup>7</sup>Ibid.

<sup>8</sup>Nayan Chanda, "Winds of Change," *ibid.*, June 22, 1995, 14-15.

<sup>9</sup>Simon Reeve, "Thanks, But No Thanks," *ibid.*, July 27, 1995, 19.

<sup>10</sup>Robert Manning, "Split Personality: U.S. Congress Contradicts Official Rhetoric on China," *ibid.*, November 27, 1997, 18-19.

has also reduced tensions in U.S.-China relations at times. During the debate in 1993-94 over the efficacy of an MFN-based strategy, businesses engaged in trade with China lobbied U.S. representatives and senators to express concerns to President Bill Clinton over declining relations with China and demonstrated the connection between cooperative relations, jobs, and votes.<sup>11</sup> In February 1994, the Subcommittee on Trade of the House Committee on Ways and Means, chaired by free-trade advocate Sam Gibbons, provided a platform for testimony arguing that human rights can be promoted through closer economic ties and that the United States cannot afford to close itself off from the large Chinese economy in economic terms or votes from workers employed by the China trade.

The connection between congressional action and public opinion on human rights and trade has featured prominently in attempts to influence China policy. Pluralist theories of Congress do not, however, fully represent the nature of congressional decision-making. While issues such as national security and international cooperation do not mobilize voters to the extent that human rights and jobs do, the opinions of legislators and agencies such as the Department of Defense have also factored into congressional action toward China. During the MFN debate in 1993-94, a bipartisan centrist coalition formed to support a China policy that would consider the multiple interests that the United States had in regard to China. One piece of legislation on the House's recent China agenda reflected congressional concern over nonproliferation issues with China and would strengthen congressional oversight in this area. These actions reflect the diversity of issues considered by Congress regarding China policy, beyond the politically charged human rights issue. While Congress has been pivotal in transmitting the human rights concerns of the American people, legislators have also sought to ensure that the administration's China policy meets these other objectives as well. These dual roles are supported by the multiple channels of influence in Congress and the opinions of both the public and congressional members.

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<sup>11</sup>Lampton, "America's China Policy in the Age of the Finance Minister," 605.

### *The President*

As discussed earlier, there has been a noticeable shift of priorities by U.S. presidents over time. Where Nixon emphasized strategic concerns, Carter stressed human rights as the main component of foreign policy. With the end of the Cold War, the United States has become the only superpower in world politics in all four major dimensions—politics, economics, military, and culture. This development has helped American leaders gain confidence that they are not only leaders in political, economic, and military affairs, but also the leaders in the field of human values and cultural issues.

The personality and priorities of the president also factor into human rights diplomacy. Activism by U.S. human rights advocates was partially a response to concerns that President George Bush was not fully committed to maintaining pressure on China. Bush's past ties to China as a diplomat and his foreign policy experience encouraged him to originally pursue through informal channels an accommodating relationship in order to maintain ties with Beijing. President Clinton, on the other hand, lacked previous foreign policy experience and initially set via executive order more stringent human rights standards for China. However, his responsiveness to public opinion, growing criticism of MFN linkage, lack of clear foreign policy objectives, and diversity among advisers ultimately contributed to his later decision to delink MFN from human rights.

### *The NGOs*

It is a noted phenomenon that NGOs have been active in foreign policy issues. Human rights advocacy groups have been a prominent force in the U.S. human rights diplomacy. Asian Watch, human rights groups, Chinese students, and Tibetan exiles have all mobilized powerful lobbying activities with the U.S. government.

The prominence of NGO participation in America's China policy developed as the result of a number of changes in U.S.-China relations. Despite the rise of U.S. human rights diplomacy during the 1970s, China remained a "human rights exception."<sup>12</sup> This situation began to gradually

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<sup>12</sup>Roberta Cohen, *People's Republic of China: The Human Rights Exception* (Baltimore: University of Maryland School of Law, 1988).



change during the 1980s. China's strategic value to the United States began to decline after 1985 due to improved U.S.-Soviet relations and the subsequent collapse of the Soviet empire. As the strategic need to maintain China's status as an "exception" weakened, a more open China with closer ties to the West provided increased opportunities for NGOs and the media to learn about China's human rights situation.<sup>13</sup>

The Tiananmen Incident of 1989 brought extraordinary attention to China's human rights abuses and NGOs have used that event to play an increasingly important role in promoting human rights in Washington's China policy. Since 1989, NGOs have promoted human rights diplomacy and monitored the commitment of the Bush and Clinton administrations to these objectives, forming a crucial part of the domestic base of what has been labeled the "two-level" game of foreign policy making.<sup>14</sup> A coalition of activist Democrats, human rights NGOs, Chinese student dissidents, labor unions, right-to-life groups, and Tibetan activists became highly active after suspicions grew regarding President Bush's conflicting position on human rights. While President Bush was advocating G-7 sanctions against China, senior officials Brent Scowcroft and Lawrence Eagleburger were secretly sent to reassure Deng Xiaoping of continued U.S. cooperation.<sup>15</sup> News of this mission and Bush's past diplomatic experience in China raised questions regarding President Bush's actual position on human rights diplomacy. In the face of growing concern over the true extent of Bush's commitment, human rights supporters chose China's annual MFN renewal as the means for evaluating Washington's China policy.

After mobilizing public attention to China's human rights abuses, NGO groups have repeatedly criticized the perceived lack of commitment or even duplicity on the part of the White House. Visits by Treasury Secretary Lloyd Bentsen and Undersecretary of Commerce Jeffrey Garten were cited as attempts to undermine the MFN threat and promote delinkage.

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<sup>13</sup>Wan, "Human Rights and Sino-U.S. Relations," 239; Lampton, "America's China Policy in the Age of the Finance Minister," 631-32.

<sup>14</sup>Robert D. Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization* 42, no. 3 (Summer 1988): 427-60.

<sup>15</sup>Van Ness, "Addressing the Human Rights Issue," 312.

President Clinton was also criticized for the weakness of human rights policy since delinkage. While the Clinton administration was seen as exerting significant pressure on China to support economic liberalization, the proposed "honor code of conduct" for business was regarded as lacking clear guidelines or enforcement mechanisms.

NGOs have been successful in maintaining the visibility of human rights issues in China policy formation, placing pressure on both Beijing and Washington. The human rights coalition does, however, suffer notable weaknesses. The coalition represents an array of groups with a variety of motivations and opinions on China policy.<sup>16</sup> Even among human rights groups there was disagreement during the MFN debate on the conditionality of MFN and the willingness to revoke it. These differences grew as faith in the credibility of an MFN approach waned and human rights activists could not agree on a viable alternative to actual revocation of MFN.

### *The Business Community*

Due to strong economic interests in China, the business community has attempted to downplay human rights issues. They are less pressed by domestic constituencies and human rights group activities, but much more sensitive to international competitors from such economic powers as Japan and the European Community. The threat of losing contracts in China as retaliation for poor U.S.-China relations has mobilized the business community to play an active role in the formation of China policy.

Chinese connections to donations to the Democratic National Committee, the handover of Hong Kong, and Chinese arms sales to Iran intensified MFN debate in 1997. The business community responded with an intense lobbying campaign led by the Business Coalition for U.S.-China Trade and corporations including AETNA, AT&T, Boeing, Caterpillar, IBM, General Electric, General Motors, TRW, United Technologies, and Westinghouse Electric.<sup>17</sup>

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<sup>16</sup>Steven Teles, "Public Opinion and Interest Groups in the Making of U.S. China Policy" (Conference paper, Beijing University, June 1996).

<sup>17</sup>Paul Magnusson and Andy Reinhardt, "China: The Great Brawl," *Business Week*, June 16,

China has exacerbated concerns of political spillover among the American business community by rewarding traditional American allies which refused to support U.S. human rights diplomacy with lucrative contracts. In 1993, German Chancellor Helmut Kohl visited China and returned with nearly US\$3 billion in contracts, and PRC Premier Li Peng told France that China anticipated US\$1 trillion in imports by the year 2000 and that "France may get some of this expanded trade."<sup>18</sup> The connection between economic relations and lobbying activity even led to the involvement of the Hong Kong Economic and Trade Office (HKETO) prior to the handover. The threat to the Hong Kong economy posed by the disruption of U.S.-China trade led to HKETO spending US\$11.6 million in lobbying efforts in 1993, the year prior to the announcement of delinkage.<sup>19</sup>

Boeing, as a leading aircraft manufacturer competing with European rival Airbus over contracts worth billions of dollars, views itself as being involved in an industry quite subject to changes in U.S.-China relations. Although Boeing controls 60 percent of the China market, Airbus has benefited from political considerations affecting aircraft contracts. Many Chinese airlines have received Airbus planes they did not want due to Beijing's desire to balance its suppliers and influence policy in Washington.<sup>20</sup> Boeing blamed Airbus' US\$1.5 billion dollar contract with China for thirty jets in April 1996 on U.S.-China relations and the perception that China considered Boeing unreliable because of likely U.S. government interference.<sup>21</sup> China has also tied contracts for Boeing to improved relations with the United States. The U.S.-China summit in October 1997 was used as the occasion to announce a US\$3 billion order for fifty Boeing planes, US\$1 billion higher than originally anticipated, as a symbol of improved relations and a successful summit. The impact of U.S.-China relations on Boeing's

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1997, 33; Charles Babcock, "Grass-Roots Lobbying Credited with Saving China's Trade Status," *The Washington Post*, April 27, 1997, A11.

<sup>18</sup>Lampton, "America's China Policy in the Age of the Finance Minister," 611.

<sup>19</sup>Simon Beck, "A Matter of Who You Know," *China South Morning Post*, August 15, 1993.

<sup>20</sup>Seth Faison, "China to Buy 30 Planes for \$1.5 Billion from Airbus Industries," *The New York Times*, May 16, 1997, D2.

<sup>21</sup>Nigel Holloway, "Hostage to Fortune," *Far Eastern Economic Review*, November 14, 1996, 66.

business has made the company a strong supporter of cooperative ties and economic priorities in U.S. policy.

In 1990, businesses were reluctant to appear as defenders of China in the face of strong public opposition to China in the recent wake of the Tiananmen Incident.<sup>22</sup> By 1991, however, business interest began to be increasingly involved in the MFN debate in order to provide support for President Bush and unconditional extension of MFN. The shift toward active business lobbying was symbolized by the uniting of the Emergency Committee for American Trade (ECAT) and the U.S.-China Business Council under a new umbrella organization, the Business Coalition for U.S.-China Trade. By 1995, the Business Coalition for U.S.-China Trade reported that its membership of over 800 companies represented US\$12 billion in exports and over 200,000 high-wage, high-skilled jobs.<sup>23</sup>

The election of Bill Clinton, who had attacked President Bush's China policy and threatened legislative imposition of MFN conditions during the campaign, increased the need for greater activism by business. The Business Coalition for U.S.-China Trade began to develop contacts with Bill Clinton and his staff even prior to his inauguration.<sup>24</sup> Until 1993, the business community was able to defend MFN for China as long as it was able to obtain a presidential veto and thirty-four votes in the Senate. The executive order and the imposition of conditionality altered the political calculus of the business community and mandated increased lobbying. Businesses developed close ties with free-trade supporters and congressional members from California, a state with strong political representation and close economic ties with China. This coalition worked to promote the economic and political benefits of cooperative U.S.-China relations in the 1993-94 lobbying campaign leading to delinkage of human rights from MFN.

### *The Bureaucracy*

The bureaucratic divisions that are involved in U.S. human rights

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<sup>22</sup>Robert Sutter and Peter Mitchener, *China: Interest Groups and Recent U.S. Policy: An Introduction* (Washington, D.C.: Congressional Research Service, 1996), 32.

<sup>23</sup>*Ibid.*, 33.

<sup>24</sup>*Ibid.*

policymaking revolve around political, military, and economic agencies, including the State Department, Pentagon, and trade representatives. The multiplicity and lack of hierarchy of goals are reflected in competition among various agencies. Within the Clinton administration, the National Economic Council, the Pentagon, Secretary of the Treasury, and Secretary of Commerce all supported a China policy based on economic and strategic considerations. Treasury Secretary Lloyd Bentsen argued that U.S. economic sanctions served only to provide advantages to its competitors.<sup>25</sup> Bentsen and Commerce Department officials were often sent to China as a sign of American willingness to cooperate with China despite differences over human rights issues.

Representing the opposing viewpoint on China policy was the State Department and National Security Adviser Anthony Lake.<sup>26</sup> The State Department was charged with annual assessment of China's human rights situation. Combined with Assistant Secretaries Winston Lord and John Shattuck's support of human rights, the State Department regularly produced reports that provided the basis for the continued prominence of human rights issues.

During the Clinton administration, the prominence of democracy and human rights reflected the position accorded to different bureaucratic actors in China policy. When an MFN-based strategy failed to produce adequate results, advocates of security and economic objectives had the ability to assume control of China policy and promote delinkage and the establishment of a more balanced "conditional engagement" strategy.

The United States' China policy is formed through the interaction of the actors described above with a broader institutional framework. This institutional framework, being both structural and normative, has influenced the development of power relationships among the actors involved. Foreign policy formation reflects both a more enduring institutional setting and the actors' response to changing circumstances.

The president has traditionally taken the lead over the Congress in the

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<sup>25</sup>Lampton, "America's China Policy in the Age of the Finance Minister," 616.

<sup>26</sup>Ibid., 617.

setting of the country's foreign policy. The president's foreign policy duties do not always directly translate into dominance over the Congress, however. There is presently a lack of consensus on the implications of China's rise in political and economic power. Preferred responses range from containment strategies to open engagement. Furthermore, U.S.-China relations are based on a multiplicity of interests. The diffuse nature of the U.S.-China relationship has made it difficult for the president to argue for the need to assert presidential prerogative in the absence of a direct set of objectives that require fulfillment. President Bush unsuccessfully attempted to argue that the Pelosi Bill, which offered protection from deportation to Chinese students studying in the United States, treaded on presidential prerogative. He also argued that the president required flexibility in approaching China and should not be hamstrung by congressional foreign policy initiatives.<sup>27</sup> In order to block a veto override, Bush was forced to rely on partisan appeals to Senate Republicans, charging Democrats with attempting to embarrass him shortly before the 1990 election.

The president, however, still maintains the ability to lead foreign policy through agenda setting.<sup>28</sup> Through control over the executive branch and greater personal influence than congressional leaders with foreign governments and the media, the president can frame the nature of debate. U.S.-China relations can be defined according to a set of interests that support the president's agenda and would build an optimal coalition. For example, growing concerns about North Korea, Chinese arms sales, and economic relations supported a shift away from antagonistic relationships over human rights. The downplaying of human rights due to a shift in the perception of dominant U.S. interests supported Clinton's "conditional engagement" strategy.

The ability to shift debate in favor of the president's foreign policy can be hampered by unclear objectives. Without a consensus on the nature of U.S.-China relations, opportunities within the bureaucracy to undermine

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<sup>27</sup>David Skidmore and William Gates, "After Tiananmen: The Struggle over U.S. Policy Toward China in the Bush Administration," *Presidential Studies Quarterly* 27, no. 3 (Summer 1997): 524.

<sup>28</sup>*Ibid.*, 514-16.

the efforts of others can emerge. The inability of the human rights supporters to obtain substantial concessions from China on human rights or offer an alternative to the threat of economic sanctions enabled critics of the MFN threat within the Clinton administration to gain dominance.<sup>29</sup> The challenges to building support for a cohesive foreign policy with a hierarchical set of objectives have been exacerbated in the post-Cold War context. With the end of the Soviet communist threat, the United States lacks a clear "enemy" against which nationwide support for clear national interests can be built.<sup>30</sup> In the absence of a defined threat to the United States, opportunities to pursue disparate goals can increase.

Despite these challenges, some patterns among the influence of interest groups have emerged. After the initial reaction to the Tiananmen Incident, the human rights NGOs have been hampered by the inability to offer an effective policy toward China after the defeat of the MFN threat. Furthermore, debate on the role and status of human rights in U.S. foreign policy continues. In contrast, U.S. businesses involved in the China trade have been able to pursue an intensive lobbying campaign and articulate clear consequences to the United States for failure to support the country's international commercial interests. Over the long term, the comparative strength of groups such as the U.S.-China Business Council over human rights groups has supported the moderation of U.S.-China relations.

### **Democracy and Human Rights as New Issues in Chinese Foreign Policy**

The issues of democracy and human rights were long treated as domestic affairs by the Beijing leadership. These issues have become new considerations in Chinese foreign policy since the late 1980s, largely due to the drastically increased external pressure from the international com-

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<sup>29</sup>Such critics include the National Economic Council and the departments of the Treasury and Commerce.

<sup>30</sup>Samuel P. Huntington, "The Erosion of American National Interests," *Foreign Affairs* 76, no. 5 (September/October 1997): 28-49.

munity led by the United States. At the same time, Beijing has also faced increasing domestic pressure from pro-democracy groups in China (to be discussed later). Dealing with the pressures for democratization has therefore become a new challenge for the decision-makers of Chinese foreign policy.

At the end of 1978, China moved from a single-minded pursuit of revolutionary goals, the trademark of the Mao Zedong era, to Deng Xiaoping's concentration on economic development, namely modernization. Although there has been a gradual relaxation of control over people's political and social lives and some progress in Beijing's respect for human rights under Deng, China is still widely regarded as lagging far behind international standards.

### *Official Stance*

Facing external pressure, Beijing has developed its own positions regarding human rights issues in China. China's official stance on the human rights issue is based along the following five points: (1) China's priority is to provide basic living conditions for its people; (2) incremental change should take precedence over rapid change; (3) political stability of the country is of paramount importance; (4) survival of the Chinese Communist Party (CCP) is crucial for the country; and (5) intervention in China's internal affairs will not be permitted.<sup>31</sup>

China has frequently used these arguments on various international occasions to defend its position. Beijing has insisted that the issue of human rights is not only based on political rights, but also on economic and social rights, which are related to China's economic development and cultural and historical background.<sup>32</sup> China's beliefs are echoed by most of its Asian neighbors. At Asia's first regional human rights conference, held in

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<sup>31</sup>Yu Quanyu, "The Right to Subsistence Not to Be Shunned," *Beijing Review*, Jan 13-19, 1992, 13; Zhu Muzhi, "Properly Evaluating China's Human Rights Conditions," *ibid.*, October 21-27, 1996, 16-18; Ren Yanshi, "A Comparison of Human Rights in China with Those in the United States," *ibid.*, April 1-7, 1996, 10-15.

<sup>32</sup>See James C. Hsiung, "Human Rights in an East Asian Perspective," in Hsiung, *Human Rights in East Asia*, 1-30; Andrew J. Nathan, "Sources of Chinese Rights Thinking," in Edwards, Henkin, and Nathan, *Human Rights in Contemporary China*, 125-64.



Bangkok in March 1993, many government representatives indicated that they shared a vision of human rights that places economic growth and community development ahead of individual freedoms; the thirty-point Bangkok Declaration placed great emphasis on noninterference in the internal affairs of states.<sup>33</sup> This vision stands in contrast to the standard position of many Western governments, which believe that all countries should be held to the same standards of human rights protection, regardless of their level of economic development.

### *Domestic Pressures from Pro-Democracy and Human Rights Groups*

There are a number of pro-democracy and human rights groups in China. These groups largely can be divided into the following categories:

The first is political dissidents, a group primarily composed by intellectuals who believe that democratization should be the priority of modernization and should go hand in hand with other goals. The best-known example in this regard is Wei Jingsheng, who issued the famous statement as early as 1979 that democracy should be the "fifth modernization," on top of the "four modernizations" (industry, agriculture, defense, and science and technology) set up by the CCP at the beginning of the Deng Xiaoping era as China's national goals.

Dissident activity, especially letter-writing campaigns, has increased over the latter half of 1997. The combination of Wei Jingsheng's release and growing urban unemployment has fostered the rise of dissidence. Human rights activists in Hong Kong have been contacted by about one hundred dissidents, all of whom have fled the mainland.<sup>34</sup> Dissidents have pursued an array of causes through letters, opinion surveys, and hunger strikes advocating such causes as independent trade unions to deal with labor unrest, freedom of the press to combat official corruption, promoting better treatment and the release of political prisoners, an improved legal

<sup>33</sup>Gordon Fairclough, "Standing Firm: Asia Sticks to Its View of Human Rights," *Far Eastern Economic Review*, April 15, 1993, 22.

<sup>34</sup>"Number of PRC Dissidents Increasing," Hong Kong AFP, January 2, 1998, in Foreign Broadcast Information Service, *Daily Report: China* [hereafter *FBIS-CHI*]-98-002.

system, and freedom of religion. The establishment of local elections in China has led to attempts by dissidents to become formally involved in the political process by trying to run for office.<sup>35</sup> Dissidents have argued for their right to run as candidates and for more open election of delegates. The continuation of local elections and the gradual improvement of China's legal system will likely lead to more dissident activity in this area.

Hong Kong had been the place of residence for many dissidents after the Tiananmen Incident. In the months before the handover, however, many dissidents left Hong Kong for countries such as the United States and Sweden. Those still residing in Hong Kong report official surveillance and police harassment.

The second group is Chinese students and ordinary citizens who are not satisfied with the current conditions in the country. While they may not have a total understanding of the essence of democracy, they are dissatisfied and concerned with the severe problems in China's political and economic lives, particularly the phenomena of corruption and "gang of princes" derived from nepotism and abuse of power. The Internet has become an important communications tool for Chinese students around the world. The U.S.-based Independent Federation of Chinese Students has access to an estimated seventy thousand overseas Chinese and uses the Internet to keep overseas students and scholars informed and to coordinate pro-democracy activities.<sup>36</sup> A number of students abroad have become involved in movements such as minority rights in Xinjiang and protests against Beijing's establishment of the Hong Kong Provisional Legislature.

The third group consists of ethnic minority groups, primarily Tibetans, Mongols, and Muslims. Their human rights concerns largely concentrate on discrimination policy involving political and economic status, education, and religion. The extreme branches of these groups have advocated independence for Tibet, Inner Mongolia, and Xinjiang. These movements also involve protest over government policy and favor the im-

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<sup>35</sup>"Activists Defy PRC Election Practices, Claim Right to Run," Hong Kong AFP, January 7, 1998, in *FBIS-CHI-98-007*.

<sup>36</sup>"Dissident Movement Taps into Internet," *Sunday Hong Kong Standard*, March 19, 1995, in *FBIS-CHI-95-053*.

provement of human rights, particularly minority rights and the freedom of religion. Many pro-democracy dissidents have taken up the cause of ethnic minorities and have made their cause part of broader criticism of Beijing.<sup>37</sup>

Fourth, the business community has emerged as a potentially active group in support of human rights and democratic development in China. Research institutes set up by businesses have become an alternative source of support for Chinese intellectuals and publish on a variety of subjects and opinions. The most famous of these institutes is the Stone Corporation which supported protesters in Tiananmen Square. The extent of activism by businesses remains limited, however. While economic liberalization has progressed, the state still possesses numerous controls and the economy remains a planned/market hybrid. In this context, state officials utilize their status in the economy to act as gatekeepers with access to needed resources. Business elites form clientelistic ties with state officials "since entrepreneurs are still quite dependent upon the discretionary favoritism of local officials for protection and resources."<sup>38</sup> While advocating their own interests, business associations have been developed primarily for functional purposes within the business community. Political activism, therefore, is still absent in most of China's business elites who pursue a "business first" orientation.<sup>39</sup>

Fifth, there are also issue-oriented groups which are concerned with concrete issues such as freedom of speech, news media, and birth control regulations. Market competition within the media, the thinning of government resources, a shift toward economic development, and increases in literacy and technology have all contributed to greater freedom for the media, within limits. Under these conditions, the media has grown in size and diversity in form and content. Outlets such as talk radio and periodicals allow for the expression of an array of opinions with little direct government oversight.

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<sup>37</sup>"Dissidents' Views on Major State Issues," *Ming Pao* (Hong Kong), October 10, 1996, in *FBIS-CHI-96-198*.

<sup>38</sup>Margaret Pearson, *China's New Business Elite: The Political Consequences of Economic Reform* (Los Angeles: University of California Press, 1997), 141.

<sup>39</sup>*Ibid.*, 138.

Obviously, the advocates of democracy and human rights have conflicting interests with the Beijing authorities. Confrontations between the two have become the norm. A number of political dissidents have been arrested, and pro-democracy movements have been bloodily repressed, as evidenced in the Tiananmen Incident of 1989. Ethnic group activities, moreover, are firmly under control.

The Beijing authorities have two major considerations: first, the issue of regime survival. As the most important issue is to consolidate the power of the CCP regime, no disruptive activities are allowed. The second concern is the issue of sovereignty. The Chinese government has been extremely sensitive toward possible intervention in China's internal affairs from foreign countries. Likewise, Beijing has also acted to contain domestic advocates of political reform. With the growth in sources of domestic opposition and strained resources, control is less from direct, regular intervention and more from coercion and promoting self-censorship within official boundaries.

#### *Response to the U.S. Pressure*

China has developed its own strategies in dealing with external pressures on democracy and human rights issues. These include (1) sending leading political dissidents abroad, the United States in particular, so that their domestic influence will be sharply reduced (examples include Chinese dissidents such as Wei Jingsheng, Wang Dan, Wang Juntao, and Wang Xizhe); (2) gradually improving its legal system; (3) developing an election system of local representatives from the township level; and (4) actively advocating its own human rights values and ideas for democratization in the international community.

China criticizes U.S. human rights diplomacy as being both a violation of international law and based on a different set of economic and cultural circumstances. In particular, the U.S. State Department's annual "Human Rights Report" has been criticized by China as a violation of international law and a blatant case of hegemonism. China cites the United States as the only country which issues an annual report on the human rights conditions of over 190 states. China views the human rights violations noted by the United States as being rather legitimate internal matters

undertaken in the interest of the "right to subsistence" and preventing rebellion. By ignoring China's sovereign rights, the Beijing government claims that the United States' "respect and protection" of human rights are but a pretext under which the U.S. government wantonly interferes with other countries' internal affairs and violates their sovereignty.<sup>40</sup> Beijing further argues that the intent of U.S. human rights diplomacy is not to protect human rights but to transform China's political system. The United States is seen as intent on maintaining pressure, despite its lack of legal foundation, until China adopts U.S. practices and values.

China has emphasized a different set of priorities and value systems from the United States as the basis for a country's definition of human rights. China has consistently insisted that the top priority for China is economic development and social stability. The improvement of human rights and political development has been placed at a lower priority. China connects the primacy of economic development to its own conception of human rights by promoting the "right to subsistence" as the "foremost human right."<sup>41</sup> Possessing only 7 percent of the world's cultivated land and a fifth of the world's population along with an 80 million people living with inadequate food and shelter has made the right to subsistence a continual priority for China. Despite the challenges it still faces in meeting the "right to subsistence," China has contrasted its own human rights record to that of the United States. While China has signed the Covenant on Economic, Social, and Cultural Rights, the United States has not done so. Criticisms of the disparity in wealth, homelessness, and crime in the United States are believed by Beijing to be failures by the United States in this area.

By citing human rights problems in the United States and by arguing that the actual goal of U.S. human rights diplomacy is to transform China's political system, China has attempted to build support among developing and non-Western countries for its stance on human rights. Shortly after the Tiananmen massacre, China began to build ties with member states of the

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<sup>40</sup>Xin Li, "Human Rights Concern or Power Politics," *Beijing Review*, March 5, 1990, 14.

<sup>41</sup>Yu, "The Right to Subsistence Not to Be Shunned," 13; "Human Rights in China," *Beijing Review*, December 12, 1994, 29, 31.

Association of Southeast Asian Nations (ASEAN) who restrained their criticism of China during the embargo. China has received support from Malaysian Prime Minister Mohamad Mahathir and Singapore leader Lee Kuan Yew for its position that economic development should precede political development. Ideological ties between China and ASEAN are also predicated by ASEAN's principle of noninterference in internal affairs. Incidents such as the U.S. response to the caning of Michael Fey in Singapore have served to symbolize the disparity between the Western and non-Western states in human rights and mobilize international criticism of the U.S. position.

In the wake of the Tiananmen massacre, China became isolated economically and diplomatically. Bilateral and multilateral loans were frozen and China's credit rating, foreign investment, and exports declined. China was also repeatedly criticized in the UN and by NGOs for its human rights violations. International isolation weakened its bargaining position on a number of issues including arms sales to Taiwan, intellectual property rights, and economic liberalization.<sup>42</sup>

Isolation and the annual review of MFN status in the United States forced China to make a number of concessions regarding human rights. China has participated in UN human rights dialogue, signed the Covenant on Economic, Social, and Cultural Rights, invited the Red Cross to investigate prison conditions, opened dialogue with NGOs and Western governments, and released political prisoners on numerous occasions. In March 1998, Beijing agreed to sign the International Covenant on Civil and Political Rights, a UN treaty which includes the rights of citizens to peaceful assembly, and freedom of expression, religion, and movement.<sup>43</sup> The decision to agree to sign the Covenant resulted in the European Union and the United States withdrawing support for an annual resolution critical of China at the UN Human Rights Commission. Beijing finally signed the Covenant in October 1998. Participation in the world economy has neces-

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<sup>42</sup>Nathan, "Human Rights in Chinese Foreign Policy," 638.

<sup>43</sup>Steven Mufson, "China Vows to Sign Human Rights Treaty, Hopes to Thwart U.S. Rebuke," *The Washington Post*, March 13, 1998, A16.

sitated concessions on human rights to be made in order to prevent diplomatic isolation, a break in trade, or an investment strike.

Although China does not recognize the legitimacy of the U.S. position on human rights, it has made a positive response on a number of occasions toward pressures from the United States and the international community. China has indicated its welcome attitude toward any "engagement policy." After the Tiananmen Incident, there was a downturn in Sino-American bilateral relations, largely prompted by Washington over China's human rights record and treatment of the political dissidents and their supporters. The PRC Ministry of Foreign Affairs, however, has worked hard within its jurisdiction to improve relations with the United States.<sup>44</sup> The Ministry hosted the December 1990 visit of Richard Schifter, the U.S. assistant secretary of state for human rights, during which he held 16 hours of talks with his Chinese counterparts and submitted a list of 150 political prisoners about whom the United States was particularly concerned.<sup>45</sup>

The PRC Ministry of Foreign Affairs also arranged meetings with a broad range of high-level U.S. government officials from ministries or agencies of public security, justice, minority nationality affairs, birth control and family planning, religious affairs, and the Supreme Court. The discussions were quite broad and frank.<sup>46</sup> The Schifter visit was regarded as a compromise by Chinese authorities; Beijing has always insisted that human rights issues are internal affairs and had repeatedly refused to discuss its human rights record with foreign governments. One should note, however, that these talks were largely symbolic and produced little notable results.

As time passed, the United States somewhat softened its tough position toward China. Three months after the Clinton administration overtly delinked Beijing's human rights performance from its MFN trading status

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<sup>44</sup>Interview with Douglas Paal, Director of Asian Affairs for the U.S. National Security Council under the Bush administration, Washington, D.C., February 5, 1991.

<sup>45</sup>Susumu Awanohara and Tai Ming Cheung, "Abusive Treatment: China Hedges Response to U.S. Human Rights Pressure," *Far Eastern Economic Review*, January 3, 1991, 8-9.

<sup>46</sup>Interview with Rent Wiedemann, Director of the Office of Chinese and Mongolian Affairs of the U.S. State Department, who participated in this visit, Washington, D.C., February 25, 1991.

in May 1994, U.S. Commerce Secretary Ron Brown visited Beijing. In contrast to previous U.S. missions, which inquired about published lists naming hundreds of detainees, the new post-MFN approach seemed to be discreet remonstrances in closed-door "mutual engagement" sessions. Brown assured American businessmen at an American Chamber of Commerce breakfast in Beijing that "the administration would no longer let politics put them at a disadvantage to foreign competitors in China."<sup>47</sup>

There are limits to the constraints imposed on China by the international arena, however. China's large market, geopolitical importance, permanent seat on the UN Security Council, and the ability to manipulate U.S. policy afford it a considerable amount of freedom in its human rights policy. The rapid increase in U.S.-China trade has enhanced China's diplomatic position (see table 1).

China supported the American business community's position in this endeavor with several trade initiatives and official visits to the United States. In late April-early May of 1994, only a few weeks before the delinkage announcement, PRC Vice-Premier Zou Jiahua visited the United States and met with President Clinton bringing with him a US\$600 billion shopping list of projects through the year 2000.<sup>48</sup> China has effectively utilized the rapid economic integration between the two countries, including bilateral trade and the U.S. investment in China (see table 2), as a leverage to reduce the U.S. pressure on the democracy and human rights issues.

The lobbying activities of the business community along with other groups in Washington have influenced the opinions of the U.S. Congress. The formation of a centrist coalition in Congress and a multiplicity of issues in the international arena also supported the position of supporters of a more broad-based "comprehensive engagement" strategy. Issues including arms sales, the Korean Peninsula, economic liberalization, the trade deficit, intellectual property rights, and America's worsening relations with

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<sup>47</sup>Lincoln Kaye, "Commerce Kowtow: Human-Rights Concerns Lost in Rush of U.S. Deals," *Far Eastern Economic Review*, September 8, 1994, 16-18.

<sup>48</sup>Lampton, "America's China Policy in the Age of the Finance Minister," 613.



**Table 1**  
**China's Trade with the United States (1972-95)**

Unit: US\$ millions

Year	Exports	Imports	Total
1972	32	60	92
1973	63	689	752
1974	114	806	921
1975	157	303	460
1976	201	134	335
1977	200	171	372
1978	324	820	1,144
1979	592	1,724	2,136
1980	1,058	3,754	4,812
1981	1,865	3,602	5,468
1982	2,283	2,912	5,195
1983	2,244	2,176	4,420
1984	3,064	3,004	6,068
1985	3,861	3,851	7,712
1986	4,770	3,105	7,875
1987	6,293	3,488	9,781
1988	8,512	5,022	13,534
1989	11,988	5,807	17,796
1990	15,223	4,807	20,030
1991	20,305	6,287	26,592
1992	27,413	7,470	34,883
1993	31,183	8,767	39,950
1994	41,362	9,287	50,649
1995	48,521	11,749	60,270

**Sources:** For 1972-90, Bureau of Census annual report, *U.S. Exports: World Areas, Country, Schedule B Commodity Groupings, and Method of Transportation Report FT 455* and *U.S. General Imports: World Area, Country, Schedule A Commodity Groupings, and Method of Transportation Report FT 155*. For 1991-95, *Direction of Trade Statistics Yearbook, 1996*. U.S. figures.

many Asian countries over human rights forced a reevaluation of the primacy of human rights in China policy. The decline in Sino-American relations undermined the ability of the United States to deal with these strategic and economic issues. In light of the apparent inability of MFN linkage to obtain the desired results and the need for a more cooperative relationship with China, the role and influence of human rights concerns and supporters

**Table 2**  
**U.S. Contracted Investment in China (1983-95)**

Unit: US\$ millions		
Year	Contracted FDI	Actual FDI
1983	478	n.a.
1984	165	256
1985	1,152	357
1986	527	315
1987	432	263
1988	236	236
1989	641	284
1990	358	456
1991	548	323
1992	3,121	511
1993	6,879	n.a.
1994	6,027	n.a.
1995	7,471	n.a.

Sources: *Almanac of China's Foreign Economic Relations and Trade*, various years.

in the administration became sharply curtailed after 1994. Bilateral human rights dialogues have not been held since 1995 and the State Department's John Shattuck has become less active in negotiations with China.<sup>49</sup>

One should also remember that the external pressure on China may time and time again appear counterproductive for it may arouse strong nationalistic feelings among various walks of the Chinese people. A case in point is the publication of the best-seller book in Chinese in the summer of 1996 entitled *Zhongguo keyi shou bu* (A China that can say no). The book was written by five young Chinese, and it was widely regarded as an anti-American volume.<sup>50</sup>

In recent years, it is not rare to see similar publications severely criticizing the United States and strongly promoting nationalism in China. Since the 1989 Tiananmen Incident, China's leadership has debated the

<sup>49</sup>Wan, "Human Rights and Sino-U.S. Relations," 249.

<sup>50</sup>Song Qiang et al., *Zhongguo keyi shuo bu* (A China that can say no) (Beijing: Zhongguo gongshang lianhe chubanshe, 1996).

Sino-American relationship and the question of hegemonism and peaceful evolution by the United States. Trying to represent a more assertive nationalistic position, Jiang Zemin used the occasion of Assistant Secretary of State Winston Lord's May 1993 visit discussing MFN and human rights to argue within the CCP Politburo: "This is the coercive ultimatum resorted to by U.S. hegemonists. . . . We will not yield to hegemonism and power politics. We are not afraid of their confrontation and challenge. For the motherland's sovereignty, independence, and dignity, we are ready to pay a price."<sup>51</sup> Perceptions of external interference can enhance the position of members of China's elite who support a tougher stance toward the United States.

Now, let us turn to the case of Hong Kong to further examine the issues of democratization and human rights in the context of China's response to the U.S. promotion of democracy.

### *The Case of Hong Kong*

Hong Kong's return to China in July 1997 and the human rights issue have become a focal point of the international community and a testing point for the Beijing leadership. Hong Kong presents itself as a unique test of Beijing's position on democratization and human rights. First, China has established clear objectives and guidelines for the political system of Hong Kong and its ability to maintain its schedule and the course it takes toward democratization will ultimately reflect broader issues concerning China's political reform. Second, in the case of Hong Kong, Beijing's policy in these areas will be monitored not only by international observers but also by an established and legally-based domestic opposition. Third, Hong Kong has maintained its autonomy as the Hong Kong Special Administrative Region and is scheduled to become a full electoral democracy by 2007 in accordance with the Basic Law. Since the handover, however, some of China's actions raise questions regarding the willingness to meet these goals.

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<sup>51</sup>Quoted in Allen S. Whiting, "Chinese Nationalism and Foreign Policy After Deng," *The China Quarterly*, no. 142 (June 1995): 311.

A decision by the Hong Kong Court of Appeal, for example, upheld the controversial Provisional Legislature, which was not provided for under the Basic Law. The Court stated that the PRC's National People's Congress was the sovereign lawmaking body in China and could not be challenged by the Court, even if it superseded the Basic Law. Thus, as the National Democratic Institute for International Affairs noted, "Not only is this a troubling legal conclusion, it also means that the promises of autonomy and eventual democracy in Hong Kong will depend entirely on the willingness of authorities in Beijing and Hong Kong to keep those promises."<sup>52</sup>

The current electoral framework also introduces questions regarding Beijing's intentions. One-third of the seats for the Legislative Council will be voted for directly as proportional representation. Proportional representation supports the proliferation of small parties, at the expense of a larger Democratic Party. A member of the Preparatory Committee admitted that proportional representation was chosen because it would "limit the number of seats the democratic camp could get, to ensure that they would not be over-represented."<sup>53</sup> Half of the seats in the Legislative Council will be functional constituency seats, voted for by twenty-one business and professional groups. Less than two hundred thousand voters would be eligible to vote for these seats. Over the next set of elections, the proportion of directly elected seats will be increased at the expense of the ten Election Committee seats. By 2007, when a final decision on Hong Kong's electoral system is supposed to be made, the Legislative Council will be composed of a combination of elite rule with fragmented popular parties. China's commitment to human rights and democratization can be evaluated based on the degree to which it fulfills the stated objectives of autonomy and democratization, as well as the final form that democracy will take.

In making decisions concerning these issues, China faces an array of forces, quite unlike previous issues concerning human rights. The decision

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<sup>52</sup>*The Promise of Democratization in Hong Kong: The New Election Framework* (Washington, D.C.: National Democratic Institute for International Affairs, October 23, 1997), 4.

<sup>53</sup>*Ibid.*, 11.

to overturn Chris Patten's "broad" functional constituencies and consequently reduce the number of eligible voters drew the expected response from the international community. During his visit to the United States in 1997, Jiang Zemin was criticized by congressional members for the use of narrow functional constituencies. Facing international criticism for its actions is not a new occurrence for China. The area in which Hong Kong differs fundamentally from previous human rights disputes is the presence of an organized, legal opposition.

Favorable public opinion cannot be guaranteed in Hong Kong. Polls indicated that the public neither understood nor desired a change from the 1995 "first-past-the-post" single-member constituencies and opposed the dissolution of "broad" functional constituencies.<sup>54</sup> While self-censorship has restrained public opinion in Beijing's favor, a number of outspoken journals like *Cheng Ming* remain.

The Democratic Party (DP) has also been a major source of opposition for Beijing. The DP has criticized the current arrangement of one-third proportional representation and two-thirds indirect election, functional constituencies, and a ban on the election of foreign passport holders. Even the pro-Beijing Democratic Alliance for the Betterment of Hong Kong stated its opposition to functional constituencies.<sup>55</sup> The presence of a number of legal sources of opposition and public opinion that has not been conditioned by decades of Communist rule poses a unique threat to China.

Beijing recognized that in light of domestic and international response, the establishment of a Provisional Legislature needed some more work. Foreign Minister Qian Qichen commented on criticism of the Provisional Legislature that "we have cooked our meal and now we must eat it."<sup>56</sup> The degree to which China responds to domestic and international pressure can be measured by its policies toward meeting the objectives of autonomy and democratization.

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<sup>54</sup>Sharon Cheung, "Majority Vote Goes Democrats' Way," *South China Morning Post*, August 3, 1997.

<sup>55</sup>*The Promise of Democratization in Hong Kong*, 15.

<sup>56</sup>*Report of the NDI Survey Mission to Hong Kong* (Washington, D.C.: National Democratic Institute for International Affairs, June 10, 1997), 15.

## Conclusions

In conclusion, we would like to first discuss the future direction of U.S. foreign policy toward China in the context of human rights issues, and then move to China's response to the U.S. pressure. It is clear that America's China policy combines a variety of factors: strategic considerations, economic interests, as well as ideological elements such as human rights issues. In a pluralistic society such as the United States, there are understandably different priorities regarding foreign policy within different sections of society. Influential figures within the U.S. Congress and human rights, religious, and other NGO groups tend to push for human rights as a top priority. The White House and State Department, however, tend to calculate U.S. foreign policy primarily from the perspective of national interests, such as security concerns and economic interests.

Two important recent developments may push Washington's China policy further toward strategic and economic considerations as a top priority rather than human rights considerations. First, the so-called "big power" system was firmly established in the Asia-Pacific region after the two summit meetings between China and the United States: Jiang Zemin's visit to Washington in October 1997, and Bill Clinton's China visit in June-July 1998. The issue of nuclear development in North Korea, the economic crisis in Southeast Asia, the increasing tensions between India and Pakistan caused by the recent nuclear tests, and the explosive and uncertain issue of Taiwan all require close cooperation and effective coordination between the two major powers, China and the United States. The United States, therefore, does not have the luxury of always making human rights the top priority in its relations with China.

Second, as mentioned earlier, China has undertaken fundamental economic reforms that have significantly shifted its social and political system toward more pluralism. Recent reports indicate that while still maintaining its authoritarian rule, the CCP has started to allow more extensive debates on political issues and to tolerate activities of certain dissident groups.<sup>57</sup>

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<sup>57</sup>Rerna Miller, "Taking Liberties: Beijing Turns a Blind Eye to Small-Scale Protests," *Far Eastern Economic Review*, September 10, 1998, 32-33.

Furthermore, China has gradually learned how to deal with external pressure on human rights issues, and Beijing appears to be more accommodating toward outside demands. A sign of China's willingness to engage in dialogues over such delicate matters is that in September 1998 Beijing allowed the visit of Mary Robinson, the chief of the UN Human Rights Commission. This was the first such visit from a leading human rights official. Beijing's continued accommodation may reduce pressures from the outside world.<sup>58</sup>

All of these developments, however, do not necessarily mean that the United States will take a significantly lighter approach to human rights issues in its future relations with China. Domestic pressures from interest groups and lawmakers will remain a powerful force within the United States. One can expect Washington to continue to raise the human rights issues with Beijing. Needless to say, if there are major backward developments in Beijing, such as what happened in Tiananmen Square in 1989, there will be another major campaign to put pressure on China from the United States regarding human rights issues. One may, nevertheless, also speculate that this is an unlikely development in the near future for U.S.-China relations.

There are various strands in China's response to U.S. promotion of democracy. China has insisted on its own sovereignty regarding human rights and resists external interference including U.S. demands for democracy. China defends its position on human rights and has criticized U.S. pressure by invoking sovereign rights protected by the UN Charter, particularly the "Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States."<sup>59</sup> China argues that the UN Charter extends sovereignty to include human rights issues by citing provisions such as "every state has an inalienable right to choose its political, economic, social, and cultural systems, without interference in any form by an-

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<sup>58</sup>John Pomfret, "Reform Hot Topic of Group in Beijing," *The Washington Post*, September 13, 1998, A37-38.

<sup>59</sup>"A Report Which Distorts Facts and Confuses Right and Wrong—On the Part about China in the 1994 'Human Rights Report' Issued by the U.S. State Department," *Beijing Review*, March 13, 1995, 21.

other state." China also states that according to the Declaration, every state has the duty "to refrain from using the exploitation and distortion of human rights issues as a means of interference in the internal affairs of states, of exerting pressure on other states or creating distrust and disorder within and among states or groups of states."<sup>60</sup> The protection of human rights only becomes an international issue when a state violates treaties it has signed, commits "large-scale, gross" violations, or endangers the peace and security of neighboring countries.<sup>61</sup> In absence of these conditions, human rights are internal concerns according to China.

On the other hand, China has been willing to make concessions under certain circumstances. It should be noted, however, that these concessions have been made despite continued human rights violations. Partial concessions have been timed to coincide with levels of the external pressure, the priority of human rights in Washington's China policy, and debate on China's human rights conditions in the United States and internationally. These concessions, nevertheless, do not represent uniform changes in China's political system and have been made alongside continued arrests of dissidents.<sup>62</sup> Ultimately, the issues of democracy and human rights are still regarded as internal matters. Concessions and regressions coincide with each other and are employed strategically to influence debate between China's supporters and critics, undermine the overall efficacy of external pressure, and maintain Beijing's ability to set its own human rights agenda.

Nevertheless, pressures from outside, in the long run, may help to bring gradual improvement to human rights conditions within China. Some efforts are less heavy-handed than others. In December 1994, for example, the Brussels-based International Confederation of Free Trade Unions, aiming to improve the working conditions of China's 300 million workers, asked foreign companies doing business in China to do their part to promote change in workers' working conditions from the inside. Some companies, like the American jeans manufacturer Levi Strauss and footwear

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<sup>60</sup>Ibid.

<sup>61</sup>Nathan, "Human Rights in Chinese Foreign Policy," 629.

<sup>62</sup>Ibid., 641-42.



producers Nike and Reebok, were already pursuing a "code of practice" under which their contractors and suppliers in China must meet certain environmental, health, safety, and wage requirements.<sup>63</sup> While this may not initially amount to getting China to improve its labor practices, rather, a number of Western firms, by volunteering to police themselves, are attempting to set an example for Chinese enterprises. These examples may work to create a trend. In the summer of 1995, the Clinton administration called upon American companies operating in China to avoid using child or prison labor, and to protect the environment.<sup>64</sup> Although these principles are voluntary, the U.S. government has made it clear that it would encourage and perhaps provide "awards for those companies that practice these principles the most effectively."<sup>65</sup> As China further integrates into the world economy and international affairs, China's internal behavior norms, including the human rights issue, will inevitably be affected by external influences.

In sum, there has been a mixed reaction from China toward the U.S. promotion of democracy. On the one hand, Beijing has consistently resisted what it considers external intervention in its domestic affairs. On the other hand, Beijing has been responsive to these pressures by making small but noticeable progress toward democratization and the improvement of its human rights record. Nevertheless, one should not ignore the counterproductive effect that external pressure may produce, namely, the increasing nationalism and anti-Western sentiment among some circles of the Chinese people.

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<sup>63</sup>Shada Islam, "Pressure on Beijing: Foreign Firms Urged to Insist on Workers' Rights," *Far Eastern Economic Review*, December 29, 1994-January 5, 1995, 16.

<sup>64</sup>"United States: China Business Code," *ibid.*, June 8, 1995, 57.

<sup>65</sup>"A Sweet and Sour Relationship: An Interview with Winston Lord," *Current History* 94, no. 593 (September 1995): 249.