

Nora Sausmikat, Klaus Fritsche (Eds.)

Civil Society in European-Chinese Relations

Challenges of Cooperation



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Herausgegeben von der Asienstiftung in Zusammenarbeit
mit dem Netzwerk „EU – China: Civil Society Forum“



The “EU-China: Civil society partnership for social and ecological justice“ project is sponsored by the European Union. The positions represented by the project cannot in any way be seen as standpoints of the European Union.

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Jiao Yingqi creates new characters to highlight the inability of the archaic ideographs of the Chinese characters to express the radical changes (and damages) the world experienced. He urges for inventing new signs in order to surpass limitations, imagine innovations and express deep implications of modernization.
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Satz und Gestaltung: Klartext Medienwerkstatt GmbH, Essen

ISBN 978-3-933341-45-7 5 Euro

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Foreword

Chinese-European relations are at the center of current debates on the new world order. After the collapse of the Soviet Union, whilst the Chinese dreamt of a new multi-polar world, Europe had a strong economic interest in collaborating with China. A multitude of books have already been published dealing with the European-Chinese- (fewer with the Chinese-European) -relation on different levels. In the China policy strategy papers of the EU-commission of 1995, 1998, 2001 and 2003, not only economic, but also political, social and cultural relations became an issue. The declared aim was China's integration into the "international community". Over the time the relations changed from a "honeymoon" one, to a more rational and critical identification of common interests. Today, the relationship is based on a wide range of sector dialogues, summits and working groups. With China becoming more self-assured, especially in setting her own agendas and standards, managing Chinese-European relations has become more complex than ever – for both sides.

Although multifaceted collaborations have advanced between European and Chinese institutions during the last decade, cooperation exists mainly – besides in economic issues – in the fields of legal advice, cultural activities, and academic exchange. At the same time in both regions a growing number of non-governmental organizations (NGOs) have been taking up the issues of workers' rights, environmental security and climate change. But cooperation between NGOs and other Civil Society organisations (CSOs)¹ from both regions are still very weak.

There might be different reasons for this. Firstly we have to detect that the interest in China – compared to Africa or Latin America – is relatively low among European NGOs – the same can be said about the interest in Europe among Chinese CSOs.

Secondly we have to acknowledge the fundamental differences in the legal and political function, and conditions of non-state activities in the two respective regions. Against this background, this publication serves the following four purposes:

1 We are fully aware of the imprecise term Civil Society and whenever used there will be a definition given beforehand.

- to give a short summary on the development and current state of the Chinese-European relations
- to analyze the possibilities of European NGOs in influencing EU policies
- to discuss the China images of European NGOs
- to describe the specific challenges and dilemmas in Chinese-European NGO cooperation.

The first chapter gives an overview of the 30-year old history of EU-China diplomatic relationships with a special focus on the sectoral dialogues. Jörn-Carsten Gottwald touches on some specific thematic fields of potential risk and challenges in the diplomatic business such as human rights, Tibet, Taiwan, Climate Change and Proliferation.

The second chapter evaluates the EC's commitment to involve Civil Society organisations in public consultations on certain EU-China related issues. Christa Wichterich discusses in detail the involvement of the Civil Society organisations during the consultations on the Sustainable Impact Assessment (SIA) – part of the discussions of the new Partnership and Cooperation Agreement –, and the EU-China-Africa Trialogue. Her paper demonstrates many shortcomings in the arrangements, methodology and institutionalization of this consultation process.

Finally, the last chapter analyzes the EU-China relationship through the perspective of social movements and NGOs. Nora Sausmikat provides general trends in European NGOs concerning their relationship with China. In a second step she tries to evaluate the potential and the limitations of EU-China Civil Society relations concerning further development of trans-cultural understanding and cooperation.

The aim of this book is to trigger a discussion among European NGOs on the necessity to cooperate with Chinese partners, and thereby to start a process of collaboration and networking among European NGOs, as well as with the Chinese counterparts. Nowadays, transnational perspectives are expanding among both Chinese and European Civil Society organisations and could provide fertile soil for a common sustainable future.

Nora Sausmikat
Klaus Fritsche

I. The European Union and China: Status, Issues, Prospects¹

*Joern-Carsten Gottwald, Andrew Cottey,
Natasha Underhill*

1 Introduction

More than three decades after establishing formal diplomatic links in 1975, economic, political and social relations between the European Union (EU) and the People's Republic of China (PRC) have developed significantly. The 'secondary relationship'² between two highly different partners has become, according to official rhetoric, a 'comprehensive'³, 'maturing'⁴, and 'comprehensive strategic'⁵ and 'all-around strategic'⁶ partnership. Back in 1979, China was still recovering from the disastrous outcomes of Mao's erroneous reign, and the European Community was trying to overcome yet another impasse of institutional deadlock. Today, the EU is the largest economy in the world, while long years of high-speed economic growth have turned the PRC into the 'global workshop' and an economic and political heavyweight. The original and somewhat limited bilateral relations have expanded accordingly and today encompass regular summits, high-level working groups, a variety

- 1 This paper builds on an Irish Research Council for the Humanities and Social Sciences (IRCHSS) research project 'China, Ireland and the European Union: Distant Partners, Global Competitors?'
- 2 Michael B. Yahuda (1994), 'China and Europe: The Significance of a Secondary Relationship', in Robinson, Thomas W. & Shambaugh, David (ed.), *Chinese Foreign Policy: Theory and Practice*, Oxford, Clarendon Press, pp. 266–282
- 3 Commission of the European Union (1998), *Building a Comprehensive Partnership with China*. COM 181 final, Brussels, 25 March 1998.
- 4 Commission of the European Union (2003), *A Maturing Partnership – Shared Interests and Challenges in EU-China Relations*. COM 533 final, Brussels, 10 September 2003.
- 5 'Wen Stresses Importance of Developing Comprehensive Strategic Partnership', in *People's Daily Online*, 7th May 2004, at http://english.people.com.cn/200405/07/eng20040507_142556.html accessed 26th June 2008.
- 6 'Chinese president calls for enhanced dialogue with EU', in *People's Daily Online*, 25th April 2008, at <http://english.people.com.cn/90001/90776/90883/6399429.html#> accessed 26th June 2008.

of sectoral dialogues and a broad involvement of Civil Society organisations. While moving from ‘engagement towards marriage’⁷ they are setting ‘rhetoric versus reality’.⁸

The maturing bilateral relations, however, come at a price: more interaction but more conflicts. Public disputes over economic issues at the 10th EU-China summit in 2007 were followed by an ASEM summit in Beijing where the global financial meltdown disguised the deepening disagreements. China ‘stunned’⁹ their partners in Brussels by cancelling the 11th EU-China summit, scheduled for 1st December 2008 in Lyons, at very short notice. The PRC government was outraged at European leaders, particularly Nicholas Sarkozy, meeting the Dalai Lama. Thus this stark contrast between official rhetoric, public perception and real substance is hard to ignore.

Unsurprisingly, this affects the attempts to unify and renew the legal basis of the relationship. Negotiations of a Partnership and Cooperation Agreement (PCA), officially launched in 2006, are making little progress. This means that trying to describe bilateral relations in early 2009 results in a complex but contradictory picture: a solid ground of economic and non-governmental ties, a high degree of mutual economic interdependence and a multi-faceted web of political exchanges on the one hand and a growing awareness of fundamental differences in mutual perceptions and consequent increased tensions in specific policy areas on the other.

2 Historical Developments

After World War II, some European States attempted to establish official links with the PRC, founded by the Communist Party of China (CCP) after the victory of its Liberation Army in the Chinese civil war on 1st October 1949. The UK in 1952 and France in 1964 were early movers in this area, while other countries such as Germany and the Nether-

7 Meng Jin (2008), *EU-China Relations: from Engagement to Marriage?* EU Diplomacy Paper 7/2008. Bruges: College of Europe.

8 Axel Berkofsky (2008), *The EU-China-Relations: Setting Rhetoric versus Reality*. ISPI Policy Brief No. 108, December 2008.

9 ‘Brussels stunned as Beijing cancels EU-China summit’, in *Euractive*, 27th November 2008, at <http://www.euractiv.com/en/foreign-affairs/brussels-stunned-beijing-cancels-eu-china-summit/article-177550> accessed 3rd December 2008.

lands had to abandon their first initiatives due to pressure from the United States and the emerging political confrontation in the era of the Cold War. Reflecting the one-China policy of both the government of the Republic of China (Taiwan) in Taipei and the leadership of the People's Republic of China in Beijing, relations between Europe and China saw limited up-turns in the early 1960 and again in the 1970s, always in the wake of disastrous socio-economic experiments by the Mao leadership. When the PRC found itself in the deepest of troubles, it looked to Europe for technological help. Only with the fundamental reconfiguration of world politics with the US-PRC rapprochement after 1970 and then again after the implosion of communism in Europe's eastern half in 1989, did the relations between an ever deeper and larger European Union and a fast modernizing PRC develop more substance.

The EC (now the EU) and the PRC established formal diplomatic relations in May 1975, following the visit to China by European Commission Sir Christopher Soames. It was not until the 1990s that the relationship really began to expand, however (see Table 1). The combination of China's dramatic economic and political rise, and the deepening of European integration and the EU's ambition to establish a global role for itself, resulted in new interest on both sides in developing the bilateral relationship, as well as increased interaction in relation to an expanding range of global issues.

Table 1 Significant Events in EU-China Relations 1975 to 2008

1975	May	Establishment of EC-China diplomatic relations
1978	3 April	China and EC sign Trade Agreement in Brussels
1994		EU-China Dialogue established
1995	15 June	European Commission's (EC) A Long-Term Policy for China-Europe Relations is published
1996	January	Human Rights Dialogue established
1996	1-2 March	China and EU active at first ASEM
1998	25 March	EC releases Building a Comprehensive Partnership with China
1998	2 April	First EU-China Summit London
1998	21 December	Second EU-China Summit Beijing
2000	24 October	Third EU-China Summit Beijing

2001	15 May	EC publishes EU Strategy Towards China: Implementation of the 1998 Communication and Future Steps for a more Effective EU Policy
2001	5 September	Fourth EU-China Summit Brussels
2002	1 March	EC releases China Country Strategy Paper 2002–2006
2002	24 September	Fifth EU-China Summit Copenhagen
2003	10 September	EC adopts policy paper A Maturing Partnership: Shared Interests and Challenges in EU-China Relations
2003	13 October	China releases first policy paper on EU
2004	March	EU now biggest trading partner with China, China second biggest to EU
2005	February	First EU-China Financial Dialogue meeting
2006	30 March	First bilateral EU-China consultation on Climate Change Partnership
2008	6 November	7 th EU-China Energy Conference

Source: http://ec.europa.eu/external_relations/china/docs/chronology_2008_en.pdf

Beginning with the 1995 European Commission Communication *A Long-Term Policy for China-Europe Relations*, and continuing from there, it has been highlighted that the Union's economic security is directly affected by developments in China. The EU's new China policies began to attach greater importance to developing economic and commercial relations and the European Commission views it as necessary to take advantage of all opportunities China provides in the area of economic development in order to protect Europe's economic security in the future. The first of the now annual EU-China summits between EU heads of state and the Chinese government took place in 1998, with the purpose being the discussion of bilateral and global issues. Also that year human rights dialogues between the EU and China have been held on a twice-yearly basis. Multilateralism has been identified by the EU as a focal point for the development of the Sino-European strategic partnership¹⁰ but the EU has remained vague with regard to the overall objectives and purpose of the strategic partnership.

Over the last decade the predominant discourse among EU and Chinese policy-makers has focused on the concept of strategic partnership.

In 2003 the European Commission released its policy paper on China entitled *A Maturing Partnership: Shared Interests and Challenges in the EU-China Relationship*. This paper called for an official strategic partnership with China. In that same year the Chinese Ministry of Foreign Affairs reciprocated by releasing its own version of the Commission's document entitled *China's EU Policy Paper*.¹¹ The European Commission has since then developed the *China Country Strategy Paper 2002–2006* and *China Country Strategy Paper 2007–2013*. These papers outline the EU's overall objective toward China and provide the general framework for guiding, monitoring and reviewing the relationship between the EU and China.

Economic and trade relations between the EU and China have grown considerably in recent years. The first official trade agreement between the EC and China was signed on April 3 1978, which was later extended to the broader Trade and Cooperation Agreement (TCA) in 1985. By 1989 the trade total between the EC and China had totalled almost \$13 billion. Since 1983, China's exports to Europe have increased by an astonishing average of 20 % per year, culminating in 1992 when, for the first time ever, EU trade with East Asia overtook trade between the EU and the US. Between 2000 and 2004 EU-China trade has almost doubled, with exports rising from € 25.8 billion to € 48 billion, and imports growing from € 74.4 billion to € 126.7 billion according to official Chinese data. Between 2006 and 2007 trade had increased by 17 %, which essentially means that it has almost doubled during the 2002–2007 period. Since 1978, EU-China trade has increased more than forty fold to reach roughly € 175 billion in 2004 and roughly € 182 billion in 2007 (see table 2)

Table 2 EU Trade with China (in millions of Euro)

	2000	2001	2002	2003	2004	2005	2006	2007
Imports	74.4	81.6	89.6	105.4	126.7	158.5	195	231
Exports	25.8	30.6	34.9	41.2	48.0	51.7	64	72
Balance	-48.6	-51.0	-54.7	-64.2	-78.7	-106.8	-131	-159

Source: Eurostat (http://europa.eu.int/comm/external_relations/china/index.htm)

11 Fraser, Cameron/Axel Berkofsky/Stanley Corssick (2005), *EU-China Relations – Towards a Strategic Partnership*, European Policy Centre, Working Paper No. 19 July 2005.

European Foreign Direct Investment (FDI) flows into China account for roughly 10 % of all FDI. FDI flows into China amounted to US\$52,700 million in 2002, which is almost twice that flowing into Central Asia and Eastern Europe, and fifteen times more than the FDI inflows into India (Data from the Delegation of the European Commission in Beijing). However, since 1985 the Trade and Economic Cooperation Agreement (TECA) between the EU and China has reached its limits as the exchange between the two as trading partners has grown exponentially through smaller framework agreements on cooperation and dialogue in specific policy areas. To better accommodate this growing relationship, the 2005 EU-China Summit called for negotiations on a new and more comprehensive framework that could adequately reflect the expanded nature of the strategic partnership. It was decided that the TECA no longer reflected the scope of the current relationship and at the 2006 EU-China Summit it was announced that official negotiations on a new China-EU Framework Agreement would begin in 2007.

The objective of these negotiations was to develop a comprehensive Partnership and Cooperation Agreement (PCA) that would focus on the current political, economic and functional issues and that would also update the original 1985 TECA. One of the most important aspects of the PCA will be trade- and investment-related issues including competition, IPR and public procurement, although these issues are already the subject of dialogue and cooperation between the EU and China.¹² The overall general scope of the PCA will include a broad range of cooperation issues including economic, environmental and social aspects. Also, although it is not envisaged to negotiate a Free Trade Agreement, the PCA should be able to cover new commitments on trade and investments, going beyond the current WTO obligations of the parties.

Since the decision to negotiate a PCA, however, EU-Chinese relations have become more turbulent (see table 3). Developments in the last two years have highlighted that fact that for all the rhetoric of ‘partnership’, there remain significant challenges to the further development of EU-China relations. The relationship may therefore be at a turning point.

12 Nicola Casarini (2006), *The Evolution of the EU-China Relationship: from constructive engagement to strategic partnership*, Occasional Paper No. 65. October 2006 EU Institute for Security Studies.

Table 3: Deepening engagement, intensifying controversies

Date	Improving Cooperation	Increasing Conflict
November 2007		10 th EU-China Summit in Beijing: Clash on trade issues and German Tibet policy
March 2008	EU-China cooperation in negotiating global code of conduct for sovereign wealth funds	Violent protests in Tibet and Chinese suppression of these protests result in criticism of China by some European politicians
April 25th 2008	EU-China begin new High Level Economic & Trade Dialogue	
May 12th 2008	Following the Sichuan Earthquake European Parliament stresses importance of relationship in regards to aid	
May 15 2008		25 th round of EU-China Human Rights dialogue. EU called on China to ratify the International Covenant on Civil and Political rights with special attention given to the area of Tibet
August 2008		EU criticise China in relation to its human rights abuses
October 2008	ASEF Summit: EU-China coordination of policies against financial crisis	
November 18th 2008	EU-China regulatory dialogue on 'standardisation' to provide an update of the recent evolution of standardisation policy in EU and China	
November 20th 2008	EU-China High Level Seminar 'EU-China cooperation in the area of cohesion policy: current state and perspectives'	
November 26th 2008		China informs EU of postponement of 11 th EU-China Summit
November 28th 2008		Javier Solana rebukes Beijing for execution of biochemist Wo Weihai in relation to charges of passing secrets to Taiwan

Date	Improving Cooperation	Increasing Conflict
December 1 2008		11 th EU-China Summit officially cancelled due to China's displeasure over Dalai Lama's visit to EU including meeting with French President Sarkozy

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3 The Institutionalised Relationship

The development of EU-China relations since the 1980s, and especially the 1990s, has resulted in an increasingly institutionalised relationship (see Table 4). The institutionalisation of EU-China relations has a number of features

Multi-level: it operates at multiple levels, from high level political leaders to various mid- and low-level ties.

Multi-issue/sectoral: it covers a very wide range of issues.

Multi-actor: although primarily 'inter-governmental' in character (i. e., EU institutions-PRC state/govt institutions), the relationship also includes a significant non-state/non-governmental dimension (i. e., business and Civil Society actors).

Table 4 Institutions and Levels

Institution/ Scheme	Level	Frequency of meetings	Topics/Areas Covered
Annual EU- China Summit	High-level Ministerial	Annually	EU-China relations, international and regional issues of interest, security, migration, immigration, trade
Troika Ministerial	High-level Ministerial	Every 1–2 years	Bilateral relations, negotiations for PCA, human rights, Taiwan, climate change, international and regional affairs including Iran, Middle East, and East Asia regional co-operation.

Institution/ Scheme	Level	Frequency of meetings	Topics/Areas Covered
Expert Level Meetings	High to Mid-level Ministerial	Annually	High-level consultations on illegal migration, Human rights dialogue, Asian affairs, Non-proliferation, Conventional arms exports
Economic Relations and Sectoral Dialogues	High to Mid-level Ministerial	Annually	EC-China Joint Committee on 1985 TCA, Senior officials meetings, economic and trade working groups
Sectoral Agreements and Dialogues	Mid to low-level Ministerial, Working Groups	Annually	Science and Technology, Galileo, Customs cooperation, EURATOM, ADS, Energy Working groups, Environment, Information, Industrial policy, Trade, Employment, Agriculture, Education, Competition, Product safety, Property Rights, Textile trade, Space science, Macroeconomics, Regional policy, Civil aviation, Transport policy.

Sectoral dialogues

One distinctive and significant element of the institutionalised EU-Chinese relationship is the development of so-called ‘Sectoral Dialogues’ (see Table 5). Starting in the mid-1990s, both sides agreed to set up 24 dialogues to identify common ground, provide policy input and prevent tensions.¹³ The organisational structure, frequency of meetings and levels of hierarchy involved vary substantially between the dialogues, but in general they are open to contributions from stakeholders outside the narrow realm of official institutions. Altogether there are 19

13 European Commission (2009), *External relations. An overview of the sectoral dialogues between the EU and China*. At http://ec.europa.eu/external_relations/china/sectoraldialogue.en.htm accessed at 22nd November 2008. In addition to the 24 sectoral dialogues, regular dialogues on human rights and migration are considered to be of a different, i. e. more political nature, by the European Commission and therefore not included in this list. Neither is the new agreement in the area of tourism. See *An overview of the sectoral dialogue*.

Directorates General in the European Commission that are represented on a regular basis. However, the real benefit of these dialogues is hard to assess particularly as this field of bilateral relations has been widely ignored by academic research as well as a broader public. The Roundtable on Financial Services, for example, became a victim of major infighting within the EU and between European and Chinese partners.¹⁴ While a project commissioned within the sectoral dialogue was concluded in 2006 and a final report written accordingly, this report has not been made publicly available. In addition, while China's rise might offer ample relevant lessons for European policy-makers, the overall structure of the dialogues seems to be firmly rooted in the tradition of European technical assistance. These numerous projects and seminars, usually dealing with reforms within China, often take the European experience more or less as a benchmark or role model for Chinese policies – open comparisons and mutual criticism within the meetings notwithstanding.

The deepening and broadening of these dialogues between EU and Chinese representatives serves three important functions: firstly, in an official context, these exchanges underpin the claim of both sides working in a strategic partnership, not only on bilateral, but also on regional, inter-regional, multilateral and global issues. Secondly, these regular meetings involving like-minded experts create a basis for better mutual understanding and the evolution of epistemic regulatory and policy communities. If successful, these dense networks lead to similar policies without explicit coordination simply through a convergence of ideas, policies and instruments. Finally, these long lists of policy areas can be used as a public shield to deflect criticism by allowing the transfer of sensitive issues out of the realm of traditional policy-making and into the opaque territory of technocratic governance. In the last regard, EU-China policies follow an overall trend in European policies which is described intensively as a rise of regulatory and technocratic networks at the costs of traditional political representatives such as parties.

From the European side, the institutionalisation of the EU-China relationship may be seen as having a number of important effects: it maintains and gives a certain independent political momentum the relationship and reduces the vulnerability of relationship to disruption by disputes over particular issues or crises; it can help to create a culture

14 Interviews with participants of the project in 2005 and 2006.

of cooperation; and it establishes frameworks in which specific issues, differences and disputes can be resolved. Institutionalisation should not, however, be viewed as a ‘cure all’: it does not guarantee that issues, differences and disputes will be addressed effectively or resolved, nor does it guarantee that political difficulties will not disrupt the relationship. The decision by the Chinese leaderships to cancel the December 2008 EU-China summit was thus a sharp reminder of the limits of this institutionalisation – although it should also be noted that other institutionalised elements of the relationship have not so far been disrupted.

Table 5 EU-China Sectoral Dialogues¹⁵

	Area	Since	Key Methods Applied	Main Objectives
1	Agricultural dialogue	2005	Regular meetings with broad range of topics; involvement of experts	to promote bilateral cooperation and to facilitate the communication on issues that may arise and work on an efficient solution.
2	Civil aviation	Initiated 2002	Regular meetings; EU-China Aviation Summit 2005; research project	Develop and sustain a framework for EU-China civil aviation
3	Competition policy	2004	Permanent mechanism for exchange and consultation	Improve regulation and integration of Chinese economy; China adopting the ‘European Model’
4	Consumer product safety	Since early 2000s	Working group; bilateral agreement	Improve communication and cooperation in these areas
5	Customs cooperation	2004	Inspection missions	To facilitate trade and fight illegal activities

15 http://ec.europa.eu/external_relations/china/sectoraldialogue_en.htm; for an official overview of the dialogue architecture see EU (2005), *Current Architecture of EU-China Relations*. At http://ec.europa.eu/external_relations/china/docs/architecture.pdf accessed 19th November 2008.

	Area	Since	Key Methods Applied	Main Objectives
6	Education and culture	2004	ERASMUS Mundus	Financing third-level study in Europe; improving cooperation and exchange in research and teaching
7	Employment and social affairs	2005	Annual visits; project on social security reform in China; seminars	Framework for EU-China dialogue on areas such as social protection, social cohesion, labour legislation, employment, labour relations and social dialogue.
8	Energy – including nuclear energy	1994	Annual working group meetings; biannual conferences; EURATOM Agreement; Action Plan on Clean Coal	Satisfying China's growing energy needs in a sustainable way; peaceful use of nuclear energy
9	Environment	Since early 1990s	Ministerial dialogue (since 2003); financial assistance; projects	Improve China's environment; explicit aim of China to learn from European experience
10	Food safety – sanitary and phyto-sanitary issues	2002	Joint Technical Group	Benefit consumers and facilitate trade in agricultural goods
11	Global satellite navigation services	2003	Chinese investment and participation in EU Galileo project	Opening EU navigation to non-EU country (= China); implicitly: counterbalancing US dominance
12	Information society	1997	Umbrella dialogue for research cooperation and policy coordination; technical assistance activities; linked with regulatory and industrial policy dialogue	European competitiveness; global standards; e-government

	Area	Since	Key Methods Applied	Main Objectives
13	Intellectual property rights	2003	Complimentary to WTO regulation; horizontal and sectoral discussions	Improvement and enforcement of IPR in China;
14	Macroeconomic policy and the regulation of financial markets	2004	Roundtable on financial services bringing together all key representatives from China	Exchange and coordination of regulatory issues; creation of a level playing field in China
15	Maritime transport	2002	Alternating annual monitoring	freedom for both sides to provide maritime transport services; unrestricted access to ports and auxiliary services; safety, security and training
16	Regional policy	Since mid-1990s	Annual meetings; Seminars	Support China's regional policies
17	Regulatory and industrial policy	2003	Broad, permanent, in-depth dialogue; sectoral working groups (automobile, metals, textile)	Improve competitiveness; improve cooperation in global regulation
18	Science and Technology	Early 1990s;	Participation of Chinese partners in EU research	Promotion of joint research, scientific exchange
19	Space cooperation	2004	Joint workshops and high level meetings	Exchange and specific joint programmes
20	Trade policy dialogue	2004	High level/Ministerial meetings	bilateral and global trade issues; focus on strategic issues
21	Textile trade dialogue	Pre-2005	Meetings	Accompany the abolition of trade quotas
22	Transport (general)		Meetings	Launch cooperation on road and rail transport

4 Issues, Challenges, and the Partnership and Cooperation Agreement

EU-China relations face a number of contentious issues, and the extent to, and ways in which, these issues are addressed in the PCA negotiations and any eventual agreement will provide a barometer of the relationship. Negotiations for the Partnership and Cooperation Agreement formally began in January 2007.¹⁶ These aim to provide the opportunity to further improve the framework for bilateral trade and investment relations and also include the upgrading of the 1985 EC-China Trade and Economic Cooperation Agreement. While from a European perspective, the purpose of the PCA is to create a new framework for EU-China relations, the Chinese side considers it an upgrading of the 1985 TECA. The broad negotiations accompanied by intensive sustainability assessments of individual sectors (see Table 6)¹⁷ are conducted on different perceptions which might help to better understand why progress has slowed down significantly since the beginning of the talks in January 2007. Therefore, while a new PCA should be able to solve some of the current bilateral issues, it might fail to address the fundamental differences in values and expectations at the core of EU-China relations.

Table 6 Sustainability Impact Assessments

	Area	Impact/Outcomes
1	Machinery	High level impact, implementation and cooperation, considerable scope for further development.
2	Eco-Industry	High level impact, high priority on trade agenda, aligned interests.
3	Financial Services	High level impact, investment restrictions, substantial obstacles, possible opportunities for liberalisation.

16 <http://www.euchina-sia.com/pca.php>; for an initial analysis see Zeng Lingliang (2009), 'A Preliminary assessment of Negotiations EU-China PCA: A New Bottle Carrying Old Wine or New Wine or Both?' in *European Law Journal*, Vol. 15, No. 1, January 2009.

17 See European Commission DG Trade (2008), *Trade Sustainability Impact Assessment of the Negotiations of a Partnership and Cooperatoin Agreement between the EU and China*. Final report, August 2008. At http://www.euchina-sia.com/media/docs/reports/Phase%203/Phase_3_Final_Report_1_August_2008.pdf accessed 28th September 2008.

4	Chemicals	High level impact, high level regulation, slow process, unequal application of environmental regulation.
5	Agriculture	High level impact, significant barriers due to SPS regulation, high compliance costs
6	Automotive	Mid-level impact, significant links, likely increases in trade, strict regulation guidelines.
7	Construction	Mid-level impact, possible threats, need to improve efficiency
8	Textiles	Mid-level impact, ATC significant liberalisation, heightened competition
9	Pharmaceuticals	Mid-level impact, growing relationship, strict guidelines, market not easily accessible
10	Forestry	Low-level impact, downturn in necessity/demand, no significant financial relationship
11	Telecoms	Low-level impact, severe obstacles, lack of direct access to markets, lack of comprehensive law systems, premature relationship
12	Distribution	Low-level impact, strict environmental guidelines, growing trade relations

Trade, Finance and Investment

As was noted earlier, EU-China trade has increased dramatically in recent years. China is now the EU's 2nd largest trading partner behind the USA and its biggest source of imports, with the EU being China's biggest trading partner. In 2008 the EU and China launched a new strategic mechanism for driving trade and economic policy. The EU's open market has been a large contributor to China's export-led growth. The EU has also benefited from the growth of the Chinese market and is committed to open trading relations with China. EU goods exports to China for the year 2007 amounted to € 71.6 billion and EU goods imports from China for the year 2007 amounted to € 230.8 billion¹⁸. The EU's imports from China are mainly based on industrial goods including machinery and transport equipment, with its exports concentrating on industrial products, such as machinery & transport equipment, miscellaneous manufactured goods and chemicals. A High Level Economic and Trade Mechanism (HLEM) was launched in Beijing on the 25th April 2008 with

18 http://ec.europa.eu/trade/issues/bilateral/countries/china/index_en.htm

the aim of strengthening the existing dialogue between the European Commission and the State Council of China, at the level of Vice-Premier. It will focus on issues of the strategic importance of EU-China trade relations including investment, and economic cooperation. The High Level Economic and Trade Mechanism is modeled on the US-China Strategic Economic Dialogue (SED). This SED, which was established in September 2006, highlights the fact that the US views itself as a central partner with China and, according to Bush administration Secretary Hank Paulson has already produced significant results.¹⁹

Human rights

In 1994 the EU-China dialogue on human rights at expert level officially began, with the first meeting taking place in 1995. Since then it has been taking place twice a year. By 2001, it was decided to further institutionalise the organisation by setting up, through the European Initiative for Democracy and Human Rights, an EU-China Network. The main task of the network was to organise the regular EU-China Human Rights Dialogue seminars. The methodology of this dialogue was changed in 2005, resulting in the regular Seminars being organised through the Commission's framework contract. The European Instrument for Democracy and Human Rights (EIDHR)²⁰ was officially approved by the European Parliament and the Council on December 2006 and replaced the old European Initiative for Democracy and Human Rights, which had been created in 1994. The general objectives of the new Instrument are to contribute to the development and consolidation of democracy and the rule of law, and to respect of all human rights and fundamental freedoms within the framework of the Community's policy on development cooperation, as well as developing a process of economic, financial and technical cooperation with third countries, while remaining consistent with the EU's foreign policy as a whole.²¹

19 Henry M. Paulson Jr. (2008), 'A Strategic Economic Engagement: Strengthening US-Chinese Ties', in *Foreign Affairs*, Vol. 87 No. 5, September/October 2008. At <http://www.foreignaffairs.org/2008/5.html> accessed 27th October 2008.

20 Regulation (EC) N° 1889/2006 of the European Parliament and of the Council, 20.12.2006, OJ L386, 29.12.2006, p. 1 (http://ec.europa.eu/europeaid/where/worldwide/eidhr/working-documents_en.htm).

21 EIDHR EU-China Human Rights Network August 2008

The 2007–2010 strategy has defined five specific objectives which include: Enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk; Supporting actions on human rights and democracy issues in areas covered by EU Guidelines, including on human rights dialogues, on human rights defenders, on the death penalty, on torture, and on children and armed conflict; and Supporting and strengthening the international and regional framework for the protection of human rights, justice, the rule of law and the promotion of democracy²². The EU-China human-rights dialogue has been complemented by various similar dialogues at the national level. These exchanges on administrative and NGO-level are aimed at supplementing the high level ‘behind-closed-doors-approach’ taken by EU leaders in their official meetings with China. According to Chris Patten, the former EU External Commissioner, the EU-China dialogue on human rights is ‘the most complex and multifaceted dialogue on human rights’ which the EU has with any other country in the world.²³ The larger of the EU member states tend to shy away from provoking any unwanted or adverse affects that might occur from dealing with the issue of human rights in China. However, the European Parliament (EP) has consistently expressed public criticism of China’s human rights record, especially with a focus on areas such as Tibet, capital punishment and political freedoms. According to a recent comprehensive study by the European Commission and thorough academic analysis,²⁴ however, the EU human rights policy towards China is a failure.

Tibet

One of the most contentious issues between China and the European Union is the situation in the Himalayan region of Tibet. This formerly independent theocracy was militarily incorporated into the PRC in 1950. An uprising by Tibetan people in 1959 led to a bloody persecution of Buddhist monks, local leaders and representatives of the old Tibetan families. As a result the religious and political leader of Tibetan Bud-

22 http://ec.europa.eu/europeaid/what/worldwide/eidhr/index_en.htm

23 Chris Patten (2001), ‘China’s Candidature for Hosting the Olympic Games in 2008’. Commission Statements in urgency of debates, by External Relations Commissioner in the European Parliament, Plenary Session, Strassburg, SPEECH/01/33–5 July 2001.

24 Giuseppe Corlucci (2008), *Inside Normative Power Europe: Actors and Processes in the European Promotion of Human Rights in China*. College of Europe EU Diplomacy Paper 8/2008.

dhism, the 4th Dalai Lama, fled via the mountains to India where the Tibetan government-in-exile was set up.

Historically and legally the status of Tibet is disputed, The Chinese government has sponsored several books and studies which they claim prove that Tibet has been an integral part of Chinese empires. Other research emphasises the loose linkages between Tibet and China. However, these disputes are misleading. First, the political and legal situation for Tibetans living in the PRC clearly violates basic human rights standards. Without free voting or even independent polling, the open and widespread reverence to the Dalai Lama and his government in exile, even in the face of severe oppression, indicates the strong identification with Tibet and not with the PRC among the local population. Second, the official position of the Tibetan government does not challenge Chinese rule of Tibet but calls for substantial social and religious freedom and autonomy.

Similarly, with regard to the issue of Taiwan's legal and political status, the government of the PRC rejects any international involvement in the conflict between Tibetans, Han-Chinese and the government of the PRC on the grounds of national sovereignty. While the European Union supports the legal status quo – Tibet as a part of the PRC – Tibet is a politically sensitive issue for two main reasons: as a normative power, the EU rhetorically supports the universalism of human rights. The persistent infringement upon basic human rights, the illegal detention of monks and nuns, the oppression of the Tibetan language, the proactive policy of resettling Han-Chinese in Tibetan areas and the active state-control of Buddhist religious practices violate human rights law. Some observers call China's policies in Tibet a 'genocide' and a 'war of cultural annihilation'. Also, the Dalai Lama benefits from an enormous publicity and personal rating in Western society where Buddhist beliefs and practices and traditional perceptions of Tibet as a spiritual Shang-ri La leave little room for a realistic understanding of the brutal feudal society in place before 1950. Politicians in Europe can count on public support if they support the peaceful political course of the Dalai Lama.

Therefore, from a European perspective one of the characteristics of a comprehensive and maturing strategic partnership would be the routine addressing of these contentious issues. However, the PRC leadership reacts strongly to any meetings between leading politicians and the Dalai Lama. Also, meetings between European leaders and the Dalai

Lama are subject to special scrutiny while meetings between the US president and Tibet's religious leader draw less attention from Beijing. Interestingly, these same representatives of the PRC that underline the soft power approach Beijing officially takes in foreign relations and who emphasise the principle of non-intervention in domestic affairs, claim the right to veto meetings between other governments and leaders of their choice.

Taiwan

Tibet easily makes headlines in Europe while the Republic of China itself is less in the focus of public attention. However, the conflict across the Taiwan Straits poses one of the greatest risks for peace in East Asia and has the potential to draw two current nuclear powers, the US and China, and two potential nuclear powers, Taiwan and Japan, to direct military confrontation. But for EU-China relations, Taiwan has been less directly controversial.

The Republic of China was established in 1912. Battling with local warlords, a communist uprising, and Japanese imperialism, the Republic of China never developed strong roots in the mainland. Following the loss of the civil war against the communist People's Liberation Army, the political, economic and military elite of the nationalist movement fled to Taiwan in 1949. Without the Korean War and the US decision to contain communism, Taiwan would have faced an imminent invasion by the PLA. Until 1972 Taiwan held the Chinese seat in the United Nations. However the Ping-pong diplomacy led to US-PRC rapprochement in 1973, which resulted in more and more states in the world turning to the PRC, who until today requires the acceptance of the One-China-Policy stating that Taiwan is part of the Chinese state as a prerequisite for any substantial relations with the PRC. Thus, a status quo has emerged in which the democratic market economy in Taiwan has lost its global quest for support against the PRC. As the EU follows the One-China-policy as reiterated in joint communiqués and other official statements²⁵ the issue of the legal status of Taiwan falls to the wayside. European concerns centre around issues of peaceful relations between the PRC and Taiwan and the sometimes delicate balancing of business

25 See for example Council of the European Union (2007), *10th EU-China Summit, Beijing, 28 November 2007, Joint Statement*. Brussels, 28 November 2007, 16070/07 (Press 279), p. 4.

interests on Taiwan with interests on the Chinese mainland. Occasional ruptures between the PRC and European states in the 1980s and 1990s as a result of the export of military equipment from Europe to Taiwan have been overcome.

Climate Change

The partnership between the EU and China in the area of climate change and environmental protection is intended to take a strategic view of the shared climate change objectives, and to provide an overview of the bilateral cooperation activities that contribute to these objectives. Some of the key objectives of the EU-China Partnership include: the strengthening of the current dialogue on climate change policies and an exchange of views on key issues in the climate change negotiations; a significant improvement in the energy intensity of our economies through cooperation; the development and demonstration, both in China and the EU, of advanced, near-zero emissions coal technology through carbon capture and storage; the strengthening of co-operation on the adaptation to the impacts of climate change; and the enhancement of cooperation in capacity building and strengthening institutions. There are a number of important policy areas that are of key focus between the EU and China which include: Energy efficiency and energy conservation; New and renewable energy; Impacts of and adaptation to climate change; and Capacity building, strengthening institutions and raising public awareness.

Proliferation

Following the events of 9/11, the EU and China recognised the need to focus on developing more solid dialogues on the fight against terrorism and the proliferation of weapons of mass destruction. Aside from the European Security Strategy, which was issued in 2003, the Council of the European Union issued another paper entitled 'EU Strategy against the Proliferation of Weapons of Mass Destruction'. The aim of this policy paper was to highlight the challenges that faced the EU as well as to develop a multilateral response to those challenges²⁶. China also issued its first white paper dealing with non-proliferation which focused on developing its position on non-proliferation. On December 2004 a joint

26 "EU Strategy against Proliferation of Weapons of Mass Destruction", www.trade.ec.europa.eu/doclib/docs/2004/august/tradoc_118532.en03.pdf

declaration was issued on non-proliferation and arms control which aimed to develop a strategic partnership. The EU and China both favour a diplomatic solution to the problem of Iran's nuclear programme. China want to push the policy of safeguarding the non-proliferation regime and maintaining peace and stability in the Middle East, whereas the EU sees it as important that the nuclear issue be solved so that the international community has objective guarantees of the nature of the nuclear programme of Iran. The Iranian nuclear issue, it was acknowledged, should be solved peacefully through diplomatic channels. This close coordination between the EU and China indicates that they regard each other as important partners in international cooperation for peace and security. In the development of this strategic partnership China has taken greater steps in adapting and adjusting itself according to the principles and norms widely accepted in the international society.²⁷

The Arms Embargo

In response to the 1989 Tiananmen massacre the EU, like the US, imposed an arms embargo on China. Ever since, China has sought the lifting of the embargo – both because of the lifting would symbolize the normalization of relations and because it might facilitate European arms imports to facilitate the modernization of the PLA as well as a more general easing of restrictions on high technology imports from Europe (given the often blurred boundary between military and civilian technology). In 2004, under Franco-German pressure, the EU agreed to work towards lifting the arms embargo, driven in significant part by the hopes of commercial benefits. The US, however, strongly opposed the possible shift in the European position, with some critics warning of the possibility of the US facing a European-armed China in a future Taiwan conflict. The EU backed down in the face of US pressure, postponing the lifting of the arms embargo and specifically arguing that it will only lift the embargo if China ratifies the International Covenant on Civil and Political Rights.²⁸ The issue was moved off the immediate agenda, but may become entwined with the PCA negotiations for reasons including: China may be reluctant to conclude a PCA without the lifting of the embargo; the EU may be reluctant to lift the embargo without some

27 Jing Men (2008), 'EU-China Relations: From Engagement to Marriage' EU Diplomacy Papers July 2008.

28 Charles Grant/Katinka Barysch (2006), *Can Europe and China Shape a New World Order?* London: Centre for European Reform.

form of *qui pro quo* from China or if the US continues to oppose such a step. Even if the EU lifts the embargo it is likely to maintain some form of constraints of arms (and related high technology) exports to China, but the substance of these (and possible parallel common EU-US measures) is likely to be contentious. Underlying this is the larger political question of whether and to what extent the EU should sell armaments to China at all.

5 Conclusions: The EU and China in a Changing Global Order

The development of relations between the European Union and China over the last three decades can in many ways be viewed as a success story. From a relatively low base, economic relations have expanded dramatically: the EU and China are now amongst each others leading trading partners, with Europe being a significant investor in China and Chinese investment in Europe beginning to grow. The EU-Chinese relationship is also now quite deeply institutionalised, with diplomatic, functional and non-governmental ties at many levels and covering many issues. Brussels and Beijing are also attempting to develop joint approaches to addressing major global problems such as climate change and WMD proliferation, both bilaterally and in the context of wider multilateral frameworks such as the UN.

The successes of the first 30 years of EU-China relations have come relatively easily. A major expansion of economic relations was always likely once China re-joined the global capitalist economy, has been a direct product of China's phenomenal economic growth and was significantly facilitated by the larger process of globalisation. Geographic distance, Europe's relatively limited role in Asia, (following the withdrawal of the European imperial powers) and China's negligible role in Europe meant that, in contrast to the Sino-US relationship, neither partner felt significantly threatened by the other, and any potential bilateral disputes were limited.

As this paper has illustrated, however, EU-China relations also remain characterised by significant tensions and disputes which have intensified in the last few years. The argument here is that these tensions and disputes are not simply a set of differences over particular issues but rather they reflect the continuing *systemic* differences between the EU and China. The European Union is a group of liberal democratic capitalist states engaged in a unique exercise in institutionalised cooperation

and integration. Despite the dramatic changes it has undergone since the late 1970s, China remains a one-party communist state with a hybrid capitalist/state-run economy. At the political level, there remains a fundamental value gap between the EU and China: between a liberal view of democracy, human rights and economic freedom and the authoritarian perspective of the CCP Socialism with Chinese Characteristics. Similarly, although the economic disputes between the EU and China are in part the product of divergent material interests, they are also a product of systemic differences: European arguments for the protection of IPR, access to the Chinese markets and the development of property rights within China reflect basic assumptions of economic liberalism; Chinese opposition to European positions reflects a view that markets are a means to an end, rather than a fundamental organising principle. At the international level, divergent positions over human rights, such as those in Tibet and crises such as those in Darfur and Zimbabwe, reflect the distance between the European view that national sovereignty is no longer absolute and the continuing Chinese defence of the sanctity of sovereignty.

Thus, while both the EU and China are important actors in global standard and rule setting, they are operating from mutually exclusive expectations. For example, the EU argues that its policy of constructive engagement is designed to help integrate China into the global community by improving the rule of law and democracy. The Chinese government agrees on the need to establish the rule of law and democracy in China. However, the official definitions used by the CCP leadership and the EU differ significantly. A full incorporation of standard parts of the rule of law would require that the CCP fall under the authority of the judiciary which in turn would have to be made independent of direct and official CCP control. Both ideas not only contradict the PRC Constitution and the CCP Constitution, they are clearly not on the agenda of a leadership which relies on the *nomenklatura*- and cadre-system to rule the country. Accomplishing the EU's underlying objective in this area would therefore require fundamental change in the nature of the Chinese regime.

The Chinese perspective on, and priorities for, the relationship are quite different. Beijing wants to keep economic ties open, while ensuring that Europe does not cross Chinese red lines on human rights, Tibet and Taiwan. Crossing these red lines bears the risk of Chinese retaliation, usually in form of the cancellation of summits and trade deals. The PRC has proved rather successful in limiting EU policies in certain areas by

using a combination of propaganda, blackmail and control of trade and investment. In addition, the Chinese leadership openly perceives the EU as a partner in moving towards a multi-polar world, implicitly in part therefore as an ally – or at least counterweight – against the United States. While some European governments are sympathetic to this view, the balance of European opinion continues to stress the centrality of the US-European partnership and rejects the idea of being used as a counterweight against American influence.

It is hard to imagine that these games of “who’s changing whom?”²⁹ could be solved within the context of the proposed PCA. Indeed, the successful conclusion of the PCA negotiations will require significant compromises on both sides. Whether or not a PCA is concluded, EU-Chinese relations are likely to remain characterised by an uneasy mix of substantial and growing economic ties, attempts to give substance to the current institutionalised partnership, and continued significant differences and disputes. But this does not necessarily mean relations between the two major regions in the world have to turn sour. So far, the broadening of relations and the increased integration of non-governmental actors has offered enough stimuli to advance. Finally, the current financial and economic crisis has tested the strategic partnership which has worked surprisingly well so far. Most analysts assume that China will come out of this crisis less affected than the US and Europe.³⁰ While these forecasts seem somewhat courageous, clearly the rules of global politics and economics are currently being rewritten. With China and the EU being an integral part of any new form of global or at least inter-regional governance, chances are good the two partners will have little choice but to live up to their strategic partnership.

Relations with China pose major political questions for Europe, in particular over how best to handle economic disputes on the one hand and the key political-security issues of human rights, Tibet, Taiwan and the arms embargo on the other. To date, European policy on these issues has often been made on an ad hoc basis, with particular national leaders advancing individual positions. This has allowed China to play the game of ‘divide and rule’ with Europe. If the EU wants to hold greater

29 See Andrew Cottey/Joern-Carsten Gottwald (2008), ‘The European Union and China: Who’s Changing Whom?’, in *Social Europe Journal*, 3/2008, pp. 149–153.

30 See Ikenberry, John G. (2008), ‘The Rise of China and the Future of the West. Can the Liberal System Survive?’ in *Foreign Affairs*, January/February 2008.

sway with China, it needs a more coherent and consistent long-term policy. China's remarkable rise has given the country a more prominent place in Europe's collective consciousness than ever before. The time is surely right for a wider European political and public debate on how to respond to the rising superpower in the east.

II. EU-China Partnership and Cooperation Agreement

Christa Wichterich

At the 9th EU–China Summit in September 2006 in Helsinki, the two sides decided to embark upon negotiations on a bilateral *Partnership and Cooperation Agreement* (PCA). In June 2007 the EU–China Joint Committee agreed on the terms of reference for the PCA. Held in secrecy, the negotiations of a PCA are reported to be still at an early stage, and proceeding slowly. Neither in the EU nor in China the public is informed in a substantial way.

For China, the PCA indicates its re-emergence as economic and political power. As a framework agreement the PCA will bring together the results of the ongoing policy dialogues, should encompass the full scope of bilateral relations, an enhanced co-operation in political and cultural matters, broader social and environmental policy aims, and foster cooperation on global issues. However, the centre piece of the agreement will be trade and investment related issues and regulations which should replace the *Trade and Economic Cooperation Agreement (TECA)* from 1985 which presently still is the binding legal framework for trade relations.¹

From an EU perspective the PCA is a key component in the enforcement of its new trade strategy *Global Europe: Competing in the World*. Launched in October 2006 when the WTO negotiations had run into a stalemate, this strategy aims to ensure the competitiveness of European business with the help of a new generation of bilateral free trade and economic partnership agreements. They target large but still protected markets like India, Russia, ASEAN and Mercosur, will go beyond WTO obligations and reach out to “new areas of growth” such as services, investment, competition, government procurement and intellectual property rights. The strategy forges a competition paradigm which subordinates

1 A Joint Committee was established at ministerial level which meets annually. It met in September 2008 in Beijing for the 23rd time.

and redefines the development agenda. China tops the list of strategic partners of the EU.²

China had already earlier embarked on “exploring the route” of bilateral and regional free trade agreements (FTAs).³ The PCA with the EU however, is from a Chinese perspective only an update and upgrade of the TECA from 1985 which granted China – at that time still a full fledged planned economy – the “most-favoured nation” status, meaning: treating it like other trade partners in multilateral agreements. Currently, China seems not to be interested in an agreement about “ambitious” liberalization whereas the EU wishes to go beyond the TECA aiming at the above mentioned broader agenda of requests and rules, and at an ambitious level of liberalization which ensures deep integration.

The EU’s expectations that the PCA must create a levelled playing field with the help of a strong rule-of-law-based regime are determined by the assumption that China’s economy has not yet reached market status, its economic policies are protectionist and “nationalistic”, and due to its incompliance with rules and standards China is an “unfair” competitor in the world economy.

During 2007, the tone of communication from EU side changed considerably. The growing trade deficit, less EU-investment, abuse of intellectual property rights in China, and lack of product safety from toys to toothpaste led to a more confrontational stance – similar to the US. The European Commission calculated that European business loses an estimated EURO 55 million per day in trade opportunities because China maintains investment and ownership caps in many sectors such as bank-

- 2 The EU wants to base the new PCA with China on two EU documents published in October 2006: “EU-China: Closer partners, growing responsibilities” and the accompanying policy paper on EU-China trade and investment: “Competition and Partnership”. China published only a single policy paper on its relations with the EU back in 2003. (Ministry of Foreign Affairs, 2003).
- 3 As a “prelude to China’s FTA campaign” at the end of 2004, China and ASEAN signed a letter of intention to form a free trade area within ten years. Presently, nine treaties are under negotiation, involving 27 countries and regions including Chile, Pakistan, Australia, South Africa, the Gulf states etc. Additionally, China is interested in trade agreements with Russia and North Korea. Zhang, Bin (2006), *Bilateral aspirations*, in *D+C*, Vol. 33, No. 11, pp. 422–424; EU-China Trade SIA (2007), *Inception Report*, Brussels/Beijing, 15 (<http://www.euchina-sia.com/media/docs/SIA.Inception.pdf>).

ing, construction and telecommunications. This latest China bashing by EU policies is contested by some think tanks and research institutions in the EU as irrational, ineffective and protectionist policy approach.⁴

On Chinese initiative, the 10th China–EU Summit in 2007 decided to establish a *High Level Economic and Trade Mechanism* as a policy dialogue which should aim at rebalancing trade relations and overcoming the tensions.⁵ This mechanism at vice premier level was launched in April 2008 in Beijing, and indicates the political will on both sides to dialogue about controversial issues.

A structural problem of policy making in the EU is entailed in the fact that the responsibility for trade policies lies solely with the EU Commission while foreign policies in general needs a complicated process of harmonization and tuning of the member states within the EU Council. Often enough, China finds it difficult to relate to the EU because it does not perform as a coherent actor who would encompass the foreign relations of its member states, formulate common positions and implement a common foreign and security policy. This difference between EU trade and foreign policies is of significance for coherent policy design in general, for the EU-China PCA as a complex framework document in particular, and additionally for a potential involvement of Civil Society in policy making.

Civil Society involvement

In their joint statements from the EU-China summits 2006 and 2007, leaders “recognized the importance of a healthy and developing Civil Society for the sustainability of the reform process both in the EU and China.” Additionally, in 2007 they welcomed Civil Society dialogues and joint statements of round tables. The claim to involve Civil Society organisations, to support Chinese CSOs and grassroot action in order to advance ownership of reforms, and to foster links between CSOs on both

- 4 Messerlin, Patrick/Wang Jinghui (2008), Redesigning the European Union’s trade policy strategy towards China, Joint ECIPE-GEM Working Paper, No 04/2008, Belke, Ansgar/Spies, Julia, Die Aussenhandelspolitik der EU gegenüber China – “China-Bashing” ist keine rationale Basis für Politik, Universität Hohenheim, Hohenheimer Diskussionsbeiträge No 280 – 2007.
- 5 Hilpert, Hanns Günther (2008), The EU’s Strategic Economic Dialogue with China, SWP, Berlin.

sides and people-to-people exchanges had already been systematically incorporated into the EU policy paper from 2003 *A maturing partnership – shared interests and challenges in EU-China relations*.⁶

The discourses on Civil Society in political sciences, democracy theories and social movements in the West are informed by definitions of Antonio Gramsci and Jürgen Habermas who analysed Civil Society as the contested public space between state/party politics, market and the family⁷. Different from this, the EU published a broader definition of Civil Society which includes from the beginning business associations and private companies. In discourses of political and social scientists in China, Civil Society is the “third sector” between government and enterprises characterised as civil (non-state), non-profit (non-market), independent and voluntary⁸. The following chapter explores chances and challenges of Civil Society involvement in EU-China

‘Civil society organisation’... can be used as shorthand to refer to a range of organisations which include: the labour-market players (i. e. trade unions and employers federations – the „social partners“); organisations representing social and economic players, which are not social partners in the strict sense of the term (for instance, consumer organisations); NGOs (non-governmental organisations), which bring people together in a common cause, such as environmental organisations, human rights organisations, charitable organisations, educational and training organisations, etc.; CBOs (community-based organisations), i. e. organisations set up within society at grassroots level which pursue member-oriented objectives, e. g. youth organisations, family associations and all organisations through which citizens participate in local and municipal life; and religious communities.

EU (COM(2002)704)

- 6 European Commission (2003), Policy Paper for Transmission to the Council and the European Parliament: *A maturing partnership – shared interests and challenges in EU–China relations*, Brussels, 10 September 2003, COM(2002), 533 final
- 7 Based on this definition CIVICUS, an international NGO and “World Alliance for Citizen Participation” developed a Civil Society index and a global survey of civil societies.
- 8 Yu Keping (2003), *The Emerging of China’s Civil Society and its Significance for Governance*, Focus Asien No 11, Asienhaus Essen, 11–34; for the current situation of CSOs in China see: Gadsden, Amy: *Earthquake Rocks China’s Civil Society*, in *Far Eastern Economic Review*, June 6 2008, <http://www.feer.com/essays/2008/june/earthquake-rocks-chinas-civil-society>; Berthold Kuhn *Zivilgesellschaft: Beschränkte Freiheit*, in *umwelt aktuell*, 8.9.2008, www.oekom.de/zeitschriften/umwelt/aktuell/

policy making, in particular of NGOs, for two political processes, the Trade Sustainability Impact Assessment and the EU-China-Africa-Trialogue.

Already back in 1998, the European Commission committed itself to dialogue with Civil Society organisations in public consultations on trade related policies and to involve them. In order to “find out about concerns”, “listen to opinions and expertise”, and “take into account the views of interested parties” it institutionalised *Civil Society dialogues* between the EU Commission and Civil Society organisations on its trade policies. The dialogues on trade and social values – called “responsive policy” – have four key objectives: a) to consult widely, b) to address Civil Society concerns on trade policy, c) to improve EU trade policy making, and d) to improve transparency. Civil society representatives should include non-governmental organisations, trade unions, business and professional associations, research institutes and faith-based organisations.

Additionally, the EU decided to carry out *Sustainability Impact Assessments* (SIA) of its multilateral, regional and bilateral trade policies. The reports by independent consulting firms are subject to discussion and open an opportunity to Civil Society to give a feedback to agreements under negotiation. A methodology to assess the economic, social and environmental sustainability of trade agreements was developed by the University of Manchester (IDPM).

NGOs welcomed SIAs as an innovative proactive tool and hoped for enhanced accountability of the EU towards sustainable development, policy coherence and more transparency in trade policy making. The assumption was that the findings of the SIA – presented to the public during the negotiation process – should influence negotiation positions of the EU and the final agreement in favour of economic, social and environmental sustainability. According to the SIA methodology, “flanking measures” should be adopted in case the SIA finds a negative impact of trade liberalisation which outgrows the positive effects.

In 2002 however, 30 organisations and networks stated a lack of policy impact of the SIAs and growing concerns that “the SIA tool is but a cosmetic exercise to defend EU trade positions rather than a real attempt to formulate sustainable trade policies and mitigate the negative impacts

of trade agreements”⁹. They pointed at poor timing, neglect of gender issues, inadequate coordination with negotiators and limited stakeholder input into SIAs. The NGOs shared the view that flanking measures are not adequate to address or balance the adverse effects of trade liberalisation. While EU consultants pointed at methodological problems in identifying and integrating social and gender indicators into the SIAs, the NGOs involved tried to influence the process on a political as well as on a technical level.¹⁰

They contested the general assumption that trade is a tool for sustainable development, and focused the inconsistency between EU trade policies and EU development objectives such as poverty eradication, equal allocation of resources, enforcement of human rights, and gender equity. WIDE (Women in Development Europe) proposed the adoption of an alternative conceptual framework which lays emphasis on the impact on people’s livelihood by a gender specific analysis of a) assets at people’s disposal, b) access to services and goods, c) institutions and social structures that facilitate the transfer of assets to people.

When the EU published the draft of a handbook for SIAs in 2005, NGOs regretted that many of their concerns raised earlier were not incorporated into the handbook and the envisaged improvement of the methodology. They asked e. g. for geographical and community representation, and for insights into the “reality of the market” including an analysis of dominant corporations, and the effective winners and losers of trade liberalisation in certain sectors.

In the case of the TSIA of the *Economic Partnership Agreement* between the EU and African, Caribbean and Pacific countries, NGOs the crucial concern was about ownership of the TSIA and its effective influence on policy making. NGOs criticised that the Commission predetermined the scenarios to be evaluated as much as the general assumption of the TSIA that increased trade liberalisation is always welfare enhancing. While the TSIA put emphasis upon the necessary adjustment on the part of the least developed countries it does not address the necessary change of its own “damaging trade distorting policies”. In NGO perception, the TSIA

9 http://www.sia/acp.org/gcc/download/changing_the_balance_of_trade.pdf

10 Karadenizli, Maria (2003), SIAs, EU trade policies and the gender analysis, WIDE, Brussels.

process lost its credibility and is predominantly a greenwash and public relation exercise.¹¹

Civil Society and the EU-China TSIA

Prior to the launching of the PCA, in May 2006, Trade Unit G3 of the EU conducted a public consultation. It received 102 contributions of interested parties, among them 58 from business associations and industry federations, 21 from private companies vis-a-vis 9 from NGOs, and 2 from trade unions only. Accordingly, most of the concerns raised centred around the barriers faced by EU firms and investors when accessing the Chinese market, and China “not playing to the rules” e. g. with regard to Intellectual Property Rights, counterfeiting and technology transfers. The inputs made by NGOs and trade unions highlighted environmental issues, climate change, animal welfare, industrialised agriculture and labour rights.¹²

Additionally in July 2006, “business leaders and operators from the EU’s 10 most important sectors” got a chance to present their perspectives at a conference on “EU-China Trade and Investment Relations: Changes, Challenges and Choices” which was opened by Trade Commissioner Peter Mandelson. A *Study on the Future Opportunities and Challenges in EU–China Trade and Investment Relations 2006–2010*, called the ‘Competitiveness Study’, includes many “voices from the industry” – none from workers or trade unions – and thereby points at the ownership.¹³

The main mechanism for Civil Society involvement during the negotiations was the discussion of the draft report of the *Trade Sustainability Impact Assessment* (TSIA) commissioned by the EU to a consortium of consulting firms¹⁴. The inception report announced that it was planned to not only consult stakeholder groups but to create a stakeholder network whose feedback and suggestions should be incorporated in the TSIA.¹⁵

- 11 Dearden, Stephen, A Critique of the Pacific EPA Sustainability Impact Assessment, <http://e-space.mmu.ac.uk/e-space/bitstream/2173/1877/2/dearden%2033.pdf>
- 12 European Commission, Summary of the Results of the Public Consultation on the China Communication, Brussels 7. Sept. 2006.
- 13 http://ec.europa.eu/trade/issues/bilateral/countries/china/legis/index_en.htm
- 14 Development Solutions and Emerging Markets Group
- 15 EU-China Trade SIA (Sustainability Impact Assessment) (2007), Inception Report, Brussels/Beijing (<http://www.euchina-sia.com/media/docs/SIA.Inception.pdf>).

The methodology and approach of the TSIA¹⁶ clearly adopts the perspective and the interests of the EU in a PCA with China. The main result of the global quantitative analysis¹⁷ is – similar to other TSIA's: the more liberalisation in China the more welfare gains. Growth in export, productivity and unskilled employment is expected. EU exporters and terms of trade will benefit particularly in case China would combine growing trade with appreciating its currency. The social impact in China is depicted in causal chains of growing productivity, employment and welfare gains. While increase in skilled labour implies a rise of wages, increase of unskilled labour implies a likelihood of poor labour conditions and exploitation. The results of the sector modelling – machinery, environmental goods and services, financial services, chemicals, agriculture – are not that positive: Declining production and increased competition due to EU investment and imports will reduce the workforce, and undermine food self-sufficiency, earlier a pillar of Chinese policies.

Environmental effects of the PCA will be mixed in terms of air and water pollution, land use, soil erosion, desertification, solid wastes and energy. Import of goods and technology from the EU to China are supposed to replace environmentally harmful practices, reduce ecological problems, and make for economic benefits in Europe. Accordingly, the policy recommendations of the TSIA stress the present precarious situation of China's environment. Within intellectual property rights, improvement of patent and copyright regimes is recommended, and within government procurement, provision of social security nets, and the adoption of the concept of environmental stewardship are emphasised.

The open invitation “Have your say!” for a Civil Society dialogue on the Global Analysis Report of the EU-China Trade SIA promised that this would “provide the opportunity for all stakeholders – both in China and Europe – to feed directly into the PCA negotiations, by asking which issues are most important to you...This will play an important role in

16 Trade Sustainable Impact Assessment of the Negotiations of a Partnership and cooperation Agreement between the EU and China. Final Report, http://www.euchina-sia.com/media/docs/reports/Phase%203/Phase_3_Final_Report_1_August_2008.pdf

17 The centre piece of the TSIA is economic modelling using the Globe CGE and PE Model with an ambitious and a modest liberalisation scenario for five sector case studies (machinery, environmental good and services, financial services, chemicals, agriculture) and two horizontal issues, government procurement and intellectual property rights.

formulating the policy and practical measures to reduce any negative impacts that result from trade liberalisation and enhance the positive impacts.” The authors of the TSIA report announced that they would revise the draft version incorporating the feedback from the stakeholders.

The draft TSIA was discussed in Civil Society dialogues, three 1 ½-hour meetings in Brussels and two workshops in Beijing. A DG Trade representative made the point that the results of the TSIA “are shared publically to allow negotiations, Civil Society, and Chinese Stakeholders to weigh the various impacts themselves.”¹⁸ Stakeholders were invited to give a feedback to the draft but timing was always extremely tight. In the Brussels meetings, around twenty representatives of industry associations and chambers of commerce participated, but hardly any representative from the NGO, CBO and trade unionist sector participated. At the well attended Beijing stakeholder workshops, a broad range of representatives from the Chinese government, research institutes and universities, private companies and industries, press, and international organisations based in Beijing were present. In particular Chinese scholars used the workshop as a platform to fiercely criticise the bias of the report against China and Chinese business. A number of concerns were raised about environmental pollution and environmental standards, energy efficiency and GHG emissions. Not a single social issue was raised.¹⁹

This gives evidence to conclude that Civil Society dialogues around the EU-China TSIA are clearly dominated by actors from the private sector, mainly business associations, and their claim of ownership. At the same time, in Brussels there was a striking absence of NGOs, CBOs, trade unionist and social welfare organisations, and in China of NGOs as well as the mass organisations ACFTU and ACWF. When a random sample of NGOs and trade related networks in the EU was asked why they did not get involved they gave the following reasons in the order: a) lack of capacities, b) short notice, tight dead lines for responses, c) 1 ½ hours meeting not worth travelling to Brussels, d) SIA process lost credibili-

18 Meeting minutes: http://www.euchina-sia.com/media/docs/4_Civil_Society_Meeting_minutes.pdf

19 http://www.euchina-sia.com/media/docs/reports/Feb_2008_beijing/20_02_2008_Beijing_Stakeholder_WS_minutes.pdf

ty.²⁰ Accordingly economic issues dominated the Civil Society dialogues, some environmental concerns were raised but no social issues, meaning the interconnected concept of sustainability is reduced to a large extent to the economic effects of trade. The SIA process missed the objective to involve large sections of Civil Society. While the concerns by stakeholders from the European private sector are to a large extent in convergence with the TSIA, evidently the participation of Civil Society organisations in a narrow sense, in particular NGOs, did not result in a substantial impact on EU-China trade negotiations and policy making.

The resolution by the the European Parliament on *Trade and Economic Relations with China* mentions the 8. Annual Report “European Business in China Position Paper 2008/2009” of the European Union Chamber of Commerce in China but does not refer at all to the TSIA or the Civil Society involvement in the process. However, it “believes that democracy requires an effective Civil Society, which is in turn strengthened by trade and economic relations with the European Union; therefore believes that “change through trade” is a way to aid China’s transformation towards being an open and democratic society benefiting all sections of society”.²¹

EU-China-Africa Triangle Relations

Ever since China expended its economic cooperation and investment in African countries this has been a challenge to both, EU development and trade policies²². At the *Forum on China–Africa Cooperation* (FOCAC) held in Beijing in 2006, a “new type of strategic partnership” and new modes of “South-South cooperation” were launched. China’s President Hu Jintao announced for the period until 2009 a doubling of Beijing’s development aid to African countries, US\$ 5 billion in concessional loans, and a US\$ 5 billion fund to support Chinese investments in Africa. Simultaneously, business people signed a flurry of trade deals worth US\$ 2 billion. This new partnership would be based on “political equal-

20 In September 2008, the author asked around ten NGOs and networks based in the EU via e-mail.

21 The resolution was adopted on February 5th 2009 <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0053+0+DOC+XML+VO//EN>, see a comment by Klaus Heidel http://eu-china.net/web/cms/front_content.php?idcat=5&idart=1116.

22 Bernt Berger, China outwits the EU in Africa, in *Asia times*, Dec 13, 2007 <http://www.atimes.com/atimes/China/IL13Ad01.html>

ity and mutual trust” and a “win-win economic cooperation” with “no strings attached”, meaning it will not include any human rights or good governance clauses, social or environmental standards. The Beijing Declaration, the final document of the FOCAC, made an explicit counterargument against EU development policies: “The politicisation of human rights and the imposition of human rights conditionalities on economic assistance should be vigorously opposed to as they constitute a violation of human rights”. Extending the overall objective of its internal policies – “harmonious society” – to its foreign relations, the Chinese leadership claims to contribute to a “harmonious world”, to “durable peace and harmonious development” through cooperation with Africa.²³

China’s mounting involvement in Africa has significant repercussions on the EU relations with Africa, and was on the agenda of the 2007 EU-Africa Summit in Lisbon. The EU used this summit to forge its free trade and investment policies as a framework for the “Africa-EU Strategic Partnership”. Civil Society activists from Africa and the EU jointly expressed their opposition to the *Economic Partnership Agreements* and the *Global Europe Strategy*, they demanded a moratorium on agrofuels and freedom of movement for all people.²⁴ Civil Society organisations are supposed to get involved in the implementation and monitoring of the Joint Africa-EU Strategy and the Action Plan 2008–2010.²⁵

As China’s interest in intensified economic cooperation with Africa is driven by its hunger for mineral resources, in particular oil, in order to serve its fast development and its export manufacturing base, the EU perceives China as a strong competitor for access to resource-rich regions in Africa. At the same time, the spread of “western values”, democracy and human rights is undermined by China’s outreach. The Washington Consensus of structural adjustment, trade liberalization and ‘good governance’ finds itself in a fierce competition with the Beijing Consensus of state capitalism and political non-intervention. China as a signatory to the Paris Declaration on Aid Effectiveness cooperates in its

23 Guerrero, Dorothy-Grace/Manji, Firoze (eds.) (2008), *China’s new role in Africa and the South. A search for a new perspective*, Oxford/Nairobi/Bangkok

24 *Towards Peoples Alternatives in Africa and Europe*, www.europafrika.info/docs/pol_comm/lisbon_final_declarationen.pdf

25 <http://europafrika.org/civil/society/>

exclusively project based assistance with governments²⁶ while the EU adopted a model of ownership which is supposed to be based on broad participation of Civil Society.

Repeatedly, the EU criticised China's supportive attitude towards Zimbabwe's President Mugabe and the Sudanese government against UN peacekeeping in Darfur, and maintains its arms embargo on China as long as it provides arms to forces involved in armed conflicts in Africa. In April 2008, the European Parliament adopted a report on "China's policies and its effects in Africa" which accuses China of utilizing the lack of capacities and domestic industries in African countries for a ruthless exploitation of Africa's natural resources. Despite a warning that Europeans should not pretend to be the "better" colonialists and capitalists, the moral overtone of the report is quite hypocritical, based on the fear that the EU will lose its privileged access to resources in Africa, and that China will get access to the EU market through Africa. For example, without mentioning the adverse effect of EU-exports of second-hand clothes on local textile industries in Africa or the devastating impact of cheap agricultural imports from the EU on African agriculture, the report blames China for destroying local industries by a "textile tsunami".²⁷

Contrary to this criticism, African leaders praise China's investors' role in improving infrastructure and stimulating economic growth, and play off Chinese and European investors and donors against each other. Abdoulaye Wade, president of Senegal, stated that "China's approach to our needs is simply better adapted than the slow and sometimes patronising post-colonial approach of European investors, donor organisations and non-governmental organisations" (*Financial Times*, 23 Jan. 2008). China itself is keen to correct its reputation of becoming a neo-colonial power and a reckless exploiter of resources and labour force in Africa. The key question – as phrased by Davies – is whether the "no strings attached"-policy will be beneficial to people in African countries or not is left to the governments in place with a high risk that it will finally "strengthen repressive elites that are not working in the interest of poor people or development at large"²⁸.

26 Davies, Penny (2008), *China and the End of Poverty in Africa – towards mutual benefit?* Diakonia/Eurodad, www.diakonia.se/china

27 http://www.europarl.europa.eu/meetdocs/2004_2009/documents/pr/697/697015/697015en.pdf

28 Davies, Executive Summary 14 f.

As a way out of the fierce competition over resources and political influence on the African continent, DG Development of the EU and the *State Council Leading Group Office of Poverty Alleviation and Development* in China proposed a trialogue between the three parties. The trialogue aims at improving mutual understanding, coordination on security issues in Africa and aid effectiveness in the context of *Millennium Development Goal 8*, establishing a “global partnership for development”.

Civil Society involvement in EU-China-Africa Trialogue

Between April and June 2008 in a public consultation, the EU tried to involve stakeholders from Civil Society in the three regions in the reflection process towards the trilateral relations. The purpose was to gather opinions on the trialogue, the cooperation and on possible joint actions. Out of the 47 responses, 13 came from business organisations and 4 from companies, 10 from research institutes and 8 from NGOs, 32 organisations and 15 individuals responded, 28 Europeans, 14 Africans and 3 Chinese nationals.²⁹

While Chinese Civil Society is not aware of Chinese government cooperation with African countries, African Civil Society representatives feel that Sino-African cooperation is mostly benefiting the African elite, and Civil Society has only a small role to play. A large majority of responses were positive about trilateral cooperation while EU business organisations preferred to postpone it out of fear for unfair Chinese competition. African respondents wanted the trialogue to prioritise sustainable management of natural resources, infrastructure and peace, European respondents preferred to start the cooperation on resource management and good governance. The Chinese respondents considered cultural dialogue and education the best kick off for the cooperation. In particular with regard to infrastructure it was mentioned that cooperation should address African needs not only EU or Chinese interests. Only 3 responses favoured cooperation on poverty reduction strategies.

China’s competitive advantage is seen in infrastructure and education, and Chinese activities are appreciated by Africans as highly efficient and

29 European Commission, Report on the Public Consultation on the Communication of the European Commission on “The EU, Africa and China: Towards Trilateral Dialogue and Cooperation on Peace, Stability and Sustainable Development”, Brussels, 4 July 2008.

adapting to the needs of developing countries. They welcome the Chinese non-conditionality approach as alternative to western aid and as an option to choose between different types of development aid. Some find the concept of non-conditionality difficult in countries where human rights violations are obvious. European respondents consider China's policies as a barrier to trilateral cooperation because they don't comply with international agreements and standards. Major European competitive advantage is lying in governance, peace and security. African countries' major interest is to benefit from the complementary elements of China and the EU. They want a win-win-partnership: business and foreign direct investment should benefit people not just politicians. They appreciate China as development partner due to its own development experience and its non-colonial past.

Main actors for strategy building and implementation of trilateral cooperation are supposed to be the Chinese government, the European Commission and the African Union. While African respondents mistrust African governments and would like to see a bigger business component in the cooperation, moving away from a purely development oriented approach, European respondents tend to include CSOs as strategy builders. The notion of CSOs is used here in the narrow sense of NGOs, CBOs, think tanks, research institutes and foundations.³⁰

However, in convergence with the composition of the respondents – majority coming from the private sector – NGOs are perceived as a marginal actor in a potential EU-China-Africa-cooperation. It was observed that European business networks coordinated their answers and sometimes used the same wording. As currently EU and African NGOs play a prominent role in development cooperation, less importance given to NGO involvement in future cooperation indicates a preference given to trade and investment relations over development cooperation.

The consultations were meant to be fed into a Communication by the EU Commission entitled "The EU, Africa and China: Towards trilateral dialogue and cooperation". This Communication puts emphasis on trilateral co-operation in a flexible and pragmatic way in the areas of peace and security in Africa, infrastructure, sustainable management of

30 The report makes the distinction: Government, private sector, Civil Society, regional political or economic entity (African Union, EU).

the environment and natural resources, agriculture and food security³¹. The objective of this result-oriented strategy is to enhance the “shared responsibility for global governance and development” and to improve aid effectiveness in the spirit of the Paris Declaration by avoiding duplication, ensuring closer cooperation in concrete projects, and exchanging experiences. There is no mention of Civil Society made in the paper.

Participation without Influence?

Most of the EU-China sectoral dialogues and round tables are organised as high level expert meetings. There are no mechanisms established to involve NGOs and trade unions in round tables of administration, business or academia e. g. in the *EU-China Round Table on Financial Services and Regulation*, *EU-China Round Table on the Revision of the Patent Law*, the five *EU-China Think Tank Round Tables*, or the two *EU-China Round Tables on Social Security*. In the framework of the *EU-China Human Rights Dialogue*, seminars are organised for academics and NGOs from both sides.

The EU-China Summit in Helsinki 2006 decided to set up a *Civil Society Round Table* which meets twice per year since. It was constituted in June 2007 in Beijing and renamed for unknown reasons into *EU-China Roundtable*.³² The EU is represented by 15 members of the *European Economic and Social Committee* (EESC) and China by 15 members of the *China Economic and Social Council* (CESC). The EESC has 344 members divided into three groups: employers, trade unions and “various interests” drawn from farmers’ organisations, small business, the craft sector, consumer and environmental organisations, the academic community, family-related associations, people with disabilities and other NGOs. It claims to represent European Civil Society – in the broader sense –, acts as an advisory body to the EU Commission, the parliament and the Council of Ministers and considers itself a “bridge for organised Civil Society”.³³

31 http://ec.europa.eu/development/icenter/repository/COMM_PDF_COM_2008_0654_F_COMMUNICATION_en.pdf

32 http://eesc.europa.eu/sections/rex/asia/china/index_en.asp?id=6140rexen

33 http://bookshop.eu.int/eubookshop/download.action?fileName=QE7807276DEC_002.pdf&eubphfUid=572418&catalogNbr=QE-78-07-276-BG-C

The purpose of the round table is to build understanding at Civil Society level and to contribute to multilevel governance. The first issues discussed were climate change, energy and forest policy and corporate social responsibility. Jonathan Peel, an EESC member and round table participant, explained the aim of the round table as “getting the messages at local levels where organised Civil Society can be most effective tackle the problems from the bottom up”.³⁴

The exchange of views is often frank and useful at the Round Tables and sensitive issues are discussed in a non-confrontational way, e. g. the *Think Tank Round Table* in 2005 discussed different value systems, the difference in attitudes towards authority and stability, or levels of democracy in China. However, the crucial question remains whether policy recommendations resulting from the Round Tables influence policy making at the end of the day. This question is most critical in case of NGOs who want to raise their concerns and influence political decision makers like lobbyists from the corporate sector do.³⁵ Their political engagement aims at representation of specific concerns, secondly at recognition as political stakeholders and citizens, and thirdly at redistribution of resources and wealth. Therefore they are keen to get mechanisms established which ensure participation and open up opportunities for intervention. Those mechanisms are indicators for a vivid, dynamic and transparent democracy.

34 <http://eesc.europa.eu/groups-newsroom-members-forum/Jonathan-Peel-China-eu.doc>

35 A study on NGO influence on the negotiations of the Economic Partnership Agreements with APC countries and of TRIPS answers in the negative. Dür, Andreas/Bièvre, Dirk de (2007) Inclusion without Influence? NGOs in European Trade Policy, in *Journal of Public Policy*, Vol. 27, No. 1, pp. 79–101.

III. China viewed from the European Civil Society perspective

Nora Sausmikat

1 Introduction

The participation of Civil Society Organizations (CSO)¹ in public consultations on certain EU-China related issues is regarded as very important by the EU-bodies, as we have learned from the previous chapters. But what do these organizations think about China or the EU-China relationship? What kinds of relations exist between the individual EU member states organizations and the Chinese organizations? Why do they deal with China at all? How do they cooperate with Chinese Civil Society Organizations, and what are the future perspectives in cooperating with Chinese organizations or state institutions?

During 2008, China hosted the Olympic Games and stood in the lime-light of the whole world. Before and during the Olympic Games, human rights and environmental issues were very much at the forefront of the international public media. Following the protests in Tibet, the Chinese government relapsed into old Cultural Revolutionary rhetoric and behavioral patterns which did not match their self-proclaimed openness and cosmopolitanism. At the same time, a wider range of Western media demonstrated a very biased picture of China and manipulated the news. Analysis and complex information on the country were set aside in favor of a simplified and dichotomized image of China.

This demonstration of a world-wide battle, on the prerogative of interpretation over the real situation in China, and China's position in the world, revealed a great degree of disorientation on how to deal with China. Old prejudices and stereotyped images of China were revived and transported own national fears and insecurities in various ways. Problems caused by economic downturn and globalization processes, social

1 In this chapter, I will follow the definitions given in box 3-1, with special emphasis on the difference between CSOs and NGOs for the non-Chinese context and the Chinese context. When speaking about both countries, the term "Civil Society Organization" is applied.

crisis and environmental degeneration, fostered a climate of polarization between the world powers.

Box 3–1

NGOs, Civil Society Organizations and the Third Sector

„Civil Society Organizations – also known as non-governmental organizations – are critical actors in the advancement of universal values around human rights, the environment, labor standards and anti-corruption. As global market integration has advanced, their role has gained particular importance in aligning economic activities with social and environmental priorities.“ (UN-Global Compact)

This definition equals CSOs with NGOs, which is not totally incorrect. But in fact, both terms refer to different cultural contexts: **Civil Society Organization** is often used as a substitute for NGO in authoritarian societies without the freedom of association. It is a much „softer“ broader apolitical term which refers to all kinds of formal or informal organized interest groups which do not necessarily share the same core value (i. e. chess club, fitness club, chorus etc.).

Different from this unspecified term, „NGOs“ define groups who share a clear core value (human rights, peace, sustainability, decent work etc.) and need a permanent organization. NGOs need to be member based (individual/collective members) and should be independent and autonomous. NGOs are considered as part of trans-national Civil Society. They are different from state institutions or from commercial businesses. Usually, these organizations are voluntary autonomous membership associations which organize public or specific group interests. The UN’s definition reads: A NGO is any non-profit, voluntary citizens’ group which is organized on a local, national or international level. Task-oriented and driven by people with a common interest, NGOs perform a variety of service and humanitarian functions, bring citizen concerns to governments, advocate and monitor policies and encourage political participation through the provision of information. They provide analysis and expertise, serve as early warning mechanisms, and help monitor and implement international agreements. Their relationship with offices and agencies of the United Nations system differs depending on their goals, their venue and the mandate of a particular institution (<http://www.ngo.org/ngoinfo/define.html>) They provide

information, form advocacy groups, help networking, strengthen the organization of interest and engage in capacity building.

The third sector – often not differentiated from NGOs – describes differentiated professional non-profit organizations interacting with the state and the market. It defines the formal structures of a society, whereas Civil Society describes the informal structures – so to say the „mental software“ or „civic spirit“ of a society (Offe). According to Claus Offe² (1997), the development of Civil Society cannot be initiated from outside, whereas democratic institutions, formal organizations or economic resources can be „transplanted“ into other societies.

People active in European NGOs were not immune to these developments. Although China was already on the agenda of many international and national NGOs, the daily negative news on China's human rights situation, or the environmental problems, just to name two, also resulted in a high activity amongst single-issue advocacy groups in Europe. Thus European NGOs are confronted with diverse challenges concerning their China work: Some of these organizations have already existed for several decades and can rely on experienced staff, but perhaps suffer from the predominance of old prejudices concerning China. Others are very young and open, but very inexperienced. Co-operations of Chinese and European NGOs are accompanied by many bureaucratic hindrances and have only developed during the last two decades. China has just released two new laws dealing with the registration norms for Chinese CSOs (distinguished in social organizations, foundations, and civil non-enterprise institutions). Policies have been drafted to react to the fast changes in the CSO sector. European organizations have just started establishing contacts with Chinese counterparts. Since the situation in China differs very much to the one in Europe, equal level co-operation is only very seldom possible. In general, the China-focused organizations – some Human Rights Organizations, or China Information Centers – usually only dealt with the political entity of China, and have only very recently started to build up networks with Chinese organizations. Issue-centered NGOs such as agricultural initiatives, consumer rights organizations, or

2 Claus Offe (1997), „Cultural Aspects of Consolidation: A Note on the Peculiarities of Postcommunist Transformations“, in East European Constitutional Review, p. 67.

environmental organizations, lack information about the political and social situation in China, especially the situation of CSOs in China.

These are the topics which will be dealt with in this chapter. The first part will try to summarize some basic historical developments in European NGOs concerning their relationship with China. The second part will give some examples of European NGO strategies along five thematic fields (human rights, labor, environment, education, and development). The third part will deal with the practical problems of cooperation, while the fourth part will summarize the crucial political or ideological hindrances of cooperation. In the concluding part, recommendations and future perspectives will be formulated. Exchange and mutual learning need to be developed and enlarged in the future. At the same time it seems to be necessary to reflect on our own ignorance concerning Chinese issues when it comes to social or environmental issues of global importance. The lack of interest and information is one of the main obstacles in the networking between Chinese and European initiatives. Intensifying contacts and exchanges between people with certain core values in mind, could help to build a peaceful world based on differentiated knowledge about each other.

1 Short history of European NGOs

China played a minor role in the history of European NGOs. Today, this has gradually changed not only because of globalization processes, but also because the organizations have themselves changed. These changes are important to understand when we want to understand the Chinese factor inside European NGOs.

Box 3-2

Local or global NGOs?

Most NGOs are still locally organized with local agendas. Usually, they are very small, have limited financial and personal resources and are not very well connected internationally. Still, we have to bear in mind that nowadays some locally founded NGOs do have working relationships with international NGOs (Reporters without borders, Transparency International, Mediciens sans Frontiers, Amnesty International, ATTAC) or they are national branches of global NGOs (Human Rights Watch). Headquarter offices in Europe do not necessarily mean that

these organizations are “European NGOs”. As pointed out by the Duke Center for NGO research, we have to get rid of our “mental prejudice” that organizations have to be situated in a geographical space.² Sometimes, it might be out of practical reasons that international NGO have to have their headquarters in a particular building. Better criteria to judge on the specific NGO would be their membership, their sources of funding situations and their specific programs. Also we witness that many NGOs started as local NGOs but developed into international NGOs, or part of a global network.

Social justice, citizens rights, women’s movements and labor movements all have their roots in the “old” social movements of the 18th and 19th century. Still, we cannot really construct a straight continuity between historical liberation and rights movements, and the “new” social movements – the root of current NGOs. Although the feminist movement as well as the labor movement referred to prominent personalities and theories of the 19th and beginning of 20th century, social movements need to be embedded in their social and historical environment. For example, the Versailles Treaty resulted in very different movements: in China, the nationalist, socialist and feminist movements were born, whereas in Weimar Germany new alliances of peace, women’s and socialist movements emerged just because of the common experience of the First World War.

The time frame which is important for us is the Post War Period – from the 1960s/70s till today. There is no global explanation for the question why several social movements started in different places directly during the years after the Second World War.⁴ But again we have to recognize the very different political and economic developments in the respective countries. In Europe e. g. some protest movements of the 1960s suffered from the (Leninist) idea of establishing political power to liberate the oppressed. Most of these “radical leftist” attempts failed, also because the workers felt estranged from their abstract ideas and idealistic attitudes. The new social movements of the 1970s and 1980s – women’s liberation

3 Although Amnesty International has its headquarters in London, it has 56 national branches and members in more than 40 countries. See NGO Research Guide, http://library.duke.edu/research/subject/guides/ngo_guide/ngo_geo.html

4 This is at least the result of the extensive research of Dieter Roth and Roland Rucht (eds.) (2008), *Die sozialen Bewegungen in Deutschland seit 1945*, Frankfurt, p. 645.

movement, liberation and solidarity movements, peace movement, environmental movement, and anti- nuclear power movement – had more or less the same problem: they were very self-centered and did not have much to do with those that they wanted to liberate. Movements which addressed very local topics were much more effective, like the consumer movement. Also in Japan, the awareness and acceptance of individual rights was born with the post-war consumer movement during the rapid growth period. This was the starting point for a whole series of social movements because it disseminated a protest culture, the concept of citizenship and the cultivation of politically independent groups.⁵

In Europe, the early protest movements of the 1960s had one strong common characteristic: They were critical towards state institutions and strived for absolute autonomy and self-determination. Especially in Germany the concept of “self help” and self representation played a formative role for the protest movements of the 1970s and 1980s (protest against the abortion prohibition law § 218, women’s liberation, anti-nuclear power, ecological movement, housing, and the peace movement). Most of the protests (75 %) during these 20 years were caused by these groups, in contrast to France, where more classical conflicts played a major role (workers movements).⁶

BOX 3–3

Conversion of EU social movements during the last 20 years

There are three important factors which caused a conversion from a protest movement to new social movements: institutionalization, professionalization and competition.

Institutionalization: The social and political environment for grassroots initiatives, foundations, and movements changed over time – in some cases former protest movements or lobbying organizations became mainstream politics today. There have been several splits in the movements which have lead to movements becoming political parties, or in extreme cases, to the radicalization of some organizations.

5 Frank J. Schwartz/ Susan J. Pharr (eds.) (2003), *The State of Civil Society in Japan*, Cambridge, pp. 226–227.

6 Roth/Rucht, Introduction, p. 32.

7 Arno Klönne (2008), “Die unmittelbaren Nachkriegsjahre 1945–1949”, in Roth/Rucht, eds., p. 46.

The German workers movement for example stopped in the moment when the first united workers union was formed in Germany right after the war.⁶ The first French leftist alliance succeeded in winning seats in council elections in 1977, the former German environmental movement split up into one faction that wanted to join politics, and others that still stayed “outside the system”. The German Green Movement constituted of unionists, formed members of established parties like the social democrats, women initiatives, tenant associations and other organizations organized “outside the system”. During 1978/79, there were foundations of party-like formations of the “Green List” in every federal state. The first success in state elections was in 1978 for the legislative assembly of Bremen. However, this option of getting involved in institutionalized politics could not end the continuation of social movements. In fact, most of them strongly opposed these adjustment tendencies.

Today, some institutionalized mechanisms fulfill some of the protest movements’ requests, or in the mean time big (rich) international organizations have taken over the fight (Greenpeace, Amnesty International).

Also, former protest movements became more **professionalized**. Highly educated members of the movements succeeded in institutionalizing former protest movements’ requests by founding think tanks to become stakeholder in the policy making processes. Also, universities or independent groups founded research centers, ecological institutes, human rights institutes or third-world/one world centers.

Competition: Another factor for the splitting up of formerly relatively homogeneous groups is the competition for funding. During the 1960s up to the 1980s a big problem had been the lack of all kinds of resources. Therefore, big associations and parties like churches, party foundations, and welfare organizations especially gave their support to advocacy groups with no or few own resources – like unemployment associations, asylum seekers or migrants. Only later mechanisms could be established which ensured a minimum of autonomy. In Europe, the high time for social movements was the 1980s and beginning of the 1990s. Nowadays, the huge number of organizations and the strong competition again causes a lack of resources. The pressure to survive leads many small organizations to rely on “fash-

ionable” topics to convince donors. This leads to the watering down of formerly high moral principles and democratic values. The way out of this for many movements and organizations is the global networking mechanism. The metaphor of Friedhelm Neidhard of social movements being “networks to mobilize networks” especially gains importance today.⁷ Even the former state, party, or church based donor landscape is becoming increasingly substituted today by NGO foundations or independent donor organizations.

China was not really a concern among the protagonists of liberation or protest movements. There has been a strong focus on the countries in Latin America, Vietnam, and some African nations. But indirectly, China played a role in diverse leftist (Maoist), labor-rights, feminist and church group discussions, as well as in the third-world solidarity movements. Since all European liberation movements tried to envision “a better world” beyond oppression and imperialism, they had to position themselves towards one of the two models for a “better world”: the Soviet Union or the Chinese model. The discourse of that time focused on the “real” or “true socialism” in either one of these two models and the different strategies to fight imperialism. For the pro-China groups the Soviet model of “peaceful coexistence” was not acceptable. Following the Chinese polemic of 1964, they accused Moscow of being a “traitor of the Third World” by allowing compromises with “imperialism”.⁹ Therefore, the Beijing-Moscow-split also was reflected in certain liberation movements: The pro-ANC (African National Congress) South Africa solidarity groups represented the Moscow-protagonists, whereas the supporters of Zimbabwe’s liberation war (which ended in 1979 and resulted in the takeover by Mugabe), were the Pro-Mugabe-Groups and represented the China-protagonists (since Mugabe himself was aligned to China). In the context of the cold war, especially protagonists from inside the peace and liberation movements hoped for an independence of the marginalized countries from the superpowers. Therefore, China became one very important counterweight for a non-aligned movement.

8 Roth/Rucht, Introduction, p. 26.

9 Felix Wemheuer (2008), „Introduction“, in Wemheuer, Mittler, Gehrig (eds.), *Kulturrevolution als Vorbild? Maoisten im deutschsprachigen Raum*, Frankfurt, p. 14.

The Bandung Asian-African Conference in 1955 marked a structural turning point for the Afro-Asian people's movements, but not necessarily in the international solidarity and liberation movement. In 1955, leaders of 29 governments spearheaded by the presidents of Indonesia (Sukarno), Egypt (Nasser), India (Nehru) and China (Zhou Enlai) met in Bandung. This meeting is perceived as "a milestone of the early phase of de-colonialization", the call to "reassert national sovereignty over all recourses" and to "foster economic, technological and cultural cooperation among these countries."¹⁰ It is also perceived as the "birth of the so-called Third World countries, the New Emerging Forces, and the Developing Countries. Since that time, the voice of the marginalized peoples has been taken into account in the world order."¹¹ 50 years later, the international network which refers to the Bandung-spirit has not really changed concerning nationality: it consists of mainly Asian and some Western (European/US-American) protagonists.¹² Their concerns are more embedded in the world social forum, globalization critic and anti-capitalism.

The starting point for the international solidarity movement came late – with the Vietnam-war (besides the solidarity movement of workers and youth movements for Algiers at the beginning of the 1950s). After many brutal and bloody liberation wars had already ended without being registered by the broad public of the Western world, the Vietnam War caused a worldwide solidarity movement. The European solidarity and liberation movement started at the end of the 1960s and became a "myth (...) which politicized a whole generation".¹³ Only then did European students start to reflect on former liberation movements like the Cuba liberation movement.

During the 1970s and 1980s, the Third-World solidarity movement consisted of many different parts and subgroups: There have been church-groups, which mainly were engaged in development issues, others focused more on lobbying for pro-third-world social and economic

- 10 Nirmal Chandra, "Economics of Bandung – then and now", in Darwis Khudori (ed.), *Rethinking Solidarity in a Global society. The Challenge of Globalization for Social and Solidarity Movements*, Selangor, Malaysia 2007, p. 47.
- 11 Ibid, Darwis Khudori, "Introduction", p. 11.
- 12 Darwis Khudori, "Towards a Bandung spirit-based Civil Society movement: Reflection from Yokyakarta commemoration of Bandung Asian-African Conference," in Khudori (ed.), p. 160–184.
- 13 Uwe Hoering cited by Claudia Olejniczak (2008), "Dritte-Welt-Bewegung", in Roth/Rucht (eds.), p. 325.

policies (alternative trade associations, 1975 GEPA)¹⁴, the international women's lib movement fought for solidarity with victims of female discrimination worldwide¹⁵, the Afro/Latin America Groups were mainly an anti-imperialism and liberation movement (Chile, Zimbabwe, Nicaragua, Mozambique), again others focused more on worldwide peace mechanisms – with the subgroups of liberation movements (who justified the use of violence), and the pacifists. Not all Third-World groups could get along with members of the other movements and vice versa. During the 1980s, parts of the Third World solidarity and liberation movement, church groups and peace movements merged in the solidarity movement for El Salvador¹⁶. But heated discussions broke out when members of the peace movement criticized the support of El Salvador by collecting money for weapons (a campaign initiated by the leftist newspaper *taz* in 1980).

Very early, during the early 1980s, worldwide solidarity movements were confronted with the fundamental question of representation: similar to the attempts of establishing global feminist solidarity, the solidarity movements had to acknowledge the differences of interests linked to class and culture. But these questions were not openly addressed; they were displaced into the realm of sciences.

China – as mentioned above – played the role of representing a model for liberation. Many political activists fought for surpassing the capitalist system, mobilized against imperialism, and were thought to support indigenous liberation movements. The China of the 1960s and the 1970s was regarded as a “positive model” for an alternative system to Capitalism. Since nobody was able to visit China until the early 1980s (except for some very few exceptions during the mid-1970s), information on China mainly relied on translated Mao-bibles, English or German language editions of Chinese mainstream journals, or some Cultural Revolution propaganda material. The alignment of other revolutionary liberation fighters with China mainly determined a pro or contra attitude towards China. The breakup of China and Albania in 1977 for example,

14 Ibid, Olejniczak, pp. 324–329.

15 Ingrid Miethe, Silke Roth (eds.) (2003), *Europas Töchter. Traditionen, Erwartungen und Strategien von Frauenbewegungen in Europa*, Wiesbaden.

16 Olejniczak (2008), p. 328.

caused a condemnation of the German KPD of the Great Proletarian Cultural Revolution.¹⁷

For many activists, 1989/90 meant the end of utopia and alternative visions for a free society. Big parts of the third-world movement decided to abandon the “revolutionary liberation” approach and decided on much more pragmatic concepts. Some established their own development aid education agencies, other started to work in state development aid agencies, or in church-centered development aid networks. This differentiation already had roots in the 1980s when parts of the Third World Movement started to question modernization theories, or the paradigm of “catch-up development”. The structural dependence of non-industrialized countries became one of the main topics – consequently, the dependence theory was the main discourse in solidarity movements. But after 1989/90, the new paradigm of “sustainable development”, the growing attention to environmental deterioration in the developing countries, and the finiteness of resources (as pointed out by the club of Rome in 1972) became the focus.

The topic of networking became another focal point. The main question was how to effectively strengthen the educational work and awareness rising, and how to influence politics. As a result, at the end of the 1990s/beginning of the 2000s, umbrella associations like *attac* (a network fighting for the democratic control of international financial transactions), or the 1990s established NGO WEED (network fighting against environmental destruction and poverty) could be established.

With the beginning of the market reforms during the 1980s China had already lost its model function for surpassing capitalism. As analyzed by Olejniczak, the international solidarity movements lost their strong ideological characteristics, and church and humanitarian groups became the majority in this movement.¹⁸ The new international movements of the 1990s which had up until today shared the common aim of creating a just world as the unspecified parentheses, split into different thematic subgroups (see below). The loss of visions after 1989 was only preliminary; more broadly oriented groups emerged, which identified

17 Felix Wemheuer (2008), “Introduction”, in Wemheuer, Mittler, Gehrig (eds.), *Kulturrevolution als Vorbild? Maoismen im deutschsprachigen Raum*, Frankfurt, p. 14.

18 Olejniczak (2008), p. 339.

global economic and financial organizations and mechanisms as the main cause for injustice. As a result, the changed market-oriented global player China took up a new, more negative role among the international solidarity movements.

Most importantly for our understanding of the diversity of current NGO landscape especially concerning their China-activities, is the fundamental split inside the leftist movement. The merging of “New Social Movements” (environmental protection, feminist movement etc.) with parts of the leftist anti-imperialist Third World Movement, created some “theoretical” problems. As Chantal Mouffe formulated: “(...) and it was especially because of the New Social Movements that there was a crisis in the left movement, there was a problem in the Marxist theory. This theory did not allow us to understand these developments. (...) We started to rethink the project of the left and how to reformulate it.”¹⁹

Since we are focusing on China, the leftist movement and its relationship with the other solidarity and social movements, takes a very special stand in our analysis. Especially the renaissance of the concept of Civil Society after the breakdown of the socialist regimes discarded Marxist Utopia. During the 1990s, we can witness **three parallel developments**, which strongly influenced the images of China with current European NGOs:

- I. On the one hand, Western European leftist groups integrated with the New Social Movements (environmental protection, feminist movement, human rights movement), and abandoned the single anti-imperialist, anti-capitalist, anti-US critique.²⁰ Many activists dissociated themselves from the single anti-capitalist and voted for a more integrated analysis of the interdependency between economy and ecology and social justice. The “Third World” and especially China did not function any more as a model for surpassing capitalism or imperialism.
- II. On the other hand, old leftists try to continue their anti-imperialist, anti-capitalist project and started to reinforce the old skepticism of

19 Ian Angus, “Hegemonie, Macht und Rechtspopulismus. Ein Gespräch mit Ernesto Laclau und Chantal Mouffe”, in *Episteme Online Magazin für eine Philosophie der Praxis* (www.episteme.de/htmls/MouLac.html, aufgerufen 29.11.2001), p. 4.

20 Talk with Christian Semmler in Berlin, former activist of the German 68-movement, 5.6.2009. See also Olejniczak, pp. 332–333.

Engels towards idealism or bourgeois intellectual groups.²¹ Activists of the New Social Movements are viewed as “petty-bourgeois idealists” who lack a real class consciousness.

- III. And thirdly, Western European leftists who supported the Eastern European Revolutions, started to criticize the totalitarian character of communist regimes and accepted the concept of Civil Society as a common “emancipative project” of Eastern dissidents and Western post-Marxists²².

To realize this three-fold split, it is very important to understand the evaluation of the Chinese situation by current European NGOs. Depending on these developments we can understand, why some activists refuse to build alliances with other China critics; why some are fierce critics of China’s (capitalist) development path, or why some prefer to cooperate with certain forces in the Chinese society while hoping for a shift in the Chinese political elite. Also, the very important aspect of cooperating or not cooperating with the Chinese regime, and the decision for a confrontational or non-confrontational strategy, very much depends on the decision for one of these options. Nevertheless, the question of cooperating with the state was a fundamental question for many other transnational solidarity movements.

The more accentuated agenda of the post-1989 solidarity and social movements clearly articulated the dependency between economic and ecological and social injustice. The guiding principle of sustainability reunited many old Third World groups. Never before have there been as many NGOs participating in an international solidarity conference, as in the first international environmental conference; the conference on environment and development 1992 in Rio de Janeiro (UNCED). It integrated critics of globalization (and old anti-capitalist leftist movements), ecological, third-world and development aid movements. As soon as the old requests of the social movements were incorporated into global institutionalized structures, again, newly critical movements evolved. The German umbrella

- 21 Friedrich Engels (1880), “Die Entwicklung des Sozialismus von der Utopie zur Wissenschaft”, in Marx Engels Werke, Berlin 1973, p. 190. See also, Karl Marx (1872), Friedrich Engels, Manifest der Kommunistischen Partei (On the petty-bourgeois socialists and the bourgeois socialists), in K. Marx und F. Engels, Ausgewählte Werke, Moskau 1983, pp. 58–59.
- 22 Wolfgang Merkel, Hans Joachim Lauth (1998), “Systemwechsel und Zivilgesellschaft, Welche Zivilgesellschaft braucht die Demokratie,” In Politik und Zeitgeschichte, No. 7, p. 4.

organization for Third world movements – BUKO – criticized the “sustainable development concept”, because they stick to their general criticism of the capitalist systems, and new critics of the globalization processes (*attac*) took over the dominant voice of the civil societies.

In the following paragraphs we will see how the China-perception and the China-related activities were influenced by these developments.

2 Strategies and images belong together

China’s first “pro-active” action towards the acceptance and involvement of international NGOs was with the admittance of the NGO-platform of the IV. Women’s World Conference 1995 (although they were banned to a suburb area). Only a few years before, the first China-focused consumer campaigns started in Europe. We will see how the image of China shifted from an idealized leftist “model” for the fight against exploitative working conditions to the nastiest nation applying these methods. In contrast to during the 1960s, we now have access to information and the possibility to visit China.

The China image of Civil Society organizations is – as explained above – influenced by the history of the organization and adaption to the new world politics, but also by the media, and governmental programs and policies towards China. Based on these factors, organizations position themselves towards China. They express their China image through the nature, aim and strategies of the organization.

Today, there are mainly four *topic-specific areas* in which European NGOs deal with China²³:

23 These conclusions are based on different workshops organized by the EU-China Civil Society Forum (www.eu-china.net). Among other, participants of European NGOs have been German watch, South-East-Asia Information Network (Germany), Worldwide working (Austria), Focus on the Global South (Thailand), Southwind (Austria), Hungarian Sisterhood (Hungary), Clean Clothes Campaign (Germany/Austria), TNI, Women in Development (WIDE), International Forum on Globalization, The Rights Practice (UK), Development et civilisations (France), IG Metal (trade union), Observatory for China (Portugal), WEED, Institute for Peace Research, Seattle to Brussels Network, GTZ, different Newspaper/Journals, society for cultural exchange (Germany), Asia Society Finland, Asia Foundation, Friedrich-Ebert-Foundation, Heinrich Böll Foundation, Rosa-Luxemburg-Foundation, German Institute for Development Policy.

1. Human Rights (Amnesty International, Reporters without Borders, Tibet sympathizers etc.)
2. Labor (Trade Unions or organizations which concentrate on labor rights issues i. e. Clean Clothes Campaign, etc.)
3. Environmental Protection and Climate Change
4. Education (critical advanced training, organizations which organize informational and educational exchanges on informal levels about and with China).

In two other areas, China activities are of central concern, but these areas are not the battle ground for political NGOs and rather fulfill the function of interstate development aid,²⁴ or follow the broad definition of Civil Society Organizations (see box):

5. Development Aid
7. Exchange Programs with schools and universities, political exchange programs.

These areas do not exclude each other, e. g. human rights could be applied nowadays as a cross-cutting issue for all of the five areas. Since the end of the 1990s, European NGOs which were engaged in social, environmental, political education and development aid work have started to define their own work as human rights work. Also, educational programs are part of development aid programs. The protection of children's rights is cross-cutting with the area of labor (children work) as well as human rights (trafficking of children), education and development aid (educational programs organized by the "Kinderhilfswerk"). Again, organizations from all five areas are organized in certain networks like the Clean Clothes Campaign. Most organizations in these fields do not have a single focus on China but rather apply an international perspective.

24 Axel Dreher/ Florian Mölders/ Peter Nunnenkamp (2007), Are NGOs the Better Donors? A Case study of Aid Allocation for Sweden, Kiel Institute of World Economy, Working Paper of Kiel Institute for the World Economy, No. 1383, Kiel; Peter Nunnenkamp/ Janina Weingarth/ Johannes Weisser (2008), Is NGO Aid not so different after all? Kiel Institute for the World Economy, Working Paper 1405, Kiel.

The **type of organization** (facilitator, stakeholder) can be characterized by their self-determined tasks and goal and their methods or strategies applied to reach these goals. They can be divided in mainly four areas:

1. Networking (single issue networks, exchange programs, fellowships etc.),
2. Awareness Raising,
3. Advocacy/Lobbying/Campaigning,
4. Capacity Building (teaching/training, financing of projects, information exchange etc.).

The image of China applied by European NGOs depends on both aspects – the topic as well as the type of organization. Eventually, the type of organization is the dominant factor, since it not only determines the applied methods and strategies, but also the images produced. An identifying feature of advocacy groups is i. e. the focus on one thematic topic/issue. This could lead to the polarization and consequently to the mobilization of the public. The classification of the respective focuses poses a danger towards the general perception of the development of China, in that the contradictory developments and changes in China over the time may be neglected. In short: It does not produce differentiated information on a country which is rapidly changing.

This strong strategic focus and its inherited attitude towards China conclusively determine if a rather *confrontational* or *cooperative* stance should be taken. While dealing with the mobilization of the European public, naturally other issues would be prioritized than in initiatives which deal with the exchange and networking with Chinese organizations (although we have to bear in mind, that networking with Chinese organizations was not possible when the first China-focused activities developed). To produce differentiated information on the inconsistencies in the Chinese modernization process is not a widespread aim among Western advocacy networks.

Since we are not only dealing with abstract entities, organizations are finally living entities with human beings working there. Therefore, the Chinese image applied by these people also has to do with their personal biographies and personal development throughout the above described history of social movements in Europe. Every organization has their own particular founding history, often connected to certain public or political personalities, developed under certain historical circumstances, and

inside a particular social milieu and particular connections to the state or to political institutions.

Finally, the China-image produced by the media also contributes to the specific attitude towards China. All these circumstances determine the varying assessments of China; and thus the different objectives to their work in relation to China.

In order to clarify this point, I would like to refer to some examples²⁵:

A Labor: Consumer Campaigns: Toy/Fair Play- and Clean Clothes Campaign

The Hongkong Toy Coalition for safe production of toys was established after the awesome fires in several toy factories in Thailand and China in 1993. In the second half of the 1990s, European organizations started to publish and campaign against unfair production circumstances in the countries of the South. The concerns over worker safety, labor rights and the responsibility held by European and transnational companies based in Europe, and the United States, have grown since then. Consumers, companies, labor groups and human rights NGOs have offered a big variety of activities to resolve the problem of sourcing in China (CSR, trainings for NGOs, workers alliances, consumer campaigns etc.). Especially the toy industry – which until today has been one of the most attacked by US-American and European consumer campaigns – and later on the IT-sector,²⁶ became the focus of China-related consumer campaigns. They could mobilize support by human rights associations, individual members of the parliaments and workers unions.²⁷ Just recently, toy safety became an issue in the US-American election campaign²⁸ who blamed

25 In some parts, the first two examples are referring to the two workshop papers of Sven Hansen and Klaus Heidel, Workshop European “NGO, China and the European Union’s policy on China”, Frankfurt, 29.4.2008. See http://eu-china.net/web/cms/front_content.php?idcat=4&idart=432

26 IT consumer campaigns include for example PC Global, SACOM, European Campaign for sustainable purchasing of computers (procureITfair).

27 Klaus Piepel (2001), Präsentation der Spielzeugkampagne am Runden Tisch Verhaltenskodizes, Misereor, Bonn 11.3.2001 (http://www.coc-runder-tisch.de/coc-runder-tisch/inhalte/texte_grundlagen/Pr%C3%9A4sentation%20Piepel%20Runder%20Tisch%20am%2011-03-02.pdf)

28 Toy safety: A campaign issue for Democrats, Radio Iowa online, 21.12.2007, <http://www.radioiowa.com/?s=toy+campaign>

China solely for producing poisoned toys. 80 percent of the imported American toys were supposed to have come from China, Obama declared. As HRIC declared, China supplies 75 % of the global demand for toys.²⁹ This data (also the ones cited by Obama) are provided by Global Compact and Global Sources – two institutions linked to business and governments, with Global Sources specializing on China. Especially Global Sources is purely a business data base. Therefore, it could be questioned why blaming China for providing the worldwide supply with (poisoned) toys is not followed by a simultaneous campaign against the US/European companies and import/export businesses that make this possible? Above that election campaigns like the above mentioned, do not focus their critique on “social contaminated products”. Nevertheless, although many companies agreed to the code of conduct of the world branch association ICTI, the situation has not changed significantly.

A clear focus on companies who produce in China for the European market is taken by the Clean Clothes Campaign. The European Clean Clothes Campaign (CCC) first started in 1990 in the Netherlands, followed by UK, USA and 1996 by the German Clean Clothes Campaign. The China-focus was never as strong as in the toys campaign, since the Chinese market share of textiles is not as big as with toys. The German CCC is an alliance of 18 organizations (workers unions, NGOs, church institutions), the European CCC is a network of 300 human rights organizations, consumer organizations and workers unions in 12 European countries. Their main task is to fight for better working conditions in the textile industry.³⁰ This campaign is quite successful in mobilizing the public as well as the governments. CCC Germany took part in the “multi-stakeholder roundtable dialogues” of the German government from 2001 to 2004. The international CCC succeeded in creating pressure on single companies purchasing textile products under low ethical standards, together with 150 other organizations, they established a code of conduct (based on the international ILO standards) which should be used as the basis for wage and salary negotiations, and proposed eight principles e. g. no child labor, no forced labor and freedom of association.

29 The other Toy Story: Workers Rights in China, HRCI Briefing, in China rights Forum, No. 4, 2004, pp. 93–98, (http://www.ekonsument.pl/materialy/publ_97_the_other_toy_story.pdf).

30 All this information stems from an interview with Inkota members in Berlin, 21.7.2009.

The bitter result after nearly 20 years of action: The German CCC retreated from the multi-stakeholder roundtable dialogues on codes of conduct, since the companies did not obey the mutual agreed rules,³¹ also other NGOs and independent worker unions did not succeed in their round table multi-stakeholder dialogues.

Although the networks of NGOs and their involvement in UN, regional and national governmental consultation has increased enormously over the past 10 years, (like Friends of the Earth together with other NGOs voted for an International Convention on Corporate Accountability in Johannesburg 2002, NGOs produced several papers for UN-institutions on social responsibility for transnational companies), progress or success cannot be reached in these multi-stakeholder processes. As described in the *Action Statement on Bribery and Officially Supported Export Credits* approved by the governments of the OECD in 1996, the national governments as well as companies are still too much afraid of losing their competitive advantage by following “codes of conducts” or “ethical management”.³² Therefore, UN-rapporteur John Ruggie bemoaned more state regulations and stronger control of enterprises in April 2008.³³ This was an attempt to argue against voluntary commitments. As Wick argued, the global discussion on CSR and the multitude CSR-programs only serve the purpose to enforce the voluntary noncommittal commitment for enterprises.³⁴ Therefore, new networks and alliances are established which fight for legally binding “global social accountability”, which should be written into the laws of individual states and international organizations. The strategies to reach this goal also include the fight for the inclusion of social rights into bilateral and multilateral trade agreements.

The Consumer Campaigns make clear that China is often treated as a scapegoat. This goes to show that exploitation is not only a Chinese bad habit, but one that is inherent in the global capitalist market structures

- 31 Ingeborg Wick (2005), “Rückzug der Kampagne für Saubere Kleidung vom ‘Runden Tisch Verhaltenskodizes’ – Das Ende eines Experiments (Retreat of the Campaign Clean Clothes from the Roundtable for Codes of Conducts – End of an Experiment)”, in VENRO, Forum Menschenrechte, eds., Unternehmensverantwortung zwischen Dialog und Verbindlichkeit, Bonn 2005, pp. 14–17.
- 32 Brot für die Welt/Misereor (eds.) (2008), Kompetenz beginnt zuhause, p. 33 (http://www.globalpolicy.org/images/pdfs/transparenz_beginnt_zu_hause.pdf).
- 33 Ingeborg Wick/ Uwe Wötzel (2008), “Unrechtssystem Sweatshop”, in Kritische Justiz, No. 3, 2008, pp. 340–346.
- 34 Ibid., p. 343.

and appears in many Southern countries which produce for the North. Indeed, China's image suffers greatly due to this issue. Nowadays, China is mainly perceived as a country that produces goods under unfair and exploitative conditions. Only recently, some media also put emphasis on the fact that criticizing China also must mean criticizing the supply industries for European companies producing in China. Only very few studies highlight the role of European companies for the continuation of exploitative conditions. Concerning the CO₂ emissions, just recently a study analyzed the role of Chinese export industry for the emissions.³⁵ Especially the textile industry, but also the export-industries of chemicals, electronic products and metals were responsible for one third of the increase of the emissions. On the other hand, some European NGOs have just recently pointed out, that the Chinese government is trying their best to institutionalize environmental and labor standards.³⁶

B Consumer, environment and agriculture

A very special new field for China-focused activities is dealing with the topics of sustainable agriculture, organic food und food safety. Different from the toy and textile campaign, critical voices start to comment on food imports from China, especially on food labeled as "Bio/Green/Organic" food. Surprisingly, up to today sustainable agriculture has mainly been discussed about Europe and Latin America, New Zealand, Arabia and South Asia, and not China. But since China is growing fast as an export nation for organic food (which as a product is mainly unknown inside China³⁷), Europeans start to be concerned about China too (in South and South East Asia Chinese food policy and agricultural practice has already been a hot topic among NGOs for a long time). Topics of concern are food safety (i. e. genetically modified organisms, GMO, as well as poisoned food) and food security. In China, sickness

- 35 Dabo Guan/ Glen P. Peters/ Christopher Weber/ Klaus Hubacek (2009), "Journey to world top emitter: An analysis of the driving forces of China's recent CO₂ emissions surge", in *Geophysical Research Letters*, No. 36, 2009. L04709, doi:10.1029/2008GL036540 (http://homepages.see.leeds.ac.uk/~leckh/Guan%20et%20al.%20China_02-05_SDA_Draft.pdf).
- 36 "Unternehmensverantwortung, Anmerkungen und Einsichten der Zivilgesellschaft zu Corporate Social Responsibility, Supplement of "welt-sichten", No 12/2008-1/2009, pp. 21-23.
- 37 Eva Sternfeld (2009), "Organic Food made in China", EU-China Civil Society Forum, Hintergrundinformationen No. 10, 2009 (http://www.eu-china.net/web/cms/upload/pdf/materialien/eu-china_2009_hintergrund_10.pdf).

and death of farmers poisoned by agrochemicals, as well as agricultural exports rejected as a result of excessive chemical residues, started a national debate on sustainable agriculture. As discussed at a conference with Chinese and European NGOs, who are active in the field of sustainable agriculture, the biggest challenge in dealing with China is the different concepts. Whereas in Europe, NGOs lobby for the local farmers and fight for social and environment-friendly agriculture, in China the topic of food-security outweighs food safety. The danger of GMO is discussed (openly). Also, the concept of “sustainable agriculture” can imply the expropriation of farmers.³⁸

Apart from the very few organizations which have started to be interested in the situation of farming conditions inside China, most of the European organizations dealing with agrarian topics (Agrecol, Blue 21, Bread for the world, Buko Agrar Coordination, BUND, FIAN, GERMAN-WATCH, Oxfam, WEED, League for pastoral people), mainly focus on the EU policies and their effect on the market conditions for European farmers, on the local food security, and food safety. Other topics include agrarian reform and bio-safety. These NGOs strongly criticize the China image of the EU since they only regard China as a potential big market for their agrarian products (whereas in reality the EU is a big market for Chinese agrarian products), and try to use this argument to support mass production of agrarian products in Europe.

Therefore, for these NGOs the EU China policies are much more the concern than China itself.

C Human Rights

Although human rights have already become a cross-cutting issue for nearly all internationally working NGOs (applying the cross-cutting application of HR as economic, social and cultural rights)³⁹, organizations which explicitly focus on human rights usually apply a very specific, “old” paradigm of human rights: they fight for basic political

38 Berit Thomson (2009), “The Sky’s the Limit in China. How, despite difficulties, the farmers strive for self-sufficiency”, EU-China Civil Society Forum, Hintergrundinformationen No. 13, 2009, Outcome of a workshop organized by the EU-China Civil Society Forum in China, June (documentation under preparation).

39 1966 these rights were added to the universal declaration of human rights of 1948.

human rights, are advocates of political prisoners and victims of state violence, persecution and harassment. Since the topic of human rights is not genuinely developed by Civil Society actors or NGOs, this specific topic automatically creates an affinity of NGOs to political negotiations lead by the state or transnational institutions. If we take into account that China is criticized for her bad credentials of human rights, especially since China has become an important serious global player, human rights NGOs have to be very cautious in not following this strategic trap. Unfortunately, as pointed out by Hansen, for mobilization reasons many (not all) human rights organizations⁴⁰ like to create a very biased image of China. Their advocacy strategy is clearly a confrontational campaign style (“bad news is good news”). Also, some of them do use wrong information or leave out important details to polarize the discussion. The powerful usage of the media by China-critical activists recently led to the amendment of the preamble of the Canadian resolution on freedom of speech during the last UN human rights council (2008). China succeeded – together with Cuba – to add the request for a fair and balanced media report on their respective countries.⁴¹ Again, we have to ask how influential UN and EU bodies on human rights can be. But we also have to question some populous and polarizing methods applied for painting a very biased image of China.

An enormous part of the European news coverage is very selective and produces a very one-sided stereotyped image of China. Whereas we already know some outstanding public intellectuals from India (Arundhati Roy, Amartya Sen etc.), Chinese intellectuals solely appear as powerless dissidents or prisoners. The human rights critique on China even seems to provoke a competition of whose human rights violations are covered more in international media. Some bloggers even complain that international media do focus too much on China and neglect human rights violations in India.⁴² The official general argument for the une-

40 He analyzed amnesty international (ai), Human Rights Watch (HRW), Reporters without Borders (RSF), Society for Threatened People (GfbV), International Society for Human Rights (IGFM/ISHR).

41 Press Release of Human Rights Forum, “UN-Menschenrechtsrat im Krebsgang – Resolution zur Meinungsfreiheit erleidet Schiffbruch”, http://forum-menschenrechte.de/cms/front_content.php?idcat=90&idart=265.

42 Ranjit Goswami, Bias in Western Media in Matters of India and China. Had Nandigram happened in China, could the Western media ignore it? http://english.ohmynews.com/articleview/article_view.asp?menu=c10400&no=381013&rel_no=1 (article from 17.11.2007).

qual treatment of India and China is that India is – at least formally – a democracy, whereas China is seen as an undemocratic, non-liberal nation, which is trying to enter the top institutions of global governance.⁴³ It is said that this posed a serious threat for global governance processes based on universal human rights or environmental standards. Especially in the area of development cooperation China's close cooperation with regimes like Burma, Sudan and Iran poses problems.

This one-sided media image is answered by the Chinese with the argument that so-called universal “standards” as applied by industrialized countries are double standards.⁴⁴ They are not applied when economic interests are endangered, as for example in the cooperation between European nations and Russia (or other nations whose human rights and environmental protection programs are also very problematic).⁴⁵

Organizations like Amnesty International (ai) or Reporters without Borders (RSf) strongly apply the focus on civic-political rights, and mainly lobby for intellectual freedom and imprisoned journalists and political dissidents. According to Hansen, among the human rights organizations, ai is applying a more constructive and differentiated approach to China. In any case, an open cooperation with Chinese NGOs is impossible because they have no permission to enter China. Therefore, they rely on their informal contacts to get reliable information. Their position inside global political bodies is very privileged. They took part in the human rights dialogues concerning the EU-China relations, which started in 1998, but refused to continue taking part already in 1999 because of the lack of transparency and limits of participation, circular argumentation and lack of serious intents.⁴⁶ They accused the EU human rights dialogue of being a farce and an end to itself. They have consequently retreated from advising European parliaments, although their reports are still used for national and European policies on China.

43 Dirk Messner/ John Humphrey (2006), “Instabile Multipolarität: Indien und China verändern die Weltpolitik”, in German Development Institute (DIE), *Analysen und Stellungnahmen*, No. 1, p. 3.

44 See also the very detailed discussion of the human rights debate in Asia in Thomas Heberer (1997), *Ostasien und der Westen*, in *Asien*, No. 63, pp. 17–20.

45 Randall Peerenboom (2005), “Assessing Human Rights in China: Why Double standards?” in *Cornell International Law Journal*, No 38, pp. 71–72.

46 Elena Fierro (2003), *The EU's Approach to Human Rights Conditionality in Practice*, *International Studies of Human Rights*, Vol. 73, The Hague 2003, pp. 202–208.

More consultative methods are applied by other organizations like medicines sans frontiers, church groups or think tanks, that act much more in networks, and function as policy advisory bodies. They apply a human rights concept which also puts emphasis on the social, economic, environmental, health and cultural rights. These also include workers rights and therefore there are many intersections between the two thematic areas of Human Rights and Labor. Think tanks and NGOs like the European Centre for Constitutional and Human Rights, or the German foundation “Menschenwürde und Arbeitswelt (Human dignity and world of labor)”, are examples for this intersectional lobbying. Their work becomes increasingly important with the development of globalized economies. Some of these organizations already have longstanding relationships with all kinds of organizations inside China.

If we evaluate the effect of the image of China applied by different human rights organizations on the European public and the European China policies, the confrontational campaign style seems to be very effective in supporting the media and internet image of China. The political influence is very different: studies have proved that direct influence of NGOs on politics is very limited, although it is also pointed out that it is nearly impossible to measure influence by NGOs on the human rights policies since the outcome of informal contacts and irregular informal meetings cannot be evaluated.⁴⁷ Although influence on national or European politics is weak (see also 3.3.), human rights NGOs do have a privileged position within bodies of international diplomacy like the UN and EU. Most of the human rights NGOs are global NGOs which have their national branches (Amnesty International, Asian Legal Resource Center etc.). Their special task is the critical evaluation of the – if nationally available – UN Human Right Reports. Human Rights NGOs can rely on international bodies much more than on national ones because mechanisms to include NGOs in consultation processes are more institutionalized on the UN level. Only in the framework of the *EU-China Human Rights Dialogue*, are NGOs invited to take part. Above that, most of the NGOs share the same basic concept as defined by the Vienna UN Human Rights Conference (1993), which defines human rights as universal and indivisible, and requests each country despite their regional, national, historical, religious, economic and cultural differences to support and protect these rights. The UN even published a manual especially for

47 Wolfgang Heinz (2002), Menschenrechte in der deutschen Außen- und Entwicklungspolitik, epd-Dokumentation, No 5, pp. 30–31.

Human Rights NGOs on the best procedures to intervene in cases of human rights violations.⁴⁸ Nevertheless, since the last proof of the consultative status of NGOs in the UN framework 1996 the high time for NGOs being included in decision making processes seems to be over, at least for the UN regime. Contrary to the ECOSOC and the world summits of the 1990's NGOs were increasingly excluded in the preparation of summits of the 2000's. Above that, they got restricted to be stakeholders in the field development issues, but progressively ignored in the organs for human rights or peace keeping. As described in the previous chapters, most European governments support a dialogue with NGOs and "public interest groups". NGOs like the church groups (Misereor), political foundations or aid groups (terre des hommes, terre des femmes), are already included in UN, national and EU dialogues.

Although NGOs are seemingly becoming stakeholders, their topic of concern is not reflected in policies. The basic problem still seems to be the selective transparency and participation as controlled by the governmental bodies. Although UN and EU both declare the necessity to exchange with Civil Society bodies, their voice is still very weak. Nevertheless, national and EU policies are ineffective and powerless when it comes to fighting for concerns against the economic lobby. In Germany, human rights were on the agenda of several political foundations, but with the institutionalization of the "Rule-of-Law" dialogue in 2000 and the dialogue on the EU-level, it was subsumed into this framework. Since 1997, the EU has not placed a resolution against China in the human rights commission. When smaller countries protested against this (like Denmark), they were threatened with economic sanctions by China – the EU did not interfere.⁴⁹ The UNDP development reports from 2003 onwards only use a maximum of 7 % of their pages for elaborating on social movements and grassroots initiatives.⁵⁰ The restricted access to information (like on the PCA consultations) and the rare possibility

48 Klaus Hübner (2002), How to file complaints on human rights violations. A manual for individuals and NGOs, Uno/Unesco, Bonn.

49 Wolfgang Heinz (2002), p. 24.

50 The UNDP 2003 report has an extra chapter on social movements, the 2004 report on "cultural liberty" only used three times the terms "Civil Society" or "NGO", the 2005 report also only mentioned two "best practices" examples from Civil Society initiatives, the 2006 report on water crisis and the 2008 report on climate change are the only exemptions, covering in each chapter some parts discussing the important role of NGOs.

of participating in official meetings often creates misunderstandings or failed dialogues between state/EU bodies and NGOs.⁵¹

Also, as will be pointed out later, networking lacks national and transnational coordination. The national network for German Human Rights NGOs – Forum Human Rights (www.forum-menschenrechte.de) – has specific working groups specialized in channeling the requests of their member organizations (in total 52 German member organizations) to the UN Human Rights Council and the German government. Among others, the forum is one of the responsible NGOs writing input for the Universal Periodic Review (UPR) of the UN (a new UN instrument which checks the human rights situation of all UN member states every four years). On the 9th February 2009, the general meeting of the China UPR group was organized.⁵² Among the different 46 non-governmental stakeholders engaged with the China UPR, there were only nine European NGOs (in contrast to 23 CSOs from China). Besides their much smaller number, they do not even coordinate their work. The European NGOs were Amnesty International (England), International Trade Union Confederation (ITUC, Belgium), Centre on Housing Rights and Evictions (COHRE, Switzerland), European Centre for Law and Justice (ECLJ, France), Human Rights Watch (HRW, Switzerland), Human Rights without Frontiers International (HRWFI, Belgium), International PEN (England), Reporters sans Frontieres (RSF, France) and Unrepresented Nations and Peoples Organization (UNPO, The Netherlands). There is no specific China-based network among European Human Rights NGOs.

D Environmental protection

Similar to the Human Rights groups, the European environmental NGOs are strongly embedded in internationally organized organizations.⁵³ Some of them are even specialized in monitoring EU policies (like Green-

51 Wolfgang Heinz (2002), p. 31.

52 Klaus Heidel (2009), China vor dem Menschenrechtsrat der Vereinten Nationen (Februar), EU-China Civil Society Forum, A commented linklist, http://www.eu-china.net/web/cms/upload/pdf/materialien/Heidel_2009_China_vor_dem_Menschenrechtsrat_Februar_2009_09-03-12.pdf.

53 Michael Zürn/ Helmut Breitmeier/ Oran R. Young (2006), From Case Study to Database: Architecture, Key findings, and Implications for the Study of Environmental Regimes, Cambridge/London; Helmut Breitmeier, Volker Rittberger (1998), Environmental NGOs in an Emerging Global Civil Society, Tübinger Arbeitspapiere zur internationalen Politik und Friedensforschung, No. 32

peace, epha environmental network, environmental network, mercury working group), but there is no China-specific environmental working group or NGO. Most of the environmental NGOs blame China for many shortcomings, but do not necessarily apply a confrontational strategy. They clearly accuse China for its status of being the largest worldwide carbon emitter and therefore the main culprit of climate change, and as future threat for all countries due to its massive demand on natural resources (in this respect China is blamed for the massive unsustainable agro fuel business). German Watch pointed out that environmental NGOs perceive China as an enemy of a climate partnership based on climate and energy security.⁵⁴ They perceive China as an irresponsible global player but simultaneously question the lifestyle of industrialized countries. Environmental NGOs are captured in the dilemma of criticizing phenomena which cannot be blamed on a single state. Their approach to influence politics is two-sided: they try to put pressure on EU politicians, and simultaneously are willing to get engaged in a dialogue with Chinese state and Civil Society organizations.

Therefore, the image of China applied by environmental groups depends very much on their respective identity (stakeholder/facilitator). If they are involved in the EU-China consultation process, the most effective strategy to influence policies is still to rely on campaigning, demonstrations, and media. As a recent study has shown, environmental groups have already been incorporated in EU structures for more than 20 years, but their role as expertise providers for the European Commission is very limited, their role in the European parliament (which is the weaker legislative body) is much more effective through the successful European Environmental Committee.⁵⁵ But even here, besides participating in hearings, writing petitions and lobbying through personal contacts, the most effective strategy seems to be creating pressure through the

(http://www.fernuniversitaet-hagen.de/imperia/md/content/politikwissenschaft/lg2/breitmeier_2000_environm_ngos.pdf).

- 54 Christoph Bals (2008), Climate destabilization and right to development: How environmental and climate NGO perceive China and what they expect from the European-Chinese relations, paper given on the workshop of the EU-China Civil society Forum 29.4.2008, (http://www.eu-china.net/web/cms/upload/pdf/nachrichten/2008_04_29_bals.pdf).
- 55 Sara Höweler (2005), Die Einflussmöglichkeiten von europäischen Umwelt-NGOs auf die Formulierung der Umweltpolitik der europäischen Union, Norderstedt 2005, pp. 21–26.

public.⁵⁶ This means that polarizing and mobilizing need to be one of the main aims of China-focused environmental NGOs if they want to be identified as stakeholders.

In contrast to human rights groups, environmental groups are much better coordinated internationally and on the EU-level. The ten biggest environmental unions are organized in the Green 10, which includes Bird Life international, CEE Bankwatch Network, Climate Action Network, European Environmental Bureau, European Public Health Alliance Environmental Network, The European Federation for Transport and Environment, Friends of the Earth Europe, Greenpeace European Unit, Friends of Nature and WWF Europe. The Green 10 explicitly asked the EU parliament (just before the European elections in 2009) to take over global responsibility and connect economic policy guidelines to the ecological footprint – especially concerning China and India.⁵⁷ Also, they established platforms and interfaces for Civil Society activists and politicians. Another contribution is the establishment of a European expert network and data base for different environmental topics.

Similar to the NGOs also dealing with sustainable agriculture, the China factor only comes into play when dealing with the EU external relations and environmental policy. Also, the anti-American spirit, which was a core feature of the protest movements of the 1960s and 1970s, is again prevalent in the actions of NGOs integrated in the world climate diplomacy. The US resistance to ratify the Kyoto Protocol provokes many anti-American demonstrations by European NGOs throughout the climate conferences.

Nowhere else do NGOs enjoy such a powerful position than in the COP climate conferences. After the first multilateral voluntary agreement to reduce CO₂ emissions was made at the Toronto conference in 1988, the first COP (Conference of the Parties) – the first world climate summit – was held in Berlin in 1995. At that time, not many NGOs were interested in climate protection. But from the COP 11 Conference 2005 in Montreal to the last COP 14 in December 2008 in Poznan, the NGO participants

56 Ibid., p. 31.

57 Green 10, *Umwelt im Herzen Europas – an Ecological Schedule 2009–2014*, Brussels 2008.

for climate protection rose from 10,000 to 16,000.⁵⁸ Perhaps there will be 20,000 at the COP 15 in Copenhagen in 2009.

During the Copenhagen meeting, the China-factor will play a crucial role: This time, Europeans have to acknowledge, that China as the world biggest producer of greenhouse gases, could take the lead in climate protection commitments and become the “moral super power”. China will reduce its carbon dioxide emissions more than any other country in the world. Above that, Chinese as well as European specialists start to press for the inclusion of the HDI-index into the design of climate change responsibilities, the so-called budget-approach.⁵⁹ One effect would be the high pressure for a change in life style in industrialized countries, as well as high commitments concerning technology transfers.

F Conclusion

We can conclude that the image of China as applied in the different European NGOs is pretty much influenced by the general aim of the organization. In general, we can state, that the overall interest in China is not really big. Most of the European NGOs are very EU-focused and invest a lot of energy in discussing EU-related policies. Also, there are no specific China-focused NGOs. China plays a more significant role in human rights and labor NGOs, where the Chinese image is at present in a process of change. Many move from a more confrontational strategy to an integrative approach, which also takes responsibilities of other countries and economies into account. Consumer campaigns/NGOs and environmental NGOs usually apply a non-confrontational China-image and focus on global aspects of the problem.

On the other hand, Chinese Civil Society Organizations do not refer to Europe or European states as a reference point for their aims. As far as we know, there is not a single Chinese CSO (excluding the academic and

58 Nick Reimer (2009), “Die neue Macht der NGOs”, in *Klimawandel und Gerechtigkeit*, Magazin der Heinrich-Böll-Stiftung, Nr. 2, p. 31.

59 Hu Angang (2009), “Approach to Copenhagen, Part I–III”, in China Dialogue/Rutgers Climate and Social Policy Initiative, 6.4.2009 (<http://www.chinadialogue.net/article/show/single/en/2892>), Redaktion Entwicklungspolitik online, “WBGU: Budgetansatz’ soll Klimagipfel retten”, in *Entwicklungspolitik online*, (e-po, http://www.epo.de/index.php?option=com_content&view=article&id=5349:wbgubudgetansatzq-soll-klimagipfel-retten&catid=15:klimaschutz&Itemid=85), 1.9.2009.

business associations) which exclusively deals with European issues. A study on the perception of the EU in Asian media revealed, that in contrast to previous years the EU at least in China is perceived now as a strong political power. But in general, the EU does not play a significant role in the media.⁶⁰ Above that, the first Chinese policy paper on the EU appeared in 2003 (see Gottwald in this volume), whereas the first EU one goes back to 1995. This unequal treatment is also mirrored in the perception of the EU by Chinese CSOs. For Chinese CSOs, the EU is only perceived as one among many donors, and in this function as one whose application procedures are among the most exhaustive and lengthy.⁶¹ The perception of the EU as a political or national body therefore is very weak, and only comes into play when environmental CSOs have to discuss some new regulation issues by the EU commission. As we will point out later, this naturally has to do with the inexistence of a coherent identity of the EU and its incoherent policies.

3 Practical problems of cooperating with Chinese CSOs

As a recent workshop organized by the EU-China Civil Society Forum (Global Concerns-Global Cooperation, June 2009), as well as various working relationships between European and Chinese CSOs, has shown there are probably much more commonalities in the work of Chinese and European CSOs. Topic variety of Chinese CSOs is very broad, but in Europe this knowledge is underrepresented and long-term partnerships or networks practically do not exist – only short-time collaborations based on project-basis. For the cooperation with China or Chinese organizations, not only China-images are important, but also some very practical aspects which will be discussed in this chapter.

A Weak coordination of European NGOs

The above mentioned diverging views of the groups may be responsible for the small number of activities organized by NGOs with China-focus on the European level, apart from the already established organizations active within Europe. Very similar to the feature of the 24 official sectoral dialogues of the European Commission (and their additional dia-

60 Natalia Chaban/ Martin Holland (eds.) (2008), *The European Union and the Asia-Pacific: Media, public, and elite perceptions of the EU*, Abingdon/New York, pp. 59–61.

61 Interviews with representatives of Chinese CSOs in Beijing, February 2009.

logues on Human Rights and Migration), coordination and communication among European NGOs is also very weak. Even inside one member states, some issues are dealt with in very different ways.

The same goes for programs in the individual EU-member states. For example, while there have been broad networks which monitor the negotiations of free trade agreements between the EU and various Asian countries, what has up to now been almost completely missing are similar networks monitoring the negotiations for the EU-China partnership and cooperation agreement (PCA). One reason for this may be the lack of active partner organizations in China, while many of them exist in the ASEAN countries or India. Another reason could be the lack of transparency of the negotiation process inside the European commission.

Also, inside each EU-member states NGOs with China-focus do not exchange experiences or develop a common strategy. As pointed out by Nicola McBean from “The Rights Alliance” (UK), among the NGOs in Great Britain, a common agreement on how to deal with China does not exist.⁶² She defines the approach of her organization rather as an aid or capacity building than an exchange with Chinese organizations.

In many respects, this could be explained by the specific history of social movements in Europe. As summarized above, the general difference in an approach to change and analyze realities lead to the foundation of several small one-point organizations. Ideological differences still govern the European NGO landscape. In Germany as well as in other European countries, the attempt to create an umbrella organization for the Third World Movement has failed several times. Not alliances, but contrarily the foundation of new organizations was the result.⁶³

B No knowledge about CSOs in China

Another hindrance is the lack of contacts and knowledge about the peculiarities of the Chinese Civil Society Organizations. When asked about establishing cooperation contacts with Chinese environmental groups,

62 Workshop Report “European NGO, China and the European Union’s policy on China: Civilsocietyperceptions, approachesandperspectivesunderthemicroscope”, Frankfurt 29.4.2008, http://eu-china.net/web/cms/front_content.php?idcat=4&idart=432.

63 Olejniczak (2008), p. 340.

Christoph Bals from German Watch referred to: Greenpeace China, WWF China Heinrich-Böll-Foundation, individual scientists or renewable energy specialists and InWent.⁶⁴ Other authors highlight the herd type of model co-operations with one and the same organization in the same region.⁶⁵ Like with the present established economic ties, we have to wait for the establishment of Civil Society cooperative structures. Some countries like France had already established organizations which specialized on networking with China.⁶⁶ Similar to Focus on the Global South, they want to support the people-to-people exchange, which does not only focus on Western-Asia exchanges, but also supports the inner Asian networks.

On the grassroots level there do exist any informal dialogue contacts. Especially in the field of human rights and labor exchange, programs and workshops shall firstly help to establish networks. But on the level of European NGO networks, dialogues with Chinese networks do not even exist up to today.

C No interest in China

A self-made problem adds to these obstacles: European NGOs have limited interest in China. The growing societal interest in China contrasts with the small number of European NGOs whose work concerns China. What results is that, aside from funding organizations and the big multinational organized NGOs, such as WWF or ai, only a few have regular contact to organizations from mainland China. Most often, contacts to Chinese collaboration partners goes via Hongkong.

One reason for this undoubtedly lies in the fact that international working European organizations traditionally concentrate more on Latin

64 Workshop Report “European NGO, China and the European Union’s policy on China: Civil society perceptions, approaches and perspectives under the microscope”, Frankfurt 29.4.2008, http://eu-china.net/web/cms/front_content.php?idcat=4&idart=432).

65 Peter Nunnenkamp (2008), “Mythos NRO-Überlegenheit”, in *Entwicklung und Zusammenarbeit (E + Z)*, No. 5, p. 209.

66 The organization Lebret-Irfed tries to connect all organizations dealing especially with labor issues and unions to exchange views and experiences on the respective issues.

America and Africa.⁶⁷ In Austria, for example, there are many active solidarity movements of the Civil Society focusing on Guatemala, Nicaragua, Cuba or Chile, but not any movement focusing on China. Also, there are no cross-cultural associations dealing with China, which could support a better understanding for Chinese developments.⁶⁸

Even in the area of environmental conservation, one can see that there are only the organizations dealing with climate issues which inevitably include the developments in China. Other environmental organizations – at least in Germany – have little interest in China.⁶⁹ Most of the environmental NGOs provide research material on China – Greenpeace for example provides much material on China and conducts some research inside China on GMOs, climate change, and chemical waste. Although Greenpeace finally succeeded in establishing a Beijing office (after the Hongkong office) they now focus on protest actions and checking drafts for environmental conservation solutions. Cooperation with Chinese environmental CSOs seems to be difficult.

As shown above the main focus of small and medium size organizations is EU or national policies (like the protest of many, especially German environmental NGOs, against exporting the Hanau plutonium factory to China). Also, some internationally working NGOs are very self-sufficient when it comes to deepening the dialogue with Chinese organization. Often, one “China-project” seems to be regarded as “sufficient” – a deeper interest in inner-Chinese developments seems to be very weak. One reason – for sure – can be the work overload of the staff working in European NGOs, who very often have to rely on a too small number of part-time staff. Another reason for the little amount of cooperation could be due to the fact that it is unknown how to develop contacts and cooperation.

All this said, we have to complete the picture by adding that tedious contacts do exist between poor relief, development NGOs and child care organizations – mainly established though Western church-based institutions with the help of Chinese Christian organizations (like the

67 China’s growing involvement in these regions (Latin America, Africa) has given greater meaning to the China issue for organizations meanwhile only focussing on these regions.

68 Interview with Franz Halbertschlager, Südwind Austria (Vienna), 25.1.2009.

69 Interviews with several environmental NGOs in Germany (2006).

Amity Foundation). But as described by Nick Young they also started in Hongkong and had many difficulties in establishing offices in mainland China. Above that, they suffered by being badly coordinated (“half a dozen Oxfam from different countries running separately – and sometimes not obviously complementary – programs”⁷⁰ [Vietnam]) or struggling to harmonize their global operations (Medicins Sans Frontieres, Save the Children, CARE, Plan, ActionAid etc.). With the Paris Declaration (2005) and the ACCRA HLF-Meeting (2008), donor harmonization and aid effectiveness of NGOs are high on the agenda. In the thematic field of labor activism, some longer contacts exist, for example via Apo Leung from Asia Monitor Centre in Hongkong, who has contacts to the Clean Clothes Campaign. But as usual they are also forced to operate in Hongkong.

D Chinese CSOs are very different from European NGOs in many respects

In order to cooperate with Chinese CSOs, it is necessary to know their particular characteristics. Lately, there are hundreds of thousands of them: state organized GONGOS and great numbers of organizations that concern themselves with local matters. The central Chinese Association for CSO Cooperation accounted an annual growth of newly registered organizations of 10 %.⁷¹ But the number of organizations that are active in “advocacy work” and also have interests on global issues, is still relatively small. In the area of environmental conservation, nowadays there are initiatives which network at local and international levels, like the Youth Climate Action Network, or the CAN-China Network (Climate Action Network).

In China, there are several university institutes researching Civil Society. Unlike in other countries like Mexico or Vietnam, the term Civil Society is accepted in China – but it has its own “Chinese characteristics”.

In China (as well as in Europe), the term Civil Society has no fixed meaning. There are studies which try to find historical roots for the discus-

70 Nick Young, “A memoire of China 1994–2007, Chapter II: On killing, eating, and saving babies.” (<http://www.nickyoungrwrites.com/?q=recollections>), p. 16.

71 Berthold Kuhn (2008), “Civil Society in China”, unpublished manuscript, paper given at the University of Cologne on 7.6.2008.

sion of Western ideas on Civil Society⁷² or a pre-modern Civil Society⁷³, others focus on the analysis of public sphere, “the third realm between state and society”, or the term “citizen”.⁷⁴ The term citizen had a specific Chinese genesis: In the traditional society there only exists the term for identification of state citizens (*guomin*). This term was strongly bound to ethnic identity and did not inherit any citizen rights. For more than 100 years, “*guomin*” was a central term in the context of nation building discussions, but only since the reform period 1978 has it become an important term also in its social and economic dimensions. New terms were added: The “*bürgerliche Gesellschaft*” is translated as “*shimin shehui*” (city inhabitants society) or “*gongmin shehui*” (since 1953, the term *gongmin* substituted *guomin* for Chinese nationals, today it is the general term for “Civil Society”, in Taiwan it’s called *minjian shehui*). These different terms already mirror the difficulty to indigenize a Western concept. Only after 1989, when the whole world spoke about a “Chinese democracy movement”, the term “Civil Society” became en vogue among Chinese academics.

The main difference to Western applications of that term is perhaps the rejection of the democracy potential by Chinese authorities. They do not want to see the application of the term as describing citizens’ autonomous movements which could challenge their authority. Therefore, the four aspects of Civil Society as described by Merkel/Lauth⁷⁵ – the protection against state arbitrariness (Locke), the support to rule the country by law and checks-and-balances (Montesquieu), to train citizens as well as political elites in democratic thinking, solidarity and participation (Tocqueville) and to institutionalize a public space for critical discussion (Habermas) are not applied in the Chinese context. As described by

- 72 William Rowe (1993), “The problem of Civil Society in late imperial China”, in *Modern China*, Vol. 19, No. 2, pp. 139–142.
- 73 Jude Howell/ Jeanne Pearce (2001), *Civil society and development. A critical exploration*, Boulder, p. 127, Mary Backus Rankin (1993), “Some observations on a Chinese public sphere”, in *Modern China*, 1993, Vol. 19, No. 2, pp. 158–182.
- 74 Knut Pißler/ Thomas von Hippel (2008), “Civil society in the People’s Republic of China from a legal perspective – expectations and realities”, in Heinz-Dieter Assmann, Thomas Chan, Karin Moser von Filseck eds., *Perceptions and images of China*, Baden-Baden, pp. 123–148.
- 75 Wolfgang Merkel/ Hans Joachim Lauth (1998), “Systemwechsel und Zivilgesellschaft, Welche Zivilgesellschaft braucht die Demokratie,” In *Politik und Zeitgeschichte*, No. 7, p. 5.

Wang Ming, the most presumable scenario for China would be an application of the Tocqueville'ian function of Civil Society – so to say a “Tocqueville with Chinese characteristics”: “Through our own eyes, we cannot yet identify the kinds of conclusions at which Tocqueville or Putnam arrived, we believe that as the construction of China’s Harmonious Society continues, on some day in the future, we will see (...) the Harmonious Society’s effectiveness.”⁷⁶ As Merkel described this aspect could be read as a transition from clientelism to citizenship as it is also very important for young democracies in Latin America or Eastern Europe.

Yu Keping describes the development of Civil Society in China as “macro encouragement and micro restrictions”⁷⁷, where freedom of association has been allowed since 1982, but “compared to their counterparts in Western countries, China’s civic organizations are still very immature, not entirely independent nor voluntary, and are not always non-governmental.”⁷⁸

Today, the officially accepted Chinese understanding of Civil Society is not focused on a state-society dichotomy; it rather sees Civil Society organizations as innovative social forces which help to shoulder responsibilities in accordance with the state. According to Kang Xiaogang⁷⁹ the government uses them to meet the society’s needs and therefore as a functional substitute by additionally replacing the Western connotation of Civil Society as citizens’ society. Sun Liping puts it a bit more critically when he concluded, that the biggest challenge for the developments lies in the social cleavages and therefore the “common” paradigms for defining Civil Society have to be redefined. The best organized group is the group of real estate developers and therefore it has to be asked, “Whose society is that, and whose Civil Society is that?”⁸⁰

76 Wang Ming (2009), Foreword, *The China Nonprofit Review*, Vol. 1, No. 1, Brill, p. 3.

77 Yu Keping (2008), “The characteristic of Chinese Civil Society”, in Yu Keping, *Democracy is a good thing: Essays on Politics, society, and culture in contemporary China*, Washington 2008, p. 63.

78 *Ibid.*, p. 73.

79 Kang Xiaogang et al (2008), “Gaige shidai de guojia yu shehui guanxi (State-society relations during the period of reform), in Wang Ming (ed.), *Zhongguo minjian zuzhi zou xiang gongmin shehui 30 nian, 1978–2008 (Emerging Civil society in China, 1978–2008)*, Beijing 2008, pp. 329, 331, 337.

80 Beijing Civil Society Development Research Center (eds.) (2008), *The 2008 Blue book on the development of Chinese civil Society*, Beijing, p. 112.

In a recent white paper of the state council entitled “Building democracy in China”, the government takes the sole number of “NPOs” (the commonly used term for CSOs in China) as a proof of the protection of Chinese citizens’ rights and human rights.⁸¹ Chinese CSOs are restricted in their work; for one thing, they need a state partner to register them as a CSO.⁸² They must clearly state their goals and intentions and are monitored even after their registration. When they want to lobby, they seek contact with protective and highly influential governmental circles. The state categorizes the organizations into social organizations, foundations and civil non-enterprise institutions. In 2005, there appeared to be 170,000 social organizations (53 %), around 100 foundations (0.3 %) and 146,000 civil institutions (46 %) – these count as registered NPOs⁸³. There are also many “real NPOs” registered as companies, and many unregistered organizations (self-help groups, house churches, agricultural cooperatives, estimated amount 8 million).

Chinese CSOs have different campaign styles to those of the West: they inform the public, train and advise. Confrontational campaigns where the faults of companies are unmasked (*sha ming*) are taboo. Constructive criticism is therefore preferred. Media and information campaigns are considered the most successful strategies in enforcing interests. At workshops, representatives from the government are invited depending on the subject matter. Hongkong based organizations are generally speaking more radical and do cooperate with different stakeholders (including the official trade union and academics).⁸⁴

CSOs are active in the area of environmental conservation, legal protection movements, consumer initiatives, workers rights, social charitable institutions, poverty alleviation, and women’s rights initiatives. There are no CSOs exclusively concerned with individual or collective civic-political rights. The sustainability of these CSOs is often endangered by

- 81 Knut Pißler and Thomas von Hippel cite the white paper as Building of Political Democracy in China (Zhongguo de minzhu zhenzhi jianshe), released in October 2005 by the State Council, see Zhongguo de minzhu zhenzhi jianshe, in: Knut Pißler, Thomas von Hippel, p. 127.
- 82 Miriam Schröder, Melanie Müller (2009), Chinese paths to climate protection, in D+C, No. 1, p. 28.
- 83 L. Susan Kaur (2006), The Third Sector: The law in China and non-profit organizations, in International Journal of Civil society Law, Vol. 4, No. 3, p. 54.
- 84 Interview with May Wong, Asia Monitor Resource Centre (AMRC), Frankfurt 24.11.2008.

financial problems, although they are praised in the official national report of China to the UN HRC: “China encouraged NGOs to play a full role in promoting and protecting human rights with over 400,000 NGOs currently registered. They were active in such fields as poverty alleviation, health, education, environmental protection, and the safeguarding of citizens’ rights, and have a growing influence on China’s political and social life.”⁸⁵

The reform climate of the 1980s already witnessed some very cautious attempts to found government-independent institutions.⁸⁶ Since 1994, with the new legal possibilities to found associations, environmental conservation became one of the most active areas of social activism: “Environmental groups were the first to register and now form the largest sector of Civil Society groups in China. By the late 1990s a handful of these NGOs – often in partnership with international NGOs – had become watchdogs of local government and industry, had helped pollution victims get access to courts, had undertaken subtle lobbying of the government, and had worked to give rural communities the power to protect and manage their local resources. For example, in 2004, Chinese green NGOs initiated a national campaign to promote transparent decision-making in the dam building project on the Nu River in Yunnan Province.”⁸⁷

The Nu River example shows that also in China we can find NPOs applying a confrontational strategy to reach their goal. Although Green Watershed and Green Earth Volunteers – the two main Nu River Campaign NGOs, succeeded in postponing the construction of the dams, but the organization suffered from thorough investigations launched by the government. Others try to avoid confrontation with the government and act according to the motto “survival is of paramount importance”.⁸⁸ But

85 http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/CN/A_HRC_11_25_CHN_E.pdf

86 Especially in the art and women’s movement. See also: Nora Sausmikat (1995), *Nichtstaatliche Frauenforschung in China (Non-governmental women’s research in China)*, Münster.

87 China Environmental Forum, “Environmental NGOs, Public Participation, and Governance”, (http://wilsoncenter.org/index.cfm?topic_id=1421&fuseaction=topics.categoryview&categoryid=EE5586BC-9247-863E-B7C96B9489272423).

88 Lu Yiyi (2005), *Environmental Civil society and Governance in China*, Briefing Paper, Chatham House, No. 4.

many of the NGO staff in China remain state employees, like NGO activist Wang Yongchen and Zhang Kejia are employed by the state media, Yu Xiaogang, director of Green Watershed, remains a member of the governmental think tank, the Yunnan Academy of Social Sciences.

E Chinese CSOs under pressure of Western NGOs expectations

For the Chinese organizations, cooperating with Western NGOs often creates great difficulties. The Chinese government believes that Western NGOs are contributing to the negative image of China amongst their home population, concerning subjects such as human rights, or China's ecological footprint. Also, one of the main concerns deals with the assets of European NGOs. The fact that partial funding comes directly from the US government (through the state department Bureau of Democracy, Rights and Labor, or National Endowment of Democracy), puts Chinese NGOs under pressure by the Chinese government. Similar to the suspicion of the Chinese government that Chinese organizations are indirectly or directly supported and influenced by the US secret service or governmental Think Tanks (like the NDE), the same suspicion is applied to European NGOs. Talking to Chinese scientists who work on European NGOs, they highlight the perception of European NGOs being very powerful in influencing national or European policies concerning China.⁸⁹ Especially Human Rights NGOs are suspected of being influenced by US American supporters, and of supporting an anti-China atmosphere among EU parliamentarians. In fact, organizations like the Rights Practice are financed among others by the European Commission and UK public subsidies (e. g. Department of International Development), but these funds are similar to the lottery funds and are not bound to any substantial concession. It is very clear that the criteria to judge about the influence of European NGOs concerning the China policy are very much idealized. Many European NGOs would wish to be as influential as they were thought to be by some Chinese officials (see BBE manifesto).⁹⁰

89 Informants wanted to stay anonymous.

90 The constant request of European NGO network to the EU and the UN to get a bigger voice in policy decision making proves this statement, in Connecting Civil Society – Manifest zur Europawahl, BBE Newsletter 9/2009 (http://www.b-b-e.de/fileadmin/inhalte/aktuelles/2009/05/Manifest_Connecting_Civil_Society_-_05-09.pdf); and Jens Martens (2006), Nichtregierungsorganisationen und die Vereinten Nationen, Briefing Papers, FES/Global Policy Forum.

Since the Chinese government is still very insecure in dealing with Western or transnational NGOs, Chinese CSOs are bound to the very specific Chinese definition of CSO. Moreover, the USA's unashamed assertion that the funding of Chinese CSOs is meant to support "a regime change"⁹¹ puts Chinese organizations under high political suspicion.

"Government concerns were heightened by 'color revolutions' in Georgia (2003), Ukraine (2004), and Kyrgyzstan (2005), and the role in forming them allegedly played by U. S. public and private funding agencies. This prompted a two year investigation of international organizations working in China and of local NGOs receiving funding from overseas. (Given the legal constraints on local fund-raising, many grassroots NGOs rely heavily on international funding.) As a result of this investigation a few groups and publications were closed down in the run-up to the 2008 Olympics, and the chilly atmosphere of heightened security served as a warning to others."⁹²

In short: Chinese CSOs are constantly being confronted with the fact that their Western partners follow their political agenda of a system change, and are unable to accurately judge the circumstances in their country; which places the Chinese CSOs under enormous pressure. Western partners are often not interested in small pilot projects, but rather want to see fast and big results. With such expectations, they overwhelm their Chinese partners.

On the other hand, we have to take into account that manifold cooperations already exist between US American think tanks and high-level Chinese think tanks. For example, the China Program of Carnegie Endowment for International Peace opened up an office space in Beijing together with the China Reform Forum, once one of the most influential Chinese think tanks. They carry out research, hold seminars, and disseminate publications on security, governance, legal reform, energy and environment.⁹³ Therefore, political reform is going on and this decreases

91 Nick Young (2009), China's hallmark sage goes abroad, April, in www.nickyoungrwrites.com/?q=taxonomy/term/8

92 Nick Young (2009), NGO and Civil Society in China, 16.2.2009 (forthcoming in Berkshire Encyclopedia of China), in http://www.nickyoungrwrites.com/?q=civil_society.

93 Nick Young, One country, many diasporas, in <http://www.nickyoungrwrites.com/?q=node/29>.

the fears of contact with high-level Western political institutions, but Civil Society still remains a very sensitive topic.

4 Cooperating with GONGOs means supporting the regime?

As indicated before European NGOs have different goals, differing assessments of China and thus, differing working methods. The advocacy of social and ecological justice and human rights (or generally “global justice”) is considered the smallest common denominator between the different NGOs. There are indeed differences in exceeding goals and critiques like the critique on the predominant global capitalistic development model.

Concerning strategies and methods, one common denominator seems to be to establish networks and alliances – this is shown by various experiences of former solidarity movements and other social movements.

Taking both conclusions together, it would follow, that we try to build up networks and promote exchange between European and Chinese organizations working on the same or similar topics. It’s here when the problems begin:

- 1) If we are unwilling to engage in “underground work”, we will be confronted with the question of collaborating with GONGOs or letting them participate in some activities. In some areas it is even inevitable to work with certain GONGOs.
- 2) Should the Chinese government misconstrue critique as an attack on their authority, work in China will be made more difficult and even pose a danger for Chinese cooperation partners.
- 3) Finally, a non-confrontational cooperative approach which takes into account the contradictory development in China, could on the other hand lead to accusations in Europe that this type of cooperation only strengthens the Chinese government, but restricts and thereby betrays the self-determined goals of the organization.

The general history and self-conception of European NGOs is motivated by a dualistic antagonistic approach towards state and society. As described in part I, social justice, citizens rights, women’s movements and labor movements all have their roots in the “new” social movements (NSB) of the 1960s and commonly were critical towards state institutions and strived for absolute autonomy. Especially in Germany

the concept of “self help” and self representation played a formative role for the protest movements of the 1970s and 1980s.

Therefore, cooperating with GONGOs feels like supporting the regime or the state. This does not match with the self-conception of “giving the weak a voice” (ironically, “serve the people” cannot be used here since this is the slogan of the CCPCh).

The above mentioned three-fold split among the leftist groups also changed their attitude towards cooperating with the state. For many older activists, China particularly forms a very big challenge since their individual biographies eventually are very tightly bound to their naïve belief in the “savior” myth of Mao Zedong. After realizing their naivety, many of them turned to another extreme. Those, who made the most fascinating conversion and who decided to fight against inhumane dictatorial Communist regimes, looked for organizations fighting for human rights, relief and aid agencies (like the human rights forum). From a local perspective, as Nick Young describes for Oxfam, this precondition created some deep misunderstanding between regional and headquarter staff. In some local offices such as the Oxfam Hongkong branch, the office was filled with local staff that did not necessarily have the same anti-capitalist leftist orientation as the older activists from Europe. They challenged this view by pointing out that not all “Asian Tiger” economies are necessarily inequitable, and helping farmers to make profit is not morally dubious. Once marginalized as outcasts among the NGO-scene, today, this attitude has helped to change the ideal model of development: “Twenty years ago Oxfam Great Britain was highlighting Sandinista Nicaragua as a development example; now it is taking more interest in Taiwan and South Korea.”⁹⁴

Another important aspect is that GONGOs can also eventually help the cause of Western NGOs. For example, the Chinese Association for NGO Cooperation (CANGO), which is the body that most of the foreign NGOs have to cooperate with, is officially an NGO. At the same time, it’s a kind of control organ channeling all the foreign money, contacts and project into a semi-state institution. But at the same time, CANGO is e. g. partner in the “Rule-of-Law”-dialogue started by the German government

94 Nick Young citing John Sayer, Oxfam HK, in “A memoir of China 1994–2007, Chapter II: On killing, eating, and saving babies”, in <http://www.nickyoungwritres.com/?q=recollections>, p. 17.

in 2000, and channels basic laws for foundations and associations from Germany to China.⁹⁵

Also, China has changed a lot – today, we hear almost daily news about street protests and demonstrations of workers or farmers. The blog/twitter culture undermines authoritarian control. The recent events around the case Deng Yuqiao⁹⁶, the spontaneous demonstrations and solidarity movements in Xiamen, when the government planned to build a chemical factory near the city, or the rise of consumer complaints and trials, show a new rights-consciousness among the Chinese population. Ironically, Western activists once motivated to “free the oppressed” by citing old Maoist slogans, were trapped by the developments in China. On the one side, the Chinese economic development does produce manifold forms of exploitation and oppression. On the other hand, Chinese people do have manifold opportunities to organize, mobilize and advocate themselves.

Meanwhile, it is not as easy as before to keep a definition and self-perception of being an anti- or non-state activist. The NGO scene in Europe got stuck in a kind of ‘Chinese’ dilemma: shall they cooperate with state institutions to influence policies or shall they stick to old Guerrilla tactics. Shall they function as a substitute for state responsibilities? Shall they make compromises in agreeing to get cited incompletely by politicians, just to have at least any kind of influence? As we will see in the next short paragraph, the situation is even more complicated – especially if European NGOs strive to change some situations inside China.

5 NGOs between social advocacy and assigned governmental responsibilities – not only in China

In 2007, the book “Do we strive for the same aim (Ziehen wir an einem Strang)” was published, and dealt with discussions on why and how NGOs, social movements and social organizations can, or cannot, coop-

95 Katja Levy (2006), *Der Deutsch-Chinesische Rechtsstaatsdialog*, Ein Überblick (2000–2006), published by Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), p. 108. (<http://www.bmj.bund.de/media/archive/1227.pdf>).

96 Deng was a female hotel worker who got harassed by an official who thought she was a prostitute. She murdered him after he tried to rape her. This case triggered nationwide Internet, radio and TV-discussions. The majority vote was for “not guilty”.

erate with political parties.⁹⁷ Whether it's volunteering and advocating, criticizing and protesting, getting involved in the World Social Forum or in the Asia Peoples Forum, most activists fight in one way or another for a better world. If we analyze the political discourses of the last 10 years, we can see how NGOs and social movements got integrated not only in the political programs of the parties, but also in transnational consultations. There are at least two trends which should force us to reflect on the recent changes:

- 1) In recent years, the discourse of "global Civil Society" has become prevalent also for the dialogue platform with China. Theoretically, this discourse is based on leftist thinkers of the communitarian debate and the general tendency in social philosophy to re-contextualize the "pure (economic) reason". For Andre Gorz, the project of the Left is defined by "the never-ending effort to put social limits on the otherwise 'imperialistic' economic rationality."⁹⁸ Amatai Etzioni, one of the most important thinkers on the ideas of "volunteering" and "civic involvement for the community", also highlights that the human being is not only a rational thinking being, but its decisions are based on values and emotions. The ideas of communitarianism – travelling from Europe, to the USA back to Europe – are a critique of the modern societies characterized by self-interest and a lack of solidarity.

Leaving aside the differences among the movement in the US and Europe, the general problem arises when social welfare becomes more and more a task of the society and the axiom of volunteering changes into duty work. Since 2000, heated discussions have been underway in European parliaments which have tried to integrate the idea of Civil Society into communitarian ideas. The old German chancellor Gerhard Schröder triggered enormous hopes among NGOs when his speech "The Civil Society of citizens" was published. NGOs hoped to get their voice institutionalized in political debates. But what happened was another version of reducing state responsibilities

- 97 Judith Dellheim/ Simon Teune/ Andreas Trunschke (eds.) (2007), Do we strive for the same aim? Worker unions, social movements, NGOs, parties (Ziehen wir an einem Strang?! Gewerkschaften, soziale Bewegungen, Nichtregierungsorganisationen, Parteien), Schkeuditz.
- 98 Otto Kalscheuer (1995), "On Labels and Reason: The Communitarian Approach – some European Comments", in Michael Walzer (ed.), Towards a Global Civil Society, Oxford, pp. 133–148

and shifting them to the realm of society. Even before these high-level consultations, critical voices had identified the praise of the “Asian Values”⁹⁹ in the West as a scapegoat to authorize the decline of social welfare in industrialized countries and the establishment of “social duties” in the years to come.¹⁰⁰

According to Ansgar Klein, the term Civil Society refers (at least in Germany) to three functions: the cultural function of cohesion of a diversified society, the political function of the participating through democratic rights, and thirdly during the recent years the function of a “social co-producer” of social welfare products.¹⁰¹ The German Enquete Commission “The future for civic engagement” drafted a Civil Society reform approach which tries to foster the development of Civil Society organizations. But when volunteering becomes a duty, this could become a serious threat for the original idea of Civil Society.

- 2) Another threat for European NGOS is the semi-incorporation into EU consultation processes. Lately, Civil Society organizations (Global Witness, Human Rights Watch, Reporters-without-Borders, Amnesty International, Greenpeace, WEED) have reached the status of being able to deliver independent, critical and reliable background information and policy proposals of great significance. Also, among the Bretton Woods institutions it has become an accepted academically approved fact, that development is not possible without including political reforms and participation of interest groups. Reports on the successes of civic associations have become an integral part of all development reports. As described above, human rights and labor organizations are welcomed advisors for national and international governmental bodies. By fulfilling this advisory function for European policies for China, this could contradict with the main purpose of critically monitoring existing policies or mobilizing the public.

99 “Asian values” described a concept of so-called “Confucian values” which came up with the economical rise of the tiger states during the 1990s and triggered a regional and international debate.

100 Eun-Jeung Lee calls it “The Lie of Confucianism”, see Thomas Heberer (1997), “Ostasien und der Westen: Globalisierung oder Regionalisierung?”, in *ASIEN*, No. 63, pp. 22–23.

101 Ansgar Klein (2005), “Bürgerschaftliches Engagement und Zivilgesellschaft – die reformpolitische Diskussion”, in *Archiv für Wissenschaft und Praxis der sozialen Arbeit*, Jg. 36, Nr. 4/2005, pp. 4–19, here p. 4.

Therefore, also on the European side, there is the danger that NGOs will be incorporated into national, inter- and transnational politics. Consultation processes are often organized in such a way, that adequate participation by NGOs is impossible. In key issues they are not involved. But where it seems to increase reliability their positions on the issues are selectively quoted.¹⁰²

Above that, the reference of European parliaments to non-governmental organizations which deal with the poor and needy shows that they shift their own assigned responsibilities and duties to these organizations. But because of their inadequate financial resources and personnel, they are hardly in the condition to take on such tasks.

CSOs which are involved in the political consultation process with regards to Chinese politics, both by the Chinese, German and European Commission, must now ask themselves in a critical manner:

- What exactly is our role?
- What can we realistically achieve?
- What should we be aware of?

Even Chinese CSOs are now being marginally involved in European consultation processes. But do they really have an interest in EU-China relations? They have received many diverse co-operational and funding opportunities through the EU, but do they know anything about EU-China relations? Also, we should ask ourselves if we misuse our relations with Chinese NGOs for our own purposes.

102 This is the case in some EU Papers and the 84-page response by the federal German government to the major survey conducted by the Alliance Party 90/the Green party towards the federal government's policy with China (*Zur China-Politik der Bundesregierung*, <http://dip21.bundestag.de/dip21/btd/16/095/1609513.pdf>, June 2008). What becomes apparent is that Civil Society organizations are quoted most often when positive news in par with the policies of the federal government in the area of legal advice is made public (Ibid. p. 12/Decline in the Use of the Death Penalty in China). However, NGOs are not cited when the information could injure the bilateral relationship, i. e. the chain of cause and effect between the European Supply industry and its injuring effects on the norms of labor. The official statement under such circumstances is: We have had no knowledge of such!

5 Conclusion

Globalization processes add in creating “global risks”.¹⁰³ Critics of concepts like “Global Civil Society” request that it is essential to consider processes of “negative integration” in concepts like “Global Society”, which means mechanisms of separation and walling-off in western Civil Societies, which excludes citizens of regimes without citizens’ rights.¹⁰⁴ The mainstream democracy or mainstream participation pattern which currently governs most of the European external democracy assistance strategies is trapped in a dilemma: Whereas democracy assistance is highly normative and takes a symbolic position, it is often foiled by antagonistic interests of the donor states (especially economic and security concerned interests).¹⁰⁵

It follows: If NGOs and Civil Society organizations want to strengthen the forces of the Civil Societies, they have to start themselves with exchange and mutual respect. Although the situation of CSOs in the respective regions is very different, it could be of mutual benefit to learn from each other.

Therefore, learning partnerships require networking and exchange. This again, especially when considering in influencing European policies, requires a non-confrontational strategy.

Obviously, working with Chinese NGOs is not far from walking on a tightrope. The simplest way would be to withdraw. What is more difficult is to be conscious of the dangers of possible problems and confront them. However, collaboration with Chinese CSOs can be of great benefit to both sides.

103 Anthony McGrew (1998), “Demokratie ohne Grenzen“, in Ulrich Beck, ed., *Politik der Globalisierung*, Frankfurt a.M., pp. 374–423.

104 Christoph Butterwege (2003), “Weltmarkt, Wohlfahrtsstaat und Zuwanderung“, in Butterwege, Hentges (eds.), *Zuwanderung in Zeiten der Globalisierung*, Opladen 2003, pp. 53–91, Hauke Brunkhorst (2000), *Ist die Solidarität der Bürgergesellschaft globalisierbar?* in Brunkhorst, Kettner, eds., *Globalisierung und Demokratie*, Frankfurt 2000, pp. 274–286.

105 Eberhard Sandschneider (2003), *Externe Demokratieförderung, Theoretische und praktische Aspekte der Außenunterstützung von Transformationsprozessen*, p. 46 (http://www.cap.lmu.de/download/2003/2003_sandschneider.pdf).

By intensifying exchange on both sides, European and Chinese individuals are able to get a deeper view into the effects of globalization on each other's life and work situations.

A mutual trade-off of ideas in work methods could specifically help develop issue-specific co-operations across regions.

This does not mean that critique should be withheld. We must always ask which places and which forms of critique are most suitable.

Out of these considerations, here are various objectives for European NGOs:

- NGO should foster the intensification of debates and therefore contribute to transmitting an image of China that takes into account the contradictory development within China.
- NGOs should not only work on but with China. The exchange of representatives of CSOs and social movements from China and Europe must be promoted through contact and exchange programmes to develop concrete cooperation with Chinese CSOs.
- It is important to promote discussion regarding European responsibilities towards developments in China with respect to social and ecological standards and human rights.
- Exchange, and where possible, the cooperation between European civil society organisations must be strengthened. This will not only strengthen our voice towards the EU, but will soften it in that we will not be pitted against by the Chinese.
- Lobby for the inclusion of topics of international relevance (like climate issues) into the European China-Policy This we could do together with our Chinese colleagues.

Research on transnational advocacy in Central Asia, East Asia, Eastern Europe and Africa also shows very much the same results discussed in this paper.¹⁰⁶ First and foremost, transnational advocacy networks fulfil the task of spreading information, pave the way for counteract the development of negative images (*Feindbilder*) and therefore work for mutual understanding. Our project endeavours to realize these responsibilities and we hope that with this workshop, we can go one step further.

106 Sarah E. Mendelson/ John Glenn (eds.) (2002), *The Power and Limits of NGOs*, New York 2002; Joachim Betz/ Wolfgang Hein (eds.) (2005), *Neues Jahrbuch Dritte Welt 2005 – Zivilgesellschaft*, Wiesbaden.

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- zuzhi zou xiang gongmin shehui 30 nian, 1978–2008 (Emerging Civil Society in China, 1978–2008), Beijing, pp. 287–337.
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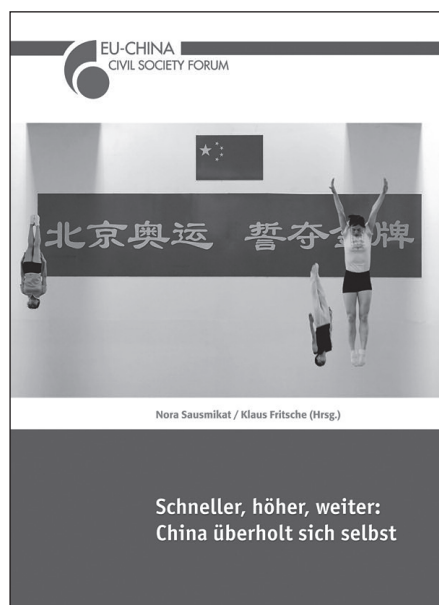
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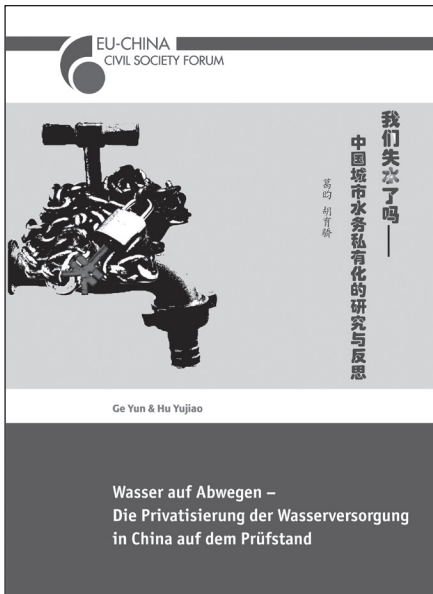
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