

5 DEMOCRACY AND THE “CHINESE DREAM”

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It would be difficult to overstate China’s importance as a partner for members of the Community of Democracies. In world affairs, China’s cooperation is required for the resolution of any global problem or challenge of significance. The global economy relies heavily on Chinese economic growth. Even at a “slow” 7.5 percent rate, China’s continued economic growth will add more than half a trillion US dollars of global consumption and demand in 2013. Chinese economic might is accompanied by increasing military-security muscle, especially in the Asia-Pacific region, where Chinese interests run up against US military presence, and also compel China to engage with Japan and Southeast neighbours in territorial disputes.

Relations with China and the activity of diplomats in Beijing as well as in foreign ministries reflect these realities. These wide and deep state-to-state interests have not, however, subtracted from the legitimate interest of Community of Democracies members to support civil society in China, reflecting solidarity with the Chinese people, who generally agree that human rights are universal and that political rights of assembly and expression ought to be respected in their country. The Chinese government, on the other hand, is among the most resolute of countries in its hostility to real or imagined interference by foreigners in Chinese internal affairs. All in all, the rapidly evolving situation and the imperative of balancing interests against values in the management of relations with China make this case study especially complex and undoubtedly important.

INTRODUCTION

Economic development and political development are like the two legs of a person: if one moves forward and the other one doesn’t follow, then the person might lose balance and fall.

— Cao Siyuan, prominent Chinese economist

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China's extraordinarily rapid economic development into its superpower status dates from its "Reform and Opening," initiated by Deng Xiaoping in 1979. This development has been described as an "economic miracle," but political development has not followed.

China remains a one-party authoritarian state. The government continues to exercise strict controls on the media and freedom of expression and association, which it constantly adapts to keep abreast of technological innovations. The judiciary remains politically directed and is often required to impose sentences dictated by the Communist Party of China.

It is on these — and other — challenges that the international democratic community focusses when lamenting what it perceives to be the slow pace of political reform in China. However, China's wealth of challenges also provides the opportunities to work with its government and civil society in a spirit of cooperation and mutual benefit.

Taking a long-term view, there can be no doubt that progress has been made in the realm of political development in China. Arguably, Chinese citizens enjoy more personal freedom of a non-political nature than ever before in Chinese history. Such progress, however, does not constitute essential political reform. The path of Chinese political development has been less linear, and, in an environment sometimes described as "two steps forward, one step back," backward steps often gain greater attention than the incremental steps forward.

Ian Buruma (2013) has observed that in conditions when "normal political competition is forbidden, everything becomes political." The environment makes the political situation essentially fluid even while the Communist party leadership makes every effort to exercise control. Future developments in China are therefore very hard to predict, as economic, social and inevitably political changes continue the dramatic transformation of the country the world has known over the last 35 years in particular.

In 1978, following Mao's death two years earlier, China emerged from the "Cultural Revolution" in tatters. The preceding "Great Leap Forward," in which millions died of famine, contributed to the sense of collapse. Many of China's intellectual, political and cultural elite died during or immediately following these years of turmoil. Countless survivors had been stripped of position and possessions, and suffered from failing health and no prospects. It was from this standing start that China commenced its remarkable economic transformation.

CHINA TODAY

Now, 35 years after the end of the Cultural Revolution, China has not only reopened to the rest of the world, but it has again become the major economic and political power that it was 200 years ago. China has achieved unprecedented rates of growth

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in the last three decades. By spring 2013, despite a massive stimulus package,¹ foreign currency reserves were estimated at over US\$3.4 trillion (Rabinovitch, 2013). China is the world’s second largest economy, having surpassed Japan in 2011 and Germany as the world’s largest exporter the preceding year (BBC News Asia, 2013). China is becoming the principal trading partner of every region. Its large — and growing — development and infrastructure aid to Africa and Central Asia are seen as both a boon and a challenge to the international status quo.

China today is essential to virtually any important international concert on economics, trade and transnational issues of peace and security. As a permanent member of the UN Security Council, however, China has, since its admission to the UN in 1971, consistently abstained on resolutions perceived by Beijing as interfering in a country’s domestic affairs. But as China’s economic and political clout grows, it is under increasing international pressure to cease playing the “sovereignty card,” and to move away from its traditional non-interventionist stance. Indeed, China supported the UN Security Council’s 2007 resolution on Darfur, the 2010 resolution on Iran sanctions, and did not object to resolution 1973 authorizing the March 2011 use of force to protect Libyan citizens. China has itself increasingly deployed troops in UN-mandated peacekeeping missions (*The Economist*, 2013b). However, it appears the policy choice of non-intervention remains the default position, as evidenced by Beijing’s stance — together with Russia — against external direct intervention in the war in Syria.

Indeed, concerns that China is taking a less than active role with the constructs of the existing system are matched by a growing concern in some quarters that it is working steadily to develop a different paradigm that rejects the current system — which China sees as being based on traditional Western values — in favour of one based on the primacy of state sovereignty, non-interference and state-driven development. This is borne out in its increasing involvement and influence in Central Asia (and its cooperation with these countries and Russia in the Shanghai Cooperation Organization) and Africa, where its stake in trade and natural resource development has risen sharply and is now dominant in many quarters. It has also expanded its economic presence in Latin American markedly in the last decade. Its relationship with its fellow BRIC country Brazil is especially noteworthy.

Despite China’s great — and increasing — clout on the world stage, it considers itself still a developing country. While it has succeeded in bringing over 300 million people out of abject poverty,² many still live in very basic conditions. Though China has made giant strides toward universal primary education, large regional pockets where access to schools is not universally available persist. Access to affordable

1 The stimulus program has been ongoing since 2009. For a sense of the scale, see Ambrose Evans-Pritchard (2012), “China launches £94 billion infrastructure stimulus package,” *The Telegraph*, September 7, available at: www.telegraph.co.uk/finance/china-business/9529252/China-launches-94bn-infrastructure-stimulus-package.html.

2 The UN Development Programme estimates that in 30 years, the number of Chinese living in abject poverty has been halved. See www.undp.org.cn/modules.php?file=article&catid=10&sid=10.

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medical care is similarly difficult; a serious injury or illness can bankrupt an entire extended family.

Overall, however, the standard of living for the great majority of Chinese people has increased dramatically since 1979. As of 2012, for the first time in Chinese history, urban residents now outnumber the rural (BBC News Asia, 2013). The middle class is now estimated to number 300 million; some project that this could double in a decade.³ However, the gap between rich and poor is also more pronounced now than it has ever been in China's history. A spate of suicides in an electronics factory and the May 2010 strike in Honda's car manufacturing plants brought the low wages and poor working conditions in many of China's manufacturing sectors to the fore. China has one of the highest suicide rates in the world. Doubts have been expressed about the sustainability of China's economic progress, especially in the absence of Internet freedom, which is essential for the development of a knowledge-based economy.

China's economic model is extremely energy-intensive, and at the moment, inefficient. Continuing to develop economically and feeding China's massive hunger for energy while addressing the massive resulting environmental problems will be one of the coming decade's most difficult problems. In the immediate term, keeping the economic model (which depends on spectacular growth) moving forward as the economy slows presents a major challenge.

LOOKING AT THE PAST TO UNDERSTAND THE PRESENT

Diplomats wishing to fully seize the many opportunities that exist to work with Chinese society and government to support democratic development must first recognize that peaceful political change in China will be in the context of its historical experience. It will follow its own path and will take its own form, just as is the case in other countries. Most importantly, it will be driven from within, and not as a result of external factors.

Rather than presume to summarize China's rich and complex history, this case study instead looks at key elements of China's recent history through the lens of two overwhelming preoccupations of its leadership: fear of chaos, and fear of weakness. These fears are historical and broadly shared by the Chinese Communist Party (CCP) and society alike, though the CCP, of course, sees itself as the guardian of national unity and a "harmonious society." Much of China's domestic and foreign policy can find its roots in the counterparts to these two fears: the need to preserve stability and the need to insulate itself from dependence upon unequal obligations to, or influence from, foreign nations.

³ See "Chinese Middle Class to Triple by 2022," available at: www.nationalww2museum.org/learn/education/for-students/ww2-history/ww2-by-the-numbers/world-wide-deaths.html.

Weakness, Foreign Influence and Unequal Treaties

At the end of the eighteenth century, China was a trading hub, with the international balance of trade in its favour. By the end of the Opium War, however, not 50 years later, it had suffered what is still seen as both a humiliating defeat at the hands of foreigners, and the first of many unequal international treaties that would steadily weaken the country over the next century.

The 1842 treaty ending the Opium War granted concessions to foreigners residing in China, forced China to cede control of its key ports to foreign powers and required the payment of crippling reparations. A similar result following the first Sino-Japanese War (1894-1895) left China further weakened at the hands of external actors.

Just a few years later, in 1900, an international force of British, French, Russian, American, German and Japanese troops crushed the so-called “Boxer Rebellion.” These nations — all of whom already had concessions in China — agreed not to further partition the country. The cost of this loss, though, was still very high: payment of a huge indemnity, the amendment of commercial treaties to the advantage of the foreign powers and consent to stationing of foreign troops in Beijing. China found itself at the receiving end of “gunboat diplomacy,” as foreign gunboats patrolled the Yangtze and made their presence known in China’s many ports in order to preserve significant foreign interests.

Following Germany’s defeat in World War I, the Chinese were exuberant, anticipating the return of Germany’s concessions in return for China’s contribution to the war effort. Hopes were dashed, however, when their delegation to the Versailles postwar treaty negotiations learned of the 1917 secret treaty of Great Britain, France and Italy, with Japan ensuring support of its claims in China in return for Japan’s naval support during the war. News of this triggered mass protests in China. Commencing on May 4, 1919, the protests lasted for over a month. The extension of the protests to Paris prevented the Chinese delegation from signing the Versailles treaty.

What became known as the “May 4th Movement” had more popular support than events leading to the formation of the republic eight years earlier. This is also believed to be the point at which many of China’s political activists and intellectuals turned from the study of Western science, democracy and schools of thought, to Marxism as the most effective road to ensure China’s strength and independence.

Chaos and Dissent as Threats to Stability

Concerns of China’s leadership regarding any form of organized religion, as well as the tendency to immediately quell any form of domestic unrest may well find their roots in the turbulent nineteenth century, during which time four separate uprisings were quashed. All of them started with charismatic religious leaders able to gain huge followings in relatively short periods of time drawn from rootless and disaffected groups intent on the overthrow of the current regime. The best known and

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most successful of these leaders was Hong Xiuquan, leader of the Taiping Rebellion. Claiming spiritual powers and advocating the creation of a Christian community, he was able to muster an army of 20,000 that took Nanjing (the southern capital) in 1853. He ruled from there for 11 years.

Sun Yat-sen's Revolutionary Alliance advocated the use of armed force for the overthrow of China's Qing leaders. His revolutionary ideas had a deep influence on the officers and soldiers of the New Army, established in 1900 as part of Qing modernization efforts. The combination of a bomb-making accident and resulting coup by revolutionaries within the New Army resulted in declaration of the Republic of China in 1912 — less than three months following the unplanned coup.

The years of 1912 to 1928 were characterized by political tension, instability and warlordism. In these years alone, Beijing saw 43 separate cabinets. In 1921, the CCP was founded. But it was soon outlawed by Nationalist leader Chiang Kai-shek, successor to Sun, who died in 1925. In 1928, Kai-shek unified China through military means. The resulting one-party rule led to corruption and economic mismanagement, plummeting China into both civil and international war (largely against the Japanese), which continued for over 20 years.

From a Chinese perspective, World War II could be said to have begun in China, beginning with Japan's seizure of Manchuria in 1931. Japan moved deeper into China beginning in 1937; the infamous "Rape of Nanking," in which well over 200,000 were estimated killed,⁴ was but the most vivid example of the sort of violence visited upon the Chinese. As in Yugoslavia in the European theatre, foreign invasion combined with an ongoing Nationalist versus Communist civil war to make the war years an exceptionally bloody, wrenching and destructive conflict through most of the country. Millions were killed, sexually assaulted by Japanese occupation troops, displaced and rendered homeless.⁵ The war was the culmination of decades of malign foreign involvement in China, driving the desire to see external actors expelled after the war, though both sides in the civil war received foreign support from the opposing superpowers following 1945. The echoes of World War II trauma carry into the present day, and particularly potent reference points in ongoing territorial disputes with Japan. The spectre of nationalism provides an outlet and vector for popular discontent in the eyes of China's ruling Communist Party, but it also is a force that might get beyond their control.

China has been an authoritarian state under the control of the Communist Party since 1949. In effect, the communists consolidated the authoritarian practice that had prevailed in China for centuries. Despite periods of experimentation with Western models of government in the early twentieth century, none ever took root.

4 See "Scarred by History: The Rape of Nanjing" (2005), BBC News, April 11, available at: <http://news.bbc.co.uk/2/hi/223038.stm>.

5 One estimate, from the US National World War I Museum, is that there were 3-4 million combatant and 20 million civilian deaths in China. Official Chinese estimates are higher. See www.nationalww2museum.org/learn/education/for-students/ww2-history/ww2-by-the-numbers/world-wide-deaths.html.

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With the founding of the People’s Republic of China, the country entered a new era of serial revolution and chaos, which at least rivalled that which had come before. These revolutions, however, differed from earlier ones in one critical respect: they were instigated by the Party, or caused by rifts within it.

Campaigns in the first few years — aimed at rural landlords, foreigners, Chinese citizens suspected of supporting the Nationalists, private business, corruption within the Party and the urban bourgeoisie — resulted in purges and thousands of executions. The use of group pressure tactics developed in these campaigns continued and became institutionalized. Some vestiges of them can still be seen today.

The Party’s continuing uneasy relationship with intellectuals dates back even further than the start of Communist Party rule, and has remained constant since 1949. In the early days of the first Five-Year Plan from 1953, a recognition that intellectuals, scientists and engineers would be necessary to move China forward led to the encouragement of intellectuals expressing their views; however, it quickly became evident that such expression must stop short of criticizing the Party.

Literary critic Hu Feng’s writing incurred the ire of senior Party officials and led to a brutal campaign to root out “Hu Fengism.” Feng was imprisoned from 1956 to 1979, for alleged “counter-revolutionary activities.” His victimization further alienated China’s intellectual population and led to divisions within the Party — between those advocating cooperation with intellectuals and those maintaining that the Party was paramount and could not be criticized — a rift that exists even today.

This pattern repeated in 1957, with the short-lived and ill-fated Hundred Flowers Movement. Again encouraged to speak out against abuses, the intellectual community responded with an outpouring of criticism against the Party, and the first Democracy Wall spontaneously came into existence at Peking University.

As had been the case in the past, the new policy of openness was quickly reversed. This time, the price for five weeks of intellectual freedom was paid by over 300,000 individuals, who were labelled “rightists” and sent to jail, labour camps or to the countryside. It was not until the end of the Cultural Revolution in 1978 that China’s intellectual community would again — briefly — come into the open.

Rifts within the Party further contributed to domestic instability and began to surface in the early days of Communist rule. With several purges already behind them, the genesis of the 1966 Cultural Revolution was also to be found in the intra-Party struggle for power, and can best be understood as an attempt by Mao Zedong to accrue almost absolute control in his own hands and to attack the very Party that he had been so instrumental in bringing to power. The impact on the people of China was almost unimaginable — particularly coming, as it did, on the heels of the disastrous Great Leap Forward and its forced collectivization of agriculture, which had led to the deaths of an estimated 20–35 million people.

Although Mao officially declared an end to the Cultural Revolution in 1968, the radicalism he had launched continued until his death in 1976, and the subsequent trial

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of the “Gang of Four” — his wife and other close officials — who were ultimately held responsible for the excesses of the Cultural Revolution.

1977 brought the “Beijing Spring” — a brief period of political liberalization during which the public was permitted to criticize the government. While, at least in the beginning, most of the criticism focussed on actions of the government during the Cultural Revolution, it also led to calls for political change and the spontaneous establishment of the Democracy Wall in 1978. Wei Jingsheng’s poster calling for a “fifth modernization”⁶ of freedom was the first post for individual freedoms and eventually — together with other similar actions — earned him almost two decades in prison before being exiled to the United States in 1997.

Almost 30 years following the establishment of the People’s Republic of China, its people had experienced countless political campaigns and purges, collectivization and starvation. Under Communist rule, they had not only failed to develop, but had suffered extreme hardship. If the Party was to survive, it would need to regain the confidence of the people and ensure that the chaos and instability of the past would not be given a foothold in the future.

China’s “New” Political Activists in the Age of Reform and Opening

Designed to make China an economic power by the early twenty-first century, the “Four Modernizations” stressed economic self-reliance. China opened up its markets, purchased more modern machinery, encouraged foreign investment and improved technologies. Thirty years on, the success of the Four Modernizations — more popularly known as “Reform and Opening” — is clear. Despite its myriad problems, China is one of the world’s greatest economic powers.

But what of Wei Jingsheng’s call for a Fifth Modernization — democratic freedoms? There was a time when it was believed that China’s economic transformation would inevitably bring political reform in its wake. While there has certainly been political change, it would be difficult to argue that any meaningful political reform has taken place in the more than 30 years since Reform and Opening began.

Implementation of economic reforms has resulted in a huge amount of new legislation since 1979. China’s accession to the WTO required it to strengthen legal institutions, particularly its system of commercial law. Efforts to combat corruption have led to even more regulations and laws. Despite, or perhaps in part because of this, China has become a country that many claim to be one of rule-by-law, rather than rule-of-law.

The People’s Republic of China was made a permanent member of the UN Security Council in 1971 during the Cultural Revolution and has become

⁶ First introduced in 1963, Deng Xiaoping’s proposal to modernize agriculture, national defence, industry, and science and technology did not become official policy until late 1978 — officially marking the commencement of economic reform in China.

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increasingly involved on the world stage. It has signed, ratified or acceded to a number of important international human rights instruments, including the Convention Against Torture, the International Covenant of Civil and Political Rights (ICCPR; signed only), the International Covenant on Economic, Social and Cultural Rights, the Convention for the Elimination of Racial Discrimination, the Convention on the Rights of the Child, and the Convention on the Elimination of Discrimination Against Women; however, implementation of these international human rights treaties within China is imperfect, just as its implementation of its own domestic laws is imperfect.

Perhaps the most high profile call for full implementation of China’s supreme law — its Constitution — came in the form of Charter 08. This call for China to become a liberal democracy in every respect was drafted by prominent activist Liu Xiaobo, together with a number of other academics and activists. The charter was issued on the sixtieth anniversary of the Universal Declaration of Human Rights and was allusive to Czechoslovakia’s Charter 77, which called on that regime to live up to the commitments it made without any expectation that it would be called upon to deliver. Liu’s call for change earned him the Nobel Peace Prize in 2010. From the Chinese system, however, it earned him 11 years in prison for “inciting subversion” (Moore, 2010). Following Liu’s sentencing, hundreds of the original Charter signatories publicized an open letter stating, in effect, that “if Liu is guilty, then we are too.” Initially signed by 303 individuals, the Charter now boasts the signatures of over 10,000 Chinese citizens.

Liu is far from alone. He is carrying on a long tradition of activism in China — one that has gained increased momentum largely thanks to modern technologies, including cellphones, Twitter and the Internet. Such activism, however, remains underground, as government efforts to quash dissent increase to keep pace. New technologies are spawning a far more nuanced and complex activism.

The mid- to late-1980s saw some loosening of restrictions, under the leadership of CCP Secretary Hu Yaobang. Optimism about the possibility of political reform spawned the Hundred Flowers Movement and the Beijing Spring. In December 1986, students in Shanghai took to the streets with demands for science and democracy — the same demands as the May 4th Movement almost 70 years earlier. The protests — sometimes involving as many as 200,000 people at one time — spread to Peking University and Nanjing University before reaching Tiananmen Square on New Year’s Eve of that year. As with similar movements in the past, these protests were quashed, eventually leading to the forced resignation of Hu Yaobang, who was believed to have been sympathetic to the cause. He was replaced by Zhao Ziyang, but Deng Xiaoping still remained in ultimate control. These protests, however, were different in at least one significant respect: they were not born of a policy within the Party, but were spontaneous events with broad popular support — precisely the sort of demonstration that history had proven most dangerous to Chinese rulers.

On April 16, 1989, the day following Hu Yaobang’s death, several hundred students laid a wreath for Hu at the Monument for People’s Heroes in Tiananmen

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Square: a spontaneous repeat of the response to Zhou Enlai's death almost exactly 13 years earlier.

The following day, thousands of students gathered, staging a vigil through the night. Groups of workers also began to gather. On April 18, the students staged a sit-in, petitioning the National People's Congress (NPC). They called for a reversal of the verdict against Hu Yaobang, the elimination of corruption and nepotism, and an end to the campaigns against "spiritual pollution" and "bourgeois liberalization." Their demands also included free press and freedom of speech, and increased democratic participation in decision making. After initially being rebuffed by the students, workers also began to gather outside the square. The numbers of protesting students and workers continued to grow steadily, though under different leadership, and with different messages, the workers being more concerned with the effects of economic mismanagement. Meanwhile, a conference of 400 young "thinkers," including several who have acceded to positions of influence in the Communist Party in 2013, deliberated the need to encourage diversity.

The novelty of events on Tiananmen Square dominated the world's news cycles for a few days, but attention soon turned to other world events. In China, however, protests spread outside Beijing, even as people began pouring into Beijing from all over the country. By May 17, the demonstration of workers and students had swollen to over a million people. Zhao Ziyang, the second Party general secretary in a row to indicate sympathy with the students and for political reform, was dismissed by the Party's "elders," who then imposed martial law.

Military efforts to enter central Beijing on May 21 were blocked by over a million protestors. On June 3, however, they successfully occupied Tiananmen Square prior to clearing it in the early morning hours of June 4 in the bloody attack known to all Chinese as "Liù-Sì" (six-four), and to the rest of the world as the Tiananmen Massacre. Over 500 people were imprisoned in the aftermath of June 4, and how many hundreds or thousands were killed remains unknown.

With the dismissal of Zhao Ziyang, leadership of the Party went to Jiang Zemin, who was then the Party secretary in Shanghai. Concerns about the impact of reform led to a period of economic retrenchment until Deng's famous 1992 Southern Tour. Deng called for intensification of reform, urging more focus on economic development and less on ideological correctness. The tour succeeded in getting the economic changes going again. From then, they advanced at a breakneck pace, the "iron rice bowl"⁷ was broken, unemployment increased and the gap between rich and poor in China increased dramatically.

While the standard of living for the majority of Chinese people improved significantly as a result of these reforms, the closure of thousands of state-owned

⁷ The state's provision of subsidized housing, medical care and other benefits was referred to as the "iron rice bowl." While its beneficiaries had steadily reduced with the dismantling of state-owned enterprises, it was finally "broken" as a result of economic changes arising from China's accession to the WTO in 2001. This has had dire and unpopular effects on some segments of China's population, especially in the hinterland. It also put wind in the sails of populist neo-Maoists in the party, such as Bo Xilai, before his own fall on charges of corruption.

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enterprises left millions unemployed, homeless and without any social safety net. Protests and social unrest in northeast China’s “rust belt” have led to concerted efforts to rejuvenate the area. Contrary to expectations, they have not yet led to the development of an independent organized labour movement.

Political Activism and the New Media

Today, advances in communications, an exponential rise in Chinese Internet users to 564 million by late 2012 and an increasingly professional media are all contributing to faster, more and better information being available to the Chinese people (BBC News Asia, 2013). Since this case study was first written in 2010, the number of Chinese who gained Internet access jumped by an estimated 165 million. At this rate, half the Chinese population should be online within a couple years — an amazing level of penetration for a still-developing country. Social networking has taken off in a major way as well, with more than 300 million using microblogs at time of writing (*ibid.*).

China’s media is becoming increasingly activist, with more and more investigative reporters and an increasing number of editors who are willing to push boundaries in pursuit of increased readership. Some of China’s academics are increasing their calls for “democratic reforms,” though most call for such reforms within the context of the one-party system. NGOs working in the area of political reform tend to operate in a far more unstable — and sometimes dangerous — environment than those focussed on environment or health-related issues. Despite a continuing difficult operating environment, however, the number and professionalism of grassroots civil society organizations is increasing.

Virtually every Chinese person has a mobile phone and a growing number of citizens use them to record and communicate violations of human rights. Blogs and tweets are flying in the millions. Efforts to restrict the Internet through the use of the “Great Firewall” (GFW) cannot keep up with the volume and ingenuity of China’s next generation of technology-savvy citizens. Individuals calling for political change and reform are sharing their experiences and discovering that they are not alone, which is giving them increasing confidence and, some profess, growing optimism at the prospect of bringing about democratic change.

But they are few. In a country of over 1.3 billion people, these few thousand activists are but a tiny — if growing — voice. Despite the wonders of modern technology and communications, they remain vulnerable to arrest and imprisonment — most often for charges of “inciting subversion of state power” — an opaque and nebulous charge that may lead to up to 15 years in prison. The majority of China’s population remains preoccupied with simply eking out a living or, in the case of the rapidly growing middle class, preserving their standard of living in an environment of rising costs and soaring housing prices.

However, this new middle class is discovering a sort of activism through protection of their property rights. While the Party is intent upon keeping this large group content, and therefore quiet, the activist community sees them as a potential

source of future activists as they determine that the cost they are paying in personal freedoms is too high for the benefit of preserving the status quo.

The Communist Party of China, the Government of China and Inner Party Democracy: A Primer

China's government and Party structures mirror each other. The CCP now includes approximately 76 million members, and it is almost exclusively from this cohort that leaders are selected.

China is governed by a system of people's congresses, with the lowest being village (indeed, so low as to be classified as autonomous, and therefore not officially part of the formal government structure), moving up to township, county, prefecture or municipal, provincial and national. The representatives in these congresses are referred to as deputies. The NPC consists of just under 3,000 deputies, selected by people's congresses at lower levels, and is sometimes likened to a Parliament. Although it is the body that might most closely resemble Parliament, it is clearly not a democratic body. The vast majority of deputies at all levels are Communist Party members, although there are a few independents. The NPC meets once per year, for a period of 10–14 days, at which time they produce the Report on the Work of the Government (similar to a Throne Speech), ratify work reports, work plans and pass legislation. Meetings are largely held behind closed doors. Rarely does this body — often referred to as the “rubber stamp” of the Party — provide any surprises, though in recent years, it has started to become more vociferous over environmental and legal issues: it was, for instance, one of the most vocal opponents of the Three Gorges Dam project of the 1990s.

The NPC's counterpart, sometimes referred to as China's senate, though not resembling the senate of a Western democratic model, is the Chinese People's Political Consultative Congress. Retired ambassadors, members of China's eight registered minor parties (which do not pose any opposition to the Communist Party), and representatives of Macao, Hong Kong, Taiwan and others are composed within this body. The Chinese public generally refers to this body as a “flower vase,” in that it is seen as purely decorative, without useful function. Its stated purpose is as a forum for political consultation, democratic supervision and participating in the administration and discussion of state affairs, but in reality, it has no decision-making clout and very little — if any — influence.

Elections

China's meaningful experience with elections is minimal. Although experimentation has been taking place for decades in the sphere of direct village-level elections (to the tune of almost one million elections), as well as several rounds of elections for village chiefs, problems with vote buying, intimidation and corruption have been rife. Despite some optimism several years ago that direct elections extend

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to the more significant township level, they have not done so. Experts believe that, despite experimentation in some areas, expansion is unlikely in the near future.

The level directly below elects deputies to the various levels of congresses. While Communist Party members hold the majority of these seats, non-Party members may put themselves forward upon nomination by any 10 individuals. The first successful independent candidate was Wu Qing, who became a deputy in Haidian District (part of Beijing) in 1984. These independent candidates have, in the past, experienced extreme pressure — even arrest — in the lead-up to elections. Despite this, the number of independent candidates is increasing in each election.

Every five years since 1982, China has held a Communist Party Congress. In the most recent iteration in 2012, Xi Jinping succeeded Hu Jintao as leader of the Communist Party, and then succeeded him as president in March 2013. Ten years earlier, at the 2002 Congress, Hu Jintao succeeded Jiang Zemin as head of the Communist Party, and at the 2003 annual meeting of the NPC, he succeeded him as China’s president. 2002 was considered the first orderly transition of power since 1949. Prior to that, the Party was fraught with frequent purges and internecine conflict. While the internal conflict hasn’t ended, it is now being handled mostly out of view and the stakes are no longer so deadly. Hints of these struggles can be found in departures by some leaders from their usual well-choreographed and closely scripted appearances, but these are rare, and do not result in the purges of the past.

Xi Jinping was long groomed to take over from President Hu Jintao, and Li Keqiang from Premier Wen Jiabao. Xi is the son of one of Mao’s cadres, Xi Zhongxun, and therefore a “princeling” — a sort of communist nobility (and reputed to have the same sense of entitlement). Xi’s family was reported to have amassed a fortune (Grammaticas, 2013). He has himself taken a strong stand throughout his career against corruption. He did not accede to power by being an experimenter; he is disciplined and tough on issues of control, but he also has a record of pragmatism and is personally disposed to popular outreach and communication — more candid than the Chinese have been used to.

The cast of supporting, but still very powerful, players on the Standing Committee also include many princelings. None of them was assessed by China watchers as being standout advocates of political reform, although young officials waiting in the anteroom of power, who are said to expect to be appointed to replace Hu Jintao’s conservative appointees, are less reform-resistant than the preceding generation of officials. Howard Balloch, who was Canadian ambassador for six years until 2001 and who stayed on to found and run a merchant banking firm, sees the inflection point as coming in 2017, when the last politburo members representing the old conservative order will be forced in to retirement. “Then, with the appointment of a few younger leaders of Xi’s choosing — some of whom were educated in the West and have already been elevated this past year to the penultimate ring of power — the inner councils will not include a single member of the Hu generation” (Kinsman, 2013). It remains to be seen what sort of policies the new leadership will adopt and how much it will differentiate itself.

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Once a party of revolutionaries and ideologues, the Communist Party is now, at least at the top, a sort of meritocracy; yet, many of those rising through the ranks are sons of party officials. Factionalism remains rampant and ascension to the highest levels is not possible without powerful patrons. While necessary to improve the Party's legitimacy in the eyes of the people, tremendous skepticism about the merits of many officials remains — particularly in an environment where the people have no voice regarding who is to be appointed to leadership positions and where examples of corruption and abuse of power are rampant.

Factionalism within the Party, combined with loss of the people's confidence in it, have led to efforts for its internal revitalization. The efforts underway fall under the umbrella of "inner-Party democracy," and in theory, consist of a number of positive elements, including increased transparency, multi-candidate elections and a system of improved supervision.

But the ingrained current system rewards compliance with orders from above, rather than responding to demands of those being governed. Thus, inner-Party democracy is viewed by many as a cynical effort primarily to strengthen the Party and thus one-party rule. However, there is another camp that views inner-Party democracy as a possible interim step toward democratic reform that should not be dismissed out of hand.

Xi's disposition is still largely untested, though there are initial indicators that he appreciates the necessity of change in China while maintaining the Party's dominance and control of the process. He developed a reputation for fighting corruption in his prior posts, including Shanghai. He has articulated what he has called the "China Dream": a vision of China as a prosperous and powerful nation able to take its place among the world's great powers (*ibid.*). He has also tried to portray himself as a man of the people in his early months at the helm. His famous singer wife has given the role of the Chinese first lady a new profile as well. But his pragmatic, hard-edged streak was also on display early. In an early speech to Party members, he asked: "Why must we stand firm on the Party's leadership over the military? Because that's the lesson from the collapse of the Soviet Union. In the USSR, where the military was depoliticized, separated from the Party and nationalized, the Party was disarmed...a big party was gone just like that. Proportionally, the Soviet Communist Party had more members than we do, but nobody was man enough to stand up and resist" (*ibid.*). According to political analyst Gao Yu, "he thinks the army is the ultimate guarantee of the party's rule. The party has to control the military. It doesn't belong to the country or the people" (*ibid.*).

INSTITUTIONAL CHALLENGES

China faces a number of institutional challenges, presenting both difficulties and opportunities for cooperation. An understanding of these challenges is a key to the tool box for any diplomats or NGOs working with China in the area of institutional reform.

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There is a tendency to think of the Communist Party of China as monolithic, but this could not be further from the truth. The Party is not unified and is more and more prey to internal debate and friction; details of such friction are not made known to the public. A common depiction is of two broad camps: the princelings, or those who come from a line of powerful parents, and the “tuanpai,” those who rose to power through the ranks of the Communist Youth League. Against this depiction are substantive divisions reflecting debate over the extent of control and openness to reform.

Efforts to manage this internal friction in an orderly manner are part of the controversial reforms referred to as inner-Party democracy (as detailed above). Although not democracy, this internal competition does mean that there are an increasing number of checks on the power of the inner circle, known as the political bureau (politburo). Many in China’s new power elite have risen on the basis of perceived competence, as well as loyalty. Contrary to past practice, the majority of its leadership at the central and provincial levels now possess university degrees. Younger cohorts acceding to upper-level Party positions are more apt to have studied abroad. Also in contrast to the past, where the majority of university-educated leaders were engineers, the current political elite is more diverse, including members trained in economics, politics, law, business, journalism and a variety of other areas.

There is a deep-seated belief within the power elite that the stability of the country depends upon strong leadership from within the Party and draws from the fact that the Party is the only entity that currently has influence across China’s diverse society and regions. This analysis claims that low points in the country’s recent history tend to coincide with — or have been caused by — divisions within the Party. Therefore, much energy is being expended upon revamping the Party from within. However, as such “reforms” take place behind closed doors, it is simply not possible to evaluate their extent or eventual impact.

Just as the Party is not monolithic, the pace of development and the degree of implementation of laws and policies differ dramatically from one province to another — even from one county to another. An old saying — “the mountains are high, and the emperor is far away” — underscores a fundamental challenge faced by the central government: many laws and policies promulgated by the centre are ignored or not even known at the local level. While over the past 30 years, China has gone from having just two laws on their books to hundreds, the resources and capacity for implementation of its laws — including the Constitution — often do not exist.

Another complicating factor exists. Local Party officials are held responsible for any failures of central government policy in their district, but there is a wide variance in how they operate. Some have instituted public consultations on such issues as budgetary expenditure. Others are apt to imprison, isolate or otherwise punish petitioners, to ensure that they cannot take their complaints to Beijing and avoid blame.

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In 2011, the murder of British businessman Neil Heywood sparked a scandal that rocked the Party. Gu Kailai, the wife of powerful Chongqing regional Party boss Bo Xilai, was investigated and ultimately convicted of the murder in August 2012, just months before the Party congress. Bo Xilai was first dismissed, then expelled from the Party for abuse of office and corruption (BBC News Asia, 2013). The case opened up rifts within China, with some seeing him as being attacked for potentially challenging the planned succession.

Public resentment of endemic corruption at all levels is an increasing preoccupation of the authorities. Efforts to address this through measures such as the 2008 Open Government Information Regulations, whistleblower regulations (Basic Standard for Enterprise Internal Control) and petitioners' regulations have met with limited success — partly due to reasons cited above, and partly because where corrupt individuals are in power, they also have the power of the police at their fingertips to silence protest and the ability to ignore (or selectively implement) laws promulgated from the centre.

The case of rural, self-trained lawyer and human rights activist Chen Guengcheng is emblematic of the problems that Chinese face in dealing with corruption and general abuse of power, particularly in the provinces. Chen, blind from youth, began his public interest law career by dealing with taxes levied unfairly against him and his family, who — as with all disabled persons in China — are legally exempt from such taxes. Local authorities frequently levy them anyway, resorting to intimidation or worse to collect. Once successful with his own complaint, he became an advocate for others who faced similar difficulties in his home province of Shandong.⁸

He branched out further into advocacy against a paper mill that polluted local waters, yielding a court injunction against the factory and a British government grant for a deep well and irrigation system for residents in the area (Macleod, 2000). He later began investigating allegations that rural women who were having a second pregnancy (in violation of the 1979 one-child policy) were being forced into late-term abortions and sterilization by local authorities in Linyi County, Shandong.⁹ This problem had been gaining visibility for years; in 2012, an image of an infamous

8 See Joseph Kahn (2006), "Advocate for China's Weak Crosses the Powerful," *The New York Times*, July 20 and Melinda Liu (2002), "Barefoot Lawyers," *Newsweek*, March 3.

9 See Philip Pan, (2005), "Who Controls the Family?" *Washington Post*, August 27.

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example of the policy in Shaanxi province went “viral” in China and worldwide.¹⁰ Chen filed a class-action suit against local authorities in 2005, alleging that this policy affected tens of thousands in that jurisdiction alone. It was the first case of its kind.¹¹ The case was rejected, but it attracted much domestic and external attention. Chen was later detained by local security agents who accused him of providing secret information to foreign governments (Cheung and Xio, 2005); he was later accused of supposedly instigating others to destroy police property. He was tried and sentenced in August 2006 for “damaging property and organizing a mob to disturb traffic” (BBC News, 2006). His case generated numerous expressions of concern from abroad and he was later released on appeal, but he continued to suffer regular harassment by local authorities. As we shall see later, a major diplomatic incident was generated as a result in 2012.

“Suzhe” is a Chinese concept that encompasses both the quality and capability of individuals, in both professional and personal senses. China suffers from a lack of suzhe on the part of many of its lower level people’s deputies. While efforts are being undertaken to address this issue, there are millions of deputies at all levels, many of whom have little or no education, and most of whom have had little or no training with respect to how to carry out their responsibilities. Despite their title, these deputies are answerable only to the level above them in the political hierarchy. With the exception of elections that take place at only the very lowest level, the public is given no opportunity to choose their representatives. Indeed, the concept of serving the electorate is a novel one for the majority of China’s people’s deputies. It should be recognized, though, that while many deputies are indeed corrupt, many simply do not have the tools necessary to carry out their responsibilities, while many others do wish to improve the situation in their constituencies, but lack the financial resources or ability to do so. Maintaining stability is of paramount concern to China’s leadership. Therefore, the government often short-circuits attention paid to such problems.

10 Feng Jianmei, who had believed that she would be exempt from the one-child policy, was taken into custody and forced to undergo a late-term abortion in June 2012. Her sister-in-law photographed Ms. Feng with her dead six-month-old fetus and posted the images online, along with a threatening and extortionate text message from local authorities, sparking a nationwide debate on the policy and general outrage. See Malcolm Moore (2012), “A Forced Abortion for a Mother who Failed to Sign a Form, *The Telegraph*, June 14 and “China Forced Abortion Photo Sparks Outrage” (2012) BBC News, June 14. In *The New Yorker*, Evan Osnos wrote that “the Feng case is emblematic of some of the most inflammatory issues on Chinese life...the case is a dramatic demonstration of exactly why the Communist Party had reason to be afraid of the Internet.” See Evan Osnos (2012), “Abortion and Politics in China,” June 25. The case generated international reaction, including from the European Parliament, which called for the forced abortion policy to be on the EU-China agenda. See “Joint Motion for a Resolution on the Force Abortion Scandal in China” (2012), European Parliament, July 4. Local officials were found to have acted wrongly in the case, and Ms. Feng was awarded financial compensation, though nobody was imprisoned. Ms. Feng and her family continued to report official harassment well after the event, with her husband fearing for the family’s safety once the attention had shifted. See Hannah Beech, “China: Forced-Abortion Victim Promised \$11,200, but Family Fears for Life.”

11 See Philip Pan (2005), “Who Controls the Family?” *Washington Post*, August 27.

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The issue of separatism (“splittism”) in the Tibet and Xinjiang “autonomous regions” is a special concern for Beijing authorities. In the eyes of most foreign observers, they overreacted to expressions of political and cultural dissatisfaction by Uighur Muslims and Tibetan Buddhists, as well as the heavy-handed persecution of the personal empowerment movement, Falun Gong. Tibet and Xinjiang are rich in natural resources, occupy key strategic areas and account for almost a third of China’s landmass. They also are now majority Han Chinese, despite being the homelands of Tibetans and Uighurs. The ethnic Tibetan area is far larger than the autonomous region.

Internally, the regime’s fervent view is that the best — the only — means of maintaining stability is through the continued leadership of the Party; however, as stated earlier, the Party is not monolithic, and there are differing views from within with respect to how stability should be maintained. Some favour continued or increased controls, while others recognize the need for a “pressure valve” that can be provided through selective loosening of controls.

An estimated 80,000 to 100,000 “mass incidents” or protests, including everything from peaceful demonstrations to violent riots (based on a combination of official announcements and extrapolation), take place annually. Moreover, their numbers are increasing every year. Also apparent is that most of these incidents are protests against a breach of rights — most often, property rights.

Some experimentation by the authorities in areas such as public participation, cooperation with NGOs or selective loosening of media controls is taking place in order to address these issues, but on an ad hoc basis. In many cases, unless innovations are institutionalized, they are lost when a forward-thinking local leader is promoted away from the district. With the exception of powerful leaders, such as those of Guangdong Province, Shanghai or Chongqing, most leaders are unwilling to take on the risk of significant experimentation. Intimately familiar with their own Party’s history of purges and shifting allegiances, they remain cognizant of the consequences of failed endeavours — or even successful ones that may later fall out of favour.

Also contributing to the ferment is what is seen as an impossible situation for many of China’s young people. In a society where a university degree was, in the past, virtually a guarantee of a good job and everyone had work allocated to them, many graduates are now finding themselves unemployed or seriously underemployed. The economic cooling since 2012 has accentuated this problem and anxiety for central authorities, who have responded with major Keynesian infusions of spending.

China is experiencing the largest internal migration in history. The rural population is diminishing but is still approximately 700 million, or slightly more than half the total. Low wages and difficult living conditions are forcing more and more of them to migrate to the cities in search of better wages, and the state is directing a massive urban development project to accommodate another 200 million migrants to the cities over the coming decade. Many rural villages have all but disappeared, housing only the very old and the very young — all dependent on remittances from those

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who have moved to the cities. For these families, traditional social structure has broken down. The days of the iron rice bowl are but a distant memory; the old social safety net is gone, and the government is struggling to replace it.

Low wages also contribute to instability. An extremely low minimum wage (ranging from US\$140–US\$240 per month)¹² — an income not even supporting subsistence in the increasingly expensive cities — combined with rapidly escalating property prices make ownership of even a modest home an unrealistic goal for the vast majority of the population. This lies behind the spate of protests that took place in the summer of 2010.

The Chinese leadership’s preoccupation with stability has made the notion of “colour revolution” a real concern: study teams sent abroad in 2005 to examine the conditions leading to the Rose, Orange and Tulip revolutions are, by many, credited with a sense of “clamping down” experienced since 2008. The Internet Manifesto, published by exiled dissident Wang Dan and others in February 2010, can only contribute to concerns of the leadership: “This is an Internet Revolution, a colour revolution with Chinese characteristics. Four hundred million Netizens are the fresh troops of China’s Internet revolution. This revolution will not be won overnight, but if we persevere night and day, day in and day out, we will ultimately shake the very foundations of CCP rule.”

The Party has weathered numerous crises since its inception. The past decade, in particular, has seen an increased focus on strengthening party structures. However, the huge social issues discussed above show no indications of abating; just as one problem is addressed, another raises its head. Many question whether the use of on-the-spot solutions on regional issues, combined with continuing strong-arm tactics to silence dissent can continue to keep the lid on growing discontent.

Yu Jianrong, a scholar at the prestigious Chinese Academy of Social Science, gained international stature for his work relating to social stability and the increasing frequency and violence of “mass incidents” in recent years. In a 2009 speech to the Beijing Lawyers Association, he related how discussions with current and retired senior government cadres has shifted his earlier optimism regarding China’s continued stability to growing concern: these cadres have frankly expressed the view that upheaval is unavoidable.

Following an exhaustive analysis of mass incidents and the precarious nature of China’s present social stability, Yu concludes that China’s political power must be reformed through judicial checks and balances from the local level; to do so from a higher level is simply not feasible in the current climate. He advocates “laying ideologies aside, and just defending the Constitution.” More and more scholars and activists are advocating enforcement of the constitution as a means of moving forward both protection of human rights and democratic development in China.

¹² See www.lawtime.cn/info/laodong/zuidigongzibiao/hun/20130116137448.html and www.mohrss.gov.cn/Ldgxs/LDGXqiyegongzi/LDGXzuidigongzibiao/hun/201201/t20120119_86795.htm.

CIVIL SOCIETY AND NGOs

China's regulations for NGOs are not easy to decipher or comply with: an NGO must be both sponsored by a government organization (how it can remain "non-governmental" is a reasonable question), and then registered with the Ministry of Civil Affairs. Many NGOs unable to secure a sponsor are forced, instead, to register as corporations — a very expensive and cumbersome process that also denies them access to government funding and does not permit the raising of funds from the public. Such NGOs must therefore largely rely on foreign funding for their activities.

The difficult registration process leads to a majority of NGOs eschewing this requirement and operating without official sanction. This, however, can leave them vulnerable to action by the state authorities should they run afoul of local officials in the course of their work. At the same time, legally registered organizations are by no means immune from such action; the Open Constitution Initiative was closed down in 2009 and two of its lawyers arrested. Historically, advocacy organizations, particularly those advocating political change, are far more vulnerable than those working on issues of environment, health or public participation.

China's network of NGOs includes international NGOs, government-organized NGOs (GONGOs) and various forms of grassroots civil society. In 1988, China had 4,500 officially registered NGOs (including GONGOs). By the end of 2010, according to Tsinghua University's Deng Guosheng, there were 425,000 registered NGOs.

The growth of unregistered NGOs in China is even greater: Friends of Nature, China's first activist environmental NGO was formed in 1994. Scholars now estimate that there are between one and three million unregistered NGOs operating in China.

New regulations introduced in March 2010 require legally notarized grant agreements before an NGO can receive money from foreign foundations. Although some NGOs registered with the Ministry of Civil Affairs have been able to do so, most others have been unsuccessful. As a result, the majority of NGOs are no longer able to legally receive the overseas funding which they depend upon and face the prospect of closing their doors. Experts point to this as an example of further tightening of the environment for NGOs. Others, however, stress the importance of looking at the longer-term picture, bearing in mind that NGOs, while a relatively new phenomenon in China, have nonetheless grown exponentially.

Indeed, NGOs are increasingly filling the gap — particularly with respect to social and environmental issues — that local governments are unwilling or unable to fill. Following the 2008 Sichuan earthquake, billions of renminbi (RMB, also called the yuan) flowed into the disaster zone, but the government was not equipped to disburse all the funds that were flowing in. YouChange, a Beijing-based non-profit charitable organization, partnered with the city of Mianzhu's government to integrate resources to help with earthquake relief. The initial experience of YouChange, however, is indicative of the deep government mistrust of NGOs: no government agency was willing to work with YouChange, and the project was in danger of ending before it

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started. This was attributed to the fear that some NGOs use aid as a pretext for anti-state and anti-government activities, and the career of any official associated with such activities would immediately end. However, a local official eventually stepped forward, stating that “one shouldn’t stop eating for fear of choking.”

The success of this project, which managed to directly and indirectly disseminate over 2.1 billion RMB of aid 2008–2010, has dramatically changed the attitude of local officials toward NGOs. However, there are also concerns that this same model may bring NGOs too much into the orbit of government, turning them into GONGOs and hampering their ability to play an advocacy role.

The relationship between China’s NGO community and its government is conflicted. Before the Party came into power, it gained support by providing community services and teaching people how to defend their rights against the corrupt one-party government, so it recognizes the benefit of civil society organizations in theory, but also recognizes their potential threat to its dominance of the public space. Most experts agree that the services provided by the NGO community are too great to be cut off now, and that the hole that would be left by their abolition would be too large. It is probable that they will remain an element of China’s development and continue to grow in response to China’s needs.

DIPLOMATIC RESOURCES AND ASSETS

The diplomatic community resident in China is large. While most countries have a presence in Beijing, many also have consulates in Shanghai, Guangzhou, Hong Kong and Chongqing or Chengdu, providing resources and opportunities for research and interaction with Chinese government and civil society over a broad geographic area. Representation outside Beijing permits reporting and analysis from outside the rarified environment of the capital, as well as beneficial contact with provincial and local officials and civil society.

Hong Kong is unique in its status as part of China, but different¹³ — this difference is immediately evident when alighting from Hong Kong’s iconic Star Ferry, where Falun Gong protestors have a semi-permanent presence. The abundance of research facilities, NGOs and individuals studying China from Hong Kong makes it an ideal source of information and a good location for convening meetings in a more open environment.

Diplomatic immunity can also cast a protective cloak around others, foreign nationals and even Chinese. In 2005, Sharon Hom, executive director of the international NGO Human Rights in China and a US citizen, was in Beijing as part of the EU Delegation for the EU-China Human Rights Dialogue Seminar. Returning to her hotel room one evening, she was accosted by two plainclothes

13 Since its return to Chinese sovereignty in 1997, Hong Kong has been permitted a high degree of autonomy with its own executive and laws, currency, etc., while leaving Beijing in charge of its defence and foreign affairs.

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security personnel who attempted to get her to go to a waiting car “for a chat.” She refused and was able to contact the EU diplomats in her delegation. With their assistance, and that of US diplomats who were also called to the scene, she was able to resist this attempt to intimidate her. But she and her organization were pointedly not invited to future sessions of the dialogue, either in China or in Europe.

Pressure, intimidation and outright arrest of Chinese citizens by security organs occur regularly. The shield of diplomatic immunity enables diplomats to protest and this may have had a protective effect in some cases. Ultimately, Chinese activists can seek asylum in foreign embassies or claim refugee status; this case study records several such examples. But often these useful interventions are not followed by sustained support to such independent voices for fear of upsetting the Chinese government.

In an environment where individuals are not able to leave the country, it can also be difficult to transport their possessions, including writings or films, to the outside if they are not digitized. There is no formal restriction on taking personal papers out of the country, but opaque and far-reaching designations of “state secrets” can be invoked to authorize confiscation from Chinese citizens or foreigners without diplomatic immunity. When Lu Decheng left China, he left behind not only his wife and children, but also volumes of notes documenting his 10 years in prison for defacing the portrait of Mao in Tiananmen Square during the 1989 protests. These notes filled five volumes; without them it would have been near impossible to complete his memoirs. Fortunately, a diplomat heading home for summer holidays carried the material out of China. A similar action enabled delivery of a young filmmaker’s feature film about corruption in China to the Montreal International Film Festival, where it won an award.

The international community spends millions of dollars every year on rule of law and governance cooperation with China. Some of this funding is carried out by international NGOs in connection with Chinese academic institutions, NGOs or the Chinese government. Some of it is government-to-government, and some of it is NGO-to-NGO. Ironically, the sheer volume of work and the geographic spread of projects taking place in China make coordination in order to avoid duplication of effort problematic. In addition, donors may find themselves returning to the same recipient time after time, as familiarity with the grant application process and reporting requirements lies with a relatively small core of NGOs and academic institutions. In an effort to expand expertise in this area, some embassies are providing training to grassroots NGOs, and at least one has hired a consultant charged with assisting applicants with the sometimes cumbersome application process.

In 1998, Canada launched the first embassy-disbursed fund, providing support for non-governmental initiatives aimed at improving democratic practices, social services, public education, legal reform and respect for human rights in China. After 10 years, the project had contributed to support for the creation of 35 new NGOs and directly helped to strengthen 160 existing NGOs. This program served as a

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model for other embassy-based funds and has also had significant knock-on effects, including a legal aid pilot project that spread nationwide.

The coordination of political officers focussed on human rights is, on the other hand, well developed. Some of the larger embassies have officers focussed solely on human rights, while others have officers working on human rights and domestic politics, as it is often difficult to analyze one without an understanding of the other. An informal group of about 10 missions of Community of Democracies members gathers on a regular basis to share information and analysis. The group can also serve as a catalyst for coordinating joint demarches or demonstrative action, such as the joint effort to attend the sentencing hearing of democracy activist Liu Xiaobo for inciting subversion of state power on December 25, 2009.

China is party to a number of international human rights instruments, including the Convention against Torture and the Convention on Economic, Social and Cultural Rights. China signed the ICCPR in 1998, but despite the efforts of domestic academics and the international community, ratification has not occurred.¹⁴ Its signature, however, reinforces the legitimacy of efforts aimed at the improvement of China’s performance on political rights and supports activity aimed at improving the infrastructure to pave the way for its ratification. Justice reform and amendment of China’s Criminal Procedure Law, seen as necessary before China can ratify the ICCPR, are key areas of ongoing international cooperation. China’s own 1982 Constitution (Article 35) is unequivocal about rights that are every day denied: “Citizens of China enjoy freedom of speech, the press, of assembly, of association, of procession, and of demonstration.” The 2004 constitutional amendment stipulating that “the State respects and safeguards human rights” has not, in the absence of a constitutional court, had any visible impact.

APPLYING THE ASSETS TO MAKE A DIFFERENCE

The Golden Rules

Nota Bene: Many of the tools in the *Handbook* apply equally well to the NGO sector. Due to the sensitivity of many of the projects that are currently underway, as well as the high level of cooperation between the NGO and the diplomatic sectors, examples of the application of the tools have been drawn from both international NGO and diplomatic representatives. In addition, the sensitive nature of many of the projects involving foreign governments — even in the case of cooperation with various levels of the Chinese government — result in a reluctance to specifically name either the country or the Chinese government department involved. For this reason, many of the examples given below relating to recent or ongoing activities are — of necessity — vague and unattributed.

14 See www.youtube.com/watch?v=N76-OIyYyD8.

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Diplomats posted to China routinely undergo extensive language training in advance of their move. While such training is, of course, pragmatic, allowing diplomats to interact directly with the Chinese people, another significant benefit is the recognition of willingness to invest the time and resources necessary to learn a language as challenging as Mandarin as a sign of respect. The lengthy and arduous language training process also doubles as an intensive course in Chinese history, culture, economics and politics, better equipping diplomats to function in China's environment upon arrival.

The UK's Strategic Engagement Policy with China, issued in early 2008, is representative of the extent to which most of China's democratic partners wish to demonstrate their understanding of China's sense of historic identity and stature, another effective demonstration of respect. By clearly setting out its foreign policy objectives in China, it has introduced greater transparency into the relationship, laying out a road map for future cooperation, and clearly flagging issues of importance. This demonstration of transparency also lends an additional layer of legitimacy to cooperation in support of China's efforts to improve transparency and accountability in its own governance.

Diplomats functioning in China must be adept at listening not only to what their Chinese interlocutors are saying, but also to the choice of words used by other representatives of their government, such as ministers and experts, and the choice of words used by interpreters in meetings. Many concepts relating to human rights and democracy do not translate well into Chinese or correspond to Chinese official thinking. Article 1 of the 1982 Constitution, for example, affirms the "people's democratic dictatorship." In order to convey the intended tone and nuance, use of the appropriate word can be critical. It is not unusual for a Chinese official — many of whom are fluent in English — to correct their interpreters in the course of meetings: their command of both languages used in meetings provides a distinct advantage.

Understanding sensitivities is critical in determining in which areas foreign governments and NGOs can be overtly involved, and where their involvement is best kept under wraps. One domestic NGO authority on democratic development is now focussed on elections, where a significant upsurge in the number of independent candidates has been recorded. In the 2006-2007 election cycle, Beijing alone put forward about 30,000 independent candidates, and the number has trebled in election cycles since. While the expert acknowledges the considerable foreign interest in this area, he advises that foreign involvement is likely to be counterproductive because of the high level of "nervousness" in the leadership.

Such nervousness is linked to concerns regarding allegations of foreign involvement in Europe's series of so-called colour revolutions, from 2000 to 2005. The phenomenon of the Arab Spring reinforced official wariness, and information about events in Egypt and Tunisia was, to the extent possible, carefully controlled. At the same time, however, this previously mentioned NGO's pilot projects in the area of public participation have come to the largely favourable attention of the highest levels in China's central government. Articles about these pilots are attracting a

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great deal of domestic media attention in the country’s increasingly privately owned (though still strictly controlled) press. In an environment where experimentation rarely takes place in the absence of senior level approval, and where such approval is rarely — if ever — explicit, tacit government support for such pilots is often discerned by tracking commentary in the *People’s Daily* (the official media organ of the Party), where favourable reports can signal an opportunity for greater openness in a field.

Similarly, many countries have experienced a greater degree of success in cooperative projects — particularly in sensitive areas — if embassies step back from direct involvement in support activity. Proposals to local governments put forward by academics, rather than a foreign government, are more apt to be accepted. In the case of one seminal conference relating to NGO development, the sponsoring government left all reference to its involvement off the conference materials and did not actively participate in the conference. Absence of the foreign presence allowed officials and NGOs to speak freely and establish contacts that some Chinese participants would not have pursued in the presence of foreigners, especially from embassies. Additionally, China’s rigid system of protocol requires the presence of certain senior officials (or individuals holding a certain position) at conferences involving foreigners that can have a dampening effect on candour and outcomes.

One diplomat reported the cancellation of a poverty alleviation project in a remote province. The reason given for the cancellation of such a seemingly uncontroversial project was that the local officials did not want the fact of foreign involvement to be known. The diplomat asked not to be named, as they hoped to restart the project in the future with a different approach.

In some cases, the challenge in reaching agreement is with the language proposed, rather than the concept itself. Understanding the constraints and priorities of various government ministries has assisted in framing projects that are “win-win.” The US–China Rule of Law Initiative is a classic example of this: its official title is “Cooperation in the Field of Law.”

One country that wished to cooperate with China in a certain area of justice reform is having success by taking a practical approach. As an example, after listening to China’s greatest concern in the area of reform, such as prison reform, the foreign partner presents a business case approach that links a human rights emphasis in international research to China’s desired outcome. This approach has delivered additional dividends: an improved relationship with a generally inaccessible government ministry and improved access to prisons.

Former Canadian Ambassador Joseph Caron was never afraid to push boundaries in the course of his meetings with senior government or Party officials. He recalls lively discussions with Pan Yue, then vice minister of China’s State Environment Protection Administration, arguing the necessity of freedom of the media in order to enable the government to better do its work and root out corruption. Indeed, it was one of the first areas of both increased NGO involvement and increased journalistic activism. Pan not only used the media himself to bring environmental problems

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to the attention of the public, but during his tenure, journalists enjoyed a greater freedom in their ability to report on environmental issues. While Ambassador Caron was unlikely to have been the only foreign diplomat stressing the economic benefits of a freer media to Pan, the recognition by diplomats of opportunities where there may be both a business case to be made, and the space to move forward (here, in the form of a forward-thinking and risk-taking leader) can support efforts to pave the path to change.

Understanding an Opaque Environment

In an environment where “tea-leaf reading”¹⁵ is both a hobby and a professional necessity, certain developments may be assigned a significance they may not merit. Understanding the broader political environment can enable diplomats to avoid the “loosening and tightening” flavour of reporting, which can be misinterpreted in capitals and lead to an ill-supported sense of the often volatile situation on the ground.

For example, according to David Bandurski, a Hong Kong-based academic working with China’s growing professional journalist community, frequent references to “another press crackdown” in China are misleading: the “crackdown” has been ongoing since 1989. While control remains constant, he maintains that the type of manipulation shifts in response to the changing reality on the ground. This changing reality is also strongly influenced by the Internet. For example, a story regarding local corruption will be picked up by the Internet, and so can’t be completely silenced. Rather than banning all reporting, as would have happened several years ago, the news cycle is now used: coverage by independent media is restricted, but Xinhua (China’s official news agency) is permitted to cover it. Xinhua then “exposes” the story, points the finger at local corrupt officials and gets to play the “good guy.” This may be interpreted as “loosening,” just as a subsequent removal of an editor for publishing an investigative analysis may be interpreted as a “crackdown.” Understanding the underlying and somewhat obscure cycle of “control, change and chaos” can help better target cooperation with China’s nascent domestic journalism community.

The Beijing diplomatic community focussed on human rights issues is closely knit, sharing information on a regular basis and on a variety of issues, including recent developments and new initiatives. It coordinates joint demarches, exchanges translations of key documents or articles and compares notes in analyzing the constantly changing face of China’s human rights situation.

Many diplomats are also part of international, informal networks of China-watchers: academics, businesspeople, journalists and others with an ongoing interest in, or involvement with, China. Such groups are invaluable resources for the

¹⁵ Tea-leaf reading refers to the tendency of all China watchers — in the absence of media or government transparency and in an environment where little happens without a reason — to interpret new policies or actions by the leadership as having significance. However, the interpretation is not always correct, and there is not always an underlying agenda.

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real-time exchange of information and interpretation of events in China, including detention or release of activists, updates on recent policy changes or interpretation of the actions of China’s leadership. Multiple open online sources, such as *China Digital Times*, also contribute to the worldwide sharing of information about China, as well as translations of Chinese documents and articles.

Truth in Communications

Despite the existence of China’s infamous GFW, information is flowing to and from China’s human rights defenders, some of whom have thousands following their tweets and blogs. With more than 564 million Internet users, it is simply not possible for authorities to monitor all emails, tweets, blogs and posts that these users generate. The state incentives of the “50-cent party”¹⁶ are having little, if any, effect on the increasingly savvy Internet population, gaining more derisory comments than converts.

Han-Han, a prominent Chinese blogger, was voted the second most influential person in the world in *Time Magazine*’s 2010 list. His acerbic, political jabs at government policy and restrictions of the media have gained him millions of followers, as well as generating controversy over authenticity of authorship. Internationally acclaimed artist Ai Weiwei and “the Butcher” are also well-known members of this growing cohort of Internet crusaders, using it as their twenty-first century Democracy Wall. The *Financial Times*’ Peter Aspden (2012) wrote of Ai that “Chinese authorities know they have a problem on their hands with Ai. He is truculent, unafraid, and is just about the shrewdest user of social media around. He is up for the fight. ‘No outdoor sports can be more elegant than throwing stones at autocracy; no melees can be more exciting than those in cyberspace.’ His antagonists have but a feeble counter-attack. ‘The government computer has but one button: delete.’”

One thing that many of these bloggers and activists have in common is the occurrence of a single event triggering their Internet activism. Although the events differ, they generally relate to the discovery of a specific injustice or cover-up, such as over the tainted milk scandal, the number of children who perished in the Sichuan earthquake or the arrest of Liu Xiaobo. The number of signatures to Charter 08 continues to grow, undeterred by Mr. Liu’s sentencing.¹⁷ Sharon Hom reports that many well-known writers who had been using pseudonyms for some of their more controversial work have ceased to do so since Xiaobo’s sentencing. The Internet is encouraging a different type of activism.

16 Individuals who are paid a half RMB/yuan for each pro-government post they submit to chat rooms.

17 At the time of writing, one estimate of the number of signatories is 20,000. See Andreas Lorenz, “Liu Xiaobo as Role Model: Nobel Peace Prize Inspires Chinese Dissidents,” *Der Spiegel Online International*, available at www.spiegel.de/international/world/liu-xiaobo-as-role-model-nobel-peace-prize-inspires-chinese-dissidents-a-723808.html.

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In March 2010 following its decision to no longer comply with China's monitoring policies, Google's redirection mainland Chinese users to its Hong Kong site, google.com.hk, was hailed by many Chinese democracy activists as a great victory. While many activists are able to sidestep the GFW through a series of different and increasingly sophisticated measures, Google's move to Hong Kong is better informing the average user by now allowing them to see just how many sites are blocked — even though access to these sites remains censored.

In July 2010, the Government of China renewed Google's licence to operate its website in mainland China without changing its censorship rules. While some have criticized Google's decision, users in mainland China will have the option to click a link to switch over to the Hong Kong site. Xiao Qiang, then director of the China Internet Project at UC Berkeley, cautiously pointed out that this decision broke new ground, stating, "It is unprecedented for a private company to challenge Chinese Internet censorship...In the past, there would have been no doubt that the Chinese government would have punished Google." The government's decision, Xiao adds, is "a very calculated position that is good for China's long-term development and openness."

Many embassies make use of the Internet and blogs to reach the Chinese public. For example, one British Embassy blog, providing an account of a day spent with a migrant worker, had, after being translated into Chinese, 30,000 hits in its first five hours. This account had the effect of both informing the local population about the plight of individuals literally in their own backyard, and of providing this same population with a different view of the foreign community that they have been taught to fear.¹⁸

The Canadian Embassy pursues a very proactive e-diplomacy program via a webpage on the Chinese Sina Weibo platform, which specializes in 140-character bursts, much like Twitter. It has rapidly obtained a very large audience and a significant interactive following. Canadian Ambassador Mark McDowell has explained that the site aims to demystify diplomatic representation in a voice that is comparatively "young." In countering the image of diplomacy as opaque, the site showcases transparency and diversity, including of opinion, and including comment critical of Canada. One episode went viral among the Chinese audience: the preceding Canadian Ambassador David Mulroney was shown in his ambassadorial "limousine," a modest fuel-efficient Toyota Prius, which Chinese comment swiftly contrasted to the up-market limos regularly used by Chinese officials.

While the Internet revolution has shifted much focus from shortwave radio broadcasts such as Voice of America or Radio Free Asia, the important role they have played in the past — and continue to play — in providing information to populations behind the GFW should not be discounted. Lu Decheng, sentenced to 16 years (imprisoned for 10 years) after throwing ink at Mao's portrait in Tiananmen

¹⁸ A number of Chinese activists and academics have referred to the continuing fear and antipathy that exists toward "the West," resulting from an anti-foreign bias in the education system. They have stressed the importance of increasing people-to-people ties as a means of dissipating such perceptions.

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Square, recounts how he and others relied on such broadcasts to learn about events in China, including commentaries by late astrophysicist and democracy proponent Fang Lizhi, well before the 1989 Tiananmen protests.¹⁹ Such broadcasts are still of importance for those who either do not have access to a computer, or who have access, but are unable to scale the GFW.

Liu Xiaobo, the activist imprisoned in 2009 for 11 years for his role in drafting Charter 08, underscored the importance of international media in giving voice to those who no longer can speak in China: “I, who had been drawn into the path of dissidence by the passions of June Fourth, after leaving the Qincheng Prison in 1991, lost in the right to speak openly in my own country, and could only do so through overseas media, and hence was monitored for many years; placed under surveillance (May 1995–January 1996); educated through labour (October 1996–October 1999), and now once again am thrust into the dock by enemies in the regime.”

Some diplomatic informing of the Chinese public is unequivocally popular, but correspondingly distasteful to the regime. In June 2012, Deputy Environment Minister Wu Xiaoping warned foreign embassies to refrain from publicizing their own air pollution readings — a pointed reference to the US Embassy, which puts such data on its website for the benefit of its staff and the general public (BBC News, 2012). Wu stated that the US publishing of air pollution statistics violated the Vienna Convention on Diplomatic Relations. The figures from the embassy monitoring station were considerably higher than official statistics, sparking an outcry and forcing a reassessment of environmental monitoring in chronically polluted Beijing.

Diplomats’ efforts to provide balanced reporting to capitals can be challenged by inaccurate or biased media reports in the home country media, or by inaccurate views held by individuals in capitals who still hold outdated preconceptions of Chinese society and the extent of modernization and sophistication in its cities.

A diplomat’s efforts at reporting are only as useful as the willingness of the recipients to read and assess this reporting. Many diplomats based in Beijing (as elsewhere) complain about the “black hole” into which their reports often fall. However, those targeting their reports on long-term strategic issues, and who identify specific links to issues of national interest, report increased readership in capitals.

As the above makes clear, reporting has its limitations; there is no substitute for actual travel to other countries to promote understanding. Well over two million Chinese citizens have travelled abroad to study since 1979. These numbers include academics, government officials, private citizens, judges and any other imaginable category of citizen. Diplomats working on cooperative development projects have found that those officials with overseas experience are far more open to incorporation of human rights elements in the development of projects.

While informing capitals of important developments in China through reporting is an opportunity, it is also a responsibility. Activists are willing — even eager — to

19 See Denise Chong’s memoir *Egg on Mao* (2009), an account of the events leading up to Decheng’s throwing ink at the portrait of Mao during the 1989 Tiananmen demonstrations, and the resulting 16-year prison sentence.

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meet with foreign diplomats and journalists. In contrast to the situation 10 years ago, they are very frank and open in their comments; yet, these same activists are still taking a risk. The diplomats with whom they meet have a corresponding responsibility to interpret and report such contacts judiciously, as well as the way they use their networks to share this information. Such information sharing can provide these risk-takers with some semblance of protection.

David Bandurski, of Hong Kong University's China Media Project, states that although the government's effort to control the media has not changed since the aftermath of Tiananmen Square, there has been a significant social change. Now, papers are market-based, so public demand is having a greater impact on what is found in the news, which is leading to watchdog journalism. He believes that a new pluralism is emerging and leading to gaps where professionals can fill the space.

But China remains a difficult environment for domestic journalists. The Committee to Protect Journalists reported that 32 journalists were imprisoned as of the end of 2012 (BBC News Asia, 2013). Reporters without Borders qualified China as an "enemy of the Internet" the same year. Sixty-nine Internet users were jailed as of early 2013 (*ibid.*).

Working with the Government

As the first summit meeting between US President Obama and the new President of China Xi Jinping in Palm Springs, California in May 2013 illustrated, there is a multitude of major intersecting interests between these two great powers. China's regional and increasingly global impact has central significance to the interests of other governments around the world.

Within the framework of such interests, the international community has, by now, an established history of cooperation with the Chinese government in a broad range of governance areas, from village elections to open government, accountability, human rights in prisons, procuratorate²⁰ reform and judges' training. This cooperation takes place with all levels of government, and may have an impact that is felt, though not yet seen. For example, a lawyer representing several well-known human rights defenders advised that he has seen a positive change in judges over the years, which he attributes to ongoing judges' training that has been undertaken by a number of nations. Some of these judges have advised, unofficially, that they agree with the arguments of the defence, despite having no flexibility regarding the verdict they must deliver. For lawyers working within this system, such recognition by judges of the illegitimacy of the process, together with a willingness to communicate such sentiments, is a small but significant step forward.

China's cooperation with other countries can, however, be held hostage to changes in policy from the centre, or at the local level. In cases where long-term programming is anticipated, making at least the principle of cooperation a part of a summit

²⁰ The Supreme People's Procuratorate is responsible for prosecuting criminal cases, investigating corruption and overseeing the criminal justice system.

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process, and incorporating the agreement to cooperate in a summit document, has been a means of preserving the nature of the project, and, in some cases, assuring its very existence. The US Rule of Law Initiative is an example: its inclusion in the 1997 Clinton-Jiang summit document ensured its continuing legitimacy (though it went dormant for a time due to lack of funding). Such government-to-government agreements also provide legitimacy for NGOs working in the same field. In cases where NGOs run into trouble with local authorities, it is possible to point to the high-level agreement as an indication of an area where cooperation has the blessing of the central authorities.

Sometimes the most unlikely circumstances can lead to working with the government — or at least the dissemination of central policy to local areas. In advance of the 2008 Beijing Olympics, restrictions on foreign media were relaxed, allowing reporters to interview anyone they wished, as long as that person consented. Initially, local authorities were not aware of these regulations, and would not permit journalists to enter their districts. The journalists had laminated cards printed, containing the text of the regulations, together with contact names and numbers in Beijing for further information. This relatively simple solution both informed local authorities and allowed the journalists to get on with their work.

The Human Rights Dialogues, established between a number of countries and China, have consistently come under fire from the international NGO community for their failure to achieve concrete results. Nonetheless, there is consensus among diplomats that they can serve as a springboard for a number of less visible but more effective efforts. The dialogues have been used to bring together Chinese government and NGO representatives, or high-level Chinese officials from various government departments. Some dialogues also provide an opportunity for high-level (vice-ministerial) meetings and demarches. This is particularly important in the current environment where China is increasingly resistant to accepting demarches.

The EU dialogue on the death penalty, driven by its values, has taken a practical, incremental approach. In the eight years since the dialogue started, China's attitude has gone from “the Chinese people want the death penalty” to “it will eventually be abolished.” Although it has not been abolished, regulatory changes over recent years are believed to have had an effect of reducing the number of executions, although it is not possible to be certain, because these numbers remain shrouded in secrecy.

Dialogue can take many other forms, as well. The US is credited with having a positive impact on treatment of persons with hepatitis as a result of raising the issue with the Ministry of Health. In 2008, hundreds — mainly children — were poisoned (many fatally) by milk and infant formula cut with melamine as a cost-saving measure. New Zealand is credited with breaking the scandal as a result of its officials in Beijing — on the instructions of their prime minister — notifying relevant ministries in Beijing of the problem, and the failure of local authorities to institute a recall. This latter case has led to new food safety legislation, though, as with much of China's legislation, enforcement remains problematic.

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When working with China on human rights issues, most countries use a combination of closed-door and public declaratory diplomacy. A number of Chinese activists, while stressing the importance of demarching, also stress the importance of determining which form of diplomacy is most likely to be effective. Says one: “Reduce the room for human rights violators to abuse the comments made, and make sure you can afford to make the statement, and are not going to be forced to back down at a later point.” A 2009 case involving a foreign national, where public protest failed because of inadequate information, was Australian Prime Minister Kevin Rudd’s threat of possible economic consequences in the case of Stern Hu, a Rio Tinto executive. After Hu confessed to corruption charges, he was sentenced to 10 years’ imprisonment in China in 2010.

Regarding protests on apparent human rights violations on dual nationals, foreign governments need to cope with China’s policy of disregarding the legitimacy of the foreign citizenship claim. Public pledges by foreign leaders to extract their citizens from their Chinese difficulties need to be carefully calibrated with the private messaging to the Chinese authorities.

When a democratic head of government has concerns over the jailing in China of a national, a dual national (a status the Chinese do not recognize) or even a Chinese citizen, the manner in which the matter is raised can influence the outcome. The Chinese recognize that the jailing of an activist as prominent as Liu Xiaobo will oblige democratic representatives to protest in public, and they generally give their side of the argument publicly. This is not apt to yield a change favouring the prisoner, but moral support and visibility is of some value to his ongoing cause. Practical outcomes are more likely to emerge from private demarches situated in the context of the bilateral relationship. Making it known in advance that such a matter will be raised is not in itself counterproductive. But if public statements imply that a summit meeting with the Chinese leadership is being sought specifically to take up a case, and especially if the statement is litigious, contentious and critical of the Chinese legal process, experience shows that the meeting is unlikely to even take place, much less help the prisoner.

There is broad agreement regarding the value of demarching in China, although tangible results have become less clear in recent years. Chinese authorities have responded positively to several private top-level demarches to permit the release of jailed activists and their travel to asylum abroad, but rarely respond positively to public campaigns, especially if these seem directed to a foreign country’s domestic political constituency. As for everything in China, the best results emerge when they can be shown to have been in Chinese self-interest and not foreign pressure.

Demarches at high levels, or in advance of high-level visits, have succeeded in securing the release of a number of high visibility individuals, including Rebiya Khadeer, Jiang Weiping, Wei Jingsheng and Chen Guangcheng, and in May 2013, some of his immediate relatives, to name a few. However, this particular element of success is seen as mixed, as those who do not immediately leave China may again

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disappear or be arrested in very short order, as in the cases of Gao Zhisheng or Hu Jia.

Reaching Out

Former US Ambassador Winston Lord (in office 1985–1989) took advantage of a period of relative openness to meet with a wide range of academics, artists, students and others. His appearance, together with his wife Bette Bao Lord, at Beijing University’s Democracy Salon in June 1988, caused a sensation — both for the hundreds of students present, but also for the Chinese leadership. Ambassador Lord was subsequently advised that he should have obtained the government’s permission to speak to the students — and that this advice came directly from Deng Xiaoping. Ambassador Lord’s reaction was swift and vehement, stating that no one would be expected to obtain advance clearance to meet with students at Yale or Harvard and that he had the right to do the same at Beijing University. Nothing more was heard on the matter.

Ambassador Lord first opened his residence to Chinese visitors on his arrival in 1985. He and his wife, well-known author Bette Bao Lord, opened the embassy’s July 4th celebrations to Chinese civil society and worked on a daily basis to increase their people-to-people ties through a variety of means, such as a series of discussion evenings. They invited political and economic reformers to their home, together with officials, academics or other diplomats for informal discussion on a variety of topics ranging from culture to science to more overtly political topics.

Such access to the diplomatic community and to Chinese officials was rare for the academic and activist community, particularly in 1986. It not only provided the US Embassy with valuable insights into the views of some key members of the academic and cultural community in the years between the 1986 Shanghai democracy protests and the Tiananmen Square protests, but it also provided what was then a rare opportunity for different elements of China’s stratified society to meet and share views with each other, representing a convening function.

Many individuals doing advocacy work in the area of human rights stress the importance of making such contacts. They advise that instances of diplomats using the embassy or their own homes as places to meet and discuss issues — be it one-on-one or as a networking opportunity — is invaluable. They stress the value of this in breaking down the antipathy and fear that many Chinese people have been taught to feel for Westerners, stating that people-to-people connections are the best means of increasing understanding and breaking down barriers, as demonstrated by the myriad exchange programs that have been instituted in recent decades, often administered or facilitated by embassy personnel.

Convening NGOs and government officials can have valuable secondary effects in a society where NGOs not only rarely have access to government officials, but are

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often mistrusted by them. One prominent independent people's deputy²¹ and vocal women's rights advocate advised that one of her most valuable government contacts was met during a conference convened by the Canadian International Development Agency. This contact has since become instrumental in her gender equality and training work.

The Fourth World Conference on Women, held in Beijing in September 1995, has been described as a watershed for the development of China's then nascent NGO community. Although many aspects of the conference — such as confining the NGO element to a separate venue and requiring protest to take place within defined zones — came under fire from the international community, it provided a valuable and unprecedented opportunity for Chinese NGOs to witness protest, establish connections with the international NGO community and participate in an international human rights conference. One Canadian diplomat recalls racing to the protest site upon receiving information that some Canadians were preparing to unfurl a “Remember Tiananmen” banner in the designated demonstration zone. Instead of having to deal with the feared consular case, he vividly recalls watching both private citizens and local police standing by watching the Canadians demonstrate.

A three-day conference on international law in Hong Kong for a group of China's public interest lawyers was instrumental in providing them with additional tools for the protection of their clients. In particular, many of these lawyers were not aware that China is a party to the UN Convention against Torture. They were given training on the convention's provisions, and suggestions on how to use the provisions of the UN International Covenant on Economic, Social and Cultural Rights to fight for their own, and their clients' rights. These same lawyers were also provided training on how to draw up detailed and well-reasoned defence statements. Although the courts rarely permit submission of such statements, the lawyers continue to prepare them and are now posting them on the Internet as a means of publicizing their clients' arguments, and as a resource for others. When the *Handbook's* second edition was published in 2010, none of these lawyers had been “invited to tea” by local police.²² A British Embassy initiative relating to the implementation of the new Lawyers' Law would not have taken place without foreign involvement: they brought lawyers, judges and other officials together in one room to discuss necessary steps for implementation.

Over the past 30 years, the international community has invested considerable money and effort into a broad range of collaborative efforts with both government

21 While the vast majority of people's deputies are Party members, there is a slowly growing number of independent representatives, although this is only at the lowest levels. Contrary to those deputies who are Party members, and thus see themselves as answerable to the levels above them in order to advance their careers, independent representatives have no opportunity of career advancement within the system, and so work for the rights of their constituents.

22 People who have come to the attention of authorities, but who haven't broken any laws, are “invited to tea” with local police. Such invitations are often issued to activists and were offered with particular frequency to individuals who signed Charter 08. It has now become a topic of several blogs, where invitees share their experiences.

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and civil society in support of China’s democratic development. Justice reform, village elections, judicial training and accountability are all areas that have benefitted from direct government-to-government cooperation.

In addition to the large-scale, primarily government-to-government cooperation, there are countless examples where a relatively small amount of funding, capacity building or networking opportunities provided grassroots civil society organizations with either the push to expand their operations or the tools and encouragement necessary to continue their work.

Little Bird is a grassroots organization started by a migrant worker in Beijing, who, in the beginning, didn’t even know he was starting a civil society organization — he was just connecting migrant workers with each other. In 2003, he was given the opportunity to grow through an embassy-administered civil society fund, which provided him with a small sum to set up a hotline for migrant workers. He is now partnered with local governments, has been approached to mediate labour disputes and has started similar NGOs in two other cities. Although he continues to need some foreign funding, he has also established effective partnerships with local government agencies — an occurrence that is still rare, but would have been unthinkable 15 years ago.

Until recently, all social programming in China was undertaken by the state. In recent years, NGOs have been filling in gaps where the state has been unwilling or unable to respond to increasing demand for services. Work by China’s nascent civil society — particularly in the areas of environment, migrant workers and disabilities — is providing valuable experience to the Chinese public in lobbying government, organization and capacity building. A wide range of embassy-based programs and international NGO cooperation is providing support to these NGOs to develop their capacity and networks.

However, as one diplomat based in Beijing is quick to point out, the “ecology of China’s civil society is still in its early stages.” He cautions that until civil society is better established, the international community should not have the institutional expectations it might have of other, better developed civil societies. Until there is a critical mass of civil society organizations, they will not be able to move decisively forward with reform.

China’s civil society has been developing in fits and starts, characterized by rapid expansion and sudden restrictions. Independent NGOs lead an uncertain existence in China. Recently implemented regulations relating to the foreign funding of NGOs (a global trend among authoritarian governments) have led many to conclude that the regulations are aimed at shutting down NGOs that receive foreign funding. The head of a Hong Kong-based NGO (who has personally suffered the consequences of past campaigns to silence dissent) stresses the need to first look at new policies from the perspective of a legitimate government (increasing tax revenue from funds coming into the country), rather than that of a human rights violator (stifling the environment for NGOs). He believes that this is precisely where reasonable government-to-government discussion may succeed in finding a solution. If China

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is immediately accused of making regulatory changes in order to further control NGOs, the door to reasonable discussion is closed, regardless of whether or not this was indeed the original intent. If, through efforts to work cooperatively, it becomes evident that measures are indeed intended to restrict the environment for NGOs, then it becomes the time to move to other means of expressing concern — through private and then perhaps more public statements.

Both he and the head of another think tank that have suffered a negative impact from these new regulations counsel creative solutions and flexibility in order to minimize the negative impact: one organization has studied the regulations and identified what must be done in order to continue receiving foreign funds. It is cumbersome, but possible. Another organization has identified a legal means to receive funds without going through the prescribed hoops — but it is an unorthodox means that many foreign governments are unwilling to follow.

Challenges

China's stature as a world power is such that fear of arousing its wrath is leading to the widespread self-censorship of businesspeople, academics and public officials outside China, as well as within its borders. It is a phenomenon described by eminent China scholar Perry Link as "the anaconda in the chandelier." It is never clear where the boundaries between allowed and illegal, or innocuous and offensive comment may be, but the anaconda remains coiled in the chandelier above your head, waiting to descend if that invisible line is crossed. So, rather than risk inciting the anaconda's wrath, it tends to be the safe road that is taken. This leads to a great deal of defensive self-censorship and conservatism.

Beijing diplomats expressed concern that groups with the loudest voices often drive priorities from capitals, possibly sending an inconsistent message to Beijing. The most obvious example was with respect to support for the situation of ethnic Tibetans or Uighurs — countries with a large or vocal ethnic Tibetan population may advocate the interests of Tibetans, or vice versa.

Defending Democrats

During the protests on Tiananmen Square between April and June 1989, representatives of the international diplomatic community could often be seen there, speaking with demonstrators and subsequently reporting back to capitals. Frequent peaceful demonstrations in Beijing also provide opportunities to both speak with petitioners and to provide these petitioners with access — albeit fleeting — to a foreign diplomat. One diplomat recalls being mobbed by petitioners who had travelled to Beijing from the countryside and were marching toward the UN offices. Thrusting copies of their petitions and supporting documents at her, they begged that their plight be made known to foreign governments. In this case, the diplomat was physically restrained by undercover police while the papers were wrenched from her grasp. This particular incident is indicative of both a concern on the part

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of the authorities that details of internal conflict not be made known, as well as the desperation of citizens to have their stories heard.

More recently, the diplomatic community has provided valuable support to democracy activists through their visible and high-level presence at the sentencing hearing of frequently imprisoned democracy activist Liu Xiaobo on Christmas Day, 2009. Diplomats from numerous democracies, including Australia, Canada, Great Britain, New Zealand, Sweden and the US attempted to witness Liu's trial and stood vigil outside the court, demonstrating support to Liu and his supporters (Anna, 2009). Several members of the activist community have commented on the value of this demonstration of international support to Liu's supporters — whether they were at the courthouse, under house arrest or observing events from a distance — stating that it has given many others the courage to protest. As Perry Link (2010) wrote in his blog entry from the Nobel ceremony in Oslo, “China's rulers have consistently denounced his Charter 08 as ‘un-Chinese,’ even while they assiduously prevent its publication inside China, apparently from a fear that ordinary people, were they to read it, might not find it so un-Chinese. The Internet is porous, and the Nobel Prize will certainly make Chinese people curious to learn more about Liu Xiaobo.” Indeed, the signatures of Charter 08 increased steadily following Liu's sentencing, and many prominent authors and academics who had previously used pseudonyms came into the open with their calls for change.

Liu (2010) has made it clear that he favours evolutionary change toward democracy in China: “China's political reform...should be gradual, peaceful, orderly and controllable and should be interactive, from above to below and from below to above...orderly and controllable change is better than one which is chaotic and out of control...This is not ‘inciting subversion of state power.’ Opposition is not equivalent to subversion.” The EU and US have called for Liu's unconditional release from imprisonment. China rebuffed such statements as attempts to interfere in its internal affairs (Grajewski, 2009; Yu, 2009).

While not a diplomatic act, awarding Liu Xiaobo the 2010 Nobel Peace Prize was seen as a valuable recognition of what has been described as the “lonely struggle” of the activist. His win sent a meaningful message to Chinese human rights defenders and activists that they remain a factor, despite all the *realpolitik* relations with the regime. It also generated massive interest: the Human Rights Watch website, which had a feature on Liu, got more hits in 24 hours from China than it typically did in a year immediately after Liu's Nobel was announced (Link, 2010).

Liu and his wife were both unable to attend the December 10, 2010 Nobel award ceremony, thus he became only the second Nobel laureate to be unrepresented. A number of countries — all authoritarian — refused to send representation, including *Handbook* cases Cuba, Egypt, Russia and Tunisia. The Chairman of the Nobel Committee, Thorbjørn Jagland, dramatically left Liu's chair empty and placed the Nobel diploma and medal upon it. Jagland noted that the award did not attack or weaken China, but only could make it stronger, much the same way that the award to Martin Luther King, Jr. pressed America to become a better country

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(ibid.). “We regret that the Laureate is not present here today. He is in isolation in a prison in northeast China... This fact alone shows that the award was necessary and appropriate” (ibid.). Norwegian actress Liv Ullman read Liu’s court statement, titled “I have no enemies,” in full in lieu of a speech: “I have no enemies, and no hatred... For hatred is corrosive of person’s wisdom and conscience... I do not feel guilty for following my constitutional right to freedom of expression, for fulfilling my social responsibility as a Chinese citizen. Even if accused of it, I would have no complaints” (cited in McKey, 2010).

In the speech, “he also attacked those who have accepted the grand bargain struck by China’s leaders, to provide wealth in exchange for political support, saying that the ‘people immersed in the pursuit of wealth or intoxicated with the happiness of a comfortable life’ are merely taking part in a ‘fabricated carnival’” (cited in Moore, 2010).



Former Czech Republic President Václav Havel arrives at the Chinese Embassy to deliver a protest against imprisonment of the Chinese dissident Liu Xiaobo in Prague, Czech Republic, on January 6, 2010. Liu Xiaobo was sentenced on December 25, 2009 to 11 years in prison on subversion charges. (AP Photo / Petr David Josek)

Chinese dissidents and human rights campaigners applauded the award to Liu; three dozen attended the ceremony. Su Xiaokang, whose “River Elegy” series asserts that Communist Party rule in China was in its essence feudal and traditional, applauded Norway for giving the award. “The big democracies — America, Britain,

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France, Germany — all know what democracy is but won't stand up in public to Beijing's contempt for human rights. It takes a little country to do a big thing" (cited in Link, 2010). Renée Xia of China Human Rights Defenders said the Chinese reaction to the Nobel was hardly surprising: "To us, that empty chair is not the least bit surprising. Of course Beijing treats its critics that way. This is wholly normal. If the rest of the world is startled, then good; maybe surprise can be the first step to better understanding of how things really are" (ibid.).

Fang Lizhi, also in attendance, overheard Xia and said "now the world is starting to care what happens in China. It's a sign that China is now a 'big country,' and that's what Beijing has always said it wants, right?" (ibid.). Jimmy Lai, a refugee from China who now owns media in Hong Kong and Taiwan, also attended the ceremony and opined, "now people can see that 'China' in the twenty-first century can be something much bigger and better than the Communist Party" (ibid.). Hu Ping, longtime friend of Liu Xiaobo's and editor of *Beijing Spring*, was doubtful the Communist regime would alter its formula. "As they see it, the current strategy works. The formula 'money + violence' works, and we stay on top. We know what the world means by human rights and democracy, but why should we do that? Aren't we getting stronger and richer all the time? Twenty years ago the West wasn't afraid of us, and now they have to be. Should we change what works?" (ibid.).

In 2002, after the AIDS activist organization Aizhixing drew attention to China's tainted blood banks, Wan Yanhai was arrested on suspicion of "leaking state secrets" for publishing online a government report documenting the transfusion-borne spread of AIDS. Wan, who was jailed for a month but never formally charged, credited his release to the political pressure generated by an international media campaign. Citing increasing official harassment and fears of imminent arrest, Wan moved to the US in 2010. He has, however, expressed the hope that he will be permitted to safely return to China in the future.

The case of the late astrophysicist Fang Lizhi is perhaps one of the best-known examples of a foreign embassy providing protection in China. Fang had become well known as a democracy activist as early as 1956, during the Hundred Flowers Movement. He was purged as a result of his writings at that time, but again rose to prominence in activist circles in 1985, gaining even greater prominence in the months leading up to June 4, 1989. On June 5, Fang and his wife sought refuge at the US Embassy in Beijing, where they remained for over a year before being sent by military transport to England. Fang had had frequent interaction with the previous US ambassador and his wife, and had visited their residence on several previous occasions.

More recently, the case of lawyer and human rights advocate Chen Guangfeng made international headlines. Chen was held under effective (and illegal) house arrest in Shandong province, with his family suffering harassment and visitors barred from seeing him. His plight attracted international media, diplomatic and even celebrity attention. For example, US actor Christian Bale and a CNN crew were physically assaulted and pursued by security officials when trying to meet him

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(CNN, 2011). US Secretary of State Hillary Clinton expressed her “alarm” at his detention (Tandon, 2011).

Chen dramatically fled his confinement in April 2012, climbing over a wall and meeting colleagues at a pre-arranged rendezvous point, badly injuring his foot in the process (BBC News, 2013b). He was taken to the US Embassy in Beijing, where he sought asylum and was provided with medical aid and diplomatic protection. Chen demanded that Premier Wen Jiabao prosecute those local officials who persecuted his family, that their safety be guaranteed and that corruption cases be pursued under the law. He feared “insane retribution” would be visited on his family for his escape (Watts, 2012).

US Assistant Secretary of State for Asia Kurt Campbell came to Beijing to negotiate with Chinese officials on Chen’s case. A deal was arrived at, under which Chen and his family would be allowed to relocate and complete his legal studies. Investigations of Shandong provincial officials would also follow (Perlez and La Franiere, 2012). Chen then voluntarily left the embassy for hospital, and had not requested asylum at that point. Soon after arriving in hospital, US diplomats were barred from meeting him. Chen began to fear that the Chinese government would not fulfill their commitments and stated that he would like to leave China with his family. His wishes and the disposition of Chinese officials were not clearly reported at the time. China requested an apology from the US for its interference in domestic affairs, questioning the motives of US Ambassador (and Chinese-American) Gary Locke, suggesting that Chen was a US stooge “for American politicians to blacken China” (Jiao, 2012; Buckley, 2012).

The situation was defused when the Chinese government stated that Chen and his family could apply to study overseas “in accordance with the law, just like any other Chinese citizen,” and New York University (NYU) offered him a fellowship. US State Department spokeswoman Victoria Nuland (2012) noted that “The United States Government expects that the Chinese Government will expeditiously process his applications for (his travel documents) and make accommodations for his current medical condition. The United States Government would then give visa requests for him and his immediate family priority attention. This matter has been handled in the spirit of a cooperative US-China partnership.” Chen and his family were granted visas and departed for the US some two weeks later (Quinn and Jones, 2012; Fleisher, 2012). At the time of writing, the story has returned to the news. In June 2013, Chen claimed that the Chinese government pressured NYU to end his fellowship — a claim that the university strongly denies (VOA News, 2013). NYU reports that it had always told Chen his fellowship was for one year, and he was looking into other opportunities in the US.

Less dramatic, but also effective, is the work of advocating for prisoners through letters and, where possible, prison visits. It has been established through information received from family members and interviews with prisoners, that communication from embassies or foreign governments regarding persons in prison — particularly “Re-education through Labour” facilities, also known as Laogai — can have a

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valuable protective result. Almost always resulting in better treatment of the prisoner, it has been, in some cases, the difference between life and death. This protection can be particularly effective in the case of lesser-known prisoners who might not have other advocates from outside China.

Conversely, extremely harsh sentences in cases such as those of Zhao Yan or Chen Guangcheng, where the international community had been actively demarching, led to concerns at the time of a possible backlash against such actions. Activists, however, are quick to stress the importance of continuing demarches, together with continued efforts to attend trials and sentencing. Although efforts to do so in an environment where even the lawyer and family of the accused are often not permitted to attend the trial have been consistently unsuccessful, the moral support to the activist community of such efforts is critical.

Autonomy/Empowerment at Post

Democratic development is an incremental process, and because it involves so many elements, determining benchmarks or evaluating progress can be problematic. Diplomats in Beijing report the temptation of home authorities to link benchmark progress to their own electoral calendars, a shallow impulse that can lead to a lack of interest in projects that may not include an imminent “deliverable.” Although it can be possible to measure results in an anecdotal way, it is not always possible to pinpoint in a measurable manner concrete results of projects. It is therefore necessary to maintain a long-term view.

In order to meet with Chinese academics or think tank personnel in their offices, it is necessary to go through a sometimes cumbersome process to obtain the approval of the host institution. However, in cases where diplomats have already developed connections with their interlocutor, it is possible and preferable to meet outside the office environment, to engage in a more open discussion, skirting the official process.

Restrictions on civil society remain prevalent, but consequences of defying such restrictions can be mixed. Although often told not to meet with diplomats, journalists or foreign officials, many Chinese defy such instructions, with little or no consequence. In fact, such meetings — especially at high levels — are believed to provide some degree of protection, but can also lead to problems. For example, one week after the Swedish Foreign Minister met with a number of academics, one of them was moved to Xinjiang; however, a linkage between these events cannot be proven.

CONCLUSION

China is definitely in the midst of major socio-economic changes. The face of the country has been transformed in a historically brief period of time — just over a generation.

This updated case study provides a wide-angle snapshot on questions concerning China's democratic development. Changes are taking place at such a pace as to be impossible to track on a comprehensive level.

Not all movement has been forward. Both the Nobel Prize Award to Liu Xiaobo and the ongoing Arab Awakening have sparked considerable angst in the Party, which seeks to ensure its grip on power. President Xi's California summit with US President Obama signalled a will early in his term to try to secure a relationship with China's largest trading partner and the pre-eminent Pacific power. Xi openly proclaimed the desire to develop a "great power relationship." While the atmospherics from the June 2013 meeting were positive, the results, particularly when it comes to China's internal development, remain to be seen (BBC News, 2013a).

The Internet, reaching between one-third and one-half of all Chinese, is playing a critical role in the pluralization of opinion formation in China. Text messaging, tweets and other uses of new technologies are also critical tools for the dissemination of information and bringing people together. Demands for rights enforcement and simmering discontent in rural areas are also pushing the need for reform and to establish a dialogue on the nature of modern economies, societies and polities.

China's new leadership under Xi Jinping, though seemingly stronger and more self-assured than that of Hu Jintao, is not monolithic. Struggling with China's myriad challenges, it is also struggling with internal conflict with respect to how to best address these challenges in order to maintain — or resuscitate — its legitimacy.

China's new leaders, President Xi and Premier Li, along with the new politburo, were widely seen when selected as safe choices, not radical reformers in waiting, but the president has moved quickly to consolidate his power base (*The Economist*, 2013a). Although still in his early days at the helm, Xi thus far appears to be demonstrating a pragmatism that has been a hallmark of the Party leadership since Deng. Hu's tenure was generally very resistant to change and acquired the image of tone-deafness to popular resentment of Party entitlements. Most of those surrounding him have been sidelined.

Former leader Jiang Zemin was prominent at the Party Congress when Xi and Li were chosen to succeed Hu and Wen (BBC News Asia, 2013). It is unclear where Jiang stands on the issues of his legacy and ongoing pressure for reform. However, all in the current leadership know that they need to deliver, hence Xi's aspirational "Chinese Dream" of greater prosperity. But how to do so while maintaining the Party's control? Political reform in the sense of loosening control, according to most indications thus far, is not explicitly central to their agenda. On the other hand, such an open — and early — projection of personal command was not seen in the preceding decade under Hu.

More optimistic analysts point to the presence of reformers in the next echelon of power, ready to move up in the 2017 replenishment of top cadres, "when the last politburo members representing the old conservative order will be forced into retirement. Then, with the appointment of a few younger leaders of Xi's choosing — some of whom were educated in the West and have already been elevated in the past

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year to the penultimate ring of power — the inner councils will not include a single member of the Hu generation” (cited in Kinsman, 2013).

In an increasingly globalized world, China’s continued stability is critical to international security. Contrary to the belief of its leadership, China’s political development is not a threat to its own stability. Indeed, more and more Chinese scholars are pointing to the need for change in order to preserve stability and to allow for efficient development. Contrary to the past, when scholars were regularly purged for advocating change, there is now an uneasy truce between the leadership and scholars, with the leadership increasingly seeking the counsel of think tanks and universities. But the memory of past purges is still raw, even suggesting a move to a multi-party system remains potentially dangerous.

The pace and direction of China’s development, including democratic development, will be driven by popular demand. China is more open to internal debate and external information than ever before, despite the major curbs and filters maintained by the Party to potentially destabilizing influences. Demands for public accountability are also growing as the society faces new problems. All these factors challenge the CCP’s model of political dominance. Resisting popular demand for accountability may be more dangerous to the Party than trying to channel it. What remains to be seen is whether the social change unleashed will translate into political change. There is certainly no evident will at the top to accept such a shift. Aside from some very visible (and audible) figures within China, such as Ai Weiwei and Liu Xiaobo (now silenced), mass demand for a political system in which accountability could be ensured has not yet materialized. Ai remains skeptical: “I am completely disillusioned with the recent shift of power. I don’t think it’s even possible for this machine to produce an optimistic possibility or a language of positive change, it is so dysfunctional. [The government] knows that any sort of change will bring down the whole empire” (cited in Aspden, 2012).

China’s leadership has been borrowing from a variety of international models, while steadfastly rejecting any suggestion of “Western-style” democracy. Calls are increasing from within China for enforcement of its own laws, including its constitution, as a means of moving forward with political change. The international community has a wealth of experience to share with China’s ever-pragmatic leadership, and the leadership at all levels is willing to learn from the international community — on its own terms. Just one generation ago, the entire country was closed. Now, some doors are open, while others remain resolutely closed. The role of diplomats is to use the open doors in hopeful expectation that Chinese citizens will open others in their own interest.

In 2001, Gao Zhisheng was recognized by China’s Ministry of Justice as one of the 10 best lawyers in the country. In 2006, after taking on a number of controversial cases relating to human rights issues, he was convicted of “inciting subversion of state power,” sentenced to three years’ imprisonment with a five-year suspension and one-year deprivation of political rights. His licence to practice law was also revoked. The suspension of his sentence meant that Gao was not imprisoned. He was

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politically outspoken and as a result, was taken from his home in 2007 and detained for two months, during which time he was tortured. He was again taken from his home in 2009, briefly reappeared in March 2010, and then disappeared again one month later. During his brief reappearance in March, he said:

I want to emphasize that if China cannot have democracy and constitutionalism, this will be a problem not just for the Chinese themselves, but the entire world. People outside China have to understand that what happens in China and the political situation here directly impacts the situation elsewhere. I want to thank the American government and all Western people who have been concerned, and continue to show their concern, because they are our only hope. The support of the foreign media, governments and people has given us confidence and courage and made it easier for us to bear the solitude of our activism. There is one thing that I've never doubted, and that's that China will eventually have democracy and constitutionalism. Our only concern is when they will arrive. (cited in Mooney, 2010)

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