



Álvaro Gómez del Valle Ruiz

“A Community of Shared Destiny”

How China Is Reshaping Human Rights in Southeast Asia

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SOUTHEAST ASIA

FOREWORD

The European Master's Degree in Human Rights and Democratisation (EMA) is a one-year intensive programme launched in 1997 as a joint initiative of universities in all EU Member States with support from the European Commission. Based on an action- and policy-oriented approach to learning, it combines legal, political, historical, anthropological and philosophical perspectives on the study of human rights and democracy with targeted skills-building activities. The aim from the outset was to prepare young professionals to respond to the requirements and challenges of work in international organisations, field operations, governmental and non-governmental bodies, and academia. As a measure of its success, EMA has served as a model of inspiration for the establishment of six other EU-sponsored regional master's programmes in the area of human rights and democratisation in different parts of the world. These programmes cooperate closely in the framework of the Global Campus of Human Rights, which is based in Venice, Italy.

Ninety students are admitted to the EMA programme each year. During the first semester in Venice, students have the opportunity to meet and learn from leading academics, experts and representatives of international and non-governmental organisations. During the second semester, they relocate to one of the 41 participating universities to follow additional courses in an area of specialisation of their own choice and to conduct research under the supervision of the resident EMA Director or other academic staff. After successfully passing assessments and completing a master's thesis, students are awarded the European Master's Degree in Human Rights and Democratisation, which is jointly conferred by a group of EMA universities.

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- Basso, Francesca, *In Pain Thou Shalt Bring Forth Children? For a Human Right to Pain Relief in Childbirth*. Supervisor: Helena Pereira De Melo, New University of Lisbon.
- Dewaele, Janne, *The Use of Human Rights Law in Climate Change Litigation. An Inquiry into the Human Rights Obligations of States in the Context of Climate Change; and the Use of Human Rights Law in Urgenda and other Climate Cases*. Supervisor: Claire Vial, Université de Montpellier.
- Gómez del Valle Ruiz, Álvaro, *“A Community of Shared Destiny”: How China Is Reshaping Human Rights in Southeast Asia*. Supervisor: Karol Nowak, Lund University.
- Veit, Meredith, *Blockchain and Journalism: The Intersection between Blockchain-Based Technology and Freedom of the Press*. Supervisor: Jónatas Machado, University of Coimbra.

The selected theses demonstrate the richness and diversity of the EMA programme and the outstanding quality of the work performed by its students. On behalf of the Governing Bodies of EMA and of all participating universities, we congratulate the authors.

Prof. Manfred NOWAK
Global Campus Secretary General

Prof. Thérèse MURPHY
EMA Chairperson

Dr Wiebke LAMER
EMA Programme Director
University of Lisbon.

This publication includes the thesis “*A Community of Shared Destiny*”: *How China Is Reshaping Human Rights in Southeast Asia* by Álvaro Gómez del Valle Ruiz and supervised by Karol Nowak, Lund University.

BIOGRAPHY

Álvaro Gómez del Valle Ruiz is currently working at the OSCE – Office for Democratic Institutions and Human Rights in Warsaw, Poland. Previously, he has lived in Laos and China as part of his work on China and its impact on global governance and the normative framework of human rights.

ABSTRACT

As China re-emerges on the world stage as a great power, fuelled by intertwined ethno-nationalism and a sense of manifest destiny with roots on its identity as a civilisational state, it is increasingly seeking to reshape the international liberal order that was put in place by the US-led West after the Second World War.

Its emergence as a normative power in the field of human rights, prioritising national sovereignty and economic development over notions of universalism and civil and political rights has been noticed, and a growing number of political leaders have started to see the unique brand of Chinese authoritarianism and ‘human rights with Chinese characteristics’ as models to emulate. Nowhere can this be seen more clearly than in Southeast Asia, a region with deep historical and economic ties with China, where no one has forgotten the time when Beijing was the centre of the world.

ACKNOWLEDGEMENTS

It took some convincing to persuade me that writing about China's influence worldwide, on all aspects of life, slightly exceeded what I could fit in 30,000 words, and what I could write in six months. Still, I count myself lucky because I have had the chance to dwell on an issue I feel passionately about. I would have read half the bibliography anyway, even if I hadn't written this thesis.

First of all, my gratitude goes to my supervisor, Karol Nowak, for luring me to Lund, for supporting me throughout the writing process – especially my idea to travel to Southeast Asia to do field research – and for all his feedback and conversations. The field trip would not have been possible without the support of the Raoul Wallenberg Institute in general, and of Andreas Ljungholm and Hanna Johnsson in particular, and of the Global Campus of Human Rights and Mike Hayes.

To all the people I interviewed and whose names I promised I would keep anonymous, I cannot say thank you enough, or express how inspiring that field trip (my first) has been. Getting to speak with so many people who are fighting the good fight for human rights, each in their own way, and who were so generous with their time and open to a master's student has definitely been the highlight of writing this thesis.

For endless conversations about China, late-night dinners in the library and healthy scepticism to counter my liberal idealism, I owe immense gratitude to Vera Pokorny. This semester and this thesis would not have been the same without you. The outline for this thesis was crafted drinking litres of tea in the Arctic Circle with Kaloyan Kirilov and Simon Mathias Bro Bertelsen, great friends who also happen to be great human beings. Thanks also to Cristina de Esperanza for proof-reading, patient feedback and much, much more.

Of all the wonderful EMA staff, I owe Wiebke Lamer a special mention for her unwavering support and endless patience, concerning the thesis and so many more things.

Last but not least, thanks to my parents for supporting me every step of the way, instilling in me a voracious interest in the world beyond the nest and for raising me with stories about their own adventures in Asia. I would not be who I am without you two.

TABLE OF ABBREVIATIONS

ADB	Asian Development Bank
AIIB	Asian Infrastructure Investment Bank
ASEAN	Association of Southeast Asian Nations
BRI	Belt & Road Initiative
CCP	Chinese Communist Party
EBA	Everything But Arms
EU	European Union
HRC	Human Rights Council
HRW	Human Rights Watch
IMF	International Monetary Fund
NAM	Non-Aligned Movement
NGO	Non-governmental organisation
NDB	New Development Bank
PLA	People's Liberation Army
PRC	People's Republic of China
RCEP	Regional Comprehensive Economic Partnership
SCO	Shanghai Cooperation Organization
SEZ	Special Economic Zone
UDHR	Universal Declaration of Human Rights
UN	United Nations
US	United States of America
UNCHR	UN Commission of Human Rights
UNCLOS	UN Convention on the Law of the Sea
USSR	Union of Soviet Socialist Republics
WB	World Bank
WTO	World Trade Organization

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1.

INTRODUCTION

We find ourselves at a crossroads of history. For the first time since the collapse of the Union of Soviet Socialist Republics (USSR), a country – China – is in the position of challenging the hegemony of the United States of America (US). This has important ramifications for human rights because China, which as we will see regards itself as a civilisation rather than as a state, does not seem content with challenging its position within the pecking order, but is also seeking to challenge the liberal, rules-based, multilateral order which human rights need to thrive.

Although seeking to reshape the international order is a common aspiration for emerging powers, China’s case is arguably specially worrying, for several reasons. Writing from a liberal tradition concerning human rights, in which they are inherently good, as well as inalienable and universal, all dictatorships are inherently problematic. Dictatorships lack accountability and transparency, both necessary for human rights to be respected and thrive. The China of Xi Jinping is a highly repressive authoritarian government (a controlocracy, as we will see in chapter 2.3), and Chinese politics are famously opaque, but the problem goes beyond this. The Chinese Communist Party (CCP) has a strong sense of exceptionalism on the field of human rights, which motivates their aim of undermining the whole system. Their willingness to do so, disregarding all claims to universality of human rights, in order to advance their interests grates against the core of the liberal tradition of human rights.

Some of the concepts that have emerged from Chinese legal doctrine and practice are clear red flags, from ‘Chinese human rights’, an oxymoron which China is going to great lengths to sell to the world, to ‘rule according to law’ or ‘rule by law’, a perversion of the ‘rule of law’, used to weaponise the law. These are symptomatic of a more pervasive

and subtle Chinese push to transform what human rights are and how we talk about them, which makes China a unique, existential threat to the international liberal order's foundation of rule of law and human rights.

Having been born in Hong Kong, and having lived in mainland China more recently, I have been following with preoccupation the developments in Chinese politics, and above all the impact that this is having across the world. In this thesis, I first examine the matter of whether China is being successful at establishing itself as a normative power, and at offering alternatives to the normative framework of human rights as we understand it. Then, I analyse how and to what extent China's rise is impacting human rights in Southeast Asia, which for historical and geographical reasons is a region deeply intertwined with China.

In order to do this, I have divided the thesis into three main blocks, or chapters. In the first chapter, 'China after Mao and human rights: a historical overview', I go over the main historical events of the People's Republic of China (PRC) in the tumultuous years that followed the Cultural Revolution and Mao's death, with a focus on how they have affected the lives and human rights of the Chinese people. This part is crucial, first to understand the CCP as it stands today and its relation with liberalism and human rights, and second to not be deceived by the strong narrative, pushed from the Chinese government, that human rights are somewhat foreign to the Chinese, a Western imposition. In fact, at every turn the Chinese people have struggled for a better life, and for more liberties.

On this point, I would like to nuance three things: the first is to acknowledge that, historically, there is an abysmal difference in political engagement between urban and rural Chinese populations, and that even the most numerous social movements in favour of human rights only involved a fraction of the overall Chinese population. However, I think this says more of the enormous population and geographical expanse of China, and of the widespread lack of knowledge and means of engagement, than it does of their ideology. The second is to emphasise that by no means it is meant to be an exhaustive historical account, since to do so greatly exceeds the scope of this thesis. Rather, it is a series of key events that have set the stage for the current situation. The third is to clarify that, although throughout this paper I will often speak of 'China', or 'Beijing' to refer to the Chinese political leadership for

reasons of style and fluidity, I by no means think they can be, or should be, interchangeable.

The second block, ‘The China dream’, focuses on China since Xi Jinping came to power in 2012. This chapter constitutes the theoretical core of the thesis, since I examine first how China’s millenary history informs its current identity and its national narrative (‘The great rejuvenation of the Chinese nation’). Then, in ‘Chinese human rights’, I elaborate on how China is seeking to fundamentally change what human rights mean, what they represent and how we talk about them. In ‘A new world order’, I analyse how China is both reshaping existing international institutions, which it criticises as outdated and non-representative of the modern world, and creating its own, where it occupies the central role it feels it is owed.

For the third and last block, ‘Southeast Asia: back to imperial tributes?’, I had the chance to go on a field trip to Thailand and Cambodia, both very significant when it comes to China’s influence, as I explain below. Through my interviews and my first-hand experience, I was able to paint a more vivid picture of how Chinese clout is being felt on what I consider to be Ground Zero for China’s ambitions. As I elaborate on this chapter, nobody in the region – least of all China – has forgotten when the Chinese emperor, as the Son of Heaven, sat at the centre of a tributary system that spanned Southeast Asia and beyond. As a region that does not distinguish itself for transparent governments and robust democracies, it is especially vulnerable to the type of Chinese influence that occupies our attention, and the China Model is an easy sell.

Of course, a sample of twenty-one interviews is by no means representative, and rather than a thorough analysis of the geopolitical realities of the 11 countries that make up Southeast Asia, this last chapter is meant to offer a few brushstrokes of the reality in the frontlines of China’s struggle to spun its own human rights narrative.

Methodology

I have used a mixed methodology of both desk study and field research. For the desk study I have tried to use primary sources as much as possible, mainly speeches by Chinese politicians, as well as CCP documents and United Nations (UN) resolutions. This has been hard because of the famously opaque nature of Chinese politics, so I have supplemented it with academic research by leading Sinologists such

as Pinghua Sun, Elizabeth Economy, Lucian Pye, Carl Minzner and Klaus Mühlhahn, as well as press articles to illustrate the pervasiveness of Chinese influence in many different fields around the world and in Southeast Asia.

During my two weeks of field research in Bangkok, Thailand and Phnom Penh, Cambodia, I conducted qualitative research through almost two dozen semi-structured interviews with members of civil society, academia, diplomatic missions (mostly but not limited to European ones), representatives of international organisations present in the region and journalists. All interviews were done anonymously, to ensure the interviewees could be as candid as they wanted to be, but my supervisor, Professor Karol Nowak, reviewed with me the list of people to be interviewed. Thanks in part to the support of the Raoul Wallenberg Institute, I was lucky to have access to several high-level individuals.

I complemented the knowledge acquired through these interviews with my own experience while I was there, making sure to visit some of the places where unbridled Chinese investment is more evident, and trying to engage locals in their views about China. I have Thai friends in Bangkok, which gave me a window into the opinions of ordinary Thais. I visited at a momentous time for Thai politics, shortly after the national elections and in the run-up to the coronation of the new king, which I believe further enriched my field research there.

Because of the limited extension of this thesis, I have decided to do analysis as I go and let the structure speak for itself, rather than opting for a more rigid structure. Therefore, there is commentary throughout the text, and the last section should be understood as some final remarks, rather than as an extensive conclusion in which I recap everything that has come before it.

2.

CHINA AFTER MAO AND HUMAN RIGHTS: A HISTORICAL OVERVIEW

2.1 THE DENG XIAOPING YEARS

Deng Xiaoping, known as ‘the architect of modern China’, has gone down in history as the steady hand that China needed after the Cultural Revolution, and he managed to centralise power on himself to a degree that allowed him to push much-needed economic reforms past the resistance of CCP hardliners. However, he did not hesitate to crack down on human rights and any sign of civil resistance, from the Democracy Wall protests in the late 1970s to the 1989 massacre of Tiananmen, an inflection point for human rights in China.

2.1.1 *White cat, black cat, red cat*

The Cultural Revolution, described as a ‘spiritual Holocaust’¹ by Chinese writer Ba Jin, was the bloody decade between 1966 and 1976, the year of Mao Zedong’s death. Mao, who at the time had been sidelined from the leadership for his disastrous handling of the economic reforms known as the ‘Great Leap Forward’ and the mass famine that ensued, sought to regain centrality, calling on ‘the masses of the workers, peasants, soldiers, revolutionary intellectuals, and revolutionary cadres’ to rebel against the political leadership, accusing them of capitalist corruption.² Seeking to harness the power of the masses, he assured his followers that to ‘rebel was justified’, and that

¹ Kerry Brown, *China’s Dream: The Culture of Chinese Communism and the Secret Sources of its Power* (Polity Press 2018) 74.

² Theodore de Bary & Richard Lufrano, *Sources of Chinese Tradition: From 1600 Through the Twentieth Century* (Columbia UP 2000).

they should ‘bombard the headquarters’³ and crush the four olds (old ideas, customs, culture and habits of mind⁴), wreaking havoc within the CCP and across China.

Over the following ten years things quickly spiralled out of control into complete societal breakdown and, by the time of his passing, Mao left behind ‘a devastated economy, a fractured society, and a CCP in paranoid disarray’.⁵ By some estimates, over two million people had been killed and the lives of tens of millions of Chinese people had been violently disrupted.

The internal jockeying for power over who would become Mao’s successor intensified during his final years, pitting a more pragmatic faction that advocated for an opening to the West and the primacy of economic growth and stability, led by Deng Xiaoping and premier Zhou Enlai (who would die shortly after Mao) against the so-called Gang of Four, which included Mao’s wife Jian Qing, supportive of continuing an emphasis on the class struggle, anti-intellectualism and egalitarianism.⁶

Until his death, Mao maintained an equilibrium between these two factions, but less than a month after his passing, the more moderate, pragmatic faction prevailed and the Gang of Four was arrested ‘by a broad coalition of political leaders, police and the military’.⁷ After the psychodrama of the previous ten years, the Chinese needed a quieter era to reconstruct and heal the country.⁸

Although for a brief period Hua Guofeng succeeded Mao at China’s helm, soon Deng Xiaoping, who had been purged not once but twice during the Cultural Revolution, proved himself to be the man to provide the kind of leadership that China needed. He embodied the emerging consensus that a new type of leadership was needed, eschewing the cult of personality of Mao’s years, and opting for consensus-building among top leaders.⁹ He instituted a merit-based system, a process by which

³ Nick Frisch, ‘The Cultural Revolution Still Haunts China’s Communist Party’ (*Foreign Affairs*, 17 May 2016) <www.foreignaffairs.com/articles/china/2016-05-17/cultural-revolution-still-haunts-china-s-communist-party> accessed 17 June 2019.

⁴ Klaus Mühlhahn, *Making China Modern: From the Great Qing to Xi Jinping*, (The Belknap Press of Harvard UP 2019) 466.

⁵ Frisch (n 3).

⁶ Mühlhahn (n 4) 477.

⁷ *ibid* 478.

⁸ Brown (n 1) 163.

⁹ Karl Minzner, *End of an Era: How China’s Authoritarian Revival is Undermining its Rise* (OUP 2018) 19.

elder cadres retired in an orderly manner and focused on results over ideology, epitomised in his famous sentence ‘It does not matter if a cat is black or white, as long as it catches mice’.

Collective memories of the uncertainty of politics and fickleness of violence during the Cultural Revolution gave momentum to limited legal reform, if not towards rule of law, at least towards rule by law, ‘by set, codified rules, rather than by manipulated mass movements or the caprice of the tyrant’.¹⁰ For some brief years, it seemed like law would be key for China going forward.¹¹

Although Deng was no theorist (famously stating that ‘Marxism-Leninism was the plain truth (...) [and] did not need to be learned from books’¹²), his main theoretical contribution to the CCP would prove to be crucial. “‘Socialism with Chinese characteristics’”, a vague slogan that comprised ‘China’s signature blend of Marxists, Maoists, and markets’,¹³ allowed the party to undertake market-oriented reforms and to open up to an extent that would have been unthinkable a few years earlier, following Deng’s desire to ‘connect tracks - opening up to trade, technology, and knowledge from the outside world’.¹⁴

These radical reforms produced swift and far-reaching change. In the 1980s, millions were lifted out of poverty and living standards rose dramatically. Carl Minzner writes that, ironically, through these heterodox measures China came closest in its history to achieving the socialist vision.¹⁵ Alongside the economic changes came social changes as controls on the media were relaxed and universities, colleges and places of worship (churches, mosques and temples) were reopened. A ‘lively underground literary scene’ that had thrived in the late 1970s burst out in the open in the 1980s under an intellectual movement called ‘New Enlightenment’, which saw China ‘engulfed in a reading frenzy for almost ten years’.¹⁶ In ‘an unusually open atmosphere’,¹⁷ the 1980s unfolded as ‘the most liberal, most creative and most daring decade in China’s modern history’.¹⁸

¹⁰ Peter Moody, ‘Asian values’ (Summer 1996) 50(1) *Journal of International Affairs* 170.

¹¹ Minzner (n 9) 16.

¹² Brown (n 1) 114.

¹³ Frisch (n 3).

¹⁴ Mühlhahn (n 4) 514.

¹⁵ Minzner (n 9) 49.

¹⁶ Mühlhahn (n 4) 515-516.

¹⁷ Minzner (n 9) 20.

¹⁸ Mühlhahn (n 4) 515.

By the end of 1978, before all this unfolded, word leaked out about the proposed reforms, which generated enormous excitement and electrified many intellectuals and grass-root citizens. Hoping for extensive political reform, the so-called petitioners started to glue big character posters to the walls of key buildings in central Beijing, ‘many focused on political freedoms and “democratization”, although those ideas often remained sketchy and superficial’.¹⁹ One of these walls soon came to be known as the Democracy Wall, and already in 1979 the term ‘Democracy Movement’ was used, while activists talked about a Beijing Spring, seeking to evoke the Prague Spring.²⁰

At the start, these efforts were egged on by reform-minded members of the Chinese leadership, who saw them as leverage against the hardliners in the party, those nostalgic of Mao for whom ‘what mattered most was not whether the cat (...) was black or white, but that it was red’.²¹ The former said they ‘sought truth from fact’, while the latter advocated for ‘the “two whatevers” - whatever Mao said and whatever Mao did’.²²

However, as the demands of the pro-democracy activists became more daring, opposition soon crystallised within the CCP; their activities were banned in early 1981, and scores of activists were jailed or went into exile.²³

Amongst the most interesting figures of this time is Wei Jingsheng, ‘a former Red Guard working in 1978 as an electrician at the Beijing zoo’.²⁴ Using Zhou Enlai’s 1963 theory of the Four Modernisations (agriculture, science and technology, industry and national defence), he demanded in a big character poster a fifth modernisation: democracy, centring it ‘in the concept of human rights’.²⁵ In a text accompanying the poster, he wrote ‘Democracy, freedom, and happiness for all are our sole objectives in carrying out modernization (...) Let us rally under the

¹⁹ Helmut Opletal, ‘The Chinese Democracy Movement 1978-1981’ (University of Vienna, 24 April 2007) <<https://pekinger-fruehling.univie.ac.at/index.php?id=188844&L=2>> accessed 17 June 2019.

²⁰ *ibid.*

²¹ Brown (n 1) 122.

²² Lucian Pye, ‘China: Erratic State, Frustrated Society’ (Fall 1990) 69(4) *Foreign Affairs* 56 <www.foreignaffairs.com/articles/asia/1990-09-01/china-erratic-state-frustrated-society> accessed 17 June 2019.

²³ Opletal (n 19).

²⁴ Moody (n 10) 177.

²⁵ *ibid.*

banner of democracy. Do not be fooled again by dictators who talk of “stability and unity”²⁶

After being arrested for posting this on the Democracy Wall, he spent 18 years in different prisons, before being deported on medical parole to the US in 1997, where he resides today.²⁷

In 1982, the PRC adopted a new constitution, still in force today (although it is amended following the whims of the CCP) which included a chapter on citizens’ rights, including ‘equality before the law; freedom of speech, assembly and belief’, all explicitly subordinated to ‘the interests of the state, society and collective’.²⁸ The high-water mark for reform during this time was 1987, when the separation of the CCP and the government was enshrined in the report from the 13th Party Congress.²⁹ This was the apex of Deng’s ideological heterodoxy, but it would never be fully implemented due to the events that followed shortly thereafter.

In spite of the early backlash to the Democracy Movement activists, the 1980s were an exciting time for reform in China and, although talk of human rights was denounced as ‘spiritual pollution’, liberalism became the mainstream intellectual discourse in the 1980s and there was ‘a steady rise of political dissent and discontent, with intellectuals increasingly willing to test the limits drawn by the party leadership’.³⁰

Then came the collapse of the USSR, and the June 4th Incident, and the history of human rights was forever changed in China.

2.1.2 4 June 1989: a turning point for human rights in China

In this restless environment, the peaking of inflation towards the end of 1988 and the austerity measures that followed, on top of problems of corruption and ideological aimlessness, further strained the mood

²⁶ Bary & Lufrano (n 2).

²⁷ Wei Jingsheng, *The Courage to Stand Alone: Letters from Prison and Other Writings* (Penguin 1997) preface.

²⁸ Katrin Kinzelbach, ‘China’s White Paper on Human Rights’ (*Global Public Policy Institute*, 5 April 2016) <www.gppi.net/2016/04/05/chinas-white-paper-on-human-rights> accessed 17 June 2019.

²⁹ Christopher K Johnson & Scott Kennedy, ‘China’s Un-Separation of Powers’ (*Foreign Affairs*, 24 July 2015) <www.foreignaffairs.com/articles/china/2015-07-24/chinas-un-separation-powers> accessed 17 June 2019.

³⁰ Mühlhahn (n 4) 515-519.

of the public and the divisions between the CCP's conservatives and reformers.³¹

On 15 April 1989, Hu Yaobang passed away. Hu Yaobang had been a reformist general secretary of the party who had been removed from office by Deng Xiaoping a couple of years earlier, due to his handling of some student protests, reverberations of the removal from office of Philippine dictator Ferdinand Marcos.³² Nonetheless, Hu remained popular amongst students and intellectuals because of 'his tolerance of dissent and calls for democracy'³³ and, as students started to gather in Tiananmen with flowers and letters of condolences, the memorial slowly morphed into some timid calls for political reform.

The CCP has always been sensitive to the symbolism of anniversaries, and Hu's death could have hardly happened at a more fraught moment: it was the 70th anniversary of the student-led May Fourth modernising movement, and the 40th anniversary of the founding of the PRC.³⁴

An editorial by the *People's Daily* denouncing the students as having ulterior motives backfired, and by 27 April, 100,000 indignant students, who 'felt themselves to be the loyal successors to the ideals of the May 4th movement and thought themselves patriotic' took to the streets to demand that the editorial be officially disavowed.³⁵

According to leaked minutes of the high-level meetings at the time, at that point Deng was open to reaching whatever compromise as long as it took the students out of Tiananmen before the upcoming Sino-Soviet Summit, the culmination of careful diplomatic rapprochement between the USSR and the PRC.³⁶ His hopes were dashed by 13 May, when some students started a hunger strike 'to make more radical reforms for political freedom and above all for democracy'.³⁷ Lee Feigon describes how the leadership of the nascent protest was constantly in flux as demands escalated.³⁸ Liu Xiaobo, a prominent intellectual of whom we

³¹ Andrew J Nathan, 'Modern China's Original Sin' (*Foreign Affairs*, 3 June 2014) <www.foreignaffairs.com/articles/china/2014-06-03/modern-chinas-original-sin> accessed 17 June 2019.

³² Ezra F Vogel and others, 'Tiananmen Plus Twenty-five' (*Harvard Magazine*, July-August 2014) <<https://harvardmagazine.com/2014/07/tiananmen-plus-twenty-five>> accessed 17 June 2019.

³³ Mühlhahn (n 4) 521.

³⁴ Vogel and others (n 32).

³⁵ *ibid.*

³⁶ Andrew J Nathan, 'The Tiananmen Papers' (*Foreign Affairs*, January-February 2001) <www.foreignaffairs.com/articles/asia/2001-01-01/tiananmen-papers> accessed 17 June 2019.

³⁷ Mühlhahn (n 4) 522.

³⁸ Lowell Dittmer, 'Review: Tiananmen Reconsidered' (Winter 1991-1992) 64(4) *Pacific Affairs* 529, 531.

will talk more later, was a visiting scholar at Columbia University in New York when the protests started. He returned from the US to join the protests and even joined in the hunger strike, although as the time passed, he urged the students to disperse because he feared the eventual retribution from the CCP.³⁹

Zhao Ziyang, appointed as Hu Yaobang’s successor and also a reformist, strived to reach a compromise with the students as the condition of the hunger strikers deteriorated, galvanising support and inspiring sister protests in numerous cities.⁴⁰ The CCP leadership was fractured on how to deal with the students. In his memoirs, Zhao recalls how many prominent figures from the CCP contacted them during those days, urging them to change course, acknowledge the patriotism of the students and treat them fairly.⁴¹

The largest protest, with over a million participants, took place in 17 May, with Gorbachev – and the world’s media in tow – already in Beijing and all the cameras trained on the ongoing protests in Tiananmen, instead of in the Sino-Soviet summit. Martial law was declared two days later at midnight, and the People’s Liberation Army tried to enter Beijing – another manoeuvre that backfired. As ‘Beijing residents went out by the hundreds of thousands (...) with major roadways and crossings all blocked by citizens and old women and children camping in the streets’,⁴² the students scored their biggest victory to that point. Ten days later, in 27 May, a statue to ‘the goddess of Democracy’ was erected in the square, facing Mao’s portrait.⁴³

By 3 June, the protesters had antagonised the Chinese leadership past the point of no return, and the 27th Army was called again to enter Beijing and disperse the students – this time, with clear instructions to use lethal force if necessary. In the early hours of 4 June, the soldiers made it into the square, ‘leaving several hundred dead and thousands wounded’.⁴⁴ Liu Xiaobo and several of his companions ‘negotiated

³⁹ Chris Buckley, ‘Liu Xiaobo, Chinese Dissident Who Won Nobel While Jailed, Dies at 61’ *The New York Times* (13 June 2017) <www.nytimes.com/2017/07/13/world/asia/liu-xiaobo-dead.html> accessed 17 June 2019.

⁴⁰ Nathan (n 36).

⁴¹ Zhao Ziyang, *Prisoner of the state: The secret journal of Zhao Ziyang* (Simon & Schuster 2009) 30.

⁴² Mühlhahn (n 4) 523.

⁴³ Craig Calhoun, ‘Revolution and repression in Tiananmen Square’ (1989) 26(6) *Society* 44, 51.

⁴⁴ Mühlhahn (n 4) 524.

with the troops to create a safe passage for the remaining protesters to leave the square, and he coaxed the students to flee without a final showdown'.⁴⁵ But it was too late.

The Chinese Red Cross gave a figure at the time of 2,600 dead, although it retracted it later.⁴⁶ A recently declassified diplomatic cable from the British ambassador put the death toll in 10,000 victims, which, according to the US government, matches the CCP's own internal assessment of 10,454 victims.⁴⁷ The author of the diplomatic cable, the British ambassador to China, describes atrocious and gratuitous violence, as 'wounded female students were bayoneted as they begged for their lives (...) and a mother was shot as she tried to go to the aid of her injured three-year-old daughter'.⁴⁸ Harrison Salisbury, a foreign correspondent witness to the events, argues that the violence 'was not only gratuitous but wanton, designed to terrorize the population'.⁴⁹ It must be pointed out that, even as their demands had radicalised in the weeks since Hu Yaobang's death, the protest itself had remained extremely civil.⁵⁰ Up until the end, the students could be heard chanting 'the People's Liberation Army loves the people, the people love the People's Liberation Army'.⁵¹

The massacre of Tiananmen Square, somewhat understatedly referred to in China as the 'June 4th incident', had far-reaching implications, both domestically and abroad. Domestically, Zha Jianying writes that, as the tanks rolled into the square, 'the nineteen-eighties—idealistic, naïve, fragile—came to a crashing end'.⁵² A party that had been shaken to its core had learned its lesson: from then on, stability and security became the overriding priorities, while concepts of 'democracy, liberty, and equal opportunity, were shunted aside'.⁵³

⁴⁵ Buckley (n 39).

⁴⁶ TIME, 'How Many Really Died? Tiananmen Square Fatalities' *TIME* (4 June 1990) <<http://content.time.com/time/magazine/article/0,9171,970278,00.html>> accessed 17 June 2019.

⁴⁷ Adam Lusher, 'At least 10,000 people died in Tiananmen Square massacre, secret British cable from the time alleged' *Independent* (23 December 2017) <www.independent.co.uk/news/world/asia/tiananmen-square-massacre-death-toll-secret-cable-british-ambassador-1989-alan-donald-a8126461.html> accessed 17 June 2019.

⁴⁸ *ibid.*

⁴⁹ Dittmer (n 38).

⁵⁰ *ibid.*

⁵¹ Calhoun (n 43) 58.

⁵² Jianying Zha, 'Servant of the state' (*The New Yorker*, 1 November 2010) <www.newyorker.com/magazine/2010/11/08/servant-of-the-state> accessed 17 June 2019.

⁵³ Mühlhahn (n 4) 526.

Zhao Ziyang was harshly judged by his conciliatory stance towards the students, demoted and placed under house arrest. Without him, the more liberal and reform-minded wing of the party lost ground,⁵⁴ and he was substituted by Jiang Zemin, at the time CCP Secretary in Shanghai.

Images from the protests at Tiananmen, most notably the wiry man standing in front of the line of tanks, were seen around the world and stood in stark contrast with the peaceful transitions from communism that would happen later that year in Eastern Europe. Klaus Mühlhahn is of the opinion that the massacre of Tiananmen stimulated the protest movements in Eastern Europe, since it ‘discredited communism (...) clearly revealed the violent downside of one-party rule’.⁵⁵

The twin shocks of the protests and the collapse of the USSR shortly thereafter made a deep impression in the Chinese leadership (‘for observers in China, it was akin to being like Europeans watching the fall of Rome fifteen centuries before. Something eternal had been snuffed out without a real fight’⁵⁶). As the CCP shifted from real reform to self-perpetuating reform (‘the so-called reform treadmill’⁵⁷), from the tragedy of Tiananmen, the China Model was born.⁵⁸

2.1.3 *The aftermath of Tiananmen*

Ted Piccone, a non-resident senior fellow at the Brookings Institution, distinguishes three periods in China’s engagement with the UN, which we will examine in more detail in part 2. The first one, in which China was mostly a silent spectator, ended with the Tiananmen massacre⁵⁹ as, faced with Western sanctions and intensified international scrutiny,⁶⁰ China increased its engagement with the UN human rights system mainly to deflect criticism and protect itself.⁶¹

⁵⁴ Mühlhahn (n 4) 524.

⁵⁵ *ibid* 525.

⁵⁶ Brown (n 1) 125.

⁵⁷ Dittmer (n 38).

⁵⁸ Mühlhahn (n 4) 526.

⁵⁹ Ted Piccone, ‘China’s long game on human rights at the United Nations’ (The Brookings Institution September 2018) <www.brookings.edu/research/chinas-long-game-on-human-rights-at-the-united-nations/> accessed 17 June 2019.

⁶⁰ Kinzelbach (n 28)

⁶¹ Rana S Inboden, ‘China and the international human rights regime: 1982-2011’ (PhD thesis, Oxford University 2014).

In 1991, China published its first ever white paper on human rights, the first time it officially recognised the concept. It sought to make sure the international community understood China's human rights situation 'correctly', and offer 'party cadres and diplomats a detailed argumentative guide for dealing with international criticism against China's human rights situation'.⁶²

The white paper blamed human rights violations in the three mountains of imperialism, feudalism and capitalism; presenting the founding of the PRC as the (positive) turning point for human rights in Chinese history and introducing for the first time the term 'Chinese human rights'.⁶³ This fed into the ongoing debate about 'Asian values', which would culminate two years later in the 1993 World Conference of Human Rights in Vienna. In line with the relativist advocates of 'Asian values', it presents all rights as secondary to the 'right to subsistence' and argues that social rights could endanger it, implicitly justifying the recent crackdown.⁶⁴

Meanwhile, China seemed impervious to the profound changes sweeping Europe, as the Cold War came to an end and the USSR disintegrated. Edward Steinfeld, teaching at Nanjing University at the time, writes 'There was a feeling not just of stasis, but of reversal, and China was heading backwards'.⁶⁵ For three years, much needed reforms grinded to a halt, as conservatives within the CCP prevailed.⁶⁶

By 1992, Deng managed to regain the upper hand and relaunch reforms, arguing that only economic growth would save China (by which he meant the CCP), 'because the Chinese people would no longer accept living in poverty as a form of socialist utopia'.⁶⁷ Conscious that the legitimacy of the CCP had taken a blow after the crackdown in Tiananmen, and convinced that the demise of the USSR had been brought about mainly by economic mismanagement, Deng intertwined the legitimacy of the CCP to its economic performance and propped it up with nationalism, emphasising unity against external threats.⁶⁸ In this sense, the widespread international condemnation strengthened

⁶² Kinzelbach (n 28).

⁶³ *ibid.*

⁶⁴ *ibid.*

⁶⁵ Vogel and others (n 32).

⁶⁶ Mühlhahn (n 4) 527.

⁶⁷ Nathan (n 31).

⁶⁸ Mühlhahn (n 4) 527.

the CCP and consolidated authority at the top for implementing policies that were ‘more state-oriented and stability-focused’.⁶⁹ Perhaps counterintuitively, the June 4th incident ushered in ‘a long period of political stability’.⁷⁰

Weakened by the fallout from the Tiananmen incident, Deng had officially retired from politics by 1992 at age 88, although he remained the CCP’s *éminence grise*. That same year, accompanied by his daughter and his son, he toured Guangzhou, Shenzhen, Zhuhai and Shanghai, whipping up popular support for his reform agenda of fusing socialism and capitalism and lambasting the conservative elements of the party in Beijing that opposed it as dangerous leftist zealots.⁷¹

The octogenarian Deng Xiaoping was successful in strong-arming the party into implementing far-reaching economic reforms and, whether apocryphal or not, his adage ‘to get rich is glorious’ became the lodestar of the economic policy of the PRC for the new millennium. He passed away in 1997, but the table was set for the re-emergence of a great power in the 21st century.

2.2 A HARMONIOUS SOCIETY

Unbridled economic growth and ideological diffidence characterised the period that followed Deng’s demise, as China underwent profound transformations for which it was not prepared, and which strained the fabric of society to the point of collapse. Limited institutional reform and an increasingly assertive civil society, epitomised on the rights-protection lawyers, were met with heightened repression, starting a ‘trapped transition’, a vicious cycle of liberalisation and crackdowns in which human rights became anathema to the CCP as its position hardened. As China’s stature grew in the international arena, any call at home for increased liberties and human rights, like Liu Xiaobo’s *cri de cœur*, Charter 08, was met with state violence and unflinching opposition.

⁶⁹ Mühlhahn (n 4) 528.

⁷⁰ *ibid* 525.

⁷¹ Zhao Suisheng, ‘Deng Xiaoping’s Southern Tour: Elite Politics in Post-Tiananmen China’ (August 1993) 33(8) *Asian Survey* 739, 741.

2.2.1 Rule according to law

The result of these reforms was that, during the 1990s and early 2000s, China experimented what probably was ‘the fastest economic growth rate of any society in history’.⁷² As highways and high-speed trains crisscrossed the land, and skyscrapers mushroomed in the midst of a boom of construction the likes of which had never been seen in history, the fabric of Chinese society came under further strain. Bolstered by draconian controls on internal immigration (the *bukou* system), the urban-rural divide skyrocketed, and so did income inequality, often exacerbated by ethnic distinctions.⁷³ A booming China was also ripe for corruption, as ‘China’s closed political system fused with rapid accumulation of wealth’⁷⁴ and economic crime cases involving senior officials multiplied at an alarming pace.⁷⁵

As ‘the parameters of society and citizenship were fundamentally altered’,⁷⁶ the CCP led by Jiang Zemin once more performed ideological gymnastics, of two types. First, after decades of forswearing Chinese millenarian history in general, and Confucianism in particular, as an ossified relic, the CCP started to see it as an asset and a source of legitimacy. This process of rehabilitation of traditional Chinese culture, which would reach its zenith with Xi Jinping and which we will analyse in next chapter, first manifested itself in the late 1990s, as the shibboleth ‘5,000 years of history’ started to pepper speeches and official documents.⁷⁷

Second, the same party that had managed to implicitly renege of the catastrophic Great Leap Forward and acknowledge the excesses of the Cultural Revolution while maintaining Mao’s quasi-divine status and infallibility, now endeavoured to perform its greatest trick yet: introducing a nominally Maoist-Leninist state to market-friendly reforms. By 2002, the CCP had included billionaires into its fold and crafted its own ‘red capitalism’.⁷⁸ Kerry Brown argues that this took a

⁷² Mühlhahn (n 4) 532.

⁷³ *ibid* 581.

⁷⁴ Minzner (n 9) 80.

⁷⁵ Andrew Wedeman, *Double paradox: Rapid growth and rising corruption in China* (Cornell UP 2012) 100.

⁷⁶ Mühlhahn (n 4) 572.

⁷⁷ Brown (n 1) 94.

⁷⁸ Minzner (n 9) 23.

toll in the legitimacy of a CCP that was openly contorting and twisting to point ‘in two directions at the same time’.⁷⁹ Chinese writer Hua Yu described the ideological bewilderment of the time, from ‘Mao Zedong’s monochrome era of politics in command to Deng Xiaoping’s polychrome era of economics above all’ as not being able to ‘tell the difference between what is capitalist and what is socialist -weed and seedling come from one and the same plant’.⁸⁰

In order to deal with the widespread malaise caused by the deep transformations underway, China turned to limited institutional reforms, while rejecting more profound systemic political change. Some examples were a nationwide pilot programme of direct elections at the local level conducted from 1988 onwards⁸¹ and ‘limited governance reforms aimed at increasing intra-party democracy’⁸² in the late 1990s and early 2000s.

Another way in which the Chinese leadership tried to empower their citizens in a controlled way and create new avenues for them to channel their discontent was by expanding the legal system, with Jiang Zemin introducing the concept of ‘socialist country under the rule of law’ in 1997 and the ‘rule of law’ being enshrined in the constitution in 1999. While always subordinated to the primacy of the CCP, ‘the 1990s saw law and litigation become a new state mantra’.⁸³

To avoid escalation of conflicts, the use of mediation and the courts was encouraged,⁸⁴ and ‘public-interest lawyers’,⁸⁵ or ‘rights protection lawyers’,⁸⁶ entered the national scene. They ‘fused public-interest lawsuits and savvy media strategies to focus public attention on official abuses and push for deeper institutional reform’,⁸⁷ daring to distinguish themselves from the state’s legal cadres.⁸⁸ They took – and still take,

⁷⁹ Brown (n 1) 8.

⁸⁰ Hua Yu, *China in Ten Words* (Gerald Duckworth and Co 2012) 153.

⁸¹ Mühlhahn (n 4) 531.

⁸² Minzner (n 9) 76.

⁸³ *ibid* 21.

⁸⁴ Mühlhahn (n 4) 589.

⁸⁵ Minzner (n 9) 77.

⁸⁶ Alex W Palmer, “Flee at Once”: China’s Besieged Human Rights Lawyers’ *The New York Times* (25 July 2017) <www.nytimes.com/2017/07/25/magazine/the-lonely-crusade-of-chinas-human-rights-lawyers.html> accessed 17 June 2019.

⁸⁷ Minzner (n 9) 76.

⁸⁸ Sharon K Hom, ‘Chinese Dissidence from Tiananmen to Today’ (*Foreign Affairs*, 10 May 2012) <www.foreignaffairs.com/articles/asia/2012-05-10/chinese-dissidence-tiananmen-today> accessed 17 June 2019.

even under Xi's reenergised authoritarianism – cases ranging from lesbian/gay/bisexual/transgender rights to freedom of expression and labour rights,⁸⁹ sometimes winning 'unwinnable cases'.⁹⁰

In one of their most celebrated victories, in 2003 they managed to get the CCP to scrap its 'custody and repatriation' system, following the death in detention of Sun Zhigang, an internal migrant worker who had been detained in Guangzhou for not carrying his residence permit (the aforementioned *hukou*).⁹¹

Under the slogan of 'public opinion supervision', Beijing even allowed the media to play a limited watchdog role, seeing it as a good way to keep a check on corruption and scandals in local governments.⁹²

These times of ideological drift and heterodoxy fuelled a burgeoning civil society and increased civic engagement from a variety of groups, from journalists to feminists and from religious groups to AIDS activists and human rights advocates.⁹³ However, the CCP did not hesitate to crush any attempt of political organising, like the China Democracy Party. This party, originally a non-governmental organisation (NGO) founded by veterans of the Democracy Wall and Tiananmen,⁹⁴ managed to exist for six months and create a national network of 'not just intellectuals; they included workers, farmers and small entrepreneurs',⁹⁵ before being violently repressed in late 1998. The following year, the CCP moved in a similar fashion against the religious Falun Gong movement, immensely popular at the time.⁹⁶

During this period in which the CCP ceded a good deal of authority to the courts, Chinese citizens had never enjoyed a higher degree of legal protection.⁹⁷ In 2004, 13 constitutional amendments were passed, including the sentence 'the state respects and guarantees human rights',

⁸⁹ Palmer (n 86).

⁹⁰ Fu Hualing & Richard Cullen, 'Climbing the Weiquan Ladder: A Radicalizing Process for Rights-Protection Lawyers' (2011) 205 *China Quarterly* 43.

⁹¹ Sophie Richardson, 'An Alleyway in Hell: China's Abusive Black Jails' (*Human Rights Watch*, 12 November 2009) <www.hrw.org/report/2009/11/12/alleyway-hell/chinas-abusive-black-jails> accessed 17 June 2019.

⁹² Minzner (n 9) 75.

⁹³ Mühlhahn (n 4) 589.

⁹⁴ Merle Goldman, 'The development of Human Rights in Communist China' (*E-International Relations*, 21 July 2009) <www.e-ir.info/2009/07/21/the-development-of-human-rights-in-communist-china/> accessed 17 June 2019.

⁹⁵ *ibid.*

⁹⁶ Mühlhahn (n 4) 606.

⁹⁷ *ibid.* 590.

referred to at the time as the entry of human rights into the constitution.⁹⁸ This allowed the development of human rights committees in lawyers’ associations.⁹⁹

The sort of wishful optimism this engendered can be clearly seen in what was referred to as ‘the first constitutional lawsuit’ in Chinese history. In 2003, Jiang Zemin was sued by public-interest lawyer Xie Yani for unconstitutionally retaining his role as chairman of the Central Military Commission after leaving office. Although the case made waves in public opinion and earned him intense scrutiny, little happened. In an interview years later, he said: ‘I was young — I was very naïve (...) I thought, the law provides this channel, and I’m going to use it. I believed in the protection of the law’.¹⁰⁰

In a depressingly familiar cycle, this period of relative reform and citizen empowerment was not to last long.

2.2.2 *Rigid stability*

Once again, limited institutional tweaking produced a burst of enthusiasm and hopefulness from Chinese activists and intellectuals, with the budding internet supercharging the efforts of increasingly assertive judges, legal activists and prying journalists.¹⁰¹ The CCP continued to resist meaningful political change, and eventually moved ‘to torpedo its own reforms’ before they escalated out of control.¹⁰²

In the creation of entities like the Open Constitutional Initiative in 2003, the CCP saw an incipient political opposition, and moved to neuter it. It had already cancelled limited experiments in local democracy and by 2005, no one was calling for ‘intra-party democracy’ anymore. Around the same time, they clamped down on journalists and lawyers and shuttered the organisations deemed a threat (including the Open Constitutional Initiative, on tax charges).¹⁰³

The CCP seemed to have forgotten that they had opened those avenues for political participation as a way to blow off steam for a

⁹⁸ Pinghua Sun, ‘Chinese Discourse on Human Rights in Global Governance’ (12 February 2016) 1(2) *The Chinese Journal of Global Governance* 209.

⁹⁹ Fu & Cullen (n 90) 42.

¹⁰⁰ *ibid.*

¹⁰¹ Minzner (n 9) 23.

¹⁰² *ibid* 77-79.

¹⁰³ *ibid* 77-78.

society riddled with contradictions, historical trauma and societal strains that had not yet been resolved. By demonstrating the limits of working within the system, the CCP contributed to radicalising activists and lawyers, pushing them from the courtrooms into social organising¹⁰⁴ and convincing many that ‘in an unjust system, extralegal methods (...) were the only way to uphold the true principles of the law’.¹⁰⁵ As Fu Hualing and Richard Cullen explain, ‘a lawsuit is an excellent means to isolate social conflict and pre-empt much social unrest’¹⁰⁶ – but only if it works.

A disillusioned populace increasingly turned to staging protests of all types, with some of the most confrontational including ‘blocking traffic, obstructing demolition, and even rioting and ransacking government offices’.¹⁰⁷ Often referred to as ‘mass incidents’, according to China’s Ministry of Public Security, they ballooned from 8,000 in 1993 to 87,000 in 2005, when they stopped publishing their data. According to the Chinese Academy of Social Sciences, in 2010 there might have been as many as 200,000 such incidents.¹⁰⁸ Even in the most extreme cases, like the 2006 murder of a policeman that was trying to confiscate a street-vendor’s cart, public opinion sided decisively with the protestors.¹⁰⁹

Such developments were anathema to the Chinese leadership and its fixation with social unrest. The answer was an ever-expanding security apparatus, the budget of which surpassed the military budget for the first time in 2011¹¹⁰ under the almighty Zhou Yonkang, China’s security czar.¹¹¹ This securitisation is in large measure undoing the pragmatic reforms undertaken in the late 1990s and early 2000s, as policies were drafted and evaluated according exclusively to their potential to trigger social unrest.¹¹²

Chinese scholar Yu Jianrong has coined the term ‘rigid stability’ to refer to this situation, defined as ‘a form of political stability (...) [which]

¹⁰⁴ Fu & Cullen (n 90) 42.

¹⁰⁵ Palmer (n 86).

¹⁰⁶ Fu & Cullen (n 90) 47.

¹⁰⁷ Mühlhahn (n 4) 590.

¹⁰⁸ Brown (n 1) 95.

¹⁰⁹ Fu & Cullen (n 90) 45.

¹¹⁰ Edward Wong, ‘Beijing Goes Quiet on Rise of Local Security Budgets’ *The New York Times* (6 March 2014) <<https://sinosphere.blogs.nytimes.com/2014/03/06/beijing-goes-quiet-on-rise-of-local-security-budgets/>> accessed 17 June 2019.

¹¹¹ Minzner (n 9) 98.

¹¹² *ibid* 100.

seeks absolute social tranquillity as a goal of governance, viewing all forms of protest as a form of disorder and chaos that begs suppression by any means...with state violence as its foundation’.¹¹³

This model, he argues, has caused the CCP to be ‘in a constant state of high anxiety’.¹¹⁴ The successor of Jiang Zemin, Hu Jintao, started to pay more attention to social justice issues to deal with this reality,¹¹⁵ but nowadays Chinese liberals and CCP insiders alike refer to the ten years of the Hu Jintao administration (2002-2012) as a lost decade,¹¹⁶ in which China had ‘the body of an elephant and the voice of a mouse’.¹¹⁷

2.2.3 *A trapped transition*

Hu Jintao, the last Chinese leader to have been hand-picked by Deng Xiaoping, came to power in 2002, less than a year after China joined the World Trade Organization (WTO), a huge diplomatic win for the CCP. Although little was known of him at the time, he had earned a reputation as Party Secretary in Tibet for quelling with a strong fist the unrest that had caused the downfall of his predecessor, and maintaining the order throughout the June 4th incident, even as other provinces and cities erupted in protest. A year after Deng’s death, he became the youngest vice-president in the history of the CCP.¹¹⁸

Once in power, he seemed the embodiment of the post-Cultural Revolution Chinese political leader: very low-key and consensus-seeking, extremely private about his persona to the point of dullness, suspicious of any kind of personality cult and ‘infamous for robotically spewing forth statistics and slogans’.¹¹⁹

His two most characteristic slogans were ‘scientific development’ and ‘harmonious society’. Both were concepts drawn from traditional Confucian thinking, a once forbidden zone.¹²⁰ The emphasis of Hu Jintao and his premier, Wen Jiabao, on issues of social justice, harmony

¹¹³ Yu Jianrong, ‘Reassessing Chinese Society’s “Rigid Stability”’ (*Australian Center on China in the World*, 27 January 2013) <<https://bit.ly/2NscIQi>> accessed 17 June 2019.

¹¹⁴ *ibid.*

¹¹⁵ Mühlhahn (n 4) 555.

¹¹⁶ Minzner (n 9) 11.

¹¹⁷ Brown (n 1) 4.

¹¹⁸ Richard D Ewing, ‘Hu Jintao: The Making of a Chinese General Secretary’ (March 2003) 173 *The China Quarterly* 17, 24.

¹¹⁹ Brown (n 1) 5.

¹²⁰ *ibid.* 95.

and reduction of inequality point to just how much trouble the country was in. By 2008, the last year Beijing published its Gini coefficient, inequality had reached the levels of countries in sub-Saharan Africa and Latin America.¹²¹ By the time he left office in 2012, China had become the second richest country in the world on aggregate, but it had a per capita income similar to Cuba or Namibia.¹²²

In spite of the emerging consensus that the Hu-Wen administration wasted the potential that came with blazing economic growth,¹²³ it was during this decade that China silently emerged into the global stage. Hu Jintao's juggling of China's increasing clout on world affairs while officially adhering to Deng's famous 24-character statement, 'keep a low profile and bide your time, while also getting something accomplished',¹²⁴ marked its foreign policy.

In an effort to reassure international observers about China's ascent, he extended its domestic slogans to its foreign policy, speaking of a 'harmonious world' and 'China's peaceful rise', which was later tweaked to 'China's peaceful development', as there were concerns that the word 'rise' 'could intimidate some of China's Asian neighbours'.¹²⁵ In all their public statements, the Chinese leadership forswore 'any form of hegemonic and expansionist behaviour'¹²⁶ and conducted a 'good neighbour policy' in Asia designed to convey responsibility and stability.¹²⁷

As mentioned previously, China had been increasing its engagement with the UN Commission of Human Rights (UNCHR) following the Tiananmen massacre, partly to deflect criticism from itself. From 1990 to 2005, Chinese diplomats leveraged its economic clout over smaller states to vote down 12 critical UNCHR resolutions.¹²⁸ After the creation of the Human Rights Council (HRC) (which it originally resisted and later sought to water down¹²⁹), it took its seat as a member for two consecutive terms (2006-2012) but did not take the initiative, blending

¹²¹ Minzner (n 9) 25.

¹²² Kerry Brown, 'Hu Jintao's Legacy' (*Foreign Policy*, 8 November 2012) <<https://foreignpolicy.com/2012/11/08/hu-jintaos-legacy/>> accessed 17 June 2019.

¹²³ Minzner (n 9) 11.

¹²⁴ Brown (n 1) 115.

¹²⁵ Zhao Suisheng, 'Chinese Foreign Policy under Hu Jintao: The Struggle between Low-Profile Policy and Diplomatic Activism' (2010) 5(4) *Hague Journal of Diplomacy* 357, 365.

¹²⁶ Mühlhahn (n 4) 541.

¹²⁷ Zhao (n 125) 375.

¹²⁸ Piccone (n 59).

¹²⁹ *ibid* 3.

with the “Like Minded Group” of states that oppose a more activist human rights agenda’,¹³⁰ which include countries like Cuba, Egypt, India, Indonesia, Iran, Myanmar, Nepal and Pakistan.¹³¹

Nonetheless, it started to engage more in multilateralism, joining the US to denounce North Korea in 2006 and 2007 and Myanmar in early 2008, and supporting the deployment of an UN-African Union force to Darfur, even contributing with military engineers.¹³²

Towards the end of the 2000s, China started to bend more towards its identity as a quasi-superpower than as a developing country, the ambivalence about which had marked its rise for most of the decade. As it started to feel more comfortable in its own skin as an emerging power, 2008 stands out for several disparate reasons: the financial meltdown, the Beijing summer Olympics and, to a lesser extent, Nicolas Sarkozy and the election of Ma Ying-jeou in Taiwan.

Parag Khanna points out that, contrary to what we always assume in the West, 2008 was not a global economic crisis, as Asia continued to grow uninterrupted.¹³³ However, as economic mayhem originating from the West swept the globe, the export-based Chinese economic model collapsed, which forced the Chinese government to ‘to deploy a hastily concocted \$600 billion stimulus package that saved the economy but deepened already significant imbalances’.¹³⁴ Beyond that, the Chinese economy emerged relatively unscathed, and the superiority of Chinese state practices became ‘a regular talking point in official conferences’.¹³⁵ Wen Jiabao gleefully blamed ‘reckless western economic policy’¹³⁶ for the crisis at the 2009 Davos summit and, in the run-up to the 2010 G20 Toronto summit, Zhou Xiaochuan, China’s central bank governor, called for the world to include China’s renminbi ‘in the basket of key international currencies on which the value of the [International Monetary Fund] IMF’s Special Drawing Rights is based’.¹³⁷

¹³⁰ Piccone (n 59) 3.

¹³¹ Amr Essam, ‘The Like-Minded Group (LMG): Speaking truth to power’ (*Universal Rights Group Geneva*, 10 May 2016) <www.universal-rights.org/blog/like-minded-group-lmg-speaking-truth-power/> accessed 17 June 2019.

¹³² Zhao (n 125) 371.

¹³³ Parag Khanna, *The Future is Asian* (Weidenfeld & Nicholson 2019) 17.

¹³⁴ Damien Ma, ‘Before and after Hu’ (*Foreign Affairs*, 7 November 2012) <www.foreignaffairs.com/articles/china/2012-11-07/and-after-hu> accessed 17 June 2019.

¹³⁵ Minzner (n 9) 11.

¹³⁶ Martin Jacques, ‘The great shift in global power just hit high gear’ *The Guardian* (20 April 2009) <www.theguardian.com/commentisfree/2009/apr/20/global-power-shift-china> accessed 17 June 2019.

¹³⁷ Zhao Suisheng, ‘China as a Rising Power Versus the US-led World Order’ (2016) 1(1) *Rising Powers Quarterly* 13, 15.

If an equal level of interdependence is understood as a 50:50 ratio, some calculated that the US-China relationship had gone from a 70:30 in the 1990s to a 60:40, or even 55:45, after the financial crisis.¹³⁸ For many Chinese scholars and commentators, ‘the financial crisis represented an inflection point in world history: the decline of the United States and the rise of China’.¹³⁹

It is in this context of a global economy in disarray that the summer Olympic Games were hosted in Beijing, with an exorbitant US\$45 billion of Chinese investment, higher than some countries’ GDP.¹⁴⁰ This was China’s second bid to host the Olympic Games, after its first one had been derailed by the fallout from the Tiananmen massacre – partly because of loud US lobbying against it, which alienated many ordinary Chinese citizens.¹⁴¹

Elizabeth Economy argues that this was China’s first significant taste of soft power,¹⁴² as it ‘gave the Communist Party its most uninterrupted, unfiltered chance to reach a gargantuan global audience’.¹⁴³ The Chinese leadership seized their chance to educate the world on the greatness of their civilisation, having apparently shed all qualms about embracing its past and delivering an astonishing opening ceremony, dripping in symbolism, where Confucius, once seen as a source of backwardness, ‘seemed everywhere (...) a source of glory and pride’.¹⁴⁴

At a luncheon for world leaders, Hu Jintao said in a speech: ‘The historic moment we have long awaited is arriving. The world has never needed mutual understanding, mutual toleration and mutual cooperation as much as it does today’.¹⁴⁵

Amongst those leaders was Nicolas Sarkozy, who at the time held the rotating presidency of the European Union (EU) and whose relationship with China in 2008 had been fraught, to say the least – and it would

¹³⁸ Willy Lam, ‘Beijing Learns to be a Superpower’ (*Far East Economic Review*, 1 May 2009) <<https://uyghuramerican.org/article/beijing-learns-be-superpower.html>> accessed 17 June 2019.

¹³⁹ Elizabeth C Economy, *The Third Revolution: Xi Jinping and the new Chinese state* (OUP 2018) 188.

¹⁴⁰ Brown (n 1) 156.

¹⁴¹ Joseph Fewsmith, ‘Bo Xilai and Reform: What Will Be the Impact of His Removal?’ (6 August 2012) 38 *China Leadership Monitor* 2, 3.

¹⁴² Economy (n 139) 190.

¹⁴³ Jim Yardley, ‘China’s Leaders Try to Impress and Reassure World’ *The New York Times* (8 August 2008) <www.nytimes.com/2008/08/09/sports/olympics/09china.html> accessed 17 June 2019.

¹⁴⁴ Brown (n 1) 156.

¹⁴⁵ Yardley (n 143).

get worse before the year ended. Following another crackdown by the authorities in Tibet in March, Sarkozy had threatened to boycott the opening of the Olympics – which had generated a Chinese boycott of Carrefour fuelled by an outpouring of nationalistic outrage online.¹⁴⁶ But the relation of the French president with the CCP touched rock bottom at the end of the year, when it called off an imminent EU-China Summit because Sarkozy had met with the Dalai Lama in the context of a meeting with Nobel peace prize recipients.¹⁴⁷ This radical diplomatic manoeuvre, designed ‘to show that, even amid the global economic crisis, it was ready to confront the leaders of its biggest trading partner’,¹⁴⁸ shocked observers, who were not used to such fiery tactics from Chinese diplomats and heralded the emergence of the so-called ‘red-line diplomacy’ around the CCP’s ‘core interests’.¹⁴⁹

Last but not least, China scored another major diplomatic victory with the election of Ma Ying-jeou, a supporter of rapprochement with mainland China,¹⁵⁰ as Prime Minister of Taiwan, the quintessential thorny issue of China’s foreign policy. He succeeded Chen Shui-bian, a vocal advocate of the independence of Taiwan who had during his two terms in office refused to commit publicly to the One China policy that has regulated cross-strait policy since Chiang Kai-shek took shelter there at the end of China’s civil war.¹⁵¹

On 10 December 2008, the same month that the cancelled EU-China summit should have taken place, 303 intellectuals and dissidents released a manifesto, named Charter 08 after Charter77, a dissident group formed in Cold-War Czechoslovakia. It stated that ‘freedom, equality, and human rights are universal values of humankind’, lambasted the CCP’s approach to modernisation, which had ‘stripped people of their rights, destroyed their dignity, and corrupted normal human intercourse’ and called for a new constitution, separation of powers, legislative democracy and an independent judiciary.¹⁵²

¹⁴⁶ Yardley (n 143).

¹⁴⁷ Ian Traynor, ‘China cancels EU summit over Dalai Lama visit’ *The Guardian* (27 November 2008) <www.theguardian.com/world/2008/nov/27/china-dalai-lama-nicholas-sarkozy> accessed 17 June 2019.

¹⁴⁸ Zhao (n 125) 358.

¹⁴⁹ Lam (n 138).

¹⁵⁰ Ma (n 134).

¹⁵¹ Esther Pan, ‘Taiwan Raises Its Voice Again’ (*Council on Foreign Relations*, 15 March 2006) <www.cfr.org/background/taiwan-raises-its-voice-again>.

¹⁵² ‘Charter 08’ (10 December 2008) US Congressional-Executive Commission on China <www.cecc.gov/resources/legal-provisions/charter-08-chinese-and-english-text> accessed 17 June 2019.

Hailed by some ‘as the most significant act of public dissent against China’s Communist party since the Tiananmen Square pro-democracy protests’¹⁵³ and considered by the Chinese leadership as ‘a counter-revolutionary platform’,¹⁵⁴ the CCP promptly arrested and interrogated many of the signatories, including Liu Xiaobo, who in the years since the Tiananmen massacre had become one of China’s leading dissidents and who was the main author. The charter was widely circulated in China and promptly received over 7,000 signatories.¹⁵⁵

Liu Xiaobo received the Nobel Peace Prize in 2010, ‘in recognition of his long and non-violent struggle for fundamental human rights in China’.¹⁵⁶ The CCP subsequently suspended all diplomatic relations with Norway for over six years, until 2016.¹⁵⁷ Aged 61, Liu Xiaobo died a year later of liver cancer, after the CCP refused him medical parole to go to Germany.¹⁵⁸

Four months after the Charter 08 was published, the Chinese leadership published its own document, its first National Human Rights Action Plan, which it claimed ‘moved China into a new era embracing international human rights values’,¹⁵⁹ while insisting on the primacy of economic development.¹⁶⁰

Approaching the end of the 2000s, the PRC seemed to have found its footing, unafraid of flexing its muscle to enforce its red lines and chastise major partners like the EU, flaunting its millenary history and cultural clout and having weathered the worst macroeconomic event of the century without much problem, as foreign direct investment

¹⁵³ David Stanway, ‘Beijing strikes at dissidents’ *The Guardian* (4 January 2009) <www.theguardian.com/world/2009/jan/04/china-human-rights-charter-08> accessed 17 June 2019.

¹⁵⁴ Amnesty International, ‘China urged to release scholar Liu Xiaobo from “residential surveillance”’ (*Amnesty International*, 7 January 2009) <www.amnesty.org/en/latest/news/2009/01/china-urged-release-scholar-liu-xiaobo-039residential-surveillance039-20090107/> accessed 17 June 2019.

¹⁵⁵ Stanway (n 153).

¹⁵⁶ Andrew Jacobs & Jonathan Ansfield, ‘Nobel Peace Prize Given to Jailed Chinese Dissident’ *The New York Times* (8 October 2010) <www.nytimes.com/2010/10/09/world/09nobel.html> accessed 17 June 2019.

¹⁵⁷ Sewell Chan, ‘Norway and China Restore Ties, 6 Years After Nobel Prize Dispute’ *The New York Times* (19 December 2016) <www.nytimes.com/2016/12/19/world/europe/china-norway-nobel-liu-xiaobo.html> accessed 17 June 2019.

¹⁵⁸ Buckley (n 39).

¹⁵⁹ Ann Kent, ‘China’s Human Rights in “the Asian Century”’ in Thomas WD Davis & Brian Galligan (eds), *Human Rights in Asia* (Edward Elgar 2011).

¹⁶⁰ Pinghua (n 98) 210.

skyrocketed¹⁶¹ and its GDP kept growing at a rate Western countries could only dream of. For this reason, it might seem strange to suggest that this was a ‘lost decade’.

However, at the domestic level the reality was different. Hu Jintao managed to do little to assuage China’s growing social problems, while the CCP itself had become little more than ‘the world’s greatest money-making machine’.¹⁶² Kerry Brown writes that in the Hu era, there was no counter-ideology facing them, other than ‘cynicism, nihilism, and perhaps worst of all, indifference’.¹⁶³

Mass incidents continued to proliferate,¹⁶⁴ as ‘Internet activism exploded during the final years of Hu Jintao’s tenure’.¹⁶⁵ Writing at the time of Hu’s retirement, Damien Ma characterised China as ‘prosperous but staggeringly unequal, and strong but profoundly insecure’.¹⁶⁶ Since the 1990s, reforms in China had ‘remained locked in a one-step forward, one-step backward cycle’,¹⁶⁷ with politics frozen ‘by the twin forces of internal CCP politics and total resistance to political liberalization’ and China locked in a ‘trapped transition’.¹⁶⁸

One of the problems was that ‘Chinese politics increasingly resembled a feudal oligarchy’,¹⁶⁹ with the times of the great revolutionary leaders in the past, and leaders like Jiang Zemin or Hu Jintao needing to find continuous compromise among competing factions and rival party elders. The so-called collective presidency first articulated by Deng had constrained Hu Jintao so much that he received the nickname of the woman with the bound feet.¹⁷⁰ China, some argued, needed a strong hand to steer it in the right direction.

¹⁶¹ Mühlhahn (n 4) 550.

¹⁶² Brown (n 1) 56.

¹⁶³ *ibid* 124.

¹⁶⁴ *ibid* 95.

¹⁶⁵ *Economy* (n 139) 71.

¹⁶⁶ Ma (n 134).

¹⁶⁷ Minzner (n 9) 79.

¹⁶⁸ *ibid* 26.

¹⁶⁹ *ibid*.

¹⁷⁰ Evan Osnos, ‘Born Red’ (*The New Yorker*, 6 April 2015) <www.newyorker.com/magazine/2015/04/06/born-red> accessed 17 June 2019.

2.3 XI JINPING

No one could have predicted when Xi Jinping arrived into power that he would become China's most powerful leader since Mao, or that he would preside over the worst period of draconian repression since the aftermath of Tiananmen. Under his rule, the CCP has encroached on everything from the press to the academia and, in his push to centralise power and reinvigorate a moral narrative for the CCP, he has not hesitated to disregard the unwritten norms and the institutional architecture put in place by Deng. The CCP of Xi has found again its narrative, which in turn is powering China to develop its own narrative – and foist it upon the world.

2.3.1 *Chinese hagiography*

As has been previously explained, one of the most consequential reforms put into place by Deng Xiaoping and the other leaders that came on top after the Cultural Revolution was the eschewing of one-man rule by a charismatic leader, opting instead of a 'search of consensus among top leaders'¹⁷¹ and the abandonment of the emotionally charged politics of the Cultural Revolution. After ten years of the dull governing style and ideological diffidence of Hu, there was little to suggest this would change with the ascent to power of Xi Jinping, one of the so-called 'princelings', the son of a prominent leader of the revolutionary era and comrade-in-arms of Mao, Xi Zhongxun.

Despite his lineage, the younger Xi's ascent to power was far from a foregone conclusion and yet today, there is consensus that he has become China's most powerful leader since Mao Zedong, having bypassed even Deng Xiaoping, the Great Architect. This is in great part due to the way in which he has managed to project a very strong personal story, tying it to an overarching narrative of where China comes from and where it is going, wherein he represents everything to everybody: 'a Marxist messiah for leftists, a people's emperor for peasants, and a righteous, thundering Jeremiah for urban constituencies fed up with corruption'.¹⁷²

¹⁷¹ Minzner (n 9) 19.

¹⁷² Benjamin Carlson, 'The World According to Xi Jinping' (*The Atlantic*, 21 September 2015) <www.theatlantic.com/international/archive/2015/09/xi-jinping-china-book-chinese-dream/406387/> accessed 17 June 2019.

The year I lived in Shanghai (September 2017-July 2018), his airbrushed portrait gazed serenely at the passers-by in universities, airports, private residences and the subway, and when I visited Beijing during China’s National Day (1 October, and a terrible idea if you are not fond of throngs), his portrait hung everywhere side by side to Mao’s – and both men looked unsettlingly similar. This seems to be in line with his effort ‘to resuscitate and reassemble prominent pieces of Maoist symbolism and propaganda’.¹⁷³

Because of the centrality of his personal biography to his allure, it is striking how little is known of him beyond his public persona – not even where he lives is broadly known.¹⁷⁴ As he ascended in the CCP hierarchy, ‘mentions of his personal life have been steadily stricken from public record’.¹⁷⁵

The gospel of Xi starts with the strong paternal figure of Xi Zhongxun, at the time China’s propaganda minister and himself with impeccable revolutionary credentials – at age 14, he tried to poison a teacher he judged counterrevolutionary, telling the young Xi in his lap ‘You will certainly make revolution in the future’.¹⁷⁶ After falling out of favour in 1962, Xi Zhongxun was sent to toil away in a factory and his wife to do hard labour in a farm, leaving Xi Jinping to roam around the streets with other ‘princelings’ whose parents had fallen out of favour, getting into trouble and being forced by Red Guards to denounce his father, in a period that Xi recalls as ‘a dystopian collapse of control’.¹⁷⁷

Like many other millions of educated youth, he was sent to the countryside in 1968, to a small village right next to Yan’an, the storied ‘cradle of revolution’ from which Mao directed his troops in the civil war. After a failed attempt to flee three months after arrival, ‘in what later became the centerpiece of his official narrative, Xi was reborn’.¹⁷⁸ He often speaks fondly of those seven years of gruelling hard work,

¹⁷³ Mühlhahn (n 4) 564.

¹⁷⁴ Steven L Myers, ‘Behind Public Persona, the Real Xi Jinping Is a Guarded Secret’ *The New York Times* (5 March 2018) <www.nytimes.com/2018/03/05/world/asia/xi-jinping-china-leader.html> accessed 17 June 2019.

¹⁷⁵ Jiayang Fan, ‘Dreams from Xi Jinping’s father’ (*The New Yorker*, 23 February 2012) <www.newyorker.com/news/news-desk/dreams-from-xi-jinping-father> accessed 17 June 2019.

¹⁷⁶ *ibid.*

¹⁷⁷ *ibid.*

¹⁷⁸ *ibid.*

when he read himself to sleep in the cave he inhabited,¹⁷⁹ describing himself as a farmer¹⁸⁰ and how he learned ‘to serve the people’¹⁸¹ – how ‘Yan’an is the starting point of my life’.¹⁸² Weaving his own Maoist parable of the boy Jesus in the temple, he writes about being visited in the cave by people of all ages looking for advice, including the local Party Secretary.¹⁸³

During those years of rural Enlightenment far from the madding crowd, China was still in disarray, and the Xi family’s name still in disgrace. Xi’s older half-sister, Xi Heping, took her own life at some point while Xi Jinping was toiling the fields – ‘after a decade of persecution she hanged herself from a shower rail’,¹⁸⁴ a fact erased from most accounts of his life. Because of Xi Zhongxun’s fall from grace, his son’s application to join the CCP was rejected seven times before he befriended a local official and was allowed in,¹⁸⁵ starting his meteoric rise in the ranks.

After studying chemical engineering in Tsinghua University ‘as a “worker-peasant-soldier” student (...) admitted on the basis of political merit rather than test scores’,¹⁸⁶ he got a job as an aide to a top military aide (a close comrade-in-arms of his father). From this experience, he would keep the habit of wearing military fatigues regularly and an affinity for the People Liberation’s Army, often saying ‘To meet the Army’s needs, nothing is excessive’.¹⁸⁷

In 1982, aged 29, he asked to be sent back to the provinces, confiding to a professor at the time that it was ‘the only path to central power’,¹⁸⁸ and he was sent to Hebei to be the second-in-command of the CCP there.

At 33 he met Peng Liyuan ‘who, at twenty-four, was already one of China’s most famous opera and folk singers’¹⁸⁹ and they married the following year. In 1989, in the aftermath of the Tiananmen massacre, she went to the square to serenade the troops.¹⁹⁰ As his husband rose

¹⁷⁹ Edward Wong, ‘Tracing the Myth of a Chinese Leader to Its Roots’ *The New York Times* (16 November 2012) <<https://cn.nytimes.com/china/20121116/c16village/en-us/>> accessed 17 June 2019.

¹⁸⁰ Myers (n 174).

¹⁸¹ Wong (n 179).

¹⁸² Frisch (n 3).

¹⁸³ Wong (n 179).

¹⁸⁴ Osnos (n 170).

¹⁸⁵ *ibid.*

¹⁸⁶ *ibid.*

¹⁸⁷ Evan Osnos, ‘Xi Jinping might be president for life. What will happen to China?’ (*The New Yorker*, 26 February 2018) <www.newyorker.com/news/daily-comment/xi-jinping-may-be-president-for-life-what-will-happen-to-china> accessed 17 June 2019.

¹⁸⁸ *ibid.*

¹⁸⁹ Osnos (n 170).

¹⁹⁰ Jiayang Fan, ‘A New Kind of First Lady for China’ (*The New Yorker*, 2 April 2013) <www.newyorker.com/news/news-desk/a-new-kind-of-first-lady-for-china> accessed 17 June 2019.

to power, she cut a striking figure in contrast to ‘the older, frailer, and considerably less telegenic wives of the former leaders Jiang Zemin and Hu Jintao’.¹⁹¹ In a country ‘reflexively suspicious of politically ambitious wives (...) Jiang Qing, Mao’s wife and co-conspirator (...) and the Empress Dowager, during whose reign the Qing dynasty heard its final death knell’, upon becoming China’s First Lady she knew how to tap into the longing of the Chinese people ‘for a Chinese Michelle or Diana or Jackie—a First Lady whose dynamism and beauty can somehow symbolize the rising superpower’,¹⁹² adding her high-wattage star-power and glamour to Xi’s cultivated aura of avuncular farmer-cum-politician.

As he navigated the internal Party politics and rose through the ranks, becoming governor of Fujian (36 million people, according to China’s latest nationwide census)¹⁹³ in 1999 and Party Secretary of Zhejiang (54 million people)¹⁹⁴ in 2003, he managed to keep a low profile.¹⁹⁵ After a brief stint as Shanghai’s party secretary to manage a high-profile corruption scandal which elevated his profile within the CCP, in October 2007 he was elevated to the Politburo Standing Committee and anointed as Hu Jintao’s successor. A popular joke at the time was ‘Who is Xi Jinping? He’s Peng Liyuan’s husband’.¹⁹⁶

In the Politburo Standing Committee, he was the only one that experienced both privilege and misery, which helped him project a man-of-the-people persona.¹⁹⁷ Nowadays often referred to as ‘Xi Dada’, or Uncle Xi, stories about his interactions with Chinese citizens during his visits to the provinces promptly go viral, including one to a steamed bun shop in which he paid for his own bill and carried his tray – which has become a place of pilgrimage.¹⁹⁸ There is also a cartoon of him in a

¹⁹¹ Jiayang Fan (n 190).

¹⁹² *ibid.*

¹⁹³ ‘Communiqué of the National Bureau of Statistics of People’s Republic of China on Major Figures of the 2010 Population Census’ (29 April 2011) National Bureau of Statistics of China <web.archive.org/web/20130727021210/www.stats.gov.cn/english/newsandcomingevents/t20110429_402722516.htm> accessed 17 June 2019.

¹⁹⁴ *ibid.*

¹⁹⁵ Melissa Albert, ‘Xi Jinping, President of China’ *Encyclopaedia Britannica* <www.britannica.com/biography/Xi-Jinping> accessed 17 June 2019.

¹⁹⁶ Malcolm Moore, ‘China’s first lady Peng Liyuan: a perfectly scripted life’ *The Telegraph* (3 April 2013) <www.telegraph.co.uk/news/worldnews/asia/china/9969052/Chinas-first-lady-Peng-Liyuan-a-perfectly-scripted-life.html> accessed 17 June 2019.

¹⁹⁷ Jiayang (n 175).

¹⁹⁸ Andrew Jacobs & Chris Buckley, ‘Move over, Mao: Beloved “Papa Xi” awes China’ *The New York Times* (7 March 2015) <www.nytimes.com/2015/03/08/world/move-over-mao-beloved-papa-xi-awes-china.html> accessed 17 June 2019.

People's Daily feature, geared towards the younger ones,¹⁹⁹ and footage of him firing a rifle, reminiscent of Putin's shirtless strolls in Siberia. There is even a pop song, played by the state-run media, entitled 'Xi Dada Loves Peng Mama',²⁰⁰ which reinforces the idea, heavily promoted from the state, of Xi Jinping as 'a Confucian patriarch who runs the country as if it were his own family'.²⁰¹ Compared to Hu Jintao, he was featured twice as much in the main pages of the *People's Daily* during his first two years in office.²⁰²

Most of the organic, bottom-up developments of the public persona of Xi Jinping that deviate from the official script are promptly nipped in the bud, even if it has consequences like banning Winnie the Pooh throughout the mainland. After comparisons were made between Xi Jinping and Winnie the Pooh – alongside Obama as the lanky Tiger and Shinzo Abe as the gloomy donkey Igor – censors cracked down on the yellow bear and his friends, considering it 'a serious effort to undermine the dignity of the presidential office and Xi himself'.²⁰³

A popular refrain goes: 'Under Mao the Chinese people stood up; under Deng the Chinese people got rich; and under Xi the Chinese people are becoming stronger'.²⁰⁴ Jiang Zemin and Hu Jintao do not seem to be in the picture anymore. Rana Mitter, the director of the Oxford China Centre, says that Xi Jinping has so far been successful in his goal to 'centralize as much authority and charisma under his own person'²⁰⁵ as possible. Beijing-based commentator Zhang Lifan is blunter: 'Xi is directing a building-god campaign, and he is the god'.²⁰⁶

¹⁹⁹ Javier C Hernandez & Audrey Carlsen, 'Why Xi Jinping's (Airbrushed) Face Is Plastered All Over China' *The New York Times* (9 November 2017) <www.nytimes.com/interactive/2017/11/09/world/asia/xi-propaganda.html> accessed 17 June 2019.

²⁰⁰ Osnos (n 170).

²⁰¹ Chris Buckley, 'Xi Jinping Thought Explained: A New Ideology for a New Era' *The New York Times* (26 February 2018) <www.nytimes.com/2018/02/26/world/asia/xi-jinping-thought-explained-a-new-ideology-for-a-new-era.html> accessed 17 June 2019.

²⁰² Jacobs & Buckley (n 198).

²⁰³ Benjamin Haas, 'China bans Winnie the Pooh film after comparisons to President Xi' *The Guardian* (7 August 2018) <www.theguardian.com/world/2018/aug/07/china-bans-winnie-the-pooh-film-to-stop-comparisons-to-president-xi> accessed 17 June 2019.

²⁰⁴ Susan S Shirk, 'China in Xi's "New Era": The Return to Personalistic Rule' (April 2018) 29(2) *Journal of Democracy* 22, 27.

²⁰⁵ Ben Blanchard, Philip Wen & Benjamin Kang Lim, 'Xi's power on parade as China Party Congress looms' (*Reuters*, 1 September 2017) <www.reuters.com/article/us-china-congress-xi/xis-power-on-parade-as-china-party-congress-looms-idUSKCN1BC4SY> accessed 17 June 2019.

²⁰⁶ Hannah Beech, 'China's chairman builds a cult of personality' (*TIME*, 31 March 2016) <<https://time.com/magazine/south-pacific/4278204/april-11th-2016-vol-187-no-13-asia-europe-middle-east-and-africa-south-pacific/>> accessed 17 June 2019.

2.3.2 *Tigers and flies*

Little of this could have been predicted when Xi was anointed General Secretary of the Party in the 18th National Congress of the CCP, on November 2012. Some months later, in March 2013, he assumed office as the 7th President of the People’s Republic of China.

Based on his previous positions, there were hopes that he would be a reformer in the mould of his father, an image he reinforced in his first official acts as president when he visited a statue of Deng Xiaoping to lay a wreath and ‘pledged allegiance to the principle of “reform and opening up”’.²⁰⁷ Nicholas Kristof, who had won a Pulitzer for his coverage of the Tiananmen protests 24 years earlier, predicted that under Xi’s watch, Mao’s body would be hauled out of Tiananmen Square and Liu Xiaobo would be released.²⁰⁸

With the benefit of hindsight, we can now say that the reality has not quite been what he predicted. Rather, Xi’s era can be better understood as a corrective to the ‘period of massive capitalist growth and the moral confusion to which it gave rise in the socialist Party’²⁰⁹ which preceded him. This crisis of faith, as Evan Osnos calls it, ‘the sense that rapid growth and political turmoil have cut China off from its moral history’²¹⁰ came from way back, but it intensified under Hu’s hapless lead.

This unenviable domestic situation was compounded by the most dramatic succession crisis the CCP had experienced since the days of the Cultural Revolution. In the run-up to the 18th National Congress Bo Xilai, the Chongqing Party chief, seemed to tear up all the unwritten rules that governed succession. A charismatic stalwart of the purist, anti-corruption New Left,²¹¹ he was well-liked among the public, in part for his populist message and style of governing. Calculating that without a figure like Deng and the feckless Hu Jintao as the current standard-bearer of the CCP there would be no one to ‘strike the table’,²¹² he tried

²⁰⁷ Isaac S Fish, ‘The Myth of a Kinder, Gentler Xi Jinping’ (*The Atlantic*, 27 February 2018) <www.theatlantic.com/international/archive/2018/02/xi-jinping-authoritarianism-china/554375/> accessed 17 June 2019.

²⁰⁸ Nicholas Kristof, ‘Looking for a Jump-Start in China’ *The New York Times* (5 January 2013) <www.nytimes.com/2013/01/06/opinion/sunday/kristof-looking-for-a-jump-start-in-china.html> accessed 17 June 2019.

²⁰⁹ Brown (n 1) 57.

²¹⁰ Osnos (n 170).

²¹¹ Fewsmith (n 141) 3.

²¹² Joseph Fewsmith, ‘Now for the Hard Part: Into the Next Decade’ (Summer 2010) 5(2) *Global Asia* 16, 18.

to force the hand of CCP leaders, by a combination of elite networking and popular support, to elevate him to the Standing Committee of the Politburo.²¹³ The backlash that followed can then be understood as ‘a coalescing of political elites in defence of the rules’.²¹⁴

Bo Xilai’s daring political manoeuvre quickly spiralled into chaos when, in a twist of events worthy of Hollywood, his former security chief took refuge in the US consulate in Chengdu and his wife was accused of murdering a British entrepreneur.²¹⁵ The ensuing ouster of Bo, accompanied by a ‘torrent of salacious details spewing out in the official media concerning Bo and his associates’ misdeeds²¹⁶ proved to many Chinese what they had always known: the deep corruption within the CCP’s upper echelons, and the sense of impunity with which many hierarchs operated. In the high-profile trial of Bo Xilai, the feeling was that ‘the party ended up putting itself on trial’.²¹⁷

Xi Jinping thus inherited not only a weakening economy and a society beset by ideological aimlessness, but also ‘a fractured political elite’.²¹⁸ Aghast ‘by the all-encompassing commercialization of Chinese society’,²¹⁹ he made his priority rebuilding the moral narrative of the CCP, and he promptly identified the fight against corruption as the vehicle to do it. From the start, Xi framed this struggle as ‘the closest to what was, in the Maoist era, a mighty battle between the forces of good and bad’,²²⁰ and a life or death undertaking for the CCP.²²¹

Corruption is historically embedded in Chinese political culture.²²² The saying ‘Heaven is high and the emperor is far away’ encapsulates the unspoken agreement that for centuries has informed the relation of

²¹³ Bernard Gwertzman, interview with Elizabeth C Economy, ‘China’s Leadership Shift in Disarray’ (*Council on Foreign Relations*, 17 April 2012) <www.cfr.org/interview/chinas-leadership-shift-disarray> accessed 17 June 2019.

²¹⁴ Fewsmith (n 141) 9.

²¹⁵ Christopher K Johnson, ‘Beijing’s Cracked Consensus’ (*Foreign Affairs*, 18 April 2012) <www.foreignaffairs.com/articles/asia/2012-04-18/beijings-cracked-consensus?page=show> accessed 17 June 2019.

²¹⁶ *ibid.*

²¹⁷ Pin Ho & Wenguang Huang, ‘Bo Behind Bars?’ (*Foreign Affairs*, 19 September 2013) <www.foreignaffairs.com/articles/china/2013-09-19/bo-behind-bars> accessed 17 June 2019.

²¹⁸ Daniel Blumenthal, ‘The Unpredictable Rise of China’ (*The Atlantic*, 3 February 2019) <www.theatlantic.com/ideas/archive/2019/02/how-americans-misunderstand-chinas-ambitions/581869/> accessed 17 June 2019.

²¹⁹ Osnos (n 170).

²²⁰ Brown (n 1) 55.

²²¹ Graham Allison, ‘What Xi Jinping Wants’ (*The Atlantic*, 31 May 2017) <www.theatlantic.com/international/archive/2017/05/what-china-wants/528561/> accessed 17 June 2019.

²²² Economy (n 139) 27.

the central government with the provincial ones: ‘The Chinese state, both imperial and communist, has always pretended to omnipotence, but in reality its policy-implementing authority has been surprisingly limited’,²²³ due to China’s sheer size. Moreover, for many years, corruption was tolerated as a necessary evil, seen as ‘efficient corruption’ not unlike Japan’s or South Korea’s in their post-war growth years.²²⁴

Xi was not the first leader to pledge to fight corruption, so even when he first quoted Confucius to say he would ‘govern with virtue and keep order through punishments’²²⁵ and pledged to crack down on ‘tigers and flies’, very few were prepared for the magnitude of the upcoming anti-corruption drive.

He appointed Wang Qishan to lead it, a fellow princeling and close associate, and under him, ‘18 task forces headed by trusted lieutenants [which] report directly to Xi’.²²⁶ By the end of its first year, the campaign ‘had repatriated 1,023 Chinese businesspeople and repatriated \$461.5 million in assets’.²²⁷ The campaign is still ongoing, but by the end of 2017, almost 1.4 million CCP members had been punished,²²⁸ both ‘tigers’ (some of China’s most powerful men, including high-ranking officials) and ‘flies’ (lower-ranking officials often accused of petty corruption crimes). Some of the most notable tigers included the former chief of staff of Jiang Zemin, Ling Jihua; former security czar Zhou Yongkang and general Guo Boxiong, who between 2002 and 2012 was the military’s most senior serving official²²⁹ – and of course, Bo Xilai himself.

Although a campaign as far-reaching and extensive as this one cannot be driven solely by personal interests, it has a clear political edge, as Xi used it to consolidate his grip on power and get rid of some potential enemies, like those close to Zhou Yongkang, ‘considered one of Xi’s most formidable political adversaries (...) [while] very few officials from Zhejiang and Fujian provinces, where Xi spent most of his career, have been targeted for corruption’.²³⁰

²²³ Pye (n 22).

²²⁴ James Fallows, ‘China’s Great Leap Backwards’ (*The Atlantic*, December 2016) <www.theatlantic.com/magazine/archive/2016/12/chinas-great-leap-backward/505817/> accessed 17 June 2019.

²²⁵ Allison (n 221).

²²⁶ *ibid.*

²²⁷ Minzner (n 9) 32.

²²⁸ Shirk (n 204) 24.

²²⁹ Mühlhahn (n 4) 563.

²³⁰ Minzner (n 9) 34.

One of the most recent high-profile cases took place in July 2017 with the defenestration of Sun Zhengcai, a rising star, the successor of Bo Xilai as CCP chief of Chongqing,²³¹ and rumoured to be a possible eventual successor to Xi himself.²³² Beyond trumped-up charges, his apparent crime was failing to work hard enough to erase Bo Xilai's enduring influence in Chongqing, where he allegedly remains more popular than Xi Jinping.²³³ There might have been another, more long-term objective for Xi, but we will get to that further below.

What really sent tremors through the ranks of the CCP was Xi's tearing down of the first of many unwritten rules that had structured Chinese politics since Deng Xiaoping: the 'implicit guarantees of security for senior leaders'.²³⁴ There had always been ferocious struggles within competing factions of the CCP, but there was an implicit understanding that going directly after your opponents and their families was something that ended when Deng Xiaoping jailed the Gang of Four after the Cultural Revolution. There have been reports that both Jiang Zemin and Hu Jintao have urged Xi to rein in his anti-corruption campaign, to seemingly no effect. Even the public remarks by Li Keqiang, China's premier, about a need for greater transparency and accountability on how the campaign is conducted, were swiftly scrapped from the internet by censors.²³⁵ This was the first of many signs that Xi Jinping is not going to be a leader in the mould of his immediate predecessors.

Seemingly taking a page out of Bo Xilai's playbook, Xi used the highly-popular campaign²³⁶ to present himself as a champion of the people, an image bolstered by his biography. Interestingly, while the campaign remains popular, opinion surveys shows it reinforces the perception that corruption is 'a deep and endemic problem'.²³⁷

²³¹ Choi Chi-yuk, 'Former Chinese rising star Sun Zhengcai sentenced to life in prison for graft' *South China Morning Post* (8 May 2018) <www.scmp.com/news/china/policies-politics/article/2145103/former-chinese-rising-star-sun-zhengcai-sentenced-life> accessed 17 June 2019.

²³² Cary Huang, 'Xi who must be obeyed – arise, China's chairman of everything' *South China Morning Post* (21 October 2017) <www.scmp.com/week-asia/opinion/article/2116339/xi-who-must-be-obeyed-arise-chinas-chairman-everything> accessed 17 June 2019.

²³³ Andrew J Nathan, 'What is Xi Jinping afraid of?' (*Foreign Affairs*, 8 December 2017) <www.foreignaffairs.com/articles/china/2017-12-08/what-xi-jinping-afraid> accessed 17 June 2019.

²³⁴ Minxin Pei, 'China's Return to Strongman Rule' (*Foreign Affairs*, 1 November 2017) <www.foreignaffairs.com/articles/china/2017-11-01/chinas-return-strongman-rule> accessed 17 June 2019.

²³⁵ Elizabeth C Economy, 'China's Imperial President' (*Foreign Affairs*, November-December 2014) <www.foreignaffairs.com/articles/china/2014-10-20/chinas-imperial-president> accessed 17 June 2019.

²³⁶ Minzner (n 9) 32.

²³⁷ Bruce Dickson, *The Dictator's Dilemma* (OUP 2016) 91.

2.2.3 *Chairman of Everything*

Chinese domestic politics are famously opaque, and China watchers often find themselves in the same knot that Kremlinologists were in last century, trying to guess what is going on within the high walls of Zhongnanhai, the leadership compound in Beijing, and poring over the speeches of the CCP intelligentsia, attentive to the slogans and shibboleths of which the CCP is fond.

In the era of Xi, the decision-making process remains as shrouded in secrecy as always, but the results are easier to see. And the results are Xi's consolidation of power to an extent and with a speed with no precedent in China's recent history. Christopher K Johnson has written that, although he does not think 'there's a lot of Communism necessarily in his thinking (...) there's a lot of Leninism, especially with regard to the Leninist structure of the party and how to think of control over the key levers of power'.²³⁸

In spite of writing that the number one should be 'no more than a finger, at most a thumb'²³⁹ in the fist of leadership, barely over a year after he took power he already served as 'head of the Communist Party and the Central Military Commission, the two traditional pillars of Chinese party leadership',²⁴⁰ with a highly personalised command of the PLA.²⁴¹

He also exercises more direct authority over the policy-making process through the 18 central leading small groups (of which he chairs 7) and 21 other leading small groups, traditionally used to coordinate specific policies between the CCP and the government.²⁴² Instead of that coordination function, Xi is using them to bypass the bureaucracy and dictate his own policy unimpeded, in everything from Taiwan to the internet. Even the economy, traditionally the main realm of the premier, is now being directly overseen by Xi through the Leading Group on Comprehensively Deepening Reform.²⁴³ All this further blurs the lines between CCP and government, weakening another of Deng's major

²³⁸ Chris Buckley, interview with Christopher K Johnson, *The New York Times* (28 July 2015) <<https://nyti.ms/2JYKZfC>> accessed 17 June 2019.

²³⁹ Peter Martin & David Cohen, 'Mao and Forever' (*Foreign Affairs*, 3 June 2014) <www.foreignaffairs.com/articles/china/2014-06-03/mao-and-forever> accessed 17 June 2019.

²⁴⁰ Economy (n 235).

²⁴¹ James Mulvenon, 'The Cult of Xi and the Rise of the CMC Chairman Responsibility System' (23 January 2018) Winter 2018 55 *China Leadership Monitor* 2, 3.

²⁴² Mühlhahn (n 4) 564.

²⁴³ Buckley (n 238).

reforms and making some experts change their assessment of China from ‘fragmented authoritarianism’ to plain old ‘authoritarianism’.²⁴⁴

‘The more powerful Xi becomes’ writes researcher Jude Blanchette, ‘the louder the hosannas from underlings become’.²⁴⁵ Starting in January 2016, CCP provincial secretaries started referring to Xi more often as the ‘core’ of the leadership, a title made official in the Central Committee’s sixth plenum that October, elevating him above his immediate predecessor, Hu Jintao, who never received such title.²⁴⁶ Being recognised as ‘a singularly strong core leader’ would help him steer the country through ‘daunting economic challenges and foreign policy tensions’.²⁴⁷ In practice, this placed Xi on equal footing with Mao (who never referred to himself by that title), Deng (who spoke of Mao and himself as the revolutionary core) and Jiang Zemin (who received the title from Deng in an effort to bolster his authority after he was parachuted into the leadership to help deal with the Tiananmen crisis).²⁴⁸

The big sea-change would come at the end of his first mandate, what traditionally would have been the equator of his presidency. During the 19th Party Congress, held on October 2017, there were three key developments in Xi’s ascent. First, he received the title of *lingxiu*, ‘a more spiritual, grander term for “leader” than the commonly used *lingdao*’.²⁴⁹ In the words of Wu Qiang, a political commentator in Beijing, *lingxiu* is a ‘symbol of a personal cult, absolute authority and Leninist authoritarianism’.²⁵⁰ Only two other Chinese leaders, Mao himself and his short-lived successor, Hua Guofeng, had received this title before, effectively placing Xi above Deng. One step further is ‘great *lingxiu*’, which only Mao and Stalin have received, although Xi Jinping referred to Fidel Castro as such in his funeral.²⁵¹

²⁴⁴ Johnson & Kennedy (n 29).

²⁴⁵ Javier C Hernandez, ‘China’s “Chairman of Everything”: Behind Xi Jinping’s Many Titles’ *The New York Times* (25 October 2017) <www.nytimes.com/2017/10/25/world/asia/china-xi-jinping-titles-chairman.html> accessed 17 June 2019.

²⁴⁶ Nectar Gan, ‘What do you call Xi Jinping?’ *South China Morning Post* (22 October 2017) <www.scmp.com/news/china/policies-politics/article/2116484/what-do-you-call-xi-jinping-chinas-elite-echo-language> accessed 17 June 2019.

²⁴⁷ Chris Buckley, ‘Xi Jinping Is China’s “Core” Leader: Here’s What It Means’ *The New York Times* (30 October 2016) <www.nytimes.com/2016/10/31/world/asia/china-xi-jinping-communist-party.html> accessed 17 June 2019.

²⁴⁸ *ibid.*

²⁴⁹ Nectar Gan, ‘Why China is reviving Mao’s grandiose title for Xi Jinping’ *South China Morning Post* (27 October 2017) <www.scmp.com/news/china/policies-politics/article/2117421/xi-jinpings-latest-grandiose-title-aims-take> accessed 17 June 2019.

²⁵⁰ Gan (n 246).

²⁵¹ *ibid.*

Second, and perhaps most importantly, the constitution was amended to enshrine ‘Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era’, a ‘14-point manifesto that includes the inviolability of CCP leadership, the rule of law, enhanced national security, and socialism with Chinese characteristics’.²⁵² Although it is common CCP practice to include the ideological contributions of each paramount leader, Mao had been the only one to use ‘Thought’ until Xi. Both Deng and Jiang had to do with ‘Theory’, while Hu Jintao was downgraded to ‘Outlook’.²⁵³ In practice, this means that ‘any attempt to challenge him or his thinking would now be seen as defiance against the party’.²⁵⁴ Moreover, Xi was the first leader since Mao to see ‘his eponymous ideology written into the party constitution while in power’.²⁵⁵

Third, as five of the seven members of the Politburo Standing Committee stepped down due to age limits (only Xi Jinping and his premier, Li Keqiang, remained) and 12 out of the 25 seats of the Politburo freed up, Xi stacked both bodies with loyalists, ensuring that there will be virtually no opposition to his agenda.²⁵⁶ But it was the composition of the new Standing Committee that dealt the death blow to Deng’s system of orderly transition of power, under which Xi should have anointed his successor, who would serve in the Standing Committee for the five years of Xi’s second term. Not only did he not mention a possible successor, but the five new members are all too old to be considered as possible successors.²⁵⁷ Having purged those younger leaders who had been tipped for the Standing Committee, most notably Sun Zhengcai, there is no clear successor for Xi come 2022 – which intensified speculation that Sun’s prosecution had been politically-driven.

At this point, Xi had already demonstrated his resolve to jettison not only all of Deng’s unwritten rules, but also those that were enshrined in the constitution. In the National People’s Congress held five months later, in March 2018, the constitution was amended again, effectively abolishing term limits for the president, and allowing him to stay in power indefinitely, past 2022 when his second term ends. The measure was

²⁵² Elizabeth C Economy, ‘The Problem with Xi’s China Model’ (*Foreign Affairs*, 6 March 2019) <www.foreignaffairs.com/articles/china/2019-03-06/problem-xis-china-model> accessed 17 June 2019.

²⁵³ Rebecca Liao, ‘China’s New Helmsman’ (*Foreign Affairs*, 30 October 2017) <www.foreignaffairs.com/articles/china/2017-10-30/chinas-new-helmsman> accessed 17 June 2019.

²⁵⁴ Gan (n 249).

²⁵⁵ *ibid.*

²⁵⁶ Minxin (n 234).

²⁵⁷ *ibid.*

passed with 2,958 votes in favour, two opposed and three abstaining.²⁵⁸ His two other main titles, head of the CCP and chairman of the Central Military Commission, already did not have term limits.²⁵⁹

Although the move was downplayed by the state-run media, painting it as necessary to continue reforms, to achieve China's status as a superpower and complaining that it does not 'imply a system of lifelong leadership',²⁶⁰ it seems like the magnitude of this event has grated with many Chinese citizens. Speaking in Shanghai to an old friend of my parents who has been living in China for a long time, he told me that it was the first time he had heard his Chinese friends complain openly about anything political. Oxford professor Patricia Thornton agrees that the constitutional change caused 'some serious consternation within certain circles that are not marginal'.²⁶¹ Others worry that this is but 'a foretaste of how his power could swell into dangerous hubris'.²⁶² As the news spread 'readings of Hannah Arendt (...) and passages from George Washington, who retired after two terms as president, were discussed on social media in Chinese legal circles',²⁶³ and censors scrambled to delete terms like 'I disagree', 'Xi Zedong' or 'Emperor Xi' from the internet.²⁶⁴

What are the necessary reforms that have been invoked time and time again to justify Xi's encroaching on power? It is the rejuvenation of the Chinese nation and the restitution of China to its rightful place in the international arena. The fact that he has centralised so much power on himself to carry out this extremely ambitious agenda means that, 'if Xi Jinping screws up in a major way, either domestically or in a foreign debacle, the blood would be in the water fairly quickly'.²⁶⁵ Elizabeth C

²⁵⁸ James Doubek, 'China Removes Presidential Term Limits, Enabling Xi Jinping To Rule Indefinitely' (NPR, 11 March 2018) <www.npr.org/sections/thetwo-way/2018/03/11/592694991/china-removes-presidential-term-limits-enabling-xi-jinping-to-rule-indefinitely> accessed 17 June 2019.

²⁵⁹ *ibid.*

²⁶⁰ Adam Wu & Chris Buckley, 'Ending Term Limits for China's Xi Is a Big Deal' *The New York Times* (10 March 2018) <www.nytimes.com/2018/03/10/world/asia/china-xi-jinping-term-limit-explainer.html> accessed 17 June 2019.

²⁶¹ Chris Buckley & Steven L Myers, 'China's Legislature Blesses Xi's Indefinite Rule' *The New York Times* (11 March 2018) <www.nytimes.com/2018/03/11/world/asia/china-xi-constitution-term-limits.html> accessed 17 June 2019.

²⁶² Chris Buckley, 'How Xi Jinping Made His Power Grab' *The New York Times* (7 March 2018) <www.nytimes.com/2018/03/07/world/asia/china-xi-jinping-party-term-limit.html> accessed 17 June 2019.

²⁶³ Jane Perlez & Javier C Hernandez, 'President Xi's Strongman Rule Raises New Fears of Hostility and Repression' *The New York Times* (25 February 2018) <www.nytimes.com/2018/02/25/world/asia/xi-jinping-china.html> accessed 17 June 2019.

²⁶⁴ Doubek (n 258).

²⁶⁵ Buckley (n 238).

Economy writes that ‘if successful, Xi’s reforms could yield a corruption-free, politically cohesive, and economically powerful one-party state with global reach: a Singapore on steroids’.²⁶⁶

2.3.4 *The Wall Nation Dream*

On April 2013, the Central Office of the CCP circulated amongst its ranks a document, the ninth of its kind, urging them to keep vigilant against a series of perils. Document 9, as it came to be called, is concerned with seven major problems, including Western constitutional democracy and universal values.²⁶⁷

From this document emerged ‘the 7 No’s’, or ‘seven perils’: ‘universal values, press freedom, civil society, citizens’ rights, the party’s historical aberrations, the “privileged capitalist class”, and the independence of the judiciary’,²⁶⁸ which were promptly forbidden from discussion in the media or in the classrooms.²⁶⁹

Education, which has always been important in Chinese politics (it was Mao’s last fiefdom, when he used it to plant the seed of the Cultural Revolution and regain centrality), has fast become one of Xi’s preferred warhorses. Patriotic education, he made clear, should ‘train future party leaders (...) and the Party should have more, not less, influence on higher education’.²⁷⁰ The ensuing tightening of control over universities has been accompanied by a similar crackdown across the board, on everyone from journalists to activists. Among the latter was Xu Zhiyong, an activist from the grassroots group New Citizens’ Movement, who had become popular through his advocacy on ‘behalf of inmates on death row and families affected by tainted baby milk formula’.²⁷¹ He had first been arrested in 2009 on trumped-up tax-evasion charges but was released shortly thereafter because of the public outcry. This time, he was condemned to four years in prison – a clear message that times had changed. He allegedly told the court that ‘the last shred of dignity of China’s rule of law had been destroyed’.²⁷²

²⁶⁶ Economy (n 235).

²⁶⁷ ‘Document 9’ (*ChinaFile*, 8 November 2013) <www.chinafile.com/document-9-chinafile-translation> accessed 17 June 2019.

²⁶⁸ Economy (n 139) 38.

²⁶⁹ Mühlhahn (n 4) 565.

²⁷⁰ *ibid.*

²⁷¹ BBC, ‘China court sentences Xu Zhiyong to four years in jail’ (*BBC*, 26 January 2014) <www.bbc.com/news/world-asia-china-25900272> accessed 17 June 2019.

²⁷² *ibid.*

Fond of saying that official media should ‘make the Party their surname’, Xi Jinping has ‘called for the arts, media, and Internet to strengthen popular support for the Party’²⁷³ and proclaimed that ‘politicians [should] run the newspapers’.²⁷⁴ In 2018, China ranked 176th out of 180 countries surveyed in the World Press Freedom index²⁷⁵ and ‘the Committee to Protect Journalists reported that China ranked second in the world, behind only Turkey, for the number of journalists in prison’.²⁷⁶ At the same time, China’s most recent National Human Rights Action Plan (2016-2020) talks about empowering freedom of expression and encouraging lively debate.²⁷⁷

On 1 July 2015, a new National Security law was enacted, codifying ‘Xi’s extremely broad view of security, which includes everything from the seabed to the internet to space’.²⁷⁸ A week later, the CCP conducted ‘the largest crackdown on Chinese lawyers in decades’.²⁷⁹ 709, as the incident came to be called (because it happened on 9 July), saw over 300 human rights lawyers arrested.²⁸⁰

To many, all these developments, alongside encroaching of freedoms across the board from Hong Kong to Xinjiang, signal China’s development towards what David Shambaugh terms ‘hard authoritarianism’²⁸¹ and Stein Ringen, ‘controlocracy’, which he defines as a dictatorial regime which does not overtly look like it, but which is obsessed with absolute control.²⁸²

Playing on the similar phonetic pronunciation of the Chinese terms for ‘strong nation’ and ‘wall nation’, some Chinese citizens have mockingly started to talk about the ‘Wall Nation Dream’, which is closer to becoming a reality with each passing day.

²⁷³ Shirk (n 204) 26.

²⁷⁴ Zhao Suisheng, ‘Xi Jinping’s Maoist revival’ (July 2016) 27(3) *Journal of Democracy* 83, 87.

²⁷⁵ Reporters Without Borders, ‘2018 World Press Freedom Index’ (Reporters Without Borders 2018) <<https://rsf.org/en/ranking/2018>> accessed 17 June 2019.

²⁷⁶ *Economy* (n 139) 40.

²⁷⁷ State Council of the PRC, ‘National Human Rights Action Plan of China (2016-2020)’ (State Council of the PRC 29 September 2016) <http://english.www.gov.cn/archive/publications/2016/09/29/content_281475454482622.htm> accessed 17 June 2019.

²⁷⁸ Blumenthal (n 218).

²⁷⁹ Palmer (n 86).

²⁸⁰ China Human Rights Lawyers Concern Group, ‘709 Crackdown: Latest Statistics and Cases Update’ (China Human Rights Lawyers Concern Group 13 November 2015) <<https://bit.ly/36IDmUk>> accessed 17 June 2019.

²⁸¹ David Shambaugh, *China’s future* (Polity 2016).

²⁸² Teng Biao, interview with Stein Ringen, ‘China’s “Perfect Dictatorship” and Its Impact’ (*China Change*, 6 November 2018) <<https://chinachange.org/2018/11/06/chinas-perfect-dictatorship-and-its-impact-an-interview-with-professor-stein-ringen/>> accessed 17 June 2019.

3.

THE CHINA DREAM 中国梦

3.1 THE GREAT REJUVENATION OF THE CHINESE NATION

Since the late 1990s, the CCP has sought to harness the power that comes with China’s millenary history and ancient traditions. This trend has reached its maximum expression under Xi, who is intertwining this reappraisal of China’s place in human history with the need to rejuvenate the nation for the 21st century, and achieve what he has termed the China Dream. This is directly linked with his disregard for the international human rights system: China existed before said system, and will exist after it collapses, if the CCP succeeds. A country with an acute memory of its imperial centrality and civilisational designs will not be constrained by others, least of all by what is considered a Western imposition crafted to deter China’s re-emergence.

3.1.1 The Middle Kingdom complex

Xi Jinping gave his first public speech after being anointed Secretary General of the CCP at the opening of ‘The Road to Renewal’ exhibition in Beijing. It was structured around ‘artefacts related to China’s defeats from the Opium Wars of the 19th century to the Qing Dynasty’s overthrow in 1911’.²⁸³ This period of time, from 1839 to 1949, is widely-known in China as the century of humiliation and plays a cardinal role in the collective conscience of Chinese people and in the founding narrative of the CCP. This long century started

²⁸³ Carlson (n 172).

with the First Opium War, when the British forced China to open its ports to commerce so they could hook an entire nation to opium in order to adjust their trade imbalance.

China, considering itself the Middle Kingdom, ruled by the Son of Heaven and used to sit ‘comfortably at the center of a ring of tributary relationships’,²⁸⁴ would be subject to a series of shocking humiliations, including giving away Hong Kong and Macao; being defeated by the Japanese, long regarded as inferior by Chinese rulers; massive popular rebellions, like the Taiping and the Boxer rebellions; independence movements in Tibet, Mongolia and Xinjiang and the overthrow of the Qing dynasty, effectively ending over 2,000 years of imperial rule in China.²⁸⁵ In 1924, Sun Yat-sen, the first president of the Chinese republic and widely considered to be the father of modern China, lamented, ‘Today we (...) occupy the lowest position in international affairs. Other men are the carving knife and serving dish; we are the fish and the meat’.²⁸⁶

Surrounded by relics from that tragic past, and ‘quoting from both Mao and ancient Chinese poets’,²⁸⁷ Xi uttered for the first time the words that would fast become the cornerstone of everything else in the new China he is building: the China Dream. ‘The China Dream’ he explained, was to ‘achieve the great rejuvenation of the Chinese nation (...) the shared hope and expectation of every Chinese’.²⁸⁸ Although the term ‘dream’ – which suddenly was everywhere, from ‘TV shows and advertisements (...) to the landing strip of China’s first aircraft carrier’²⁸⁹ – had not been used by the Chinese leaders before, the ‘rejuvenation’ narrative had already been used by both Jiang Zemin and Hu Jintao, and was both familiar and powerful for Chinese citizens, since it evoked memories of China’s glorious – distant – past.²⁹⁰

The China Dream (sometimes translated in the Western media as Chinese Dream) represents the logical conclusion of the twin trends of the CCP’s long foray into the ideological wilderness and gradual

²⁸⁴ Alison A Kaufman, ‘The Century of Humiliation and China’s National Narratives’ (10 March 2011) Testimony before U.S.-China Economic and Security Review Commission Hearing <www.uscc.gov/sites/default/files/3.10.11Kaufman.pdf> accessed 17 June 2019.

²⁸⁵ *ibid.*

²⁸⁶ Mühlhahn (n 4) 189.

²⁸⁷ Economy (n 139) 3.

²⁸⁸ Mühlhahn (n 4) 563.

²⁸⁹ Carlson (n 172).

²⁹⁰ Economy (n 139) 3.

embrace of China’s past, and at the same time it is the most daring act of narrative-building from any nation-state in the 21st century.

Xi was very conscious of the ideological crisis, and the resulting weakening of legitimacy, that the CCP faced when he got to power. With the shameless travesty that Communism had turned into, ‘the Chinese face the loss of not one but two systems of belief and life orientation within a single century, that of imperial Confucian traditional values and Marxism-Leninism’.²⁹¹

A big part in restoring what he sees as the CCP’s rightful place as the moral compass and overarching authority in China was the ongoing anticorruption campaign, but he went further, embracing and accelerating trends that had already been underway under his predecessors, bundling them together and framing them in a compelling narrative, the China Dream, with which the country is following through with its pivot to ‘a more explicitly ethnonationalist vision rooted in “traditional Chinese culture”, invoking both classical norms and Confucian values’.²⁹²

The China Dream, unlike the American Dream, is a collective struggle, as it is ‘a dream of the whole nation, as well as of every individual (...) Only when the country does well, and the nation does well, can every person do well’.²⁹³ Moreover, it is not limited to the Chinese citizens in the mainland but is extended, in an ethnonationalistic vision to all people of Chinese ethnicity around the world. To the Taiwanese, Xi reminds that ‘the blood of the Chinese nation flows in every one of us, and ours is forever the soul of the Chinese nation’,²⁹⁴ while to those abroad he says ‘Remember that wherever you are, you are a member of the Chinese family’.²⁹⁵

Whereas for a very long time it was only possible to dream of a return to China’s glorious imperial past, now the focus has shifted. In stark contrast to the West, where nostalgia for an imagined golden past is in the ascendancy, China does not see anything to long for in its near past. ‘China as a nation is not trying to revisit its modern golden age. It is heading there for the first time.’²⁹⁶

²⁹¹ Brown (n 1) 91.

²⁹² Minzner (n 9) 59.

²⁹³ Economy (n 139) 4.

²⁹⁴ Carlson (n 172).

²⁹⁵ *ibid.*

²⁹⁶ Brown (n 1) 62.

Nonetheless, it has learned how to embrace and exploit its history, portraying the CCP as ‘the inheritor and successor to a 5,000-year-old Chinese empire’.²⁹⁷ This allows them to draw from an immensely rich culture and history to repair the damage done by decades of capitalist gluttony and vacuous Communism.²⁹⁸

As Xi told a group of elite schoolchildren in Beijing, the Chinese civilisation is unparalleled, ‘a unique achievement in world history’.²⁹⁹ For most of recorded human history, China has accounted for ‘approximately 30% of the world population and 40% of world GDP’.³⁰⁰ The Western hegemony of the last centuries is thus but a historical hiccup, and the world will soon return to the status quo of millennia: the Middle Kingdom sitting in the epicentre of the world. Unlike imperial Germany, China is not ‘seeking its place in the sun’. It wants to be acknowledged as the sun.³⁰¹

US sinologist Lucian Pye described China as a civilisation masquerading as a state.³⁰² China’s recent history has been of the attempts, both by foreigners and by the Chinese themselves, to try to constrain it within the Westphalian system of nation-states, ‘an institutional invention that came out of the fragmentation of the West’s own civilization’.³⁰³ To fully understand how this is an inadequate framework of reference to understand China, Lucian Pye writes that ‘the China of today is as if the Europe of the Roman Empire and of Charlemagne had lasted until this day and were now trying to function as a single nation-state’.³⁰⁴ All this has profound implications for a country much older than the system within which it is trying to operate.³⁰⁵

In this context, the China Dream has substituted Marxism as the device to overcome Western hegemony,³⁰⁶ fuelled by a strong sense of

²⁹⁷ Allison (n 221).

²⁹⁸ Minzner (n 9) 138.

²⁹⁹ Carlson (n 172).

³⁰⁰ Rachel Wong, ‘Rethinking China’ (*Harvard Political Review*, 1 January 2013) <<https://harvardpolitics.com/covers/rethinking-china/>> accessed 17 June 2019.

³⁰¹ Blumenthal (n 218).

³⁰² Wong (n 300).

³⁰³ Pye (n 22).

³⁰⁴ *ibid.*

³⁰⁵ Karen Cho, ‘The Middle Kingdom: Civilisation state or nation state?’ (*INSEAD*, 21 October 2009) <<https://knowledge.insead.edu/economics-politics/the-middle-kingdom-civilisation-state-or-nation-state-1370>> accessed 17 June 2019.

³⁰⁶ Bruno Maçães, *The Dawn of Eurasia* (Penguin Random House 2018) 124.

victimhood and revanchism summed up in the mantra ‘never forget our national humiliation’,³⁰⁷ Fu Ying has spoken of this as ‘the victim syndrome (...) a cocoon of history’,³⁰⁸

Xi is walking a fine line here because, although he has become without a doubt the Chinese leader to most vehemently emphasise the importance of Chinese traditional culture, he ‘is adamant in preserving a Marxist outlook in modern China’.³⁰⁹ This makes for strange bedfellows, as the CCP uses Confucianism ‘as a kind of backup to contemporary commonplaces’ but ignores it or rejects it ‘when it does not fit with these’.³¹⁰ After all, Marxism clings on as the official state ideology.³¹¹

This is not the first time that China has managed to weave a radically different ideology into its national narrative, as it absorbed ‘foreign Buddhism into its Confucian cultural polity more than a millennium ago’.³¹² In this occasion, the result is something Lucian Pye terms Confucian-Leninism, ‘in which rulers (...) claim to have a monopoly on virtue, society is guided by a moralistic ideology, and the hierarchy of officialdom is supposedly composed of exemplary people skilled in doctrinal matters’.³¹³

Shortly before his death in 2015, Lee Kuan Yew, the Singaporean patriarch and quintessential Asian elder statesman, said that ‘China’s reawakened sense of destiny is an overpowering force’.³¹⁴ And, as Xi explained to an audience of Russian *intelligentsia*, resistance is futile, ‘The tide of history is mighty. Those who follow it will prosper, while those who resist it will perish’.³¹⁵

³⁰⁷ Allison (n 221).

³⁰⁸ Fu Ying, ‘Under the Same Roof: China’s View of Global Order’ (6 December 2017) 33(11) *New Perspectives Quarterly* 45, 47.

³⁰⁹ Eric X Li, ‘Under Xi, a Chinese renaissance is assured’ *South China Morning Post* (1 November 2017) <www.scmp.com/comment/insight-opinion/article/2117730/under-xi-chinese-renaissance-assured-contrary-what-west> accessed 17 June 2019.

³¹⁰ Moody (n 10) 33.

³¹¹ *ibid* 38.

³¹² Li (n 309).

³¹³ Pye (n 22).

³¹⁴ Allison (n 221).

³¹⁵ Carlson (n 172).

3.1.2 *The road to renewal*

While commentators like to compare Xi Jinping's 'great rejuvenation of the Chinese nation' with Donald Trump's 'Make America Great Again' if you scratch beneath the standard nationalistic rhetoric, they do not have much in common. While Trump's MAGA serves as an empty political slogan, the China Dream 'combines prosperity and power – equal parts Theodore Roosevelt's muscular vision of an American century and Franklin Roosevelt's dynamic New Deal'.³¹⁶

Within the framework of the China Dream and with the rejuvenation of the Chinese nation as its staple, Xi seeks to transform 'China from the world's manufacturing center to its innovation hub',³¹⁷ and internationally it is emerging 'as a new kind of power – one that is both globalist and nativist'.³¹⁸ This is the image of the Singapore on steroids we referred to in a previous chapter.³¹⁹

For Xi, 'it's not just a slogan, but a particular vision of utopia that could materialize in 34 years if the Chinese people are willing to stick with the Communist Party',³²⁰ and he has already set a roadmap to it, with 12 detailed sections including everything from housing to defence.³²¹ Always mindful of anniversaries, its two main milestones fall in 2021, the hundredth anniversary of the founding of the CCP and in 2049, the centenary of the PRC. Both were set at the 18th Party Congress in 2012, when XI Jinping came to power.³²²

By 2021, it seeks to become a 'moderately prosperous society' by doubling its 2010 per capita GDP to \$10,000.³²³ Other goals include urbanisation rates, space exploration and clean energy.³²⁴ If China achieves this goal, estimates say its economy will be 40% larger than the US.³²⁵

By 2049, China is to become 'a modern socialist country that is prosperous, strong, democratic, culturally advanced and harmonious',³²⁶

³¹⁶ Allison (n 221).

³¹⁷ Economy (n 235).

³¹⁸ Liao (n 253).

³¹⁹ Economy (n 235).

³²⁰ Carlson (n 172).

³²¹ Li (n 309).

³²² Shannon Tiezzi, 'Why 2020 is a make or break year for China' (*The Diplomat*, 13 February 2015) <<https://thediplomat.com/2015/02/why-2020-is-a-make-or-break-year-for-china/>> accessed 17 June 2019.

³²³ Allison (n 221).

³²⁴ Tiezzi (n 322).

³²⁵ Allison (n 221).

³²⁶ Tiezzi (n 322).

but the goalposts for this are understandably hazier. As Shannon Tiezzi has remarked, Xi probably will not be around to deal with that ambitious target.³²⁷

Key to achieving these goals is ‘Made in China 2025’, a ten-year plan launched in 2015 focused on its manufacturing and industry through nine priorities and ten key sectors, including robotics, electric cars and biomedicine. China seeks to achieve self-sufficiency in these and other ‘core technologies across a range of prioritized industries’.³²⁸

The plan has been criticised by other members of the international community, both from a political/national security perspective due to concerns that China is blurring the lines between civilian and military technology³²⁹ and seeking to control entire supply chains – most notably cobalt, crucial for the electric vehicles industry³³⁰ – and from an economical perspective, accusing China of protectionism and ‘distorting global markets by prioritizing political considerations over economic incentives’.³³¹

Moreover, the strategic deployment of Chinese investment in key industries of other countries, including its 2016 acquisition of German robot-maker Kuka,³³² has also set off alarms. Recently the EU has passed stringent new rules on monitoring foreign investment clearly crafted with China in mind.³³³

None of this is likely to faze the Chinese leadership. As Xi Jinping is fond of saying, ‘never before have the Chinese people been so close to realising their dreams’.³³⁴ And, as the CCP asserts its growing economic clout, it is aiming to change the narrative as well.

³²⁷ Tiezzi (n 322).

³²⁸ Elsa B Kania, ‘Made in China 2025, explained’ (*The Diplomat*, 1 February 2019) <<https://thediplomat.com/2019/02/made-in-china-2025-explained/>> accessed 17 June 2019.

³²⁹ Paul Mozur & Jane Perlez, ‘China Tech Investment Flying Under the Radar, Pentagon Warns’ *The New York Times* (7 April 2017) <www.nytimes.com/2017/04/07/business/china-defense-start-ups-pentagon-technology.html> accessed 17 June 2019.

³³⁰ James McBride & Andrew Chatzky, ‘Is “Made in China 2025” a Threat to Global Trade?’ (*Council on Foreign Relations*, 13 May 2019) <www.cfr.org/backgrounder/made-china-2025-threat-global-trade> accessed 17 June 2019.

³³¹ *ibid.*

³³² Arthur Sullivan, ‘Changes at German robotics firm Kuka raise questions over Chinese intentions’ (*DW*, 26 November 2018) <www.dw.com/en/changes-at-german-robotics-firm-kuka-raise-questions-over-chinese-intentions/a-46456133> accessed 17 June 2019.

³³³ Hans Von der Burchard, ‘EU countries finalize investment screening law’ (*POLITICO*, 3 May 2019) <www.politico.eu/pro/eu-countries-finalize-investment-screening-law/> accessed 17 June 2019.

³³⁴ Buckley (n 201).

3.2 CHINESE HUMAN RIGHTS

With a discourse reminiscent of the Asian values debates of the 1990s on relativism and cultural particularities, China is advancing its own conception of international relations and human rights, encapsulated in the concept of the Community with Shared Future for Mankind, in which sovereignty is paramount and notions of universality are frowned upon. China is taking a multi-pronged approach to this, engaging within the UN to weaken the human rights architecture but also creating its own system, holding fora on human rights like the South to South Human Rights Forum in which it spins its preferred flavour of human rights – Chinese human rights.

3.2.1 *Asian values*

It could be said that resistance to the notion of the universality of human rights was born in Asia. In the 1990s, a whole narrative was built around the so-called ‘Asian values’, spun mainly by a group of scholars and government officials known as the Singapore School. Chief among them were Lee Kuan Yew and Kishore Mahbubani and Bilahari Kausikan, both Permanent Representatives of Singapore to the UN.

At the core of the narrative of ‘Asian values’ is a denial of the universality of human rights and a defence of its corollary, cultural relativism. Asian societies, the argument goes, are structurally different than Western ones, and their values and social mores are essentially incompatible with ‘the Western interpretation of human rights’ and its ‘pretentious universalism’, in the words of Bilahari Kausikan.³³⁵

‘Asian values’ are usually understood to include: respect for authorities and the elders (based on the Confucian philosophy idea of filial piety, with ‘strict principles of hierarchy, obligation and obedience’,³³⁶ which is extended to the government); family and community values (‘The individual exists only as part of a network in

³³⁵ Bilahari Kausikan, ‘Asia’s Different Standard’ (Autumn 1993) 92 Foreign Policy 24, 26.

³³⁶ Aris Teon, ‘Filial piety in Chinese culture’ (*The Greater China Journal*, 14 March 2016) <<https://china-journal.org/2016/03/14/filial-piety-in-chinese-culture/>> accessed 17 June 2019.

which interaction is regulated by age, gender and social position’);³³⁷ an emphasis on the individual’s duties to society, work and discipline (a question ‘less of collectivism’, Peter R Moody writes, ‘than a rejection of individualism as a moral basis’);³³⁸ a quest for consensus and harmony (the idea that human rights are not to be exercised against the state, but with its cooperation); and a prioritisation of economic development over individual freedoms.³³⁹

As summed up by Lee Kuan Yew:

In the East, the main objective is to have a well-ordered society so that everybody can have maximum enjoyment of his freedoms. This freedom can only exist in an ordered state and not in a natural state of contention and anarchy.³⁴⁰

A difference can be made between those countries that have taken a more culturalist approach to ‘Asian values’, like Singapore and Malaysia, and those who have taken a more materialist approach, like China. In Singapore and Malaysia (whose once-and-present Prime Minister Mahathir often borrows from this narrative to lambast the West), leaders argued for the exceptionalism of Asian culture and its commitment to qualities like hard work and perseverance, steeped in millenarian Confucian tradition.

In China, where due to Mao’s rejection of Confucianism as backwards and bourgeois it could not be used as the foundation for ‘Chinese Asian values’, it focused on a strong, sovereign state guarantor of development,³⁴¹ while the ideological critique of the universality of human rights was ‘Marxist rather than Asian or traditional, supplemented by old-fashioned, although not necessarily obsolete, versions of international law’.³⁴²

The 1997 Asian financial crisis inflicted a mortal blow to the development-first model underpinned by the ‘Asian values’ discourse, as these ‘enlightened elites’ lost the legitimacy they had obtained from

³³⁷ Aris Teon, ‘A Chinese Revolutionary’s View on Western and Chinese Family’ (*The Greater China Journal*, 18 February 2017) <<https://china-journal.org/2017/02/18/western-values-asian-values-a-chinese-revolutionarys-view-on-western-and-chinese-family/>> accessed 17 June 2019.

³³⁸ Moody (n 10) 176.

³³⁹ FIDH, International Federation for Human Rights, ‘Demystifying Human Rights in Asia’ (International Federation of Human Rights November 2015) 9.

³⁴⁰ Fareed Zakaria, ‘A conversation with Lee Kuan Yew’ (March-April 1994) 73(2) *Foreign Affairs* 109 <www.foreignaffairs.com/articles/asia/1994-03-01/conversation-lee-kuan-yew-0> accessed 17 June 2019.

³⁴¹ FIDH (n 339).

³⁴² Moody (n 10) 169.

booming economies. Laurence Wai-Teng Leong talks about how it turned the discourse on its head, and the qualities that had been heralded as its North Star – family values, search for consensus and respect for authority – were repurposed as the causes for its downfall, fast becoming nepotism, corruption and authoritarianism.³⁴³

What one economic crisis can take, another one can restore, and we have seen how the 2008 so-called ‘global’ financial crisis was seen from China. For a nation ‘relatively unscathed, bolstered by a Chinese people who saved rather than spent’,³⁴⁴ the lesson was clear: ‘Asian values’ were back.

But in the late 1990s, the ‘Asian values’ narrative seemed mortally wounded. It had never carried much water in some major Asian countries, like Thailand³⁴⁵ or the Philippines,³⁴⁶ and it had to face growing academic criticism that it was based on a sort of ‘reverse orientalism’ which presupposed the uniformity of values and beliefs in the West, as well as reinforcing European exceptionalism, defined as ‘the affirmation that democracy was invented in Athens and that human rights are a product of the European Enlightenment’.³⁴⁷ Aryeh Neier, at the time Director of Human Rights Watch (HRW), wrote that ‘consensus imposing’ was a more fitting description of some East and Southeast Asian countries than ‘consensus building’.³⁴⁸ As the ‘Asian values’ discourse weakened, criticism emerged that it had often been deployed strategically by elites to justify their dominance and deflect criticism from Western governments. Nonetheless, it still rears its head periodically.

Back in 1993, Bilahari Kausikan warned that ‘if the promotion of human rights ignores Chinese realities and interests, expect China to find ways to exert countervailing pressures. And it will have the wherewithal to try to reshape any international order it sees as threatening’.³⁴⁹ As the saying goes, under Mao the Chinese people stood up; under Deng the Chinese people got rich; and under Xi, the CCP is rewriting what human rights are.

³⁴³ Laurence Wai-Teng Leong, ‘From Asian Values to Singapore Exceptionalism’ in Leena Avonius & Damien Kingsbury (eds), *Human Rights in Asia: A Reassessment of the Asian Values Debate* (Palgrave Macmillan 2008) 121-122.

³⁴⁴ Economy (n 139) 188.

³⁴⁵ Naruemon Thabchumpon, ‘Human Rights in Thailand: Rhetoric or Substance’ in Leena Avonius & Damien Kingsbury (eds), *Human Rights in Asia: A Reassessment of the Asian Values Debate* (Palgrave Macmillan 2008) 141-158.

³⁴⁶ FIDH (n 339).

³⁴⁷ Amartya Sen, ‘Human Rights and Asian Values’ in Richard Falk, Hilal Elver and Lisa Hajjar (eds), *Human Rights: Critical Concepts in Political Science* (Routledge 2008) 397.

³⁴⁸ Aryeh Neier, ‘Asia’s Unacceptable Standard’ (Autumn 1993) 92 *Foreign Policy* 42, 43.

³⁴⁹ Kausikan (n 335) 31.

3.2.2 *A Community with Shared Future for Mankind*

The West is ‘hanging up the sheep’s head and selling dog meat’.³⁵⁰ That is the metaphor that Xi Jinping used at the 2013 National Propaganda and Ideological Work Conference in Beijing to describe how Western nations defend the universality of human rights. The CCP leadership has long seen international norms, ‘particularly those that promote universal values such as freedom, human rights, and democracy’,³⁵¹ as a challenge to its primacy in its own domestic sphere, and has protested about what they consider to be the West’s attempts to impose a value framework on China, whose own traditions of thinking were sometimes older ‘and which stood as a viable alternative to these of the West’.³⁵²

In the same 2013 speech, Xi accused universalism of being an instrument to ultimately overthrow the CCP.³⁵³ Ted Piccone, of the Brookings Institution, says that ‘their interest is to promote their system and their system is not in accordance with universal human rights, so they are using every opportunity to distort human rights to protect their system’.³⁵⁴

As Xi’s China re-emerges into the global stage as a force to be reckoned with, buoyed by a distinct ‘civilizational identity’ and a highly idiosyncratic reigning ideology – Confucian-Leninism – it was only a matter of time before it was ‘called upon to develop new political concepts to rival the Western abstractions of human rights and liberal democracy’.³⁵⁵ In recent years, crafting a narrative of ‘human rights with Chinese characteristics’ to accompany China’s rise has become a goal for the Chinese intellectual elite.³⁵⁶ Dong Yunhu, a renowned Chinese human rights expert, writes that anyone who controls the narrative of human rights ‘occupies the moral high ground and masters the international public opinion’, both seen as necessary by the Chinese leadership for a peaceful rise.³⁵⁷

³⁵⁰ Melanie Hart & Blaine Johnson, ‘Mapping China’s Global Governance Ambitions’ (Center for American Progress, 28 February 2019) <www.americanprogress.org/issues/security/reports/2019/02/28/466768/mapping-chinas-global-governance-ambitions/> accessed 17 June 2019.

³⁵¹ *ibid.*

³⁵² Brown (n 1) 9.

³⁵³ Hart & Johnson (n 350).

³⁵⁴ Nick Cumming-Bruce, ‘China Brings Warm Words to U.N., and Rights Activists Feel a Chill’ *The New York Times* (23 March 2018) <www.nytimes.com/2018/03/23/world/asia/china-human-rights-united-nations.html> accessed 17 June 2019.

³⁵⁵ Mações (n 306) 136.

³⁵⁶ Pinghua (n 98) 195.

³⁵⁷ *ibid.*

This effort to build a new discourse in human rights starts at the UN. In Piccone's categorisation of the PRC's time in the UN that we have used previously, there are three distinct periods: the first one, up to the Tiananmen massacre, when China was mostly an observer; from 1989 to 2013, when it was mostly defensive and reactive and from 2013 onwards, 'when China has become progressively more assertive in promoting its own interpretation of international norms and mechanisms'.³⁵⁸

Central to this effort is a key concept, the China Dream for the international stage: a Community with Shared Future for Mankind (which wholly conveys the clunkiness of the original CCP jargon in Mandarin), sometimes streamlined as a Community of Shared Destiny. This concept was first broached by Xi in his maiden speech to the General Assembly plenary session in September 2015, when he called for 'a new type of international relations featuring win-win cooperation and [to] create a community of a shared future for mankind'.³⁵⁹ In his new type of international relations, he said, countries should seek 'partnerships rather than alliances'.³⁶⁰ In a familiar note for Chinese leaders, he sought to reassure other Asian nations that, regardless of how strong China became, 'it will never pursue hegemony, expansion or spheres of influence'.³⁶¹ And, in a significant escalation of Chinese engagement with the multilateral body, he pledged lavish spending in UN-led development projects and numerous troops for the UN peacekeeping standby force.³⁶²

Xi Jinping brought up the topic again in an international stage in 2017, speaking at the UN in Geneva, turned into a ghost city for his address.³⁶³ In his speech, titled 'Work Together to Build a Community of Shared Future for Mankind', he spoke of the need 'to achieve shared and win-win development',³⁶⁴ delivered a full-throated endorsement of national sovereignty, declared that 'development is the top priority for all countries' and called on the international community to 'promote partnership,

³⁵⁸ Piccone (n 59) 2.

³⁵⁹ Jane Perlez, 'Xi Jinping of China Calls for Cooperation and Partnerships in UN Speech' *The New York Times* (27 September 2015) <www.nytimes.com/2015/09/29/world/asia/china-xi-jinping-united-nations-general-assembly.html> accessed 17 June 2019.

³⁶⁰ *ibid.*

³⁶¹ *ibid.*

³⁶² Mark P Lagon & Theresa Lou, 'The Dragon in Turtle Bay: The Impact of China's Rise in the UN on the United States and Global Governance' (September 2018) 181(3) *World Affairs* 239, 242.

³⁶³ Tom Miles, 'Security turns UN in Geneva into ghost town as China's Xi visits' (*Reuters*, 18 January 2017) <www.reuters.com/article/us-china-un-idUSKBN1522E2> accessed 17 June 2019.

³⁶⁴ Xi Jinping 'Address to the UN Office at Geneva' (Geneva, 18 January 2017) <<http://iq.chineseembassy.org/eng/zygx/t1432869.htm>> accessed 17 June 2019.

security, growth, inter-civilization exchanges and the building of a sound ecosystem’,³⁶⁵

Xi’s language, which many worry is designed to reinforce orthodox interpretations of sovereignty and undermine international human rights monitoring bodies,³⁶⁶ is increasingly finding its way into UN official documents. There are small examples of this, like China’s refusal to include language reaffirming the role of civil society in public health in a HRC resolution³⁶⁷ and bigger ones, like the inclusion of mutually beneficial, win-win cooperation language into a high-level UN Economic and Social Council ministerial declaration,³⁶⁸ but the most significant are the three resolutions passed by the HRC between January 2017 and March 2018 – the first three resolutions that China has brought forward in the HRC in nearly 12 years,³⁶⁹ all heavy with CCP jargon that was later toned down with amendments by other diplomats.³⁷⁰ This does not mean that it has not tried similar tactics before, but it usually preferred to work ‘through proxies who have less to lose (...) Other actors are in charge of the dirty work’.³⁷¹

The June 2017 resolution³⁷² emphasised the key role of development ‘to the enjoyment of all human rights’,³⁷³ echoing China’s development-led approach to human rights and using very similar wording to previous resolutions tabled by Venezuela and Iran.³⁷⁴ It passed, in spite of vocal concerns by the US that it gave room to states to justify human rights violations based on developmental goals, and that the resolution ‘selectively omits and alters key phrasing (specifically, the word “democracy”) from the Vienna Declaration and Programme of Action’.³⁷⁵ The *People’s Daily* gleefully celebrated it as a set-back to the Western monopoly on human

³⁶⁵ Xi Jinping (n 364).

³⁶⁶ Piccone (n 59) 7.

³⁶⁷ Human Rights Watch, ‘The Costs of International Advocacy’ (Human Rights Watch September 2017) <www.hrw.org/sites/default/files/report_pdf/chinaun0917_web.pdf> accessed 17 June 2019.

³⁶⁸ Lagon & Lou (n 362) 245.

³⁶⁹ Al Jazeera, ‘Only US rejects China’s UN human rights resolution’ (*Al Jazeera*, 26 March 2018) <www.aljazeera.com/news/2018/03/rejects-chinas-human-rights-resolution-180326144912907.html> accessed 17 June 2019.

³⁷⁰ Cumming-Bruce (n 354).

³⁷¹ Human Rights Watch (n 367).

³⁷² Human Rights Council Resolution 35/3 *The contribution of development to the enjoyment of all human rights* A/HRC/35/L.33/Rev.1 (20 June 2017) available from undocs.org/en/A/HRC/35/L.33/Rev.1

³⁷³ Cumming-Bruce (n 354).

³⁷⁴ Ted Piccone & Jesse Kornbluth, ‘The Geneva Shuffle: Shifting U.S. Engagement at the UN Human Rights Council’ (*The Huffington Post*, 7 September 2017) <<https://bit.ly/2NnNxpD>> accessed 17 June 2019.

³⁷⁵ *ibid.*

rights and as ‘a major shift in the global human rights conversation’.³⁷⁶

The March 2017 resolution³⁷⁷ quoted Xi verbatim, calling for ‘a community of shared future for human beings’ and ‘mutually beneficial cooperation in the field of human rights’, which the Chinese ambassador enthused were ‘the very purpose of the United Nations’.³⁷⁸ Lacking ‘any balancing reference to the rights of individuals, the role of civil society groups or the mandate of the HRC to monitor abuses’ and co-sponsored by Syria, Egypt, Myanmar, Venezuela, Burundi, Cambodia and Eritrea,³⁷⁹ it passed against the solitary negative vote of the US, and 17 abstentions.

The March 2018³⁸⁰ resolution, entitled ‘Promoting the international human rights cause through win-win cooperation’, ‘guttled procedures to hold countries accountable for human rights violations, suggesting “dialogue” instead’.³⁸¹ Although non-binding, Sophie Richardson, the China director for HRW, warns that it could have far-reaching consequences. If the ideas championed by the Chinese in this resolution became ‘actual operating principles for the HRC, victims of state-sponsored abuses worldwide – including in Myanmar, South Sudan, Syria and Yemen – will face almost impossible odds in holding abusive governments accountable’.³⁸² It again passed with the single vote of the US against it, which a Chinese Foreign Ministry spokeswoman said reflected ‘the consistent ignorance and haughtiness of the US side’.³⁸³

A few months later, the US left both the HRC – calling it ‘a cesspool of political bias’³⁸⁴ – and the Iran Nuclear Deal. Immediately following this, Xi Jinping delivered a major foreign policy speech in which he called for China to lead ‘the reform of the global governance system’ and ‘advance major country diplomacy with Chinese characteristics’.³⁸⁵

³⁷⁶ Cumming-Bruce (n 354).

³⁷⁷ Human Rights Council Resolution 34/3 *The Right to Food* A/HRC/34/L.21 (21 March 2017) available from undocs.org/en/A/HRC/34/L.21

³⁷⁸ Cumming-Bruce (n 354).

³⁷⁹ *ibid.*

³⁸⁰ Human Rights Council Resolution 37/3 *Promoting mutually beneficial cooperation in the field of human rights* A/HRC/37/L.36 (19 March 2018) available from undocs.org/en/A/HRC/37/L.36

³⁸¹ Sophie Richardson, ‘Is China winning its fight against rights at the UN?’ (*Human Rights Watch*, 12 December 2018) <www.hrw.org/news/2018/12/12/china-winning-its-fight-against-rights-un> accessed 17 June 2019.

³⁸² *ibid.*

³⁸³ Al Jazeera (n 369).

³⁸⁴ Laura Koran, ‘US leaving UN Human Rights Council – “a cesspool of political bias”’ (CNN, 20 June 2018) <<https://edition.cnn.com/2018/06/19/politics/haley-pompeo-human-rights-bias/index.html>> accessed 17 June 2019.

³⁸⁵ Xinhua, ‘Xi urges breaking new ground in major country diplomacy with Chinese characteristics’ (*Xinhua*, 24 June 2018) <www.xinhuanet.com/english/2018-06/24/c_137276269.htm> accessed 17 June 2019.

3.2.3 *The dragon of the Palais de Nations*

In parallel to its attempts to undermine and shape the human rights agenda at the UN, China is also taking more direct action to pursue its goals within the organisation, both at Turtle Bay and at the Palais de Nations, the headquarters of the UN in Geneva and seat of both the Office of the High Commissioner of Human Rights and the HRC.

Although as of 2018 China is the world’s second-largest funder of UN peacekeeping costs,³⁸⁶ it has long been distrustful of the growing human rights work in which they engage. In Trump’s antagonism to the UN, the CCP has sensed an opportunity and, teaming up with Russia, they have pushed for drastic cuts to positions related to human rights,³⁸⁷ which according to Louis Charbonneau, the UN director at HRW, ‘will not make U.N. missions more effective, but they will represent a major victory for Moscow and Beijing’.³⁸⁸ Their efforts ultimately failed and they only managed to close down a smaller human rights coordination unit.³⁸⁹

In December 2018, China led an attempt in the same spirit to try to withhold funding from investigations into ethnic cleansing against the Rohingya population in Myanmar, but it failed as well, and the investigation was successfully funded.³⁹⁰

It has also intensified its long-standing efforts to deflect criticism and obstruct investigations. Other than the special procedures (Special Rapporteurs or Working Groups) for food, debt, discrimination against women, and extreme poverty – fields in which it presumably thought it would get good results – over the last 15 years China has ‘rejected 12 other visits, especially visits by rapporteurs charged with protecting

³⁸⁶ Lagon & Lou (n 362) 241.

³⁸⁷ Rick Gladstone, ‘China and Russia Move to Cut Human Rights Jobs in U.N. Peacekeeping’ *The New York Times* (27 June 2018) <www.nytimes.com/2018/06/27/world/africa/china-russia-un-human-rights-cuts.html> accessed 17 June 2019.

³⁸⁸ Louis Charbonneau, ‘Oppose Russia and China’s Assault on Human Rights at UN’ (*Human Rights Watch*, 29 June 2018) <www.hrw.org/news/2018/06/29/oppose-russia-and-chinas-assault-human-rights-un> accessed 17 June 2019.

³⁸⁹ South China Morning Post, ‘As Donald Trump focuses on “America First”, China flexes its growing muscle at UN’ *South China Morning Post* (2 February 2019) <www.scmp.com/news/china/diplomacy/article/2184761/donald-trump-focuses-america-first-china-flexes-its-growing> accessed 17 June 2019.

³⁹⁰ Louis Charbonneau, ‘UN Members Thwart China’s Bid to Gut Funds for Myanmar Probe’ (*Human Rights Watch*, 24 December 2018) <www.hrw.org/news/2018/12/24/un-members-thwart-chinas-bid-gut-funds-myanmar-probe> accessed 17 June 2019.

various civil and political rights, and for over a decade has been unwilling to accept a visit by the UN high commissioner for human rights'.³⁹¹

On June 2017, Greece – a major recipient of Chinese investment – blocked the EU from drawing renewed attention to human rights abuses in China, with a spokesperson from the Greek ministry of Foreign Affairs calling it ‘unproductive criticism’.³⁹² On March 2018, China, Russia and five other countries broke years of precedent in the UN Security Council to prevent the High Commissioner from briefing the body on Syria.³⁹³

These are just some of the many examples of the working environment that led Zeid Ra’ad al-Hussein, at the time High Commissioner for Human Rights, to deliver a scathing speech in which he said he was appalled at ‘attempts to “block or evade human rights scrutiny” by the United Nations member states that created the Human Rights Council a decade ago’.³⁹⁴

As 2017 came to an end, HRW published a damning report entitled ‘The Costs of International Advocacy: China’s interference in the UN Human Rights mechanisms’, in which it detailed ‘a systematic attempt to subvert the ability of the UN human rights system to confront abuses in China and beyond’,³⁹⁵ including harassing activists and even UN staff and experts on treaty bodies.³⁹⁶ In the conclusion of the report, the concern is expressed that China might ‘become a model for others that hope to hobble or obstruct UN human rights bodies’.³⁹⁷

But China might already be looking to inspire far beyond the Palais de Nations.

³⁹¹ Human Rights Watch (n 367).

³⁹² Nick Cumming-Bruce & Somini Sengupta, ‘In Greece, China Finds an Ally Against Human Rights Criticism’ *The New York Times* (19 June 2017) <www.nytimes.com/2017/06/19/world/europe/china-human-rights-greece-united-nations.html> accessed 17 June 2019.

³⁹³ Lagon & Lou (n 362) 246.

³⁹⁴ Nick Cumming-Bruce, ‘Top U.N. Rights Official Denounces Growing Efforts to Block His Monitoring’ *The New York Times* (13 September 2016) <www.nytimes.com/2016/09/14/world/top-un-rights-official-denounces-growing-efforts-to-block-his-monitoring.html> accessed 17 June 2019.

³⁹⁵ Human Rights Watch (n 367).

³⁹⁶ *ibid.*

³⁹⁷ *ibid.*

3.2.4 *The Beijing consensus*

Since it published its first one in 2008, China’s National Human Rights Action Plans have been filled with platitudes, CCP slogans and hypocritical commitments. Its most recent one (2016-2020), however, is striking because it is where the CCP’s new stance towards human rights is laid out more plainly. Making it clear that they want a more central role in the human rights arena, they announce that ‘the cause of socialist human rights with Chinese characteristics has moved up to a new level’ and commit to engage extensively in this field with developing countries.³⁹⁸

One such effort is the annual Beijing Human Rights Forum, launched in 2008 on the 60th anniversary of the Universal Declaration of Human Rights (UDHR) in 1948. In 2018, under the theme ‘Poverty Elimination: Seeking Common Development to Build a Community of Shared Future for Human Beings’ it gathered over 200 attendants, ‘including senior human rights officials, scholars and foreign diplomats from almost 50 countries or regions’³⁹⁹ – including representatives from the UN Office of the High Commissioner for Human Rights,⁴⁰⁰ which as we detailed in last section are routinely prevented from operating in the country. Among the speakers were the president of Saudi Arabia’s Human Rights Commission, who in a debate in the UN HRC trivialised the murder of journalist Jamal Khashoggi.⁴⁰¹

In 2017, a few days before International Human Rights Day (10 December), the first South-South Human Rights Forum was held in Beijing. Although the full list of attendees was not released, Xinhua stated that there were ‘more than 300 representatives from over 70 developing countries’⁴⁰² and representatives ‘from the UN, the Arab

³⁹⁸ Piccone & Kornbluth (n 374).

³⁹⁹ Li Lei, ‘Scholars, officials gather in Beijing for human rights forum’ *China Daily* (18 September 2018) <www.chinadaily.com.cn/a/201809/18/WS55ba0ab2aa31033b4f4656bd8.html> accessed 17 June 2019.

⁴⁰⁰ Sophie Richardson, ‘The deafening silence on China’s human rights abuses’ (*Al Jazeera*, 2 February 2018) <www.aljazeera.com/indepth/opinion/deafening-silence-china-human-rights-abuses-180131074213813.html> accessed 17 June 2019.

⁴⁰¹ Katrin Kinzelbach, ‘Will China Dare Challenge the Universal Declaration of Human Rights?’ (*Global Public Policy Institute*, 10 December 2018) <www.gppi.net/2018/12/10/will-china-dare-challenge-the-universal-declaration-of-human-rights> accessed 17 June 2019.

⁴⁰² Charlotte Gao, ‘China promotes human rights with Chinese characteristics’ (*The Diplomat*, 12 December 2017) <<https://thediplomat.com/2017/12/china-promotes-human-rights-with-chinese-characteristics/>> accessed 17 June 2019.

League, the African Union, the World Bank [WB] and the World Health Organization (...) Absent were representatives of NGOs working in the field of civil and political rights'.⁴⁰³

The 'South-South' language harkens back to the Cold War and the 1955 Bandung Conference, a hallmark in the formation of the Non-Aligned Movement (NAM). For the CCP, the Bandung Conference represented a diplomatic breakthrough and holds special significance, since it was the first public appearance in the international stage of Zhou Enlai, the first premier of the People's Republic⁴⁰⁴ – which he used to urge Indonesian strongman Sukarno to shun the UN and establish a new body.⁴⁰⁵ It also allows Xi to paint himself as a champion for the Global South, as he admonished the international community to better respect the will of developing countries.⁴⁰⁶

Although Xi Jinping himself did not attend, he sent a congratulatory letter to the event, in which he insisted that 'human rights must and can only be promoted in light of specific national conditions and people's needs'.⁴⁰⁷ Speaking at the inaugural ceremony, Chinese Foreign Minister Wang Yi doubled down on this point, explaining that the 'key factor contributing to China's remarkable achievements in its human rights endeavours is its firm commitment to a human rights development path with Chinese characteristics'.⁴⁰⁸

At the end of the conference, a document called the Beijing Declaration was adopted. The declaration, which 'imitates the form and style of official UN resolutions',⁴⁰⁹ declares that 'a community of shared future for human beings is a major concept which conforms

⁴⁰³ South China Morning Post, 'China presents its take on human rights at global forum in Beijing' *South China Morning Post* (7 December 2017) <www.scmp.com/news/china/diplomacy-defence/article/2123305/china-presents-its-take-human-rights-global-forum> accessed 17 June 2019.

⁴⁰⁴ Gao (n 402).

⁴⁰⁵ Philipp Y Lipsky, 'Who's Afraid of the AIIB?' (*Foreign Affairs*, 7 May 2015) <www.foreignaffairs.com/articles/china/2015-05-07/whos-afraid-aiib> accessed 17 June 2019.

⁴⁰⁶ Xinhua, 'President Xi calls for respect to developing countries' will in human rights development' (*Xinhua*, 8 December 2017) <www.xinhuanet.com/english/2017-12/08/c_136809183.htm> accessed 17 June 2019.

⁴⁰⁷ Xi Jinping, 'Congratulatory message to South-South Human Rights Forum' (Beijing, 7 December 2017) <www.xinhuanet.com/english/2017-12/07/c_136808493.htm> accessed 17 June 2019.

⁴⁰⁸ Wang Yi, 'Address at the Opening of the First South-South Human Rights Forum' (Beijing, 7 December 2017) <www.fmprc.gov.cn/mfa_eng/zxxx_662805/P020171211565335323921.pdf> accessed 17 June 2019.

⁴⁰⁹ Kinzelbach (n 401).

to the trend of the times, fits the requirements of development, and reflects the pursuit of a new human social value'.⁴¹⁰ Moreover, it singles out China as an example to follow, because it:

adheres to a comprehensive and evolving view of human rights, making not only great achievements in the development of its own human rights cause but also significant contributions to the development of human rights in the world, offering China's experience.⁴¹¹

It then adopts nine articles that reaffirm much of what is at the core of 'human rights with Chinese characteristics': national conditions take precedence over universality (article 1); all civilisations should be recognised as equal and should be respected (article 2); the right to subsistence and development are the primary basic human rights (article 3); human rights can be restricted, inter alia, because of public morals and the general welfare of the people (article 5); human rights should be promoted through dialogue and exchange, and consensus-building on the basis of equality and mutual respect (article 9).⁴¹²

Regarding article 2, it is interesting to note that it is not a call for political openness, but a declaration that 'authoritarian systems and values have global status equal to liberal democratic ones'.⁴¹³

Katrin Kinzelbach points out that publishing this declaration in the same format as an official UN resolution is 'a powerful tactic since many of today's UN member states never had the chance to vote on the original human rights declaration'.⁴¹⁴ The PRC is included among those that did not vote on the UDHR nor did it get involved in the negotiation and drafting of the two main human rights covenants of 1966, since the Republic of China (Taiwan) held the seat at the UN until 1971.

The 2017 South-South Human Rights Forum came on the heels of another conference hosted in Beijing with representatives of political parties from over 120 countries – including Myanmar's leader Aung

⁴¹⁰ 'Full text of Beijing Declaration adopted by the First South-South Human Rights Forum' (*South-South Human Rights Forum Portal*, 8 December 2017) <http://p.china.org.cn/2017-12/10/content_50095729.htm> accessed 17 June 2019.

⁴¹¹ *ibid.*

⁴¹² *ibid.*

⁴¹³ Hart & Johnson (n 350).

⁴¹⁴ Kinzelbach (n 341).

San Suu Kyi and Cambodian Prime Minister Hun Sen.⁴¹⁵ Addressing the attendees, Xi presented once again China as a model for other developing countries, while emphasising ‘We don’t import models from other countries, neither do we export the Chinese model. We will never place demands on other countries to copy the way China does things’.⁴¹⁶

However, it seems clear that Xi Jinping believes that China can ‘become a standard bearer for other countries disenchanted with the American and European models of liberal democracy’.⁴¹⁷ Nor is this a completely new strategy under Xi Jinping. At least since Hu Jintao, in many developing countries in Asia, Africa and Latin America, the so-called China model, or Beijing Consensus, of authoritarian government and market economy has been more popular than the Western liberal model.⁴¹⁸

What has changed now are external factors. In other words, the liberal international order is in disarray. William Nee, of Amnesty International, says ‘Obviously we’ve seen the Trump administration deprioritise human rights, we’ve seen issues like Brexit, and China is kind of stepping in the field and void’.⁴¹⁹ Evan Osnos in *The New Yorker* writes that ‘China has never seen such a moment, when its pursuit of a larger role in the world coincides with America’s pursuit of a smaller one’.⁴²⁰ Professor Jonathan Holslag is more succinct: ‘The Western liberal bastion is crumbling, and China sees this an ideal moment to strengthen its own normative power’.⁴²¹

⁴¹⁵ Michael Martina, ‘President Xi says China will not export its political system’ (*Reuters*, 1 December 2017) <www.reuters.com/article/us-china-parties/president-xi-says-china-will-not-export-its-political-system-idUSKBN1DV4UM> accessed 17 June 2019.

⁴¹⁶ South China Morning Post (n 403).

⁴¹⁷ *Economy* (n 139) 12.

⁴¹⁸ Zhao (n 125) 365.

⁴¹⁹ South China Morning Post (n 403).

⁴²⁰ Evan Osnos, ‘Make China Great Again’ (*The New Yorker*, 1 January 2018) <www.newyorker.com/magazine/2018/01/08/making-china-great-again> accessed 17 June 2019.

⁴²¹ Christopher Bodeen, ‘China hosts global forum featuring own take on human rights’ (*Associated Press*, 7 December 2017) <<https://apnews.com/c6d5a73342fc4c0d8bb6350ba77c06fe/China-hosts-global-forum-featuring-own-take-on-human-rights>> accessed 17 June 2019.

3.3 A NEW WORLD ORDER

Crucial in its endeavour to become a normative power in the field of human rights is China’s position within the institutional architecture of international organisations, with which historically it has hesitated to engage. This has changed now as China, often under the guise of wanting to give a voice to the Global South, pushes for reform across the board to update an international system that it feels does not reflect geopolitical realities of the 21st century. Understandably frustrated with the glacial pace of reforms in an order that is still Western-dominated, it has also taken to create its own institutions of global governance, in which it has the centrality that China considers it deserves, for historical, economic and political reasons.

3.3.1 *A garden shared by all countries*

China’s rise is not happening in a vacuum, but within the framework of a complex, Western-built international architecture of multilateral institutions put in place in the aftermath of the Second World War. Although they represent a small minority of the world population, the West and especially the US were – and still are, to a great extent – ‘largely able to initiate, legitimize, and successfully advocate policy in the economic and security realm’.⁴²²

The US created and strengthened a series of institutions, like the WB, the IMF or the Asian Development Bank (ADB) and supplemented them with ‘a comprehensive web of other institutions locking in substantial investments – diplomatic, political economic, and strategic’.⁴²³ While most of the developing world – including China – was left out of the decision-making process and ‘either forcibly incorporated or at best acquiesced into the Western global order’,⁴²⁴ the US was able to capitalise on its moment of unipolarity after the collapse of the USSR

⁴²² Oliver Stuenkel, ‘The Post-Western World and the Rise of a Parallel Order’ (*The Diplomat*, 26 September 2016) <<https://thediplomat.com/2016/09/the-post-western-world-and-the-rise-of-a-parallel-order/>> accessed 17 June 2019.

⁴²³ Yu-Wen Chen & Obert Hodzi, ‘The Great Rejuvenation?’ (November 2017) Institute for Security and Development Policy 17.

⁴²⁴ *ibid.*

to translate ‘its power advantages (...) into institutionalised partnerships that provide ongoing political influence and control’.⁴²⁵ Nowhere is this truer than in Asia, where through the so-called hub-and-spoke bilateral relationships the US maintains outsized influence.⁴²⁶

When addressing this reality, most Chinese commentators acknowledge that China’s rise has been partly possible because of the prosperity and relative stability brought about by this order,⁴²⁷ while they increasingly complain that it is not ‘all-inclusive and is increasingly showing its limitations against a world full of new realities’.⁴²⁸ In other words, it needs to be reformed.

In the past, China has not felt confident enough to push for structural change, but now, according to Fu Ying, chairperson of the Foreign Affairs Committee of the National People’s Congress of China, it feels strong enough to promote long-due reforms towards a more balanced global development.⁴²⁹

Since nearly the start of his mandate, Xi Jinping has said that China ‘should be prepared not only to help write the rules of the game but also to construct the playground on which the game is played’.⁴³⁰ This reflects its changing perception of itself: whereas in the past, Chinese scholars were always careful to speak of China as ‘an emerging or regional power, now most simply say “China is a big power”’.⁴³¹ In 2013, Xi Jinping first introduced Obama to what he termed as a ‘New Model of Major Country Relations’ (alternatively translated as ‘New Type of Great Power Relationship’).⁴³² The concept has three main pillars, which were elaborated in a speech by Foreign Minister Wang Yi to the Brookings Institutions: no conflict or confrontation, mutual respect and win-win cooperation.⁴³³ What arguably was most powerful of all this

⁴²⁵ John Ikenberry & Takashi Inoguchi, *The Uses of Institutions: The US, Japan, and Governance in East Asia* (Palgrave Macmillan 2007) 15.

⁴²⁶ Yu-Wen & Hodzi (n 423) 17.

⁴²⁷ Fu (n 308).

⁴²⁸ *ibid.*

⁴²⁹ Fu Ying, ‘China’s Vision for the World: A Community of Shared Future’ (*The Diplomat*, 22 June 2017) <<https://thediplomat.com/2017/06/chinas-vision-for-the-world-a-community-of-shared-future/>> accessed 17 June 2019.

⁴³⁰ Xi Jinping, *The Governance of China* (Foreign Language Press 2014) 135-136.

⁴³¹ Economy (n 139) 186.

⁴³² Minseon Ku, ‘The Motives and Effects of China’s “New Model of Major Country Relations” in China-U.S. Relation’ (June 2015) 3(1) *Journal of International Relations and Foreign Policy* 17, 23

⁴³³ *ibid.* 24.

was the clear message it conveyed: China and the US were now playing in the same league.

In spite of calling for structural reform, Fu Ying insists that China does not want to overturn the existing order – ‘reshaping may be a better word’.⁴³⁴ This is the main reason China is considered a revisionist power, ‘dissatisfied not with the current order but its position in the order’.⁴³⁵ In the words of Xi Jinping, ‘It is a pursuit not to establish China’s own sphere of influence, but to support common development of all countries. It is meant to build not China’s own backyard garden, but a garden shared by all countries’.⁴³⁶

China believes the moment is ripe to push for reform, calling for the international order to ‘better reflect the legitimate call of developing countries and better enable countries to address emerging global challenges’.⁴³⁷ It is hard to argue that the Western-led international order has kept abreast of geopolitical developments in anything, from the composition of the UN Security Council (where three European powers still hold permanent seats while regional powerhouses like India, Japan, South Africa or Brazil do not; and Africa and Latin America go unrepresented altogether), to the norms governing the leadership of the WB, the IMF and the ADB (always led by an American, a European and a Japanese, respectively)⁴³⁸ or the voting shares of developing countries in the international financial institutions, maybe the issue where China has pushed the hardest for reform, and where ‘the pace of changes in the distribution of voting rights has been glacial’.⁴³⁹

By the end of 2017, China represented 12.4% of global GDP, and yet in the IMF had only 3.81% of voting rights, significantly lower than the US (16.74%) or Japan (6.23%), and even France (4.29%).⁴⁴⁰

⁴³⁴ Fu (n 308) 46.

⁴³⁵ Zhao (n 137) 14.

⁴³⁶ Xi Jinping, ‘Opening Address of G20 Summit’ (Hangzhou, 4 September 2016) <www.globalresearch.ca/chinas-president-xi-jinpings-opening-address-of-g20-summit-a-new-blueprint-for-global-economic-growth/5543895> accessed 17 June 2019.

⁴³⁷ Wang Yi, ‘Address at Lanting Forum’ (Beijing, 16 September 2015) <www.fmprc.gov.cn/mfa_eng/wjzb_663304/wjzb_663308/2461_663310/t1297164.shtml> accessed 17 June 2019.

⁴³⁸ South China Morning Post, ‘China’s calls for reform at the WB, IMF and ADB cannot be ignored any longer’ *South China Morning Post* (12 September 2016) <www.scmp.com/comment/insight-opinion/article/2018461/chinas-calls-reform-world-bank-imf-and-ADB-cannot-be-ignored> accessed 17 June 2019.

⁴³⁹ Rajiv Biswas, ‘Reshaping the Financial Architecture for Development Finance: The New Development Banks’ (Working Paper no 2 LSE Global South Unit 3 2015).

⁴⁴⁰ Yu-Wen & Hodzi (n 423) 18.

Similar trends can be seen in the WB, where ‘the U.S. has 16.12% of the total voting rights, and Japan has 7.47%, compared to 4.82% allocated to China’⁴⁴¹ and, perhaps most insultingly, in the US-led ADB, where ‘China commands a mere 5.48% of the total voting power compared to Japan’s 12.84% and U.S.’ 12.75%’.⁴⁴²

Changing international realities do not look good for liberal democracies. Writing for *Foreign Affairs*, Yascha Mounk and Roberto Stefan Foa warn that within five years, ‘not free’ countries like China and Saudi Arabia will hold a greater share of global income than Western liberal democracies, a drastic reversal of their economic fortunes.⁴⁴³ If and when China’s economy surpasses in size the US one, ‘it will be the first time in more than a century that the world’s largest economy belongs to a non-democratic country’.⁴⁴⁴

Luckily for liberal democracies, Xi Jinping does not believe in such differentiations. In the new global order he champions, ‘instead of debating about which order concept is better and which should prevail, we may go beyond the debate and create a new overarching concept (...) every country and region’s concerns and interest (can be) accommodated’.⁴⁴⁵ Because of this, Wang Yi, China’s foreign minister claims that Xi Jinping thought has transcended ‘300 years of traditional Western international relations theory (...) seeking friends and partners not allies, putting aside differences to seek common ground, and doing away with the Cold War thinking of “he who is not my friend is my enemy”’.⁴⁴⁶

China is thus ready, at least theoretically, to lead the world away from the brief window of US unipolarity that followed the fall of the USSR and which had already been fading when Xi Jinping took office, and towards a multipolar order. Parag Khanna argues that ‘China is a superpower, but its rise affirms the world’s multipolarity; it does not replace it’.⁴⁴⁷

⁴⁴¹ Yu-Wen & Hodzi (n 423).

⁴⁴² *ibid.*

⁴⁴³ Yascha Mounk & Roberto S Foa, ‘The End of the Democratic Century’ (*Foreign Affairs*, May-June 2018) <www.foreignaffairs.com/articles/2018-04-16/end-democratic-century> accessed 17 June 2019.

⁴⁴⁴ Osnos (n 420).

⁴⁴⁵ Fu (n 308) 49.

⁴⁴⁶ Michael Martina, ‘China says Xi transcends West as a diplomatic “pioneer”’ (*Reuters*, 1 September 2017) <www.reuters.com/article/us-china-congress-diplomacy/china-says-xi-transcends-west-as-a-diplomatic-pioneer-idUSKCN1BC4KQ> accessed 17 June 2019.

⁴⁴⁷ Khanna (n 133) 15.

This does not mean that China will not face an uphill battle to achieve its ambitions to be recognised like it feels it deserves. After all, ‘China is an illiberal state seeking leadership in a liberal world order’,⁴⁴⁸ but it seems ready to try to ‘reshape’ the system, to use Fu Ying’s choice of words. This means pushing ‘for more influence and when stymied, create new forums for global governance’.⁴⁴⁹ China is doing both, in what represents a remarkable arc of evolution towards multilateral institutions, ‘from being opposed to them, to cooperating with United Nations mandated institutions, and then to setting up new ones, all in a space of less than two decades’.⁴⁵⁰

Former Russian Minister of Foreign Affairs Igor Ivanov once said that ‘great powers do not integrate’.⁴⁵¹ Only time will tell if his adage applies to China.

3.3.2 A seat at the table

President Xi Jinping knows how to play to his audience. He has developed a reputation for referring to art and literary works of the country he is in. In Russia, he has quoted from Pushkin, Gogol and Dostoyevsky. When meeting Macron, he name-dropped Montesquieu, Voltaire, Rousseau and Sartre.⁴⁵² The state-run media has gushed that his ‘extensive knowledge of literature and the arts makes him a consummate communicator in the international arena’.⁴⁵³

One would be tempted to think they were right, reading the international coverage that followed his address to the World Economic Forum in Davos in 2017, the first time a Chinese president attended the event. Delivered three days before Trump’s inauguration in Washington, the speech was crafted to be all that an international community dumbfounded by Trump’s election and longing for leadership wanted to hear.

⁴⁴⁸ Economy (n 139) 17.

⁴⁴⁹ Jonathan R Strand and others, ‘China’s Leadership in Global Economic Governance’ (September 2016) 1(1) *Rising Powers Quarterly* 55, 58.

⁴⁵⁰ Yu-Wen & Hodzi (n 423) 9.

⁴⁵¹ Mações (n 306) 193.

⁴⁵² Osnos (n 170).

⁴⁵³ Osnos (n 420).

Opening with a quote from Dickens, he delivered a spirited defence of economic globalisation versus protectionism, doubled down on his support for the Paris Agreement and of multilateralism and called for structural reform of the international order – the word ‘reform’ appeared 15 times in his speech.⁴⁵⁴ Of course, many of his statements ran against the reality in China, but the attendants and the international media were ready to turn a blind eye and allow Xi to take the mantle of new leader of the liberal order, eager to swallow whole his vision of free-market, clean energy, massive investment projects and multilateralism.

The chairman of the World Economic Forum, Klaus Schwab, said that ‘In a world marked by great uncertainty and volatility the world is looking to China’.⁴⁵⁵ Carl Bildt, former Prime Minister of Sweden, said he thought Xi was being successful in filling the void in global economic leadership.⁴⁵⁶ Ian Bremmer, the president of the Eurasia Group, tweeted: ‘Davos reaction to Xi speech: Success on all counts. Miles away from any official Chinese speech before’.⁴⁵⁷

A similar scene had played out some months earlier, in the opening ceremony of the G20 Summit in Hangzhou (the capital of Zhejiang, where Xi served as CCP Secretary). That China was hosting the global forum was seen itself as hugely symbolic, especially ‘when compared to pre-crisis dominance of the G7/8’.⁴⁵⁸ He peddled the same familiar concepts of ‘win-win cooperation’ and a ‘community of shared future of mankind’. The word ‘reform’ came up 21 times.⁴⁵⁹

By this point in time, China had already been a big presence in the international stage for some time but, as pointed out by David Shambaugh, it had been partial or incomplete, as it seldom integrated fully and its diplomacy came across as hesitant and self-interested. ‘China often made known what it opposed, but rarely what it actively supported’.⁴⁶⁰

⁴⁵⁴ Xi Jinping, ‘Davos speech’ (Davos, 17 January 2017) <www.weforum.org/agenda/2017/01/full-text-of-xi-jinping-keynote-at-the-world-economic-forum/> accessed 17 June 2019.

⁴⁵⁵ Noah Barkin & Elizabeth Piper, ‘In Davos, Xi makes case for Chinese leadership role’ (*Reuters*, 17 January 2017) <www.reuters.com/article/us-davos-meeting-china/in-davos-xi-makes-case-for-chinese-leadership-role-idUSKBN15118V> accessed 17 June 2019.

⁴⁵⁶ *ibid.*

⁴⁵⁷ *ibid.*

⁴⁵⁸ Tim Summers, ‘Thinking Inside the Box: China and Global/Regional Governance’ (2016) 1(1) *Rising Powers Quarterly* 23, 26.

⁴⁵⁹ Xi Jinping (n 436).

⁴⁶⁰ Mühlhahn (n 4) 571.

This is slowly but steadily changing. In 2016, a reform of the IMF quota reform entered into effect, increasing China’s shares.⁴⁶¹ For the first time, of the ten largest members, four were emerging economies: Brazil, China, India and Russia.⁴⁶² The reform had been approved by all members since 2010, but then became bogged down in the US Congress until 2015.⁴⁶³ The abrupt resignation of Jim Yong Kim as WB president three years before his term ended sparked some talk that the Global South (presumably led by China) would agitate for its own candidate,⁴⁶⁴ but in the end Trump’s appointment (‘known for his sharp criticisms of the World Bank’) prevailed.⁴⁶⁵ An October 2017 ministerial meeting convened by the WTO saw Trump officials deliver a brief speech and leave early, leaving the Chinese ‘going into every session and chortling about how they were now guarantors of the trading system’,⁴⁶⁶ in yet another sign of the gradual changing of the guard.

As one of the members that contributes the most both in terms of financing and troops, China has been pushing – unsuccessfully – for years to get one of its nationals to run the UN Department of Peacekeeping Operations, which has been the turf of French nationals for over 20 years.⁴⁶⁷ However, in a number of occasions when China has succeeded in placing a Chinese citizen at the helm of an international organisation, it seems to have squandered the opportunity. Some China experts have observed a pattern by which ‘when Chinese nationals occupy leadership positions in international organizations, Beijing leverages those individuals to co-opt the institution and push narrow Chinese political objectives’.⁴⁶⁸

⁴⁶¹ Zhao (n 137) 15.

⁴⁶² International Monetary Fund, ‘Press Release: Historic Quota and Governance Reforms Become Effective’ (*International Monetary Fund*, 27 January 2016) <www.imf.org/en/News/Articles/2015/09/14/01/49/pr1625a> accessed 17 June 2019.

⁴⁶³ Zhao (n 137) 15.

⁴⁶⁴ Sam Fleming & James Politi, ‘Jim Yong Kim’s resignation tees up World Bank succession battle’ *Financial Times* (8 January 2019) <www.ft.com/content/73258f52-12d3-11e9-a581-4ff78404524e> accessed 17 June 2019.

⁴⁶⁵ Mzukisi Qobo & Mills Soko, ‘The World Bank needs deep reforms to reflect a changing world order’ (*The Conversation*, 7 February 2019) <<http://theconversation.com/the-world-bank-needs-deep-reforms-to-reflect-a-changing-world-order-111366>> accessed 17 June 2019.

⁴⁶⁶ Osnos (n 420).

⁴⁶⁷ Colum Lynch, ‘China Eyes Ending Western Grip on Top U.N. Jobs’ (*Foreign Policy*, 2 October 2016) <<https://foreignpolicy.com/2016/10/02/china-eyes-ending-western-grip-on-top-u-n-jobs-with-greater-control-over-blue-helmets/>> accessed 17 June 2019.

⁴⁶⁸ Hart & Johnson (n 350).

This is most notable concerning Taiwan. During Fang Liu's tenure as Secretary General of the International Civil Aviation Organization, 'the organization stopped inviting Taiwan to attend its assembly',⁴⁶⁹ A similar thing happened at the WHO, when 'after two Chinese nationals—Ren Minghui and Zhang Yang—assumed leadership positions (...) the health organization stopped inviting Taiwan to the World Health Assembly',⁴⁷⁰ where it had been an observer.

Perhaps the most shocking case, and the one that grabbed the most headlines, was the precipitous fall of Meng Hongwei, the Chinese chief of Interpol. A year after Xi Jinping heralded his election as proof that China abided by international standards and was among the safest countries in the world at the Interpol General Assembly in Beijing, Meng Hongwei abruptly disappeared during a visit to China. Only days later did China acknowledge that he had been detained as part of Xi's anti-corruption campaign and handed his resignation to Interpol.⁴⁷¹ Eventually, reports surfaced of his ties with Zhou Yonkang, the disgraced former security czar and protégé of Jiang Zemin, widely considered to be a rival of Xi Jinping.⁴⁷² It seems like the tensions of the internal politics of the CCP had spilled out in the open – and in the halls of the Interpol, no less.

The New York Times called the whole affair 'a spectacular, self-inflicted blow to China's efforts to prove itself ready for more prominent roles in global affairs'.⁴⁷³

3.3.3 *Alternative horizons*

In some respects, it seems like China has decided that the slow struggle to ascend within the Western-led multilateral order is not worth the effort – and has set to create its own. This might be a safer strategy, too, since it allows China 'to expand its geopolitical and economic influence without bluntly threatening the current global power'.⁴⁷⁴

⁴⁶⁹ Hart & Johnson (n 350).

⁴⁷⁰ *ibid.*

⁴⁷¹ Steven L. Myers & Chris Buckley, 'Interpol Chief Was China's Pride. His Fall Exposes the Country's Dark Side' *The New York Times* (8 October 2018) <www.nytimes.com/2018/10/08/world/asia/china-interpol-meng-hongwei.html> accessed 17 June 2019.

⁴⁷² Yi-Zheng Liang, 'Being China Means Never Having to Say You're Sorry' *The New York Times* (23 October 2018) <www.nytimes.com/2018/10/23/opinion/china-interpol-meng-hongwei.html> accessed 17 June 2019.

⁴⁷³ Myers & Buckley (n 471).

⁴⁷⁴ Yu-Wen & Hodzi (n 423) 12.

Never one to miss an opportunity, China is using the establishment of new institutions to strengthen its position, ‘incrementally delimiting its sphere of influence and shaping other states’ actions in Asia’.⁴⁷⁵ To justify this power move and allay concerns, Beijing is advancing what Obert Hodzi and Yu-Wen Chen call ‘the benevolence narrative’, arguing that the new Chinese multilateral institutions are geared to share China’s wealth and lift the voices of the Global South.⁴⁷⁶

The effort to establish ‘new institutions to support China’s position as a regional and global leader’⁴⁷⁷ began in earnest in September 2013, when during a visit to Nazarbayev University in Kazakhstan, Xi first spoke of a ‘Silk Road Economic Belt’.⁴⁷⁸ A month later, in a speech to the Indonesian parliament, he complemented that first concept with ‘a 21st Century Maritime Silk Road to promote maritime cooperation’.⁴⁷⁹ The combination of the two would originally be named the ‘One Belt One Road initiative’, and later re-branded the ‘Belt & Road Initiative’ (BRI), as the Chinese wished to emphasise the openness of the project and ‘avoid criticisms over “China-centered institution building”’.⁴⁸⁰

During that same visit, China proposed the establishment of a new multilateral development bank at the Asia-Pacific Economic Cooperation Summit in Bali,⁴⁸¹ what would eventually become the Asian Infrastructure Investment Bank (AIIB).

Other organisations, although predating Xi’s arrival to power and varying in importance and international heft, have also become woven into this thickening Sinocentric institutional web. Such is the case of the BRICS, the acronym for the loosely affiliated group of Brazil, Russia, India, China and South Africa, all ‘emerging economies’, who have met annually since 2009. In its 2012 BRICS Summit, India proposed the

⁴⁷⁵ Yu-Wen & Hodzi (n 423) 12.

⁴⁷⁶ *ibid.*

⁴⁷⁷ *Economy* (n 235).

⁴⁷⁸ State Council of the PRC, ‘Chronology of China’s Belt and Road Initiative’ (*State Council of the PRC*, 28 March 2015) <http://english.gov.cn/news/top_news/2015/04/20/content_281475092566326.htm> accessed 17 June 2019.

⁴⁷⁹ *ibid.*

⁴⁸⁰ Una Aleksandra Bērziņa-Čerenkova, ‘BRI instead of OBOR’ (*Latvian Institute of International Affairs*, 28 July 2016) <<http://iia.lv/en/opinions/bri-instead-of-obor-china-edits-the-english-name-of-its-most-ambitious-international-project-532>> accessed 17 June 2019.

⁴⁸¹ Martin A Weiss, ‘Asian Infrastructure Investment Bank’ (*Congressional Research Service*, 3 February 2017) <<https://fas.org/sgp/crs/row/R44754.pdf>> accessed 17 June 2019.

creation of a new development bank.⁴⁸² The treaty establishing the NDB (previously referred to as the BRICS Development Bank) was signed in July 2014 and entered into force in 2015. Its headquarters are in Shanghai.

The Shanghai Cooperation Organization (SCO) was founded in 2001 in the eponymous city and originally included China, Russia, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, until it expanded in 2017 to include India and Pakistan.⁴⁸³ Originally conceived as ‘a confidence-building forum to demilitarize borders’,⁴⁸⁴ it has widened its scope of activities in recent years to intelligence-sharing, counter-terrorism and an emerging ‘focus on regional economic initiatives like the recently announced integration of the China-led Silk Road Economic Belt and the Russia-led Eurasian Economic Union’.⁴⁸⁵ It is generally considered that the internal tensions between its members (not just Russia-China, but now also India-China and India-Pakistan) will cause it to undercut itself and prevent further meaningful integration: most analysts believe that Russia insisted on including India, against China’s wishes, to dilute its weight; while one of India’s first actions as a full member was moving to block China ‘from obtaining the SCO’s unanimous support for its famed Belt and Road Initiative (BRI)’.⁴⁸⁶

The Association of Southeast Asian Nations (ASEAN) +3 initiative, consisting of the ten ASEAN members plus China, Japan and Korea, ‘has the potential to become the centre of global education, finance, technology and production, restoring an order that existed for several millennia until after 1800’.⁴⁸⁷ Placing China squarely at the intersection between the BRICS, the SCO and the ASEAN+3, Reginald Little writes that ‘China is at the centre of three organisations that could possibly herald a transition to a very new global order’.⁴⁸⁸

⁴⁸² Svetlana Petrova, ‘BRICS Summit 2012: A long Journey to cover’ (*The World Reporter*, 31 March 2012) <www.theworldreporter.com/2012/03/brics-summit-2012-long-journey-to-cover.html> accessed 17 June 2019.

⁴⁸³ Casey Michel, ‘India and Pakistan Join Shanghai Cooperation Organization’ (*The Diplomat*, 12 June 2017) <<https://thediplomat.com/2017/06/its-official-india-and-pakistan-join-shanghai-cooperation-organization/>> accessed 17 June 2019.

⁴⁸⁴ Eleanor Albert, ‘The Shanghai Cooperation Organization’ (*Council on Foreign Relations*, 14 October 2015) <www.cfr.org/background/shanghai-cooperation-organization> accessed 17 June 2019.

⁴⁸⁵ *ibid.*

⁴⁸⁶ Felix K Chang, ‘Organization of Rivals: The Limits of the SCO’ (*Foreign Policy Research Institute*, 27 September 2018) <www.fpri.org/article/2018/09/organization-of-rivals-limits-of-the-shanghai-cooperation-organization/> accessed 17 June 2019.

⁴⁸⁷ Reginald Little, ‘The 21st century global order – Time for enlightenment countries to take proper look at Confucian values’ (*East Asia Forum*, 1 May 2010) <www.eastasiaforum.org/2010/05/01/the-21st-century-global-order-time-for-enlightenment-countries-to-take-proper-look-at-confucian-values/> accessed 17 June 2019.

⁴⁸⁸ *ibid.*

Of the organisations that have come to fruition during Xi’s reign, we can differentiate on one hand those designed to be embedded in the existing international order, to bolster China within the status quo, such as the AIIB and the NDB. In these, although China enjoys ‘a privileged position as founder (...) it is compelled to operate within certain formalized rules and decision-making procedures’.⁴⁸⁹ On the other hand, we have the exclusively Chinese initiatives, like the BRI, in which Beijing has more sway over rules and procedures.

The West in general, and the US in particular, have reacted to these developments in a rather clumsy way, most notably in the run-up to the launch of the AIIB. US diplomats launched a lobbying campaign against countries joining, which failed very publicly as most of its major allies, excluding Japan but including Germany, France, and Italy joined the bank, in what constituted a major diplomatic humiliation.⁴⁹⁰ To add insult to injury, they were led by the United Kingdom, which became ‘the first G7 government to join the AIIB’.⁴⁹¹ This led to a rare public rebuke from the US in the form of an interview by a diplomat to the *Financial Times*, in which he stated ‘We are wary about a trend toward constant accommodation of China, which is not the best way to engage a rising power’.⁴⁹²

During the conception of the AIIB, and ever since, China has always taken pains to emphasise that it does not control the financial institution.⁴⁹³ The Articles of Agreement were based on the WB’s and drafted by representatives from many of the co-founding governments – although China ‘as the primary funder and leader, had the greatest say in the institutional rules and legal framework’.⁴⁹⁴ By reserving the presidency to itself⁴⁹⁵ and establishing a two-tiered membership system

⁴⁸⁹ Yu-Wen & Hodzi (n 423) 8.

⁴⁹⁰ Jane Perlez, ‘U.S. Opposing China’s Answer to World Bank’ *The New York Times* (9 October 2014) <www.nytimes.com/2014/10/10/world/asia/chinas-plan-for-regional-development-bank-runs-into-us-opposition.html> accessed 17 June 2019.

⁴⁹¹ Strand and others (n 449).

⁴⁹² Nicholas Watt, Paul Lewis & Tania Branigan, ‘US anger at Britain joining Chinese-led investment bank AIIB’ *The Guardian* (13 March 2015) <www.theguardian.com/us-news/2015/mar/13/white-house-pointedly-asks-uk-to-use-its-voice-as-part-of-chinese-led-bank> accessed 17 June 2019.

⁴⁹³ Janne Suokas, ‘China does not control AIIB, says bank chief’ (*GB Times*, 24 January 2018) <<https://gbtimes.com/china-does-not-control-aiib-says-bank-chief>> accessed 17 June 2019.

⁴⁹⁴ Strand and others (n 449).

⁴⁹⁵ Suokas (n 493).

that differentiates regional members (with greater representation and voting rights) and non-regional members, China placed itself at the centre of an orbit of influence made up of ‘37 regional member states and 18 non-regional members from Europe, Oceania, Latin America and Africa’.⁴⁹⁶

Three years since its inception, the AIIB has ‘expanded its membership to 84 countries and received the highest possible credit ratings from international credit rating agencies Fitch, Moody’s and Standard & Poor’s’,⁴⁹⁷ with a study finding that its projects adhere to significantly higher standards than those funded directly by China.⁴⁹⁸ It is set to play a crucial role for Asia, as a 2017 ADB report has calculated ‘the region needs over \$1.5 trillion per year through 2030 in infrastructure-related financing’.⁴⁹⁹

The AIIB is also instrumental to the financing of what has fast become the flagship of China’s efforts to place itself ‘at the center of world power’,⁵⁰⁰ the BRI. Defined as ‘a grandiose trillion-dollar trade and investment strategy to reconnect Eurasia’,⁵⁰¹ it includes everything from oil and gas pipes to railroads, highways, telecommunication infrastructure and deep-water ports. The name harkens back to the historical Silk Road, which some historians date back to as early as the caravans travelling between Iran and China in 106 BCE.⁵⁰² Over the centuries, a sprawling network of land and sea trade routes connected China and Central Asia, crossing the Indian Ocean and reaching as far as India, East Africa and the Middle East.

Elizabeth Economy sees in the launch of the BRI ‘a clear rebuttal to the United States, which in 2011 had proposed its own New Silk Road Initiative’.⁵⁰³ It is also a clear way for the Chinese leadership to reassert

⁴⁹⁶ Yu-Wen & Hodzi (n 423) 26.

⁴⁹⁷ Suokas (n 493).

⁴⁹⁸ Hart & Johnson (n 350).

⁴⁹⁹ Asian Development Bank, ‘Asia Infrastructure Needs Exceed \$1.7 Trillion Per Year, Double Previous Estimates’ (*Asian Development Bank*, 28 February 2017) <www.adb.org/news/asia-infrastructure-needs-exceed-17-trillion-year-double-previous-estimates> accessed 17 June 2019.

⁵⁰⁰ Jacob Stokes, ‘China’s Road Rules’ (*Foreign Affairs*, 19 April 2015) <www.foreignaffairs.com/articles/asia/2015-04-19/chinas-road-rules> accessed 17 June 2019.

⁵⁰¹ Luke Patey, ‘China is Pushing its Luck with the West’ *The New York Times* (27 December 2017) <www.nytimes.com/2017/12/27/opinion/china-west-power-influence.html> accessed 17 June 2019.

⁵⁰² Economy (n 139) 193.

⁵⁰³ *ibid* 91.

dominance over a narrative and a historical reality that they perceive as intrinsically Chinese. The BRI quickly dwarfed the US project – or any other infrastructure project in recent history, for that matter. If it reaches the estimated price tag of a trillion dollars, as it is expected to do, it will be more than seven times the size of the Marshall Plan⁵⁰⁴ – although the Chinese leadership does not like that comparison, scoffing that their initiative is ‘both much older and much younger’.⁵⁰⁵ Modern China in a nutshell.

Remarkably, it also represents ‘an important shift in the self-identity of China from an East Asian country to a central country of Asia that included North, South and West Asia,’⁵⁰⁶ and it allows the Chinese economy to be ‘open outside but not inside’.⁵⁰⁷ Along with ‘Made in China 2025’, the BRI was included in the 13th Five Year Plan (2016-2020) as a pillar of the Chinese economy.⁵⁰⁸

It will be partly financed with \$50 billion from the AIIB, ‘the \$40 billion New Silk Road Fund, and the New Development Bank initiative between BRICS nations’.⁵⁰⁹ Since these funds will materialise to a large extent through Chinese loans, it is implicit that construction contracts will be awarded to Chinese companies, in what is shaping to be a US\$1 trillion push for “China-funded and China-built” infrastructure, and Chinese economic self-rejuvenation’.⁵¹⁰ There has been some amount of backlash to the initiative, but we will elaborate on this issue in the next chapter.

Watching China weave a network of new and reenergised multilateral institutions, Minxin Pei writes that ‘If they succeed, China will have significantly reshaped the geopolitical and economic landscape of Asia and indeed the world at large’.⁵¹¹ Stuenkel is of the opinion that ‘rising powers - led by China - are quietly crafting the initial building blocks of what we may call a “parallel order” that will initially complement, and later possibly challenge today’s international institutions’.⁵¹²

⁵⁰⁴ Osnos (n 420).

⁵⁰⁵ Chen Mengwei, ‘Chinese FM says ‘Belt and Road’ initiatives not Marshall Plan’ (*China Daily*, 3 March 2015) <www.chinadaily.com.cn/china/2015twosession/2015-03/08/content_19750300.htm> accessed 17 June 2019.

⁵⁰⁶ Economy (n 139) 194.

⁵⁰⁷ *ibid.*

⁵⁰⁸ *ibid.* 193.

⁵⁰⁹ Stokes (n 500).

⁵¹⁰ Yu-Wen & Hodzi (n 423) 13.

⁵¹¹ Minxin Pei, ‘China in Xi’s New Era: A Play for Global Leadership’ (April 2018) 29(2) *Journal of Democracy* 37, 39.

⁵¹² Yu-Wen & Hodzi (n 423) 23.

4.

SOUTHEAST ASIA: BACK TO IMPERIAL TRIBUTES?

4.1 ASIA FOR THE ASIANS

Much has been written about the fact that Asia is not a continent that named itself. Originally a Greek word used to refer to the easternmost bank of the Aegean sea, it was constantly expanded eastwards by waves of Western explorers and colonisers until the meaning it holds today, encompassing everything from the coasts of Tartus to the islands of Japan, a dizzying array of cultures, languages, political systems, religions and over a thousand ethnic groups.⁵¹³

In this final chapter, our focus will be in the subregion of Southeast Asia, generally considered to be ‘as geographically situated east of the Indian subcontinent, south of China, and northwest of Australia’.⁵¹⁴ It includes Myanmar, Laos, Thailand, Cambodia, Vietnam, Malaysia, Singapore, Indonesia, the Philippines, Brunei and East Timor.

It is a churning region, ‘chronically awash in political upheaval, economic volatility, populist zeal and cultural friction’,⁵¹⁵ laced together by many centuries of common history and common cultural traits, long-standing grievances and intractable disputes, troubled waters and contested borders. Most of these stem from the European colonial empires that hardened once-fluid borders and drew demarcating lines on the map. These boundaries were poorly, if at all, defined, while in the bodies of water the situation was even worse.⁵¹⁶

⁵¹³ Sun Xi, ‘Dialogue of Civilizations for a better Asia and world’ (*Asia Times*, May 2019) <www.asiatimes.com/2019/05/opinion/dialogue-of-civilizations-for-a-better-asia-and-world/> accessed 17 June 2019.

⁵¹⁴ ‘Map of Southeast Asia’ (*Nations Online*) <www.nationsonline.org/oneworld/map_of_southeast_asia.htm> accessed 17 June 2019.

⁵¹⁵ Will Doig, *High-Speed Empire: Chinese expansion and the future of Southeast Asia* (Columbia Global Reports 2018) 91.

⁵¹⁶ Nicole Jenne, ‘Managing Territorial Disputes in Southeast Asia: Is There More than the South China Sea?’ (2017) 34(3) *Journal of Current Southeast Asian Affairs* 35, 38.

China is involved in many of the resulting disputes: it ‘shares sea or land borders with 19 countries, five of which have fought wars against China within the last century and ten of which still claim parts of Chinese territory as their own’.⁵¹⁷ Perhaps the highest profile case, and the main source of geopolitical tensions in the region, are the numerous claims from six different countries (China, Taiwan, Brunei, Malaysia, Vietnam and the Philippines) over the South China Sea.⁵¹⁸ Unsurprisingly, the most expansive by far are China’s, who claims almost 80% of the area, in what Michael Beckley has characterised as ‘the greatest territorial expansion of any nation since World War II’, partly blaming the global hype about China’s rise for emboldening it.⁵¹⁹ In 2011, a PLA Navy Commander made the following comment about the South China Sea: ‘How would you feel if I cut off your arms and legs? (...) That’s how China feels about the South China Sea’.⁵²⁰

There has long been an ambivalence in how modern China sees its geographical surroundings. The two competing regional conceptualisations are accepting the regional constructs – East Asia, Southeast Asia, Central Asia – which as we have mentioned are Western in origin, or seeing it as *zhoubian* 周边, ‘neighbourhood’, ‘which reflects a sense that China’s security depends on its crowded periphery’.⁵²¹ The latter has been gaining traction of late, with China bestowing increasing attention on its immediate neighbourhood and treating it as a single region – that it seeks to knit together and to itself through the BRI. This is a remarkable shift, since for a long time China was considered ‘a regional power without a regional policy’.⁵²²

Nobody in Beijing has forgotten the time when they were the gravitational centre of the region, or as Lee Kuan Yew put it, they ‘recall a world in which China was dominant and other states related to them as supplicants to a superior, as vassals that came to Beijing bearing

⁵¹⁷ Michael Beckley, ‘Stop Obsessing about China’ (*Foreign Affairs*, 21 September 2018) <www.foreignaffairs.com/articles/china/2018-09-21/stop-obsessing-about-china> accessed 17 June 2019.

⁵¹⁸ Economy (n 139) 200.

⁵¹⁹ Beckley (n 517).

⁵²⁰ Robert D Kaplan, *Asia’s Cauldron: The South China Sea and the end of a stable Pacific* (Random House 2014) 41.

⁵²¹ Summers (n 458) 28.

⁵²² Steven Levine, ‘China in Asia: The PRC as a Regional Power’ in Harry Harding (ed), *China’s Foreign Relations in the 1980s* (Yale UP 1982) 107.

tribute'.⁵²³ There is one term from ancient Chinese theory of statecraft that describes it best: *wangdao* 王道, 'humane authority', which presents China 'as an enlightened, benevolent hegemon whose power and legitimacy derive from its ability to fulfill other countries' security and economic needs—in exchange for their acquiescence to Chinese leadership'.⁵²⁴ It seems like under Xi, *wangdao* serves as a better prism through which to understand China in Southeast Asia that the 'good neighbour' policy that his predecessors championed to project an image of responsible regional power and avoid alarming smaller countries.⁵²⁵

China's neighbours have long feared such a development, that as Chinese power increased so would the pressure from its imperial past to 'restore the old Chinese hierarchical order'.⁵²⁶ This pressure, which partly comes from the sense of Chinese exceptionalism that we analysed in chapter 3, is also interlaced with the residual fear of a nation that for over a century suffered a string of defeats, invasions and humiliations. Some China-watchers have warned that, for this reason, it would only be natural that 'Beijing would seek greater security by developing a sphere of influence in East Asia, a modern equivalent of the traditional tributary system'.⁵²⁷

Another driving force is growing Chinese ethnonationalism, a political tool for the Chinese leadership which could easily slip out of their control.⁵²⁸ This nationalism is an especially volatile force concerning China's territorial claims, since there is an eagerness to punish neighbours like Vietnam or Philippines, 'who they believe capitalized on a period of relative Chinese weakness to assume control of disputed islands in the South and East China Seas and territory along China's land border'.⁵²⁹

There is an ongoing debate among Chinese scholars over whether China should pursue its own Monroe Doctrine,⁵³⁰ to establish a clear

⁵²³ Allison (n 221).

⁵²⁴ Yan Xuetong, 'The Age of Uneasy Peace' (*Foreign Affairs*, January-February 2019) <www.foreignaffairs.com/articles/china/2018-12-11/age-uneasy-peace> accessed 17 June 2019.

⁵²⁵ Zhao (n 125) 375.

⁵²⁶ Zhao (n 137).

⁵²⁷ Zhao (n 125) 375.

⁵²⁸ Jeff M Smith, 'Beware China's Grand Strategy' (*Foreign Affairs*, 20 May 2015) <www.foreignaffairs.com/articles/china/2015-05-20/beware-chinas-grand-strategy> accessed 17 June 2019.

⁵²⁹ *ibid.*

⁵³⁰ Zhao (n 137).

sphere of influence and, presumably, keep the US out. In the 2014 Conference on Interaction and Confidence Building Measures in Asia, Xi Jinping called for Asian security to be left to Asians.⁵³¹ Since then, he has taken to talking about ‘Asia for the Asians’, a slogan which for some recalls the narrative of imperial Japan during its Second World War invasion of Asia.⁵³²

In many ways, China has already reverted to its old imperial ways when dealing with neighbours through its host diplomacy, who as ‘emissaries of a small nation, as in imperial times, must pay tribute when they come to Beijing seeking favour’.⁵³³ Attendants to the BOAO Forum, often referred to as the Asian Davos, have made remarks about the imperial pomp of the event, and how everything is organised to echo the idea of foreign dignitaries arriving to the Chinese imperial court.⁵³⁴

For many, the 2016 ruling under the UN Convention on the Law of the Sea (UNCLOS) by the Permanent Court of Arbitration (PCA Case No. 2013-19), on China’s and the Philippines’ competing claims to the South China Sea, was a turning point. After the tribunal ruled in favour of the Philippines, China delivered an apoplectic response, accusing the Philippines of concocting a batch of lies and dismissing the ruling as nothing more than a piece of waste paper.⁵³⁵ Since then, ‘Beijing has sought to use its economic, military, and diplomatic power to shift how the ruling is implemented in the region’.⁵³⁶ The subtext is clear: the international order is to be tolerated, as long as it does not interfere with what China now sees as its backyard.

To drive this point home, China is increasingly flexing its muscle. Xi has been clear that he sees a military that is capable of fighting and winning wars as ‘essential to realizing every other component of the

⁵³¹ Curtis Chin, ‘Xi Jinping’s “Asia for Asians” mantra evokes imperial Japan’ *South China Morning Post* (14 July 2014) <www.scmp.com/comment/insight-opinion/article/1553414/xi-jinpings-asia-asians-mantra-evokes-imperial-japan> accessed 17 June 2019.

⁵³² *ibid.*

⁵³³ Biao (n 282).

⁵³⁴ Matthew Chung, ‘Taking advantage of China’s “Middle Kingdom” mentality’ (*Ejinsight*, 20 April 2018) <www.ejinsight.com/20180420-taking-advantage-of-chinas-middle-kingdom-mentality/> accessed 17 June 2019.

⁵³⁵ Bill Hayton, ‘Two Years On, South China Sea Ruling Remains a Battleground for the Rules-Based Order’ (*Chatham House*, 11 July 2018) <www.chathamhouse.org/expert/comment/two-years-south-china-sea-ruling-remains-battleground-rules-based-order> accessed 17 June 2019.

⁵³⁶ Hart & Johnson (n 350).

China Dream'⁵³⁷ and, since 2014, 'the People's Liberation Navy has launched more submarines, warships, principal amphibious vessels and auxiliaries than the total number of ships currently serving in the navies of Germany, India, Spain, Taiwan and the United Kingdom'.⁵³⁸ It has taken daring provocative steps, like the establishment in 2013 of an air-defence identification zone that overlapped with Korea's and Japan's, a move that had been previously rejected by Hu Jintao as too inflammatory,⁵³⁹ or the build-up and militarisation of artificial islands in the South China Sea.⁵⁴⁰ Graham Allison has written that, as it absorbs Southeast Asian nations into its economic orbit, China is eager to prove that 'if fight must, fight it will'.⁵⁴¹

As willing as it postures itself to be to go down the war path, so far it is clear that China prefers to use its considerable economic weight to engage with its neighbours, and shape regional politics to its favour, a strategy focused on economics that has paid them handsome dividends. Pang Zhongying, a scholar from Renmin University, fishes another concept from imperial Chinese times to explain this strategy: *huairou* 怀柔, 'pacifying and winning the hearts of foreigners through tributary trade (...) is an ancient Chinese ruling strategy (...) better suited to China than the American concept of soft power'.⁵⁴²

For John D Ciorciari, Chinese assets (not only economic, but also military and ideological) place Beijing in a strong position to establish relations of patronage with other countries, especially 'to poor or internationally ostracized neighbours such as (...) Laos, Cambodia, Myanmar, Timor-Leste, Nepal and Sri Lanka'.⁵⁴³ However, it must tread carefully, since almost all its friends have alternatives to turn to if Beijing overplays its hand. According to a Western diplomat I interviewed, such is the case of Myanmar, whose limited opening-up and rapprochement with the US have been partly motivated by a desire to hedge its bets against China.

⁵³⁷ Allison (n 221).

⁵³⁸ Nick Childs & Thomas Waldwyn, 'China's naval shipbuilding: delivering on its ambition in a big way' (*International Institute for Strategic Studies*, 1 May 2018) <www.iiss.org/blogs/military-balance/2018/05/china-naval-shipbuilding> accessed 17 June 2019.

⁵³⁹ Minxin (n 511) 43.

⁵⁴⁰ *ibid.*

⁵⁴¹ Allison (n 221).

⁵⁴² Economy (n 139) 222.

⁵⁴³ John D Ciorciari, 'A Chinese model for patron-client relations? The Sino-Cambodian partnership' (May 2015) 15(2) *International Relations of the Asia-Pacific* 245, 249.

In this chapter, we will elaborate on the changes that China’s growing engagement with the region is bringing. On one side, China craves for ‘a region infused with Chinese influence, connections and control’, seeking to ‘draw a coveted part of the world further into the Sinosphere’.⁵⁴⁴ On the other side, feelings are more complicated, since Beijing’s grand design ‘personifies what many in Southeast Asia today both yearn for and fear: the heavy hand of China reaching deep into their countries, bearing expensive gifts and offers one can’t refuse, but also (...) concerns about sovereignty and identity’.⁵⁴⁵

4.2 GOOD PARTNERS AND GOOD NEIGHBOURS

4.2.1 *Friends of China and Chinese diasporas*

Nowhere is this ambivalence clearer than when it comes to political leaders. Across the region, politics remain mercurial, as those in charge manoeuvre their countries opportunistically to better advance their own individual interests. On the one hand, for all explained above, there is increasing worry about the nascent hegemon to the East. On the other, it is hard to resist the promise of a very Chinese type of investment which comes with few strings attached and a fair number of deal-sweeteners for individual politicians.

A very clear example of this fluidity can be found in Malaysia, where in 2018 Mahathir Bin Mohamad, the 93-year old Prime Minister from 1981 to 2003, managed to stage a comeback to power. He achieved this in part by painting China as a bogeyman and a neo-colonial power,⁵⁴⁶ going as far as accusing Najib Razak, his predecessor and one-time protégé, of ceding sovereignty to China⁵⁴⁷ and sounding the alarms about Chinese

⁵⁴⁴ Doig (n 515) 93.

⁵⁴⁵ *ibid* 27.

⁵⁴⁶ Shankaran Nambiar, ‘What next for Mahathir’s pivot to China?’ (*Nikkei Asian Review*, 6 June 2019) <<https://asia.nikkei.com/Opinion/What-next-for-Mahathir-s-pivot-to-China>> accessed 17 June 2019.

⁵⁴⁷ Bhavan Jaipragas, ‘Mahathir Mohamad. Malaysia’s anti-China rebel? Not so fast’ *South China Morning Post* (22 August 2018) <www.scmp.com/week-asia/geopolitics/article/2160719/mahathir-mohamad-malaysias-anti-china-rebel-not-so-fast> accessed 17 June 2019.

land-grabs.⁵⁴⁸ Upon arriving to power, he suspended around US\$22 billion in Chinese-backed infrastructure projects, publicly lambasting them as corrupt and over-priced, and vowing to renegotiate them.⁵⁴⁹

Less than a year after this, he had negotiated a reduction of one third of the price (a reduction worth \$5 billion) of the East Coast Rail Link,⁵⁵⁰ a key part of China's so-called railway diplomacy and the crown jewel of Chinese infrastructure in Malaysia – and the rhetoric was completely different too. As he visited Beijing for the second annual Belt & Road Forum in late April, the second time he visited China since his election, he gushed about the initiative, and insisted that his previous criticisms had been solely related to the Malaysian economic situation, ‘not about the Chinese’.⁵⁵¹ A month later, he sided decisively with China vis-à-vis the US in the ongoing diplomatic spat about the use of Huawei technologies, which the US government fears could give the Chinese backdoor access. Mahathir urged the US to acknowledge China's technological prowess, accept that they cannot be ‘the supreme nation in the world that can have the best technology’⁵⁵² forever and seemed to mock them, saying ‘If I am not ahead, I will ban you, I will send warships’ – that is not competition, that is threatening’.⁵⁵³ The following day, the Chinese ambassador to Malaysia penned a lengthy essay in which he compared China-Malaysia friendship to a tree with abundant fruit, where ‘win-win cooperation would be the continuous source of irrigating of the tree’.⁵⁵⁴

This centrality of the idea of friendship, which the ambassador emphasised is very important to Chinese culture, is not unknown to other countries in the region. China regards Southeast Asia as Ground Zero for its Community of Shared Destiny, where the countries are strategic partners (friends, not allies)⁵⁵⁵ and the peoples are brothers

⁵⁴⁸ Doig (n 515) 79.

⁵⁴⁹ Alexandra Stevenson, ‘China Yields on Malaysia Rail Project as Global Infrastructure Program Is Re-Examined’ *The New York Times* (12 April 2019) <www.nytimes.com/2019/04/12/business/chinese-high-speed-rail-malaysia.html> accessed 17 June 2019.

⁵⁵⁰ Nambiar (n 546).

⁵⁵¹ Jaipragas (n 547).

⁵⁵² Jessica Lin, ‘A day after Mahathir voiced support for Huawei, China's ambassador to Malaysia says the countries will be “friends forever”’ (*Business Insider*, 31 May 2019) <www.businessinsider.my/a-day-after-mahathir-voiced-support-for-huawei-chinas-ambassador-to-malaysia-says-the-countries-will-be-friends-forever/> accessed 17 June 2019.

⁵⁵³ Nambiar (n 546).

⁵⁵⁴ Lin (n 552).

⁵⁵⁵ Martina (n 447).

and sisters, as Foreign Minister Wang Yi said in Laos in 2016.⁵⁵⁶ This has consequences, as Bruno Maçães writes, ‘A moralized notion of international politics will mean that values such as loyalty, gratitude and friendship can easily translate into relations of dependency, and where reprisals for charting an independent path are part of Chinese foreign policy’.⁵⁵⁷

Beijing makes sure that its friends feel the benefits, be it by shielding Myanmar’s military junta from scrutiny in the UN through Security Council vetoes and defunding of investigations,⁵⁵⁸ or by committing to multi-billion dollars investment projects in the Philippines, where president Rodrigo Duterte, the successor of a vocal critic of China, decided not to press further on the UNCLOS case referenced above, which Xi Jinping has described as ‘the rainbow after the rain’.⁵⁵⁹

The Philippines in Southeast Asia, along with the Democratic People’s Republic of Korea in East Asia, have proven themselves to be the two countries most adept at what Chung Man has termed exploiting China’s Middle Kingdom mentality, its desire to play Big Brother to smaller, poorer non-Western countries. This is a tendency that has been accentuated by Xi’s desire to portray himself as a benevolent leader for the Global South and powered by a buoyant Chinese economy, but which harkens back even to the early years of the CCP, when they did not have ‘two cents to rub together’.⁵⁶⁰

Not all countries are so eager to befriend China, regardless of the benefits, and the ramifications of both historical alliances and grievances can stand in the way of China’s designs. The most obvious example is Vietnam, whom China has never forgiven for switching alliances in 1978 to the USSR, at the time its arch-rival, and with whom it fought a bloody war in 1979.⁵⁶¹ To this day Vietnam remains ‘a fierce China sceptic’,⁵⁶² with the Vietnamese Communist Party mouthpiece condemning China for the ‘brutal and illogical invasion’ on the occasion of the 40th anniversary of the war, in March 2019. Massive anti-Chinese nationalist

⁵⁵⁶ Doig (n 515) 39.

⁵⁵⁷ Maçães (n 306) 144.

⁵⁵⁸ Charbonneau (n 390).

⁵⁵⁹ Hannah Beech & Jason Gutierrez, ‘Xi Visits Philippines to Celebrate “Rainbow After the Rain” With Duterte’ *The New York Times* (19 November 2018) <www.nytimes.com/2018/11/19/world/asia/xi-jinping-rodrigo-duterte-philippines-china.html> accessed 17 June 2019.

⁵⁶⁰ Chung (n 534).

⁵⁶¹ Cary Huang, ‘China tries to forget, but its war with Vietnam ended with a US victory’ *South China Morning Post* (3 March 2019) <www.scmp.com/week-asia/opinion/article/2188181/china-tries-forget-its-war-vietnam-ended-us-victory-just-look> accessed 17 June 2019.

⁵⁶² Doig (n 515) 38.

protest followed the 2018 attempt by the Vietnamese government to establish three Special Economic Zones (SEZs), prompting the Vietnamese Communist Party to postpone the plan.⁵⁶³

Laos, alongside Cambodia, is arguably the Southeast Asian country where Chinese investment and influence is more pervasive, and yet the Sino-Vietnamese antagonism casts a cloud over their relationship. Vietnam, the birthplace of Lao's original communist party, the Pathet Lao, has historically been Laos' closest partner, to the point that in the second half of the 20th century, 'some Lao leaders identified as both Lao and Vietnamese, toggling between personas to suit the situation at hand'.⁵⁶⁴ In recent years, some prominent pro-China politicians in Laos have fallen out of favour, and analysts have argued that Vietnam's hand was behind it.⁵⁶⁵ On the other hand, as we will see further below, Cambodia's aversion for Vietnam has helped it overcome its dislike for China, and push Phnom Penh into Beijing's arms.

Singapore is another country that has resisted China's pull, and the idea that smaller countries should kowtow to bigger ones, implicit in China's dealings in the region. Both Lee Kuan Yew and his successors, including his son and current Prime Minister Lee Hsien Loong, have refused to appease China and have repeatedly taken actions considered provocative by China, such as an attempt to include an endorsement of the Philippines-China UNCLOS ruling in the final declaration of the 2016 NAM summit.⁵⁶⁶ The attempt failed, partly because Venezuela, a major Chinese borrower who hosted and chaired the summit, declined to include the endorsement, but it is highly illustrative of a willingness to stand up to China that few other countries in the region dare to show.

There is another reason for Singapore to draw clear red lines in its relations with China, and that is its demographic reality. Three quarters of the population of Singapore are ethnic Chinese (including Lee Kuan Yew), and historically the government of Singapore has been very careful to maintain a balance between the ethnic Chinese and various other ethnic minorities, decisively rejecting the notion that Singapore is embedded in an ethnically-defined 'Greater China'.⁵⁶⁷ Singapore is

⁵⁶³ David Hutt, 'Vietnam seeks to slow China inflows' *Asia Times* (30 May 2019) <www.asiatimes.com/2019/05/article/vietnam-seeks-to-slow-china-inflows/> accessed 17 June 2019.

⁵⁶⁴ Doig (n 515) 38.

⁵⁶⁵ *ibid.*

⁵⁶⁶ Donald K Emmerson, 'China in Xi's New Era: Singapore and Goliath?' (April 2018) 29(2) *Journal of Democracy* 76, 77.

⁵⁶⁷ *ibid.*

not alone in having a sizeable Chinese diaspora: ethnic Chinese number more than 50 million across Southeast Asia (83% of the global Chinese diaspora),⁵⁶⁸ often ‘concentrated in strategically important countries and key emerging economies’.⁵⁶⁹

In the 1950s, conscious of the suspicion with which some of China’s neighbours regarded their Chinese diasporas, Zhou Enlai tried to assuage their fears by largely abandoning the idea that Beijing had any role to play in protecting their interests. This was in line with the realism of the Chinese leadership at the time, who saw themselves ‘as heads of state, not as leaders of an international chauvinist movement’.⁵⁷⁰

By all accounts this seems to be changing, as Xi Jinping continues to craft an ethnonationalist narrative as a source of legitimacy for the CCP and makes very clear that Chinese, wherever they are, are part of the China Dream.⁵⁷¹ The Chinese leadership has gone down this path by strengthening pre-existing economic and cultural ties and trying ‘to encourage the Chinese diaspora to become more active in the politics of their host countries’.⁵⁷²

Beijing has been very successful in ensuring that much of its investment is channelled through its diasporas: the text-book case is Indonesia, where ethnic Chinese make up 2-3% of the population, but are estimated to own 73% of private wealth,⁵⁷³ and manage 90% of the trade between Indonesia and China, its main trade partner.⁵⁷⁴ In other countries like Malaysia, where ethnic Chinese comprise a quarter of the population, they have also acted as a bridge between the two countries,⁵⁷⁵ and in others like Laos, China’s preferred interlocutors have tended to be ethnic Chinese politicians like Lao former deputy

⁵⁶⁸ UK Foreign & Commonwealth Office, ‘One China? Beijing and its Diaspora: Opportunities, Responsibilities and Challenges’ (9 December 2014) UK Foreign & Commonwealth Office <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/384752/One_China_III.pdf> accessed 17 June 2019.

⁵⁶⁹ Anthony Cho & Harry Krejsa, ‘Is Beijing Adopting an Ethnonationalist Foreign Policy?’ (*Foreign Affairs*, 23 October 2017) <www.foreignaffairs.com/articles/asia/2017-10-23/beijing-adopting-ethnonationalist-foreign-policy> accessed 17 June 2019.

⁵⁷⁰ Economy (n 139) 181.

⁵⁷¹ Carlson (n 172).

⁵⁷² Anne-Mary Brady, ‘Magic Weapons: China’s political influence activities under Xi Jinping’ (*Wilson Center*, 18 September 2017) <www.wilsoncenter.org/sites/default/files/magic_weapons.pdf> accessed 17 June 2019.

⁵⁷³ UK Foreign & Commonwealth Office (n 568).

⁵⁷⁴ The Observatory of Economic Complexity, ‘Indonesia’ <<https://atlas.media.mit.edu/en/profile/country/idn/>> accessed 17 June 2019.

⁵⁷⁵ UK Foreign & Commonwealth Office (n 568).

Prime Minister Somsavat Lengsavad, educated in a Chinese primary school, who was eventually dismissed to assuage Vietnamese concerns about Chinese encroachment.⁵⁷⁶

There is now even an official body to deal with the diaspora, the Overseas Chinese Affairs Office, which among other things arranges for all-expenses paid trips to Chinese youth camps and is working to ease the procedure for foreign ethnic Chinese to obtain permanent-residence visas in China.⁵⁷⁷ It is also seeking to reverse the historical brain-drain it has suffered and lure back the most promising among the diaspora, with programmes like the 1,000 Talents Program, which offers hefty salaries and enviable work conditions for those leaders in their fields who choose to repatriate to China.⁵⁷⁸

4.2.2 Reverse snowballing

In his seminal work, ‘Democracy’s Third Wave’, published in 1991, political scientist Samuel Huntington talks about how democratisation processes tend to occur regionally, in a process he terms ‘snowballing’. Some examples are Southern European Portugal and Spain, followed by Latin America, in 1974-1975; East Asian Taiwan, South Korea and the Philippines in the late 1980s and Eastern and Central Europe after the collapse of the USSR.⁵⁷⁹

Huntington also speaks of the possibility of ‘reverse snowballing’, in which ‘a nondemocratic state greatly increased its power and began to expand beyond its border’, and gives a very specific example: ‘If China develops economically under authoritarian rule in the coming decades and expands its influence and control in East Asia, democratic regimes in the region will be significantly weakened’.⁵⁸⁰ Edward Friedman agrees with Huntington’s analysis, writing that the CCP does everything in its power to prevent the flourishing of democracy in Southeast Asia, in part to avoid becoming the odd nation out.⁵⁸¹

⁵⁷⁶ Doig (n 515) 39.

⁵⁷⁷ Cho & Krejsa (n 569).

⁵⁷⁸ Didi Tang, ‘China tries to end brain drain, lure foreign-educated talent’ (*Associated Press*, 6 August 2016) <<https://apnews.com/3f5730814983416fa2baefb4f69132f1>> accessed 17 June 2019.

⁵⁷⁹ Edward Friedman, ‘China: A Threat to or Threatened by Democracy?’ (Winter 2009) 56(1) *Dissent* 7, 9.

⁵⁸⁰ Samuel P Huntington, ‘Democracy’s Third Wave’ (Spring 1991) 2(2) *Journal of Democracy* 12, 19.

⁵⁸¹ Friedman (n 579) 9.

China ought not to worry. In a region that does not distinguish itself for pristine liberal credentials, the possibility that the region will come to be distinguished by its democratic ethos is a remote one. According to the Freedom in the World rankings by Freedom House, between 1980 and 2016 all 11 Southeast Asian countries showed a picture of democratic stagnation in the last three decades, with the only country showing consistent deterioration of civil liberties and political rights being Thailand, which we will examine further in detail below.⁵⁸²

Regional political leaders from time to time seem to take a page out of the CCP’s playbook, like the instrumentalisation of the rule of law to turn it into rule by law, using ‘judicial decisions that may be legally correct but stand opposed to justice and democracy’.⁵⁸³ Cambodia’s Hun Sen has become especially adept at this approach, as we will see further below. This willingness to export authoritarian *savoir faire* has even resulted in some strange bedfellows: it has been reported that Vietnam’s new Cybersecurity Law copies its Chinese equivalent almost verbatim, with Vietnamese lawmakers eventually admitting that they had looked to China for inspiration, but also to other countries like Japan, the Czech Republic or South Korea.⁵⁸⁴

At the new Baise Executive Leadership Academy, in the border with Vietnam in the region of Guangxi, there is a stated focus on influencing officials from the ASEAN countries, having ‘already trained 437 senior government delegates, most of them from neighbouring countries such as Vietnam, Laos and Myanmar’.⁵⁸⁵ Completely funded by the Chinese side, they receive training on topics like ‘how to guide public opinion online when there are emergencies, and how to alleviate poverty in a “targeted” way’,⁵⁸⁶ while China has the opportunity of establishing ties

⁵⁸² Thomas Pepinski, ‘Democracy isn’t receding in Southeast Asia, authoritarianism is enduring’ (*East Asia Forum*, 4 November 2017) <www.eastasiaforum.org/2017/11/04/democracy-isnt-receding-in-southeast-asia-authoritarianism-is-enduring/> accessed 17 June 2019.

⁵⁸³ Gina Tam & Tyrell Haberkorn, ‘How the Opposition is Silenced in Hong Kong and Thailand’ (*Foreign Affairs*, 15 September 2017) <www.foreignaffairs.com/articles/east-asia/2017-09-15/how-opposition-silenced-hong-kong-and-thailand> accessed 17 June 2019.

⁵⁸⁴ Trinh Huu Long, ‘Vietnam’s Cybersecurity Draft Law: Made in China?’ (*The Vietnamese*, 8 November 2017) <www.thevietnamese.org/2017/11/vietnams-cyber-security-draft-law-made-in-china/> accessed 17 June 2019.

⁵⁸⁵ He Huifeng, ‘China is training foreign officials to spread its political model’ (*Business Insider*, 15 July 2018) <www.businessinsider.com/china-training-asean-officials-2018-7?r=US&IR=T> accessed 17 June 2019.

⁵⁸⁶ *ibid.*

with senior officials of neighbouring countries with whom relations have not always been smooth, and of teaching them on the ways of the China Model.

In some instances, China has gone one step further, and taken direct control. As we will see in the upcoming case study on Cambodia, Chinese police patrols the streets of the Cambodian city of Sihanoukville. In Laos, ‘you have vice ministers (...) for whom China has paid two or three million dollars. China bankrolls their salaries, too’.⁵⁸⁷ After the 2014 riots against ethnic Chinese in China’s only SEZ in Vietnam, the Haiphong Economic and Trade Cooperation Zone, the Chinese provincial government of Shenzhen ‘decided to fully take over’.⁵⁸⁸

Let’s examine more in depth how Chinese influence is being felt on the ground in Thailand.

4.2.3 Case study: democracy with Thai characteristics

Thailand has been chosen as one of the two country case studies in this paper for two main reasons. First, because of its history. As the rest of the region was carved up by colonial powers in the late 19th century Siam, as Thailand was formerly known, managed to maintain its *de jure* independence, partly thanks to deft diplomatic manoeuvring, partly because of its geographical location, as a buffer between French Indochina and British Burma. In reality, its sovereignty was severely compromised, and the European influence was heavily felt.⁵⁸⁹ Nonetheless, Thai diplomats developed a tradition of balancing between greater powers, which they used during the Cold War as they once again hedged their bets between the US and the USSR and emerged relatively unscathed from the upheaval that swept most of its neighbours. I thought it would be interesting to see how Thailand continues to play this balancing act as the main players change, and now it finds itself on the frontline between the US and China.

The second reason relates to its geopolitical heft and strategic importance. Thailand is a regional power on its own with a strong sense

⁵⁸⁷ Doig (n 515) 35.

⁵⁸⁸ Cissy Zhou, ‘Inside China’s state-owned industrial park in Vietnam’ *South China Morning Post* (3 June 2019) <www.scmp.com/economy/global-economy/article/3012633/inside-chinas-state-owned-industrial-park-vietnam-beijings> accessed 17 June 2019.

⁵⁸⁹ Jenne (n 516) 38.

of national pride and historical identity, which on occasions has publicly bristled to perceived slights from greater powers. For this reason, all of China’s designs for the region need to take the kingdom of Thailand into account. In the words of Will Doig, ‘in the Southeast Asia jigsaw puzzle, Thailand is the piece China simply can’t afford to lose’.⁵⁹⁰

Moreover, by 2006 Thailand had successfully completed its democratisation process and, albeit a flawed one, had become a democratic example for other countries in the region. However, as mentioned previously, Thailand is the only country in Southeast Asia that had shown a recent deterioration of civil liberties and political rights prior to 2016. What happened between 2006 and 2016?

When we say Thai democracy was flawed, it is in part because it was led by Thaksin Shinawatra, a populist under whose mandate democratic institutions were being corroded, who had little patience for civil society or the press and who launched a brutal war on drugs *à la Duterte*. Nonetheless, he is credited for lifting millions of Thais out of poverty and remains extremely popular – his party, or parties aligned with him, have won every state-wide election in Thailand since 2001.⁵⁹¹ In the words of a non-Western diplomat I interviewed, ‘when Thaksin was bad, he was bad; but when he was good, he was very good’.

In 2006, he was removed from office by the army with the support of the Thai establishment, who were spooked by his populist policies but who claimed they were doing it to maintain stability and to protect the monarchy, a sacred institution in Thailand. Yingluck Shinawatra, his sister, successfully ran for office at the helm of a new party and became Prime Minister after the 2011 elections, only to be deposed by a Constitutional Court decision in 2014. Fifteen days later, once again under the premise of maintaining stability, the military dissolved the caretaker government that had succeeded her in a coup, the 12th since the country’s first coup in 1932,⁵⁹² and took over.

⁵⁹⁰ Doig (n 515) 86.

⁵⁹¹ Joshua Kurlantzick, ‘Thailand’s Election: What to Know’ (*Council on Foreign Relations*, 20 February 2019) <www.cfr.org/in-brief/thailands-election-what-know> accessed 17 June 2019.

⁵⁹² Adam Taylor & Anup Kaphle, ‘Thailand’s army just announced a coup. Here are 11 other Thai coups since 1932’ *The Washington Post* (22 May 2014) <www.washingtonpost.com/news/worldviews/wp/2014/05/20/thailands-army-says-this-definitely-isnt-a-coup-heres-11-times-it-definitely-was/> accessed 17 June 2019.

If there is something that the CCP hates, it is instability, and the Thai jamboree of continuous coups and changes of government frustrated them.⁵⁹³ However, in the last five years the junta has become a good interlocutor for Beijing, with a narrative which prioritises stability over human rights with which the CCP is comfortable. The affinity is reciprocated, and the Junta has shown itself ‘eager to stimulate growth, bolster its standing with Beijing, and legitimize its continued place at the helm of Thailand’s government’.⁵⁹⁴ As part of its efforts to show itself as a true friend of China, in 2015 the Junta deported over one hundred Uyghur refugees back to China, ignoring outcry from Thai civil society and the international community alike.⁵⁹⁵

One European diplomat I spoke to blamed the Western response to the 2014 coup, led by the Obama administration, for being too value-driven and not pragmatic enough to engage with the Junta, effectively alienating it and pushing it into Beijing’s arms. The director of a leading Thai think-tank dismissed that idea when I asked her if she agreed, arguing that the fear of pushing Southeast Asian countries into China’s orbit is unfounded, since it is already happening anyway – and what use is influence if you cannot use it for fear of losing it? Those fears only strengthen the hand of regional political leaders, who can more easily hedge their bets and use their leverage to extract concessions from both China and the West.

China is seen by the Thai establishment as a more reliable partner than the US in almost all fields, based on a longer history together and closer cultural affinity. Paradoxically, the one exception is the military, who has long-established ties to the US military, with many of the elder cadres having been trained in the US in their youth. My interlocutor expressed her doubts that these historical ties would survive the change of the guard onto a newer generation of military leaders.

China has also grown comfortable in its dealings with the Junta because of its lack of democratic accountability and the lack of checks and balances to constrain it. This can be seen in increased Chinese engagement in Thailand since the coup, which in turn has emboldened

⁵⁹³ Doig (n 515) 84.

⁵⁹⁴ *ibid* 88.

⁵⁹⁵ Edward Wong & Poipity Amatatham, ‘Ignoring Protests, Thailand Deports About 100 Uyghurs Back to China’ *The New York Times* (9 July 2015) <www.nytimes.com/2015/07/10/world/asia/thailand-deports-uyghur-migrants-to-china.html> accessed 17 June 2019.

the military men of the Junta, with the knowledge that Beijing will have their back on their dealings with the international community. Like other leaders with authoritarian tendencies throughout the world, the Junta is seeing China as a model, and has started to copy some of its laws. Two examples are the sweeping new cybersecurity law, which an analyst I interviewed thought was likely drafted by Chinese-trained Thai officials and article 116 of the Thai Criminal Code, tailored to target activists on charges of instigating to violate the constitution. Thailand’s draconian laws of *lèse-majesté*, which regulate what is considered as an offence to the Crown, have also long been instrumentalised to prey on opponents of the regime.

Chinese inspiration may be more pervasive than individual laws. After a sweeping electoral reform designed to stack the deck in favour of the Junta candidate, Prayuth Chan-o-cha, and which among other things allowed the Junta to appoint the whole 250-member Senate,⁵⁹⁶ the Junta started to talk about ‘democracy with Thai characteristics’, a term eerily reminiscent of the ‘with Chinese characteristics’ that the CCP is fond of slapping onto pretty much every ideology they want to pervert. Panitan Wattanayagorn, advisor to the deputy Prime Minister in the military government, argued that the reforms were ‘designed to move Thailand out of a long crisis between two duelling political factions (...) It’s not a Western, liberal democracy, but it represents a halfway approach’.⁵⁹⁷

One front in which China’s efforts are falling flat is soft power. Everyone I talked to agreed that the Chinese are not liked in Thailand, and that China is not perceived as the cradle of a millenary culture, but rather as a country of new money and rude, entitled visitors. This is a problem for a number of Thai industries, which in recent years have grown increasingly dependent on China. Regarding education, one university professor told me that many second-tier universities depend on an influx of Chinese students to finance their programmes. The most extreme case might be tourism: the number of Chinese tourists has jumped from under 800,000 in 2009 to more than 8 million now,

⁵⁹⁶ Richard C Paddock, ‘Thailand’s Junta Targets Opposition Leader, Flexing System Rigged in Its Favor’ *The New York Times* (4 April 2019) <www.nytimes.com/2019/04/04/world/asia/thailand-elections-future-forward-junta.html> accessed 17 June 2019.

⁵⁹⁷ Shashank Bengali, “Everything is already decided”: Thailand’s army is set to cement power with an election’ *Los Angeles Times* (20 March 2019) <www.latimes.com/world/la-fg-thailand-election-campaign-20190320-story.html> accessed 17 June 2019.

constituting ‘up to 50% of all inbound tourism related income’.⁵⁹⁸ And Thailand is not alone in finding itself at the receiving end of a stampede of Chinese tourists. Japan, South Korea, Vietnam, Russia, the Maldives, Indonesia, North Korea, the United Kingdom and South Africa all count now China as their top origin point for tourists.⁵⁹⁹

Because of the structure of China’s tourism industry, the government is uniquely capable of regulating and directing these flows, whether by dangling Approved Destination Status in front of countries in exchange for policy changes, or by banning tour operators from selling tours to certain countries. Following a boat accident in 2018 in which 47 Chinese tourists died, and the initial dismissive response by the Thai government blaming it on the Chinese tour operator, there was a massive uproar from China. The Junta, fearing a nascent boycott and plummeting tourism revenues, scrambled to do damage control, with Prime Minister Prayuth Chan-o-cha visiting Chinese survivors in the hospital and attending a joint ceremony with Chinese officials in remembrance of the dead.

China has never reached the heft of the soft-power regional heavy-weights, Japan and South Korea. This might be because the Chinese diaspora is very assimilated into Thai society, thanks in part to the Moral Edicts of the 1930s and 1940s, designed to curtail Chinese influence (and which at the time Chinese leaders like Zhou Enlai supported, as mentioned previously). Most ethnic Chinese Thais have turned their Chinese last names into Thai last names. An analyst mentioned that the ethnic Chinese are in fact over-represented in the Chamber of Commerce, but that their links to China were tenuous at best. There are newer generations of Chinese immigrants, second or third generation at most, who are very wealthy and hold considerable clout, especially in the private sector.

Following the election of Thaksin Shinawatra, Thailand’s first ethnic Chinese Prime Minister, there was an uptick of interest in the Chinese roots of many Thais, mainly perceived through the increased popularity of historical soap operas that happen against the backdrop of imperial China. However, rather than a source of soft power for China, both former Prime Ministers Shinawatra are a sore spot in Beijing’s relations

⁵⁹⁸ Nithin Coca, ‘Tourism from China provokes an Internet crackdown in Thailand’ (*Coda*, 12 March 2019) <<https://codastory.com/authoritarian-tech/tourism-from-china-provokes-an-internet-crackdown-in-thailand/>> accessed 17 June 2019.

⁵⁹⁹ Evan Rees, ‘China’s Unlikely Weapon: Tourists’ (*Stratfor Worldview*, 9 July 2018) <<https://worldview.stratfor.com/article/chinas-unlikely-weapon-tourists>> accessed 17 June 2019.

with the Junta. In early 2019, as they visited their ancestral homeland in Southern China and were welcomed by throngs of Chinese citizens, all media coverage was censored, as China treaded carefully, least it be perceived as meddling in Thai domestic politics – the Junta had just delayed promised elections that were to be held in February. Professor Xu Liping characterises China’s dilemma as wanting to show it will be friendly to former leaders that had been kind to China whilst in office, while not openly welcoming individuals seen as fugitives by the current Thai government.⁶⁰⁰

4.3 TO GET RICH IS GLORIOUS

Speaking at the opening ceremony of the 2017 Belt & Road Forum, Xi Jinping declared that ‘development holds the master key to solving all problems’.⁶⁰¹ This distinctively Chinese development-led approach resonates in Southeast Asia, not only as the birthplace of Asian values, but also for more prosaic reasons: according to the ADB, Asia will need over \$1.7 trillion per year through 2030 if it is to maintain growth.⁶⁰² After Donald Trump withdrew from the Trans-Pacific Partnership on his first full day in office, a free-trade deal that excluded China, there is not really any alternative to Chinese mammoth projects. In its stead, China is pushing for the Regional Comprehensive Economic Partnership (RCEP), a trade deal that involves the ten members of ASEAN plus its six dialogue partners (Australia, PRC, India, Japan, Republic of Korea and New Zealand). Although progress is slow on this front, if successful, the RCEP would become ‘the world’s largest trading bloc, accounting for 3.4 billion people with a total Gross Domestic Product (GDP) of \$49.5 trillion’.⁶⁰³ Alternatives put forward by other actors, like the Asia-Africa Growth Corridor jointly sponsored by India and Japan,⁶⁰⁴ pale in comparison to the sheer scale of Chinese investment and its flagship, the BRI.

⁶⁰⁰ Kinling Lo & He Huifeng, ‘Beijing treads carefully when scions of Thai political dynasty arrive in China in search of their roots’ *South China Morning Post* (7 January 2019) <www.scmp.com/news/china/diplomacy/article/2181064/beijing-treads-carefully-when-scions-thai-political-dynasty> accessed 17 June 2019.

⁶⁰¹ Doig (n 515) 92.

⁶⁰² Asian Development Bank (n 499).

⁶⁰³ Luke Hunt, ‘What’s next for RCEP?’ (*The Diplomat*, 17 August 2018) <<https://thediplomat.com/2018/08/whats-next-for-rcep/>> accessed 17 June 2019.

⁶⁰⁴ Nadege Rolland, ‘Reports of Belt and Road’s Death Are Greatly Exaggerated’ (*Foreign Affairs*, 29 January 2019) <www.foreignaffairs.com/articles/china/2019-01-29/reports-belt-and-roads-death-are-greatly-exaggerated> accessed 17 June 2019.

In many of the countries of the region, the Special Economic Zones serve as the bridgehead for Chinese influence. SEZs, defined as ‘zones intended to facilitate rapid economic growth by leveraging tax incentives to attract foreign dollars and technological advancement’⁶⁰⁵ are China’s preferred way of channelling its investment. Will Doig has analysed how China expects to be given full control over these areas, not to colonise them so much as to monetise them. In addition to the Vietnamese Haiphong Economic and Trade Cooperation Zone mentioned earlier, there have been many instances where the sovereignty of the host countries has been dismissed, like in Thailand’s Eastern Economic Corridor, which has prompted comparisons to ‘Hong Kong in the colonial era -a give-away to foreign powers’,⁶⁰⁶ or the Boten Economic Zone Development and Construction Group in Laos, where a Chinese state-owned company acts as the municipal government.⁶⁰⁷

The Chinese proverb ‘If you want to get rich, first build a road’⁶⁰⁸ seems to be at the core of Chinese ‘high-speed rail diplomacy’, a strategy that started in 2007 when China began to invest heavily in its high-speed train network. Bolstered by its expertise in central planning and its willingness to expropriate lands and relocate entire villages, China soon became the leading country in the field.⁶⁰⁹ By 2011, it launched its high-speed railway diplomacy on a global scale, spearheaded by Prime Minister Li Keqiang, in the hope that ‘these trains would not just carry passengers but would also deliver Chinese influence’.⁶¹⁰ From India to Romania and from there to Brazil to convince then-president Dilma Rousseff to chop down swathes of the Amazonian rainforest to give way to railroads, by 2015 China ‘was in talks with nearly thirty countries about high-speed rail projects, with plans to double its overseas rail contracts by the year 2020’.⁶¹¹

The BRI is the logical continuation of this mentality, tying together Southeast Asia’s developmental needs with China’s wish to export its

⁶⁰⁵ Adam Barone, ‘Special Economic Zone (SEZ)’ (*Investopedia*, 26 April 2019) <www.investopedia.com/terms/s/sez.asp> accessed 17 June 2019.

⁶⁰⁶ Doig (n 515) 87.

⁶⁰⁷ *ibid* 47.

⁶⁰⁸ Jamil Anderlini, ‘We say, if you want to get rich, build roads first’ *Financial Times* (10 September 2018) <www.ft.com/content/4ec28916-9c9b-11e8-88de-49c908b1f264> accessed 17 June 2019.

⁶⁰⁹ Tom Zoellner, ‘China’s High-Speed Rail Diplomacy’ (*Foreign Affairs*, 14 June 2016) <www.foreignaffairs.com/articles/china/2016-06-14/chinas-high-speed-rail-diplomacy> accessed 17 June 2019.

⁶¹⁰ *ibid*.

⁶¹¹ Doig (n 515) 54.

influence through infrastructure projects, insatiable hunger for resources and its need to offload excess capacity and rejuvenate its economy.⁶¹² More recently, Xi Jinping has tried to look beyond the state-to-state mega-projects and present the BRI as benefiting the masses, not just the elites, and emphasised the people-to-people aspect of the project.⁶¹³ Anthropologist Chris Lyttleton speaks of the ‘variety of meso- and mini- projects (that) thrive on the tailwinds of the megaprojects’,⁶¹⁴ while professor Sophal Ear warns of the possibility that they turn out to be ‘white elephant projects, ghost cities, and Potemkin villages’.⁶¹⁵

What Beijing may not have taken into account is that its ruthlessness when dealing with its domestic population would be tricky to replicate in other countries, and the BRI has faced a growing backlash in a number of countries, in everything from corruption (which caused the downfall of Maldives strongman Abdulla Yameen in August 2018⁶¹⁶), to environmental concerns⁶¹⁷ to the little sympathy that Chinese workers elicit in the countries where they are stationed. As a 2012 memo from a Chinese embassy bluntly stated, the Chinese ‘generally prefer to live together in their own circle and are not so sociable with their fellow local employees’.⁶¹⁸ During all my interviews in Thailand and Cambodia, I did not find one single person who spoke well of Chinese citizens, while at the same time most acknowledged that they were a necessary price to pay for the investment that came with them.

There are also continuing doubts about the integrity of Chinese intentions in financing all these projects, most of which are not profitable, at least in the short-medium run. In January 2017, a report by Fitch Ratings warned that some aspects of the BRI ‘might not be aimed at addressing the most pressing infrastructure needs’, but rather at ‘China’s efforts to extend its global influence and relieve domestic overcapacity’.⁶¹⁹

⁶¹² Doig (n 515) 54.

⁶¹³ Rolland (n 604).

⁶¹⁴ Doig (n 515) 79.

⁶¹⁵ Radio Free Press, interview with Sophal Ear, ‘Who Wants Cambodia To Be a Province of China?’ (*Radio Free Asia*, 7 March 2018) <www.rfa.org/english/news/cambodia/china-debr-03072018162337.html> accessed 17 June 2019.

⁶¹⁶ Dandan Li & Iain Marlow, ‘How Asia Fell Out of Love with China’s Belt and Road Initiative’ (*Bloomberg*, 10 December 2018) <www.bloomberg.com/news/articles/2018-12-10/how-asia-fell-out-of-love-with-china-s-belt-and-road-initiative> accessed 17 June 2019.

⁶¹⁷ Elena F Tracy and others, ‘China’s new Eurasian ambitions: the environmental risks of the Silk Road Economic Belt’ (28 February 2017) 58(1) *Eurasian Geography & Economics* 56.

⁶¹⁸ Doig (n 515) 44.

⁶¹⁹ *ibid* 59.

That same month, Indian professor Brahma Chellaney coined the term ‘debt-trap diplomacy’ to describe China’s practice of financing byzantine infrastructure projects in strategic countries by extending huge loans to them, effectively ensnaring them ‘in a debt trap that leaves them vulnerable to China’s influence’.⁶²⁰ While others, like Scott Morris, senior fellow at the Center for Global Development, say they are uncomfortable with such a blanket term because most countries involved have ‘sustainable levels of borrowing’,⁶²¹ Chellaney’s bleak analysis seemed prescient when before that year ran its course, Sri Lanka was forced to hand over the Hambantota port, and over 60,000 km² surrounding it, to China.

Although Sri Lanka is a South Asian country, rather than Southeast Asian, this case deserves attention for the chill it sent through the region and because as of today, for many it stands as a red flag for China’s aggressive chequebook diplomacy, and its willingness to play hardball to collect. As detailed in a *New York Times* investigation, Chinese involvement started in the 2015 Sri Lankan elections, funnelling money from the Chinese port construction fund into the ultimately failed re-election campaign of Mahinda Rajapaksa, who ‘was seen as an important ally in China’s efforts to tilt influence away from India in South Asia’.⁶²² Although Mr Rajapaksa lost to Maithripala Sirisena, who had warned during the campaign that excessive borrowing from China would turn Sri Lanka into a colony,⁶²³ the debt-trap had already sprung.

As Sri Lankan officials asked for extensions of deadlines and renegotiation of financing, Chinese terms became more and more draconian, ‘centred on handing over equity in the port rather than allowing any easing of terms’.⁶²⁴ With Sri Lanka sinking deeper into Chinese debt, in December 2017 the port was handed over to the state-

⁶²⁰ Brahma Chellaney, ‘China’s Debt-Trap Diplomacy’ (*Project Syndicate*, 23 January 2017) <www.project-syndicate.org/commentary/china-one-belt-one-road-loans-debt-by-brahma-chellaney-2017-01?barrier=accesspaylog> accessed 17 June 2019.

⁶²¹ Justin Higinbottom, ‘Why China’s Marshall Plan is scaring the neighbors’ (*OZY*, 10 December 2018) <www.ozy.com/fast-forward/why-chinas-marshall-plan-is-scaring-the-neighbors/90914/> accessed 17 June 2019.

⁶²² Maria Abi-Habib, ‘How China got Sri Lanka to cough up a port’ *The New York Times* (25 June 2018) <www.nytimes.com/2018/06/25/world/asia/china-sri-lanka-port.html> accessed 17 June 2019.

⁶²³ Kari Lindberg & Tripti Lahiri, ‘From Asia to Africa, China’s “debt-trap diplomacy” was under siege in 2018’ (*Quartz*, 28 December 2018) <<https://qz.com/1497584/how-chinas-debt-trap-diplomacy-came-under-siege-in-2018/>> accessed 17 June 2019.

⁶²⁴ *ibid.*

controlled China Merchants Port Holdings for a 99-year lease,⁶²⁵ in a deal that once again brings to mind British Hong Kong. Not even this solved Sri Lanka’s debt problem and in May 2018, Prime Minister Sirisena took a new \$1 billion loan from the China Development Bank. In 2019, the country must pay over \$4 billion in interest to China.⁶²⁶

The case of the Hambantota port gave fodder to the proponents of the theory of the ‘string of pearls’, who argue that China is manoeuvring to obtain naval military bases in friendly coastal states in the Indo-Pacific.⁶²⁷ But let’s get back to Southeast Asia, and more specifically to Cambodia, which has in recent years emerged as the posterchild of what uncontrolled Chinese investment can do to a country.

4.3.1 Case study: siblings who share a single future

For my second and final country-specific case study, I have chosen Cambodia because I believe it offers the clearest example of how Beijing leverages its economic clout to gain political influence, and how Beijing’s patronage can shield repressive regimes from consequences on the international stage. In the words of Charles Edel, Senior Fellow at the US Studies Centre at the University of Sydney, ‘the struggle playing out in Cambodia is a microcosm of the much larger battle for influence under way in Southeast Asia’.⁶²⁸

Hun Sen, whose official title is Lord Prime Minister, Supreme Military Commander Hun Sen,⁶²⁹ has ruled the country as Prime Minister since 1985, allowing various periods of limited political liberalisation but in general retaining an iron grip over the country. Since late 2017, when the main vehicle of political opposition, the Cambodian National

⁶²⁵ Kai Schultz, ‘Sri Lanka, Struggling With Debt, Hands a Major Port to China’ *The New York Times* (12 December 2017) <www.nytimes.com/2017/12/12/world/asia/sri-lanka-china-port.html> accessed 17 June 2019.

⁶²⁶ Shihar Aneez, ‘Sri Lanka accepts \$1 billion, 8-year syndicated loan from China Development Bank’ (*Reuters*, 25 May 2018) <www.reuters.com/article/sri-lanka-china-loan/update-1-sri-lanka-accepts-1-bl-8-yr-syndicated-loan-from-china-dev-bank-idUSL3N1SW3QE> accessed 17 June 2019.

⁶²⁷ Devin Thorne & Ben Spevack, ‘Harbored ambitions: How China’s port investments are strategically reshaping the Indo-Pacific’ (Center for Advanced Defence 2017).

⁶²⁸ Charles Edel, ‘Cambodia’s Troubling Tilt Toward China’ (*Foreign Affairs*, 17 August 2018) <www.foreignaffairs.com/articles/china/2018-08-17/cambodias-troubling-tilt-toward-china> accessed 17 June 2019.

⁶²⁹ The Guardian, ‘Welcome, Lord Prime Minister: Cambodian media told to use leader’s full royal title’ *The Guardian* (12 May 2016) <www.theguardian.com/world/2016/may/12/cambodian-media-prime-minister-hun-sen-full-royal-title> accessed 17 June 2019.

Rescue Party was outlawed and party leader Kem Sokha jailed, Hun Sen has presided over a precipitous deterioration of human rights and a crackdown on civil liberties. This period has also seen a marked shift of the government towards China,⁶³⁰ the only country to issue a statement in support of the arrest of Kem Sokha.⁶³¹

Hun Sen has been clear that he sees China as ‘the rising power that is here to stay in the region’⁶³² and recently, coming back from the second Belt & Road Forum, he offered glowing praise of their relationship, saying that ‘as comprehensive strategic partners and ironclad friends, we are siblings who share a single future’.⁶³³ Both Chinese and Cambodian officials like to reminisce in public remarks about the friendship forged in the early days of the Non Aligned Movement between Mao Zedong and Prince Norodom Sihanouk,⁶³⁴ which glosses over a more complicated history idiosyncratic of the mercurial politics of the region. In 1988, when the Chinese leadership was supporting the Khmer Rouge, Hun Sen called them ‘the root of all evil’.⁶³⁵ Beijing and Phnom Penh have come a long way since then, with some even calling Cambodia a client state of China.⁶³⁶ Another consideration that hangs over the Cambodia-China relation is the belief that the latter can help the former step out of Vietnam’s shadow. Although the Chinese are disliked, as we will see below, the Vietnamese are even more so, with a hostile political narrative laced with racist overtones.

Relations with the West have always been rocky, since Hun Sen has never forgotten the way in which Western countries turned their backs on Cambodia or even supported the Khmer Rouge. He is also famously prickly about perceived Western meddling in exchange for aid,

⁶³⁰ Andrew Nachevson & Yon Sineat, ‘Cambodia’s opposition faces renewed crackdown amid China shift’ *Al Jazeera* (20 May 2019) <www.aljazeera.com/news/2019/05/cambodia-opposition-faces-renewed-crackdown-china-shift-190516044529247.html> accessed 17 June 2019.

⁶³¹ Geng Shuang, ‘Foreign Ministry Spokesperson Regular Press Conference’ (4 September 2017) Ministry of Foreign Affairs of the PRC <www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/t1489891.shtml> accessed 17 June 2019.

⁶³² Julia Wallace, ‘Cambodia Charges Opposition Leader Kem Sokha With Treason’ *The New York Times* (5 September 2017) <www.nytimes.com/2017/09/05/world/asia/cambodia-kem-sokha-treason.html> accessed 17 June 2019.

⁶³³ Sovinda Po & Lucinda West, ‘Hun Sen’s natural bilateral “bestie”’ (*The Interpreter*, 14 May 2019) <www.lowyinstitute.org/the-interpreter/hun-sen-s-natural-bilateral-bestie> accessed 17 June 2019.

⁶³⁴ Ciorciari (n 543) 250.

⁶³⁵ *ibid* 251.

⁶³⁶ *ibid*.

thundering in a 1995 speech: ‘Let me say this to the world: Whether or not you want to give aid to Cambodia is up to you, but do not discuss Cambodian affairs too much’.⁶³⁷ More recently, he has taken to accusing the US of being ‘a third hand’ seeking to influence domestic politics.⁶³⁸ A political analyst I interviewed differentiated two camps within Cambodia’s political leadership: Hun Sen’s inner circle, unabashedly pro-China and a more pragmatic one, not necessarily pro-Western but worried that burning all bridges but the one that goes to Beijing will turn Cambodia into a vassal state. Another one of my interviewees, a diplomat from a European country very present in the region, did not completely agree with this characterisation, saying that the Cambodian leadership is playing a game of bad cop/good cop, with Hun Sen presenting himself as an expletive-laden folksy champion of national sovereignty and other ministers presenting a more conciliatory discourse in private.

Continued Chinese support and investment without pre-conditions has emboldened Hun Sen to ditch whatever was left of the empty shell of Cambodian democracy and powered his latest authoritarian bend. In the run-up to elections in 2018, and in the midst of this crackdown, the Chinese ambassador to Cambodia attended a political rally of the ruling party in Phnom Penh.⁶³⁹ Its affinity with Hun Sen has also manifested in more tangible ways: In June 2018, China’s defence minister announced a military aid package of \$100 million to Cambodia, calling it ‘a loyal friend’.⁶⁴⁰ Fresh off the second Belt & Road Forum, Hun Sen seems to have secured a further \$90 million grant to spend on defence. While Phnom Penh abruptly cancelled joint military exercises with the US (the Angkor Sentinel) in 2017, ties between the Cambodian and Chinese military have only grown stronger and in March 2019 they held the third iteration of the ‘Golden Dragon’ exercises, the largest to date for both countries.⁶⁴¹

⁶³⁷ Sebastian Strangio, ‘Cambodia’s Crumbling Democracy’ (*Foreign Affairs*, 14 September 2017) <www.foreignaffairs.com/articles/cambodia/2017-09-14/cambodias-crumbling-democracy> accessed 17 June 2019.

⁶³⁸ Wallace (n 632).

⁶³⁹ Kenji Kawase & Dominic Faulder, ‘Cambodians wary as Chinese investment transforms their country’ *Nikkei Asian Review* (18 July 2018) <<https://asia.nikkei.com/Spotlight/Cover-Story/Cambodians-wary-as-Chinese-investment-transforms-their-country>> accessed 17 June 2019.

⁶⁴⁰ Prak Chan Thul, ‘China pledges over \$100 million military aid to Cambodia’ (*Reuters*, 19 June 2018) <www.reuters.com/article/us-cambodia-china/china-pledges-over-100-million-military-aid-to-cambodia-idUSKBN1JF0KQ> accessed 17 June 2019.

⁶⁴¹ Po & West (n 633).

Overall, China has played an ‘outsized role in Cambodia’s development, accounting for nearly 44 percent of the foreign direct investment that Cambodia has received between 1994 and 2014’,⁶⁴² by far Cambodia’s largest aid donor. 70% of Cambodian roads have been funded by China.⁶⁴³ Beijing partly sees this as an investment to ward off domestic instability in one of its closest partners (‘friends’) in the regions.

An official from a Western development agency complained to me that by indiscriminately flooding everything with money and only caring about results and connectivity, Chinese investment is eroding the whole architecture of development that they had been trying to put in place on a solid foundation of high standards. She singled out Japan as a possible counterbalance to Chinese investment, since it is generally better regarded than the Chinese, and they do uphold internationally recognised standards. Interestingly, she described the Japanese as ‘lone-riders’ who decline to integrate their strategy into that of the greater (mainly Western) development community, perhaps out of the belief that they will have more leverage if they are not overtly aligned with it.

The example that better illustrates this reality, and one that was brought up again and again during my interviews, is the case of the coastal city of Sihanoukville, the heart of the Sihanoukville Special Economic Zone (SSEZ) and one of the nerve centres of the BRI.⁶⁴⁴ Two diplomats I interviewed separately had recently been there and agreed in their assessment of a city overwhelmed by explosive growth (the population doubles every three years), in which basic services cannot keep up and more than a hundred casinos have mushroomed in a few years⁶⁴⁵ – which cater exclusively to Chinese guests, since Cambodians are forbidden from gambling. These throngs of Chinese tourists – which ‘doubled between 2016 and 2017 to hit 120,000 last year’⁶⁴⁶ – are parachuted into the casinos, often bringing even their own prostitutes

⁶⁴² Kali Kotoski, ‘More Chinese FDI on the horizon’ *The Phnom Penh Post* (16 September 2016) <www.phnompenhpost.com/business/more-chinese-fdi-horizon> accessed 17 June 2019.

⁶⁴³ Sek Odom & Janelle Retka, ‘China Funded 70 Percent of Cambodian Roads, Bridges’ *The Cambodia Daily* (21 July 2017) <<https://english.cambodiadaily.com/news/china-funded-70-percent-cambodian-roads-bridges-minister-132786/>> accessed 17 June 2019.

⁶⁴⁴ Lindsay Murdoch & Kate Geraghty, ‘The next Macau? China’s big gamble in Cambodia’ *The Sydney Morning Herald* (20 June 2018) <www.smh.com.au/world/asia/the-next-macau-china-s-big-gamble-in-cambodia-20180615-p4z1qg.html> accessed 17 June 2019.

⁶⁴⁵ Nachemson & Sineat (n 630).

⁶⁴⁶ Anna Fifield, ‘This Cambodian city is turning into a Chinese enclave, and not everyone is happy’ *The Washington Post* (29 March 2018) <wapo.st/2NpwPq3> accessed 17 June 2019.

from China, and do not have any impact on the local economy, beyond making prices skyrocket and scaring Western tourists away because of the uncontrolled development that is ravaging its once-pristine beaches.

This is not limited to Sihanoukville, as the Cambodian people seldom see the benefits of the Chinese presence. As in other regions, ‘Chinese state companies bring in Chinese workers to build roads, dams, and bridges and fail to hire local workers or transfer knowledge and expertise to local communities’.⁶⁴⁷ In fact, often they have a negative effect, as the director of a think-tank complained to me, since massive influx of Chinese workers, which are not allowed to unionise, lower labour standards and thwart job growth.

With the Chinese casinos, the Chinese gamblers and the Chinese prostitutes have also arrived the Chinese gangs, and a recent video posted by a Chinese gang in which they pledged to take control of Sihanoukville within three years has rattled residents.⁶⁴⁸ The consequence is that Chinese policemen now patrol the streets of Sihanoukville.

The alarm has been sounded about Cambodia finding itself in a debt-trap. It owes Beijing more than \$4 billion, a fifth of its GDP,⁶⁴⁹ and a recent report published by the Center of Global Development identifies Cambodia as one of 23 countries at ‘risk of debt distress’ because of its dealings with China.⁶⁵⁰ Cambodian professor Sophal Ear has been blunter, writing that China is renting Cambodia.⁶⁵¹ Hun Sen has dismissed these concerns, saying that Chinese loans ‘are low interest, low risk and were not a threat to national independence’, and pointing out that overall debt remained low, at 21.5% of GDP, compared to ‘some countries owe up to 200%, 300% or 500% of their GDP’.⁶⁵²

⁶⁴⁷ Edel (n 628).

⁶⁴⁸ Aisha Kehoe Down, ‘China to Help Cambodia Deal with Chinese Gang’ (*Organized Crime and Corruption Reporting Project*, 15 May 2019) <www.occrp.org/en/daily/9737-china-to-help-cambodia-deal-with-chinese-gang> accessed 17 June 2019.

⁶⁴⁹ Neou Vannarin, ‘Friends with benefits’ (*Voice of America*, 20 July 2018) <<https://projects.voanews.com/cambodia-election-2018/english/feature/chinese-influence.html>> accessed 17 June 2019.

⁶⁵⁰ John Hurley, Scott Morris & Gailyn Portelance, ‘Examining the Debt Implications of the Belt and Road Initiative from a Policy Perspective’ (Center for Global Development Policy Paper March 2018).

⁶⁵¹ Dewey Sim & Lynn Lee, ‘Hun Sen accuses Singapore PM Lee Hsien Loong of “supporting genocide” as war of words over Cambodia’s Khmer Rouge-era escalates’ (*South China Morning Post* (6 June 2019) <www.scmp.com/week-asia/politics/article/3013336/did-vietnam-invade-cambodia-or-save-it-singapore-pm-lee-hsien> accessed 17 June 2019).

⁶⁵² Prak Chan Thul, ‘Cambodia PM dismisses fears of Chinese debt trap’ (*Reuters*, 30 May 2019) <www.reuters.com/article/us-cambodia-china/cambodia-pm-dismisses-fears-of-chinese-debt-trap-idUSKCN1T00U8> accessed 17 June 2019.

One of the Western diplomats I interviewed agreed with Hun Sen's assessment, although he pointed out that it is growing steadily.

Resentment is mounting against the Chinese, but tourism grows unabated – the only country from which tourism keeps growing. In the first four months of 2019, there was an increase of 34% percent from the same period last year, with 887,039 Chinese tourists, or 36.7% of all foreigners, coming to Cambodia between January and April.⁶⁵³ Even if the growing xenophobia burst out in the open and there was public backlash against Chinese citizens, the development officer did not think it would have enduring consequences. She told me: 'The Chinese are good at keeping their heads down while there's backlash against them and then come out again once the storm has been weathered – but once the Chinese have arrived, you will never get rid of them'.

The government of Hun Sen, eager to stay in Beijing's good graces, has not shied away from making controversial moves that would please their Chinese patrons, like repatriating Uighur asylum-seekers, defending China's construction of Mekong River dams,⁶⁵⁴ displacing thousands of Cambodian families for Chinese-funded projects and even secretly – and illegally – ceding over 20% of Cambodia's coastline to a Chinese state-owned enterprise.⁶⁵⁵ As the government has snuffed out the free press, Chinese state-run media have filled the void, taking over the 'editorial pages in Cambodian newspapers and turning them into mouthpieces for Chinese propaganda'.⁶⁵⁶

Perhaps most tellingly from a geopolitical perspective, rumours are swirling that Hun Sen's government is close to giving its tacit approval to the establishment of a Chinese naval base in Koh Kong, a 450 km² coastal area leased for 99 years to the Chinese company Union Development Group in 2008.⁶⁵⁷ Although the government has emphatically denied

⁶⁵³ Xinhua, 'Number of Chinese tourists to Cambodia up 37% in first 4 months' (*Xinhua*, 6 June 2019) <www.xinhuanet.com/english/2019-06/06/c_138122246.htm> accessed 17 June 2019.

⁶⁵⁴ Ciorciari (n 543) 246.

⁶⁵⁵ Thorne & Spevack (n 627) 38.

⁶⁵⁶ Prak Chan Thul, 'Foreign journalists quit Cambodia paper in protest at perceived interference' (*Reuters*, 9 May 2018) <www.reuters.com/article/us-cambodia-politics-media/foreign-journalists-quit-cambodia-paper-in-protest-at-perceived-interference-idUSKBN1A0II> accessed 17 June 2019.

⁶⁵⁷ Andrew Nagemson, 'Base instinct: how Chinese visit to Cambodia reignited rumour of navy port plan' *South China Morning Post* (13 January 2019) <www.scmp.com/news/asia/southeast-asia/article/2181893/base-instinct-how-chinese-visit-cambodia-reignited-rumour> accessed 17 June 2019.

this, a diplomat I spoke with characterised the unusual length of the airport runway, indicative of an intended military use, as suspicious to say the least. If it happened, it could constitute another pearl in the string that China is collecting.

Both the EU and the US have moved to increase the pressure on Hun Sen’s government because of the continuing deterioration of human rights in the country, threatening to suspend the Everything But Arms (EBA) policy and the preferred-nation status, respectively. In parallel, a bill has been introduced to the US Senate calling for Cambodia to drop the politically motivated charges against Kem Sokha and other opposition politicians, as well as to ‘protect its sovereignty against interference’ from China.⁶⁵⁸

Under the EBA, Cambodia gets duty free and quota free access to the European single market for all products, except arms and ammunition, and its suspension would have potentially catastrophic results for the Cambodian economy. Hun Sen responded in characteristically colourful fashion, declaring that ‘dogs keep barking, but people keep walking’⁶⁵⁹ and threatening to retaliate against whatever political opposition is left in the country.⁶⁶⁰ China has said that it will help Phnom Penh if the EBA is suspended, to which a Western diplomat scoffed, saying that while China’s support goes a long way, it cannot substitute the EU in the type of products it buys.⁶⁶¹

A bigger peril is that this move will alienate the population, markedly more pro-Western than its leadership. Speaking to representatives of Cambodian civil society, they all agreed that the suspension of the EBA would not hurt the elites, and several complained about what they perceived as European hypocrisy for not threatening Laos with similar measures. When I asked a diplomat from an EU country, she replied

⁶⁵⁸ Men Kimseng, ‘US Senate Bill Targets Chinese Influence in Cambodia’ (*Voice of America*, 29 May 2019) <www.voanews.com/east-asia-pacific/us-senate-bill-targets-chinese-influence-cambodia> accessed 17 June 2019.

⁶⁵⁹ Niem Chheng & Mech Dara, ‘PM: We will not die if EBA is withdrawn’ *The Phnom Penh Post* (15 February 2019) <www.phnompenhpost.com/national-politics/pm-we-will-not-die-if-eba-withdrawn> accessed 17 June 2019.

⁶⁶⁰ Prak Chan Thul, ‘Cambodian PM warns of “dead” opposition if EU withdraws preferences’ (*Reuters*, 14 January 2019) <www.reuters.com/article/us-cambodia-politics/cambodian-pm-warns-of-dead-opposition-if-eu-withdraws-preferences-idUSKCN1P8090> accessed 17 June 2019.

⁶⁶¹ Al Jazeera, ‘China “to help” Cambodia if EU implements trade sanctions’ (*Al Jazeera*, 30 April 2019) <www.aljazeera.com/news/2019/04/china-cambodia-eu-implements-trade-sanctions-190430001935041.html> accessed 17 June 2019.

that it is because of the marked involution that Cambodia has lived in recent years. She added that Hun Sen's stubbornness is alienating many of Cambodia's high-level political supporters in the West.

If the West does not penalise Cambodia, it is unlikely that punishment will come from other quarters. Its immediate neighbours, the ASEAN countries, govern their relations by strict non-interference, and any sort of coercive measures are anathema to them. A welcome development was a statement released on 10 May 2019 by the ASEAN Parliamentarians for Human Rights, comprised of ASEAN MPs, urging Phnom Penh to cease on its attacks against the opposition.⁶⁶² Hun Sen has proven himself willing to lock horns with other ASEAN leaders, most recently accusing Singapore of supporting genocide because of comments made by PM Lee Hsien Loong about Vietnam's 1978 invasion of Cambodia, which ended Pol Pot's regime.⁶⁶³

Hun Sen's close relationship with China has been regarded with apprehension from other ASEAN member states, who have grown accustomed to Cambodia acting as a spoiler in their decisions concerning China, which need to be taken by consensus – a non-Western diplomat described Cambodia and Laos as China's Trojan horses in ASEAN. Cambodia has shielded Beijing from criticism and has consistently supported its expansionist policy of island-building and militarisation in the South China Sea,⁶⁶⁴ casting doubts about the effectiveness of ASEAN's consensus-based decision-making process.⁶⁶⁵

In the words of that same non-Western diplomat, 'ASEAN faces external and internal pressures, a sort of moment of reckoning. They will either consolidate and emerge as a regional power or implode and be picked apart by greater powers'.

⁶⁶² Nachemson & Sineat (n 630).

⁶⁶³ Sim & Lee (n 651).

⁶⁶⁴ Manuel Mogato, Michael Martina & Ben Blanchard, 'ASEAN deadlocked on South China Sea, Cambodia blocks statement' (*Reuters*, 25 July 2016) <www.reuters.com/article/us-southchinasea-ruling-asean/asean-deadlocked-on-south-china-sea-cambodia-blocks-statement-idUSKCN1050F6> accessed 17 June 2019.

⁶⁶⁵ Kimkong Heng, 'Rethinking Cambodia's Foreign Policy towards China and the West' (*International Policy Digest*, 31 May 2019) <<https://intpolicydigest.org/2019/05/31/rethinking-cambodia-s-foreign-policy-towards-china-and-the-west/>> accessed 17 June 2019.

5.

FINAL REMARKS: CAN A MOUNTAIN HOST TWO TIGERS?

There is a Chinese saying that goes ‘A mountain cannot host two tigers’. It is easy to see the collapse of the USSR through this prism, and the two decades in which the Western liberal order was the only game in town, led by the US that watched over a rare moment of unipolarity, before its hubris got the best of it.

As the world slides back to the multipolarity that has been the historical norm, the US is no longer alone at the top. A country, or a civilisation masquerading as a country, for which the last two centuries have passed as a historical anomaly in which it found itself at the bottom of the food chain, is ready to regain the place it has enjoyed for most of human history.

The CCP under Xi Jinping has a strong sense of manifest destiny, seeing itself as quasi-divinely ordained to preserve a millenary civilisation, and to push for a strongly moralised international order that accommodates to it, one in which loyalty is prized over multilateral rules, and slights are not forgotten easily.

The international liberal order in general, and human rights in particular, are hardly compatible with this view of the world in which liberties are subordinated to development and sovereignty trumps all other considerations. This reality has constrained the rise of China in the past, but it is coming under increasing strain as China emerges as an alternative normative power. In a moment of history in which liberal democracies are on the back foot all around the world and authoritarianism is the flavour of the month, to many the China Model suddenly seems more appealing than just a decade ago.

China scholar David Shambaugh thinks Xi Jinping is part of a cycle of *fang* 放 (relaxation) and *shou* 收 (tightening)⁶⁶⁶ that is characteristic of China's history. Former US diplomat Danny Russell says it is too early to tell if we are seeing the swing of a pendulum, or a downwards spiral.⁶⁶⁷ In the answer to these questions may lie the future of human rights, or at least of human rights as a universally accepted (with caveats, admittedly) framework of reference. Although this thesis has focused on Southeast Asia, because I think that for geographical and historical reasons, it is Ground Zero for many of China's designs, similar trends as the ones described here can be seen as far as Africa and South America, and even creeping into Europe from the East.

Although it might come across as a far-fetched conclusion, I cannot help but feel that, in the long term, the future of human rights in a global scale lies at the feet of the Chinese people. Not only because they represent one-fifth of the world population, but because if they continue down the path in which they are allowing the CCP to guide them, it is hard to see things getting better. An increasingly assertive authoritarian super-power, fuelled by ethno-nationalism and an acute sense of victimhood, and eager to export its worldview will eventually sound the death knell for an already ailing liberal order.

Nonetheless, I would like to conclude on a positive note. As I hope I have been able to show throughout this thesis, the Chinese people are not as meek, or even complicit with the designs of the CCP, as they would have us believe. Again, and again in their recent history, when they have had the opportunity to reach for greater liberties, they have seized it. To equate China with the CCP would be a huge victory for Xi Jinping, and a betrayal to all those who have fought for human rights against all odds, from the poet trying to negotiate with the soldiers on 4 June 1989 safe passage for the students that had erected a statue to the Goddess of Democracy to stare down at Mao's portrait, to the wives of the jailed human rights lawyers in today's China, who every weekend travel to jails across the country with their small children in tow to demand to see their husbands.

After all, as Anthony Cho and Harry Krejsa write, 'it is the Chinese people that have held constant as emperors, dynasties, and governments have come and gone'.⁶⁶⁸

⁶⁶⁶ Minzner (n 9) 165.

⁶⁶⁷ 'A Kingdom United Against Trump' (Pod Save America 5 June 2019).

⁶⁶⁸ Cho & Krejsa (n 569).

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The present thesis - ***"A Community of Shared Destiny": How China Is Reshaping Human Rights in Southeast Asia*** by **Álvaro Gómez del Valle Ruiz** and supervised by Karol Nowak, Lund University - was submitted in partial fulfillment of the requirements for the European Master's Programme in Human Rights and Democratisation (EMA), coordinated by EIUC.



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