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Behind the Headlines

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Human Rights and the Rule of Law: Implications for Canada-China Relations

By Pitman B. Potter

Synopsis

China's rise to prosperity has seen increased tension with international standards of human rights and the rule of law such that, after a lengthy period of tentative engagement China has more recently worked to change international standards to accommodate its interests. China's approach to human rights and the rule of law has significant implications for Canada, not only for our bilateral relations but also in terms of the impacts on international institutions that are of vital interest to Canada. In response, Canada should pursue a program of selective engagement, that combines attention to China's abuses of human rights and the rule of law with continuing engagement on issues of bilateral and global concern.



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About the Author

Pitman B. Potter is Emeritus Professor of Law at the University of British Columbia. He has been working on China matters for the past fifty years. Building on his professional and academic training, Potter has enjoyed lengthy periods of residence in China, multiple professional postings and engagements, and innumerable personal ties. He has published many books and articles on China law and policy. Dr. Potter's forthcoming book, *Exporting Virtue? China's International Human Rights Activism in the Age of Xi Jinping* is expected from UBC Press later this year. Dr. Potter is a Fellow of the Royal Society of Canada and has served on the Boards of Directors of several public institutions, including the Asia Pacific Foundation of Canada (continuing as Distinguished Fellow until his retirement in 2020) and the Canada-China Business Council (continuing as Senior Advisor until his retirement in 2020). He is also a retired Deacon in the Anglican Church of Canada (Diocese of New Westminster).

China's respect for human rights and the rule of law is indispensable from a constructive diplomatic relationship with Canada because it affects a wide range of Canada-China bilateral diplomatic, commercial, and socio-cultural interactions. As a middle power, Canada has a significant stake in international institutions and standards whose effectiveness depends on China's commitment to human rights.

PRC Approaches to Human Rights and Rule of Law

The People's Republic of China ("PRC") holds to a human rights orthodoxy of Regime-Led Development¹. Consistent with earlier official statements dating back to the 1989 Tiananmen Crisis, China's 2019 human rights white paper held:

"The rights to subsistence and development are the primary rights ... The effective guarantee of the right to subsistence and the steady improvement of living standards are the preconditions and foundations for fulfilling and developing all other human rights."²

The orthodoxy of Regime-Led Development is bolstered in turn by precepts requiring the supremacy of the ruling Communist Party of China ("CPC"), the conditionality of rights, and the developmental stability. First, the CPC exercises unfettered control over all institutions and processes of PRC governance.³ CPC control extends to China's "socialist legal system," which uses legal terminology to articulate and enforce the orders of the Party-state.⁴

Despite efforts under SPC President Xiao Yang (1998–2008) to strengthen their professionalism and autonomy, judges remain subject to ever-stricter CPC oversight.⁵

Indeed, the PRC Supreme People's Court itself was chastised earlier this year for unsatisfactory "implementation of the Party's line, direction, and policies and the Party's central decision making and deployment."⁶ Lawyers too are subject to Party control under the PRC Lawyers Law and the All-China Lawyers Association's "Lawyers Code of Conduct."⁷ Under Xi Jinping, the precept of Party Supremacy has been entrenched more insistently in PRC legal institutions where human rights are most often advanced and decided.⁸ Party dominance over human rights was explained in China's 2019 human rights White Paper, which averred, "the Party's leadership is the fundamental guarantee for the people of China to have access to human rights, and to fully enjoy more human rights."⁹

Supporting the precept of Party Supremacy, China's human rights orthodoxy holds that all rights remain conditional on loyalty to the Party-state. The PRC constitution provides "every citizen enjoys the rights and at the same time must perform the duties prescribed by the Constitution and the law" and that the exercise of constitutional rights "may not infringe upon the interests of the state, of society or of the collective, or upon the lawful freedoms and rights of other citizens."¹⁰ Thus, constitutional rights in freedoms of expression, the press, assembly and association, demonstration, religious belief, and more depend on submission to the authority of the Party-state. The orthodoxy of Regime-Led Development also relies on a precept that maintaining stability is fundamental to PRC law and governance.¹¹ China's various human rights white papers and action plans hold consistently that stability is essential for China's development and hence is an essential objective of China's law and practice on human rights and the rule of law.¹²

¹ See Pitman B. Potter, Exporting Virtue? China's International Human Rights Activism in the Age of Xi Jinping (Vancouver: forthcoming UBC Press, 2020), from which parts of this essay are adapted.

² State Council Information Office ("SCIO"), "Seeking Happiness for People: 70 Years of Progress on Human Rights in China," http://english.scio.gov.cn/node_8014390.html, Section II. Also see Ministry of Foreign Affairs of the People's Republic of China ("MFA"), "China and the United Nations: Position Paper of the People's Republic of China for the 74th Session of the United Nations General Assembly," September 18, 2019, https://www.fmprc.gov.cn/mfa_eng/wjdt_665385/2649_665393/t1698812.shtml, Section VIII, which sums up China's human rights philosophy as "giving top priority to development."

³ See generally Stein Ringen, *The Perfect Dictatorship: China in the 21st Century* (Hong Kong: HKU Press, 2016).

⁴ Rogier Creemers, "Party Ideology and Chinese Law," SSRN, July 9, 2018, <https://ssrn.com/abstract=3210541>; Susan Trevaskes, "China's Party-Led Rule-of-Law Regime," East Asia Forum, October 2, 2017, <http://www.eastasiaforum.org/2017/10/02/chinas-party-led-rule-of-law-regime/>.

⁵ "Regulation on the Communist Party of China's Political-Legal Work," China Law Translate, January 18, 2019, <https://www.chinalawtranslate.com/en/regulation-on-the-communist-party-of-chinas-political-legal-work/>.

⁶ "Central Inspection Group Gives Feedback to the Supreme People's Court (2020 edition)," Supreme People's Court Monitor, January 12, 2020, <https://supremepoplescourtmonitor.com/2020/01/12/central-inspection-group-gives-feedback-to-the-supreme-peoples-court-2020-edition/>.

⁷ "Zhonghua renmin gongheguo l shi fa" Lawyers Law of the PRC, rev. October 28, 2007, Article 3, <https://www.cecc.gov/resources/legal-provisions/prc-lawyers-law-2007-revision-chinese-text>; "Lawyers Practice Code of Conduct (Draft Revisions)," China Law Translate, June 18, 2014, <http://www.chinalawtranslate.com/lawyers-practice-code-of-conduct-draft-revisions/?lang=en>.

⁸ Chen Yujie, 2019 Nian Sifa Renquan Guancha Survey on human rights in the (PRC) administration of Justice, Taiwan Foundation for Democracy, <http://www.tfd.org.tw/opencms/chinese/publication/human/>. SCIO, "Seeking Happiness for People," Section I.

⁹ "Constitution of the PRC," rev. 2004, Articles 33, 51, <https://www.cecc.gov/resources/legal-provisions/constitution-of-the-peoples-republic-of-china>.

¹⁰ Sarah Biddulph, *The Stability Imperative: Human Rights and Law in China* (Vancouver: UBC Press, 2016). SCIO, "Seeking Happiness for People," Section I.

¹¹ "Constitution of the PRC," rev. 2004, Articles 33, 51, <https://www.cecc.gov/resources/legal-provisions/constitution-of-the-peoples-republic-of-china>. Sarah Biddulph, *The Stability Imperative: Human Rights and Law in China* (Vancouver: UBC Press, 2016).

¹² SCIO, "National Human Rights Action Plan of China (2012–2015)"; SCIO, "Progress in China's Human Rights in 2014," Section III; SCIO, "New Progress in the Judicial Protection of Human Rights in China," September 12, 2016, Section III; SCIO, "New Progress in the Legal Protection of Human Rights in China," December 15, 2017, Section V; <http://www.scio.gov.cn/zfbps/32832/Document/1613604/1613604.htm>; http://www.china.org.cn/government/whitepaper/node_7241418.htm; "Rule of Law Strengthens Social Stability in New Era: Editorial," China Daily, March 12, 2019, <http://www.chinadaily.com.cn/a/201903/12/WS5c87a4faa3106c65c34ee3b0.html>.

In light of China's human rights orthodoxy and its attendant precepts, few find it surprising that China's record on human rights and the rule of law leaves much to be desired. Abuses in Xi Jinping's China have been well documented in areas such as censorship, the torture of prisoners, extensive use of the death penalty, suppression of religious freedoms, abuse of ethnic minorities (including but not limited to the incarceration of some 1.5 million of Xinjiang's Uighur Muslims and some half million Tibetans in forced labour camps¹³), denial of LGBTQ rights, use of surveillance technology, and the persecution of Chinese lawyers and legal scholars to name a few¹⁴. Such abuses present a challenge for Canada's bilateral relations with China.

China's International Activism

China has worked assiduously to insulate its preferred approach to human rights and the rule of law from the reach of international standards while also working to revise those standards to suit PRC orthodoxy.¹⁵ For many years, China's approach to international human rights standards followed a well-worn path of tentative acceptance coupled with references to local conditions as grounds for delays in implementation. While China remains bound by numerous international human rights treaties it has either signed or ratified,¹⁶ in recent years the Xi regime has endeavored more intently to amend international standards to conform to its own preferences.¹⁷ Through its membership on the UN Human Rights Council ("UNHRC"), China has worked to entrench its human rights orthodoxy as an alternative to exiting rules.¹⁸ China's response to the 2018 UNHRC Universal Periodic Review ("UPR") asserted the validity of human rights with Chinese characteristics, underscoring yet further Beijing's resistance to international standards.

China has also worked to challenge international standards on the rule of law. Despite direct conflicts with the consensus norms of the UN Delivering Justice Programme that the rule of law should apply equally to both government and society,²⁰ China has defended its CPC-dominated legal system as a legitimate alternative. For example, China's 2016 UN position paper claimed, "at the national level, countries are entitled to independently choose the mode of rule of law that suits their national conditions."²¹ China's 2019 position paper reiterated that the rule of law should be subject to China's specific national conditions.²² Thus, like its efforts with international human rights rules, Xi Jinping's China has attempted to insulate its authoritarian legal regime from the reach of international standards on rule of law - either by claiming exceptionalism or by seeking to change the standards themselves.

Implications for Canada

Canada has enjoyed a long and mutually beneficial relationship with China. From the earliest days of the Pacific Princess delivering mail in 1889, to the opening of Sun Life's China office 1893 and the establishment of the Canadian Department of Trade and Commerce office in Shanghai in 1909, Canada has pursued commercial opportunities with counterparts in China for well over a century. In the early and middle years of the 20th century, missionary-led education efforts in China, and immigration and head tax reforms in Canada, laid a foundation for people-to-people exchanges. The all-important wheat sales beginning in 1961, alleviated China's post-Great Leap Forward famine and signalled Canada's commitment to compassionate development aid. Formal diplomatic relations beginning in 1970 laid the foundation for the removal of Cold War barriers and the re-entry of the PRC into the world

¹³ Lindsay Maizland, "China's Repression of Uighurs in Xinjiang," backgrounder, Council on Foreign Relations, November 25, 2019, <https://www.cfr.org/backgrounder/chinas-crackdown-ughurs-xinjiang>; Helen Davidson, "Report charts China's expansion of mass labour programme in Tibet," *The Guardian*, September 22, 2020, <https://www.theguardian.com/world/2020/sep/22/report-charts-chinas-expansion-of-mass-labour-programme-in-tibet>.

¹⁴ Congressional-Executive Commission on China ("CECC"), 2019 Annual Report (Washington, DC: US Government Publishing Office, 2019), <https://www.cecc.gov/publications/annual-reports/2019-annual-report>; Human Rights Watch ("HRW"), "China: Events of 2019," <https://www.hrw.org/world-report/2020/country-chapters/china-and-tibet>.

¹⁵ HRW, "China's Global Threat to Human Rights," 2019, <https://www.hrw.org/world-report/2020/country-chapters/global>.

¹⁶ University of Minnesota Human Rights Library, "Ratification of International Human Rights Treaties - China," <http://www.umn.edu/humanrts/research/ratification-china.html>. For example, China has ratified or acceded to the International Covenant on Economic, Social and Cultural Rights ("ICESCR"), the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW"), the International Convention on the Elimination of All Forms of Racial Discrimination ("ICERD"), the convention against slavery, and the anti-torture convention. China has not ratified the International Covenant on Civil and Political Rights ("ICCPR"), but as a signatory is bound under the Vienna Convention on the Law of Treaties, (1155 UNTS 331, entered into force January 27, 1980, <https://treaties.un.org/doc/Publication/UNTS/Volume%201155/volume-1155-I-18232-English.pdf>) "to refrain from acts which would defeat the object and purpose" of the covenant pending ratification.

¹⁷ Yu-jie Chen, "China's Challenge to the International Human Rights Regime," *New York University Journal of International Law and Politics* 51 (2019), pp. 1179-1222, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3308205.

¹⁸ Sonya Seats and Shaun Breslin, "China and the International Human Rights System," Chatham House, October 1, 2012, <https://www.chathamhouse.org/publications/papers/view/186781>.

¹⁹ UNHRC, "National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: China," October 1, 2018, A/HRC/WG.6/31/CHN/1*, Section I.C, https://www.upr-info.org/sites/default/files/document/china/session_31_-_november_2018/a_hrc_wg_6_31_chn_1_e.pdf.

²⁰ UNGA, "Delivering Justice: Programme of Action to Strengthen the Rule of Law at the National and International Levels: Report of the Secretary-General," March 16, 2012, A/66/749, <http://archive.ipu.org/splz-el-unbrief12/sg-report.pdf>.

²¹ MFA, "Position Paper of the People's Republic of China at the 71st Session of the United Nations General Assembly," September 7, 2016, https://www.fmprc.gov.cn/mfa_eng/wjdt_665385/2649_665393/t1395489.shtml.

²² MFA, "China and the United Nations: Position Paper of the People's Republic of China for the 74th Session of the United Nations General Assembly," September 18, 2019, https://www.fmprc.gov.cn/mfa_eng/wjdt_665385/2649_665393/t1698812.shtml, Section VIII.

political economy. Human rights and the rule of law have played an important role in each of these efforts, influencing program objectives and operational terms for commercial links, community ties, development aid, and diplomatic relations.

Aside from its significance for the lives and wellbeing of the Chinese people, the PRC's approach to human rights and the rule of law has important implications for Canada today. Recalling that human rights and the rule of law affect not only political discourse but virtually all aspects of socio-economic life, ranging from trade and investment to business regulation, environmental protection, labour relations, immigration and travel, public health, housing, and many others, China's performance has widespread impacts for Canadians with activities and interests there. China's disregard of international legal standards on human rights and the rule of law undercuts the activities of Canadian businesses, media organizations, and NGOs in China on a wide array of issues involving contract and property rights (including discrimination against foreign firms, intellectual property theft, and corruption), personnel (including limits on the hiring of international and local staff), operations (including inconsistent licensing and approvals), travel (especially restrictions on travel to minority areas, such as Hong Kong and Taiwan), and communications (notably internet restrictions and surveillance).²³ As well, Canadian government initiatives and activities are constrained by uncertainties over China's performance of treaty standards on consular relations (particularly regarding support for Canadians detained in China), immigration and nationality controls (notably concerning China's treatment of Canadians who renounce their PRC citizenship), surveillance and security (particularly regarding protection of Canadians with personal, professional, and academic ties to China), and

refugees (particularly from Hong Kong after China's recent enactment of a draconian and far-reaching security law). Perhaps most importantly, Canadians with family members in China suffer from the denial of human rights to their loved ones.

Multilaterally, China's efforts to undermine universal standards for human rights and the rule of law challenge Canada's efforts to promote a rules-based international order.²⁴ Predictable and enforceable standards are essential to international relations – especially when there is disagreement (as there often is) over the implementation and global impacts of particular policy decisions and initiatives. China's refusal to accept the award of the international South China Sea arbitration, its resistance to international environmental and labour standards, and its continued detention and forced labour of Uighur Muslims in Xinjiang are but a few examples of China's disregard for international human rights standards and the rule of law.²⁵ Such disregard informs PRC conditions for participation in multilateral initiatives. The content and operation of international efforts on peace keeping, sustainable development, and global governance depend increasingly on their compatibility with China's preferences on human rights and rule of law.²⁶ While buy-in from individual states is generally part and parcel of multilateral programs, China's political clout and economic weight militate against the success of international initiatives deemed inconsistent with PRC orthodoxy on human rights and the rule of law.

Bilaterally, the Meng Wanzhou matter revealed the costs China's disregard for human rights have on Canada.²⁷ Even while raising human rights concerns over Canada's arrest in December 2018 of the Huawei executive following an extradition treaty request from the United

²³ See e.g., Global Affairs Canada, "Travel Advisories – China," August 28, 2020, <https://travel.gc.ca/destinations/china/>.

²⁴ Global Affairs Canada, "Plans at a glance and operating context," June 6, 2019, <https://www.international.gc.ca/gac-amc/priorities-priorites.aspx?lang=eng>.

²⁵ Full Text of Statement of China's Foreign Ministry on Award of South China Sea Arbitration Initiated by the Philippines, China Daily, July 12, 2016, http://www.chinadaily.com.cn/world/2016scsi/2016-07/12/content_26062029.htm; Bo Zhang and Cong Cao, "Policy: Four Gaps in China's New Environmental Law," Nature, January 21, 2015, <http://www.nature.com/news/policy-four-gaps-in-china-s-new-environmental-law-1.16736>; China-Country Baselines under the ILO Declaration (2000-2018), July 22, 2020, https://www.ilo.org/declaration/follow-up/annualreview/countrybaselines/WCMS_751606/lang-en/index.htm; "Canada among Countries Urging China to Shut Uighur Detention Camps," CBC News, November 6, 2018, <https://www.cbc.ca/news/politics/china-uighur-detention-camps-canada-western-countries-1.4893676>.

²⁶ Christine Lee, "It's Not Just the WHO: How China is Moving on the Whole U.N.," Politico, April 15, 2020, <https://www.politico.com/news/magazine/2020/04/15/its-not-just-the-who-how-china-is-moving-on-the-whole-un-189029>; Deborah Lehr, "Is China Still the Global Leader on Climate Change?," The Diplomat, October 21, 2019, <https://thediplomat.com/2019/10/is-china-still-the-global-leader-on-climate-change/>.

²⁷ Canadian Press, "A timeline of events in the case of Meng Wanzhou," National Post, June 19, 2020; "Huawei Arrest: What's Happening between Canada and China?," CBC News, January 29, 2019, <https://www.cbc.ca/news/world/huawei-meng-timeline-1.4989139>.

States, China's behavior confirmed its narrow commitment to the rule of law. Whereas in Canada, Meng has had full access to PRC consular officials and was released on bail after a public judicial hearing at which she was represented by counsel, in China Canadians Michael Kovrig and Michael Spavor were detained on vague national security grounds without meaningful access to Canadian consular officials or legal counsel and were subjected to harsh treatment, all in defiance of bilateral agreements and international human rights treaties. China's decision to cut off imports of canola to encourage Canada to "correct the mistakes it made earlier" signalled disregard for the international trade law in furtherance of Beijing's political goals.²⁸ Indeed, concern over China's efforts to subordinate trade relations to its political agendas despite WTO standards to the contrary, seems to have contributed to Canada's decision to discontinue talks over a possible free trade agreement.²⁹

Ways Forward

Setting aside PRC efforts to enlist local commentators to advance PRC policy preferences,³⁰ Canadian responses to China's parochialism on human rights and the rule of law tend to vary along a spectrum of alternatives. At one end, is an accommodationist position that suggests that China is large, powerful, and essential to Canada and that the best approach is simply to avoid antagonizing China despite its problems.³¹ At the other end, are activist critics, often with direct experience of China's human rights abuses, who are less willing to accommodate China until it mends its ways.³² A viable middle-ground alternative would rely on the time-honoured strategic option of "selective engagement" to enable focused challenges to China's abuses of human rights and the rule of law even while pursuing cooperation on matters of mutual interest such as global initiatives on

climate change, pandemic responses, and bilateral issues such as disability rights, sustainable design, narcotics control, and money laundering.³³ Discarding the suggestion that raising concerns about human rights and the rule of law will simply anger China and lead to unproductive outcomes, selective engagement would enable Canada to challenge China's abuses through international, regional, and local institutions and communities even while pursuing cooperation on specific bilateral and multilateral initiatives. And rather than giving in to the temptation to see China as hopelessly intransigent and incapable of responsible conduct barring significant regime reform – even regime change,³⁴ selective engagement would encourage cooperation with the PRC Party-state on issues of mutual concern while also promoting collaboration with like-minded actors in China and elsewhere to counter abuse of international human-rights and rule-of-law standards.

Selective engagement offers a useful alternative to relational discourses that either subordinate frank discussion on China's abuses of human rights and rule of law to the broad imperative of maintaining friendly relations or else reject the possibility of positive relations altogether. Canada should reserve its relational commitments for friends and allies who share our commitment to human rights and the rule of law, whereas for China a situational approach seems more sensible. Canada would be well served by cooperating with a range of global, regional, and local actors to encourage performance of existing international human-rights and rule-of-law standards, resist China's revisionist efforts, and hold China accountable for derogation while also building on opportunities for agreement and cooperation on global and bilateral issues of mutual interest. The government of Canada has a special responsibility in this regard since individual firms and organizations, while

²⁸ Associated Press, "China Urges Canada to 'Correct the Mistakes It Made Earlier' as Canola Spat Deepens," CBC News, March 27, 2019, https://www.cbc.ca/news/politics/china-canola-crackdown-1.5073234?fbclid=IwAR1lxycKglqvSj8zpu8tG5WKm8COeHtA7y_d1-DCRoF4V5sCXV8wiDn5A.

²⁹ Nathan Vanderklippe, "Canada abandons free-trade talks with China in shift for Trudeau government," The Globe and Mail, September 17, 2020, <https://www.theglobeandmail.com/world/article-canada-abandons-free-trade-talks-with-china-in-shift-for-trudeau/>.

³⁰ Robert Fife and Stephen Chase, "Inside Huawei's campaign to influence Canadian public opinion," The Globe and Mail, September 16, 2020, <https://www.theglobeandmail.com/politics/article-inside-huaweis-campaign-to-influence-canadian-public-opinion/>.

³¹ Stephen Chase and Robert Fife, "More than 100 ex-diplomats urge Trudeau to swap Meng for Kovrig and Spavor," The Globe and Mail, September 18, 2020, <https://www.theglobeandmail.com/politics/article-more-than-100-ex-diplomats-urge-trudeau-to-swap-meng-for-kovrig-and/>; John Paul Tasker and Brennan MacDonald, "Former parliamentarians, diplomats pen letter calling on Canada to release Meng," CBC News, June 24, 2020, <https://www.cbc.ca/news/politics/letter-release-meng-1.5625669>.

³² Rupa Shenoy, "Canadian activists say they're being targeted by China," The World, May 19, 2020, <https://www.pri.org/stories/2020-05-19/canadian-activists-say-they-re-being-targeted-china>; Amnesty International, "Human rights defenders increasingly face threats intimidation over China advocacy: report," March 2020.

³³ "Canada Must Toughen Stance With China, Ex-Diplomats Say," US News and World Report, June 23, 2020, <https://www.usnews.com/news/best-countries/articles/2020-06-23/canadas-trudeau-must-toughen-stance-with-china-ex-diplomats-say>.

³⁴ Gordon G. Chang, "Mike Pompeo Just Declared America's New China Policy: Regime Change," The National Interest, July 25, 2020, <https://nationalinterest.org/feature/mike-pompeo-just-declared-america-s-new-china-policy-regime-change-165639>.

already attaching to their program and budgeting considerations a “China premium” reflecting the costs of China’s disregard for international standards on human rights and the rule of law, are otherwise unable to address these issues directly due to China’s political influence and economic weight.

Mindful of the perception that inaction in the face of abuses of international human-rights and rule-of-law standards connotes complicity, Canada can pursue a number of useful steps in response to PRC behaviour. Canada should work through the UN Development Programme (“UNDP”), the Organization for Economic Development and Cooperation (“OECD”), and the G20 while also supporting private diplomacy through Track Two initiatives to encourage China to affirm the importance of existing international human-rights and rule-of-law standards and promote their enforcement. As well, Canada should continue to pursue cooperation with human-rights advocates internationally and within China to encourage performance of international standards. Canada should support inclusion of independent NGO audits of China’s performance on human rights and rule of law in the formal reporting by the UNHRC’s Universal Periodic Review (UPR) processes as a foundation for holding China accountable for violations of international standards. Finally, measured application of Magnitsky sanctions against PRC officials and business executives responsible for or complicit in gross violations of internationally recognized human rights would be appropriate in response to local abuses. Such measures need not undermine but rather should complement continuing efforts to cooperate with China on matters of mutual concern. Just as global business communities increasingly recognize that improving China’s performance of international human-rights and rule-of-law standards is good for business, so too have policy actors in China recognized that China’s performance of those standards is important for the PRC’s expanding global influence. Selective engagement would enable Canada to combine

positive engagement on issues of mutual interest with critical engagement on human rights and the rule of law.

At the core this approach is a recognition that, suggestions to the contrary notwithstanding, China needs the support of Canada and the international community to fulfill its goals of development and prosperity. The general transition in PRC foreign policy from pursuit of ideological ambition toward interest-based pragmatism permits China to pursue matters of mutual concern with Canada even while being called to task for human-rights and rule-of-law abuses. Indeed, China’s efforts to alter international human-rights and rule-of-law standards tend to confirm its need for international approval – an isolationist China would hardly be expected to devote such efforts to changing the terms of international norms and institutions. Commercially, Chinese firms do business with Canada not because of an abstract fondness for the land of Norman Bethune, but because it is in their interest to do so. Despite the increased role of PRC state-owned and state-run enterprises, interest-based commercial decision-making by Chinese firms seems unlikely to be swayed much by Beijing’s political goals.

Despite Beijing’s posturing to the contrary, Canada would do well to conduct its China relations from a position of confidence – in our value to China as a trade partner and an emblem of international legitimacy and acceptance, in the value of our commitment to human rights and rule of law for Canada’s influence in China and globally, and in China’s pragmatic willingness to seek agreement on matters of mutual interest despite criticism of its practices on human rights and the rule of law. As we celebrate fifty years of formal diplomatic ties, Canada has an opportunity to enrich our association with China through selective engagement on human rights and the rule of law. The importance of the Canada-China relationship requires no less.

About the CIC

The Canadian International Council (CIC) is Canada's foreign relations council. It is an independent, non-partisan membership organization and think tank dedicated to advancing constructive dialogue on Canada's place in the world and providing an incubator for innovative ideas on how to address the world's most pressing problems.

The non-profit CIC integrates the voices of a diverse and multidisciplinary group of societal actors from academia, business, civil society, government and the media, and endeavours to inform and develop the capacity of the country's next generation of foreign policy leaders.

One of Canada's oldest and most respected think tanks, the CIC is not only dedicated to nurturing dialogue on Canadian foreign policy domestically, but also in projecting a Canadian perspective on the international stage. In our rapidly changing world, this effort to promote greater understanding and foster meaningful debate on critical challenges is more important than ever.

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