Inside the EU–China Human Rights Dialogue: assessing the practical delivery of the EU’s normative power in a hostile environment

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ABSTRACT
EU-China relations continue to be limited by a disagreement over values. As the only bilateral channel dedicated to promoting an EU value, the EU-China Human Rights Dialogue (HRD), reflects the principal forum for this normative conflict. Observing poor outcomes, scholars typically maintain that the dialogue’s weakness is symptomatic of the EU prioritising its material interests with China. This paper seeks a more nuanced explanation for these shortcomings, exploring the neglected micro-level processes of the HRD. This encompasses the role and impact of EU diplomats, their Chinese interlocutors and EU institutional structures. The micro-level also offers novel theoretical insights into how the EU’s normative power practically manifests in such a challenging arena. Through a discourse analysis of elite interviews, capturing the small group of EU diplomats operationalising the HRD, this paper finds that while the dialogue is significantly weakened by China’s systematic obstruction, the EU plays a key role in facilitating this, with ineffective diplomatic approaches and insufficient political backing by member states.

KEYWORDS
EU-China relations; EU diplomacy; human rights; normative power Europe

Introduction

The mixed results of the EU–China Strategic Partnership, signified by limited areas of meaningful cooperation and explicit dissatisfaction in EU strategic documents, are strongly rooted in a pervasive disagreement over values (See: Geeraerts 2019, 281–282). Within this context, human rights represent the longest running, most intense and high-profile area of conflict (Maher 2016, 962–963). While the Lisbon Treaty (2009) constitutionally obligates the EU to incorporate its values into all aspects of its relations with third countries (See: EU 2010, 28), the principal forum for engaging with China on human rights is a dedicated annual dialogue: the EU–China Human Rights Dialogue (HRD) (EEAS 2019a).

Observing its outcomes at the macro-level, observers have characterised the dialogue as highly ineffectual, a failure they often attribute to the EU prioritising its material interests over its values (Mattlin 2012, 189). However, these works neglect the micro-level processes of the HRD, which offer a more nuanced appraisal of the dialogue and its
apparent shortcomings. These include the role and impact of EU diplomats, their Chinese interlocutors and EU institutional structures.

A concentration on this micro-level of the HRD also has significant theoretical implications. These relate to long running and ‘resilient’ (Del Sarto 2016, 215) debates about the EU’s status as a normative power, which is principally motivated and defined by its values (See: Manners 2002). The HRD can be seen to reflect the toughest arena for judging the EU’s normativity, in the context of already arguably the hardest test case. China poses an unparalleled tension for the EU between the realisation of its material interests and its values (Maher 2016, 965). Moreover, akin to scholarship on the HRD, normative power Europe (NPE) literature has largely fixated on judging macro-level policy outcomes while neglecting pertinent and insightful micro-level processes. Addressing these parallel gaps, this paper tackles the following research question: What processes are impacting the practical operationalisation of the EU–China Human Rights Dialogue?

To formulate an answer, this paper first briefly unpacks NPE and theorises the promotion of the EU’s normative power through the HRD at the micro-level, before describing the role of values in EU–China relations and the HRD itself. The paper then summarises findings from a discourse analysis of a comprehensive sample of elite interviews, encompassing the small group of Brussels-based and Beijing-based EU diplomats from the European External Action Service (EEAS) operationalising the dialogue. It emerges that although the HRD is weakened by systematic Chinese obstruction, the EU contributes to these dynamics through ineffective diplomatic approaches and insufficient political backing by member states. The paper concludes with a reflection on the findings and their implications.

**Theorising the practical operationalisation of the EU’s normative power**

Building on historical debates about the EU’s role and identity as an international actor, Manners (2002, 238–239) seminally asserted that the EU’s values and their ideational power reflected its most potent and defining attribute in the post-Cold War period, as opposed to its economic or military attributes. This capacity was argued to derive from a combination of the EU’s unique normative fabric as an actor and a synthesis between its values and those universal values encompassed by the United Nations (UN) system (ibid., 241).

NPE’s continued popularity and utility for researchers has largely derived from its status as a tailor-made framework for analysing the EU’s international relations (Birchfield 2013, 908). The concept aligns with the EU’s own self-representation as a predominantly normative actor, with Article 21 of the Lisbon Treaty (2009) describing how the EU’s external action is ‘guided’ (EU 2010, 28) by its values. Departing from an early concentration on conceptual debates and the development of rival concepts, the contemporary NPE research agenda has focused on empirically testing the concept across a plethora of different EU bilateral relationships and policy sectors.

Enabling research in this area, Manners (2002) articulated the EU’s values and theorised the channels used to project them. Concerning the former, he described how the EU has five core values (peace, liberty, democracy, human rights and rule of law) and four minor values (social progress, anti-discrimination, sustainable development and good governance) (Manners 2002, 242). Human rights, the focus of this paper, are given particular emphasis by Manners (2008, 51) due to their all-encompassing status. They are considered indivisible from the EU’s other
values, particularly rule of law and liberal democracy, which facilitate and protect them (Burnay, Hivonnet, and Raube 2016, 97).

Manners (2013, 314–319) also crucially specified the various mechanisms through which the EU diffuses its normative power, divided into those which are symbolic (e.g. public declarations) and substantive (e.g. physical bilateral engagement). These mechanisms, somewhat abstractly, capture the passive and active dimensions of the EU’s normative power. The substantive mechanism of procedural diffusion, relating to how the EU diffuses its values through institutionalised relationships, can be seen to most closely capture the practical promotion of human rights through a structured diplomatic exchange like the HRD (Manners 2002, 244).

Most literature empirically assessing the EU’s normative power has judged the role and impact of its values in policy outcomes with third countries at a macro-level (See: Diez 2013, 201). Scholars often conclude that the EU is prioritising its economic interests over its values, particularly with more powerful partners like China and question the EU’s status as a normative power (Mattlin 2012, 184; Stewart 2011). However, while observations from these studies are valuable, they provide little insight into the processes underpinning such outcomes, at the micro-level. It is this arena where the actual role of values can be determined in the EU’s external action, departing from simplistic determinations of whether the EU is or is not a normative power. Moreover, as critics have highlighted, macro-level studies typically neglect to sufficiently problematise the difficulty in distinguishing whether policy outcomes being assessed have been principally informed by (overlapping) EU values or material interests, insights veiled behind the micro-level (See: Diez 2013, 201; Goldstein and Keohane 1993, 26–30). Similarly, the internal role of individual actors in the EU’s external action, including EU member states, which reflect the agenda-setting power centre of the Union, is also often overlooked (Balducci 2010, 36; Diez 2013, 198).

Tackling these limitations, this paper focuses on the micro-level processes governing the EU’s practical operationalisation of human rights with China through the HRD. This encompasses the role and impact of individual EU diplomats, Chinese interlocutors and EU institutional structures. The paper’s micro-level approach also importantly extends to addressing how the EU’s normative power is being promoted by EU diplomats. Existing scholarship has been criticised for failing to uncover and challenge the preconceptions/behaviour of EU officials, which may be counterproductive to norm diffusion in practice (Wagnsson and Hellman 2018, 1164; Whitman 2011, 8).

Values in EU-China relations and the conflict over human rights

Contrary to China’s more optimistic portrayals (See: MoFA. 2014), the EU–China Strategic Partnership, designed to build political cooperation commensurate to the established trade relationship (Christiansen and Maher 2016, 122), has delivered mixed results for both sides. Despite comprising more than 60 diverse dialogues, meaningful cooperation has been limited to standout areas such as climate change, scientific cooperation and trade (EEAS 2019a). Notwithstanding conflict over China’s anticompetitive trade policies, the latter remains the core of the relationship, equating to €1.7 billion per day in goods and services annually (EU 2019b).

These uneven outcomes are reaffirmed in the EU’s guiding China documents (See: EU Commission 2016a, 2019). Elements for a new strategy on China (2016) states the need for
'reciprocity, a level playing field and fair competition across all areas of co-operation' (EU Commission 2016a, 2) and urges more ‘principled, practical and pragmatic’ (ibid., 5) engagement with China.

The shortcomings of EU–China relations are arguably rooted in a deep disagreement over values (Geeraerts 2019, 281–282; Mattlin 2012, 186). While China overwhelmingly rejects the EU’s values and their universality, human rights represent the most contentious area (Maher 2016, 962–963). Contrasting with the EU’s equal recognition of individual civil and political rights and collective socio-economic rights, China maintains the latter takes primacy (Men 2011, 536). This perspective, de-emphasising individual rights, is justified by China’s development needs and culturally relativistic arguments connecting to ancient Chinese governing philosophies (Guo 2013, 48–50).

Bilateral conflict over human rights has increased under Xi Jinping’s leadership, which has seen a significant deterioration of China’s human rights environment (AFET 2015, 13; Saarela 2018, 22). Key examples include the mass extra-judicial internment of Uighurs in Xinjiang since 2017 and Beijing’s termination of freedoms guaranteed under One Country, Two Systems in Hong Kong, in 2020 (EU Council 2020). China’s growing power under Xi’s leadership has also informed the conflict over human rights impacting ever more areas of the EU’s global interests (e.g. international development and connectivity).5 However, beyond EU public statements drawing attention to these developments, this disagreement has had little meaningful consequences for EU–China relations to date.

The EU-China Human Rights Dialogue

Reflecting the only dedicated EU forum for addressing human rights with China, the HRD emerged in 1995 as a diplomatic compromise. Following the Tiananmen crackdown, the EU froze relations with China, introduced an (ongoing) arms embargo and co-ordinated public UN resolutions with the United States condemning China’s human rights record (Kinzelbach 2015, 25–26). Viewing these resolutions as an existential threat in the context of post-Communist transitions, China suggested the establishment of an institutionalised dialogue in exchange for their cessation (ibid.). Eager to unblock lucrative EU–China trade, while remaining assertive on human rights, the member states accepted this ‘political deal’ (Kinzelbach and Thelle 2011, 61). The compromise informed the EU adopting a strategy of constructive engagement with China, where unlimited expansion of bilateral cooperation was justified on the basis that China would be passively exposed to EU values/models in conjunction with direct advocacy through the HRD (See: Michalski and Pan 2017, 618).

The HRD concentrates on reciprocal discussion of each side’s human rights records and while minutes from each instalment are not publicly available, press releases reveal broad topics of discussion (EEAS 2019b). The EU focuses on China’s adherence to individual civil and political rights (ibid.). Prominent concerns include its unmatched use of the death penalty, allegations of torture, freedom of expression/belief/religion and minority rights (See: EEAS 2019a, 2019b). The EU has also long urged China to ratify the International Covenant on Civil and Political Rights (ICCPR) (EEAS 2019b). China, in turn, highlights areas where the EU is failing to live up to its own standards, with recent topics including minority/migrants’ rights and questions over member states’ adherence to rule of law.6

Additionally, the EU raises individual cases of concern with China during each HRD, a practice strongly opposed by China, which views such practices as contrary to the
‘principles of mutual respect and non-interference in internal affairs’ (MoFA 2014). This alludes to conflictual dynamics in the dialogue. Observers confirm this through highlighting how China has sought to progressively undermine the HRD’s format.

Firstly, it insisted on reducing the dialogue from biannual to annual, following the EEAS’s establishment and the interrelated end of the HRD being led by member states occupying the 6-monthly rotating Council Presidency (Kinzelbach 2015, 197–198). Secondly, accounts from EU diplomats and NGOs suggest that an end to the civil society seminars, which formerly accompanied the dialogue, was rooted in their lack of productivity in the face of Chinese recalcitrance (HRIC 2010; Kinzelbach and Thelle 2011, 65). More recently, it is claimed that China refused to engage in portions of the dialogue that included human rights NGOs (Amnesty 2019). Reflecting these dynamics, it could be inferred that China is seeking to actively obstruct all aspects of the dialogue.

Civil society and internal EU assessments of the HRD support this, consistently highlighting a lack of progress. The Council of the EU has repeatedly expressed dissatisfaction in this context (See: EU Council 2015, 305–307; EU Council 2016, 194–197). Recent appraisals describe how ‘cooperation on issues related to civil and political rights is proving increasingly difficult’ (EU Council 2018).

Human rights NGOs are (unsurprisingly) more critical, inferring that poor outcomes are informed by the EU de-prioritising the value with China. In 2019, 13 organisations described the dialogue as ‘a dumping ground for human rights concerns and criticism, letting EU and Chinese leaders off the hook from confronting these issues directly at a high level’ (Amnesty 2019). In 2017, such concerns informed 10 NGOs refusing to participate and suggesting the dialogue should be cancelled (HRW 2017).

Academic literature aligns with these harsher critiques. As Christiansen (2016, 42) summarises, scholars tend to view the dialogue as ‘largely symbolic and having no discernible impact on policy’, while often attributing such weakness to EU–China economic imperatives (See also: Balducci 2010, 51; Mattlin 2012, 189–190; Men 2011, 546).

However, these works overwhelmingly tend to analyse the HRD in limited depth as part of a broader appraisal of human rights in EU–China relations. Few scholars have concentrated on the HRD. More significantly, existing literature pursues macro-level analysis, concentrating on assessing policy outcomes (i.e. evidence of China’s compliance). Mirroring NPE literature, there is thus a neglect of the micro-level processes informing the dialogue’s performance.

Kinzelbach’s (2015) monograph, where she reconstructs the dialogue 1995–2010 and its surrounding machinations, is exceptional in its focus on the HRD’s micro-level processes. However, this paper’s analysis goes deeper in capturing the conduct of each side in practice. It focuses on diplomats’ language and its underlying meaning. Enabled by its larger, transnational sample, this paper is also novel in presenting direct quotes from Brussels-based and Beijing-based diplomats, unveiling the voice of officials operationalising the HRD and the rich insights this offers. Due to Kinzelbach’s smaller and solely Brussels-based sample, she was unable to take this step without compromising anonymity. Moreover, unlike Kinzelbach’s work, this paper captures the HRD post-Lisbon Treaty, where it is led by the EEAS and the EU is engaging with a much more powerful and assertive interlocutor. Lastly, this paper departs from Kinzelbach’s scholarship in reflecting upon the implications of the HRD’s performance for the EU’s normative power.
Methodology

Tackling the identified gaps in NPE and EU–China literature this paper adopted qualitative research methods, most prominently the elite interview method, due to its specialisation in accessing and interviewing individuals in proximity to political power (Stephens 2007, 205). Nine semi-structured interviews were conducted with diplomats from the EEAS involved in operationalising the HRD between 2015 and 2019. This reflects a comprehensive sample. Firstly, it encapsulates the relatively small group of diplomats based in Brussels and at the EU delegation in Beijing, from the relevant EEAS directorates/units/delegation sections, that contribute to the operationalisation of the dialogue. Secondly, the sample signifies substantial collective institutional memory. In several cases, the author interviewed multiple rotations of officials occupying the same role, leading to insights spanning seven years of the HRD (2012–2019) and thus the capacity for unprecedented insights into this opaque bilateral forum.

Interviews tended to last for 1.25 hrs and focused on the planning and implementation of the HRD, including aspects such as the conduct of the Chinese side and the role/impact of EU institutional structures. To maximise the richness of the data and elucidate interviewees’ interpretations of the HRD, discourse analysis was then applied to the transcripts, based on the steps described by Milliken (1999). The transcripts were also triangulated with key official EU documents covering the HRD, including bilateral strategic documents, the China reports found in the Council of the EU’s annual Human rights and democracy in the world documents and the press releases following each dialogue.

Basic descriptive statistics were also employed to display the coverage of each key discourse, further systematising the data and contextualising key examples. Finally, reflecting the small, asymmetric teams in Brussels and Beijing operationalising the HRD, this paper redacts information about interview locations to maximise anonymity.

Findings

At the broadest level, analysis confirmed criticisms by observers that the HRD was consistently ineffective at promoting human rights with China. However, discourse analysis revealed more nuanced explanations for this weakness of the EU’s normative power, identifying key processes at the micro-level.

The shortcomings of the dialogue appeared to be most directly attributable to a combination of systematic obstruction by China – creating a hostile environment for promoting human rights – and ineffective diplomatic approaches to promoting human rights through the HRD, which seemed to counterproductively fuel China’s obstructiveness. These dynamics were encapsulated by two key discourses, shared by both Brussels-based and Beijing-based EEAS diplomats: China is the principal impediment to the effective delivery of the human rights dialogue (discourse 1) and China is not accepting the EU interpretation of human rights and it should be doing so (discourse 2). Additionally, analysis revealed that the EU’s normative power through the HRD dialogue was being significantly weakened by a political de-prioritisation of human rights with China by member states. This appeared to reduce the dialogue’s authority and embolden China to obstruct the HRD, thus contributing to China’s recalcitrance, like EU diplomats’ ineffective approaches. In this sense, the EU appeared to be highly complicit in the HRD’s weakness.
Discourse 1 – China’s systematic obstruction of the human rights dialogue

Discourse 1, surrounding the perception that China’s obstructive conduct reflected the principal barrier to the effective operationalisation of the HRD, represented the most prevalent discourse expressed by diplomats, found in all (100%) interviewees’ accounts. Diplomats described how the Chinese side was systematically seeking to frustrate the format, organisation and implementation of the HRD, preventing meaningful discussion from taking place. The following key examples displaying discourse 1 are divided into i) those capturing China’s obstruction of the dialogue’s implementation and ii) its format/organisation.

Implementation of dialogues

Concerning the former, interviewees highlighted how Chinese interlocutors would respond aggressively and immediately obstruct the discussion of any areas of human rights deemed unpalatable. As one diplomat articulated in a key example:

I always say, there are trigger words, so if you start mentioning some words then normally … the Chinese delegation gets rather upset, about things … And basically they [get] quite angry and … shouting ‘why are you always raising this issue [treatment of the Falun Gong followers],’ or the Tibetans, ‘you are talking about 3 million people, the population of China is 1.4 billion’ … and Hong Kong was also a trigger.10

Firstly, ‘trigger words’ conveys dynamics where any mention of topics like Tibet or Hong Kong – routine areas of concern for the EU – will provoke an immediate, angry response. The severity of this response by the Chinese side and the resulting deterioration (and thus obstruction) of the exchange is captured by the notion that interlocutors not only get ‘rather upset about things’ and ‘quite angry’, but shout at the EU side.

Notably, the interviewee also portrays the frequency of these dynamics in their language, through noting that ‘I always say, there are trigger words [emphasis added]’ and the Chinese side being paraphrased as shouting ‘why are you always raising this issue? [emphasis added]’. The example also importantly implies that China is operationalising these immediate, aggressive responses, as a standardised strategy. Such dynamics were reaffirmed by another EEAS diplomat who described, how ‘when we raise Xinjiang, Tibet, it gets very confrontational’ and that ‘on the same topics … you either do not get a reply or a standard reply … [for example] that you are interfering in our internal affairs’.11

Analysis suggested that this obstructive conduct was greatly intensified when the EU raised individual cases, providing practical insight into the negative response hinted at in Chinese documents. One diplomat noted, ‘the Chinese react very badly when we raise individual cases’, before describing how during the latest dialogue they attended, their interlocutors threatened to ‘cancel the rest of dialogue’, before giving ‘30-minute lectures’ on each case.12 Displaying discourse 1, their language mirrors the initial example in portraying an immediate negative reaction by the Chinese side (i.e. they ‘react very badly’), which acts as a principal barrier to their efforts.

The example also notably highlights how in response to individual cases, China elevates its obstruction beyond just shutting down discussions. It also pursues extensive time-wasting tactics that render dialogues unproductive. This appraisal was supported by other interviewees, with one diplomat describing how China ‘flood[s] the meetings with every detail about the daily routine’ of individuals in question, providing the example of ‘Mr X got
up at 8.00am and then went to the bathroom at 08.02am …’ 13 This key example displays how such time-wasting tactics involve not only lecturing the EU about Chinese perspectives on human rights, but instrumental provision of irrelevant details on individual cases.

Significantly and confirmed by many interviewees, analysis suggested that China’s obstruction during dialogues had intensified over time, making the HRD progressively less productive. As one diplomat described in relation to the 2017 dialogue, China was ‘much more aggressive’ than in the past, with their counterparts being ‘confrontational’ and having ‘no willingness for the cooperation side’. 14

**Format and organisation of dialogues**

Encapsulated by discourse 1, interviewees also emphasised how China was actively obstructing the format and organisation of the HRD. Firstly, building on its aforementioned refusal to conduct the dialogue biannually and its non-cooperation informing the end of accompanying civil society seminars, 15 diplomats described how China successfully lobbied the EU to lower the level (i.e. seniority) of the dialogue from Director to Deputy-Director level, 16 reducing its diplomatic significance. 17

While the EU initially refused to comply with such requests, informing the dialogue not taking place in 2016, it later capitulated, based on the premise that compliance represented the only way to get China to the table. 18 As one EEAS diplomat noted, the EU ‘had to accept the lower level or no dialogue at all’, the latter scenario being unpalatable for the EU due to the dialogue being the sole channel for promoting human rights with China and the symbolic value of this. 19 Along with highlighting China’s increased power relative to the EU post-Lisbon, this development also reveals a pattern of China seeking to undermine the dialogue’s format and the EU accepting it.

Interviewees also described acute difficulties in organising each HRD due to China’s obstructive conduct. These dynamics appeared to feed bilateral tensions and fuel the hostile environment of the dialogue before each side even entered the room. Displaying a key example, one diplomat stated that:

> Even organizing a dialogue once a year is quite a challenge, and last year [2014] actually the dialogue took place at the beginning of December and we had almost given up … and they came back a month before Christmas, more or less, and they said ‘it would be nice to organize it, how about …’, so it was not exactly Christmas Eve, but it was like 23rd of December, [and] we said ‘come on’, [so] they said ‘how about the 31st?’ 20

The interviewee’s language implies that the difficulties experienced by the EU, even during this foundational stage of each dialogue, are somewhat symbolic of the problems the EU faces with China on the HRD (‘even organizing a dialogue once a year is quite a challenge’). Their language also emphasises the degree of China’s obstructiveness, with interlocutors suggesting, at the last minute, public holiday dates that the EU side cannot feasibly agree to. Notably, this paper’s more recent interviews suggested that these dynamics were now so commonplace, that EU diplomats expect them and underreact:

> That sort of stuff hasn’t changed. We’ve probably become better at dealing with it by experience … that they might offer to have the next human rights dialogue on Easter, on the Good Friday … that doesn’t surprise us. 21
Reflecting the above analysis, it appears that there has been an overarching intensification of China’s obstruction of the HRD, holistically affecting both its organisation and implementation. Akin to the EU’s capitulation on the dialogue’s seniority, this intensification can be correlated with China’s increasing power vis-à-vis the EU, coupled with its more nationalistic and assertive foreign policy. China appears less willing to entertain discussion on human rights and has the bilateral (particularly economic) power to credibly pursue non-compliance. However, such dynamics also underline the flawed capacity of the constructive engagement strategy to uphold human rights with China. Facing meaningful resistance from a more powerful interlocutor, an initial EU commitment to balance unfettered expansion of EU–China cooperation with asserting values has dissolved. Overall, analysis at the micro-level highlights how the weakness of the HRD is strongly impacted by China’s obstructive conduct.

**Discourse 2 – China is not accepting the EU interpretation of human rights and it should be doing so**

The other key discourse capturing dynamics informing the weakness of the EU’s normative power through the HRD derived from the EU’s conduct. Discourse 2, identifiable in most interviewees’ accounts (78%), surrounded the notion that China is not accepting the EU interpretation of human rights and it should be doing so. Highlighting the importance of addressing how the EU is promoting human rights through the dialogue, discourse 2 captured a lack of reflectivity among diplomats, informing ineffective approaches to engaging with China. In this sense, while diplomats could be seen to unequivocally diffuse the EU’s values, in line with the expectations of NPE, their methods of diffusion (i.e. the process) undermined the EU’s normative power in practice.

Analysis of interviewees’ language revealed dynamics where EU diplomats repeatedly asserted the EU interpretation of the value while dismissing alternative Chinese perspectives in parallel. This didactic conduct appeared to partly be informed by diplomats’ (legitimate) frustrations surrounding China’s perpetual non-compliance with the HRD, captured by discourse 1. However, it also appeared to be motivated by a steadfast, tunnel-vision-like belief among diplomats about the superiority and universality of the EU interpretation of human rights, a view aligning with the NPE ideal type.

Diplomats often lacked critical reflection about how, pedagogically, they were discussing human rights with China, leading to approaches which could be (mis)interpreted by interlocutors as Eurocentric and/or neo-colonial. Interviewees often appeared to characterise China as an unequal, junior partner, which should be adhering to the positions of a more advanced and morally superior international actor that can legitimately interpret (contented) international human rights standards. Notably, this lack of reflectivity did not appear to be impacted by greater cultural immersion, with Beijing-based EU diplomats displaying comparable perspectives to their Brussels-based colleagues.

Crucially, the inability of EU diplomats to counter China’s obstructiveness in the HRD coupled with its poor outcomes to date suggested that these didactic approaches were ineffective in practice. However, the author would go further in arguing that they also appear to be counterproductive, likely fuelling China’s obstructiveness in the HRD and by extension discourse 1. This highlights the EU’s complicity in the dialogue’s weakness.
Displaying the core attributes of discourse 2 in a key example, one EEAS diplomat described how:

There is a reluctance [on the EU side] because the Chinese ... they always say ‘mutual understanding bla-deh-bla-deh-bla’ and there is reluctance on our part also to engage on certain topics ... because they seem to think if they keep on explaining to us certain things, we’re going to accept them and they are things that we cannot accept because ... it’s totally antinomic.22

The interviewee’s language suggests that the EU side refuses to engage with the Chinese interpretation of human rights on the basis that it is paradoxical (‘antinomic’) to the EU position (‘there is a reluctance on our part ... [to] engage on certain topics’). Additionally and characteristic of the discourse, the interviewee implies that EU diplomats actively dismiss China’s repeated attempts to articulate its positions (while asserting the EU position) and that these dynamics are frequent in human rights dialogues (‘they always say “mutual understanding bla-deh-bla-deh-bla” [emphasis added]’). A view that China’s perspectives are almost inherently invalid is reaffirmed by the interviewee imitating their interlocutors. The example also alludes to diplomats’ frustrations with China’s non-compliance which appeared to contribute to their didactic approaches (‘they seem to think if they keep on explaining to us certain things, we’re going to accept them’).

Interestingly, discourse 2 and the approaches it informed seemed to be empowered and legitimised by referencing the multilateral human rights regime. Displaying this, one diplomat described how:

What we can do and do do, is to remind China that they have international obligations, that they have signed up to the Universal Declaration of Human Rights and they have signed the International Covenant on Civil and Political Rights and we can remind them that they need to ratify that ... the universality of human rights is something that we do not want to break ... You cannot go to China and ... try to make China adopt or act on something they have not signed up to, that’s an illusion right? So that’s not our agenda. What we are trying to do is make them respect the obligations that they have already signed up to.23

The language captures how the EU side perceives its reading of these documents as uncontested and that asserting its interpretation of universal values reflects an altruistic objective, irrespective of how this is approached (‘the universality of human rights is something that we do not want to break’). China is being considered an unequal partner that needs to adjust in line with the EU’s policing of international law. This is reflected in the interviewee suggesting that the EU is engaging in repeated attempts to ‘remind China that they have international obligations’, while the objective of the dialogue is cast as ‘[making] them respect the obligations that they have already signed up to’. The above example thus effectively displays how an uncritical belief in the EU interpretation of human rights is informing didactic approaches which ultimately undermine, rather than strengthen the EU’s normative power with China.

The example also importantly captures a tendency for interviewees to recognise the inefficacy of these approaches employed by the EU side, yet a commitment to perpetuate them, nonetheless. This alludes to the strength of the views underpinning discourse 2. The interviewee casts their strategy as a yet-to-succeed work in progress (‘what we are trying to do’), although implies that pursuing an alternative, less didactic strategy, would be somewhat naïve and doomed to fail (an ‘illusion’).
Consequently, it seems that an ingrained perception that China should be adhering to the EU position on human rights is informing a parallel view that the human rights dialogue should be inherently conflictual, preventing more diplomatic strategies. As one diplomat stated, each side signifies the ‘ultimate threat’ to the other and the dialogue represents a ‘political showdown … [and] toxic material comes out in that format’.24

Ultimately, discourse 2 captures how the EU’s normative power through the HRD is also being weakened by how the dialogue is being approached by EU diplomats. Methods of promoting human rights seem to be not only ineffective, but counterproductive, merely fuelling China’s obstruction of the HRD. Greater reflectivity about how the EU’s concerns are being framed (i.e. in a less adversarial manner), without compromising on substance, could not only avoid contributing to Chinese obstructiveness, but aid the finding of common ground. If the dialogue were framed as more of a two-way exchange and there was greater emphasis on areas of mutual agreement as a starting point, Chinese interlocutors would find it more difficult to disrupt dialogues. Presently, EU diplomats’ unreflective, assertive promotion of the EU’s values aligns with the NPE ideal type yet appears detrimental to the EU’s normative power with China.

The EU’s political de-prioritisation of human rights with China

Reaffirming the EU’s role in the dialogue’s inefficacy, analysis also revealed how beyond the identified discourses, a political de-prioritisation of human rights by the EU’s member states was contributing to the weakness of the EU’s normative power through the HRD. This element offers deeper insights into claims by scholars that the EU is instrumentally side-lining its values with China and how this institutionally connects to and impacts the HRD. It also provides a bridge to existing macro-level studies on the HRD.

Interviewees often described a consistent lack of unity among the EU28 on human rights in EU–China relations, which they attributed to systematic Chinese efforts to compromise (already precarious) cohesion in the European Council through bilateral pressure on member states, often linked to economic inducements. As one EEAS diplomat stated:

[There are countries] who are very much under the spell of China’s economic diplomacy … who prefer not to raise themselves bilaterally, human rights issues with China … [they] would actually prefer, not even the EU to raise any of it.25

Importantly, interviewees alluded to the significant impact of these dynamics for the HRD. Most explicitly, they described how efforts to attain the necessary unanimous approval for bilateral/multilateral public statements, orchestrated by diplomats implementing the HRD, faced consistent opposition from certain member states, such as Greece and Hungary. Bilaterally, these statements detail pressing EU concerns about human rights in China (including individual cases) while those made multilaterally, through the UN Human Rights Council (UNHRC), mention these aspects as part of a broad (not country-specific) statement.26 Diplomats described how such challenges informed bilateral statements being published with less political weight through the EEAS, while, in a multilateral context, Greece exceptionally vetoed a UNHRC statement in 2017, overlapping with recent receipt of Chinese investment (Reuters, 2017).
These difficulties in even securing agreement on informational statements asserting the EU’s positions on human rights with China, suggest that there is a significant lack of political support among member states for promoting human rights with China. This arguably permeates downstream to weaken the HRD itself.

Having exploited member states’ disunity, China is aware of the lack of political weight and authority behind the HRD, giving it a green light to comprehensively disrupt the dialogue without any fear of reprisal. This is confirmed by the repeated EU capitulations to China’s attempts to weaken the dialogue and the consistent internal EU/civil society dissatisfaction with the HRD’s outcomes. Consequently, weak political support for the HRD by member states can be seen to directly link to China’s obstruction of the HRD and in turn, strongly contribute to discourse 1. Coupled with ineffective diplomatic approaches to the HRD (discourse 2), this reaffirms how the EU’s own actions appear to weaken its normative power through the HRD.

**Conclusion**

Departing from existing scholarship on EU–China relations and NPE, which concentrate on the HRD’s poor outcomes at the macro-level, this paper has sought to uncover the practical processes informing its weakness, at the under-researched micro-level of analysis. This encompassed a focus on the role and impact of EU diplomats, their Chinese interlocutors and EU institutional structures. To uncover these micro-level processes, this paper carried out a discourse analysis of a comprehensive sample of elite interviews, capturing the small group of EEAS diplomats operationalising the HRD in Brussels and Beijing.

Analysis revealed that the shortcomings of the dialogue and the interrelated weakness of the EU’s normative power were most directly rooted in dynamics captured by two key discourses shared by officials. Discourse 1 related to a perception amongst EU diplomats that China is the principal impediment to the effective delivery of the human rights dialogue. Reflecting the most prevalent discourse, found in all interviewees’ accounts, it captured systematic obstruction of the HRD’s organisation and implementation by China. It emerged that this behaviour was intensifying over time, a development which appeared to correlate with China’s growing power relative to the EU and more assertive foreign policy.

Conversely, surrounding a view that China is not accepting the EU interpretation of human rights and it should be doing so, discourse 2 captured how the weakness of the EU’s normative power through the HRD was also attributable to ineffective diplomatic approaches by EU diplomats, rooted in a lack of reflectivity. Didactic promotion of human rights appeared to be counterproductive, likely fuelling China’s obstructiveness (and thus discourse 1) and inhibiting progress. This highlighted how despite an alignment with the expectations of NPE, diplomats were inadvertently undermining the EU’s normative power.

Providing a link to the macro-level, analysis also suggested that a lack of political support for promoting human rights with China by member states was further weakening the EU’s normative power through the dialogue. Such dynamics, partly orchestrated by China, appeared to again fuel its obstructiveness associated with discourse 1, emboldening it to freely disrupt the HRD framework without consequences.

In this sense, it appeared that while China’s refusal to meaningfully engage with the HRD represented a central cause of the dialogue’s weakness, the EU itself was complicit, playing a significant role in facilitating Chinese recalcitrance, through ineffective approaches and low
political commitment. The HRD’s hostile environment for promoting human rights is thus not only co-produced but to a large degree of the EU’s own making. Contrary to Manners’ (2002, 252) focus on ‘what the EU is’, this highlights the importance of what the EU does in the maintenance of its normative power.

A failure by the EU to effectively assert human rights in this closed-door diplomatic dialogue with China does not bode well for its capacity to uphold the dominant interpretation of human rights internationally and by extension, the strength and resilience of its normative power. With an incomparable tension between EU values and material interests, relations with China reflect arguably the crucial test of the EU’s commitment to its values, one which it is presently failing. Importantly, without urgent action to politically prioritise the (effective) promotion of human rights with China, the EU is committing an act of self-harm. Not only will it be complicit in the erosion of the international human rights regime and its replacement with a model of human rights with Chinese characteristics, but it will compromise the European project. As NPE highlights, the EU’s values are fundamental to its international identity.

Reflecting these findings and their existential implications for the EU and its normative power, future research should seek to uncover additional insights into the micro-level of the EU’s human rights diplomacy with China. Worthwhile studies could more deeply explore the practical relationship between EEAS diplomats and the EU27, further elucidate diplomats’ perspectives on EU values and how they are internally socialised, as well as uncover the Chinese side’s interpretations of the HRD and its shortcomings.

Notes

1. E.g. Manners (2008); Diez and Manners (2007); Sjursen (2006).
2. E.g. Damro’s (2012) market power Europe, Del Sarto’s (2016) normative empire Europe and Zimmermann’s (2007) realist power Europe.
3. E.g. Juncos (2011); Mattlin (2012); Orbie and Khorana (2015); Wagnsson and Hellman (2018).
4. See: Christiansen (2016, 124); Farnell and Crookes (2016, 4).
5. China’s $1 trillion Belt and Road Initiative reflects a key example, where the EU has expressed concern about infrastructure projects falling short of international human rights standards (See: CEFIP 2018).
6. Interview with a diplomat from EEAS on 07.10.2017 at 10.00am, in Brussels/Beijing.
7. Interview with a diplomat from the EEAS on 09.04.2015 at 10.00am, in Brussels/Beijing.
8. Interview with a diplomat from EEAS on 07.10.2017 at 10.00am, in Brussels/Beijing.
9. The focus was on the EU side and their implementation of the HRD. Interviews with Chinese officials in this area were not feasible due to the sensitivity of the topic.
10. Interview with a diplomat from the EEAS on 09.04.2015 at 10.00am, in Brussels/Beijing.
11. Interview with a diplomat from the EEAS on 19.11.2019 at 3.00pm, in Brussels/Beijing.
12. Interview with a diplomat from the EEAS on 31.05.2017 at 12.00pm, in Brussels/Beijing.
13. Interview with a diplomat from EEAS on 07.10.2017 at 10.00am, in Brussels/Beijing.
14. Interview with a diplomat from EEAS on 07.10.2017 at 10.00am, in Brussels/Beijing.
15. Interview with a diplomat from the EEAS on 09.04.2015 at 10.00am, in Brussels/Beijing.
16. Chinese Director level is already low, equivalent to EU Head of Unit level.
17. Interviews with diplomats from the EEAS on 23.03.2017 at 11.00am and 31.05.2017 at 12.00pm, in Brussels/Beijing.
18. Interview with a diplomat from the EEAS on 19.11.2019 at 3.00pm, in Brussels/Beijing.
19. EEAS diplomat speaking at an internal EU event on 12.10.2017 in Brussels/Beijing.
20. Interview with a diplomat from the EEAS on 09.04.2015 at 10.00am, in Brussels/Beijing.
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