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**Rights Beyond Borders: The Global Community and the Struggle over Human Rights in China**

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CHAPTER

## 5 Tiananmen and Its Aftermath, June 1989–November 1991



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### Abstract

Looks at the June 1989—November 1991 period of human rights history in China, following the government's authorization of the use of deadly force against peaceful demonstrators in Tiananmen Square on 4 June 1989, which accomplished in one stroke what unrest in Tibet, earlier student demonstrations, the arrests of political activists, and reports of torture had failed to achieve: global attention became sharply focused on human rights violations in China. The steady growth of activism in this issue area and the multiplication of information channels (including, as in this case, live television broadcasts), guaranteed such attention, where once such abuses probably would have gone unrecorded. In the early weeks and months of this human rights crisis, Western and Japanese governmental responses were reasonably well coordinated, aided by the unequivocal nature of the evidence of abuse. Multilateral sanctions of both a symbolic and material kind were imposed on China. This propelled the Chinese leadership along a path that began with denial, and the countering of the human rights norm with that of state sovereignty and non-interference, but from early 1990, it resulted in some tactical concessions. Later still, China's behaviour indicated some softening of its strict definition of state sovereignty. However, despite this initial coordinated set of responses, mainly among major democratic states, there were several signs that multilateral accord would prove difficult to sustain; more significantly, the Gulf crisis of 1990–1991 provided Beijing with crucial diplomatic leverage, and many of the UN sanctions that had been imposed melted away, although the events of Tiananmen still ensured the regular attention of NGOs and of the UN human rights regime. The different sections of the chapter are: Early International Responses; The Shifting of Priorities; The Impact of the Gulf War; The Fate of the Human Rights Regime; The Evolution in China's Response; and Conclusion.

**Keywords:** China, China's response, governmental responses, Gulf War, human rights, human rights abuses, human rights regime, multilateral accord, state sovereignty, Tiananmen, US–China relations

**Subject:** Human Rights and Politics, International Relations

The Chinese government's authorization of the use of deadly force on 4 June 1989 against peaceful demonstrators accomplished in one stroke what unrest in Tibet, earlier student demonstrations, the arrests

of political activists, and reports of torture had failed to achieve: global attention became sharply focused on human rights violations in China. The steady growth of activism in this issue area and the multiplication of information channels, including, as in this case, live television broadcasts, guaranteed such attention, where once such abuses probably would have gone unrecorded. Some twenty years earlier, in October 1968, for example, the Mexican military had fired into a student demonstration killing between 300 and 500 people but it had attracted muted international attention, even though within ten days the country was to play host to the Olympic Games.<sup>1</sup> In this case the Mexican government was able to control most of the information about the killings and there were few independent sources able to challenge its version of events. By 1989 we were in a different communications era and such secrecy was no longer possible.

p. 114 In the early weeks and months of this human rights crisis, Western and Japanese governmental responses were reasonably well coordinated, aided by the unequivocal nature of the evidence of abuse, US leadership, and significantly timed and already scheduled meetings of the G7 in July and of the UN Sub-Commission in August. Multilateral sanctions of both a symbolic and material kind were imposed on China and hurt it economically, politically, and in terms of its international image. This propelled China along a path that began with denial and the countering of the human rights norm with that of state sovereignty and noninterference, but from early 1990 resulted in some tactical concessions. ↪ Later still, its behaviour—if only occasionally its rhetoric—indicated some softening of its strict definition of state sovereignty.<sup>2</sup>

However, despite this initial coordinated set of responses mainly among major democratic states, there were several signs that multilateral accord would prove difficult to sustain. The Bush administration, even as it set about imposing sanctions, indicated a desire to normalize relations with the Chinese government as speedily as possible, comforting Beijing with evidence that not all governments wanted human rights issues entirely to override all other areas in their relations with the PRC. In other capitals, US administration actions similarly cast doubt on the credibility of its commitment to sanctions, and governments less convinced of the value of the policy, such as the Japanese, sought opportunities to exploit such indeterminacy. More significantly, though, an unexpected international event—the Gulf crisis—which posed a new and potentially more devastating challenge to global norms concerning use of force, territorial integrity, as well as human rights, given the war aims of the Iraqi government, provided Beijing with crucial diplomatic leverage. As a member of the UN Security Council, China's cooperation was needed and in consequence many of the sanctions that had been imposed melted away. Nevertheless, the stain of Tiananmen proved more resistant to removal, complicating to this day China's relations with liberal democratic governments whose identities are connected with a respect for human rights. The 4 June events also ensured the regular attention of NGOs, reinvigorated by the presence of new recruits of Chinese origin, and of the UN human rights regime as its bodies and Special Rapporteurs continued to garner information on widespread human rights abuses within the country.

## Early International Responses

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p. 115 Millions around the world, and particularly the American public, were deluged with shocking evidence of the officially sanctioned violence. In preparation for the state visit of President Gorbachev to Beijing in May 1989, major US television networks had already begun to reinforce their Beijing bureaux. But with the massing of students in Tiananmen Square ↪ from 15 April as a result of the death of the reformist former Party Secretary, Hu Yaobang, even more from the media were sent to cover developments. They were not to regret that decision. The crowds gathered, several participants started hunger strikes, Zhao Ziyang, the Chinese leader most sympathetic to their demands, was dismissed on 17 May, and martial law declared on 20 May. New technology such as mini cameras and direct satellite links permitted vivid, live coverage to be broadcast to the USA, hour by hour if deemed sufficiently newsworthy. This led to a substantial increase in the number of reports on China over this period.<sup>3</sup>

The media, much like global activists, ‘“frame” issues to make them comprehensible to target audiences’.<sup>4</sup> In this instance, from Sunday, 4 June, the China story became one of pro-democracy protesters being brutally suppressed by a leadership that was dominated by the inflexible and unreconstructed, willing to sustain their positions of power at seemingly any cost. As tensions had grown over the May–June period, numbers watching in the USA had risen steadily, apparently more than 75 per cent of Americans ‘following the story closely or very closely’.<sup>5</sup> Not surprisingly, therefore, there were immediate demands that the Bush administration register its horror in some tangible form. That Sunday, a group of US officials from various bureaux—experts on China, human rights, international law, and international finance—met to consider courses of action. Interestingly, the US Assistant Secretary of State for human rights, Richard Schifter, who to this point had not paid much attention to China, at last more fully fulfilled the functions of his bureaucratic role: he outlined a number of provisions in US domestic law that either mandated or permitted the President to take action against China, including opposition to lending by the international financial institutions. Although this latter aspect of the sanctions policy was not made public until action could be coordinated with Japan and the Western allies,<sup>6</sup> the administration did go ahead on 5 June with the bilateral suspension of all sales of weapons and of exchanges between military leaders.<sup>7</sup> On 20 June, after further discussions with US allies, the administration decided to expand ↴ the sanctions and, among other steps, banned all exchanges with the Chinese government above the level of assistant secretary, halted the implementation of the Sino-American agreement on nuclear cooperation, and instructed its representatives at the World Bank and ADB to postpone consideration of new loans to China. NGOs kept up the pressure, Human Rights Watch/Asia in an open letter calling for an even tougher response, such as the recall of the US ambassador and the revoking of China’s MFN trading status. The US Congress at the end of June, supported by human rights groups, Chinese studying in the USA, and large parts of the press, for its part sought to codify and broaden these sanctions, introducing a conditional element in its legislation that required either that the President certify before the lifting of such measures that China had made ‘progress on a program of political reform’ or that he would waive sanctions only for reasons of ‘national security’. That Bill passed in the House 418 to 0 votes. However, the President was reluctant to have his hands tied quite so tightly in the foreign policy field and, working with the Senate, substituted a phrase that made clear the President could lift sanctions if it was in the ‘national interest’, a much broader waiver authority than that offered in the House Bill.<sup>8</sup>

The USA’s major allies had been proceeding in a similar fashion, the EC on 27 June 1989 announcing joint sanctions against the Beijing government. As intended, these mirrored those the Bush administration had imposed, including a ban on high-level ministerial visits and on sales of military equipment, the suspension of government-guaranteed loans, and the issuing of a highly condemnatory statement. EC members also extended visas for some 10,000 Chinese students who wished to extend their periods of stay abroad. The French government went further than most in giving political asylum to a number of those who had been prominent in the democracy movement. It attracted Beijing’s particular ire when it gave such dissidents a special place in the bicentenary parade on Bastille Day.<sup>9</sup> Britain and Portugal, because of their ongoing negotiations over the future retrocession of Hong Kong and Macao, were exempted from the ban on high-level ministerial visits, although Britain did postpone the next scheduled meeting of the Joint Liaison Group. Despite London’s special status with regard to contacts, Tiananmen affected British policy towards China and Hong Kong in other significant ways. In order to respond to the over one million Hong Kong Chinese who had taken to the streets to express their mood of anger and dismay ↴ after the killings, and to give them some confidence in their future, Governor David Wilson condemned the bloodshed, campaigned in London to extend the right of abode to larger numbers of Hong Kong British passport-holders, made preparations to introduce a bill of rights, and pressed on with plans for a new airport. Already complex and difficult negotiations took on a new edge—especially with the appointment of the more openly combative Christopher Patten in 1992—impossible to smooth over until well after the formal handover of Hong Kong had taken place on 1 July 1997.<sup>10</sup>

The Japanese government also stayed in step with the Western group. Most significantly, it terminated the negotiations with China on the Third Yen Loan package worth 810 billion yen (at a minimum \$US6 billion), despite an obvious reluctance unequivocally to condemn China's actions or isolate the country. One assessment of the economic cost to China has estimated that commitments of new bilateral foreign assistance declined from \$3.4 billion in 1988 to \$1.5 billion in 1989 and \$0.7 billion in 1990 and that, on the basis of a 20 per cent annual increase in aid commitments, Tiananmen cost China some \$11 billion in bilateral aid over four years.<sup>11</sup> David Zweig records that 'by July 1989, the G-7 had frozen \$10 billion in aid and loans from the World Bank and Japan as well as another \$780 million in World Bank loans slated for the end of June'.<sup>12</sup> Such coordinated action among Western countries and Japan was important if the condemnations and sanctions were to have any chance of making a material impact on Beijing and undoubtedly these economic measures did hurt the Chinese economy, in broad terms China experiencing a two-year decline in its credit rating, foreign investment, exports, and tourist visits.<sup>13</sup> The statement that came out of the G7 meeting in Paris in mid-July calling for Beijing to create the internal conditions that would avoid its further isolation was important because, although it contained no new sanctions, it publicly confirmed that all the major industrialized states believed the Chinese leaders had gone well beyond the bounds of an acceptable response to the civil disorder that had rocked the capital city.

p. 118 Also significant among the multilateral responses were those made through various UN offices. Shortly after the Tiananmen Square killings, the UN Secretary General called for the 'utmost restraint' by the Chinese government and on 6 June the UN's Special Rapporteur on Summary and Arbitrary Executions, whose 1989 report had already pointed to unlawful Chinese killings in Tibet, also appealed to the government to curb its excesses. During the same period some 1,263 employees from the UN Secretariat, including Chinese representatives, sent an open letter to the UN Secretary General asking for a special session of the UNCHR, impossible to arrange because there were as yet no such urgent action procedures.<sup>14</sup> On 19 June, the International Confederation of Free Trade Unions sent a complaint to the International Labour Organization alleging violations of union rights. AI issued statements that framed the Tiananmen crackdown to correspond with UN human rights terminology, describing the killings of peaceful demonstrators as 'extrajudicial executions'. The International League for Human Rights reached the judgement that, even if the Chinese government had rightly determined that the circumstances within the country represented a time of national emergency, Beijing had violated certain rights that were non-derogable under international law.<sup>15</sup>

In this highly charged atmosphere, the UN Sub-Commission met in August for its annual meeting. With the spotlight clearly to be on China, and in response to NGO urging, Agenda item 6—'Question of the Violation of Human Rights and Fundamental Freedoms'—was moved forward for early consideration. From the beginning of the debate, the NGOs applied a coordinated strategy, agreeing that the representative from the International Commission of Jurists would deliver the closing speech on behalf of them all.<sup>16</sup> The International League for Human Rights did much of the legwork: according to its then Director, Felice Gaer, it prepared a detailed 101-page report on Tiananmen, engaged in extensive lobbying of Sub-Commission members, and assisted Chinese students and others presenting eye-witness testimony. Gaer worked closely with Jerome Shestack, the former US ambassador to the UNCHR and President of the League, utilizing his contacts with Sub-Commission members.<sup>17</sup>

p. 119 Li Lu, a student on the wanted list, gave his dramatic version of events, leading a member of China's observer delegation at the Sub-Commission to walk out of the room, later to return to describe Li as a 'criminal'. The French expert, Louis Joinet, voiced a strong objection to this language, arguing that, while Li might be deemed a criminal inside China, it was not possible under international law for China to impose its laws outside its own territory.<sup>18</sup> Chinese tactics to undermine support for the draft condemnatory resolution included pressuring the ambassadors in Beijing from the countries whose experts were represented on the Sub-Commission, and informing others that bilateral economic relations would

inevitably be damaged. Some participants reported an 'unprecedented Chinese invasion' during which 'there appeared no way in which a member of the Sub-Commission in need of a tea-break could escape the diplomatic offensive'; others that they had seen a senior Chinese diplomat in the coffee bar 'summoning the 26 delegates one by one to lecture them to the need to consider their country's friendship with China'.<sup>19</sup> China's methods were to prove counter-productive and led the Sub-Commission to hold its first ever secret ballot. Admittedly, its members voted on a mildly-worded resolution, but China wanted no resolution at all. It read:

The Sub-Commission . . . Concerned about the events which took place recently in China and about their consequences in the field of human rights, 1. Requests the Secretary-General to transmit to the Commission on Human Rights information provided by the Government of China and by other reliable sources; 2. Makes an appeal for clemency, in particular in favor of persons deprived of their liberty as a result of the above-mentioned events.

It passed fifteen votes to nine on 31 August, with the six Western members being joined by four or five Latin Americans and some African and Asian experts.<sup>20</sup>

p. 120 Despite the mildness of the wording, there was no doubting its significance as the first ever resolution to criticize a permanent member of the UN Security Council for its human rights violations. For a body that relies on public shaming as a means of attempting to change governmental behaviour, this was a critical moment. As Chinese actions demonstrated, the Beijing government was prepared to make extensive efforts to prevent a resolution that severely undercut the legitimacy of its version of events. Neither could it stop important procedural innovations being introduced at that meeting including the use of the secret ballot, and legal agreement to expand the right of governments to speak on any matter of concern and not simply on those of concern to one's own state. The secret ballot seemed a valuable new means of undermining the capacity of powerful states to manipulate other countries' voting decisions and might be important for the future. Also important was the coordinated strategy adopted by a wide range of the NGOs. The speeches of their leading spokespersons, together with the public debate that Sub-Commission members had with Chinese experts and observers, described in more detail in the later sections of this chapter, were useful reminders of the obligations that states shouldered as a result of commitments made in the area of human rights.<sup>21</sup>

China's behaviour continued to be subject to UN scrutiny in the coming months, in some instances as required by the ongoing process of reporting, in others as a result of the Tiananmen crackdown. The report of the Special Rapporteur on Torture, Peter Kooijmans, was distributed as a UN document in December 1989, outlining the urgent appeals he had sent to the Chinese government concerning the treatment of those arrested during the first week of June 1989 in Beijing and those detained over a longer period in Tibet.<sup>22</sup> The CAT, in receipt of China's own report submitted on 1 December as part of the reporting requirements imposed on all signatories of the Convention, deemed it inadequate, and required Beijing to submit supplementary information.<sup>23</sup> The UN Special Rapporteur on Summary or Arbitrary Executions regularly requested information from China regarding executions in Tibet and on the killings associated with the events of 4 June. The UN Working Group on Enforced or Involuntary Disappearances reported in 1990 to the Commission on twenty-four cases of disappearance that had occurred in 1988, none of which had been explained by the Beijing authorities.<sup>24</sup> The Chinese record was being assailed from all sides.

p. 121 Of greatest moment, however, and in part because of the publicity that it generated, the UNCHR began in spring 1990 consideration of the Sub-Commission's China resolution. As instructed in that resolution, the UN Secretary General submitted his report, a full thirty-three pages outlining human rights violations in China and utilizing information provided by AI, the International League for Human Rights, and the International Committee of Health Professionals. With Australia playing a leading role, and Tokyo offering counsel, it was thought that a mild resolution, co-sponsored by the seventeen Western member countries

together with Japan, had a good chance of being passed. In draft, it took note of the Sub-Commission debate and the Secretary General's report, welcomed China's release of some 573 prisoners detained after 4 June, and called for the transmission of additional information to the Commission's next session.<sup>25</sup> However, a fierce Chinese rebuttal, together with Western failure to lobby effectively, and a vote a day earlier than expected, led Pakistan's 'no-action' resolution to pass narrowly, 17–15–11, Beijing gaining the support of the former Soviet Union, the Ukraine, Pakistan, Cuba, Somalia, Iraq, Cyprus, Yugoslavia, Sri Lanka, India, Bangladesh, and five African states. Yet, there was little room for Chinese complacency, for, despite this outcome, Hungary and Bulgaria had voted with the Western bloc, highlighting the possible future fragility of Moscow's and Kiev's support; the African countries were split, many abstaining and one country (Swaziland) voting against; and several Latin American countries, such as Argentina, Brazil, Colombia, Mexico, Peru, and Venezuela, also decided to abstain.<sup>26</sup>

p. 122 The failure of the resolution to pass owed much to politics and little or nothing to the Chinese argument that the government had been acting in June 1989 to prevent, as it put it, 'a handful of people from violating the law'.<sup>27</sup> As an indication of the extent to which Beijing abhorred being the subject of a UN condemnatory resolution, China sent a forty-person delegation to the Commission meeting, and, as noted earlier, its members had to apply much pressure to garner that slim majority, threatening various economic and political consequences should governments not support the 'no-action' motion. China's Foreign Minister also arrived in Geneva, ostensibly on another matter—yet another indication of how important it had become to China to counter even such mildly worded criticism from a UN body. A further major indication of the temper of the times, and of how out of step China's interpretation of sovereignty ↪ then appeared, came with the rejection at the end of the Commission's session of a Cuban resolution—probably prompted by China—to invoke Article 2 (7) of the UN Charter in support of the principle of non-intervention in the area of human rights.<sup>28</sup> According to one scholar of this period, this defeat, together with the narrowness of the margin of success on Pakistan's no-action motion, was pivotal and probably forced China to give up its attempts to persuade others that human rights were not a legitimate subject for international scrutiny.<sup>29</sup>

p. 123 For a large part of the first year after Tiananmen, therefore, the message to Beijing from various parts of the global community was reasonably clear, if hardly deafening. Furthermore, especially where the UN was concerned, the expectation was that the focus would continue to remain on China, especially since the next meeting of the Sub-Commission, in August 1990, would be taking up the question of Tibet. In many respects, Tiananmen appeared to have changed the landscape for the long-term future, because large-scale human rights violations in China could not be denied even by the relatively few who were sympathetic to Beijing's argument that it had needed to restore order on 4 June, and that stability was more important than freedom of expression. Moreover, there was more of a willingness to acknowledge that human rights violations had been prevalent over a long period. Where previous US State Department reports on China's human rights record, for example, had put considerable weight on the improvements that were in train, the 1990 report, which was highly critical of Chinese actions, noted that, despite various guarantees in the Chinese Constitution, and previous reports of improvements in a variety of areas, all such guarantees had always been qualified by reference to the interests of the state. This report suggested, therefore, that violations were endemic in the system.<sup>30</sup> This harsher language led the New York-based Lawyers' Committee for Human Rights to express its considerable satisfaction with the State ↪ Department report, describing the section on China as a 'model for all country reports'.<sup>31</sup>

## The Shifting of Priorities

At this stage, the unacceptability of China's behaviour had been made plain, but this message was not without its ambiguities, and was to become more opaque as the months went by. As noted above, the intention had been at the August 1990 session of the UN Sub-Commission to introduce a resolution on Tibet; however, this was dropped in exchange for China's agreement not to oppose a resolution on Iraq. Moreover, the body came under criticism from some members of the Commission, who queried its right to adopt resolutions on human rights violations in particular countries. Ironically, the US and Chinese Commission members were on similar ground here, the former complaining that the Sub-Commission was behaving like the parent body itself, a Chinese delegate objecting to its tendency to become politicized, to give too much space to the NGOs, and to allow the procedural introduction of the secret ballot.<sup>32</sup> Major states, then, remained vigilant against any loss of power to this expert, supposedly more autonomous, non-state-based body. However, the main reason for inaction on the part of the Sub-Commission related to the Gulf War and China's obligatory role as a Security Council member, which prompted governments to weigh their concerns about human rights violations in China against other major foreign policy objectives.

p. 124 The problem of competing foreign policy objectives with respect to Beijing had always been present, of course, a function of that country's great power potential as well as the particular beliefs of officials in major states, especially those in US administrations. The Bush administration contained many who had worked with Nixon and Kissinger at the time of the Sino-American *rapprochement*. From the start of the Tiananmen crisis, these officials had indicated in various ways their concern not to alienate or isolate a country as important as China. Shortly after the late June vote in the House to impose additional sanctions, Bush had sent his National Security Adviser, Brent Scowcroft, and his Deputy Secretary of State, Lawrence Eagleburger, to Beijing on the weekend of 1 and 2 July to convey the message that if the Chinese leaders valued good relations (as Washington obviously did) then they would have to stop the wave of arrests, imprisonments and executions that were taking place. Clearly, the Chinese regime did not yet feel secure enough to stop the crackdown, placing Bush in a dilemma. His only choice, he believed, was to authorize his officials to act unilaterally to prevent a further deterioration in bilateral relations. Neither were other high-level contacts entirely ruled out: in late July, for example, the US Secretary of State, James Baker, requested a private meeting during the Paris conference on Cambodia with the Chinese Foreign Minister, Qian Qichen. Later in September Baker met him again, this time in New York, to convey a similar message that improved US–Chinese relations required Beijing to take certain steps. Other gestures also conveying a desire not to isolate China completely included the issuing of preliminary licences to permit the Hughes Aircraft company to exchange information on the Chinese launching of US-manufactured satellites, discussions between US and Chinese officials on China's admission to the GATT, and permission for Chinese technicians to return to work on the upgrading of the F-8 fighter aircraft. Designated 'Friends of China', the former President, Richard Nixon, and his Secretary of State, Henry Kissinger, also visited the country in October and November, both telling Chinese leaders of the extent to which Tiananmen had undercut Beijing's support in the USA. For his part, Deng Xiaoping used them to convey a partially conciliatory message that, provided Bush made the first step to improve relations, he would find China ready to reciprocate.<sup>33</sup>

Domestic critics in both countries attacked these efforts to sustain the bilateral relationship even in this circumscribed form. Groups such as Human Rights Watch lobbied hard in Washington, testifying repeatedly to Congress about a variety of human rights abuses in China and issuing a series of reports focusing on those detained for political activities. To boost the reliability and sources of information on China, this NGO opened an office in Hong Kong in late October 1990, the destination of a number of Chinese dissidents. Shifting the focus away somewhat from intellectuals and students and towards the plight of Chinese workers who had suffered particularly egregious punishment after 4 June, this NGO began to publicize the case of Han Dongfang, a founding member of the Beijing Autonomous Workers' Federation. The decision to

p. 125 label him China's 'Lech Walesa' assisted the organization's efforts to enlist the help of colleagues in Helsinki Watch and to have Solidarity pay attention to his plight.<sup>34</sup> It was an effective way of making a relatively unknown individual such as Han more real to this NGO's target audiences.

Many in the US Congress found the information provided by the human rights organizations vital to the promotion of their legislation. This helped to cement ties between these two kinds of administration critics, risking the perception that some campaigning groups were becoming too much the arm of one branch of the government, despite their obvious need to remain impartial on home territory. In late 1989 and early 1990, the House and Senate turned to consider two issues about which various domestic groups had expressed concern: the fate of Chinese students in the USA and the renewal of MFN status for Chinese trade. Congresswoman Nancy Pelosi's Bill designed to allow Chinese students to remain in the USA gathered swift momentum from the autumn of 1989. Approached first by her Chinese constituents, Pelosi's staff used previous contacts with immigration lawyers, who had worked on the issue of Central American refugees, to draft the necessary legislation. Chinese students in touch with these developments effectively lobbied Pelosi's office and were told to contact their own members of Congress. The Bill swiftly garnered 250 co-sponsors and was passed by clear majorities in the House and Senate. Bush chose to use his pocket veto, and then compounded the anger this action generated by sending Eagleburger and Scowcroft on a second trip to Beijing, revealing over the same period the existence of the previous, secret, July meetings in the Chinese capital. After Christmas, the House voted to overturn the President's veto, and only after the administration's extensive lobbying was it possible for the President to prevent a repeat of this action in the Senate.<sup>35</sup>

p. 126 Scowcroft's and Eagleburger's December visit was designed to convey to Beijing the steps necessary to dilute congressional anger against it, anger which they said could well impede the retention of MFN status for China when it came up for renewal in June 1990. Scowcroft himself aggravated that hostility when he permitted himself to be photographed toasting his Chinese hosts, reportedly saying that 'negative forces' in both countries had sought to 'redirect or frustrate our cooperation'.<sup>36</sup> This statement reinforced the sense that the executive branch did not take the human rights aspect of policy as seriously as its congressional critics. Some reciprocal easing of tensions did take place in January, possibly as a result of the visit: Washington announced it would no longer oppose all World Bank loans to China, supporting those that attended to the basic needs of the Chinese people, and on 10 January Beijing lifted martial law and on the 18th released some 573 prisoners who had taken part in the Tiananmen demonstrations. But the uneasy compromise forged in Beijing between those urging the leadership to be flexible and those stressing the need to retain strict political controls in China precluded the leadership from making other major gestures — such as the release of Fang Lizhi and his wife from the American embassy.<sup>37</sup> Indeed, on balance, the argument was probably won in Beijing at that stage by those who argued that the Scowcroft visit had demonstrated that China did in fact retain strategic leverage in Washington even as the cold war was ending and that it needed to do very little to ensure the normalization of Sino-American relations.<sup>38</sup> As Bush had stated at a press conference in early January 1990: 'Some people think the best way to make changes for human rights in China is isolation: don't talk to them, try to punish them by excommunication. I don't feel that way.'<sup>39</sup>

However, the debate over MFN renewal showed that even congressional anger with the Bush administration had its limits. This sent a similarly contradictory message to the leaders in Beijing. Many of those in Congress who had staunchly supported sanctions in the area of military sales and high-level exchanges balked when it came to damaging overall US–China trade relations. Testimony from American wheat exporters, toy manufacturers, and a persuasive brief from the US–China Business Council magnified their concerns.<sup>40</sup> Others pointed to the damage that would be wrought on the Hong Kong economy if MFN were to be revoked, and still others argued that denial of MFN would disproportionately hurt America's natural allies in China, the economic reformers. Chinese students resident in the USA were also divided over the

matter. Nevertheless, vocal and powerful critics of retaining the MFN status remained. The Chinese leadership, perhaps realizing that the President had used up much political capital during the Pelosi episode, and that renewing MFN was still going to be difficult to bring off, offered some help of its own, releasing an additional 211 prisoners, agreeing to purchase \$4 billion of Boeing aircraft, together with quantities of US wheat, and at the end of June at last allowing Fang Lizhi to leave the US embassy. Finally, at the year's end, Bush's policy of MFN renewal had not been challenged but the terms of the debate inside and outside Congress over that autumnal period indicated that conditional renewal was likely to be the form in the years to come as trade and human rights questions became firmly entwined.

If US signals to China reinforced the sense that there existed real struggle within the country over policy priorities, Japan's government made plain that its sanctions were not designed to last long. This weakened the belief that the concept of an international society and agreement on international norms in this issue area rested on secure foundations. There was a range of reasons for Tokyo's distinctive stance, and not simply those more obvious ones connected with the desire to shore up its economic interests in the country. Japan's past history of relations with China, its abhorrent wartime policies, its sense of belonging not only to the developed West but also to Asia, and sympathy for China's concern to maintain stability made it reluctant to condemn Beijing as forthrightly as it might have done. Thus, although, as noted earlier, the Tokyo government decided to suspend negotiations on the Third Yen Loans package and agreed to support the sanctions outlined at the G7 summit in July 1989, its most oft-quoted remarks concerned its worries that China would be unduly isolated. In support of this, Tokyo tended to match each of Bush's most conciliatory gestures, even to go beyond them, as when a Foreign Ministry official went to the Chinese embassy in Tokyo to explain why his government had associated itself with the G7 sanctions policy statement of July 1989.<sup>41</sup> Between August and December 1989 Tokyo's policy seemed designed to send subtle signals that it wished to retain informal and unofficial contacts as a prelude to the full normalization of relations at an early date. This prompted Deng Xiaoping in September 1989 to state to a former Japanese Foreign Minister that he had detected 'some difference' between Tokyo and Washington.<sup>42</sup> Like the US Secretary of State, Japan's Foreign Minister used the occasion of the Cambodian peace conference to have discussions with Qian Qichen. On 7 August Tokyo decided to offer China \$1 million in emergency aid for flood relief. By mid-August 1989 it was reported that about 80 per cent of the thirty-three Japanese firms with offices in Beijing were in full operation again and that the freeze on current aid projects had been lifted.<sup>43</sup> Restrictions on travel to Beijing were formally removed in late September, the same month that fifteen members of the Japanese Diet, led by former Foreign Minister Masayoshi Ito, conferred in Beijing with the new post-Tiananmen leadership of Li Peng and Jiang Zemin, as well as with Deng Xiaoping.<sup>44</sup>

Japanese ministers and visitors stressed that two conditions needed to be fulfilled in order for full normalization of relations to occur: martial law had to be lifted in Beijing and Fang Lizhi allowed to leave the US embassy. When the former was announced on 10 January and prompted by the earlier US decision to send a high-level diplomatic mission to Beijing in December 1989, Japan swiftly breached the wall on diplomatic contact. It invited Zou Jiahua, head of the State Planning Commission, and Li Tieying, chair of the State Education Commission, to visit, following this in April 1990 with a restoration of contacts at the vice-ministerial level.<sup>45</sup> At the same time, the Director of Japan's economic cooperation bureau visited Beijing to restart negotiations for the Third Yen Loans.<sup>46</sup> Fang Lizhi's release on 25 June 1990 was neatly timed to occur just prior to the Houston G7 summit, shortly after which Japan announced its formal decision to renew negotiations on the yen loans package. As a Foreign Ministry official explained, Japan believed that it was not right to isolate China; what the Japanese government wanted to see was 'China reintegrated or returned to normal relations with the international community'.<sup>47</sup> Much to Tokyo's satisfaction, Bush gave his support for the relaxation of Japan's aid embargo and the G7 also announced its agreement to World Bank lending that promoted economic reforms or environmental protection, suggesting widespread acceptance that China's gestures should trigger a positive response. With Tokyo's normalization of relations all but complete in mid-1990, it seemed that little political cost would be borne if Japan took other major,

symbolic, steps ahead of its Western allies: thus, in August 1991 Prime Minister Kaifu visited Beijing, nevertheless exacting some *quid pro quo* from China in drawing forth its commitment 'in principle'—on the anniversary of the dropping of the atomic bombs on Japan—to the signing of the nuclear NPT.<sup>48</sup>

p. 129 EC members also tended to shadow the behaviour of the Bush administration, suggesting that a sanctions policy without the USA was deemed virtually useless. The Community used its various summits—for example, at the end of June 1989, in January 1990, and again in October 1990—to signal important stages in policy. The joint sanctions that it had imposed in the wake of Tiananmen held reasonably well until the early to middle part of 1990. A week after the Chinese government had lifted martial law in Beijing, the EC12 welcomed the move, while expressing continuing concern over the fate of students imprisoned or being hunted down. Individual states within the EC then began to break away from the coordinated approach. In February, France offered China new loans and authorized its export credit guarantee body to cover the China risk. Italy made the same move that month, to be followed by the FRG in April, although Bonn still took such decisions on a case-by-case basis.<sup>49</sup> After the Houston summit in the summer of 1990 a number of other sanctions began to be lifted and various opportunities were sought—at the meeting of the UN General Assembly in September and October, for example—to hold talks with China's Foreign Minister.<sup>50</sup> The EC summit in Luxembourg on 22 October 1990 provided an opportunity to try to tie these strands together again, with the EC12 formally deciding to retain the ban, as had the USA, on military sales and military contacts. Further breaches in the common foreign policy were still to come, however, as Spain became the first EC country after Tiananmen to send its Foreign Minister to Beijing.<sup>51</sup>

In these first months after 4 June, therefore, there were cracks in the material and symbolic aspects of the governmental sanctions policy, partly in response to relatively minor Chinese concessions, but also because the US executive branch was not seen to be fully behind that policy. As Lisa Martin's work on multilateral economic sanctions has shown, in nearly all such cases, one state acts as leader and this state needs to establish a firm commitment to the sanctions policy in order to ensure more widespread cooperation. Coordinated policy is always difficult to sustain in the absence of institutionalized venues where the leading sanctioner can signal its firm commitment, and link cooperation on this one issue to longer-term interests in the benefits of institutionalized agreement.<sup>52</sup> These cracks were almost inevitably likely to widen in this

p. 130 case ↵ because of China's perceived importance to global and regional order, a perception sharpened still further in the light of unexpected developments in the Gulf during which the leading sanctioning states began to identify China less as the human rights violator and more in terms of its great power role as a UN Security Council member, capable of wielding its veto.

## The Impact of the Gulf War

The UN Sub-Commission's trade in August 1990 of the Tibet for the Iraq issue and the October 1990 turning point in EC policy reflected the widespread argument at governmental levels that, as a Permanent Member of the UN Security Council, China needed to be induced to support the West's Iraqi policy, and later on that it even deserved to be rewarded for not obstructing it. Many commentators attributed the relaxation in various Western governmental policies, especially in the economic field, to Beijing's cooperative attitude, although, as noted above, the economic sanctions policy was already beginning to soften before the Gulf crisis. Shortly after Saddam Hussein had raised the stakes, the US administration signalled to Beijing how important its role potentially could be: not only did American diplomats stationed in Beijing and Shanghai hint that this conflict represented an opportunity for Beijing to improve relations with the USA, but the administration also sent Assistant Secretary of State Richard Solomon to the Chinese capital, the highest ranking official since the Scowcroft–Eagleburger visit in December 1989.<sup>53</sup> The US Secretary of State, James Baker, also met his Chinese counterpart yet again, this time in Cairo on 6 November to discuss the crisis, although Baker did apparently raise in private the subject of China's human rights record.<sup>54</sup>

Over the course of the Gulf episode, China voted for all ten UN resolutions that imposed political, military, and economic sanctions against Iraq, and eventually abstained on Resolution 678, which permitted the use of armed force to compel an Iraqi withdrawal from Kuwait. Resolution 678 provided China with most of its bargaining leverage, as the country's leaders hinted to Secretary of State Baker that all three voting outcomes—an affirmative vote, a veto, or an abstention—were still possible. To rule out the veto, the US administration agreed that China's Foreign Minister would be received in Washington after the Security Council had met, and that an affirmative vote would be rewarded with a meeting between Bush and Qian.<sup>55</sup> The build-up to this vote, and the eventual Chinese abstention (i.e. not an affirmative vote), which, as Harry Harding suggests, was a highly likely outcome anyway,<sup>56</sup> seems to have attracted undue levels of reward, including, most importantly of all from China's perspective, the meeting with Bush at the White House. Coming alongside other benefits, such as the resumption of Tokyo's development aid programme to China, the release of some \$240 million under the Third Yen Loans package, and World Bank lending of \$275 million, China must have been pleased with its diplomatic work. And more was to come: after the Security Council vote, the Bank extended its first 'non-basic-needs' loan to Beijing since the Tiananmen killings,<sup>57</sup> West European governments such as Germany unlocked their aid packages, making new loans available for 1991. France signed a credit agreement worth FF1.31 billion<sup>58</sup> and over the same period concluded various high-profile commercial deals.

## The Fate of the Human Rights Regime

What was left, then, in late 1990 and early 1991 to ensure that Tiananmen was not entirely removed as a constraint on China's relations with major parts of the international community and that the global human rights regime retained some credibility with reformers both inside China and in the outside world? On the surface, at least, matters looked bad for that regime, for in February and March 1991, the time when the UN Commission met in Geneva, China was in the midst of its trials of the democracy activists arrested after the Tiananmen demonstrations, yet no resolution on China was introduced at that meeting.<sup>59</sup> China was, however, the focus of attention in the less-politicized areas of UN machinery. The Special Rapporteur on Summary and Arbitrary Executions referred to China in his 1991 report; the CAT (as noted earlier) called on China to provide a supplementary report and recorded that it was concerned about 'use of evidence obtained by torture, the organization of the judiciary and its lack of independence, poor conditions of detention, limits on detainees' contacts with family, and the role of medical personnel in establishing the fact of torture'. The Special Rapporteur on Torture also named China in his 1991 report as having been the subject of an urgent communication.<sup>60</sup>

In addition, despite having come under criticism from members of its parent body, the UN Sub-Commission returned to consider the Tibet question in August 1991. (NGOs were in fact responsible for this, having reached an informal arrangement whereby the Tibet resolution would alternate with a broader one on China, in order that the Tibet question received a fair and detailed hearing.)<sup>61</sup> In a strongly worded resolution, which passed 9–7–4, the Sub-Commission expressed concern at the 'continuing reports of violations of fundamental human rights and freedoms which threaten the distinct cultural, religious and national identity of the Tibetan people'. It also called on the Beijing government fully to 'respect the fundamental rights and freedoms of the Tibetan people'. The significance of this resolution rested on the fact of its criticism of long-standing Chinese policy, unlike the Tiananmen resolution, which was a response to a single dramatic and shocking event. Also of significance was the fact that the Chinese attending the Sub-Commission meeting once again lobbied hard to prevent its passage, but in the event were unable to prevent the slim majority in its favour.<sup>62</sup>

NGOs also were not to be deflected from their cause and kept up the barrage of information and pressure on governments to live up to their formal commitments. In response to the EC's adoption in June 1991 of a

declaration on human rights, implying the future development of a more consistent and coherent policy in this field, Amnesty submitted several reports to the Commission and the Parliament on conditions in China. ↪ Human Rights Watch/Asia announced a decision to devote more time and resources to its programme on China and Tibet than on any of the other countries of concern to it in Asia. It began a major campaign in 1991 focusing on forced labour in Chinese prisons and the export of products made under prison conditions, passing on the information gathered to the US Customs Service.<sup>63</sup> The timing of that NGO's revelation of these conditions coincided neatly with the consideration in the USA of the MFN question. Prison labour was an angle on human rights that had the capacity to appeal to a wider constituency in the USA because of its connections with unfair trade, the fact that such exports violated US domestic law, and that it could be projected as relating to 'slave labour', which evoked memories of Japanese and German policies during the Second World War. The stopping of forced labour became one of the provisions in the House of Representatives' 1991 MFN Bill. This prompted Bush to promise uncommitted Senators, when it was their turn to vote on the issue, that the State Department would try to negotiate a memorandum of understanding with Beijing that would establish procedures for the prompt investigation of allegations that certain exports had been produced by prison labour.<sup>64</sup>

The congressional and executive branches' battles over the retention of MFN status in 1991 also illustrated the capacity of human rights considerations still to impose some constraints on US–China relations. In May 1991 President Bush announced that he wished to renew that status without conditions. However, conditional renewal was the mark of bills introduced in the House and the Senate that year. The strongest among them (sponsored by Nancy Pelosi and George Mitchell) called for renewal in 1992 only provided that, among other demands, China had

- accounted for citizens detained, accused, or sentenced because of pro-democracy protests;
- released political prisoners taken from the pro-democracy protests;
- adhered to the Joint Declaration on Hong Kong . . .
- stopped jamming Voice of America broadcasts; and
- made 'significant' progress in (1) ending the harassment of Chinese citizens in the United States, (2) granting access for humanitarian and human rights groups to prisoners, trials, and detention centers, and (3) taking action to stop human rights violations.<sup>65</sup>

Mitchell's Bill contained the additional provision that continuing MFN status also depended on the restriction of the transfer of missiles to Syria, Iran, and Pakistan, suggesting that there were other issues perhaps of equal or even greater salience and concern to some members of the Senate. The House Bill passed by a majority large enough to ensure the overturning of any subsequent presidential veto (313–112); thus, the Bush administration's attention focused on the Senate, requiring the President to establish a means of appealing to those Senators harbouring doubts about the wisdom of using the MFN weapon in this way. He argued for separation of human rights from trade questions and promised instead a raft of measures designed directly to address concerns in the commercial fields. Over the course of the spring, Bush had sent other signals designed to placate his domestic critics and to warn the Chinese government—meeting with the Dalai Lama (the first such contact with any US President), and denying the export of certain high-technology products.<sup>66</sup>

The outcome of the vote in the Senate demonstrated the difficulties of trying to attach human rights conditions to trade matters. While Senator Mitchell's Bill did attain its majority, this was still twelve votes short of the number required to override a presidential veto. Crucial to this outcome were the votes of seven Democrats from states that sold large quantities of agricultural products to China, who had been additionally influenced by substantial lobbying from the National Association of Wheat Growers. Such

lobbying raised questions about the relationship between the governed and the governors in democratic societies and the dilemmas that can be posed by constituents who ask whether their economic interests should not be given priority over the needs of foreigners. Others involved in the lobbying effort included US and Hong Kong companies with high economic stakes in China, both of which could develop an appealing argument about the need to maintain economic stability in Hong Kong in the lead up to 1997. Intense efforts by the Bush administration involved frequent White House meetings with congressional members, and twice-weekly legislative strategy discussions. More unusually, the Chinese government itself entered the lobbying arena, hiring the US public relations firm Hill and Knowlton to represent its interests. Pitted against this formidable lineup were the human rights groups, labour organizations, and overseas Chinese students.<sup>67</sup>

If the Bush administration insisted on separating MFN from human rights, what did it envisage as a human rights policy? Its main elements involved the beginnings of a dialogue with Chinese leaders over human rights conditions in the country. In December 1990 Richard Schifter, the US Assistant Secretary of State for Human Rights and Humanitarian Affairs, held discussions with a range of Chinese officials from the courts and the public security bureau. Schifter presented a list of some 150 political prisoners on whom he sought information, including such well-known activists as Chen Ziming, Wang Juntao, and Wei Jingsheng. He also asked that US embassy personnel be allowed to send observers to political trials and requested, unsuccessfully, that he be invited to visit a jail.<sup>68</sup> In subsequent months, his office worked with human rights groups to expand the list of political detainees to over 800, passing this quietly to the Chinese in June 1991. In November that year, Secretary of State Baker on the first US high-level official visit to Beijing took up the matter of this expanded list, receiving some accounting from the Chinese of the 800 prisoners. But there were, of course, other items on his agenda, such as China's trade practices and the sale of missiles and nuclear technology in the Middle East, raising anew questions of how best to establish priorities and measure progress in the bilateral relationship.

It was difficult to project Baker's trip overall as productive, however, China's obduracy perhaps being explained by its belief that the US administration saw its main adversary as Congress and an active NGO lobby rather than China itself. Two dissidents were prevented from meeting members of Baker's delegation, the Chinese refused to allow US or international access to prison factories, and Deng declined to see Baker to accept a letter from President Bush that appealed to him to use his influence to heal the rift between America and China. This forced Baker to read the letter aloud during a final meeting with Chinese foreign ministry officials in order to get his government's message across. China did offer to abide by the Missile Technology Control Regime, but only if the USA would lift its sanctions on computer and satellite sales to China. Baker also affirmed—much to Beijing's satisfaction—that Taiwan would not be allowed to enter the GATT before China was admitted.<sup>69</sup>

Numerous other US allies attempted a similar approach with the Chinese. The French Foreign Minister, Roland Dumas, on a trip to China in April 1991 and with a similarly crowded agenda, had tried to offset the impact of such high-level contact with leaders in Beijing with a statement that ties would become fully normalized only after imprisoned dissidents had been pardoned and there was evidence that human rights were being respected.<sup>70</sup> China was also induced to invite a French human rights delegation to visit the country. That delegation's subsequent report, produced in October 1991, proved quite hard-hitting commenting on the lack of judicial independence, the underestimation by the Chinese authorities of the numbers of those imprisoned, and the pervasiveness of the extra-legal process of administrative detention, one that had possibly ensnared between two million and four million people.<sup>71</sup>

China also issued an invitation to an Australian human rights delegation. Canberra's objective in sending such a group, according to the Australian Foreign Minister, Gareth Evans, was to reinforce the argument that human rights questions were not simply internal matters, but could legitimately be subject to international scrutiny.<sup>72</sup> But the visit came about as Australian and Chinese diplomats were considering

ways to improve relations between the two governments, suggesting that a bargain was at the heart of it. The delegation's subsequent report, much like the French one, criticized China's judicial practices, and stated that the indictment of those suspected of committing 'counter-revolutionary crimes' infringed those rights guaranteed in the UDHR. Its fiercest criticisms were directed at the infringement of rights in Tibet, rights that it noted were compromised in all areas, including religious freedom, access to education, and freedom of movement. Importantly, however, the report also welcomed the legal reforms that had been introduced in the country, thus contributing to an atmosphere that would allow for a continuing exchange of views and visits.<sup>73</sup> And indeed a second Australian delegation was sent in late 1992, bringing the total to five countries at that point that had mounted such efforts, including, alongside Australia and France, Austria, Britain, and Switzerland.

p. 137 By late 1991, therefore, the promotion of human rights protections in China rested on a somewhat *ad hoc* mix of measures: the continuing work of the UN and its Special Rapporteurs and reporting requirements, an active NGO movement, forceful advocacy in the US Congress and European Parliament, and a series of uncoordinated meetings between governmental officials and their Chinese counterparts during which human rights matters competed with other parts of a complicated foreign policy agenda. Despite this lack of a clear strategy, however, the Chinese government had at the end of this period been induced to accept visits by both official and expert delegations, indicating a grudging receptiveness to the idea that human rights conditions inside China could legitimately be subject to international scrutiny.

## The Evolution in China's Response

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The outcome of a domestic factional struggle over how to interpret and react to the actions of the global community—and especially those of Washington—and the passage of time without major crisis sufficient to allow the leadership in Beijing to regain its composure, inevitably affected the Chinese response to external developments in the two years after the Tiananmen massacre.<sup>74</sup> The specific elements in the Chinese strategy involved a mix of insisting rhetorically on the overriding quality of the Westphalian norm of state sovereignty and non-interference, offering limited concessions at well-timed moments, and using its political, strategic, and economic weight to create policy dilemmas for its interlocutors. Its discursive practices changed significantly when it decided to take to the offensive and promote its own view of human rights through the publication of a White Paper in October 1991, and to upgrade its attacks on the human rights records of its major critics. The latter two features were connected with an unfolding strategy to promote the idea of a 'dialogue' on human rights between equal, sovereign, states, which reinforced its argument that mutual governmental agreement to these forms of discussions did not undercut its particular definition of sovereignty.

p. 138 Two lines of argument quickly emerged in Beijing in response to the imposition of sanctions after Tiananmen. So-called conservatives advocated punishing those countries that had developed a sanctions policy, an act that would be doubly beneficial because it would reduce China's contact with the global community thereby cutting opportunities for 'foreign interference' in China's internal affairs. This grouping argued that the West, with the USA at its head, had long been adopting a 'peaceful-evolution' strategy towards China, one designed to subvert the socialist system. Imposing sanctions was simply another method of weakening the Beijing government.

Others among the leadership acknowledged that demonstrators did indeed desire to see the downfall of China's communist regime and that there had been Western interference in internal affairs, but did not extend the argument to encompass a firm strategic link between these political activists and the West. As Deng stated in a public speech on 9 June: 'If we had not stopped them, they would have brought about our collapse.' Shortly after Jiang Zemin's appointment as Party Secretary, he described the events leading up to

Tiananmen as a 'counterrevolutionary rebellion aimed at opposing the leadership of the Communist Party of China and overthrowing the socialist system'.<sup>75</sup> An article in the English-language *Beijing Review* in November 1989 was particularly uncompromising, describing the 'counter-revolutionary rebellion in Beijing' as an attempt to 'overthrow the leadership of the Chinese Communist Party and subvert the government of the socialist People's Republic of China'. Focusing explicitly on the question of rights, it went on to argue that there were no universal and abstract human rights, that different concepts of rights were evident in the way particular countries drafted their laws, and that internationally defined rights could not override domestic laws (quoting Britain's Lord Denning in support of this). Finally, it turned to the USA and, while noting that the US Congress had still not ratified the two international covenants, it finished by accusing Washington of 'gross interference in another country's internal affairs'. As the article put it:

A certain country has used its embassy to provide shelter for a criminal wanted by the host country, intervening in the host's normal judicial activities; allowed wanted criminals to conduct activities aimed at subverting another government; discussed the internal affairs of another country in its own Congress and imposed economic sanctions on that country just because they share different values; and even set as a precondition for improving bilateral relations the lifting of martial law.<sup>76</sup>

p. 139 Events in Eastern Europe compounded Beijing's sense of insecurity that autumn and winter. That same *Beijing Review* article quoted above had made the unfortunate choice of singling out for approval the Soviet Union and Romania as having constitutions with provisions regarding public ownership similar to China's own. However, Moscow under Gorbachev was set on its path of radical political reform, and December saw the execution of the Romanian President, Nicolae Ceausescu, an event so shocking to the Beijing leadership that it placed army and police units on alert and further tightened political controls.<sup>77</sup> Chinese leaders tried to reduce this growing sense of isolation by establishing diplomatic relations with Singapore, Indonesia, and Saudi Arabia in 1989 and 1990, and increasing contacts with Third World leaders, especially those that would visit swiftly after the Tiananmen events, affirm that the crackdown was China's 'internal affair', and that it was 'up to the Chinese people to choose their own road and future'.<sup>78</sup> Indeed, two-way visits between Chinese and ASEAN leaders in 1990 have been described as 'record-breaking . . . not only in their frequency but also in the ranking of the visiting leaders'.<sup>79</sup>

However, more moderate appraisals of the post-Tiananmen position were also available from those Chinese who counselled patience, suggested minimal concessions, and pointed out that neither developing countries nor the Soviet bloc represented viable alternative partners for a China set on sustaining high economic growth rates. Particularly at the turn of the year and into the early spring of 1990, Chinese leaders sought advice from research institutes in Beijing and Shanghai, and from the foreign policy establishment on how best to stabilize the key relationship that had been damaged as a result of Tiananmen—that with Washington. These advisers recommended moves such as allowing Fang Lizhi to leave the US embassy in Beijing for asylum outside China, releasing more of those detained after 4 June, and searching for ways to demonstrate China's continuing political, economic, and strategic importance to the USA and its allies, points that were discussed at a series of high-level meetings in the spring of 1990 and at one presided over by Jiang Zemin in June.<sup>80</sup>

p. 140 All of these suggested actions were in fact carried out from the start of 1990. Beijing saw the lifting of martial law on 10 January, leading to the easing of the US administration's objection to World Bank loans. In 1990 and 1991, China released three batches of prisoners detained at the time of Tiananmen, and lifted martial law in Tibet in May 1990, probably all timed to coincide with various phases of the MFN debate. China's leadership let Fang and his wife leave the US embassy also at a time calculated to have an impact on the MFN issue, agreed to purchase up to seventy-two aeroplanes from Boeing, and made the first of two purchases of US wheat in June 1990 for similar purposes.<sup>81</sup> Beijing also used other means of bringing home

to the USA its regional and global importance, not only during the Gulf War, but also in discussions concerning such global norms as non-proliferation of weapons of mass destruction, and during negotiations concerning Cambodia and North Korea. In direct reference to Washington's human rights policy, China began from the spring of 1991 to adopt a more assertive strategy, China's Foreign Minister (much as the November 1989 *Beijing Review* article had done) pointing to Washington's hypocritical stance in its refusal to ratify the major human rights conventions on the grounds that they came into conflict with domestic law. *Renmin Ribao* then pushed the argument much further, accusing the USA of violating certain key rights and carrying out policies of apartheid, racial discrimination, torture, and sex discrimination.<sup>82</sup> As noted above, China's concessions at the time of MFN renewal did make a difference to the MFN outcome, and undoubtedly influenced China to continue with such tactics in subsequent years. The satisfaction that must have been derived from criticizing the US record, particularly its failure to ratify the key human rights conventions was also to prove irresistible, becoming central to the discourse in the years to come.

One of China's biggest challenges was to find a means of preventing an unfavourable voting outcome at the annual meetings of the UN's human rights bodies, or better still to shift attention away from the country's record entirely. Tactics here often lacked subtlety: Beijing tried to reduce the power such organizations could have largely arising from their multiple memberships by targeting individual ambassadors or representatives from particular countries. As noted earlier, during the 1989 meeting of the Sub-Commission, which brought forth a mildly worded resolution expressing concern at developments in China, Beijing's representatives outside the conference room threatened diplomats with trade and aid sanctions against their country. This prompted the employment of the secret ballot—an unwelcome consequence, from China's perspective, of its own heavy-handed tactics.<sup>83</sup>

p. 141 China lobbied hard again at the meeting of the UN Commission in 1990, as noted earlier, sending a huge diplomatic delegation to pressure participants, indirectly backed up by China's Foreign Minister, who went to Geneva to give a press conference, ostensibly on another matter. It was reported that one African diplomat was visited in his hotel by 'ten Chinese trying to explain to him how best to vote in order to avoid unnecessary complications in his country's relations with China'. Several ambassadors in Beijing were summoned to the Foreign Ministry and Chinese ministers visited a number of African countries. Such tactics had an impact. Although at the 1989 Sub-Commission meeting delegates had expressed 'unusual agreement' about the extent of the repression after Tiananmen, and did not accept China's depiction of events, nevertheless by the spring of 1990 a number of Commission members had been swayed in support of Beijing for politico-economic reasons: '“They are our friends,” “They send us economic aid,” or “They are bringing political pressure on our government.”'<sup>84</sup>

This unsophisticated approach outside the meeting room was matched by a similar one inside it. The Chinese expert and the country's observer delegates to the 1989 Sub-Commission made four main interventions. Three forms of reactions were implicit in Chinese statements and followed a familiar pattern for recalcitrant governments: the literal denial (nothing happened), the interpretive denial (what happened should be seen as something else), and the implicatory denial (what happened was justified).<sup>85</sup> One Chinese with observer status claimed that the Beijing authorities had to take action to end the disturbances in order to 'safeguard the human rights and fundamental freedoms of the vast majority of the Chinese people', that there had not been 'a single person . . . killed by the army or run over by military vehicles', and that such actions designed to restore order were in fact 'a domestic affair of the State concerned alone and no foreign country or international organization had a right to intervene on any pretext whatsoever'. This final claim drew a sharp retort from the Algerian expert, who argued: 'On the principle of non-interference, no State could claim any longer to be a special preserve, and the concept had gradually given way to that of international interest in the field of human rights.' China's expert on the Sub-Commission, Tian Jin,

p. 142 unwisely referred to Article 2 (7) of the UN Charter.<sup>86</sup> This prompted a vigorous response from the French expert, Louis Joinet, who reminded Tian of those provisions in the Charter, especially Article 55, which in

fact called for 'universal respect for, and observance of, human rights and fundamental freedoms', concluding that, if the Sub-Commission were to go along with Tian in advocating the principle of non-interference in the sphere of human rights, it might as well shut up shop. NGO representative Niall McDermot continued the defence of the human rights regime, pointing to the Sub-Commission's and Commission's responsibilities in this area, and reminding China of the obligations it had accepted under treaties it had signed. Moreover, in a reminder of the way in which governments can become caught in their own moral rhetoric and behaviour, McDermot stated that China's own past actions had given legitimacy to 'the right of the international community to scrutinise the human rights performance of other countries'. China, he noted, had 'voted in favour of resolutions that had sent human rights investigators to countries such as Afghanistan, South Africa and Chile and had joined in consensus resolutions in respect of conditions in other parts of the world'. However, at this stage, Chinese representatives remained reluctant to drop their argument stressing state sovereignty and non-interference; hence, when the Sub-Commission passed its mildly worded resolution, the Chinese representative harshly responded: 'The Chinese Government categorically rejects this resolution. It is null and void and has no binding force on China whatsoever.'<sup>87</sup>

p. 143 At the 1990 Commission meeting, Chinese delegates adopted a slightly different tactic and picked up a part of the McDermot theme, noting their country's support for and willingness to abide by the UN Charter in its respect and protection of human rights and fundamental freedoms and emphasizing their government's active involvement in UN human rights work.<sup>88</sup> However, in a report on the failed outcome of the resolution, China showed itself to be unreconciled still to the consequences of participation in an international human rights regime. It described that unsuccessful resolution as a 'move . . . designed [to] provide a forum for those with ulterior motives to continue their slandering of China in order to interfere in China's internal affairs'.<sup>89</sup> It had used similar language in reaction to the US State Department's yearly human rights report a month earlier, claiming it to be 'based on rumors and lies' and accusing the US government of 'flagrantly interfer[ing] in the internal affairs of China and seriously encroach[ing] upon China's sovereignty'.<sup>90</sup> Indeed, Chinese statements attempted to undermine the prestige of the UN human rights bodies through this usage of terminology designed to demonstrate how major states had been manipulating such meetings for political ends, criticizing countries that attempted to 'peddle ideology . . . in the name of human rights' and governments that used 'human rights to practise power politics, [and] interfere in other countries' internal affairs'.<sup>91</sup> When the Tibet resolution was passed at the 1991 meeting of the Sub-Commission, Chinese delegates refused to accept it as a genuine expression of concern about human rights practices in that area. They similarly described that resolution as 'null and void' and as having 'no binding force' on their country, characterizing it as a cynical attempt to foment disorder and to split Tibet from China.<sup>92</sup>

Such a response to global demands in the human rights area suggested the power of traditional domestic modes of thought that were resistant to the argument that external actors had a legitimate right to comment on and react to events in China itself. Other Chinese behaviour suggested, however, that interacting with the global community on human rights issues was forcing a deeper appraisal of what it meant to be a participant in such a regime, and at least persuaded the Chinese leadership to recognize that the issue of human rights could not be wished away. On the contrary, officials would need to have coherent answers ready when they were called upon to defend their country's record or when criticisms were voiced. Human rights law had not previously been regarded as a suitable subject for teaching or research in China, but in April 1990 the People's University in Beijing hosted a conference on the theory of human rights, and the capital was the host site also in April of the fourteenth Conference on the 'Law of the World', Tian Jin giving a speech entitled 'A Look at the Relationship between Human Rights, National Sovereignty, International Peace and Development'. More such gatherings were to come: in June, the Legal Research Institute of the Chinese Academy of Social Sciences held a conference on the theory of human rights, which later led to the establishment of a Human Rights Research Unit within the Academy. In September, the Research Centre for Social Science Development under the State Education Commission held its conference on the topic, additionally symbolizing the official authorization of scholarly discussion of human rights.

p. 144 Such events led to the publication of a large number of works on the topic: a Chinese bibliography published in 1992, for example, contained a list of 296 articles on human rights in major newspapers and journals between 1979 and 1992, with some 50 per cent of them appearing in 1991.<sup>93</sup> The conferences offered a number of different perspectives, although at this stage they focused on the philosophical bases of particular positions rather than paying close attention to the specifics of human rights treatment in China.<sup>94</sup> Continuing into 1991, and as somewhat freer debates began to take place, four major themes emerged: 'the question of class and human rights; the relationship between individual and collective rights; the importance of social and economic rights versus political rights; and the question of international protection of human rights and state sovereignty.'<sup>95</sup>

Tian Jin's 1990 speech was of particular interest, in part because of his role as China's 'independent expert' at the UN Sub-Commission, but also because of the obvious desire that his ideas reach a wider international audience: hence its publication in the English-language weekly *Beijing Review*. It had three main themes. The first emphasized the historically contingent nature of rights: 'to insist on uniformity will amount to imposing a specific political system, ideology or perspective of human rights on other countries.' What there was in the way of common international standards related, he said, to opposition to 'racism, colonialism, gross violations of human rights caused by foreign occupation and aggression'. His second argument was that governments had the main responsibility for protecting human rights and that the principle of non-interference was still applicable in this domain except in areas relating to genocide or apartheid: 'To contend that human rights supercedes national sovereignty is not only without foundation in international law, but also reveals the ulterior motives of a few countries.' Finally, Tian argued for redirecting attention towards peace and development, and especially towards the latter, as a precondition for the protection of collective human rights, noting particularly that the connections between human rights and development were not receiving the attention they deserved. Probably in an attempt to circumscribe the nature of the discussion among legal circles in China, Tian argued that the 'major task before the legal professionals of various countries' was to develop international law in the area of the right to development as a basic human right.<sup>96</sup>

p. 145 The sobering experience of activity within the UN Commission and Sub-Commission culminated in a Chinese decision to formulate an authoritative statement in the form of a White Paper on human rights. Scholarly activity was designed to feed into that process and by April 1991, at a conference organized by the Law Faculty of People's University, the right to subsistence had become well established as one of the main lines of scholarly argument.<sup>97</sup> By June 1991, all of the major themes that were to appear in the White Paper had been thoroughly aired at scholarly venues. The White Paper finally emerged in the autumn, a Chinese version in October and the English version in November, later to appear also in French, German, Japanese, and Spanish translations.<sup>98</sup> Described in one Chinese publication as an offensive weapon with which 'to fight with hostile foreign forces and . . . to educate our cadres, masses, and, in particular, our young people at home' and in another as aiding 'the international community understand the human rights situation as it is in China, [and] educating the Chinese people to see clearly western human rights advocates' lies', it received star billing in the official party newspaper, *Renmin Ribao*, and was quickly followed by a reference booklet, edited by the *Hongqi (Red Flag)* press, designed to be used as a study guide for a nationally organized campaign.<sup>99</sup> It was a signal indication, if there had been any doubt, of the power of international criticism to force a formalized response. The objectives behind its publication showed clearly the transnational aspects of the human rights debate.

p. 146 The opening preface and subsequent chapters of that White Paper confirmed that a major reason behind its publication was to respond to that external criticism. The preface noted the commitment of the Chinese government and people to the safeguarding and improvement of their human rights situation, and the respect in which the various declarations and conventions adopted by the UN were held. But it also argued that the 'evolution of the situation in regard to human rights is circumscribed by the historical, social,

economic and cultural conditions of various nations, and involves a process of historical development'. Foreshadowing an argument that was to achieve much greater prominence over the course of the 1990s, it stated that, 'owing to tremendous differences in historical background, social system, cultural tradition and economic development, countries differ in their understanding and practice of human rights'. This relativist argument linked with a developmentalist one also admitted that, while China had achieved much in the field of human rights, there was 'still much room for improvement.' It went on: 'It remains a long-term historical task for the Chinese people and government to continue to promote human rights and strive for the noble goal of full implementation of human rights as required by China's socialism.'

p. 147 The next section of the White Paper began with China's familiar exposition of the massive crimes committed by Western and Japanese imperialists from the time of the Opium War until the founding of the PRC in 1949. From that time when the Chinese people had 'stood up as masters of their own country', they had won 'for the first time . . . real human dignity and the respect of the world', together with 'the basic guarantee for their life and security'. However, the basic right of subsistence, which the White Paper described as the most important of all human rights, had been tackled urgently only under the leadership of the CCP which still regarded that right as an 'issue of paramount importance in China today'.<sup>100</sup> It outlined in highly exaggerated form the Party's substantial achievements since 1949 in all areas covered by the two international human rights covenants, and closed with a statement of support for the efforts of the UN in promoting 'universal respect for human rights and fundamental freedoms', noting China's active participation in UN work in this area. However, much as Tian had done a year and half earlier, it maintained that 'priority should be given to the safeguarding of the right of the people of the developing countries to subsistence and development, thus creating the necessary conditions for people all over the world to enjoy various human rights'.

Indeed, the continuities with Tian's arguments elaborated in spring 1990 were quite striking: the emphasis on the collective rights of the whole Chinese people; on subsistence and development as priorities within the human rights area; on the role of national governments in promoting their citizens' human rights, emphasizing yet again state sovereignty as the overarching norm and as reflected in Article 2 (7) of the UN Charter: 'the argument that the principle of non-interference in internal affairs does not apply to the issue of human rights is, in essence, a demand that sovereign states give up their state sovereignty in the field of human rights, a demand that is contrary to international law.' The publication of the White Paper seemed to suggest, then, that, although external pressure had persuaded the Chinese leadership that it needed to explain more fully its position on human rights, the interaction with governments, institutions, and activists in the period after the 4 June killings had not led to an acceptance of the argument that individuals could be the subject of international law.

## Conclusion

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Although there was no fundamental shift at the official level in China's perspective on human rights, the impact of Tiananmen on China's external relations was undeniably severe and it was induced to make some concessions in response to criticism of its human rights abuses. The country was damaged economically and psychologically and the great power status that it craved seemed further out of reach. It was, after all, the first permanent member of the UN Security Council ever to have its human rights behaviour condemned in a resolution, and, judging by its behaviour at the UN Commission, this criticism by a UN body stung Chinese leaders, illustrating the power of universal institutions. For a time, the Western states and Japan imposed economic and political sanctions, isolating China to a degree not experienced since the late 1960s. Neither was it proving easy for Beijing to persuade others to define state sovereignty in ways that excluded international involvement in this issue area. With this realization came Beijing's difficult decision to sanction internal study of the concept of human rights and to produce a White Paper on the topic for internal and external use. China thus set off a domestic debate that would inevitably expand, with consequences difficult to chart in a country that now had many more avenues for the expression of ideas and dissemination of information.

However, China's experience of interacting with the global human rights regime also demonstrated anew the complexities of sustaining the human rights aspect in foreign policy. The normative signals from the UN bodies were reasonably clear in confirming that the Chinese leadership had undertaken actions deserving of condemnation and that it could not legitimately project the norm of state sovereignty and non-interference as being in direct conflict with human rights obligations. But individual governments within the industrialized world sent a more mixed message, especially as other international issues began to assume greater prominence. Some evinced sympathy for China's claim that it needed to restore order; others saw rights as matters that could, or had to be, traded either to satisfy domestic constituents for reasons of economic gain, or for reasons of international and national security. The Chinese leadership quickly realized that it could use its weight within the global system to defy certain of the international demands and explore these underlying weaknesses in the global human rights regime—hence well-timed purchases of Boeing aircraft, or veiled threats of using its veto in defiance of majority interests in the UN Security Council.

Yet, despite China's relative power, the leadership also recognized the necessity for compromise and that its major democratic interlocutors—for all their vacillation, whatever their political leanings, or how realist they were in their approaches to foreign policy—would retain some human rights element in those policies. Legislative requirements, NGO vigilance, the separation of powers in the USA, and policies that reflected the values associated with democratic states would help to ensure that. Post-Tiananmen Chinese exiles would also reinforce this environment as many became committed to the human rights movement, provided access to additional information sources, or set up new NGOs. China engaged in overt bargaining with its major international critics in order to reduce its level of isolation. But production of the White Paper, its reception of human rights delegations, and the sending of its own delegations to other countries represented Beijing's acceptance that it could not avoid engagement in some level of direct global debate over human rights. In internal documents and statements, Chinese leaders described this move as a shift from a defensive to an offensive strategy, undertaken as much for domestic as for external reasons. Offensive strategies, however, if anything require deeper engagement. This resulted in China's entry after 1991 into new phases of the argument, together with a more active search for the like-minded beyond those it had come to count on, or could induce to provide support, within such bodies as the UNCHR.

## Notes

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- 1 Keck and Sikkink, *Activists beyond Borders*, pp. viii–ix.
- 2 In this sense, therefore, Chinese behaviour fits recognizably within the early stages of the ‘spiral model’ of human rights change detailed in Risse *et al.* (eds.), *The Power of Human Rights*, esp. chs. 1, 8.
- 3 The three commercial networks broadcast some 600 reports between January and June 1989 compared with less than fifty for the whole of 1988. At the height of the tension, between mid-April and mid-June China took up nearly 25% of the network evening news programmes and was the lead story on more than half of the broadcasts. Harding, *A Fragile Relationship*, 240.
- 4 Keck and Sikkink, *Activists beyond Borders*, 2.
- 5 Harding, *A Fragile Relationship*, 240.
- 6 Mann, *About Face*, 195–7.
- 7 These measures included a ban on the \$550 million project ‘Peace Pearl’ designed to upgrade the avionics for China’s F-8 fighters, on four artillery-locating radar systems worth \$62.5 million, and on a programme to upgrade ammunition production facilities. Jingdong Yuan, ‘Sanctions, Domestic Politics, and U.S. China Policy’, *Issues and Studies*, 33/10 (Oct. 1997), 95.
- 8 Harding, *A Fragile Relationship*, 230–4; Richard Bush, ‘The Role of Congress in Shaping Washington’s China Policy’, *Heritage Foundation Reports*, 9 July 1991.
- 9 David Shambaugh, ‘China and Europe’, *Annals of the American Academy of Political and Social Science* (Jan. 1992), 110.
- 10 Sino-British negotiations over the handover of Hong Kong are covered succinctly in Michael B. Yahuda, *Hong Kong: China’s Challenge* (London: Routledge, 1997), and Steve Y.-S. Tsang, *Hong Kong: Appointment with China* (London: Tauris, 1997).
- 11 Donnelly, *International Human Rights*, 120.
- 12 Zweig, ‘Sino-American Relations’, 75.
- 13 Nathan and Ross, *The Great Wall*, 187.
- 14 John Tessitore and Susan Woolfson (eds.), *Issues before the 44<sup>th</sup> General Assembly of the United Nations* (Lexington, Mass: Lexington Books, 1989), 158.
- 15 Kent, *Between Freedom and Subsistence*, 187–8.
- 16 Details of his speech are contained in Kent, ‘China and the International Human Rights Regime’, 16.
- 17 Korey, *NGOs*, 158.
- 18 Kent, ‘China and the International Human Rights Regime’, 12.
- 19 Bard-Anders Andreassen and Theresa Swinehart, *Human Rights in Developing Countries: 1990 Yearbook* (Kehl: N. P. Engel Publisher, 1991), 107; *FBIS-Chi-89-169*, 1 Sept. 1989.
- 20 The text of the resolution is in Kent, ‘China and the International Human Rights Regime’, 14–15. Much useful detail on this session is in Kent, *China, the United Nations, and Human Rights*, 56–60.
- 21 More welcome to Beijing was the decision also to allow a government the right to respond to a Sub-Commission vote. Robin M. Maher and David Weissbrodt, ‘The 41<sup>st</sup> Session of the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities’, *Human Rights Quarterly*, 12/2, (1990), esp. 291–306; Kent, ‘China and the International Human Rights Regime’, esp. 10–18.
- 22 UN ECOSOC, E/CN.4/1990/17, 18 Dec. 1989.
- 23 This request for an additional report was an unusual one and Chinese representatives were said to have been ‘visibly upset by the Committee members’ reaction’ to its first, inadequate, eleven-page report. For further, illuminating detail on the fate of this document, see Kent, *China, the United Nations, and Human Rights*, 93–100.
- 24 Andreassen and Swinehart, *Human Rights in Developing Countries*, 120.
- 25 John Tessitore and Susan Woolfson (eds.), *Issues before the 45<sup>th</sup> General Assembly of the United Nations* (Lexington, Mass.: Lexington Books, 1990), 153.
- 26 *Ibid.* 153–4; Kent, ‘China and the International Human Rights Regime’, 20–1. China’s explanation of its actions around 4 June is contained in E/CN.4/1990/SR.40 (meeting held 26 Feb.). Ambassador Fan Guoxiang’s discussion of the relationship between state sovereignty and human rights is in E/CN.4/1990/SR.50 (meeting held on 5 Mar. 1990). In his view: ‘In international law, sovereignty was the most important attribute of a State, with the result that the realization and protection of human rights could not exclude the principle of sovereignty’ (p.8).
- 27 Statement quoted in Kent, ‘China and the International Human Rights Regime’, 20.
- 28 Tessitore and Woolfson (eds.), *Issues before the 45<sup>th</sup> General Assembly*, 154; Brody, *et al.* ‘Major Developments in 1990’, 569; Kent, ‘China and the International Human Rights Regime’, 21.
- 29 Kent, *China, the United Nations, and Human Rights*, 62, although China’s first White Paper on Human Rights produced in Oct. 1991 renewed the arguments on state sovereignty and non-interference (see final section of this chapter).
- 30 US Department of State, *Country Reports on Human Rights Practices for 1989* (Washington: Government Printing Office, 1990). To give some examples from that report: ‘China’s judiciary is not independent but is controlled by the CCP . . . . Due process rights are stipulated under the Constitution but are often ignored in practice . . . . Those arrested for crimes of

- counterrevolution frequently are tried in secret and family members are not informed of the charges or details of the case. Credible reports suggest that even years after the conviction and imprisonment of a person considered a dissident, family members still do not know the details of the alleged crime' (pp. 806–7).
- 31 *FBIS-Sov-90-149*, 2 Aug. 1990.
- 32 Reed Brody, Maureen Convery, and David Weissbrodt, 'The 42nd Session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities', *Human Rights Quarterly*, 13/2 (1991), 261, 274, n. 65; Kent, *China, the United Nations, and Human Rights*, 63.
- 33 Mann, *About Face*, 217–18; Ross, 'National Security', 296–8.
- 34 *Human Rights Watch World Report 1991* (New York, 1990), 299.
- 35 Zweig, 'Sino-American Relations', 76–8.
- 36 Harding, *A Fragile Relationship*, 257.
- 37 The Fang Lizhi episode is covered well in Mann, *About Face*, 237–40, who argues that 'Fang was effectively ransomed in exchange for a resumption of international loans to China' (p. 240).
- 38 This argument is outlined persuasively in Harding, *A Fragile Relationship*, 255–6.
- 39 President Bush, quoted in *Human Rights Watch World Report 1990*, 288.
- 40 Zweig, 'Sino-American Relations', 81–2.
- 41 K. V. Kesavan, 'Japan and the Tiananmen Square Incident: Aspects of the Bilateral Relationship', *Asian Survey*, 30/7 (July 1990), 674.
- 42 Quoted in Harding, *A Fragile Relationship*, 263.
- 43 David Arase, 'Japan's Foreign Policy and Asian Democratization', in Friedman (ed.), *The Politics of Democratization*, 90.
- 44 Yuko Kato, 'Determinants of Japanese Responses to Tiananmen: June 1989 to August 1991', M.Phil thesis (Oxford, 1992), 15–16.
- 45 Harding, *A Fragile Relationship*, 264.
- 46 Kato, 'Determinants of Japanese Responses', 20.
- 47 Quoted in Harding, *A Fragile Relationship*, 264. ASEAN leaders said much the same thing, cautioning their Western dialogue partners not to close the door on China. See Chen Jie, 'Human Rights: ASEAN's New Importance to China', *Pacific Review*, 6/3 (1993), esp. 229.
- 48 John F. Copper, 'Peking's Post-Tiananmen Foreign Policy: The Human Rights Factor', *Issues and Studies*, 30/10 (Oct. 1994), 62.
- 49 See such reports in *Le Monde*, 23 Mar. 1991, *Financial Times*, 7 Feb. 1990, *International Herald Tribune*, 28 Feb. 1990, and *FBIS-WEU-90-069*, 10 Apr. 1990.
- 50 *FBIS-WEU-90-188*, 27 Sept. 1990.
- 51 The Spanish foreign minister's visit took place in late Nov. 1990. *FBIS-WEU-90-205*, 23 Oct. 1990; *International Herald Tribune*, 23 Nov. 1990.
- 52 See Martin, *Coercive Cooperation*.
- 53 Ding Xinghao, 'Managing Sino-American Relations in a Changing World', *Asian Survey*, 31/12 (Dec. 1991), 1160; Harding, *A Fragile Relationship*, 271.
- 54 *Human Rights Watch World Report 1991*, 295.
- 55 Harding, *A Fragile Relationship*, 272.
- 56 Harding argues convincingly that the 'most plausible option for Peking was to abstain from the vote . . . Given China's reservations about employing military power against Iraq, and its recollection that the precedent for such action by the United Nations had been directed against China during the Korean War, it was difficult for Peking to vote in favor of the American-sponsored resolution. And yet, it was equally difficult for China to oppose it, especially if it were the only permanent member of the Security Council to do so. A veto would defy world opinion and enrage the United States. Once the Soviet Union indicated that it would vote in favor of military force against Iraq, therefore, a Chinese abstention was virtually assured' (Ibid. 271–2).
- 57 J. Mohan Malik, 'Peking's Response to the Gulf Crisis', *Issues and Studies*, 27/9 (Sept. 1991), 115–17.
- 58 *FBIS-WEU-90-242*, 17 and 24 Dec. 1990. Commercial deals were concluded, for example, with Citroen and Volkswagen in Nov. 1990.
- 59 John Tessitore and Susan Woolfson, *Issues before the 46<sup>th</sup> General Assembly of the United Nations* (Lexington, Mass: Lexington Books, 1991), 198. China was still mentioned at the Commission meeting during the general discussion on human rights violations.
- 60 Ibid. 180–1.
- 61 Interview with NGO adviser in London, Feb. 1999.
- 62 Karen Reiersen and David Weissbrodt, 'The Forty-Third Session of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities: The Sub-Commission under Scrutiny', *Human Rights Quarterly*, 14/2 (1992),

246–7; Kent, *China, the United Nations, and Human Rights*, 63–4.

63 *Human Rights Watch World Report 1992* (New York, 1991), 394–5.

64 Ibid. 386, 392. In fact, the memo was not agreed to in principle until Nov., and did not include greater international or US access to prison workshops.

65 Robert F. Drinan and Teresa T. Kuo, 'The 1991 Battle for Human Rights in China', *Human Rights Quarterly* 14/1 (1992), 31.

66 In detail Bush stated that he had '(1) directed the US Trade Representative to investigate China for illegal trade practices under the Special 301 provisions of the Trade Act for failing to protect US intellectual property rights, (2) called for strict enforcement of US textile agreements with China, (3) asked the Customs Service to investigate charges that China is exporting prison-made goods to the United States, and (4) pledged to support Taiwan's application to the GATT'. See Drinan and Kuo, 'The 1991 Battle for Human Rights in China', 34, and Harding, *A Fragile Relationship*, 280.

67 Drinan and Kuo, 'The 1991 Battle for Human Rights in China', 34–7.

68 *Human Rights Watch World Report 1991*, 296–7.

69 *Los Angeles Times*, 16 and 24 Nov. 1991. Baker did meet with Premier Li Peng, however, during which he referred to the Tiananmen massacre as a 'tragedy'. But this conciliatory phrasing cut little ice with the hard-line Li, who replied: 'The actions in Tiananmen Square were a good thing. We do not regard them as a tragedy' in light of lessons learned from the political upheaval in what was now the former Soviet Union. See Mann, *About Face*, 250–3, for further details of Baker's trip and the Li quotation.

70 *FBIS-Chi-91-088*, 7 May 1991; *WEU-91-200*, 16 Oct. 1991.

71 Kent, *Between Freedom and Subsistence* 218–19. The names of members of the French delegation are detailed in *FBIS-Chi-91-198*, 11 Oct. 1991.

72 *International Herald Tribune*, 13 July 1991.

73 Kent, *Between Freedom and Subsistence*, 218; Kent, *China, the United Nations, and Human Rights*, 160.

74 Harding (*A Fragile Relationship*, 235–7) records the main parameters of this debate.

75 Both statements are quoted in Copper, 'Peking's Post-Tiananmen Foreign Policy', 53.

76 *Beijing Review*, 6–12 Nov. 1989, 14–16.

77 Ross, 'National Security', 302.

78 This statement was made by G. N. Azad, General Secretary of the Indian National Congress, during his meeting with Jiang Zemin in Beijing in July 1989. See *Beijing Review*, 17–23 July 1989.

79 Chen Jie, 'Human Rights', 228.

80 Harding, *A Fragile Relationship*, 262–3, 434 n. 26. For example, such reports were submitted by the Institute of American Studies at the Chinese Academy of Social Sciences and by the Shanghai Institute of International Studies.

81 Ross, 'National Security', 306.

82 Copper, 'Peking's Post-Tiananmen Foreign Policy', 66.

83 The *Manila Chronicle* reported that the Chinese embassy in Manila filed a diplomatic protest over the condemnatory statement made by the independent expert from the Philippines, Mary Concepcion Bautista. The Foreign Affairs department in Manila passed that protest onto Bautista, who pointedly responded that she had participated in the meeting in her personal capacity, and that the Sub-Commission was an independent body whose main concern was human rights. See *FBIS-EAS-89-174*, 11 Sept. 1989.

84 Andreassen and Swinehart, *Human Rights in Developing Countries*, 107; Kent, 'China and the International Human Rights Regime', 19; Tessitore and Woolfson, *Issues before the 45th General Assembly*, 154.

85 Stanley Cohen describes these as predictable responses on the part of perpetrator governments: see his 'Government Responses to Human Rights Reports: Claims, Denials, and Counterclaims', *Human Rights Quarterly*, 18/3 (1996), 517–43.

86 Article 2 (7) reads: 'Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state.'

87 Quoted in Kent, 'China and the International Human Rights Regime', 12–16.

88 Ibid. 20.

89 *FBIS-Chi-90-045*, 7 Mar. 1990.

90 *FBIS-Chi-90-036*, 22 Feb. 1990.

91 Copper, 'Peking's Post-Tiananmen Foreign Policy', 55.

92 Kent, 'China and the International Human Rights Regime', 24.

93 Kent, *China, the United Nations, and Human Rights*, 149–50.

94 Philip Baker, 'China: Human Rights and the Law', *Pacific Review* 6/3 (1993), 246–7; Zhou Wei, 'The Study of Human Rights in the People's Republic of China', in James T. H. Tang (ed.), *Human Rights and International Relations in the Asia-Pacific Region* (London: Pinter, 1995), 83.

95 Ibid. 88.

96 *Beijing Review*, 28 May–3 June 1990.

- 97 Kent, *China, the United Nations, and Human Rights*, 152. However, such a bald summary hardly conveys the relative richness of this debate. For a fuller discussion, see pp. 148–55. For example, an article by Zhang Wenxian, referred to in Kent, p. 153, was especially notable for its challenge to the idea that precedence should be given to economic and social rights. It also cast doubt on the claim that Marx viewed economic, social, and cultural rights as the basis of civil and political rights. See also Ronald C. Keith, *China's Struggle for the Rule of Law* (New York: St Martin's Press, 1994), esp. 60–69.
- 98 The English version — China, Information Office of the State Council, *Human Rights in China* (Beijing: Foreign Languages Press, 1991) — comprises a preface and ten sections and was described by Li Peng as 'the basis of our response'. He went on: 'while assuming the defensive, we must be ready to launch offensives as well. The white paper serves as an offensive' (quoted in *FBIS-Chi-92-141*, 22 July 1992). Zhu Muzhi's commentary on the White Paper is in *Beijing Review*, 11–17 Nov. 1991. Zhu was then director of the Information Office of the State Council. He later became head of China's first human rights 'NGO'. I bought my copy of the White Paper in a tourist hotel's bookshop in Beijing.
- 99 See *FBIS-Chi-92-141*, 22 July 1992; Zhou, 'The Study of Human Rights', 88. Its aims with respect to young Chinese do not seem to have been realized: as James D. Seymour records, 'this illiberal tract met with opposition from Chinese at home and abroad', Beijing university students putting up a critical poster and dissidents abroad dismissing it as 'all lies' (Seymour, 'Human Rights in Chinese Foreign Relations', in Kim (ed.) *China and the World: Chinese Foreign Relations in the Post-Cold War Era*, 210 and n. 33, 223).
- 100 In an important elaboration of this point, Kent (*China, the United Nations, and Human Rights*, 157) argues that the Chinese term *shengcun quan*, which can mean both threats to physical security as well as rights to subsistence, was used in such a way in the White Paper as to ignore that former element, concentrating solely on economic and social rights. However, interestingly, an article by Yu Quanyu, published as a defence of the White Paper, in the light of the Western world's criticism of the priority it had given to subsistence rights, defined subsistence in a far broader way and in terms that made it compatible with the UDHR. Yu wrote: 'The Universal Declaration of Human Rights describes human rights as "everyone has the right to life, liberty and the security of person". It also puts the right to life in order of first priority. "The right to life" and "security of person" referred to here all belong to the same idea as the right to subsistence. The term "liberty" mentioned here has a broad connotation. "Personal freedom from encroachment" is part of the freedom right. Our concept of the right to subsistence also includes "personal freedom from encroachment" ' (*Beijing Review*, 6–12 Jan. 1992, 12). The article also appeared in *Renmin Ribao*, 26 Nov. 1991, which suggests a desire to promote the argument internally as well as externally.