

**Providing Human Rights? : An
Analysis on Donor's Influence on
China's Human Rights
Observance**

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Abstract

It is widely accepted that globalization is reshaping the role of nation-state and further influencing a nation's domestic policy decision. This paper, bringing together scholarly insights in the area of foreign aid and human rights, uses a case study to answer one controversial question, namely in what ways and to what extent do foreign aid influence recipient governments' observance of human rights?

An analysis on Japan and EU's foreign aid policy towards China since 1980s and a cautious evaluation of their impact on China's human rights behavior are used to support one simple claim: foreign aid, as a part of globalization, has been one of the important means encouraging recipient government's observance of human rights today. For an authoritarian recipient state with relative big domestic market like China, donors can hardly convert its human rights behavior simply by cutting down or putting conditions on aid. However, foreign aid may work by changing the cognitively available choices of behavior in accordance with existing norms, and further encourage the observance of human rights.

Key words: foreign aid, human rights, China

1. Introduction

It has been widely recognized that the international political economy shapes not only national economies, but also domestic social and political policies. Similarly, today in the domain of human rights, rights that have been enshrined in international laws, a nation's human rights policy has as much to do with the international political economy as it does with domestic institutions and leaders.

In 2000, for instance, the UN General Assembly emphasized the urgent need to analyze the impact of globalization on the full enjoyment of human rights, and in its resolution 54/165, requested the Secretary-General to submit a comprehensive report on this issue¹. The report portrayed a complicated situation under globalization, pointing out that, “Globalization and continuing rapid technological advances offer unprecedented opportunities for social and economic development. At the same time, they continue to present serious challenges, including widespread financial crises, insecurity, poverty, exclusion and inequality within and among societies.”² Thus, the influence of international factors on domestic human rights behavior is still to be examined.

This paper, in this context, aims to answer the question whether foreign aid has impact on recipients’ observance of human rights; if so, in what ways and to what extent does foreign aid shape recipients’ human rights policy.

1.1 Main variables

1.1.1 Independent variable: foreign aid

The independent variable “foreign aid” can be measured from four aspects in relation to recipients’ human rights record:

- A. Gate-keeping stage: recipients’ human rights record determines whether they can receive aids or not;
- B. Level stage: recipients’ human rights behavior influences the amount of ODA they may receive;
- C. The type of ODA: for instance, ODA for social infrastructure and service, ODA for economic infrastructure and service, programme assistance aiming to promote human rights condition, humanitarian aids, etc.;
- D. Conditions attached with ODA: for instance, conditions regarding human rights improvement.

1.1.2 Dependent variable: human rights

The dependent variable “recipient government’s observance of human rights” can be

¹ UN 1000 A/55/342

² <http://www.un.org/documents/ga/docs/55/a55342.pdf>

captured by:

- A. Recipient country's domestic condition of human rights: a general impression of human rights condition can be formed through data from Freedom House (Civil Liberty Index) and Amnesty International Reports (Political Terror scale);
- B. Recipient government's law-making process concerning human rights: for instance, notification of human rights treaty and domestic law making.

In the case study, China's distinctive changes in human rights realm would be perceived from: (i) official statements of government and scholarly works on human rights; (ii) notification of international human rights treaties by Chinese government; and (iii) domestic law-making/policy-making process.

1.1.3 Controlled variables

There are three controlled variables aiming to eliminate local explanations for the improvement of human rights.

- A. Governmental administration: Elite-level explanations in human rights research emphasize the dominant role of historical, social and psychological characteristics and preferences of leaders in a nation's repression of human rights (Bullock 1991). A change in leader's preference may improve a nation's human rights condition.
- B. Domestic institutional condition: Scholars who emphasize domestic institutional explanations perceive human rights repression as a means of policy-making that is restricted by state regimes (Henderson 1993; Davenport 1997; Richards 1997). So that changes in rules and institutions may improve a nation's human rights condition.
- C. Domestic economic development: Scholars who believe in modernization theory and dependency theory prefer economic explanations, which locate the cause of human rights repression in under-development (Mitchell and McCormick 1988). A nation's human rights record may increase when its economic growth reaches expected level.

1.2 Literature review

This paper is at the crossroads of two strands of literature. One is the well-examined works on the determinants and effects of foreign aid. The second strand of the literature is the one on the measurement and causes of human rights.

As pointed out by scholars, the literature on foreign aid can generally be divided into two parts. One studies the determinants of foreign aid; the other investigates the effects of foreign aid on the receiving countries³.

For the former question, the conventional thinking among scholars is that even though holding donors' interests constant, we may find some of recipients' needs which can be measured by per capita income, infant mortality and government effectiveness are taken into consideration (Subhayu Bandyopadhyay and Howard J. Wall, 2007); overall, donor countries disburse foreign aid largely as a function of strategic considerations, rather than real needs of the receiving countries. Admittedly, different donors have their own focus when determining aid allocation, but in general, the direction of foreign aid is dictated by colonial past, political alliances as well as other donor interests. (Alesina and Dollar, 2000; Eric Neumayer, 2003).

An important claim by donor countries is that foreign aids serve the purpose not only of reducing poverty, but also of rewarding good policies and efficient and honest governments. On the question whether foreign aids may foster economic growth, democracy and good governance, recent empirical research suggests that, on average, foreign aid has very limited influence, if any, on recipients' domestic performance (B. Mak Arvin and Francisco Barillas, 2002; Stephen Knack, 2004; Daniel Yuichi Kono and Gabriella R. Montinola, 2009; Alberto Alesina and Beatrice Weder, 2002; Jakob Svensson, 2003). "Poor institutional development, corruption, inefficiencies and bureaucratic failures in the developing countries are often cited as reasons for these results"⁴. However, aid has a positive impact on economic growth as well as democracy in the presence of good policies (Craig Burnside and David Dollar, 2000; Paul Collier and David Dollar, 2001; Nita Rudra, 2009).

Regarding the relationship of foreign aid and human rights, the primary question for the majority of studies is whether donors are concerned with human rights while distributing foreign aid around the world. At the beginning of 1990s, scholars such as Steven C. Poe (1992), Burton A. Abrams and Kenneth A. Lewis (1993) concludes that human rights consideration plays a significant role in determining the distribution

³ Alberto Alesina and David Dollar: "Who Gives Foreign Aid to Whom and Why?", *Journal of Economic Growth*, March 2000, 5(1), pp.34.

⁴ Alesina Alberto and Dollar David: "Who Gives Foreign Aid to Whom and Why?", *Journal of Economic Growth*, March 2000, 5(1), pp. 33- 63.

of U.S. foreign aids. But more recent research places these findings in doubt, arguing that human rights play at best a rather limited role in aid allocation both for the U.S. and other OECD countries (Clair Apodaca and Michael Stohl, 1999; Eric Neumayer, 2003).

For the literature on human rights, traditionally, scholars who seek for explanation to a nation's behavior in human rights emphasize three primary domestic sources of repression: individual-level explanations (Bullock 1991), institutional explanations (Henderson 1993; Richards 1997) and economic explanations (Mitchell and McCormick 1988), attributing bad human rights behavior to domestic factors such as the rule of dictators, poor institutional design as well as under-development. Some scholars also point out two pathways for international factors to change a nation's observance of human rights: wealth generation and institutionalization (Emilie M. Hafner-Burton, 2003). However, in general, despite the growing public concern over the effects of globalization on governments' human rights practices, only few scholars offer systematic analyses of the social effects of foreign aid on recipients' human rights behavior.

The existing literature provides a comparatively integrated map relating foreign aid to recipients' human rights behavior. However, most of the existing works are cross-country, highly aggregated studies, and many of them focus on the question whether human rights record determines aid allocation, rather than donors' influence on the observance of human rights in recipient nations. Thus a case study that would more closely examine the effectiveness of foreign aid in promoting human rights conditions may complement the existing studies.

1.3 Hypothesis

The main hypothesis is that "foreign aid has been one of the important means encouraging recipient government's observance of human rights". Two pathways are emphasized for foreign aid to influence recipients' human rights behavior: wealth generation and institutionalization of human rights. Thus the hypothesis can be tested from following five aspects:

- 1.3.1 Foreign aid may serve as a promoter for recipient countries' economic prosperity: it is widely accepted that foreign aid itself cannot promote recipient countries' economic growth. However, foreign aid may serve as a promoter for foreign investment as well as domestic technical innovation, which will foster economic prosperity;

- 1.3.2 Cutting off aid may force recipients to change its human rights policy (gate-keeping stage);
- 1.3.3 Foreign aid that has conditions or commitment on human rights may do better encouraging recipient government's observance of human rights (level stage);
- 1.3.4 Certain types of foreign aid that involve institutional design characteristics may be more apt to shape recipient government's observance of human rights (level stage);
- 1.3.5 Foreign aid promotes human rights condition by changing the cognitively available choices on issues related to human rights for recipient governments.

1.4 Methodology and structure

As mentioned in the literature review, this paper uses a case study to complement existing cross-country qualitative studies. An analysis on Japan and EU's foreign aid policy towards China since 1980s and a cautious evaluation of their impact on China's human rights behavior are employed to test the above hypothesis.

Admittedly, case studies on individual countries always face a disadvantage of its applicability. The case of China is no exception, especially when one takes into account its relatively big economic and political influence, giving China more bargaining chips with donors. However, in the late 1980s, China is by large, still a typical developing authoritarian state that has been experiencing an identity change under globalization in recent decades, which is representative for a considerable number of aid recipient countries. Japan and E.U. are the biggest two donors for China. Furthermore, we can observe an obvious difference in their aid policies toward China in reaction of Tiananmen Square Incident in 1989, which is criticized by donors as a violence of human rights. A comparison of the effects of foreign aid provided by these two political entities can thus provide a better understanding of the ways that foreign aid influences recipients' observance of human rights.

In the following parts, an overall picture of China's human rights behavior in change since the late 1970s would be portrayed, and further Japan and EU's aid policies after 1989 would be analyzed with attention to their influences on China's policy decision on human rights. It is argued in the final part that donors may "globalize" existing human rights norms by changing the cognitively available choices of behavior for recipient governments.

2. China's human rights in change since 1978

In this part, China's distinctive changes in human rights since 1978 would be presented both from domestic human rights discourses (official statements of government and scholarly works on human rights) and real policy changes (notification of international human rights treaties and domestic law-making process).

It is generally agreed among social theorists that discourses do not merely reflect, but also construct and shape social reality. Especially for the case of China, the ways Chinese leaders and government state human rights strongly shape the nation's attitude on this issue. As summarized by Chinese scholars, prior to the very end of 1970s, "it is fair to say that the Chinese discourse on human rights did not exist, other terms like 'citizens' rights' and 'people's rights' were used frequently though"⁵. According to the logic at that time, since each human being belongs to certain class, there are no abstract human rights. Human rights advocated by western power are thus a bourgeois slogan and political weapon to disturb socialist societies.

However, by the late 1970s, China began to shift to a more favorable attitude towards international human rights norms. Based on official statements as well as its policy-making process, China's approach to the international human rights regime can be divided into three distinct periods.

2.1 From 1978 to 1989

After two years of political struggles since Mao's death, Chinese leading group decided to shift the nation's focus to economic construction and announced China's reform and opening-up policy in 1978. This policy shift is important for the change of human rights discourses not only because it de-emphasized the old ideology of class struggle and thus legalized individual rights, but also because it is a sign of China's modernization. As Deng put it, "I am honored to be a world citizen while being a member of Chinese people", China has made up its mind to embrace globalization, and at the same time part of the existing international norms.

The official statements and scholarly works during that period show a nuanced attitude towards human rights. The old thinking pattern can still be seen at the beginning of 1980s, as stated in "Beijing Review", the only national English journal in China, "The struggle to guarantee fundamental human rights can only be

⁵ Chen Dingding: "Transformation From Within: Chinese Agency and International Human Rights Norms, 1978-2005", The University of Chicago, 2007, pp. 68

meaningful and succeed after it is combined with the struggle against hegemonism, imperialism and colonialism and becomes one of its components”⁶.

However, China’s change in attitude can be traced in its growing participation in international human rights activities. Beijing during 1980s, signed seven international human rights treaties, namely “the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention on the Suppression and Punishment of the Crimes of Apartheid; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention Relating to the Status of Refugees; the Protocol Relating to the Status of Refugees; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”⁷.

The most significant document in 1980s that reflected the shift of human rights discourses is the 1982 constitution. In the chapter of “Fundamental Rights and Duties of Citizens”, the freedom of speech, of the press, of assembly, of association, of procession and of demonstration, as well as the freedom of religious belief was clearly written into the constitution for the first time⁸. Although, those rights are restricted by the “four cardinal principles”, namely the socialist road, the people’s democratic dictatorship, the Communist Party leadership and Marxist-Leninist-Mao Zedong thought, the amendment of constitution in 1982 is still a milestone for China’s human rights improvement.

2.2 From 1989 to the mid-1990s

The positive trend of China’s human rights performance was interrupted by Tiananmen Square Incident in 1989, during which Chinese government was criticized to mobilize troops to inflict unarmed civilians and to arrest protesters. In preparation for the state visit of President Gorbachev to Beijing in May 1989, major western media have already begun to reinforce their networks in Beijing. Thus the Tiananmen Incident was widely broadcast and attracted international criticism. International pressure including a joint embargo and a resolution against Beijing in United Nations Commission on Human Rights was put on Beijing to improve its domestic human rights conditions.

⁶ *Beijing Review*, 1982

⁷ Chen Dingding: “China’s Participation in the International Human Rights Regime: A State Identity Perspective”, *Chinese Journal of International Politics*, Vol. 2, 2009, pp.401

⁸ Constitution Of The People's Republic Of China, 1982

However, the pressure on China seems to have only limited influence. For instance, in October and November 1989, Nixon and Kissinger, known as “friends of China” within western world, visited China and delivered the message that if Chinese government releases the students and show its attitude to improve human rights conditions, the U.S. is willing to maintain good relationship with China. However, Deng refused to make the concession first, saying that, “provided Bush made the first step to improve relations, he would find China ready to reciprocate.”⁹ Indeed, as a reaction towards western criticism, Jiang Zemin and Li Peng on several occasions asked Chinese scholars to develop China’s own theories of human rights, and later in October 1991, China promoted its own view of human rights through the publication of a Human Rights White Paper. It emphasized China’s uniqueness, as well as the importance of sovereignty and national stability over individual rights, saying that “the preservation of national independence and state sovereignty and the freedom from imperialist subjugation are, therefore, the very fundamental conditions for the survival and development of the Chinese people”, and “it is the fundamental wish and demand of the Chinese people and a long-term, urgent task of the Chinese government to maintain national stability”¹⁰.

2.3 Since the mid-1990s

This negative attitude towards human rights began to fade out after the mid-1990s, when Clinton Administration announced to de-link the country’s human rights record from its trading status, and China was welcomed to the international community again.

As noted by some scholars, “State Council white papers published (during this period)...shift their focus from China’s past humiliation at the hands of foreign powers to its positive developments since the reform era”¹¹.

Cooperation and dialogues regarding human rights issues with NGOs as well as western countries also increased during this period. More notably, Beijing signed the International Covenant on Social, Economic, and Cultural Rights (ICSECR) in 1997, and International Covenant on Civil and Political Right (ICCP) in 1998, which are the two core international human rights treaties. The former one was ratified by China’s National People’s Congress in 2001, and the later is still awaiting ratification.

⁹ Rosemary Foot: “Rights Beyond Borders: The Global Community and the Struggle over Human Rights in China”, Oxford University Press, 2000, p.124

¹⁰ “*Human Rights in China*” (*White Paper*), November 1991, Beijing

¹¹ Chen Dingding: “China’s Participation in the International Human Rights Regime: A State Identity Perspective”, *Chinese Journal of International Politics*, Vol. 2, 2009, pp.403

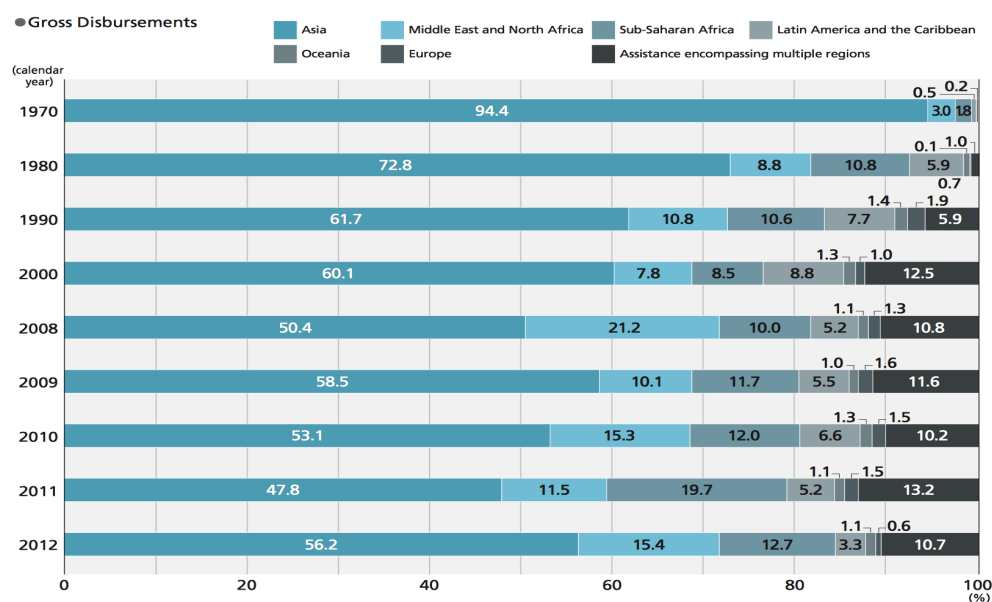
In retrospect, China’s approach to international human rights has changed a lot since 1978, while the period from 1989 to the mid-1990s is unique, during which China was hesitating whether to accept or to fight against existing human rights norms. Then next key question is whether donors influenced China’s policy choice during this period.

3. Japan’s ODA and its influence on China’s human rights

3.1 Japan’s ODA at glance

Japan’s ODA started in 1954 firstly by joining Colombo Plan. As the economy of Japan grew stronger and its international status improved during 1960s, its foreign aid expanded both in quality and in scale. As of the year 2000, Japan had been the number one donor in the world for ten consecutive years. Lacking the ability to wage war and exert other military methods, Japan values the influence of ODA in promoting diplomatic relations more than other nations do. Geographically speaking, a large part of Japan’s ODA is allocated to Asian countries (see Chart below).

Japan’s trend in bilateral ODA by region¹²



With the growing magnitude and influence of Japan’s ODA, redefining the philosophies and objective of its ODA became more and more important. However,

¹² “Japan’s ODA White Paper”, 2012

before 1990s, even though Japan stated some objectives such as to promote economic prosperity as well as to maintain the peace and stability, there is no clearly-stated philosophies for Japan's ODA. Nor is there any evidence that Japan has ever evaluated recipient countries political conditions (including but not limited to human rights record) in its allocation of foreign aid. However, after the Cold War, Japan began to attach more significance to its ODA.

In 1991, Prime Minister then Toshiki Kaifu proposed the "Four Principles of ODA", mentioning four aspects of recipient's domestic condition to be considered in Japan's aid allocation, namely whether the recipient develops or manufactures weapons of mass destruction (including nuclear weapons); its attempts to promote democracy; its effort to move towards a market-oriented economy; and its human rights record¹³. In the following year, the "Four Principles" was inaugurated and written into Japan's ODA charter as¹⁴:

- 1) Compatibility between preservation of the environment and development;*
- 2) Avoidance of the use of ODA funds for military purposes and for purposes liable to inflame international conflicts;*
- 3) Monitoring of military spending of developing countries, their activities of developing and producing weapons of mass destruction, and the export or import of weapons;*
- 4) Monitoring of activities for the promotion of democratization in developing countries, and their efforts to introduce a market-oriented economy and protect basic human rights and freedoms of their citizens.*

The introduction of the ODA Charter, emphasizing value such as democracy and human rights, marked the efforts of Japan to influence political situation in aid recipients.

3.2 Japan's ODA policy and its influence on China's human rights

Even though Japan's economic support to China from unofficial sources has emerged rights after the normalization between two countries, Official Development Aid to China provided by Japanese government started in 1979. The aim of Japan's ODA to China at that time, recalled by one of the former officers in Ministry of Foreign Affairs of Japan, could be captured from three aspects: to deepen China's reform and expedite market economy, to fight with Communism and to serve as a substitute of

¹³ 外務省.「政府開発援助(ODA)白書(上)」、財務省印刷局、1991、第 42 頁

¹⁴ "Japan's Official Development Assistance Charter," Cabinet Decisions, June 30, 1992

war commendation¹⁵.

From the perspective of its original objective, Japan's ODA did a good job in China. China is the biggest recipient country for Japan from 1982 to 1986¹⁶, and Japan has been the biggest donor for China throughout the last two decades of 20th century. In the official report presented in CPC Central Committee conference in 1979, after the Cultural Revolution, Chinese sovereign debt was about ten billion dollars and the deficit was expected to hit ten billion yuan¹⁷. Since a majority of Japan's ODA is loan aid without any condition, and what China lacked at its beginning of reform and opening-up is funds to restart economic construction. Japan's ODA played a significant role for economic growth in China. During the early 1980s, it took up about 10% of total foreign investment China received. According to a formal government official in China, at the beginning of reform and opening-up, Chinese government even made its five-year economic plan partly based on Japan's ODA plan to China. Japan's ODA also helped China with technical improvement as well as many crucial infrastructure project such as Beijing subway system and Shanghai Pudong airport, which provides a more attractive environment for further foreign investment in China. It is fair to conclude that Japan served an important role in China's economic growth in the 1980s.

However, when it comes to the promotion of human rights, it seems that Japan is reluctant to intervene China's human rights performance via ODA. After Tiananmen Square Incident occurred on June 4th 1989, Japan suspended its negotiation with China on a five-year loan aid program (the third loan aid plan) on June 20th, and announced to act with other G-7 countries, suspending high-level contacts and reexamining new aid to China on G-7 economic summit in July. But on 7th August, Japan gave one million yen as emergent aid on account of flooding disaster, and as early as 18th August 1989, former aid projects were reopened. Reports show that about 80% of Japanese firms in China were in full operation in the mid-August 1989, and the two countries fully normalized in January 1990. Even though there is a delay of negotiation regarding the third loan aid, Japan's ODA to China was hardly cut down in practice. Especially if we take into account the fact that Japan reopened its third loan aid in 1990, and there is no blank period between the second and third loan aid plan¹⁸.

15 青木直人.「日本の中国援助 ODA: 怒りを超えてもはやお笑い!誰も知らない血税 3兆円の行方」.東京:祥伝社, 2001.

16 外務省.「政府開発援助(ODA)白書(下)」,財務省印刷局、1991、第 86 頁

17 迟爱萍,熊亮华:《陈云:在历史瞬间》,人民出版社,2005年,348 頁

18 外務省.「政府開発援助(ODA)白書(下)」,財務省印刷局、1991、第 87 頁

Stated in its aid philosophy since 1960s, Japan is known for its non-conditional aid, which is also applicable to its aid to China even in 1990s. Despite the “Four Principles of ODA” announced in 1992, Japan did not ever reduced its aid because of China’s human rights record. Nonetheless, this is not to say that Japan as the biggest donor does not intend to shape China’s human rights attitude. In fact, in the ODA White Paper published in 2000, Japanese government announced a shift of focus from promoting economic development in coastal region to improving people’s livelihood nationwide in China¹⁹.

Japan’s stance on China’s human rights situation could be perceived in its adjustment of aid structure. Japan’s ODA in China can be generally divided into three types: loan aid; grant aid and technical cooperation. It is difficult to control and evaluate the effects of loan aid on human rights, which accounts for the majority of Japan’s ODA in China, since it is usually merely fund that recipient government may manipulate. In comparison, technical cooperation often consists of projects aiming to improve local governance or to help grassroots NGOs. It is obvious from the table that since the early 1990s, the percentage of technical cooperation in Japan’s ODA has been increasing. The increase of human rights-related projects may indirectly provide China experience as well as cognitively available choices to embrace international human rights norms.

Types of Japan’s ODA to China²⁰

(Million dollar)

Year	Loan aid		Grant aid		Technical cooperation		Total
	Percentage (%)	Percentage (%)	Percentage (%)	Percentage (%)	Percentage (%)	Percentage (%)	
1979	0	0	0	0	2.6	100	2.6
1980	0.9	20.59	0	0.00	3.4	77.80	4.37
1981	15.6	53.13	2.5	8.51	9.6	32.70	29.36
1982	330.2	83.39	25.5	6.44	13.5	3.41	395.98
1983	299.1	79.52	30.6	8.14	20.5	5.45	376.12
1984	347.9	83.39	14.2	3.40	27.3	6.54	417.18
1985	345.2	83.27	11.5	2.77	31.2	7.53	414.57
1986	410.1	79.10	25.7	4.96	61.2	11.80	518.47
1987	422.8	74.08	54.3	9.51	76	13.32	570.74
1988	519	75.07	52	7.52	102.7	14.86	691.33
1989	668.1	78.31	58	6.80	106.1	12.44	853.11
1990	521.7	70.59	37.8	5.11	163.5	22.12	739.06
1991	391.2	65.62	56.6	9.49	137.5	23.06	596.16
1992	791.2	73.80	72.1	6.73	187.5	17.49	1072.09
1993	1051.2	76.01	54.4	3.93	245.1	17.72	1383.06

¹⁹ 外務省.「政府開発援助(ODA)白書(下)」、財務省印刷局、2000、第 72 頁

²⁰ “Japan’s ODA Annual Report” (named “Japan’s ODA White Paper” since 2001) every year

1994	1133.1	75.03	99.4	6.58	246.9	16.35	1510.15
1995	992.3	70.52	83.1	5.91	304.8	21.66	1407.06
1996	533	60.44	25	2.83	303.7	34.44	881.92
1997	309.7	51.85	15.4	2.58	251.8	42.15	597.34
1998	818.3	69.22	38.2	3.23	301.6	25.51	1182.24
1999	811.5	65.17	65.68	5.27	348.79	28.01	1245.14
2000	397.18	51.64	53.05	6.90	318.96	41.47	769.19
Total	11109.28	70.96	875.03	5.59	3264.25	20.85	15657.23

4. EU's ODA and its influence on China's human rights

The official relationship between European Union (EU, which was called European Community before 1991) and China was established in 1975. Several member countries such as France and Germany began to give aid to China during the mid-1970s, however aid provided by EU began in 1983. Originally, EU's aid to China focused on economic growth and technical improvement mainly. However, after 1989, human rights became one of the dominant topics in aid negotiation.

4.1 Gate-keeping stage

Right after the occurrence of Tiananmen Square Incident, EU announced a joint sanction against Beijing, which includes a ban on high-level ministerial visits, a ban on sales of military equipment, a suspension of government-guaranteed loans, an issuing of a condemnatory statement and a decision to extend visas for Chinese students²¹. The aid to China was thus cut down for years. Later in August 1989, EU co-sponsored a resolution against China in the United Nation Commission on Human Rights, and kept criticizing China on human rights issues in UNCHR for nine years.

Under serious criticism and a cut-down of EU's aid, Chinese government was expected to revert to the former human rights approach, endorsing the existing norms. However, as discussed in the previous part, the Chinese leading group, emphasizing domestic stability, perceived those sanctions and criticism as evidence of foreign attempts to intervene China's domestic issues and reacted negatively. China refused to be the first to compromise, and even promote its own view of human rights to attack its major critics. One of Beijing's most forthright statements, for instance, occurred in 1992 at the UN Commission, describing the U.S. as a country where

²¹ EFPB document no. 89/171. 16. EFPB document no. 89/180

police brutality, crime, and racial discrimination are rife²².

The sanction and cutting off aid eventually failed, and EU restarted its aid and gradually normalized its relationship with China in the early 1990s. The reasons for EU's failure to revert human rights policy in China may be twofold. One of the reasons may be the short duration of sanction. Due to internal differences among western countries as well as the urgent need for China's cooperation in UN regarding Gulf War, western group ended the economic and political sanction at an early stage. However, more importantly, it is argued that authoritarian leaders would not compromise as long as his reigning is secured. Especially when we taking into account its comparatively big economic and political power in the late 1980s, it is highly possible that China can survive without aid and refuse to change even if the sanction lasts for years.

4.2 Level stage

EU's aid to China was reopened during the first half of 1990s, however at this time, accompanied with series of human rights dialogue with China.

Faced with a failure in gate-keeping stage to force China revert its human rights behavior, EU began to consider a policy shift towards China's human rights. In its democracy and development cooperation policy in 1991, EU stated that "the community will also seek to promote frank and trusting dialogue on human rights with developing countries, and to keep the channels for that dialogue open as far as possible, even in difficult situations, notably where the aim is to protect specific rights"²³. A human rights dialogue between EU and China has thus been going on since 1995. Arranging a bilateral human rights dialogue is not necessarily noteworthy. In fact, as argued by scholars, "the replacement of a resolution with a regular, confidential dialogue on human rights represents not only a policy shift for the EU but also a more general policy shift in the West's human rights policy vis-à-vis China in the mid to late 1990s"²⁴. What makes EU's effort more conspicuous is that its involvement in China's human rights realm is well planned and runs on three tracks including diplomatic dialogues, expert seminars and technical cooperation aid projects. For instance, from 1999 to 2005, EU has funded 13.5 million euro in "EU-China legal and judicial cooperation programme", EU's biggest project in China

²² E/CN.4/1992/SR.38 21 Feb. 1992 and SR.36, 20 Feb. 1992

²³ Commission of the European Communities, Commission Communication to the Council and Parliament: Human Rights, Democracy and Development Cooperation Policy (Brussels: Commission of the EC, 1991, Doc. No. SEC(91) 61 final), p. 6

²⁴ Katrin Kinzelbach and Hatla Thelle: "Taking Human Rights to China: An Assessment of the EU's Approach". *The China Quarterly*, 205 (2011), pp. 60-79

related to human rights, sending groups of Chinese lawyers, prosecutors and judges to European countries for training and practice, bringing them in touch with EU legal systems. There are also law schools supported by EU in Beijing, providing lectures and study tours aiming to promote human rights in China.

In its guidelines on human rights dialogues, EU stated its objective of involvement in China's human rights realm:

*The European Union is committed to dealing with those priority issues which should be included on the agenda for every [human rights] dialogue. These include the signing, ratification and implementation of international human rights instruments, co-operation with international human rights procedures and mechanisms, combating the death penalty, combating torture, combating all forms of discrimination, children's rights, and in particular those of children in armed conflicts, women's rights, freedom of expression, the role of civil society and the protection of human rights defenders, international co-operation in the field of justice, in particular with the International Criminal Court, promotion of the processes of democratization and good governance, the rule of law and the prevention of conflict.*²⁵

Given the lack of transparency of the dialogue as well as many programmes related to human rights, it is hard to make an overall assessment. Based on interviews with officials who participated in relevant activities, some scholars pointed out the influence of EU's human rights dialogue is limited. For the Commission's expectation is that each seminar will come up with joint recommendations, which feed into the discussions at the official political dialogue, however in reality, most of the legal seminars ended up with two separate sets of conclusions and no joint recommendations²⁶. Some officials even assert that the human rights dialogue is a failure for EU, and "it is hard not to regard the dialogue as a replacement for a real human rights policy on China"²⁷.

However, when looking at Chinese human rights discourses after 1990 prudently, one may notice that many scholars who promote human rights policy in China have participated in relevant activities with or provided by EU. And in recent years, donor meetings (not restricted to European projects) on detailed law and rights issues are

²⁵ EU Guidelines on Human Rights Dialogues with Third Countries: Update, p.6

²⁶ Katrin Kinzelbach and Hatla Thelle: "Taking Human Rights to China: An Assessment of the EU's Approach". *The China Quarterly*, 205 (2011), pp. 60-79

²⁷ Philip Baker (2002). "Human Rights, Europe and the People's Republic of China", *The China Quarterly*, 169, pp 45-63

much easier to be convened in Beijing and taken into consideration by Chinese side. It seems that detailed aid projects are more successful than general human rights dialogue, and many projects are likely to have a long-term, indirect rather than immediate impact.

5. Conclusion

Based on the two cases above, it is safe to come back to the relationship between foreign aid and human rights, and test the hypothesis in this paper.

5.1 Donor's influence on human rights through wealth generation

It is proved in Japan-China's case that foreign aid may serve as a promoter for recipient countries' economic prosperity with the presence of a good policy, which may in the long-run, foster a nation's human rights condition both by improving people's livelihoods and by changing recipient government's policy preference.

5.2 Donor's influence on human rights through institutionalization

On gate-keeping stage, it seems that cutting off foreign aid could not force China to change its stance regarding human rights, and even worse, provoked China.

On level stage, firstly neither Japan nor EU ever attached any human rights conditions to its ODA to China. It is fair to speculate it is not only because a lack of willingness on donor's side, but also a reluctance to make any commitment in exchange of aid from the recipient's side.

For the types of aid, it is noteworthy that technical cooperation related to human rights played a better role in promoting changes within China both from Japan's and EU's experience.

Based on the case of Japan and EU's ODA to China, it is argued that for an authoritarian recipient state with relatively big domestic market, donors can hardly have direct influence on its human rights behavior simply by cutting down or putting conditions on aid. However, foreign aid may work by changing the cognitively available choices of recipient countries, and further encourage recipient government's observance of human rights.

By putting this conclusion, it is not to say that foreign aid is the most important

international factor in shaping China's human rights policy. In fact, it serves only as a representative part of globalization. The interesting part is that even though Japan and EU have distinguishable aid policy towards China in reaction of Tiananmen Square Incident, they served a similar role in changing China's human rights discourse. For Japan, it almost didn't ask China to promote its human rights behavior directly and its aid serves only as a mean to show the benefits of globalization. On the other side, EU clearly stated its concern regarding human rights issues in China. But it's noteworthy that diplomatic dialogues directly dealing with human rights issues can hardly alter China's policy, it is the detailed projects that gradually changed the China's stance in human rights realm. It seems that foreign aid can hardly exert independent effect on recipient's observance of human rights, while keeping negotiating via ODA and showing the benefits of globalization as a whole can gradually persuade recipients to change its stance.

Thus for future aid donors who want to exert influence on recipients' human rights issues, it is important to express their attitudes on human rights issues through negotiation even without successful outcomes. And compared to general criticism, the more detailed and constructive the aid projects are, the less the recipient governments would feel threatened by human rights-related activities.

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