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## EU Diplomacy Papers

8 / 2008

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# **Inside Normative Power Europe: Actors and Processes in the European Promotion of Human Rights in China**

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## About the Author

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## **Abstract**

In recent years an increasing number of scholarly contributions on EU international actorness focus on notions of 'normative, value-driven external policy'. This is in opposition to the usual realist view of an EU unable to make its voice heard when real crisis emerges, mostly due to its lack of military capabilities, or the criticism of proponents of the term 'fortress Europe', for whom the EU merely serves as a vehicle to reinforce member states' economic interests vis-à-vis the rest of the world. Informed by liberal and constructivist approaches, these works have given rise to concepts of 'civilian', 'normative', 'ethical' or 'gentle' power Europe. All these works point to the unique role that the EU has played and could play on the international stage as a promoter of its distinctive norms, which range from multilateralism to sustainable peace, from democracy to human rights and rule of law. In particular, numerous authors identify in the respect of human rights one of the main tenets of EU international identity and argue that the promotion of human rights is one of the main foreign policy objectives of the EU.

However, the majority of this literature presents two major shortcomings. First, it tends to merely analyse EU foreign policy leaving aside the foreign policies of the member states, uncritically assuming that they are in line with those of the EU. In this way, it is unable to assess the actual political impact of Europe on international relations, which requires the analysis of the coherence and consistency of the EU's and its member states' foreign policies. Second, the existing literature tends to reify the EU and to conceive it as a single international actor. This allows applying classical tools of foreign policy analysis, which yet are unable to make sense of the complexity of foreign policy within the European context.

How can these theoretical and analytical shortcomings of the Normative Power Europe (NPE) concept be rectified? I argue that the NPE concept at the analytical level must take into account the EU member states' foreign policies, while at the theoretical level it is necessary to pry open the EU's 'black box' through a liberal constructivist conceptual framework that can explain the European foreign policy outcome on the basis of the material and ethical interests of the member states as shaped by the interaction within the EU institutional setting. After briefly sketching such an analytical and theoretical approach to NPE, this paper attempts to empirically test it in the specific case of the European promotion of human rights in China. What emerges is that in this case the EU appears more as a 'normative trap' rather than a normative power, where member states are 'entrapped' to pursue policies not in line with the EU normative basis.

## Introduction: Single or Multiple European Actorness?

A recent comparative study edited by Nathalie Tocci on the EU's foreign policy and that of its main global partners, namely the US, China, India and Russia, sets the task to explore three main research questions to assess their *normativeness*: "what an actor wants (its goals), how it acts (the deployment of its policy means) and what it achieves (its impact)".<sup>1</sup> This appears a welcome endeavour to clarify the under-specified literature on EU normative foreign policy dominated by Ian Manners' conceptualisation of Normative Power Europe.<sup>2</sup> Yet it neglects an important point: falling in line with the contemporary characterisation of the EU as an international actor, it fails to address the internal complexity of the EU and the coexistence of national, intergovernmental and supranational dynamics in EU foreign policy. Such an approach thus encounters two major shortcomings.

First, it addresses the very important questions mentioned above to the wrong subject matter. It asks what the EU (actor) wants (goals), wrongly supposing that each European actor shares a similar identity and interest, instead of asking what the member states, the Commission and the Council (actors) want (goals). Similarly, it asks how the EU (actor) acts (means) instead of asking what the competences and thus the instruments (means) deployed by the member states, the Commission or the Council (actors) are, uncritically assuming the oft undemonstrated coherence and consistency of their actions. Eventually, it assesses the impact of EU foreign policy without considering the achievements (impact) of the member states' foreign policies, which may or may not be in line with those of the EU institutions.

Second, the above study compares the incomparable with similar tools. As the US, China, India and Russia, differently from the EU, are internationally recognised states, the study of their foreign policies and their normative character can make use of the traditional tools developed by the classical school of foreign policy analysis. This is not granted in the case of the EU. In fact, several authors have argued that an adapted foreign policy analysis should be applied to the study of EU foreign policy.<sup>3</sup>

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<sup>1</sup> Tocci, Nathalie (2008), 'Profiling Normative Foreign Policy', in Nathalie Tocci (ed.), *Who Is a Normative Foreign Policy Actor? The EU and its Global Partners*, Brussels, Centre for European Policy Studies, p. 5.

<sup>2</sup> The first scholar to put forward the notion of Normative Power Europe is Manners, Ian (2002), 'Normative Power Europe: a Contradiction in Terms?', *Journal of Common Market Studies*, Vol. 40, No. 2, pp. 235-258.

<sup>3</sup> See, for example, White, Brian (2001), *Understanding European Foreign Policy*, New York, Palgrave.

How can the theoretical and analytical shortcomings highlighted in the case of Tocci's study – which are also very common in the rest of the literature on the EU's normative foreign policy – be rectified? I argue that the NPE concept at the analytical level must take into account the EU member states' foreign policies, while at the theoretical level it is necessary to explore the *inside* of Normative Power Europe and pry open the EU 'black box' through a liberal constructivist conceptual framework that can explain the European foreign policy outcome on the basis of the material and ethical interests of its member states as shaped by the interaction within the EU institutional setting.

This paper puts forward such an approach and empirically tests it in the specific case of the European promotion of human rights in China, perhaps the most significant actor for the redefinition of a human rights regime in Asia and thus the most important 'Gordian knot' to untie for the EU to successfully and normatively influence human rights evolution in Asia. What emerges is that in the case of China the EU appears more as a 'normative trap', where member states are 'entrapped' to pursue policies not in line with the EU normative basis, rather than as a normative power.

The paper is structured as follows. The first section develops an original theoretical and analytical framework to study the normative dimension of European foreign policy. The remaining three sections apply the framework thus elaborated to the study of the European promotion of human rights in China. This serves three purposes: first, it reformulates the major questions put forward in Tocci's study in light of the analytical and theoretical framework proposed. Second, it shows a complete picture of the European normative approach to one of the most significant countries in Asia and thus reveals the European ability and limits in redefining the normative human rights structure abroad. Third, it proves the hermeneutical and explanatory validity of the framework proposed for the study of European normative foreign policy *tout court* and thus helps closing a research gap.

### **Analytical and Theoretical Framework for the Study of Normative Power Europe**

In the European context the study of foreign policy and normative foreign policy alike poses two fundamental problems, both related to the unit level of analysis. The first is of a theoretical nature and concerns the analyst's choice of the member states as the main actors behind EU foreign policy, in a mostly intergovern-

mental fashion, the role of institutions, in a liberal institutionalist perspective, or the interaction among these two levels, in a social constructivist perspective.

The second issue is of an analytical nature and concerns the level of European governance that is selected to study foreign policy in the European context: the Common Foreign and Security Policy (CFSP), a comprehensive European Union foreign policy system comprising the CFSP and the European Community (EC) level, or an enlarged concept of European foreign policy, which adds to these two dimensions the member states' foreign policies.

This section intends to briefly sketch an appropriate analytical and theoretical approach for the study of European foreign policy and to show its validity to explain the European – and not merely EU – normative foreign policy.

### *The Analytical Level*

Analytically, most of the literature on EU foreign policy either focuses on the dealings and workings of the Common Foreign and Security Policy, mainly inspired by a state-centric and intergovernmentalist approach, or on EU international actor-ness, largely embracing an institutionalist approach. Yet, each analytical approach has a major shortcoming: the CFSP approach fails to take into account the important level of the external relations carried out by the European Community, whose interconnectedness with the CFSP policies has become increasingly difficult to ignore;<sup>4</sup> instead, the EU-as-an-international-actor approach tends to only make reference to the EU and its main institutions, while overlooking the analysis of member states' foreign policies, thus uncritically reifying the EU.<sup>5</sup>

In order to avoid these main shortcomings, i.e. reductionism and reification, it is necessary to embrace analytical conceptualizations of foreign policy in the European context that can incorporate the internal complexity of Europe and the multiple realities that exist within its foreign policy decision-making system. To this end, it is argued that Brian White's description of Europe as a "unique but also non unitary international actor [...] constituted for foreign policy purposes by three different types of policy" is useful.<sup>6</sup> He suggests that European international actorness as well as its foreign policy should be seen as the dynamic combination of the three types of

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<sup>4</sup> Tonra, Ben and Thomas Christiansen (eds.) (2004), *Rethinking European Union Foreign Policy*, Manchester, Manchester University Press, p. 2.

<sup>5</sup> Representative of this strand of literature is the work of Bretherton, Charlotte and John Vogler (1999), *The European Union as a Global Actor*, London, Routledge.

<sup>6</sup> White, *op.cit.*, p. 24.

policy, namely the CFSP, the EC and the member states levels, which interact within the European system of external relations.

However, while solving the problem of the analytical level of analysis, White's conceptualization does not tackle the more theoretical issue of what we are looking at as the most important engine of European foreign policy. Put more simply, while White's approach allows to describe the internal overall policy output, it does not tell us anything on why a specific policy output has come about. Besides, broadening the concept of EU foreign policy to include member states raises new questions on how EU foreign policy is not just affected by member states' interaction but also how it influences member states' foreign policies. I argue that this requires a theoretical approach that considers both the inputs coming from integration theories, mostly liberal institutionalism, and the recent evolution of international relations theory, namely social constructivism.

### *The Theoretical Level*

The necessity to combine in the study of European foreign policy state agency and institutional structure has been recently pointed out by some authors. For Adrian Hyde-Price, for example, it is necessary to "consider both the material and ideational factors defining Europe's Common Foreign and Security Policy".<sup>7</sup> This requires to account for the interest formation within the EU, which necessarily has to take into consideration member states' roles as well as the role of institutions in facilitating the emergence of a sense of community based on shared interests, trust and a common identity, which in turn require to apply social constructivist tools to analyse its emergence both as a consequence of internal and external interaction.

In this paper I argue that the theoretical analysis of European foreign policy should be premised on the important role that member states, with their domestically-generated interests and policy preferences, play in its formulation and implementation. This is not only true for the intergovernmental CFSP level, and naturally for the member states' foreign policies, but also for the EC level, where the sharing of competences and member states' supervision of the Commission do not rule out the application of intergovernmentalist approaches to study it.

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<sup>7</sup> Hyde-Price, Adrian (2004), 'Interests, Institutions and Identities in the Study of European Foreign Policy', in Ben Tonra and Thomas Christiansen (eds.), *Rethinking European Union Foreign Policy*, Manchester, Manchester University Press, pp. 99-113.

However, the intergovernmentalist approach has two major shortcomings: the stress on member states as the sole actors and on their exogenously-predefined interests, which become even more salient in a study that comprehends European foreign policy. According to contemporary theories of international relations, foreign policy cannot be seen to occur in a vacuum, where member states only deal with their domestic societal pressures. Transnational groups do have an influence on member states' powers and eventually policy outcomes.<sup>8</sup> Similarly, in the European context, the role of supranational entities has been highlighted both in the form of the Commission activities in the case of EC external relations and in the form of networks of representatives in the case of the CFSP.<sup>9</sup>

Secondly, institutionalist approaches show that institutions do matter in the definition and shaping of member states' interests and policy preferences. This is evidenced at two levels. Internally, institutions matter because they favour processes of socialization, they establish norms of behaviour that require convergence and a logic of appropriateness, and they involve supranational actors which can wield significant powers through communicative processes. This leads member states within EU institutions to change their domestically-defined preferences and interests. Externally, institutions matter for their filtering of external pressures from outside of the EU, as they are the vehicles through which member states can respond to external pressures, in the form of 'rescuing' their states and foreign policies.<sup>10</sup>

Inspired by these theoretical insights, it is here maintained that a theoretical framework to explain European foreign policy should be based on the following liberal constructivist general assumptions. First, in a liberal intergovernmentalist perspective, member states are the basis of European foreign policy and they are the principal decision-makers within the three policy levels of EC external relations, the CFSP, and naturally their own foreign policies. Second, in a liberal constructivist perspective, member states' interests and policy preferences both at EU and at domestic levels are assumed to be initially formed within their national boundaries but then also significantly shaped through the interaction within EU institutions, where

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<sup>8</sup> Risse-Kappen, Thomas (1996), 'Exploring the Nature of the Beast: International Relations Theory and Comparative Policy Analysis Meet the European Union', *Journal of Common Market Studies*, Vol. 34, No. 2, pp. 53-80.

<sup>9</sup> Smith, Michael E. (2004), 'Institutionalization, Policy Adaptation and European Foreign Policy Cooperation', *European Journal of International Relations*, Vol. 10, No. 1, pp. 95-136.

<sup>10</sup> Smith, Michael E. (2004), 'Toward a Theory of EU Foreign Policy Making: Multi-level Governance, Domestic Politics, and National Adaptation to Europe's Common Foreign and Security Policy', *Journal of European Public Policy*, Vol. 11, No. 4, pp. 740-758.

various supranational and transnational actors play significant roles.<sup>11</sup> Third, external pressures from outside the EU on member states' preferences and interests are important in explaining the European policy outcomes but only if they are conceived, in a constructivist perspective, as being filtered through EU institutions.<sup>12</sup>

### *Liberal Constructivism in the Study of Normative Power Europe*

The general assumptions elaborated above can be applied to the classical concepts developed by the literature on the normative character of EU foreign policy, namely identity, interests and instruments. As set out in the introduction, this literature tends to uncritically consider the EU as a single actor. Therefore, this section discusses the three main concepts that can be singled out in the literature on EU normative foreign policy in light of the theoretical and analytical framework briefly sketched above.

For the literature on Normative Power Europe, EU identity greatly contributes to the formulation and implementation of EU foreign policy. However, NPE does not problematise identity but almost takes it for granted through the analysis of the constitutive norms that are enshrined in the EU treaties, documents and official positions. Identity is a fundamental issue for foreign policy in the European context because, as Christopher Hill and William Wallace argue, "a European foreign policy cannot exist if a European identity does not exist".<sup>13</sup> Therefore, when analysing the explanatory power of identity in the European promotion of human rights, it is necessary to consider the interaction between EU identity and those of its member states. In light of this, the EU identity as a promoter of human rights shall not be considered as a mechanical factor which determines EU foreign policy but rather as a factor "creating the enabling conditions", where courses of action in line with the identity may be agreed by member states with differing identities and interests.<sup>14</sup>

Furthermore, EU interests do not exist *per se* but are the outcomes of discreet political processes, which involve member states with different interests and policy

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<sup>11</sup> See on this point Smith, Michael E. (2003), *Europe's Foreign and Security Policy: the Institutionalization of Cooperation*, Cambridge, Cambridge University Press.

<sup>12</sup> Wallace, Helen (2000), 'Europeanisation and Globalisation: Complementary or Contradictory Trends?', *New Political Economy*, Vol. 5, No. 3, pp. 369-382.

<sup>13</sup> Hill, Christopher and William Wallace (1996), 'Introduction: Actors and Actions', in Christopher Hill (ed.), *The Actors in Europe's Foreign Policy*, London, Routledge, p. 8.

<sup>14</sup> Sedelmeier, Ulrich (2004), 'Collective Identity', in Walter Carlsnaes *et al.* (eds.), *Contemporary European Foreign Policy*, London, Sage Publication, p. 131.

preferences, as well as EU institutions and transnational groups.<sup>15</sup> When discussing interests and policy preferences in the European context, it is therefore important to highlight the material and ethical interests that motivate member states to act at bilateral or at EU level and how “national preferences can become EU policy, and the effects that EU membership may have had on the preferences themselves”.<sup>16</sup>

Finally, in order to be effective, a foreign policy shall turn into action through appropriate means. NPE has shown the importance of the peculiar ideational means that the EU employs as well as of its exemplarity. However, its insistence on the EU’s ‘uniqueness’ has led to an overestimation of the EU’s international role for what it *is* rather than for what it *does*. The liberal constructivist approach applied to the European promotion of human rights can provide significant insights on the intentional, in contrast to the exemplar, ability of the EU and its member states to exercise influence. It considers the institutional settings of the EU and it analyses the interaction of member states with each other and with EU institutions at CFSP and EC level as well as the influence that these two levels exert on member states for the selection of the most appropriate policies within the three levels of governance.

On the basis of the analytical and theoretical approach briefly outlined above and the tools that it offers for the study of European normative foreign policy, each of the next three sections deals with one of the levels of foreign policy governance identified: member states, CFSP and EC. Within each level, the policy outcome of the European promotion of human rights in China is explained through reference to the influence of the relevant internal processes and dynamics on the endogenously-generated interests and policy preferences of four exemplar member states: Germany, France, the UK and Sweden.<sup>17</sup> Each section considers meaningful case

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<sup>15</sup> Hyde-Price, *op.cit.*, p. 102.

<sup>16</sup> Smith, Karen (2003), *European Union Foreign Policy in a Changing World*, Cambridge, Polity Press, p. 17.

<sup>17</sup> The reasons behind this choice are threefold. First, Germany, France and the UK are the member states that have the deepest political and economic relations with China, whereas Sweden entered the EU only in 1995 pursues an allegedly more normative and ethical policy compared to those of other EU member states. Second, the four member states are also representative of four distinct approaches to human rights worldwide: Germany was the first European country to include political conditionality in its relations with developing countries; Sweden is the largest donor in relative terms in the field of human rights and democracy and it epitomises the European Nordic approach to such issues broadly-shared by Denmark, Finland and the Netherlands; *par contre*, France’s foreign policy resonates only limitedly of the new international human rights concerns and can be considered as exemplar of a Mediterranean approach also broadly shared by Italy, Greece, Portugal and Spain; finally, with the inception of the Labour Party’s government in 1997, the UK’s relations with developing countries have been, although mostly only initially, characterized by Blair’s ethical

studies, namely the tabling of the resolution at the UN Commission for Human Rights (UNCHR), the arms embargo, the bilateral human rights dialogues and the projects in political aid. These were the main policies and instruments put in place by the EU and its member states to constructively engage China and promote human rights in the country since the first Commission Communication on China of 1995.<sup>18</sup> The Communication also marked the beginning of a 'division of labour' between the CFSP, in charge of pursuing a critical stance towards China, and the EC, responsible to apply positive conditionality to the country.<sup>19</sup> This further justifies the analytical choice of distinguishing the three levels of foreign policy governance in European external relations.

The remainder of this paper thus poses the questions proposed by Tocci's study to the right subject matter. It analyses the *interests*, broadly defined to also include norms, of all the main actors behind the European foreign policy and their mutual influence; it depicts the institutional settings where the actors interact and the specific instruments and competences they dispose of to *act* for the promotion of norms; finally, by showing the overall output of the European foreign policy-making system the analysis infers the actual effectiveness and *impact* of the European promotion of human rights in China.

### The CFSP Level and the Promotion of Human Rights in China

This section critically analyses the activities of the CFSP level of governance in the promotion of human rights in China from the mid-1990s onwards. It highlights how the interaction within the newly-created CFSP influenced the member states' interests and policy preferences over the issues of the annual resolution at the United

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*élan*, that locates them somewhere between the German and the Swedish approach. Third, in the period taken into consideration (1995 to 2005), all four member states had stable and long-lasting government leaders and coalitions, thereby providing a constant against which the influence of external variables, in particular the evolving EU China policy, can be analysed: Chancellor Schroeder in Germany with his Social Democratic/Green coalition (1998-2002 and 2002-2005); President Chirac in France with his Neo-Gaullist Party (1995-2002 and 2002-2007); Prime Minister Tony Blair in the United Kingdom with the Labour Party (1997-2001, 2001-2005 and 2005-2007); and Prime Minister Göran Persson in Sweden with the Social Democratic Party (1996-1998, 1998-2002 and 2002-2006).

<sup>18</sup> European Commission, Communication from the Commission, *A Long-Term Policy for China-Europe Relations*, COM (1995) 279 final, Brussels, 5 July 1995.

<sup>19</sup> This interpretation was first put forward by Kay Möller (2002), 'Diplomatic Relations and Mutual Strategic Perceptions: China and the European Union', *The China Quarterly*, No. 169, pp. 10-32.

Nations Commission for Human Rights and the arms embargo. It shows how the member states' decisions at the CFSP level were characterised by a tendency to converge on common positions but the socialisation that occurred was not in line with EU identity and thus not conducive to the elaboration of effective policies for the promotion of human rights in China.

### *The UNCHR Case*

Starting from the year 1990, the EU and its member states had followed the practice of tabling or sponsoring resolutions critical of China at the annual meetings of the UN Commission for Human Rights.<sup>20</sup> Yet, already in 1996, the unanimity behind such a policy had begun to show cracks. France and Germany, which at that time were developing deeper strategic and economic relations with China,<sup>21</sup> questioned the usefulness of such an approach and pushed for a constructive engagement through projects and a more effective dialogue on human rights at EU level.<sup>22</sup> On the other hand, the Nordic countries, which only had marginal economic interests towards China, were firmly opposed to the Franco-German stance, also pressed by their public opinions. They did not even budge in front of China's open threats of political and commercial reprisals.<sup>23</sup> Finally, interested in not creating new tensions with Beijing as the negotiations over Hong Kong's return to China were coming to a close, the UK position swayed between the soft stance of Germany and France and the critical approach of the Nordic countries.

The contrast between the two camps became apparent in 1997. In that year the Dutch Presidency of the Council put in place efforts to compose the divergences

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<sup>20</sup> Baker, Philip (2002), 'Human Rights, Europe and the People's Republic of China', *The China Quarterly*, No. 169, 2002, pp. 45-63.

<sup>21</sup> In 1994 Germany released the landmark *Asien Konzept*, which became the reference for the subsequent German policy towards China. The document appreciated the importance of building a comprehensive strategic and economic relationship with China. In 1997 France and China signed a Comprehensive Partnership Agreement, which was characterised by a concern for the pursuit of multipolarity and the intention of the two parties to deepen their economic relations.

<sup>22</sup> In March 2006, during the Asia-EU Summit in Bangkok, diplomatic sources were quoted reporting that Chancellor Helmut Kohl, President Jacques Chirac and Premier Li Peng had struck a bargain in which China made certain commitments and promises in human rights for a pledge by Germany and France to oppose action in Geneva. Jendrzejczyk, Mike and Lotte Leicht (1997), 'The Cave in at Geneva', *The Wall Street Journal*, 14 April 1997.

<sup>23</sup> On the eve of the UNCHR session, the spokesman for the Chinese foreign minister, Shen Guofang, was reported affirming that "relations between China and Denmark will deteriorate, not only on the political but also on the economic front, if Denmark continues in its intention to present this resolution". *Agence Europe*, 8 April 1997.

during the coordination meetings that preceded the UNCHR session.<sup>24</sup> The coordination meetings are arenas where all member states meet before presenting their positions at the UNCHR. Although unanimity is not necessary in such a forum, the EU member states have become accustomed to try hard to find a common ground before the UNCHR session.<sup>25</sup> Yet in 1997, no consensus was found and so Denmark, with the Netherlands' support, went on alone to table the resolution, going headlong towards sanctions from Beijing.

After this debacle, which encountered the harsh criticism of the European Parliament as well as of many human rights organizations, new attempts were made to present the EU with a single front during the next UNCHR. The British Presidency of the Council in 1998 brokered a compromise, although of a very low common denominator: no EU member state would table or co-sponsor a resolution against China but they would vote against no-action motions. This position was justified by China's renewed readiness to sign international covenants on human rights, restart the EU-China Dialogue on Human Rights and agree on human rights projects with the EC and the member states. The 1998 Council resolution became the unquestioned policy of the EU and its member states at the UNCHR ever since, despite the United States' vociferous criticism and the European Parliament's requests for policy change in the ensuing years.

In line with the framework developed above, the dismal result achieved at the UNCHR can be explained by the fact that the strategic and economic interests of some member states, justified on the basis of *effectiveness* in the promotion of human rights, changed the policy preferences of the other member states. This was possible for two reasons: one internal to the member states and one at the EU level.

First, as exemplified by the case of Sweden, internal changes were occurring in the China policies of those member states traditionally in favour of more critical stances. In the case of Sweden, its membership of the EU helped Prime Minister Persson to justify a more pragmatic and business-oriented approach to China. As argued by Andrew Clapham, "the membership of the Union and the Unionization of

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<sup>24</sup> At a point the Dutch Presidency threatened the EU member states that it would not table any resolution against any country at the Geneva session of the UNCHR in order not to show double-standards toward influential and big countries *versus* poor and peripheral ones. Eventually, though, the threat did not materialize.

<sup>25</sup> Smith, Karen (2006), 'Speaking with One Voice? European Union Co-ordination on Human Rights Issues at the United Nations', *Journal of Common Market Studies*, Vol. 44, No. 1, pp. 113-137.

the member states' human rights foreign policy has arguably watered down the commitment of some of the more radical member states".<sup>26</sup>

Second, the UNCHR events demonstrate the tendency of EU member states to strive to reach common positions at the UNCHR and more generally at the CFSP level. Even if the Council's resolution was not binding, the tendency of member states to reach a common position 'entrapped' those member states willing to critically approach China. Yet the convergence of positions should not be ascribed to inter-governmental bargaining or the achievement of the lowest common denominator. It is rather explained by reference to the communicative practices adopted by those member states in favour of abandoning the UNCHR resolution. After 1998 all EU member states were *socialised* into abandoning the tabling of resolutions at the UNCHR to pursue an allegedly more effective and constructive approach.<sup>27</sup>

To sum up, in the UNCHR case, some member states' justification of their strategic and economic interests towards China through the use of an argumentative logic that showed the importance of a constructive and *effective* rather than just negative approach to the promotion of human rights in China won over those member states with marginal economic and strategic interests towards China, which would have been more prone to critical stances.

### *The Arms Embargo*

While the UNCHR debacle was a clear sign of EU member states' divergences on how to address the human rights issue in China and of the failure of coordinating a 'normative' common position, the arms embargo has often been portrayed by EU and member states officials as an issue where unanimity exists and the EU is conducting a normative foreign policy towards China. Yet, even at this level, it was rather the inability to reach unanimity that brought about the 'normative' result of not lifting the arms embargo. Seven years after the UNCHR debacle, in 2004 and 2005 the EU member states proved once again unable to speak with a firm single voice.

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<sup>26</sup> Clapham, Andrew (1999), 'Where Is the EU's Human Rights Common Foreign Policy', in Philip Alston (ed.), *The EU and Human Rights*, Oxford, Oxford University Press, p. 645.

<sup>27</sup> This socialisation process was evident in several instances which occurred after 1998 and which I have further analysed in Balducci, Giuseppe (2008), *The European Promotion of Human Rights in China: Interests, Processes and Outcomes*, Ph.D. Thesis submitted at the University of Warwick, September 2008.

It is interesting to note that the support for the arms embargo had begun to fray at the same time as the decision to abandon the UNCHR resolution was maturing. Once again, the two member states more active in pushing for acquiescing at Chinese requests were Germany and France, or more precisely, Schroeder and Chirac.<sup>28</sup> At the European Council held in Brussels on 12 December 2003, the two leaders proposed the lifting of the arms embargo, motivating it on the basis of China's improvements in the respect of human rights since Tiananmen.<sup>29</sup> At an early stage, it seemed that their actions would yield positive results since, in principle, EU member states had agreed to initiate discussions on the issue. However, already on that occasion, some doubts were raised in particular by the executives of the Nordic countries, which – although reluctant to break the growing European consensus towards the lifting of the embargo – at the same time did not have the support of their legislatures.

In addition, two other issues needed to be solved: the elaboration of a new code of conduct and the firm resistance of the US. The first issue was almost successfully tackled in the first months of 2005 with the Council's adoption of a new version of the Common Military List and the member states' adoption of the User's Guide to EU Code of Conduct on Arms Exports.<sup>30</sup> However, the second obstacle proved insurmountable as the US put in place numerous initiatives to discourage EU member states to lift the arms embargo, in particular threatening to sanction such a move with restrictions on technology transfers to EU member states. At this point, due to its special relationship with the US, even Britain, which previously had come around the Franco-German proposal, had to step back from its support. Following this evolution it was easier for the reluctant Nordic states to inflict the final blow to the attempt of lifting the arms embargo in 2005.

The US initiative did certainly play an important role in influencing the final decisions of the EU member states. Yet another external variable should be factored in: China's passing of the 'anti-secession law' in 2005, authorising military force against Taiwan if it declared formal independence from the PRC. EU officials began

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<sup>28</sup> Casarini, Nicola (2006), 'The Evolution of the EU-China Relationship: from Constructive Engagement to Strategic Partnership', *Occasional Paper*, No. 64, Paris, EU Institute for Security Studies.

<sup>29</sup> *Ibid.*, p. 31.

<sup>30</sup> European Council, *User's Guide to the EU Code of Conduct on Arms Exports*, 5179/1/06 Rev. 1, PESC 18, COARM 1, Brussels, 19.4.2006(b).

to feel uneasy in light of such a move and the parliaments of the Scandinavian countries became very vocal against the lifting.

However, the international events and the influence of the US alone are not sufficient to explain the policy outcome because the arms embargo is not a legally-binding act and some member states could have decided to lift it without the unanimity of all the member states. The internal situation should then be considered. First, it is important to note that in 2004 the UK took over the EU Presidency. In this role it operated as a 'conveyor belt' to transmit the US concerns to those member states in favour of lifting the arms embargo. Secondly, in several Scandinavian countries the incumbent governments had been under strong pressures to change their policy at EU level. In the case of Sweden, for example, Prime Minister Persson was not given the mandate to lift the arms embargo. Similar difficulties were encountered by the Dutch and Danish governments.

Therefore, international and internal pressures shall be considered when explaining the EU decision to postpone the lifting of the arms embargo. The influence of external factors must be interpreted through the filter of the EU because the importance attached by member states to the achievement of a consensus, either for preserving a unitary EU policy towards China or for avoiding unilateral retaliations, led to the capitulation of some of the major EU member states, such as Germany and France. Strikingly, in the case of the arms embargo, it was the major EU member states that had to change their policy preferences to maintain the EU consensus.

In the two cases of the UNCHR and the arms embargo, it has thus emerged that although all member states framed their interests and policy preferences towards China in terms of human rights, the final policy outcome was determined by the tendency to converge at the CFSP level rather than by a shared European consensus over human rights promotion, as constructivist authors often argue.<sup>31</sup> Similarly, while external pressures were strong, their influence alone is insufficient to explain the policy outcome. In fact, the explanation of the policy outcome requires considering the internal processes and dynamics of the CFSP level and the existing tendency to converge above all. This led to an ambiguous policy, which was accommodating at the UNCHR level but was critical over the issue of the arms embargo.

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<sup>31</sup> See, for example, Sedelmeier, Ulrich (2004), 'Collective Identity', in Walter Carlsnaes *et al.* (eds.), *Contemporary European Foreign Policy*, London, Sage Publication, pp. 122-139.

## The European Community Level and the Promotion of Human Rights in China

This section deals with the EC level of governance and shows in particular the interaction between the Commission and the member states in the promotion of human rights in China through trade negotiations in the World Trade Organization (WTO) on the one side and development assistance on the other. As argued above, the 1995 Commission Communication represented a *de facto* division of responsibilities for human rights promotion between the CFSP, which was ostensibly in charge of maintaining a critical approach towards China, and the EC, which was entrusted with the pursuit of positive conditionality. This finds its explanation not only in the strategic and economic interests of the major EU China partners, but also in the bureaucratic interests of the Commission, as will be shown below.

### *China's WTO Accession*

In the first part of the 1990s, the Commission signalled a supportive attitude towards China's entry into the GATT/WTO. In 1992, some member states, in particular Germany and France, and Commission officials, in particular in the Directorate-General Trade, began to propose transitional periods for smoothing China's accession to the WTO.<sup>32</sup> The role of opening negotiations with China was fully endorsed by Trade Commissioner Leon Brittan, who from the early 1990s began to show the Commission's support for China's entry into GATT, and at a later stage into the WTO as a founding member. In doing so, he also expressed a less confrontational attitude towards the issue of human rights and the domestic situation of the country in line with some member states' doubts over the effectiveness of the critical stance adopted by the EC after 1989 and its damaging potential for their bilateral relations. While paying lip-service to the democratic cause, during meetings with Chinese authorities Commissioner Brittan was quick to set human rights issues aside and defuse their confrontational potential.

The Commission's focus on the economic dimension could be interpreted in realist terms, as determined by the influence of the main EU China partners' economic interests, especially those of France and Germany. Yet, it appears that this

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<sup>32</sup> Although at an early stage these proposals were not met with favour in Washington, they nonetheless marked the inception of a more flexible European approach towards China and eventually represent the biggest contribution of the EU to China's entry into the WTO. See Bridges, Brian (1999), *Europe and the Challenge of the Asia Pacific*, London, Macmillan Press, pp. 102-105.

is only one side of the explanation. Another important factor rests in the competences and actual powers of the Commission. While the Maastricht Treaty and the Amsterdam Treaty had failed to grant a deeper political unity to the newly-born EU, it had strengthened the EC level and the Commission's competences in trade relations. In particular the Amsterdam Treaty extended the scope of the common commercial policy from goods to negotiations on services and intellectual property rights.

Therefore, the Commission had an incentive in supporting and trying to *Europeanize* the positions of those member states that were more inclined towards constructively engaging China in human rights and reaping the economic benefits of China's entry into GATT/WTO. And indeed, the Commission did just that through its subsequent Communications, which overemphasised the economic dimension of EU relations with China and proposed a liberal argument that predicated that China would change politically through economic growth and its accession to the GATT/WTO.<sup>33</sup> The 'constructive engagement' thus proposed by the 1995 Communication led to a *de facto* division of responsibilities between the CFSP and the Commission. In a sense, EU officials seemed to have appreciated the Chinese requests of de-linking trade from human rights issues. The member states' approval of the Communication gave a *carte blanche* to the Commission to exert all its prerogatives during the GATT/WTO negotiations unhindered by human rights issues, while demonstrating a practical engagement through well-marketed development assistance initiatives on the ground.

During the EC-China WTO negotiations human rights were neither raised by EU member states nor by the Commission. In the final five years of negotiations for China's WTO accession no member states in the Council put forward the idea that China's entry should be linked to the respect of human rights and more specifically labour rights, as it had been repeatedly requested by the European Parliament, trade union lobbies and European NGOs. Similarly, the Commission did neither have competence nor any guideline to link trade and human rights in its negotiations with China.<sup>34</sup> The result was that the Commission could not be confrontational on the issue with China either. It should also be noted that if any intention existed to link trade and human rights, the EU had a powerful instrument, at least in theory, through

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<sup>33</sup> European Commission, Communication from the Commission, *A Long-Term Policy for China-Europe Relations*, *op.cit.*

<sup>34</sup> Eglin, Marina (1997), 'China's Entry into the WTO with a Little Help from the EU', *International Affairs*, Vol. 73, No. 3, pp. 489-508.

which it could exert its power: the request to negotiate a new Partnership Agreement with China, which would include a human rights clause. But neither member states nor the Commission pushed for the negotiation of such a new agreement.

In the field of trade, it thus emerges that the Commission, motivated by its bureaucratic interests, played an important role in defusing the confrontational charges of human rights and de-linking them from trade. For that purpose, it *Europeanized* the stances of those member states, in particular Germany and France, that had major economic interests towards China. However, this had an overall negative impact on the European promotion of human rights in China. It limited the ability of those member states more prone to critically confront the country through economic and trade means, and it imposed the constructive approach supported mostly by Germany and France.

#### *Projects on the Ground*

In the mid-1990s, following the embracement of the constructive engagement, China and the EC agreed on cooperation programmes designed to strengthen the rule of law and to promote civil, political, economic and social rights. These initiatives fall within the EC development assistance. In development cooperation the Commission shares competences with the member states, which implies that both of them conduct their development policies according to the objectives laid out by the EC Treaty (Art. 177 TEC). The Treaties compel the Commission and the member states to articulate their policies according to the principles of coherence, complementarity and coordination in order to achieve an overall effective European development approach.

Among the initiatives financed by the Commission in China, two programmes, the EU-China Legal and Judicial Cooperation (LJC) Programme and the EU-China Village Governance Training (VGT) Programme, became the largest cooperation initiatives of the Chinese government in the fields of social development and governance. The LJC Programme took off in 2000 and it was structured along the following components: training components, which included the exchanges of lawyers (9-month course in Europe), the training for judges and prosecutors (three-month exposure to European practice in the legal process), the visitors' programme for key legal officials focusing on various themes (four-week study tour in Europe),

and the Directors' facility, a small grant component (Euro 1.8 million) supporting a wide range of small but high impact co-operation activities in the legal field.<sup>35</sup>

The LJC Programme ran for five years. From fieldwork carried out by the author, it appears that it had a merely technical and economic approach, mostly stressing civil, commercial and administrative law, paying very little attention to issues of human rights such as criminal code, due process of law, protection of minorities etc.<sup>36</sup> Besides, the LJC Programme boiled down to the training of officials, professionals and academics, who often did not show any independence from the government. Thus it is difficult to imagine how such officials could play the role of catalysts for change, as argued by the glossy project brochures.

The VGT Programme formally took off only in 2001 but further delays in the implementation phase occurred due to misunderstandings on how to implement it. Once the VGT Programme started, the contents were disseminated and then several provinces applied for funding. Eventually seven pilot provinces were identified and selected through open calls: Yunnan, Helongjiang, Gansu, Shandong, Liaoning, Henan, and Jiangxi. In each pilot project, collaborations were established with the local department of the Ministry of Civil Affairs. Provincial trainers were educated in approaches, methodologies and contents.

Overall, it appears that the VGT Programme achieved its stated goals and served to build an important basis with all the material prepared, people trained and applied research carried out. Yet, it remains to be seen whether the impact of the Programme was only localized in the few pilot provinces or whether it had a national impact. The fact that – despite Chinese requests – the EU decided not to follow up with the VGT Programme seems to point to two issues: first, the results were not as enthralling as it emerged in the interviews carried out by the author with EU officials, and secondly, EC officials and member states changed their policy priorities towards China considering that such types of programmes were no longer in line with their strategies.<sup>37</sup>

Notwithstanding the mixed results of development cooperation initiatives in the human rights and rule of law sectors, the EC emerged as one of the most significant donors in these fields. However, little complementarity seemed to exist with the

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<sup>35</sup> European Commission (2007), *Evaluation of the European Commission's Cooperation and Partnership with the People's Republic of China, Country Level Evaluation*, 2nd Draft Final Synthesis Report, March 2007, p. 88.

<sup>36</sup> Balducci, *op.cit.*

<sup>37</sup> *Ibid.*

national development policies of the member states, which leads to argue that the EC activities resembled those of a 'sixteenth member state' rather than being complementary to those of its member states. This was confirmed indirectly by an internal evaluation report which concludes that coordination between EC and member states is strong in form but weak in substance:

Donor coordination within the democratic governance sector is a challenge. There is no evidence that, apart from sharing information with the EU member states, the EC has made efforts to take a lead role in political and policy dialogue processes on democratic governance (or HR and rule of law).<sup>38</sup>

The lack of coordination and complementarity did not only have a negative impact in terms of effectiveness, but considering the delegation of responsibilities of member states in political aid to the EC level, which is shown in the next section, it provides a negative assessment of EC influence on the European consistency and coherence in the promotion of human rights in China.

All in all, the story that emerges from this section is that in line with its main competences and bureaucratic interests, the Commission effectively tried to build an EU agenda, which would give it primacy in EU relations with China. In the case of trade, this led the Commission to become the most important institutional actor in EU-China relations, even though this resulted in the de-linking of human rights from trade. In the case of development assistance the Commission put in place quantitatively significant initiatives, but their lack of focus on human rights undermined their ability to achieve the effective contribution in the field stated by the Commission. Moreover, the fact that the Commission played the role of a 'sixteenth member state' (due to the little coordination and complementarity of its activities with those of the member states) negatively affected the overall impact of the European promotion of human rights in China through development aid.

### **The Member States Level and the Promotion of Human Rights in China**

This section critically analyses the policies and bilateral activities for the promotion of human rights in China of four exemplar EU member states, namely Germany, France, the United Kingdom and Sweden since the year 1995, which

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<sup>38</sup>European Commission (2007), *Evaluation of the European Commission's Cooperation and Partnership with the People's Republic of China, Country Level Evaluation, op.cit.*

marked the beginning of the EU's constructive engagement with China. It concentrates on their bilateral dialogues and projects in development aid. In each member state's approach to the promotion of human rights in China a sidelining of concerns for human rights emerges. More specifically, membership of the EU was conducive to processes of delegation of responsibilities to the EU level.

### *Bilateral Dialogues*

Germany started a Rule of Law Dialogue in 1999 under the auspices of Gerhard Schroeder. It involved the German Ministry of Justice and provided a venue for an exchange of ideas and opinions between Chinese and German top-level justice representatives. Interestingly, while the Dialogue does not seem to have been substantive and only fulfilled 'protocol functions', its inception allegedly led to a change in the structure of responsibility for German-Chinese legal cooperation.<sup>39</sup> According to Nicole Schulte Kulkmann, the Dialogue constituted "an effort to centralize legal cooperation activities with the PRC under the aegis of the Chancellor".<sup>40</sup> Considering that "Schroeder's policy towards China was the most heavily criticized area of policy after 2000" for its business-oriented approach, it is difficult not to infer that the centralisation of legal activities in the hands of the Chancellor diluted the human rights component in favour of a stress on economic rule of law.<sup>41</sup> Finally, it is interesting to note that the dialogue was centred on rule of law, somewhat implying that human rights were already dealt with at EU level, as German officials often pointed out during this author's fieldwork.

France, which had led EU member states to abandon the tabling of the UNCHR resolution in 1997, did not even enter into a behind-the-door dialogue approach to human rights and rule of law. As indicated in the Comprehensive Partnership Agreement signed with China in 1997, France pointed to the EU as the most suitable level to discuss the human rights issue with China, thus entirely delegating the responsibilities of a normative foreign policy to the EU level. The only appearance of human rights concerns was represented by the intermittent reference to some

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<sup>39</sup> Schulte Kulkmann, Nicole (2005), 'The German-Chinese "Rule of Law Dialogue"', in Marco Overhaus, Hanns W. Maull and Sebastian Harnisch (eds.), *German Chinese Relations: Trade Promotion Plus Something Else?*, German Foreign Policy in Dialogue, Vol. 6, No. 16, p. 34.

<sup>40</sup> *Ibid.*

<sup>41</sup> Youngs, Richard (ed.) (2006), *Survey of European Democracy Promotion Policies 2000-2006*, Madrid, FRIDE, p. 124.

political refugees and the request for their liberation, which sometimes featured in President Chirac's statements during his visits in China.

Tony Blair's government, which had started with the lofty proposal of an ethical foreign policy, created a bilateral human rights dialogue with China in 1999 but this only added a formal vestige to the previous political dialogue.<sup>42</sup> The dialogue encountered strong criticism both from the House of Commons and from NGOs for its lack of transparency and inability to achieve concrete results. Besides, an addition of a behind-closed-door formality was countered by the dismissal of a perhaps more important formality, this time open and public, which was represented by the British support for the tabling of a resolution at the UNCHR.<sup>43</sup> Against internal criticism, the Prime Minister defended his government by embracing the EU mantra of *effectiveness*. Interestingly, he affirmed that "a United Nations resolution was not the right way to proceed",<sup>44</sup> although he had maintained just the opposite a year earlier in the presentation of his China policy. At the same time, his Secretary of State, Robin Cook, "argued that the blame for the decision should be put on France, which broke EU ranks in 1997, and was rewarded with lucrative Airbus contracts", indirectly implying that the UK's economic competition with France in China was a more important goal than pursuing the promised ethical foreign policy.<sup>45</sup>

Finally, Sweden attempted several times to establish a bilateral dialogue on human rights with China. For long only consultations on human rights were held with Chinese authorities and Swedish officials tried hard to link the initiatives on the ground to a more structured political dialogue on human rights. More formal consultations on human rights only began in 2006, although during this author's fieldwork it emerged that the Chinese often pointed to the presence of the EU-China Human Rights Dialogue as a reason for not upgrading the consultations. Eventually, Sweden did not succeed in establishing a formal human rights dialogue with China.

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<sup>42</sup> The Dialogue was held twice a year, although the Chinese recently demonstrated their willingness to bring it down to one. The Chinese counterpart was the Ministry of Foreign Affairs but it also included other line ministries' representatives at director-general level, such as the Ministry of Justice and Public Security. The dialogue was matched with legal expert seminars and field trips. It dealt with the issues of Tibet, Xinjiang, death penalty and freedom of expression. Individual cases were also often raised and followed up.

<sup>43</sup> See the criticism expressed in the House of Commons, Foreign Affairs Select Committee, *UK Relations with China*, London, HMSO, 2000.

<sup>44</sup> Quoted in *Reuters News*, 'UK Faces Attacks over Chinese Human Rights Stance', 11 March 1998.

<sup>45</sup> Quoted in *The Times*, 'Rights and Wrongs - The EU Has Sheathed a Useful Weapon in Dealing with China', 13 March 1998.

From this brief overview of the four selected member states' dialogues with China it is interesting to note that most of them mainly served public relations purposes because they merely showed the member governments' commitment to discuss human rights in China with no concrete results. This is evidenced by the fact that their procedures remained opaque and the contents of the real discussions taking place were kept secret. Similarly, membership of the EU and the existence of the EU-China Dialogue on Human Rights allowed the majority of the member states involved in the dialogues to leave critical issues to be discussed at EU level, thus delegating responsibilities and concentrating on less divisive issues such as the rule of law. In fact, the presence of an EU-China Human Rights Dialogue even allowed some countries, like France, to avoid the headaches of a dialogue altogether.

### *Projects on the Ground*

Germany's initiatives in China in the field of human rights and rule of law started under Chancellor Schroeder's government. Nicole Schulte Kulkmann notes that in those years "Schroeder was eager to start such activities in response to criticism towards his China policy".<sup>46</sup> Similarly, Chinese authorities were interested in receiving foreign support in restructuring China's legal and judicial systems in order to align the country with international standards and in particular make it ready for accession to the WTO. Yet, the fact that these projects were all concentrated on 'economic' or 'business' sectors cannot be overlooked.<sup>47</sup> In line with the internal criticism against Schroeder as a business promoter in China, it can be argued that these initiatives had more to do with the promotion of a rule of law familiar to German companies than the support for human rights.

France started activities in the field of political aid in 1996. Differently from other donors' activities in the field of human rights and rule of law, France's initiatives were not concentrated on either support for law drafting and enforcement or protection of human rights and fundamental liberties through, for example, activities carried out by NGOs. French activities mostly fell within a training and academic exchange-focused approach.<sup>48</sup> They all had a French flavour attached, as if it was French culture and approach rather than the support of human rights and rule of law and

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<sup>46</sup> Schulte Kulkmann, *op.cit.*, p. 31.

<sup>47</sup> In particular it has been stressed that the Chinese authorities were quick to use such cooperation to signal their criticism for the American activism in sectors such as legal aid.

<sup>48</sup> Woodman, Sophia (2004), 'Bilateral Aid to Improve Human Rights. Donors Need to Adopt a More Coherent and Thoughtful Strategy', *China Perspectives*, No. 51, January-February.

their best practices that really mattered. Such projects were functional to increase cooperation between French and Chinese institutions and to create links between Chinese key officials and French authorities in key legal sectors of interest for France.

In the UK's relations with China, the sensitive fields of promoting human rights and rule of law were not dealt with by the Department for International Development (DfID). These projects were left to other public organizations, namely the Great Britain China Centre and the British Council. These organizations greatly benefited from the funding offered by the Foreign Commonwealth Office, which, starting from the mid-1990s, provided financial means in grant form initially through the Human Rights Project Fund and more recently through its offspring, the Global Opportunity Fund. The projects carried out in China were narrowly centred around five main priorities: (i) abolition of death penalty, (ii) combating torture, (iii) freedom of expression, (iv) rule of law and (v) child's rights.<sup>49</sup> Although timid and limited in their efforts, these projects proved a certain level of attention for human rights issues in China from the British side. However, it should be noted that they represented only a very small part of the UK's grant contribution to China and the DfID's lack of any projects in the field of human rights is symptomatic of a certain negligence and delegation of responsibilities to non-governmental organizations and the EC.

Sweden's activities in China in the human rights and rule of law sector were financed by the Swedish International Development Agency (SIDA) but almost all of them were carried out by the Raul Wallenberg Institute, which is an independent institution affiliated with Lund University.<sup>50</sup> The activities of the Raul Wallenberg Institute began in 1996 upon invitation by Chinese officials at the Ministry of Foreign Affairs. Until the early 2000s, the activities were carried out on an *ad hoc* basis and mostly in response to practical requests put forward by the Chinese authorities. A more strategic approach began in the early 2000s with the opening of an office in Beijing to develop local contacts and formulate a programme of activities. Similarly, the demand-driven approach was substituted by a more proactive stance pursued by SIDA as well as by the Raul Wallenberg Institute representatives in the PRC, which led SIDA's portfolio of activities in China to be evenly distributed in the environmental and human rights sectors. It thus appears that on the ground, Sweden deepened its

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<sup>49</sup> *Ibid.*

<sup>50</sup> Some financing was also provided for small projects supporting legal aid organizations in favour of migrants, women and disabled people. *Lawyers without Borders* were also supported, in particular their activities in Shanghai since the early 1990s.

efforts in the promotion of human rights in China, as reflected by the proportion of funds allocated and the pioneering activities carried out.<sup>51</sup> In such activities Sweden often coordinated its efforts with other Nordic EU member states. Unfortunately, the same cannot be said for coordination and complementarity with other EU member states and the EC itself.

This brief overview of the EU member states' projects on the ground evidences three main issues: first, the initiatives were badly coordinated among member states as duplication of similar projects shows. Second, they were not coordinated with those of the European Commission, which was unable to articulate a unitary European strategy on the ground. Finally, the presence of the EC projects allowed most member states to carry out activities often more worthwhile for their national (read economic) interests, i.e. the promotion of a business rule of law and the creation of networks between institutions, while delegating the responsibilities to critically engage China in EC projects.

All in all, this section has shown that the bilateral policies of the four exemplar member states for the promotion of human rights towards China were not only influenced by their specific interests and policy preferences but also by their membership of the EU. The combination of endogenously generated interests and EU membership shaped member states' bilateral activities in human rights promotion in China. For the purpose of this paper, it is necessary to point out that the influence was negative for the promotion of human rights in China. In fact, membership of the EU generally led to a delegation of responsibilities and a dilution of commitment, even for traditionally committed member states.

### **Conclusion: Limits of NPE**

This paper has attempted to contribute to the contemporary literature on the normative dimension of EU foreign policy. It has done so by exploring the *inside* of Normative Power Europe in order to rectify the two major shortcomings identified in the literature, i.e. reductionism and reification. By proposing a broad analytical conceptualisation of European foreign policy and elaborating a suitable theoretical framework to study it, this paper has proven the necessity to reframe Nathalie Tocci's

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<sup>51</sup> Chang, Phyllis and Marina Svensson (2005), *Review of Human Rights Capacity Building Programme in China 2001-2003*, Report for SIDA, Stockholm.

three research questions on interests, means and impact, to apply them to the appropriate subject matter and to assess the normativeness of EU foreign policy.

The analysis of the three levels of European foreign policy governance has shown that member states and EU institutions had and still have heterogeneous interests when it comes to the promotion of human rights in China. The interaction of such interests within the European foreign policy-making system did not lead to normative convergence. This was due to the internal dynamics at play in each level of governance in the European foreign policy system, which influenced the selection of the most appropriate policies and instruments for the promotion of human rights in China.

Yet, one type of convergence did occur: EU institutions and some member states reinforced each others' approaches towards China, which stressed economic interests over the ideational motives of human rights, and succeeded in imposing them to all the other member states. This leads me to argue that the overall European human rights policy towards China did not have a normative character and even less a normative impact in line with the EU principles and norms for human rights promotion abroad.

From a broader perspective, it appears that failing to elaborate and maintain a consistent and coherent European human rights policy towards the PRC does not bode well for the European attempts to support the establishment of a human rights regime in Asia. As the economic dimension remains the most preponderant in the EU and member states' relations with several Asian countries, it can be maintained that the European influence on the normative issue of human rights may not be significant in Asia. However, this does not mean that the EU and its member states may not succeed in having a normative impact in Asia on other issues at the core of EU foreign policy, such as multilateralism and environmental sustainability. In order to analyse these issues, this paper suggests a theoretical and analytical framework that can shed light on the actual *interests*, *policy means* and *impact* of a European, rather than EU, normative foreign policy.

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