

CHINA AND CANADA: A RELATIONSHIP RECONSIDERED

BY CHEUK KWAN

Canada's Parliament in October 2006 initiated a review of the effectiveness of its bilateral dialogue with China, following a scathing assessment of the dialogue by an independent academic earlier in the year. Meanwhile Canada's new Prime Minister, Stephen Harper, is taking a tough stance on the human rights situation in China.

The apparent shift in Canada's diplomatic relations with China has developed rapidly over the past year. For activists like myself, however, the Canadian government's current firm stand on human rights is the first fruits of a long and often frustrating process dating back to the early 1990s.

The organisation I chair, the Toronto Association for Democracy in China, is part of Canada's "China coalition," a collection of groups concerned about human rights issues in China. The coalition, which includes organizations such as Amnesty International, Human Rights Watch, the Canadian Labour Congress, PEN Canada, and Tibetan, Uyghur and Falun Gong groups, gradually formed in the early 1990s through a common desire to push for human rights within the framework of the Canadian Foreign Affairs consultation with non-governmental organizations (NGOs) prior to annual meetings of the UN's Human Rights Commission (now superseded by the Human Rights Council) in Geneva.

Early on, Canada had been one of several countries that actively pressured China on human rights issues through UN resolutions (and in the early 1990s maintained a particularly vocal presence in Hong Kong). But that changed in 1997, when China began dangling bilateral dialogues in front of the EU (European Union) and Canada. Since then, the Canadian government has done little to promote a more effective resolution strategy in the UN, but has placed more emphasis on the bilateral talks.

The China coalition became even stronger in its monitoring of the Department of Foreign Affairs and International Trade's activities regarding China, and has continued to push for the right to attend bilateral meetings. We don't completely dismiss

the usefulness of bilateral talks, but we feel it's like in American football when you tell your opponent you're not going to pass, but just run with the ball. Your opponent knows exactly what you're going to do and how to counter it. We want to make sure the government makes full use of a multi-prong strategy, using all kinds of tools—bilateral talks, multilateral fora and heads-of-state dialogues.

The coalition found that the talks were accomplishing little, and the Foreign Affairs office became less assiduous in its NGO briefings. A few times Amnesty International or some other "harmless" group was allowed to attend a meeting, but only generic points could be raised, no individual cases. With no progress evident, the coalition began pressing for a concrete measurement of what the bilateral talks were accomplishing, and for the talks to be put on hiatus until they could be revamped.

Political shift in Canada

Meanwhile, changes were taking place within the Canadian government that worked to the coalition's advantage. The conciliatory stance toward China was an outgrowth of Canada's desire to develop its economy overseas as the Liberal government under Jean Chrétien fought deficits and struggled to reduce its dependency on trade with the United States. China's economic rise presented excellent opportunities for Canadian investment, especially in the hydropower industry, where Chrétien's own family had strong business interests. Canada eventually became a majority player in management of the massive Three Gorges Dam project.

The Chrétien government developed a Team Canada approach,¹ which included a dozen trade missions to China while Chrétien was prime minister from 1993 to 2000. Canada gained business not only in hydroelectric power, but also in forestry (for China's booming housing market) and more notoriously, in information technology, with Nortel Networks providing the infrastructure and backbone that is a key component of the Chinese government's Internet censorship system.

The next Liberal prime minister, Paul Martin, continued along the same lines. But at the same time, a Conservative Member of Parliament named Jason Kenney was taking a different direction on China. Born in 1968, Kenney was a young



Frosty relations. Chinese President Hu Jintao (left) keeps his distance from Canadian Prime Minister Stephen Harper (right) at the APEC summit in Hanoi. Photo: Associated Press

man during the violent crackdown on unarmed protesters in Beijing's Tiananmen Square in June 1989, and the incident left a lasting impression. After being elected to Parliament in 1997, he took a particular interest in human rights issues, especially freedom of religion, and was instrumental in the passing of a parliamentary motion granting honorary Canadian citizenship to the Dalai Lama in June 2006. In January 2005, while taking part in a Team Canada trade mission to China, Kenney visited the home of Zhao Ziyang, the deposed Communist Party chief who had recently died after 17 years under house arrest for his support of the 1989 Democracy Movement. The first and only Western politician to pay his respects to Zhao, Kenney was criticized by Paul Martin for failing to stick with the team. But for the China coalition, the incident identified Kenney as someone who could stand up to China.

Since the election of the Conservative government under Prime Minister Stephen Harper in January 2006, Kenney's political star has risen, and with it, the cause of human rights in China within Canada. A right-of-centre government such as the Conservatives' tends to include politicians who are more anti-communist and less inclined to curry favor with China. Appointed Harper's parliamentary secretary in February 2006,

and secretary of state (Multiculturalism and Canadian Identity), Kenney has advocated for the Canadian government's intervention into the cases of Lu Decheng, granted asylum in Canada in 2006 after he fled to Thailand, and of Huseyin Celil, a naturalized Canadian Uyghur detained in Uzbekistan in March 2006 and extradited to China three months later on suspicion of terrorism. Kenney has further endeared himself to Chinese Canadians by pushing for redress of the "head tax," a discriminatory levy imposed on Chinese immigrants from 1885 to 1923. After years of pressure from Chinese Canadians, in June 2006, the Canadian government issued a formal apology and announced that surviving head-tax payers and their spouses would be entitled to a settlement of \$20,000 Canadian dollars (CAD).

The Burton review

Meanwhile, pressure from the China coalition had built up enough for the Paul Martin government to commission an assessment of the Canada-China Bilateral Human Rights Dialogue in August 2005. The man chosen to conduct the review was Charles Burton, a former embassy official who had become a professor of political science at Brock University.²

At the time of Burton's review, Canada and China had held

nine bilateral human rights dialogue meetings since 1997. The Canadian government's main objective was to influence change in China's human rights practices. Burton was tasked with assessing the effectiveness of the dialogue in achieving these aims.

In April 2006, Burton released his report, based on interviews in September, October and November of 2005 with officials from Canada's Department of Foreign Affairs and International Trade and the Canadian International Development Agency; officials from China's Ministry of Foreign Affairs (MFA); officials from other departments on both sides that had participated in the dialogue; members of Canadian and Chinese civil society who had participated in the dialogue or its consultation process; officials from other government engaged in dialogues with China; and a selection of other groups and individuals. Burton also attended the Ninth Round of the dialogue held in Ottawa on October 31 and November 1, 2006. He had previously attended the Third and Fourth Rounds while serving as Counsellor for Political Affairs at the Canadian Embassy in Beijing, and also made a presentation on religious freedom in Canada as a member of Canadian civil society during the Fifth Round.

Officials from China's MFA provided a predictably positive assessment of the dialogue, describing it as "one of the best ones" in comparison with dialogues with other countries. They said the Canada-China dialogue showed "less political prejudice" against China, and that it was a "model" dialogue from the Chinese point of view. MFA officials went on to say that they would entertain discussion of more sensitive issues if Canada would make goodwill gestures such as donating CAD\$60,000 to an impoverished county in Yunnan Province. At the same time, MFA officials called for the Canadians to stop presenting lists of cases of concern, which the Chinese considered interference with China's legal process and judicial independence, and a strain on government resources.

The comments from other Chinese dialogue participants were franker. These included members of the National People's Congress, Ministry of Justice, Ministry of Public Security, Supreme People's Procuratorate, All-China Women's Federation and All China Lawyers' Association. Burton summarized their views as follows:

- China has benefited from foreign exchanges in general, but the human rights dialogues have not met institutional needs;
- The Chinese MFA's mandate is to defend China's interests abroad. It has no institutional interest in promoting respect for China's human rights domestically;
- Much of the dialogue is taken up by the Chinese MFA reading scripts prepared for them by the Chinese Academy of Social Sciences, the content of which is well known to both the Chinese and foreign participants and of little interest;
- The topics of discussion tend to repeat between dialogues, and the presentations and discussions are generally too shallow to be of substantive benefit. The foreign partici-

pants tend to exhibit ill-informed and condescending attitudes toward China.

Burton also interviewed individuals from Chinese NGOs that were not involved in the dialogues, most of whom preferred not to be identified in the report. Burton noted none of the NGOs met the strict criteria required to register as independent NGOs, with some registered as businesses or research institutes and others as subsidiaries of de facto government-organized NGOs (known as GONGOs) such as the All-China Women's Federation. One of these interviewees felt that the dialogues were a waste of money because they failed to address the fundamentals of China's political system. Others supported the dialogue process as "better than nothing," and all hoped for contact and exchanges with Canadian counterparts and technical assistance funded by the Canadian government.

The Canada-China dialogue is a "model" dialogue from the Chinese point of view

In his interviews with officials from Canada and other countries engaged in bilateral human rights dialogues with China, Burton found the expected consensus that the process provided an indispensable forum for Western governments to table their concerns about human rights violations in China, but also admissions that the substantive impact of the dialogues was questionable. Western government participants found China's cooperation in the dialogues has deteriorated as its global economic and political stature has increased. Government interviewees expressed a pervasive cynicism about the process, and there were comments that "dialogue fatigue has set in." At the same time, some interviewees pointed to progress since the inception of the dialogues in 1997, including China's signing of the International Covenant on Civil and Political Rights (ICCPR), ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (with a reservation on Article 8 relating to the right to form and join trade unions and the right to strike) and incorporation of the phrase "The State respects and safeguards human rights" into its national constitution.

Canadian NGOs focusing on human rights issues expressed skepticism over the value of continuing the dialogues, and suspicion that the Canadian government's promotion of human rights had been overshadowed by the desire to improve trade relations with China. They criticized the lack of transparency in the process, and expressed a wish for more input in the Canadian government's human rights initiatives.

In summation, Burton found that there was a clear mismatch of expectations in the dialogue, with Canada hoping to promote better respect for human rights in China, while China aimed to defuse foreign unease with its human rights record. Canada hoped to provide informed advice on legal reforms in compliance with universal norms of human rights, while China found Canada's understanding of the situation simplistic and misinformed.

Burton noted some positive outcomes of the dialogues

mentioned by Chinese participants, such as the presumption of innocence in the Criminal Procedures Law, legislation to address violence against women and sexual harassment, and improved procedures in police conduct and prison management, but pointed out that important areas of concern to Canada such as those relating to religious freedom, labor rights and rights of ethnic minorities had shown little improvement after several years on the agendas of dialogues between China and a number of Western countries.

The new PM's hard line

Burton's report added fuel to the fire of debate over the bilateral dialogues, and also provided a mandate for Stephen Harper to take a tougher line on human rights issues. In mid-November 2006, Harper flew to the Asia-Pacific Economic Cooperation (APEC) forum in Vietnam with the pronouncement that Canada would not "sell out" its position on human rights to cash in on trade and investment with China. "I think Canadians want us to promote our trade relations worldwide, and we do that," Harper said, "but I don't think Canadians want us to sell out important Canadian values—our belief in democracy, freedom, human rights."³

Harper made these comments, described as among the most forceful regarding China from a Canadian prime minister in recent history, as the Chinese government suddenly backed out of arranging a private meeting between Harper and Chinese President Hu Jintao in Hanoi. Cancellation of the meeting plans was attributed to Harper's insistence on including human rights in his discussions with senior Chinese officials, in particular the case of the Uyghur Canadian Huseyin Celil, reportedly sentenced to 15 years in prison in August 2006. Chinese officials had refused any access to Celil by Canadian diplomatic staff, and no Canadian diplomats were present when Celil made another court appearance in Urumqi in February 2007.⁴

Harper's stance was hailed by rights groups like ours and the Uyghur American Association, but received a mixed reaction from other sectors of the public. Some newspaper editorials and business figures accused Harper of putting Canadian business opportunities at risk.

At the same time, a poll conducted by COMPAS Inc. for the *Financial Post* under sponsorship of BDO Dunwoody LLP in late November found strong support for Harper among a selected group of business leaders. Most of the 100 CEOs and leaders of the predominantly small and medium-sized corporations participating in the Web survey felt that Harper's public stand in defense of human rights in China would cause no short-term pain for Canadian business. Some said the tough line was justifiable even if Canadian business incurred losses as a result, because in the long term Canadian business would benefit from improvements to China's legal system.⁵ The polled business leaders expressed disappointment over the more subtle diplomacy practiced by Jean Chrétien; most felt that Canada was entitled to express an opinion on China's human rights situation, and that China could become an excellent force for good on the planet if its legal system were improved. Some verbatim comments quoted in the poll included:

- "If we are truly outraged, which happens very little in modern times, then we would be more strident in our disgust of the situation: cheap goods at what cost!"
- "Any short-term harm to Canadian business caused by speaking up on human rights would be miniscule compared to the long-term benefits to business of having China clean up their legal system."
- "I commend P.M. Harper for speaking up, even if this is not in the short-term economic interests of Canada."
- "Human rights violations cannot be ignored by the free world, and business with China should be conditional."

Support for this more rights-centered business approach was echoed in *Macleans*, Canada's national weekly current affairs magazine.⁶ The article acknowledged the views of some business leaders who were prepared to "tie [Harper] up, blindfold him and drop him into the middle of Shanghai"; the Canadian Council of Chief Executives, representing leaders of 149 blue-chip corporations, in particular had come out publicly calling on the Harper government to change its tack with China, which they felt would be counterproductive to the cause of human rights in China. But the article noted that overall public reaction had been supportive of Harper, and that even the business leaders who opposed Harper's tactics could point to no real harm suffered by business interests in other countries that had taken a strong stand on China's human rights situation.

"There doesn't seem much to lose," the article remarked, noting that Canadian exports and foreign direct investment in China remained unimpressive throughout the time that the Chrétien government was implementing its more tactful form of human rights diplomacy, and that "China's human rights record remains as shabby as ever." "If there's little downside to speaking out, and little upside to clamming up, it's pretty hard to justify the latter," the article concluded.

The debate continues

At the end of October 2006, the Subcommittee on Human Rights and International Development of the Canadian Parliament's Standing Committee on Foreign Affairs and International Trade initiated a formal review into the Canada-China Human Rights Dialogue, with presentations from a range of activists and rights organizations. The hearings are still in progress, with no timetable set for final deliberations on the issue. But in the meantime, the dialogue originally set for spring of 2007 has apparently been postponed indefinitely. We've heard, however, that there's a lot of pressure from China to keep the dialogue going.

Groups testifying at the hearings are pressing for the dialogues to only be resumed in a revamped format that includes greater consultation of interested groups, and as only one part of a multi-pronged approach to improving the human rights situation in China.⁷

Meanwhile, the China coalition is keeping up the pressure through regular lobbying of Parliament. Since we've made lit-

the progress with Foreign Affairs, we're aiming at Harper instead, boosting his support and deflecting criticism of him from business. It is not an easy or natural alliance between a Conservative prime minister and rights groups, which are typically made up of political liberals. Not long ago, I went on the radio defending Harper and saying business interests oppose him because they were spoiled by Chrétien. I gave Harper's government an A-minus on human rights. Afterwards another coalition member telephoned me and scolded me for giving such a high mark to a Conservative. But from our point of view, Harper is still advancing the cause.

China: "The economic relationship goes hand in hand with the political relationship."

In February, He Yafei, China's assistant minister of foreign affairs for North America, was quoted in the *Globe and Mail* as intimating that Canada would pay an economic price for speaking out on the Celil case and other human rights issues: "The economic relationship goes hand in hand with the political relationship. I cannot say Canada is squandering (the relationship) now, but in practical terms Canada is lagging behind in its relations with China."⁸

Harper responded at a subsequent press briefing, "Canada's trade with China has lagged for a very long number of years. It lagged under governments that were not prepared to speak out about human rights in any way, shape or form." He added, "I would point out today to any Chinese official, just as a matter of fact, that China has a huge trade surplus with this country. So I think it would be in the interests of the Chinese government to ensure that any dealings with Canada on trade are absolutely fair and above board."⁹

Political trends are always shifting, along with a government's priorities at any given time. The China coalition is not complacent; we will continue our lobbying efforts to maintain the Canadian government's resolve on human rights issues in China.

NOTES

1. The Team Canada Mission, led by the Canadian prime minister, international trade minister and provincial leaders, aimed to increase economic growth in Canada through international business development.
2. Charles Burton, "Assessment of the Canada-China Bilateral Human Rights Dialogue," prepared based on Department of Foreign Affairs and International Trade (Canada) Letter of Agreement Number 12800 CB of August 1, 2005, <http://spartan.ac.brocku.ca/~cburton/Assessment%20of%20the%20Canada-China%20Bilateral%20Human%20Rights%20Dialogue%2019APR06.pdf>. A regularly updated list of articles relating to the debate over the Canada-China Bilateral Human Rights Dialogue is posted on a Web page created by Charles Burton, <http://spartan.ac.brocku.ca/~cburton/>.
3. Jennifer Ditchburn, "Canada will not sell out values in exchange for dollars in China: Harper," Canadian Press, November 16, 2006, <http://www.canada.com/topics/news/national/story.html?id=21b5e171-ab0a-4a99-9ddd-8180c5232c0c&k=15454>.
4. For a compendium of articles and materials on Celil's case, see <http://www.huseyincelil.com>.
5. "Human Rights in China: Harper's Public Diplomacy Outperforms Chretien's Quiet Diplomacy; Excellent for Human Rights, Neutral for Business," BDO Dunwoody CEO/Business Leader Poll by COMPAS for publication in the *Financial Post* November 27, 2006, <http://www.bdo.ca/library/polls/documents/27Nov06-FPCeOPoll-HumanRightsinChina.pdf>
6. Charlie Gillis and Andrea Mandel-Campbell, "Go on, take a stand: It's possible to criticize China on human rights and do business with it," *Macleans Magazine*, March 5, 2007, http://www.macleans.ca/homepage/magazine/article.jsp?content=20070305_103067_103067.
7. Full transcripts of the hearings can be accessed on the Canadian Parliament's ParlVU Web site, <http://parlvu.parl.gc.ca/parlvuen-ca/Guide.aspx?viewmode=3&categoryid=57¤tdate=2006-11-30&eventid=-1&languagecode=12298>.
8. Brian Laghi and Jeff Sallot, "Canada losing out on trade, China says," *Globe and Mail*, February 9, 2007.
9. Michael Tutton, "PM will speak out about Chinese record despite warning from official," *The Canadian Press*, February 9, 2007, <http://www.cp.org/premium/ONLINE/member/National/070209/n020984A.html>. "Randal Palmer, "Harper warns China on human-rights trade threat," Reuters, February 9, 2007, http://news.yahoo.com/s/nm/20070209/wl_canada_nm/canada_china_col_3.

A Gift for You

BY OUYANG XIAORONG

Ma chère,
Should you feel chilly,
I've a gift for you:
A northern kingdom all aflame—
I hope this is no empty promise.
That evening sky awchirl with fireflies
Is what's left of me,
Who was, five hundred years ago, a torch.

Fluttering moths fan my candle flame,
I don't want an Atlantic gale,

But rather a breeze that sings a foreign anthem at your window.
Although,
Morosely, I have wandered far,
Still I see you in my dreams
Grasping the corner of your skirt:
You've gathered for me
Spring branches from the willow tree.

Rendered into English by A. E. Clark

The original Chinese poem was posted on the Web site of Democracy Forum (<http://www.asiademo.org/>), and can be accessed on the Peacehall Web site, http://boxun.com/hero/2007/oyxr/13_1.shtml.