

Rethinking New Zealand's China Dilemma

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Malcolm McKinnon



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KŌMARU KURA

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Table of Contents

Preface	1
Introductory comments.....	2
1. The main elements in the ‘case for the prosecution’ and alternative ways of looking at them ..	4
2. Implications for the protection of human rights.....	11
Human rights in China generally.....	12
Xinjiang, Tibet and Hong Kong	14
Taiwan	16
New Zealand domestic politics	18
3. New Zealand and Asia.....	19
Conclusion	25
About the Author	26
About the Centre.....	27

Preface

I wish to thank the Contemporary China Research Centre for giving me the opportunity to address this subject and providing feedback on the paper. My exploration of it has benefitted from courses I have co-taught in the Political Science and International Relations programme at Victoria University of Wellington on human rights and human security; from the opportunity to contribute to the Dominion Post's China Challenge series of op-eds and articles through 2021; from the endeavours of the Asia New Zealand Foundation, Asia Forum, the Centres for Asia-Pacific Excellence, and VUW's Centre for Strategic Studies; and from debate and discussion with colleagues, friends and family.

The presentation was updated (including tense changes) before uploading in February 2022. All opinions are the author's own.

Introductory comments

How to deal with China is a pressing concern for New Zealand and indeed for many countries. It is not a simple issue, indeed the sequence of distinct issues makes for a bewildering sense of events cascading to some as yet unknown sombre outcome.

In 2021 alone: the Wuhan Lab; ‘in the Five Eyes or not’; debate about Uyghur genocide; the Ardern-Morrison meeting, the centenary of the Chinese Communist Party (the CCP); cyber-hacking; AUKUS; a hypersonic missile test; bellicosity in the Taiwan Straits. In the background and ongoing, the US-China trade war and China’s economic coercion of Australia. The way an issue bursts onto the mediascape, then subsides could itself be worthy of examination, and at this point, I’d like to acknowledge the immense value that I, like many others derive from Bryce Edwards’ exhaustive compendium, *New Zealand Politics Daily*.¹

The general tenor of reportage and indeed of the issues themselves has created a climate of apprehension, hostility, and revulsion about China’s conduct in world affairs. Two recent examples from the US are from Jacob Helbert, an affiliate at Stanford University and CSIS in Washington DC, and John Mearsheimer, the doyen of realist scholars.² And words have become arguments, as when China is referred to as the ‘CCP’ not China and ‘appeasement’ features in the lexicon.

Here is a characteristic recent statement from a New Zealand scholar, which sees the events of the last decade through the prism of Chinese aggression, arguing that in recent years ‘China has consolidated control over the South China Sea, divided the Association of Southeast Asian Nations, and relentlessly challenged Japan’s control over islands in the East China Sea. Over the past year, Taiwan’s airspace has been violated at will by the Chinese air force. Each of these actions, as well as numerous domestic political issues including Hong Kong, Xinjiang, and a tightening of control over the business community, has been robustly defended by Beijing.’³

¹ <https://democracyproject.nz/nz-politics-daily>

² Jacob Helbert, 1 Nov 2021, <https://foreignpolicy.com/2021/11/01/china-climate-appeasement-democracy-cop26>; John Mearsheimer, ‘America, China and the tragedy of great power politics’ *Foreign Affairs* Nov-Dec 2021, <https://www.foreignaffairs.com/articles/china/2021-10-19/inevitable-rivalry-cold-war>

³ Nicholas Khoo, <https://www.stuff.co.nz/national/china-and-nz/126415734/australia-has-learnt-about-china-the-hard-way-when-will-nz-wise-up>

A hardening of sentiment towards China has become evident in New Zealand. The most recent survey from Asia NZ on attitudes to Asia and Asian countries records 36 percent of New Zealanders perceiving China to be threatening, a massive increase from 22 percent in 2019.⁴ One suspects further polling (last year's polling took place in early November 2020) will show even higher levels of apprehension about China.

I see three elements to this anti-China sentiment.

First, the belief that China is an increasingly aggressive power and a threat to world peace and the 'rules-based international order'. 'Instead of a global good citizen' writes one commentator, China is now 'increasingly seen in the West as a very large bully on the world stage ... the thirty-year period of relative inter-state peace after the end of the Cold War is coming to its conclusion.'⁵

Second, in this contest between China and the West, New Zealand must side with the West. This choice is both moral and geopolitical. The competition with China is 'more than a struggle between two countries. It is a struggle between the universal democratic values the United States has long championed and the brutal authoritarianism China is bringing into the digital age.'⁶ But also for this part of the world: 'China's strategic aims are simple: it seeks to delegitimize the US presence in Asia and at the same time create an environment where a creeping inevitability about China's rise and its sphere of influence is increasing, becoming an accepted reality. This is neither in Australia's nor New Zealand's interests.'⁷

Third, New Zealand must speak out against Chinese aggression, even if at risk to its own economic interests: Australia did that, and New Zealand should not be afraid to either: 'Australia learnt about China the hard way: will New Zealand wise up?'⁸

⁴ <https://www.asianz.org.nz/assets/PDFs/Perceptions-of-Asia-2020.pdf>, pp 33-34; that 65% of New Zealanders saw North Korea as a threat to NZ and 42% saw Russia as a threat suggests the findings should be treated cautiously. See also Caleb Hoyle, 'A model relationship? Chinese media coverage of NZ-China relations', New Zealand Contemporary China Research Centre, Dec 2021, A-Model-Relationship-Chinese-Media-Coverage-of-New-Zealand-China-Relations.pdf.

⁵ Paul Buchanan, 14 May 2021 'Between appeasement and confrontation', <http://www.kiwipolitico.com/2021/05/between-appeasement-and-confrontation/>

⁶ Jacob Helbert, 1 Nov 2021, <https://foreignpolicy.com/2021/11/01/china-climate-appeasement-democracy-cop26>

⁷ Luke Malpass, Stuff, 29 May 2021.

⁸ Nicholas Khoo, 18 Sep 2021, <https://www.stuff.co.nz/national/china-and-nz/126415734/australia-has-learnt-about-china-the-hard-way-when-will-nz-wise-up>

At the hard end of the spectrum, in other words, contemporary China is replicating the behaviour of other authoritarian expansionist powers; the use of ‘appeasement’ in the hardline language is indicative that analogies with the West’s failure to confront Hitler’s Germany are not passed up.

This is a powerful and interrelated set of claims, and any systematic challenge to one of them involves addressing all of them.

First, I will clarify the main components of the case against China and present an alternative interpretation of China’s conduct, one which questions the notion of a systemic conflict in which New Zealand must take sides.

Second, I will identify ways in which New Zealand’s entirely legitimate concerns about human rights abuses in China and other unwelcome facets of China’s conduct can and must be addressed.

Finally, I will examine the way East and Southeast Asian states approach relations with China, and suggest that their approaches provide guidance for New Zealand in tackling its own China dilemma.

1. The main elements in the ‘case for the prosecution’ and alternative ways of looking at them

I am taking a lead here from Ned Price, a US State Department spokesperson. After the 31 October meeting between Secretary of State Antony Blinken and Chinese Foreign Minister Wang Yi, Price referred to Blinken having raised concerns about a range of actions by China ‘that undermine the international rules-based order and that run counter to our values and interests and those of our allies and partners, including actions related to human rights, Xinjiang, Tibet, Hong Kong, the East and South China seas, and Taiwan.’⁹

I’ll follow this list of specifics, adding to it claims of Chinese interference in New Zealand’s domestic affairs.

⁹ Laura Zhang, *South China Morning Post*, 31 Oct 2021.

Almost needless to say, China sees these issues differently. To China, these problems - and they are certainly acknowledged as such - are challenges to *Chinese* order; that is the case even with the last, given that much of the interference is directed at New Zealanders of Chinese origin or nationality. I'll return to this argument having reviewed the examples.

I am eschewing broader issues - economic dependence on China, the BRI and 'debt trap diplomacy', technology competition, the pandemic, climate change, naval and military power projection beyond China's immediate neighbourhood.

These broader issues are a product of China's weight in the world, what might be called its tidal impact and the attendant frictions are explicable if not always acceptable. It is not plausible to call China out for being the world's second largest economy, an infrastructure powerhouse, most countries' largest trading partner, or for engaging in power projection well beyond its borders, but all generate friction.¹⁰ Or to put it another way, the explicit disagreements outlined by Ned Price could all be removed or resolved, and China could still be a powerful and unsettling influence on global order.

On debt diplomacy and power projection New Zealand is especially concerned about its Pacific neighbours. I am putting that to one side too, as it is a whole subject of its own.¹¹

So, to Price's list.

(1) In the South China Sea China has engaged in extensive reclamation – around 1300 ha by some estimates – accompanied by the placement of military installations, what one observer has described as an array of 'long-range sensor arrays, port facilities, runways, and reinforced bunkers'.¹² Moreover, China's naval vessels have challenged vessels of other countries. In one

¹⁰ See further Ian Morse, 'COP 26. Asia and where climate tech comes from', *Asian Undercovered*, 28 Oct 2021, <https://asiaundercovered.substack.com/p/asia-undercovered-special-cop26-asia>

¹¹ For further on this see CSIS, Bonnie S Glaser (no date), 'China's growing presence in the Pacific Islands: a conversation with Anna Powles', <https://www.csis.org/podcasts/chinapower/chinas-growing-presence-pacific-islands-conversation-anna-powles>; RNZ Pacific, Don Wiseman, 7 Oct 2021, 'China seemingly set on new approach to Pacific influence', <https://www.rnz.co.nz/international/pacific-news/453115/china-seemingly-set-on-new-approach-to-pacific-influence>; NZ Ministry of Defence, Defence Assessment 2021, <https://www.defence.govt.nz/publications/publication/defence-assessment-2021>

¹² Ben Dolven 'Chinese land reclamation in the South China Sea: implications and policy options', 18 Jun 2015, <https://sgp.fas.org/crs/row/R44072.pdf>; Rachel Zhang, South China Morning Post, 7 Mar 2021, <https://www.scmp.com/news/china/diplomacy/article/3124309/south-china-sea-what-are-rival-claimants-building-islands-and>, citing a CSIS report et al,

incident in March 2021 Philippines reported 200 Chinese militia vessels in its EEZ – as of July 2021 the Philippines had protested 121 times to China over comparable incursions.¹³

(2) Across China the CCP continues to reinforce ideological conformity, freezing opportunities for open academic debate, imprisoning activist lawyers and in the latter part of 2021 forcing a mass shutdown of LGBT websites.¹⁴

(3) Since the passing of the National Security Law on July 1 2020 the suffocation of Hong Kong's civil society organizations has continued either on account of direct action by the authorities or because groups have recognized the impossibility of continuing to function, with political parties, labour unions including the long-established teachers' union and NGOs all closing their doors.¹⁵

(4) While there have been fewer reports from Xinjiang in recent months, there is no evidence that the unrelenting crackdown on and forced assimilation of the Uyghur population has abated. Darren Byler's recently published *In the camps: China's high-tech penal colony*, describes the massive apparatus of repression which continues to operate in the autonomous region.¹⁶ Tibetans have also experienced ongoing repression.¹⁷

(5) With respect to Taiwan, the People's Republic has asserted since 1949 that Taiwan is inalienable Chinese territory. Since the independent-minded DPP won the presidency with its candidate Tsai Ing-wen in 2016, China's actions towards Taiwan have become more aggressive and its reunification rhetoric more unyielding. China flew a record number of sorties into Taiwan's air defence identification zone, a 'spike' in early October 2021 being very visible on a chart posted on the BBC website.¹⁸ On the last day of October, Taiwan reported a sortie that involved six J-16 fighters, one anti-submarine aircraft and one surveillance aircraft.¹⁹

¹³ Karen Lema, Reuters, 9 Jul 2021, <https://www.reuters.com/world/asia-pacific/five-years-after-south-china-sea-ruling-chinas-presence-around-philippines-only-2021-07-09/>

¹⁴ SCMP, 31 Oct 2021; *Made in China*, January-April 2021, <https://madeinchinajournal.com/2021/07/15/then-and-now/> Then and now: looking back and imagining the future of Chinese civil society.

¹⁵ Austin Ramzy, *New York Times* 24 Oct 2021, 'As Hong Kong civil society buckles, one group tries to hold on', <https://www.nytimes.com/2021/10/24/world/asia/hong-kong-civil-society.html>

¹⁶ Robert Templer, 'Technology and Terror', *Mekong Review*, August 2021, <https://mekongreview.com/technology-and-terror/>; see further Darren Byler, Ivan Franceschini and Nicholas Loubere, eds, *Xinjiang Year Zero*, <https://press.anu.edu.au/publications/xinjiang-year-zero>

¹⁷ <https://www.hrw.org/world-report/2021/country-chapters/china-and-tibet>

¹⁸ BBC, 5 Oct 2021, <https://www.bbc.com/news/world-asia-58794094>

¹⁹ Reuters 1 Nov 2021, <https://www.reuters.com/world/asia-pacific/taiwan-says-eight-chinese-air-force-planes-entered-its-air-defence-zone-2021-10-31/>. Note this zone includes part of the Chinese mainland, see further on this, Paul Buchanan,

(6) Finally, in New Zealand. The matter of questionable Chinese influence in NZ domestic affairs first came to prominence in 2017, when Newsroom broke a story about the career path of National Party list MP, Jian Yang. Anne-Marie Brady's paper, 'Magic Weapons', published at about the same time, brought to the public's attention issues of Chinese 'United Front' activity among New Zealand's ethnically Chinese population and particularly first-generation migrants from Mainland China. Disturbing events occurred on university campuses, particularly Auckland in 2019, when students from Hong Kong and mainland backgrounds clashed. The intervention of the Consul-General for China was controversial.²⁰

So, here's one question. How or why does China, the inheritor of a centuries-old civilization and of the most rapid and dramatic social and economic modernization in global history, succumb or adopt such seemingly aggressive and/or uncivilized, even barbaric practices, which even in modest terms constitute egregious abuses of human rights and accepted principles of diplomacy and state conduct in international relations?

A complete answer might take us deep into studies of China, of Chinese Communism, or of China's international relations, and the theories which explain them. It might also take us the other way – into the Orientalist essentialism and even caricature that often shelters just beneath analyses of matters Chinese.

Those would be massive investigations but there are three accessible insights that have a bearing on how New Zealand approaches its 'China dilemma'. I will spend most time on the third, which touches on the matter of borders, not because it is more important but because it's less well understood.

First, absent democratic accountability, China's Communist leadership believes that any questioning of the CCP's legitimacy, competence and efficacy must be overcome, suppressed or circumvented. Hence the anti-corruption campaign in the Communist Party itself and the crackdown on dissent and autonomous political life. Cai Xia, a former CCP functionary, argues

Kiwipolitico, 12 Dec 2021, 'Warnings vs threats in foreign relations', <http://www.kiwipolitico.com/2021/12/warnings-versus-threats-in-foreign-relations/>

²⁰ SCMP, 30 Jul 2019, <https://www.scmp.com/news/asia/australasia/article/3020639/chinese-students-clash-new-zealand-university-over-hong-kong>; see also Nicholas Khoo, 22 Jul 2021, 'China is interfering in NZ's internal affairs, what is New Zealand going to do about it?', <https://www.stuff.co.nz/opinion/125817291/china-is-interfering-in-new-zealands-internal-affairs--what-are-we-going-to-do-about-it>

that this shapes foreign policy: the top priority of the CCP's international relations, especially with the US, is to strengthen internal control and prevent the collapse of the regime.²¹

Second, alongside this zeal for protecting the integrity of the party, state and people, including protecting them from destabilizing foreign influence, is a zeal for taking the fight into the enemy camp, as it were. That is, any actions seen as affronting or questioning the dignity of China as a member of the community of nations, and a respected and important one at that, must be challenged. Equally, individuals with Chinese antecedents anywhere in the world need to be monitored, not so much for their own sake as to ensure they do not contribute to any questioning of the unity of Party, state and people. This has as much bearing on New Zealand as on any other country.

Third, and this is the one I will devote more attention to, five of the six issues I have indicated as lying at the heart of the critique of China are regarded by Beijing as *domestic* affairs, not matters with which the international community should be preoccupied. How can that be, you may ask? It may seem just plausible when what is at issue is repression of Chinese citizens in China but when it comes to peripheral regions, maritime matters and the fate of distinct political entities such as Hong Kong or Taiwan isn't that both dubious and unjustified?

A useful starting point is the Chinese Revolution of 1911-1912. Take a look at this map from 1920.

The interest is not in the map per se but in the text. The map identifies, across the terrain of modern China, five entities, Tibet, Mongolia, Sinkiang, Manchuria and . . . China. But the map title is 'Chinese Republic'. It doesn't take a rocket scientist to work out that the map was first drawn before the 1911-12 Revolution and that where the words 'Chinese Republic' occur, the words Chinese Empire once did.

²¹ Cai Xia, 'China-US relations in the eyes of the CCP, an insider's perspective'; China Global Sharp Power project (CGSP), Occasional papers series, no 1, editors Larry Diamond and Glenn Tiffert.:2

CHINA 1920 MAP



Sun Yat-sen, the ‘father of modern China’, was adamant that this new Republic would not be an empire but a multinational state. The non-Chinese nationalities did not share that aspiration, they wanted out. However, only ‘Outer’ Mongolia, supported by Soviet Russia, secured independence. Of the other territories none succeeded and the claim to the entire territory of the Chinese Empire (barring Mongolia) was maintained by the young republic.

In respect of Hong Kong, Taiwan and the China Seas, the fall of the Japanese Empire comes into play. Japan had annexed Taiwan in 1895, annexed and later occupied islands in the South China Sea at the outbreak of the Sino-Japanese War in 1937 and occupied Hong Kong at the onset of the Pacific War, in December 1941.

Roosevelt let Churchill regain Hong Kong.²² But Taiwan was returned to China and in 1948 the Nationalist government in China restated claims to both SCS island groups and called for

²² Wm Roger Louis, ‘Hong Kong: the critical phase 1945-1949’, *The American Historical Review* 102/4 (Oct 1997): 1062-64.

the return of the Senkaku/Diaoyu Islands, which lay northeast of Taiwan. The governments in *both* Taipei and Beijing have adhered to those claims ever since.²³ Indeed, one of the most striking elements in the response to the Arbitral Tribunal ruling on maritime claims in SCS in 2016 was that both China and Taiwan rejected it out of hand. China's militarised island reclamation is as much about sustaining these claims as it is about policing navigation.

So, the People's Republic has had a consistent – and expansive – stance on Chinese sovereignty and China's borders since 1949, one inherited from its Nationalist predecessor. And one which covers most of the issues – the ones I have listed – which are the source of such friction between China, its immediate neighbours and the wider world.

It will come as no surprise to many readers that the PRC is obsessed with the integrity of its borders. For those who are surprised or unconvinced, Robert Barnett's two *Foreign Policy* articles on the China-Bhutan boundary are illuminating, demonstrating the extraordinary lengths China has gone to establish a particular claim, in this place over an unpopulated, desolate mountain zone about the same size as Wellington City.²⁴

But why the aggro? A determination to hold what had been the Empire's, to treat that as a measure of national vitality, not to succumb to foreign intervention, has transformed into a passionate, unyielding principle.

Does fear drive this stance? China may not have feared actual invasion since US-led UN forces approached the North Korea-China boundary late in 1950 but the scale of the US military footprint in East Asia – the longstanding US deployment in Okinawa, the largest US deployment in Japan, is just 800 km from Shanghai – is a constant.²⁵ Hold the borders, and the nation within will be secure, loosen the grip, and who knows what will happen?²⁶ I do not have an authoritative answer, but it is an important question.

²³ Ulises Granados, 'As China Meets the Southern Sea Frontier: Ocean Identity in the Making, 1902-1937', *Pacific Affairs* 78/3 (Fall, 2005): 443-461; <https://www.jstor.org/stable/40023725>; see also Council on Foreign Relations, timeline of China's maritime disputes, <https://www.cfr.org/timeline/chinas-maritime-dispute>.

²⁴ Robert Barnett, *Foreign Policy*, 7 May 2021, <https://foreignpolicy.com/2021/05/07/china-bhutan-border-villages-security-forces/> 'China is building entire villages in another country's territory'.; 28 Jul 2021. Add title See also Berhil Lintner, Asia Times, 18 Nov 2020, 'Why China prefers to maintain inflamed borders', <https://asiatimes.com/2020/11/why-china-prefers-to-maintain-inflamed-borders/>

²⁵ <https://www.usfj.mil/About-USFJ/>;

²⁶ Robert Barnett, 28 Jul 2021, 'China is using Tibetans as agents of empire in the Himalayas' <https://foreignpolicy.com/2021/07/28/china-tibet-bhutan-empire-borders-villages/>.

In this first part of this presentation I have tried to show that China's conduct in international affairs is focused on combating challenges to *Chinese* order. An ASPI report on China's practice of economic coercion is telling. Of the 96 cases listed over 90 were related to specific statements or actions which impacted China or Chinese citizens.²⁷ I now turn to how New Zealand should respond to difficulties in relations with China, and in particular to how it should deal with its concerns over human rights abuses.

2. Implications for the protection of human rights

Even if we accept that China has comprehensible reasons for its rigid and aggressive stances on issues of state authority and territorial integrity we are still left with a conundrum for other government and peoples, and that is, what to do about the persecutions and the abuses of human rights that appear inseparable from such stances.

The conundrum is rooted in the very nature of global order. The rules-based international order is first and foremost an order of states. States are sovereign. Indeed, if the name had not already been taken, we might speak of the US not the UN. In this Alice-in-Wonderland world, somewhat like the Holy Roman Empire, which in the aphorism was none of the three, China and Nauru, the United States and Andorra, are equals.

For policy makers in a 'small' state like New Zealand, the rules-based order has been invaluable.²⁸ But if enforcement of rules poses a conundrum when one state predates another, that is as nothing to the problem when it comes to enforcing compliance with international norms within what a state regards as its own jurisdiction.

In the 1990s, in the wake of the Cold War, the genocide in Rwanda and massacres in the Bosnian war, governments and scholars sought ways of averting more such disasters. The concept of 'humanitarian intervention' was followed by formulation of the doctrine of

²⁷ Australia Strategic Policy Institute, 'The CCP's coercive economic diplomacy', Fergus Hanson, Emilia Currey and Tracy Beattie, Policy Brief report number 36, 2020, appendix table 1, cases of CCP coercive diplomacy targeting foreign governments; 49 of the 96 instances listed were prompted by foreign statements about one or other of Xinjiang, Tibet, Hong Kong, Taiwan or the East and South China Seas. Of the others, 18 were related to Huawei, seven to what might be called freedom of expression matters involving honours being conferred on Chinese nationals; five to Australia's call into an inquiry into the causes of the pandemic outbreak; four to South Korea's decision to acquire THAAD missiles from the US.

²⁸ For further on how New Zealand policymaker assumptions about New Zealand's place in the world shaped distinctive response to the rise of China see Jason Young, 'Seeking ontological security through the rise of China: New Zealand as a small trading nation', *Pacific Review* 30/4 (2017), <https://www.tandfonline.com/doi/full/10.1080/09512748.2016.1264457>

‘Responsibility to Protect’ in 2005. But both have been compromised and the conundrum of how a law and rights-based international agenda can be enforced within states remains.

Where does this lead us with respect to the specific frictions between China and New Zealand? I will take each of the issues in turn, but forego discussion of the China Seas issue, which has least to do with human rights, until the third and final part of this presentation.

Human rights in China generally

The reporting system of the Human Rights Council is targeted at tracking adherence to the various human rights instruments. In practice there is much evasion, not to mention outright breaches and such failings are not confined to China.

In *Universal Human Rights in Theory and Practice* Jack Donnelly argued that ‘human rights represent the most effective response yet devised to a wide range of standard threats to human dignity that market economies and bureaucratic states have made nearly universal across the globe. Human rights today remain the only proven effective means to assure human dignity in societies dominated by markets and states. Although historically contingent and relative, this functional universality fully merits the label universal— for us, today. Virtually everyone on this planet today lives in a world of modern markets and modern states, which need to be tamed by human rights if those powerful institutions are to be made compatible with a life of dignity for the average person.’²⁹

It is useful to recall how crucial were the contributions of diplomats from beyond the West to the language and practice of global human rights. Roland Burke identifies the strong links between post-World War II decolonization, the keen advocacy of several diplomats from beyond Europe or North America and the embedding of universal human rights, with implication that link has been broken subsequently. Paradoxically those arguments for the cultural relativity of political rights resemble those made by European colonial regimes (‘paternalist arbiters’).³⁰

²⁹ Jack Donnelly, *Universal Human Rights in theory and practice* (third edition, 2013): 97

³⁰ Roland Burke, *Decolonization and the evolution of international human rights*, University of Pennsylvania Press, 2010: 112-144.

It is problematic when ‘the West’ leads and/or dominates campaigns over Chinese human rights abuses because China then stigmatises the campaigns. In an interview with *Der Spiegel* in September 2021 Christoph Heugen, Merkel’s top foreign policy advisor, explained bluntly that he had eliminated the term “the West” from his vocabulary: ‘The West has become a negative fighting word that the Russians and Chinese use against us.’³¹ There is an important substantive point here and that is that Western countries, if they want to advance human rights, and do so through coalition building, need to respect the outlooks of other countries and prepare for the long haul when it comes to enlisting them in particular human rights initiatives.

The acute dilemma, as Emilie Hafner-Burton has pointed out in *Making Human Rights a Reality*, is that nation-states are the guardians of the global human rights system. But they are also the perpetrators of the greatest crimes against it, consider not just China, but Saudi Arabia, Syria, Iran and Myanmar. Hafner-Burton recommends what she calls a ‘stewardship strategy’ designed to get human rights out of the trap of perpetually seeking universalism. From the point of view of this discussion it is about engaging with those affected and responding to their ‘language’ which may not be identical to one’s own. In China, Hafner-Burton reported, it was not controversial to speak about a person’s legal rights, but speaking about human rights often provokes “a nationalistic response.”³²

And what about the apex human rights institution, the Human Rights Council? As of January 2020, 117 UN members had served on it, but New Zealand is not one of them.³³ The United States, returning to participation in the Council, secured a three year term in the 2021 election round (a third of the places come up for replacement each year).

What does this add up to? Appeals to ‘stand up to the bullies’ obscures the fact that there are no ‘teachers’, no universally accepted enforcers in this corner of the global schoolyard, overlooking this fundamentally different environment. Invective from an editorial or op-

³¹ <https://www.spiegel.de/international/germany/interview-with-merkel-s-former-foreign-policy-adviser-i-have-eliminated-the-west-from-my-vocabulary>; see also Ian Johnson, *NYRB* 1 Jul 2021: China depicts the West’s claims of human rights abuse as partial, regional and culturally specific.

³² Emilie Hafner-Burton, *Making Human Rights a Reality*, p 153 citing Aaron P. Boesenecker and Leslie Vinjamuri, “Lost in Translation? Civil Society, Faith-Based Organizations, and the Negotiation of International Norms,” *International Journal of Transitional Justice* 5, no. 3 (2011): 345–65; Birgit Lindsnaes, Hans-Otto Sano, and Hatla Thelle, ‘Human Rights in Action: Supporting Human Rights Work in Authoritarian Countries’, in *Ethics in Action: The Ethical Challenges of International Human Rights Nongovernmental Organizations*, ed. Daniel A. Bell and Jean-Marc Coicaud (New York: Cambridge University Press, 2007).

³³ <https://www.ohchr.org/en/hrbodies/hrc/pages/membership.aspx>

editorial pulpit does not make a difference. China seeks to recast the language of human rights, but other countries can debate, litigate, push back. And should.

Xinjiang, Tibet and Hong Kong

What about the peripheries – Xinjiang, Tibet, Hong Kong? Have attempts to force China to change its ways worked? It does not seem so.

One possible way forward would be to try to dissociate human rights in such places from separatist ambitions. This is partly an acknowledgment of world history as well as of China's realities. We are not in an age of 'national independence'. Membership of the UN tripled between 1960 and 1992. But the UN has admitted just four members since the year 2000, one of which was Switzerland. De facto states such as Kosovo, Palestine, Somaliland and of course Taiwan, remain in limbo; as do the Kurds, the Uyghurs, the Tibetans.

Mature nations like the United Kingdom and Canada might cope with separatism but across most of Asia and Africa it is anathema.

As this map, contemporary with the one of China shows, state boundaries have moved by barely a millimeter in East and Southeast Asia in the last century, despite world wars, civil wars, and other catastrophes.

That is remarkable and gives some insight into the investment states have in boundaries and why when they face separatist movements they are so unyielding.

James Leibold, a scholar of Xinjiang, uses a language of 'colonial possessions' and Robert Barnett speaks of the 'edge of empire.'³⁴ Both usages capture a reality and are a reminder, as historian of Xinjiang James A Millward puts it, that Chinese policies towards its peripheries closely resemble historic Western practices of 'colonialism, racism, assimilations, extra-legal internment and coerced labour.'³⁵

³⁴ James Leibold, 'Beyond Xinjiang: Xi Jinping's ethnic crackdown' *The Diplomat* 1 May 2021 <https://thediplomat.com/2021/04/beyond-xinjiang-xi-jinpings-ethnic-crackdown/>

³⁵ Endorsement of Xinjiang Year Zero, <https://press.anu.edu.au/publications/xinjiang-year-zero>

ASIA 1920 MAP



The big difference is that the international legitimacy of Chinese sovereignty in all these contentious frontier territories is undisputed by the United Nations and the 178 of its 193 member states which recognize the People's Republic. 'Internal' self-determination is the most that is sanctioned.

Moreover, contemporary repression of minorities is not exclusive to China. What Leibold describes as China's colonial intent which 'ultimately seeks to transform – not exterminate – the physical and social landscape of Xinjiang and other peripheral regions under the government's control' is found in other countries. The mechanisms applied in China are more menacing, but the underlying template – the reluctance to compromise state sovereignty, to accept pluralism on the borders – is replicated in Turkey's dealing with the Kurds, India's with Kashmir, Israel's with the Palestinians, to name just three of the most prominent examples.

In all those cases, what may appear to the rest of the world to be legitimate claims to political rights are labelled secessionist or terrorist. Such labelling, however unjustified, can resonate

powerfully with majority populations. External pressure can foster change but ultimately it must come from within. Shannon Tiezzi's revelatory piece in *The Diplomat*, 'what do Chinese people think is happening in Xinjiang?' should, if the reader is honest, trigger recognition, not of fellow feeling with the repressed Uyghurs but of fellow feeling with the news consumer dimly aware that there are 'trouble makers' and why are they so ungrateful?³⁶ In New Zealand, responses to He Puapua demonstrate that even in a 'mature' democracy, notions of a separate future for a distinct part of the population are unsettling.

Accordingly, David Brophy, a Xinjiang and Uyghur specialist, argues that the path to Uyghur rights lies through, not around Beijing. A recent contribution to *Foreign Policy* concurred: the anonymous Uyghur author (we have to assume *Foreign Policy* did due diligence) argued that 'calls for independence may not help the Uyghur cause: stopping the atrocities in Xinjiang requires reaching the Chinese public.'³⁷ That's a tough call but that does not make it less plausible.

And with full independence ruled out, maybe some headway can be made in bringing more countries on board in international settings. Heusgen again: 'last year, when the annual declaration of the Human Rights Committee of the United Nations was discussed, in which the situation of the Uyghurs in Xinjiang was condemned, instead of 23, 39 countries joined the declaration. That was an earthquake from the perspective of the Chinese. According to reports, a department head in Beijing had to resign as a result. "The Russians don't care if a resolution is passed against them in the General Assembly by a vote of 120 to five. The Chinese do care – they don't want to lose, and they will try to prevent losing by all means.'³⁸

Taiwan

Taiwan is a thriving democracy, one of the relatively few (some are not thriving) in East and Southeast Asia. Surveys also now confirm that Taiwan's population overwhelmingly identify

³⁶ Shannon Tiezzi, 29 May 2021, 'What do Chinese people think is happening in Xinjiang?'

<https://thediplomat.com/2021/05/what-do-chinese-people-think-is-happening-in-xinjiang/>

³⁷ *Foreign Policy* 27 Jul 2021, <https://foreignpolicy.com/2021/07/27/uyghur-independence-hurting-case-xinjiang>

³⁸ <https://www.spiegel.de/international/germany/interview-with-merkel-s-former-foreign-policy-adviser-i-have-eliminated-the-west-from-my-vocabulary> Spelling has been adapted to standard English-language usage.

as Taiwanese not Chinese.³⁹ But it also another entangled conundrum of political rights - democracy – and state rights – formal independence.

Recent statements by the US, in the face of Chinese provocations, have been staunch in support for Taiwan.⁴⁰ This may be a way of deterring Beijing from rash actions but it could be a high-risk strategy for the United States, for China and especially for the people of Taiwan. It is possible to wrap Beijing's current approach in a Hitler-style 'blitz-fried' but the PRC government has held Taiwan to be a province since 1949 and it is not plausible to extrapolate from Beijing's stance on Taiwan to stances on Chinese power and influence in other parts of the world.

Moreover, most of the international community accepts that this is Beijing's stance (while blurring their own positions). Even the current US administration is on record as saying that it does not support Taiwan independence.⁴¹ Rachel Odell, an analyst at the progressive-leaning Quincy Institute, articulates the reasoning behind this caution: 'If we treat China as an enemy, China will feel like we are an enemy to it, and we'll respond accordingly, in a vicious spiral that could lead to increased animosity between the two sides and increase the likelihood of conflict over hot spot issues such as in the South China Sea, the East China Sea and over Taiwan.'⁴²

Consider another approach. In November 2021 New Zealand virtual-hosted APEC, in which 'Chinese Taipei' participated as an economy. Under that name Taiwan also competed in the Tokyo Olympics and has competed in successive Winter Olympics.

Ambiguity has served Taiwan's democracy for nearly 30 years and its potential may not have been exhausted. Yes, it is a failure of the international system that such a successful democratic state and society should be in limbo, but it is not alone in that, and the alternatives may be worse.⁴³

³⁹ Syaruh Shirley Liu, 'Analyzing the relationship between identity and democratization in Taiwan and HK in the shadow of China', *Asian Forum* 9/2 (Apr-Jun 2021), <https://theasianforum.org/analyzing-the-relationship-between-identity-and-democratization-in-taiwan-and-hong-kong-in-the-shadow-of-china/>

⁴⁰ Patrick Wintour, *Guardian* 31 Oct 2021, <https://www.theguardian.com/us-news/2021/oct/31/blinden-clashes-china-us-support-taiwan>

⁴¹ *Taipei Times*, 18 Nov 2021, <https://www.taipeitimes.com/News/front/archives/2021/11/18/2003768065>

⁴² Mikio Sugeno and Ken Moriyasu, *Nikkei*, 25 Mar 2021, <https://asia.nikkei.com/Editor-s-Picks/Interview/Is-China-a-threat-to-world-order-Two-analysts-explain>; citing Rachel Esplin Odell, Quincy institute.

⁴³ See further on this Paul Buchanan, 12 Dec 2021, <http://www.kiwipolitico.com/2021/12/warnings-versus-threats-in-foreign-relations/>

New Zealand domestic politics

As for China's interference in other countries' internal affairs, those countries must be as zealous in guarding against foreign interference as China is. Since the issue was first raised in New Zealand in 2017 steps have been taken, including the February 2019 decision to stop New Zealand telecom provider Spark from using Huawei equipment in its 5G network rollout, the low profile departure from Parliament of National MP Jian Yang and Labour MP Raymond Huo; and the interception of cyber-hacking operations which have been sourced to the PRC.⁴⁴

The public service also appears to have raised the threshold for security clearances for individuals who have worked overseas, the Five Eyes countries excepted (in parenthesis, this may be fine in principle but can penalize New Zealand graduates recently returned from lengthy sojourns in China, despite the benefits they can bring to a 'China-capable' public service⁴⁵).

The anxiety felt by New Zealand citizens of Uyghur ethnicity was captured in the Stuff documentary in March 2021 and touched on in RNZ's Red Line four-part documentary in June/July 2021. On academic and personal freedom, the issue reaches beyond the interventions of *Chinese* officials or students. Vicious cyber-attacks on Massey University professor Mohan Dutta came from India's Hindu nationalist right.⁴⁶ But forceful steps can be taken. In 2017 Singapore swiftly expelled China-born US citizen Huang Jing, a professor at NUS, on the grounds that he was working as an 'agent of influence' for a foreign government.⁴⁷

Does more need to be done in New Zealand to ensure that its Chinese-origin people are welcomed and integral participants in its democracy?⁴⁸

⁴⁴ See further Jason Young, 'US-China competition and small liberal democracies: New Zealand and the limits of hegemony', *Political Science*, 24 Sep 2021, <https://www.tandfonline.com/doi/full/10.1080/00323187.2021.1967763>

⁴⁵ Personal communications to the author, anonymity requested.

⁴⁶ <https://www.nzherald.co.nz/nz/massey-university-professor-hit-by-right-wing-hindu-trolls>

⁴⁷ <https://www.straitstimes.com/singapore/academic-stripped-of-pr-status-and-his-wife-have-left-singapore-mha>

⁴⁸ See further, Brittany Keogh, 9 Jan 2021, <https://www.stuff.co.nz/life-style/well-good/inspire-me/123726374/asians-cant-be-vegan-how-asiankiwis-are-smashing-stereotypes>; Raybon Kan, 12 Jun 2021, <https://www.stuff.co.nz/opinion/300329922/raybon-kan-how-do-you-define-asian-in-nz>

Australia set up the SBS channel in 1980 specifically to give a voice to its increasingly multicultural population; surely something similar could at least be debated in New Zealand.

Newly elected Beijing-born MP Naisi Chen commented in 2020 that she has had ‘lots and lots of congratulations, particularly from the Chinese community ... but [that] there’s also a tinge of sadness among Chinese people, as we account for around five percent of the population, but we now only have one person who speaks Chinese in the parliament.’⁴⁹

And what about inclusivity in the media, as in boardrooms, on school boards of trustees, university councils and the like? A 2015 survey of New Zealand journalists found just two percent Asian (8/504). No less than 86 percent were European/Pakeha.⁵⁰ That predominance may have weakened since but there remains a disconnect between the proportion of people of Asian origin in the New Zealand population and their representation in apex organizations and institutions.

3. New Zealand and Asia

I hope I have at least prompted some thought about ways in which New Zealand can both understand and approach its China dilemma without being needlessly partisan or pathetically supine. I admit they are ‘for the long haul’. But what has confrontation achieved, so far?

I now want to broaden the discussion to take in China’s Asian neighbours.

If some deep-seated Orientalism underpins contemporary approaches to China, when we turn to the rest of East and Southeast Asia we may be encountering colonialist hangovers.

There is an irony here. The media – TVNZ, RNZ, Stuff among others – have put massive efforts into decolonizing their reportage on Māori issues. Well done. But decolonization need not stop at the water’s edge. Hong Kong and Aotearoa passed under British rule at the same time and there are other points of contact between the colonial histories of the continent and of this island nation. Here’s one vigorous (critical) polemic from 1863: ‘we shall exterminate the

⁴⁹ Justin Latif, The Spinoff, <https://thespinoff.co.nz/politics/28-10-2020/arrival-of-parliaments-new-migrant-mps-sparks-rejoicing-and-backlash/>. See also Zheng Dazheng, ‘Rethinking the New Zealand China relationship’ in Nina Hall, ed, *Beyond These Shores* (2020): 99-124..

⁵⁰ <https://www.stuff.co.nz/entertainment/tv-radio/113160493/awardwinning-journalist-jehan-casinader-on-not-letting-the-march-15-terror-attacks-fall-off-the-radar>; the source is James Hollings et al, ‘Causes for concern: the state of NZ journalism in 2015’

Maoris for their land, and then we shall come down to prayers. Let [any] friend of humanity who reposes under this agreeable illusion, reckon up on the one side the number of people who have perished by our wars, mutinies, and bombardments in India, Burmah, China, Afghanistan, Japan, the Australian, New Zealand, and Cape Colonies; let him add to this number the Chinese, whom we have poisoned body and soul by our opium, or who will perish in the confusion which our opium wars, by ruining the native government, have produced.”⁵¹ And much more in the same vein.

But 150 years further on China’s East and Southeast Asian neighbours are ‘missing in action’ in much New Zealand media commentary on relations with China. This despite accounting for a population of 850 million, two-thirds of China’s), a collective GDP also about two-thirds of China’s, the world’s third largest economy (Japan) and its fourth most populous nation (Indonesia). Further it is the region as a whole, not just China, that has been the object of a sustained diplomatic endeavour on New Zealand’s part since at least 1989.⁵²

2020’s Asia New Zealand survey of New Zealand attitudes to other countries saw Australia, the UK and Canada way in front in terms of favourable views. Japan was a close fourth but for other Asian states including South Korea attitudes were benign but shallow. Just 50 percent of respondents could locate the Philippines on a map of Asia, 42 percent Thailand.⁵³ Asian diplomats themselves are all too well aware of how shallow is popular New Zealand engagement with the region: ‘it is difficult to say that the general public has a deep understanding of such policy cooperation .. the awareness and understanding of the non-expert population is weak’.⁵⁴ These findings suggest why debate about New Zealand relations with China is uninflected by Asian insights but influenced by ‘Anglo-Saxon’ ones.⁵⁵ Change is overdue.

The ways ASEAN states, Japan and South Korea deal with China complement New Zealand’s. I conclude with a discussion about that complementarity.

⁵¹ Goldwin Smith, Regius Professor of Modern History, University of Oxford, *Lyttelton Times*, 4 Feb 1864, reproduced from the *Daily News* (London), Nov 1863.

⁵² Brian Lynch: New Zealand and Asia-Pacific integration: sailing the waka in ever-widening circles, VUW, Centre for Strategic Studies, discussion paper 17/15, <https://www.wgtn.ac.nz/strategic-studies/documents/discussion-papers/dp-17-brian-lynch-online-version.pdf>; see also Young, ‘Ontological security’.

⁵³ <https://www.asianz.org.nz/assets/PDFs/Perceptions-of-Asia-2020.pdf>

⁵⁴ personal communication

⁵⁵ On research implications see Natasha Hamilton-Hart, ‘The challenges of studying Southeast Asia from New Zealand’, NZAAS conference Nov 2021, <https://www.nzasia.org.nz/> (forthcoming).

First, all states in the region have a dense history of contact with China or Chinese. Vietnam, Korea and Japan have had diplomatic relations with China for centuries, whilst Chinese migrants have settled Southeast Asia for centuries and by some reckonings, Southeast Asia's major modern cities – Manila, Bangkok, Ho Chi Minh, Surabaya, and of course Singapore and Kuala Lumpur – are Chinese creations. None of these relationships have been frictionless but those frictions rest on a depth of association unmatched by China anywhere else in the world.⁵⁶

Second, key countries, like China, have anti-colonial, anti-imperialist legacies. Korea, Vietnam and Indonesia share the same independence moment – the defeat of Japan and resistance on the part of Vietnam and Indonesia nationalists to a return of European colonial rule. In the Cold War the US built a 'hub and spokes' anti-Communist system linking Japan, South Korea, the Philippines and Australia and New Zealand. But the Bandung conference 1955, including even Japan and the two states of divided Vietnam (though not their Korean equivalents or the Republic of China on Taiwan) opposed both colonialism and the fracturing brought by the Cold War: Chinese foreign minister Zhou Enlai was in his element. The conference was a forerunner of the Non-Aligned Movement. Times change but the impulse to national independence and non-alignment is still part of ASEAN's make up.

Third, after two generations of inter-state wars, civil wars and a variety of 'insurgencies', since 1980 there has been no sustained inter-state conflict (East Timor 1999 a partial exception) and many (far from all, especially in Myanmar) insurgencies have been politically resolved. This 'long peace' has supported rapid economic growth and transformation and allowed for a dense mesh of institutional and organizational ties, some of them – APEC and the varying iterations of ASEAN centrality – reaching far beyond the region but others, such as the Chiang Mai 'ASEAN plus 3' (the three being China, Japan and South Korea) Agreement devised in the wake of the Asian financial crisis of 1997-98, being more confined.

The naming and framing of the region may have changed from 'Far East' to 'Asia-Pacific' to 'Indo-Pacific' but these elements have persisted.

⁵⁶ One important recent monograph which bears on this subject is Wasana Wongsurawat. *The Crown and the Capitalists: The Ethnic Chinese and the Founding of the Thai Nation*. Critical Dialogues in Southeast Asian Studies Series. Seattle: University of Washington Press, 2019.

That said, in recent years, and despite this deep and mostly beneficial mutual entanglement, scepticism and suspicion about China has burgeoned. But it is sharply focused on maritime disputes. When ASEAN respondents were asked which country they considered “the most influential economic power” and “the most influential political and strategic power,” China came in first place, with 76 percent and 49 percent, respectively. One commentator has noted that South Korea trades more with China than with the United States and Japan put together. And China is indispensable to any North-South reunification or rapprochement on the Korean peninsula.⁵⁷

What does this mean for New Zealand? Asian states, while they may be apprehensive about China, treat it as an inescapable presence. They may not find it easy living with China, but they do not expect to live without it. Through 2021 Singapore PM Lee Hsien Loong made frequent statements calling for de-escalation in China-US tensions. Days after meeting US Secretary of Defense Lloyd Austin in Singapore at the end of July Lee warned the United States against aggressively challenging China: it is ‘vital for the US and China to strive to engage each other to head off a clash, which would be disastrous for both sides, and the world.’⁵⁸

This writer has drawn elsewhere the analogy between the way the British Empire dealt with the Russian Empire before the First World War - an authoritarian state with a terrible record of persecuting minorities, both religious and ethnic, but which was an accepted part of the community of states.⁵⁹ A parallel could also be drawn with the detente in the 1970s, when the United States shifted the terms of engagement with the Soviet Union and China from outright hostility to something more nuanced.

⁵⁷ Hiroyuki Akita, Nikkei foreign affairs commentator, in *Foreign Policy* <https://foreignpolicy-com.helicon.vuw.ac.nz/2021/08/19/afghanistan-withdrawal-biden-indo-pacific-china-japan-taiwan-asia-pivot/>

⁵⁸ Agence France Presse, 3 August 2021, via France 24, <https://www.france24.com/en/live-news/20210803-singapore-pm-warns-us-against-hard-line-toward-china>; see also Maria Siow, *South China Morning Post*, 20 May 2021, 'China, US must learn to cooperate or war could ruin us all'; See also Singapore Minister of Education Chan Chun-sing, 9 Nov 2021, <https://www.moe.gov.sg/news/speeches/20211109-speech-by-minister-for-education-mr-chan-chun-sing-at-the-41st-iiss-asia-fullerton-lecture-singapore-amid-great-power-rivalry>; Evan Laksmana, 17 Oct 2021, <https://www.eastasiaforum.org/2021/10/17/aokus-mixed-reception-a-symptom-of-strategic-fault-lines-in-southeast-asia/>

⁵⁹ <https://www.stuff.co.nz/opinion/125866969/the-china-challenge-china-is-no-sprinter-nazi-germany-undoubtedly-wasnt> 28 Jul 2021

This approach has a bearing on the China Seas disputes. Many states claim the same land features and adjacent waters. China, Taiwan and Japan dispute the Diaoyu/Senkaku Islands and China, the Philippines, Malaysia, Vietnam and Brunei dispute the South China Sea.⁶⁰

China's determination to hold to its claims is no more powerfully shown than by its unwillingness to compromise for the sake of improved diplomatic relations or to reassure outside powers that it does not threaten freedom of navigation. For example, in a November 2020 poll on Japanese attitudes to China 60 percent of Japanese respondents with negative attitudes to China (which itself was the overwhelming majority) cited Chinese violations of Japan territorial waters and airspace around the Senkaku/Diaoyu Islands. That China could ease relations with neighbour states by re-tooling its diplomacy seems as obvious as it is unlikely.⁶¹ But it also suggests that no other country has been prepared to give up its territorial claim either.

The lengthy history of rival claims and clashes in these waters suggests it would be fruitful for New Zealand to support the outlook of ASEAN opinion leaders, as polled in February, which is that any code of conduct for the South China Sea must be aligned with international law and that ASEAN must take a stand to that end.⁶² New Zealand's July 2021 note verbale to the UN on the South China Sea disputes would appear to be so aligned, while also being relevant to Pacific Forum concerns about maritime security.⁶³

Does such diplomatic realism mean turning a blind eye to human rights abuses? It need not, but the way forward is complex. Southeast Asian governments do not have the same zeal for promoting human rights as does New Zealand. They are not completely indifferent, but the process of engaging them in such matters has to be taken carefully and responsively. That in 2021 ASEAN conducted a meeting without a member state represented – Myanmar, under contested military rule since the February coup – demonstrates the power of diplomacy. New Zealand may have little to put in the balance, but no reason not to put it on the side of human

⁶⁰ China occupies seven islands, Taiwan one (Itu Aba) the Philippines nine or ten, and Vietnam around 30 (Alexander L Vuving, *Diplomat*, 25 May 2016, 'Who occupies what in the Spratlys?' <https://thediplomat.com/2016/05/south-china-sea-who-claims-what-in-the-spratlys/>)

⁶¹ See also Ken Keith, 'Reflections on the South China Sea arbitration rulings', *NZIR* Jan-Feb 2017, <https://www.thefreelibrary.com/Reflections+on+the+South+China+Sea+arbitration+rulings>

⁶² <https://www.iseas.edu.sg/wp-content/uploads/2021/01/The-State-of-SEA-2021-v2.pdf>

⁶³ https://www.un.org/Depts/los/clcs_new/submissions_files/mys_12_12_2019/20210803NzNote.pdf see also David Capie, 5 Aug 2021, 'New Zealand finds its voice on the South China Sea, but was anyone listening?' <https://www.inline.org.nz/home/new-zealand-finds-its-voice-on-the-south-china-sea-but-was-anyone-listening>

rights. And increasingly, such initiatives find a sympathetic hearing in Japan and South Korea.⁶⁴

A Korean scholar, Kysuik Jeong, has explored some of the cross-regional elements in the human rights landscape, for example ‘The March of the Beloved’, South Korea’s representative grassroots activist song, which has become, in his words, Asia’s ‘internationale’, transcending time and space to be sung throughout Asia, in China, Hong Kong, Taiwan, Cambodia and Malaysia. He also refers to the biography of mid-20th century Korean political and labour activist Chun Tae-il, which has been read in China, Taiwan, Hong Kong, Indonesia and Mongolia.⁶⁵

Promoting a regional human rights court might be fruitful. Hafner-Burton has assessed the achievements - and admittedly the failings - of such courts in Europe and the Americas. There is also an African Court on Human and Peoples’ Rights.⁶⁶ So why not something similar in Asia? It may be said, if international rule of law does not work, why should regional systems? One answer is that until regional systems work global rules of law will be frail.

And until states themselves are law-based, regional orders will struggle. I have commented at other times about the oxymoronic (not to mention archaic) phenomenon of ‘Her Majesty’s loyal opposition’. It might be fruitful to strip away some of the cultural garb and concentrate on a key human right – the right to oppose, to criticize, embodied in many UN declarations and instruments. Groups such as ASEAN Parliamentarians for Human Rights would welcome support and encouragement, which optimally would be carried out at arms length from state-to-state diplomacy.⁶⁷ That APhR receives support from Sweden and Norway should be an incentive for New Zealand to act.

The balance across Asia in the order vs freedom debate may tilt more than would be acceptable in New Zealand to the former, but the democratic transitions in South Korea and Indonesia (not

⁶⁴ On recent relevant developments in Japan and South Korea stances on such matters see William Spasato, Japan’s Foreign Minister faces tough calls on China, *Foreign Policy*, 11 Nov 2021, <https://foreignpolicy.com/2021/11/11/yoshimasa-hayashi-japan-new-foreign-minister-qualified-china/>; Michael J Green, ‘Biden’s democracy summit success now depends on allies’, *Foreign Policy*, 14 Dec 2021, <https://foreignpolicy.com/2021/12/14/democracy-summit-biden-asia-allies-china>

⁶⁵ IIAS Newsletter 88 (April 2021), Kysuik Jeong, ‘Asian workers’ solidarity and cultural exchange’

⁶⁶ Emilie M Hafner-Burton, *Making Human Rights a reality*, Princeton NJ, Princeton University Press, 2013: 78

⁶⁷ <https://aseanmp.org/>

to mention Taiwan and the abortive one in Hong Kong) are evidence that there's nothing culturally specific about that.⁶⁸

And what does this contribute to rethinking New Zealand's own China dilemma?

The opportunity for leveraging a constructive engagement between China and the world is greatest in this regional neighbourhood. When 'constructive' includes respect for civil and political rights, the same is also true. A robust Asian discourse of and commitment to human rights will likely have far greater traction with China than the present global campaigns and commitments, which are too easily typecast as 'Western' (even though their lineage is far more complex). That's a win all round for New Zealand, for China and for Asia.

Conclusion

In this presentation I wanted to unsettle a black-and-white narrative about New Zealand's relations with China which argues that China is a threat to New Zealand values and interests and New Zealand foreign policy should be configured accordingly. That addressed, I wanted to challenge the argument that to engage with China is to ignore human rights, by identifying ways of pursuing human rights objectives that do not subordinate them to geopolitical rivalry. If the presentation is convincing, great; if you're puzzled, but prepared to think further, that is good too. If you're not convinced, that's as it must be. But thank you for paying attention.

Finally, a recommendation. The aforementioned Australian scholar David Brophy's recent contribution, *China panic: Australia's alternative to paranoia and pandering* (Black Inc 2021), addresses these issues far more fully than I can, and from an informed background.

⁶⁸ See further Burke, *Decolonization*, 143-44.

About the Author

Malcolm McKinnon is a Wellington historian, and a writer and commentator on New Zealand's foreign relations. He is the author of *Independence and Foreign Policy: New Zealand in the World since 1935*; *New Zealand and Asian Immigration in Historical Context*; and *New Zealand and ASEAN, a history*.

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**New Zealand
Contemporary China
Research Centre**
KŌMARU KURA

Te Herenga Waka—Victoria University of Wellington

18 Kelburn Parade PO Box 600 Wellington, 6140 NEW ZEALAND

+64-4-463 5760

chinacentre@vuw.ac.nz

www.wgtn.ac.nz/chinaresearchcentre



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KŌMARU KURA