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Abstract

This paper examines whether lobbying the European Union's institutions by non-governmental organisations (NGOs), concerning respect and defence of human rights in China, has a measurable impact on the EU decision-making framework of promoting human rights in China. This is especially interesting at a time when this very framework is in a relative crisis and the EU is struggling to overcome its democratic deficit. Relying on Paul A. Sabatier's Advocacy Coalition Framework, the paper argues that although the influence of NGOs has increased over recent years and they know where to turn for their lobbying efforts, they do not have a *de facto* impact on EU policy-making regarding human rights in China. In order to increase influence on the EU, NGOs should come together in sub-groups and broader trans-sector coalitions. Furthermore, they should predominantly concentrate on the scope of rights and issues defended – as should the EU –, so as to strengthen both coherence and overall convergence of strategies. Finally, the paper questions the current attitude of the EU with regard to China and suggests a modification of both European and Chinese mind patterns in order to enhance the level of receptiveness of NGO inputs.

“Today, political leaders throughout Europe are facing a real paradox. On the one hand, Europeans want them to find solutions to the major problems confronting our societies. On the other hand, people increasingly distrust institutions and politics or are simply not interested in them.”¹

1. Introduction: NGO Influence or NO Influence?

Non-governmental organisations (NGOs) were among the first to react to the human rights situation in China after the country’s progressive opening to the rest of the world following the reforms initiated by Deng Xiaoping in the 1970s. Assisted by heavy media coverage, NGOs played a key role in conveying the need to act to the European Union (EU) after the incidents on Tiananmen Square on 4 June 1989. The wake-up call was rather abrupt for the EU institutions and member states, but occurred at a moment of the integration process where technocratic expertise no longer was deemed sufficient to pretend democratic legitimacy. Hence, NGOs and the EU embarked on a journey with different means of traveling but the same destination: improving the human rights record of China or, paraphrasing the European Commission’s *White Paper on Governance* of 2001, finding a solution to China’s human rights situation using the strength of both the EU (relying on its capability of raising issues at the highest political level) and NGOs (bridging the technocratic institutions with its citizens).²

If historically “the Treaty of Rome was silent on the role of non-profit organizations under EU law”³, this legal reality has not prevented such organisations from creating alternative means to communicate with European policy makers. On the journey towards strengthened respect for human rights in China their role appears of significant importance. Yet they still represent a minority amongst lobbyists in Brussels: there are today approximately 15,000 lobbyists in Brussels – “45% of these groups represent industry, and 11% NGOs, meaning that NGOs often feel smothered by the relative weight industry is able to bring to bear”.⁴ However, they are nonetheless frequently being called upon by the EU institutions in search of both input and output legitimacy and expertise. In this perspective, the aim of this paper is

¹ Commission of the European Communities, *White Paper on European Governance*, Brussels, 25 July 2001, Executive Summary, http://ec.europa.eu/civil_society/consultation_standards/index_en.htm#_Toc46744741, retrieved 3 March 2009.

² Ibid.

³ O.B. Breen, “EU Regulation of Charitable Organizations: The Politics of Legally Enabling Civil Society”, *International Journal of Not for Profit Law*, vol. 10, no. 3, 2008, p. 61.

⁴ J. Lee, *Comparing NGO Influence in the EU and the U.S.*, CASIN, Kigali, Rwanda, September 2006, p. 1.

to evaluate the influence of NGOs on the EU decision-making framework of promoting human rights in China. Several questions underpin this objective: What are the human rights issues that Brussels-based NGOs focus the most of their lobbying activities on in the EU institutions? To what extent does their choice of promoting specific rights, cases or broader issues affect the European stands? To what extent do NGOs intervene in the shaping of EU policies and discourse on the promotion of human rights in China? How do they influence the institutional decision-making system of the EU and, eventually, to what extent does the EU make use of the expertise from NGOs when influencing China within the field of human rights?

In order to provide a satisfactory answer to these questions, the paper refers to the basic scheme provided by the Advocacy Coalition Framework (ACF) model of Paul A. Sabatier.⁵ I have altered the model into a three-dimensional tool by adding a third criterion, serving as the 'red line' in assessing the role and effectiveness of NGOs. The three dimensions are: (1) coalition-building, (2) convergence on policy objectives and, as an addition to Sabatier's framework, (3) mutual receptiveness of the actors involved.

My hypothesis is that while NGOs attempt, through traditional interest representation channels, to promote specific human rights, they do not have a *de facto* impact on EU policy-making on human rights in China. Indeed, given the multi-layeredness and complexity of the EU, they are unable to address the right policy makers, or they do not spread sufficient information to national constituencies and/or these have other, stronger interests which prevent them from acting on human rights (that is, *Realpolitik*). Indeed, the EU only seems half-open to the causes put forth by NGOs. Given China's spectacular rise, the EU abides by the Napoleonic prediction, "when China awakes, the world will tremble",⁶ putting economic interests above human rights, so as not to upset an influential player on the scene of world politics.

For the purpose of this paper, two facts are taken as given: that the People's Republic of China (PRC) has a serious human rights issue⁷ and that the EU member states recognise this fact and would like to see the situation ameliorated.⁸ It has been found that human rights are indivisible and should be taken as universal - they

⁵ P.A. Sabatier, "The Advocacy Coalition Framework: Revisions and Relevance for Europe", *Journal of European Public Policy*, vol. 5, no. 1, 1998, pp. 98-130.

⁶ A. Peyrefitte, *Quand la Chine s'éveillera ... le monde tremblera : regards sur la voie chinoise*, Paris, Fayard, 1973 (author's translation).

⁷ See China's human rights record, www.amnesty.org.uk/content.asp?CategoryID=11204, retrieved on 6 April 2009.

⁸ P. Baker, "Human Rights, Europe and the People's Republic of China", *The China Quarterly*, no. 169, 2002, p. 2.

can be approached in different ways, but never ranked or prioritised. The definition of human rights on which this paper is relying falls under this idea, i.e. human rights are understood as being universal. When reference is made to human rights in this paper, human rights are understood as defined in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), that is, the right to life, freedom from torture, freedom from arbitrary arrest and freedom of speech. The counterargument that other basic rights, namely socio-economic rights (or as put forth by a Chinese official, “collective rights”⁹) should be given priority seems far from satisfactory. Indeed, none of the ‘categories’ of human rights are incompatible but rather mutually reinforcing.¹⁰

NGOs are independent international civil society bodies. For the purpose of this paper only NGOs with a seat in Brussels and of significant size are considered. The organisations involved are thus: Amnesty International (AI), Fédération Internationale des Droits de l’Homme (FIDH), Human Rights Watch (HRW), Human Rights Without Frontiers (HRWF), International Campaign for Tibet (ICT) and *Réporteurs Sans Frontières* (RSF). To give as broad a picture as possible, Human Rights in China (HRIC), though no longer disposing of an office in Brussels, as well as the World Uyghur Congress (WUC – based in Munich, Germany) are also considered.

As for the definition of ‘influence’, it is seen as the capacity to shape the official position of the EU on human rights issues in China; the presence in the institutional decision-making framework and the extent to which the NGOs are being both listened to and respected by the EU institutions. The lack of science-based evaluations when assessing similar situations constitutes a major problem. Hence, the paper primarily deals with the analysis and comparisons of official statements and reports as well as informal declarations from both NGO staff and EU officials.

Finally, the EU decision-making framework of promoting human rights in China is mainly understood as the EU-China Human Rights Dialogue, established between the EU troika and Chinese officials in 1995 and held twice a year. Special attention will be paid to the legal expert seminars, organised over two days before the beginning of the official dialogue in which civil society is invited to bring inputs. One year after the organisation of the legal expert seminars was reverted from the European Commission to the Irish Centre for Human Rights, NUI Galway (effective as

⁹ Discussion in Bruges with Dr. Wang Yiwei, Second Secretary, Chinese Mission to the EU in Brussels, 25 March 2009.

¹⁰ Baker, *op.cit.*, p. 2.

of January 2009¹¹), this is a timely opportunity to examine the current state of the framework as both, the EU and China, begin to show signs of exasperation.¹² Additionally, official statements from each of the institutions in question will also be taken into account as a means of putting pressure on the Chinese authorities.¹³

The paper will first outline an analytical and conceptual approach to NGOs within EU-policy-making (section 2) and then test the three criteria in the subsequent chapters: coalition (section 3), convergence of discourses and objectives of both the EU and NGOs (section 4), and receptiveness of the EU to NGO lobbying, and of NGOs to China, in specific cases (section 5). Finally, the conclusions will, given the problematic nature of the issue at hand, reiterate the main findings of the paper and outline my perception of the evolution of EU-China relations with respect to human rights (section 6).

2. Interest Representation and Lobbying: a Theoretical Approach to NGOs within EU Human Rights Policy-making

This section turns to the EU's three main institutions – the European Parliament, the European Commission and the Council of Ministers – and the implications of this institutional division for NGO work.

2.1 Institutional Divisions within the EU: Challenge to NGOs

The European Parliament is by far the “most outspoken”¹⁴ of the three institutions. It is particularly receptive to NGOs and frequent exchanges – bringing highly valued inputs¹⁵ – are organised, thereby maintaining good relations and building mutual trust. Yet the European Parliament takes a rather ambiguous position towards NGOs:¹⁶ the complex relationship between the European Parliament and civil society “is borne of the continued assertion of the status of representative democracy above that of participatory democracy”.¹⁷ However, opportunity structures and

¹¹ For more information see *The EU-China Human Rights Network*, NUI Galway, www.nuigalway.ie/human_rights/projects/euchina.html, retrieved 15 February 2009.

¹² Fédération Internationale des Droits de l'Homme & Human Rights in China, *Joint Assessment of the EU-China Human Rights Dialogue and Legal Expert Seminars*, 8 December 2008.

¹³ See resolutions voted by the European Parliament, prizes and awards granted to human rights defenders, joint communiqués in all areas with possible effects on human rights.

¹⁴ Interview with an EU official, Brussels, 24 March 2009.

¹⁵ Interview with G. Harris, Human Rights Unit, European Parliament, Brussels, 16 March 2009.

¹⁶ J. Greenwood, “Transnational Institutions and Civil Society Organisations in the EU's Multilevel System”, in J. Joachim & B. Locher (eds.), *Transnational Activism in the UN and the EU – A Comparative Study*, London, Routledge, 2009, pp. 93-102.

¹⁷ *Ibid.*

“vigorous operational relations through the two worlds”¹⁸ exist. Moreover, if the European Parliament for a long time was reduced to more of a spectator, at the edge of the former institutional tandem, the legislative modifications made over the last twenty years – most significantly since December 2009 with the entry into force of the Lisbon Treaty – have raised its credentials and possibilities for influence significantly. Whilst some NGOs underline that although “parliamentarian resolutions can have an impact and positive effects in third countries [...] the European Parliament is not able to convey its positions to the other institutions, reducing its role to one rather similar to that of an NGO”¹⁹, the European Parliament remains the easiest to access and the one who speaks out, particularly on human rights.²⁰

According to an EU official, “the doors of the Commission are always open to NGOs”.²¹ The need for strengthened legitimacy is crucial to the wide-open doors of the Commission when it comes to NGOs. Indeed, as stressed by a paper published by the British Federal Trust for Education and Research, “citizens often criticize the Commission for being too bureaucratic and for producing complex legislation”.²² A recent *Eurobarometer* survey shows “that one in two Europeans consider the EU to be ‘technocratic’ (49%) and ‘inefficient’ (43%)”.²³

In short, it seems obvious that the so-called Monnet legacy, that is, “a depoliticised functionalist bureaucracy designed to pursue the common interests of European citizens”,²⁴ has exposed the Commission to justified criticisms of democratic deficits. Turning towards civil society thus seems an unavoidable measure in order to increase legitimacy and show that the Commission is not only looking inwards. Moreover, the Commission lacks human resources and experts on various issues, disposing, instead, of a significant staff of well-educated ‘generalists’. According to Katrin Kinzelbach (Ludwig Boltzmann Institute of Human Rights in Vienna), the Commission clearly “lacks true China experts”.²⁵ The knowledge gap thus created is very likely to be filled by reports and other inputs from NGOs. As it

¹⁸ Ibid.

¹⁹ Interview with S. Dennison, AI, Brussels, 17 March 2009.

²⁰ Ibid.

²¹ Interview with an EU official, op.cit., 24 March 2009.

²² Federal Trust for Education and Research, *The Role of the European Commission*, Discussion Paper, no. 4, for the Federal Trust Working Group on “Democracy, Legitimacy and Accountability in the EU”, www.fedtrust.co.uk/admin/uploads/FedT_Discussion_Paper_4.pdf, retrieved 26 April 2009.

²³ Ibid.

²⁴ Ibid.

²⁵ K. Kinzelbach, “EU Human Rights Policy towards China: Normative Partnership or Antagonism in Disguise?”, presentation at the workshop “Prospects and Challenges for EU-China Relations in the 21st Century: The Partnership and Cooperation Agreement”, College of Europe, Bruges, 3-4 April 2009.

stands, the Commission seems to need NGOs, just as much as NGOs need this institution to convey their messages at a political level.

Of the three institutions, the Council of Ministers remains the least accessible to NGOs because "Council sessions are on the whole secret, and documents are not readily released [...] There are no formalised consultations between COREPER and the NGOs, but there are more and more informal consultations in order to make allowance for current affairs in society at large".²⁶ In the same vein, it is noteworthy to highlight that a recent review of the EU-China Human Rights Dialogue, commanded by the Council Secretariat, has not been made publicly available.²⁷ However, these facts do not prevent NGOs from trying to influence policy processes through, for instance, national governments, the Council Presidency or COREPER.

According to a member of RSF, the Council represents *the* main obstacle to NGO influence. Indeed, it "listens to what suits it, adopting a cowardice attitude, where economy and financial profit are ranked highest; in sum, an attitude with *Realpolitik* as guidelines".²⁸ As much as one might find common ground in such a statement, it is nevertheless important to bear in mind that patience and pragmatism must prevail when dealing with diplomacy - at least to a certain extent. However, in order to curb this stand, possibly seen as a 'necessary evil' by more than one actor involved in EU foreign policy-making, and to avoid *Realpolitik* at too many latitudes, NGO input might be the answer.

Furthermore, the very nature of the Council encourages potentially inconsistent positions and policies. The problems ensued from the rotating Presidencies should in this respect be noted. For instance, the French Presidency of 2008, on which many NGOs had placed high hopes in terms of progress and defence of human rights, turned out to be "deceiving"²⁹; the Czech Presidency of 2009 had issues at the domestic level (change of government) and, for the recent Swedish Presidency, climate discussions ahead of COP15 (Copenhagen, December 2009) were the main focus. Added to this, priorities are not always in line, even within the units of the Council dealing with human rights. Besides, as put forth by a Council official, these units are themselves "internal NGOs",³⁰ in that they also lack significant influence. As for the COHOM, the working party on human rights within the Council, which meets once a month, it has closer links to the member states. Although it is

²⁶ "DEsite/DEcide", Tilburg University Library and Tilburg University Faculty of Law, <http://drcwww.uvt.nl/dbi/instructie/eu/en/T32.htm>, retrieved on 26 April 2009.

²⁷ Phone interview with S. Dennison, AI, 4 February 2010.

²⁸ Interview with O. Basille, Director General, RSF, Brussels, 24 March 2009.

²⁹ Interview with S. Dennison, AI, 17 March 2009, op.cit.

³⁰ Interview with an EU official, Brussels, 31 March 2009.

mainly consensus-driven, it appears both quite consistent and more open to outside influences than other units of the Council, showing signs of good cooperation with the Commission, the Council, the European Parliament and NGOs.³¹

Finally, even though the majority of the NGOs surveyed continue to focus more extensively on the European Parliament and the Commission, recent trends show that the organisations disposing of sufficient resources and staff increasingly turn towards the 'epicentre' of EU decision-making on human rights – the Council. For instance, AI today predominantly focuses on the Council and already enjoys quite an established way of feeding in.³²

2.2 *Consequences and Effects on the Work of NGOs*

The internal divide among the EU institutions, in terms of both access of and receptiveness to NGOs, constitutes a noteworthy hurdle to human rights engaged civil society. As underlined by Willy Fautré from HRWF, "the internal divisions within the EU make it all the more difficult to influence and approach the institutions".³³

Given the nature of the European Parliament, being more open to outside input, the majority of the NGOs focus their efforts on this institution. However, the most structured and best staffed among the organisations increasingly turn towards the Council as well. This fact evidently 'penalises' smaller NGOs, such as RSF.

Moreover, the differences between the institutions and the often rapid rotation of staff within the EU generate difficulties when assessing whom to address as a priority. This is mainly because the interaction between civil society and the EU institutions on human rights promotion in China largely remains based on informal contacts, even when unfolding under the EU-China Human Rights Dialogue. Yet, even if the personnel might change, the posts and functions stay the same.

Another concern is that of the institutionalisation of NGOs, which might lead to a decrease in independence. The Commission's relatively strong need for NGO input – explained notably by their lack of resources, as stressed by Nugent³⁴, who argues that the EU institutions employ 0,8 members of staff for every 10.000 European citizens, set against 300 per 10.000 in the individual member states – contains a risk of making the NGOs grow dependent on the institutions. Greenwood writes in this regard that "whilst civil society input can enhance output legitimacy, it is

³¹ Ibid.

³² Interview with S. Dennison, AI, 17 March 2009, op.cit.

³³ Interview with W. Fautré, HRWF, Brussels, 24 March 2009.

³⁴ N. Nugent, *The Government and Politics of the European Union*, Basingstoke, Palgrave Macmillan, 2006, 6th edn., chapter 9 and in particular p. 159.

conceivable that the involved organisations may grow dependent upon the support of the EU".³⁵ However, various NGOs unsurprisingly deny this – a denial which is often nuanced, that is, they all underline the need to adopt a constructive attitude, which is not radically opposed to that of the EU, in order for them to have their word to say. "NGOs try to be as independent as possible, but must play the EU's cards in order to be constructive".³⁶

To work on, and potentially with, the EU institutions is thus a matter of mutual trust; a question of not being bound by the EU policy in the given area, but rather 'playing the game' in order to increase the chances of influence.³⁷

2.3 *Theorising NGOs within the EU: the Advocacy Coalition Framework*

In order to better picture and analyse the situation outlined above, a theoretical tool is needed. Sabatier's ACF model, which is "the most useful unit of analysis for understanding the overall policy process in modern industrial societies",³⁸ seems appropriate. The ACF-model argues that actors increase their chances of influence when aggregating in 'advocacy coalitions' in which they share the same core policy beliefs as the other members and hence appear coherent and consistent in their discourses on the causes defended. Breen writes in a similar way concerning the appropriateness of using coalition-building as "an alternative lens [...] through which to view NGO/EU institutional relations".³⁹

Two criteria are taken from the ACF: (1) coalition and (2) coherence and convergence on policies and causes defended. An additional criterion concerns the specific issue of the EU's human rights policy toward China: (3) mutual receptiveness of the actors involved. In order to demonstrate the observations on the relationship of NGOs within the EU, while demonstrating their interaction with China, this paper will focus on the strategies of the NGOs involved, the issues they cover and how their actions, in return, are received and treated by the EU institutions.

Hence, the original criteria extorted from the ACF model are applied horizontally (the coalition between NGOs, the coalition within the EU institutions, and the convergence in both entities on causes defended), while the third criterion will

³⁵ Greenwood, *op.cit.*, p. 98.

³⁶ Interview with A. Madelin, Fédération Internationale des Droits de l'Homme, Brussels, 31 March 2009.

³⁷ *Ibid.*

³⁸ Sabatier, *op.cit.*, p. 7.

³⁹ O.B. Breen, *The Potential for Partnership – NGO Involvement in the European Policy and Decision-Making Process*, Summary of research, New Haven, CT, Yale Law School, 2003, p. 1.

be applied vertically (the degree of receptiveness by the EU to NGO lobbying and the degree of EU openness and NGO openness to China and Chinese perceptions).

In the following sections, the main findings of my research, largely based on interviews with officials and NGO representatives in Brussels, will be outlined. However, due to space restrictions, many descriptive parts have been left out.⁴⁰

3. Presence of NGOs within the Shaping of EU Human Rights Promotion in China: Increased Influence through Coalition-building?

3.1 Points of Convergence with the ACF: Coalitions or Institutionalised Groups

First of all, it should be noted that if not necessarily grouped in official coalitions, the majority of the NGOs involved, which claim to have any influence at all, are institutionalised, that is, well-established, of significant size and known as reliable by the EU institutions. Like in any other sector, making oneself heard and seen is crucial. Thus, it seems far from insipid that Amnesty International, one of the biggest NGOs, has its premises in the heart of the European quarter of Brussels, or that RSF – probably the smallest of size – has decided to locate its office a step away from the Council of Ministers.

As for coalition-building properly speaking, the FIDH, in its function of ‘umbrella organisation’, is the most telling example. It explicitly aims at coordinating the action of various groups, so-called ‘leagues’, specialised in the field of human rights. In doing so, it becomes a ‘spring-board’ for many small NGOs lacking the necessary resources to be heard within the context of the EU institutions. Thus, ICT has in spring 2009 made the demand for affiliation to FIDH, finding it “very important to cooperate with other NGOs”.⁴¹ As for HRIC, disposing no longer of an office in Brussels and having been ‘blacklisted’ by both the EU and the Chinese authorities (judged too controversial since the Human Rights Dialogue in Berlin 2007), it has been taken ‘under the wings’ of FIDH when it comes to representation within the EU.⁴² It is also worth mentioning that FIDH – alongside AI, HRW and RSF – is itself a member of the Human Rights and Democracy Network (HRDN), an informal grouping of NGOs operating at EU level in the broader areas of human rights, democracy and conflict

⁴⁰ For more details see C. Hansen, *The Influence of NGOs on the EU Decision-making Framework of Promoting Human Rights in China: True NGO Impact Fostering European Influence in the Middle Kingdom or Continuous Dialogue of the Deaf?* Master's thesis, Bruges, College of Europe, 2009.

⁴¹ Interview with V. Metten, ICT, Brussels, 27 April 2009.

⁴² See Fédération Internationale des Droits de l'Homme & Human Rights in China, *Joint Assessment of the EU-China Human Rights Dialogue and Legal Expert Seminars*, op.cit.

prevention.⁴³ The network outlines specifically that it “aims to influence EU and member state human rights policies and the programming of their funding instruments to promote democracy [and] human rights”.⁴⁴ While the HRDN does not represent its members as a uniform group with shared interests at all times, it constitutes a tool for information sharing and offers a framework for ad hoc coalitions on concrete projects.⁴⁵

Thus, one specific condition for influence is clear: regular contacts between NGOs are crucial in order to follow developments both in China and within the EU decision-making framework and, thereby, intervene and try to make a difference. However, not every network functions optimally. According to ICT, “the main network remains the FIDH”.⁴⁶ On punctual cases, the NGOs equally turn to groups and networks established outside the Brussels sanctuary. In the search of expertise and world-wide support, with the aim of further increasing the potential influence within the EU, every contact is of value. Thus, ICT has in 2009 begun to cooperate more closely with the ‘World Coalition against the Death Penalty’.⁴⁷ Indeed, after the sentencing to death of five Tibetans in the aftermath of the upheaval in March 2008, the organisation has turned to external means to fight for its cause.⁴⁸ The WUC works since the 1970s with other minority defenders. Indeed, “given that [they] all suffer from Chinese oppression, [they] have eventually created a united committee defending the causes of Oriental Turkestan/Interior Mongolia/Tibet in 1991”.⁴⁹

Thus, amongst NGOs the first criterion of the analytical scheme can be verified. Indeed, in order to increase their influence, NGOs present in Brussels or interested in conveying their ideas to the EU institutions rely on regular contacts and coordination skills from at least one umbrella organisation. This allows them to cover more issues than by working alone and enhances their credibility vis-à-vis the institutional actors.

⁴³ The Human Rights and Democracy Network (HRDN), part of the EU Civil Society Contact Group, established in 2002, www.act4europe.org/code/en/about.asp?Page=41&menuPage=41, retrieved on 3 March 2010. See also D. Gueguen, *European Lobbying*, London, John Harper Publishing, 2008, 3rd edn., pp. 50-58.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ Interview with V. Metten, *op.cit.*

⁴⁷ World Coalition against the Death Penalty, www.worldcoalition.org/modules/accueil, retrieved on 15 April 2009.

⁴⁸ International Campaign for Tibet, “Fifth Tibetan Sentenced to Death”, www.savetibet.org/media-center/ict-news-reports/fifth-tibetan-sentenced-death, retrieved on 15 April 2009.

⁴⁹ Entretien avec Dolkun Isa, Secrétaire Général du Congrès Mondial Ouïgour, “Le calvaire des Ouïgours”, 30 May 2008, www.eurasie.net/webzine/Entretien-avec-Dolkun-Isa.html, retrieved 28 April 2009 (author’s translation).

Nevertheless, to be truly effective, NGOs should, according to the ACF scheme, also enter into coalition with actors from other spheres, that is public/governmental actors and agents from the private sector. On this point, however, the civil society groups working on human rights in China seem to lag behind.

3.2 *Points of Divergence with the ACF: no Big Platforms, nor Cross-sector Coalitions*

Searching for a way to settle whether NGOs attempting to change or toughen the European discourse on human rights in China are effective in doing so, it appears necessary to broaden the scope of the first criterion, aligning thus with the initial model. Indeed, according to Sabatier, coalition-building, forming a sub-unit consisting of “actors from a variety of public and private organisations who are actively concerned with a policy problem or issue [...] and who regularly seek to influence public policy in that domain,”⁵⁰ is the most effective way of achieving aims set when lobbying on specific causes.

Although this paper exclusively deals with civil society focused on human rights, it seems predominant to enlarge the groups studied, in order to evaluate the degree of trans-sector coalition-building to civil society engaged with China in general. Yet, this underlines the problem of “no unified European civil society and no unified perception of China”.⁵¹ Indeed, European civil society organisations have differing perceptions of China, and the organisations involved can be ranked as follows:⁵²

- 1) Human rights;
- 2) Labour;
- 3) Environment;
- 4) Education.

This fact illustrates the obstacles standing in the way of NGOs when trying to establish effective coalitions across civil society organisations specialised on China. All of them would have an interest in tighter cooperation, but the divergences in perceptions hinder agreements. Some institutions are in the grey zone between civil society, academia and the private sector and are trying to obtain better coordination between the different groups, such as the European Economic and Social

⁵⁰ Sabatier, *op.cit.*, p. 7.

⁵¹ N. Sausmikat, *Civil Society Dilemmas in Dealing with China*, EU-China Civil Society Forum, 22 March 2009, www.eu-china.net/web/cms/front_content.php, retrieved 6 April 2009.

⁵² *Ibid.*

Committee, a “bridge for organised civil society”,⁵³ the China-Europe Forum,⁵⁴ which focuses on various societal groups including civil society, and Academia Sinica Europaea (ASE),⁵⁵ an intellectual interface between China and Europe.⁵⁶

Still, the coalition criterion understood in the broadest sense does not seem to apply to the situation of NGOs attempting to influence the EU institutions when promoting human rights in China. If the various NGOs tend to aggregate, at least in gathering information, they remain confined to the sphere of interest groups working with human rights and only do little to open up to the private sector. There might have been attempts in this direction, but even if this is the case, they have never been fully accomplished due to differing perceptions and contradictory prioritisations of interests. This is, for instance, the case between human rights NGOs and the EU (see below). Hence, it is questionable whether adding more actors would do anything but complicate the picture further.

In this perspective, Dirk Sterckx from the European Parliament stresses the existence of what he calls a “huge lobby on China”,⁵⁷ stemming not only from NGOs, but “also from the business community [...] leading to rather contradictory forces within China lobbying in the EU”.⁵⁸ Ultimately then, coalition-building is seen as a valuable means if one is to assert genuine influence on the EU institutions. However, the hurdle of divergent perceptions and interests is yet to be overcome.

4. The EU Discourse on Human Rights in China and NGO Objectives: Divergences or Similarities?

4.1 Partial Agreement on the Rights in Focus

As a general remark, there seems to be a rather good convergence between the EU institutions and NGOs, in particular when it comes to the choice of human rights to highlight. EU officials appear very satisfied with the degree of similarity between the overall objectives: “priorities are similar between the EU and the NGOs present in Brussels: ratification of the ICCPR, death penalty, torture, detention, re-education through labour, Charter 08, calling for release of leader Liu Xiaobiao, freedom of expression, state secrecy legislation, censorship of internet, Tibet and Xinjiang,

⁵³ The European Economic and Social Committee, homepage www.eesc.europa.eu/index_en.asp, retrieved 15 April 2009.

⁵⁴ China-Europe Forum, www.china-europaforum.net, retrieved 15 April 2009.

⁵⁵ Academia Sinica Europaea, www.ceibs.edu/ase/ASE.htm, retrieved 15 April 2009.

⁵⁶ EU-China Civil Society Forum, op.cit.

⁵⁷ D. Sterckx, “Debriefing of the European Parliament’s Recent Visit to China”, Brussels Institute of Contemporary Chinese Studies (BICCS), Brussels, 30 April 2009.

⁵⁸ Ibid.

freedom of religion, labour rights and children and women rights are issues we all intend to work on and improve".⁵⁹

Nevertheless, NGOs stress the importance of basic rights, the so-called 'human security concept'⁶⁰ which, although far from being new within the EU,⁶¹ remains rather marginal on the agenda of the Union. Indeed, where many NGOs call for a focus on economic and social rights, the EU appears to persist in privileging political and civil rights, seemingly forgetting that the latter solely 'arrived' on the Old Continent after the well-establishment of the former. This is not saying that the EU should accept any '*langue de bois*' from China; but simply that it is questionable whether isolating a few rights from the broad range existing is fruitful.

In this perspective, Dirk Sterckx has an interesting point of view: the EU "should never be humble",⁶² but instead recognise that China and Europe have different ways of approaching human rights and adapt its political discourse on that basis in order to achieve progress across the spectrum of human rights. China persists in arguing that the EU system is not suitable for the Middle Kingdom as it is diametrically opposed to the highly praised Chinese principle of stability. Hence, Sterckx finds that the EU, instead of referring to 'European democracy', should translate the concept to other terms, such as accountability and rule of law. Thus, without neglecting the urgent need to act on individual rights abuses in China, the EU would show will to cooperate and understanding of a system different from its own. There seems to be a general demand for an adjustment of expectations to reality.

Finally, if a partial convergence on objectives seems to exist, little coherence is to be found, especially within the EU. Frequent policy papers⁶³ underline a slight confusion, which rejoins the ever-returning criticism of the incapability of the EU to 'speak with one voice'. Yet, this EU default remains but one of the sources of disagreement between the institutions and the human-rights focused civil society.

⁵⁹ Interview with a Commission Official, Brussels, 24 March 2009.

⁶⁰ M. Ul Haq, Pakistani economist who invented the notion, see definition at the Human Security Centre, www.humansecurityreport.info/index.php?option=content&task=view&id=24&Itemid=59, retrieved 20 April 2009.

⁶¹ As underlined in an interview by G. Harris, Head of Human Rights Unit, European Parliament, Brussels, 16 March 2009.

⁶² Sterckx, op.cit.

⁶³ There are currently five major EU policy papers concerning relations with China. For more information, see http://ec.europa.eu/comm/external_relations/china/intro/index.htm, 10 March 2009.

4.2 *Disagreement on Methods and Pace of Involvement*

When it comes to the underlying strategies to employ, NGOs and EU institutions are far from being in line.

First, there is a clear *disagreement on the methods* used in promoting human rights towards China. *Primo*, the definition of the scope of rights to cover does not find consensus. NGOs blame the institutions for being “blind folded”⁶⁴ and for restricting their human rights policy solely to political and civil rights. Willy Fautré from HRWF stresses that “NGOs and the EU should reprioritise the causes defended: freedom of expression is not primordial for someone who does not even possess a computer or knows how to write”.⁶⁵ Echoed by many other organisations, he underlines that both the institutions and, to a certain extent, the NGOs should focus more on housing, land, working conditions and the legal system. It is, indeed, important to assist people who then, in return, might begin to understand what human rights in essence are. *Secundo*, transparency, publicity and assessment of the policies in place, most particularly the Human Rights Dialogue is a point of disagreement. The NGOs call for opening the so far shut doors and inviting civil society to participate in assessments held in public. The COHOM evaluates the Dialogue, but has, up till now “brought no new analysis or inputs”.⁶⁶ *Tertio*, there is a rather strong divergence to be found on the issue of whether to politicise the Dialogue or rather keep it in the ‘dialogue box’⁶⁷. Mainstreaming human rights, through cross-pillarisation is also a possibility. “Human rights should not be put in a box, but also discussed at political summits”⁶⁸, according to RSF. The criticisms are clear: “the EU is not united enough, not strong enough, not determined enough [...] the EU needs to speak with one voice”.⁶⁹ According to the NGOs, there are no documents which clearly state the position of the EU, which thereby pushes NGOs “to act on a case-to-case basis”.⁷⁰

Second, there is a tangible *disagreement on the pace* to adopt. Many of the actors involved highlighted the fortuitous moment represented by the years 2008-09, years of anniversaries and commemorations. They therefore pledged for stronger action, especially in order to persist in marking the 60th anniversary of the Universal

⁶⁴ Interview with O. Basille, RSF, op.cit.

⁶⁵ Interview with W. Fautré, HRWF, op.cit.

⁶⁶ Interview with S. Dennission, AI, op.cit.

⁶⁷ G. Harris, European Parliament. He also talks about a ‘stylized ballet’; interview in Brussels, 16 March 2009.

⁶⁸ Interview with O. Basille, RSF, op.cit.

⁶⁹ Ibid.

⁷⁰ Interview with V. Metten, ICT, op.cit.

Declaration of Human Rights (1948-2008), the 20-year-anniversary of the Tiananmen massacre and the Tibetan upheaval of 2008. However, some members of NGOs appear to believe that notwithstanding these facts, the “moment was left unseized”.⁷¹ Indeed, after the little efforts shown by the EU during the Olympic Games in Beijing, RSF, for instance, notes that it is too late to do more.⁷² In sum, many NGOs express their concern over the EU having given up on human rights, favouring instead trade and economic ties.

5. Impact of NGOs and Case Studies: Variable Degrees of Receptiveness

5.1 Reflection of the Work of NGOs in Official Statements

Main points raised by NGOs, such as rule of law, transparency and accountability are to be found in official documents emanating from the EU institutions. These concepts are, on the one hand, being called upon by NGOs and academia, and on the other hand, the same concepts are equally asked for by the Chinese authorities which, according to former Chairman of the European Parliament’s China Delegation, Dirk Sterckx, think that it is in the “interest of China to work more persistently on accountability and the rule of law”.⁷³ Incentives for EU encouragements in these areas are thus present.

In the 2006 Commission Communication *EU-China: Closer Partners, Growing Responsibilities*, the Commission furthermore stressed its strong commitment to “support efforts to strengthen the rule of law – an essential basis for all other reforms”.⁷⁴ As for transparency and accountability, the EU equally appears to be receptive to NGO demands. Undeniably, in its *Guidelines on Human Rights Dialogues*, the Commission argues that “the EU will as far as possible give the Human Rights Dialogues a degree of genuine transparency vis-à-vis civil society”.⁷⁵ Similarly, in its 2003 Communication *Maturing Partnership - Shared Interests and Challenges in EU-China Relations*, the Commission explicitly commits itself to “give as much visibility

⁷¹ Interview with O. Basille, RSF, op. cit.

⁷² Ibid.

⁷³ Sterckx, op.cit.

⁷⁴ Commission of the European Communities, *Communication from the Commission to the Council and the European Parliament. EU – China: Closer Partners, Growing Responsibilities*, COM(2006) 631 final, Brussels, 24 October 2006, p. 12.

⁷⁵ Commission of the European Communities, *European Union Guidelines on Human Rights Dialogues*, Brussels, 8 May 2001, retrieved 12 January 2009, www.consilium.europa.eu/uedocs/cmsUpload/14469EN_HR.pdf, p. 7.

and transparency [emphasis added] as possible to the Dialogue, e.g. by briefing press, civil society and the European Parliament after each session".⁷⁶

The EU's *de facto* degree of receptiveness varies on a case-by-case basis (Tibet, Xinjiang, Charter 08, Falun Gong, etc.), but in general it can be argued that it more or less follows its statements – yet not always to the extent described below.

5.2 The Case of Hu Jia, Sakharov Prize for Freedom of Thought 2008

In the case of Hu Jia, the three criteria established at the beginning of the paper are confirmed. Hu Jia, fighting for more respect for human rights, amongst others for AIDS patients, "was taken from his home in Beijing by police on 27 December 2007 on charges of inciting subversion".⁷⁷ After heavy lobbying from RSF, supported by the Greens and the British Conservatives⁷⁸ within the European Parliament, Hu Jia received the European Parliament *Sakharov Prize for Freedom of Thought*⁷⁹ in December 2008 for his fight for increased respect for human rights.

NGOs were quick to get engaged on the case and put a lot of effort in briefing the EU institutions in the hope of condemnatory action. The European Parliament responded promptly with a joint resolution on 17 January 2008,

"strongly condemn[ing] the detention of Hu Jia and demand[ing] his prompt release and that of all the dissidents who ha[d] been arrested and jailed for crimes of opinion [...] call[ing] upon China to respect its commitments to Human Rights and the rule of law [...] by putting an end to the harassment of Chinese Human Rights defenders, in order to demonstrate its commitment to Human Rights in its Olympic year."⁸⁰

Among the NGOs engaged on the case, HRW was markedly active. The organisation had "long argued that Hu's arrest in December 2007 was politically motivated and that his trial did not meet minimum standards of fairness and due process".⁸¹

⁷⁶ Commission of the European Communities, *Commission Policy Paper for the Transmission to the Council and the European Parliament, A Maturing Partnership - Shared Interests and Challenges in EU-China Relations*, COM(2003) 533 final, Brussels, 10 September 2003.

⁷⁷ European Parliament, News Release, 17 January 2007, www.europarl.europa.eu/comparl/afet/droi/hearings.htm, retrieved 28 March 2009.

⁷⁸ Interview with an EU official, Brussels, 16 March 2009.

⁷⁹ For more information on the *Sakharov Prize for Freedom of Thought*, see www.europarl.europa.eu/comparl/afet/droi/sakharov/default.htm, retrieved 28 March 2009.

⁸⁰ European Parliament resolution on the arrest of the Chinese dissident Hu Jia, 17 January 2008, www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2008-0021&language=EN, retrieved 28 March 2009.

⁸¹ Human Rights Watch, *Tightening Chokehold on Dissent Ahead of the Olympics*, hrw.org/english/docs/2008/03/17/china18300.htm, 17 March 2008, retrieved 20 March 2009.

In sum, several NGOs worked on the case of Hu Jia and managed to convey the necessary information to the institutions, of which the European Parliament was the most receptive; all of it in a coherent mode. As for the reception by the Chinese authorities, it is questionable whether they actually understood the resolution or the award issued by the European Parliament. Indeed, according to Dirk Sterckx, "Hu Jia is completely mysterious to China".⁸² Since the Chinese Parliament never issues statements on the EU, it remains a puzzle to Beijing that the EU does so on China.

5.3 Interest Prioritising within the EU

NGO influence is without doubt retained by the overall EU receptiveness to human rights issues. The European institutions are, indeed, to a large extent preoccupied with trade and economic matters, allocating significantly less importance to 'softer' areas of cooperation. As put forth by Jonathan Holslag, in eight EU joint statements on China, the clauses introduced predominantly lean toward economic prioritisation.⁸³ He categorises the different clauses according to five main sectors: "45.3 percent relates to the economic sector, 19.3 percent to the political-diplomatic sector, 18.6 percent to the security sector, 8.6 percent to the rule of law, and 8 percent to environmental protection".⁸⁴ To NGOs this fact represents an additional obstacle to influence the institutions. Indeed, if the EU ranks other issues higher, the lobbying on human rights needs to be all the more powerful, and in that respect it is important to keep in mind the complexity of "the European international actorness [... a] dynamic combination of the three types of policy, namely the CFSP [Common Foreign and Security Policy], the EC and the member state levels, which interact within the European system of external relations".⁸⁵ It is thus not only EU interest prioritisation, ranking economic agreements highest, which is complicating the work of NGOs, but also differences in interests among the member states.

A noteworthy amount of realism and pragmatism prevail in the EU's approach to promoting human rights in China. If human rights were mainstreamed, and not kept in a 'dialogue box', tangible results would more likely be within reach.

⁸² Sterckx, op.cit.

⁸³ J. Holslag, *The Elusive Axis - Evaluating the EU-China Strategic Partnership*, Brussels Institute of Contemporary Chinese Studies (BICCS), *Asia Papers*, [www.vub.ac.be/biccs/documents/Holslag,%20Jonathan%20\(2009\),%20The%20elusive%20axis.pdf](http://www.vub.ac.be/biccs/documents/Holslag,%20Jonathan%20(2009),%20The%20elusive%20axis.pdf), vol.4, no. 2, 2009, retrieved 2 April 2009.

⁸⁴ Ibid.

⁸⁵ G. Balducci, "Inside Normative Power Europe: Actors and Processes in the European Promotion of Human Rights in China", *EU Diplomacy Paper*, 8/2008, Bruges, College of Europe, p. 6.

5.4 *EU-China: the Great Disillusion?*⁸⁶

Underneath the European attitude described above lies a “stubborn belief that [the EU] can socialize China”.⁸⁷ According to Holslag, “the EU still assumes that by entangling the Asian power into a web of international institutions and rules, Beijing will adopt the norms that Europe has enshrined in its own political charters”.⁸⁸ It is the “conflict between China’s preference for realism and the EU’s penchant for normative power”⁸⁹ which at present impedes genuine dialogue and substantial results in the field of human rights. Besides, it is the same quarrel which reduces the receptiveness of the EU to NGO input, however united and coherent it may be. If the EU ceases to pretend to be morally superior it might open up to both NGOs and Chinese reality.

5.5 *How to Overcome the Constraints? Policy Recommendations*

“A relationship that is limited to praise would not amount to much”.⁹⁰ This statement indicates the risk of engaging with a partner without any critical outlook or firm stand. When it comes to the European attitude towards China, such a risk seems to be lurking between the lines of every resolution, joint communiqué or official declaration. “Europe is developing its relations with China in a strategic vacuum [...] it pretends to be a solid partner for China, but in reality it only excels in the declaratory ambivalence that is used to cover up the lack of internal consensus”.⁹¹

To overcome China’s *Realpolitik*, the EU needs to overcome that of its own member states and to unify its voice. Hence, the EU institutions, its staff to be more precise, need to be better informed on China. Closer cooperation with NGOs on the issue could fill this gap, perhaps by establishing a more formal coalition between the EU institutions, academia and civil society and maybe the private sector. Roundtables, “involving scholars, think tanks, journalists, business leaders and

⁸⁶ J. Holslag, “The EU and China – The Great Disillusion”, *Asia Paper*, vol. 1, no. 3, 5 November 2006.

⁸⁷ Ibid.

⁸⁸ Ibid. See also I. Manners, “Normative Power Europe: A Contradiction in Terms?”, *Journal of Common Market Studies*, vol. 40, no. 2, 2002, pp. 235-258; T. Diez, “Constructing the Self and Changing Others: Reconsidering Normative Power Europe”, *Millennium*, vol. 33, no. 3, 2005, pp. 613-636; G. Balducci, op.cit.; H. Grabbe, *The EU’s Transformative Power: Europeanization through Conditionality in Central and Eastern Europe*, Basingstoke, Palgrave Macmillan, 2005.

⁸⁹ Ibid.

⁹⁰ N. Beger, Director Amnesty International EU Office, *EU-China: Frank Dialogue Should Mark New Phase of Relations*, 29 January 2009, www.amnesty.org, retrieved 30 April 2009.

⁹¹ J. Holslag, *The Case for More Realism in the EU’s China Policy*, Brussels Institute of Contemporary China Studies (BICCS), *Asia Briefing*, 24 November 2008, www.vub.ac.be/biccs/site/index.php?id=25, retrieved 15 April 2009.

officials",⁹² could equally be organised on a more regular basis in the member states, providing "the opportunity to interpret China's rise from a national perspective and to raise support for a coherent European position".⁹³ Indeed, to set up a well-built European human rights policy towards China should be an exercise founded on bottom-up legitimacy, not only on technocratic steering.⁹⁴ Hence, NGOs should increasingly centre their efforts on strategy, aiming at better coalitions and convergence on objectives. They should furthermore work steadily on increasing their knowledge of China, and hence their own receptiveness of the human rights issues in the country in order to subsequently increase that of the EU.

Finally, the EU-China Human Rights Dialogue should be opened up, surpassed, so that human rights discussions no longer remain behind closed doors – in the 'dialogue box' – but instead are mainstreamed into high-level political discussions. With the EU relegating responsibility for the legal expert seminars to academia (Irish Institute for Human Rights, Galway, since spring 2009), opinions are mixed on the issue. To academia⁹⁵ the move is positive, yet some NGOs⁹⁶ seem to think the opposite, feeling pushed even further away from the decision-making process. Amnesty International finds the depoliticisation acceptable – it will most probably allow for greater room for open discussions – but notes that the switch in responsibility might entail practical problems.⁹⁷

In sum, the tight spot on the issue of human rights in China is that the will to change to a large extent seems confined to NGOs and the 'NGO-like services' of the EU institutions. Both appear to work together rather closely, but the influence of NGOs is only conveyed in a limited manner to the higher instances of decision-making.

⁹² Ibid.

⁹³ Holslag, op.cit.

⁹⁴ Ibid.

⁹⁵ Interview with a Senior Researcher, Danish Institute for Human Rights, Copenhagen, 22 June 2009.

⁹⁶ Interview A. Madelin, op.cit.

⁹⁷ Phone interview with S. Dennison, op.cit. – practical problems were namely seen at the latest Dialogue, held in Beijing, China, at the end of November 2009 (e.g. visas were restricted). Eventually, the European Commission had to - temporarily - 'take over' again.

6. Conclusions: Back to the 'Ground'?

"Comment imaginer l'avenir sans connaître le passé ?"
Jacques Delors⁹⁸

"How to imagine the future, without knowledge of the past?"⁹⁹ Thus spoke one of the most prominent Presidents of the European Commission, and both the EU institutions and NGOs active in the field of promoting and defending human rights in China seem to think and act in accordance. Guideline for Jacques Delors¹⁰⁰, the sentence seems to fit the arguments of this paper. The influence of NGOs on the EU decision-making framework of promoting human rights in China has increased over recent years, exactly because the EU has taken up the challenge to take an in-depth look into history. Indeed, when acknowledging the need for further democratic legitimacy, the initially technocratic EU has begun to increasingly take input from civil society into account, in order to move forward in a more constructive way. 'With a little help' in form of expertise from NGOs, the EU at present appears to be able to build a genuine position on the issue. Indeed, although the EU has "little leverage regarding the human and civic rights of Chinese citizens",¹⁰¹ this paper has clearly argued that it should nevertheless refrain from silence. However, the EU "desperately needs to bolster the credibility of its approach",¹⁰² to stand by the lessons learned in terms of legitimacy, and progressively begin to enlarge its human rights policy towards China beyond the current "discreet official channels and informal dialogues [taking place] behind closed doors".¹⁰³

First, it has been argued that notwithstanding the initial hypothesis, NGOs know whom to address and where to turn in order to influence the EU decision-making framework of promoting human rights in China. This is due to a rather well-established dialogue which, if not yet perfect, allows for inputs from civil society. Subsequently, the paper relied on a three-dimensional tool, based on Sabatier's ACF model, so as to verify the effectiveness of the methods employed by NGOs in broader terms. The first criterion, coalition-building, clearly applied, but NGOs should strive more in this direction to increase their influence. However, NGOs have, like the EU, been lurking through the 'looking-glass', to paraphrase Carroll Lewis famous

⁹⁸ J. Delors (avec Jean-Louis Arnaud), *Mémoires*, Paris, Plon, 2004, p. 262.

⁹⁹ Ibid. (author's translation).

¹⁰⁰ Ibid.

¹⁰¹ J. Fox & F. Godement, *A Power Audit of EU-China Relations*, London, European Council on Foreign Relations, April 2009, ecfr.3cdn.net/532cd91d0b5c9699ad_ozm6b9bz4.pdf, p. 17, retrieved 29 April 2009.

¹⁰² Ibid.

¹⁰³ Ibid.

book¹⁰⁴, and have evidently attempted to enact the lessons taught by the past. They have “increasingly realised the importance of organising themselves in coherent alliances in order to gain influence within the EU”,¹⁰⁵ such as the one embodied by the FIDH. Indeed, “whilst seeking to safeguard their independence, many NGOs have acknowledged that positive changes within the EU can only be achieved through common campaigning, and consistent dialogue”.¹⁰⁶ If their methods remain incomplete, such inadequacies seem to be easily surmounted, for instance by creating a platform for human rights NGOs working particularly on the Chinese situation – perhaps within the existing HRDN.

Second, the convergence between NGOs and the EU institutions on human rights as well as the overall coherence in strategies and objectives were analysed. It was found that there is a partial convergence, with internal confusions existing on each side, reducing the level of influence on China. The core division between NGOs and the EU was particularly visible on this point. Indeed, the EU is bound by *Realpolitik*, that is, a fear of being over-taken by China if it does not comply with ‘unconditional engagement’.¹⁰⁷ The NGOs are much freer, but without much leverage, given the position of the EU. The paper argued that a change in Chinese mentality¹⁰⁸ on the issue, allowing for a change within the EU institutions, constitutes a prerequisite for success.

Finally, the degree of receptiveness of both NGOs and the EU to China as well as of the EU to NGOs was examined. It was argued that NGOs need to enlarge and reinforce their knowledge about China in general in order to influence the EU institutions. In sum, the receptiveness of NGOs to China is not the key issue – enlarging knowledge and recruiting appropriate staff, in terms of expertise, does not seem out of reach –, but it is rather the receptiveness of the EU, *primo* to NGOs, and *secundo* to China, which urgently should be modified. Civil society, “catalyst of public opinion [...] can and does influence the political process, but [...] it can only do so when the political parties are themselves convinced by the arguments put forward”.¹⁰⁹ Hence, different priority-ranking needs to be put forth in the European CFSP if tangible results in the field of human rights in third countries are to be accomplished. Conceding

¹⁰⁴ L. Carroll, *Through the Looking-Glass and What Alice Found There*, London, Macmillan, 1871.

¹⁰⁵ G. Alhadeff & S. Wilson, *European Civil Society Coming of Age*, www.globalpolicy.org/ngos/int/eu/2002/05civsoc.htm, The Platform of European Social NGOs, May 2002.

¹⁰⁶ Ibid.

¹⁰⁷ For more details on this point see Fox & Godement, *op.cit.*

¹⁰⁸ “Particularly aggressive at the last Human Rights Dialogue, November 2009, underlining a strong Chinese perception on human rights defenders; *nothing but criminals*”; phone interview with S. Dennison, *op.cit.*

¹⁰⁹ G. Alhadeff & S. Wilson, *European Civil Society Coming of Age*, *op.cit.*

that this, in today's world setting, is quite unlikely to occur, a possible solution could be that of progressively mainstreaming human rights into all aspects of EU-China relations in order for them to be eventually discussed at high-level meetings. To achieve such a goal will most likely imply engaging in a marathon, but it is widely known that the satisfaction for the long-distance runner after having covered the Olympic distance is tremendous.

As for the failure to comply with the third criterion, the hurdle appears to be more difficult to surpass. Concerning the EU's attitude towards China, it has been argued throughout the paper that it is 'stuck in the past' – if only it was so in a constructive way, as implied by the sentence by Delors, the results would be there. However, it was shown that this is not the case. Indeed, when putting on the moralising coat of the one who knows better, the EU instantly splinters the efforts made by NGOs, as China evidently strongly resists to such a fashion in garments.

The 'grand theories of Western democratisation'¹¹⁰ do not find benevolent ground in China; the EU should in all probability change its approach in institution- and capacity-building. Even here, "the implications are not always clear cut [...] Europeans have largely accepted relatively close scrutiny from the Public Security Bureau and restrictions on which civil society groups can be involved in promoting democratic governance".¹¹¹ The key requirement for the EU on the issue seems to be "thinking realistically about expectations".¹¹²

In sum, if the EU is to have any impact on the future developments in respect to human rights in China, it must, first of all, "meet one of the key objectives laid out at Laeken in December 2001 – to engage citizens with the EU project [that is, let] European civil society [...] play a key role".¹¹³ Subsequently, it should endeavour to change its approach towards China more generally speaking. Not its goals, simply its attitude. European civil society engaged in the field of human rights in China is striving to make its recommendations heard. Success on this point can only be achieved with adequate support from the EU institutions. Hence, this paper calls, in line with Giampiero Alhadef and Simon Wilson, for "a structured civil Dialogue –

¹¹⁰ S. Breslin, *Democratising One-Party Rule? Political Reform, Nationalism and Legitimacy in the People's Republic of China*, Working Paper, no. 67, September 2008, Madrid, Fundación para las relaciones internacionales y el dialogo exterior (FRIDE), www.fride.org/descarga/WP67_China_one_party_ENG2_sep08.pdf, retrieved 20 February 2009.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Fox & Godement, *op.cit.*, p. 17.

established with a legal base in the Treaties – [which] would clearly guarantee a role for civil society [...] and would help to reinvigorate” EU-China relations.¹¹⁴

“When you have faults, do not fear to abandon them”.¹¹⁵ This quotation from Confucius completes the circle sketched by the initial sentence of Jacques Delors. Indeed, in order to advance in the area of promoting human rights in China, it is predominant to acknowledge the past, so as to leave errors behind and constructively move ahead.

¹¹⁴ G. Alhadeff & S. Wilson, *European Civil Society Coming of Age*, op.cit.

¹¹⁵ Confucius, *The Confucian Analects*, book 1, translated by James Legge, eBooks@Adelaide, 2004, ebooks.adelaide.edu.au/c/confucius/c748a, retrieved 2 May 2009.

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