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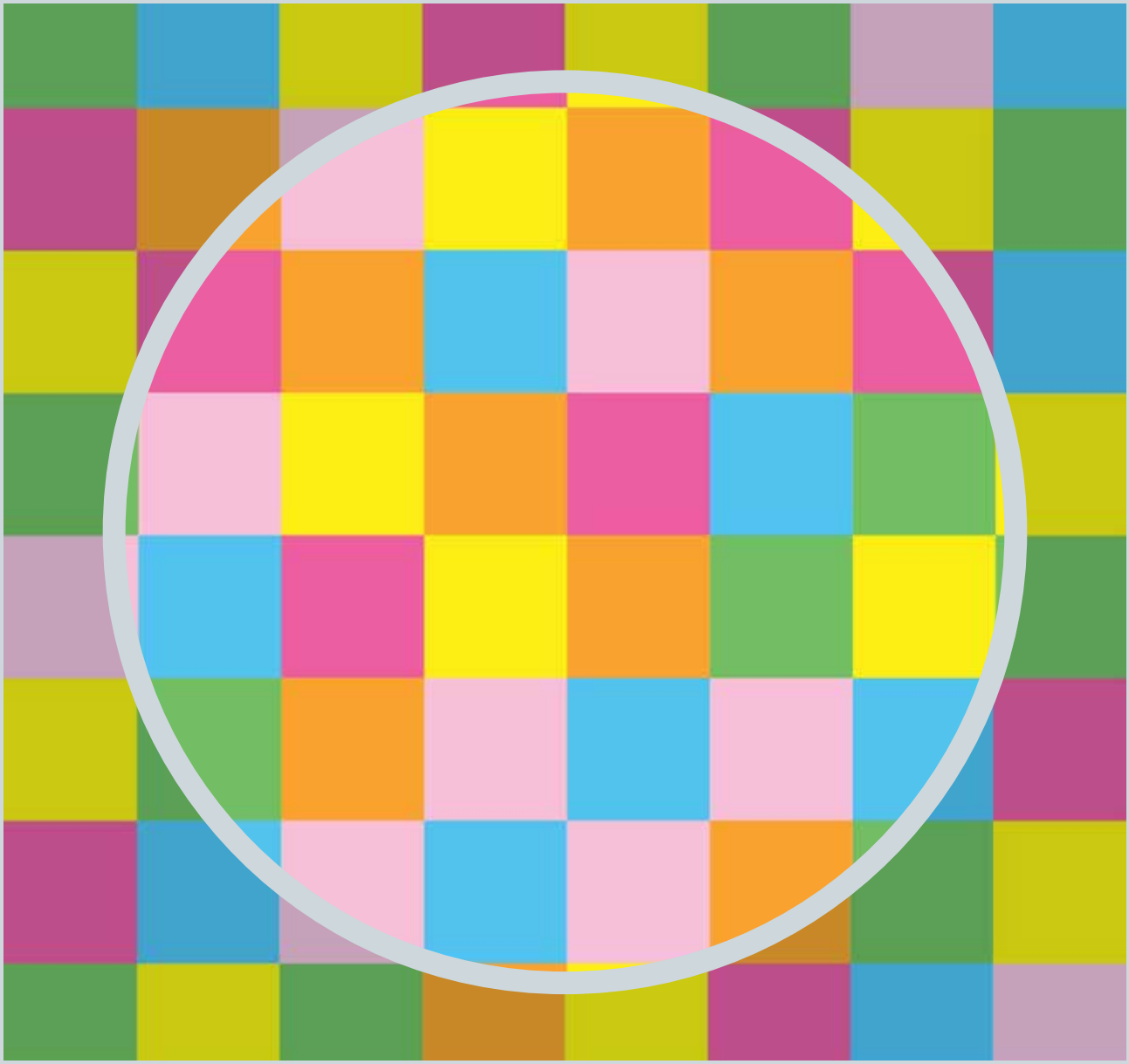
Rights protection

How the UK should respond to the PRC's overseas influence

Andrew Chubb



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About the author
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Foreword

At a time of escalating geopolitical tension, public and policy rhetoric around China's role in the world and in the United Kingdom (UK) appears increasingly fraught. Some view the People's Republic of China (PRC) as an indispensable source of growth and cooperation in areas such as science and technology, environmental protection, and overseas development, not to mention UK economic growth after Brexit. Others are concerned about challenges posed by the PRC to liberal democratic values, intellectual property, and state security in the UK and elsewhere, not least in view of president Xi Jinping's relatively supportive stance towards Vladimir Putin's invasion of Ukraine. Recent debates have been particularly concerned about the notion of nefarious influence in the UK and other liberal democracies from the Chinese party-state or its purported agents.

There is growing expectation that the UK government and other UK institutions take proactive action in response to such concerns. The fraught and polarised nature of public discourse, however, underlines the need for any such reaction to be measured, nuanced, and specific, so as not to undermine the people and values that it sets out to protect in the first place.

In this policy paper, Andrew Chubb provides the kind of concrete and measured proposal for policy action that has been missing from UK debates. In Chubb's view, government response to PRC influence is urgent and necessary, but should take a form that strengthens liberal democracy in the UK, rather than undermining it. It can do so by implementing deliberate policy in a way that clearly differentiates between issues of national security, human rights, and academic freedom.

With this overall objective in mind, the paper calls for the UK government to take a rights protection approach, in order to address concerns about undue influence whilst protecting the people and values that appear to be at risk from such interference. UK institutions of higher education have increasingly important partnerships with educational institutions in China and are urged to act to protect academic freedoms in that context, rather than wait for government to regulate them. In this process, Chinese diasporic communities at risk of victimisation by the PRC party-state are to be supported, and not further victimised. After the waves of anti-Asian hate that arose with the onset of the COVID-19 pandemic, such a supportive approach seems all the more imperative.

Importantly, Chubb proposes immediately implementable policy action in order to achieve these outcomes. These policies are overall actor agnostic, but attentive to concerns that have arisen in relation to the PRC specifically. Actions are suggested expressly for the UK government and UK institutions of higher education, but are well placed to inspire policy action elsewhere too.

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Executive summary

The extraordinary MI5 interference alert issued in January 2022 over lawyer Christine Lee's parliamentary lobbying and donations showed Britain's security services are paying close attention to the political activities of the People's Republic of China (PRC) in the UK. However, while such issues are rightly matters of concern, evidence of actual PRC influence on UK national security and foreign policy remains limited, compared with its demonstrable and direct impact on human rights and civil liberties of diaspora communities in the UK, and on academic freedom in higher education. Yet, few tangible policies have so far been proposed or implemented to address these effects.

Today, the Chinese Communist Party (CCP) can surveil, harass and threaten Chinese critics and exiled diaspora communities in the UK, shape the Chinese-language information environment and induce self-censorship from local organisations. Policymakers in Westminster must address these impacts by applying a rights protection approach. Meanwhile, UK universities have built a range of partnerships with PRC institutions – often beneficial – and competed for market share in overseas education. However, they have not put in place adequate measures to protect academic freedom and ensure all members of their community can experience a campus environment free from political constraints. Upholding the principle of academic freedom requires higher education institutions to address this, rather than waiting for heavy-handed government intervention.

Addressing the PRC's overseas impact is an opportunity to fundamentally strengthen the UK's institutions. But policy responses must start from a recognition of the differences between issues of national security, human rights and academic freedom, in order to avoid doing further harm to liberal democracy. Although widely cited as an example to follow, Australia's response illustrates many of the downsides of applying a singular national security lens to such issues: overbroad legislation; neglect of key rights protection issues; and alarmist discourse that fans anti-Chinese sentiments in the community.

This paper lays out a series of measures that government and universities should take to address the PRC's impact in a manner that avoids these pitfalls and reinforces core liberal democratic principles.

To address the most impactful PRC overseas political activities in a rights-oriented manner consistent with liberal democratic principles, the UK Government should:

1. Establish a Transnational Rights Protection Office (TRIPO) within the Equality and Human Rights Commission (EHRC)
2. enable Magnitsky-style penalties for transnational coercion
3. offset PRC influence in Chinese-language news
4. enhance China literacy among key elite groups.

To protect academic freedom in higher education, UK universities should:

1. Establish institutional point persons for academic freedom
2. ensure academic freedom is considered in due diligence processes for international partnerships
3. prohibit punitive or coercive disclosures of on-campus speech
4. enhance support services for international students
5. provide transparency in partnership agreements
6. recognise, reassess and offset any compromises to academic freedom by publicly affirming the principle and supporting at-risk scholars elsewhere.

Introduction

The extraordinary MI5 interference alert issued in January 2022 over lawyer Christine Lee's parliamentary lobbying and donations signalled that London's security services are paying close attention to the overseas political activities of the People's Republic of China (PRC) and its supporters.[1] However, while issues of foreign-sourced political donations and potential electoral interference pose evident risks to national security, evidence of significant PRC influence on high-level decision-making in the UK remains relatively limited. London's foreign policy has turned decisively against Beijing in recent years, and its alliance with Washington has remained a matter of bipartisan consensus – even through the turbulence of the Trump administration. Rather than national security, this paper argues that the PRC's greatest impact inside the UK has been on: a) curtailing basic political rights of members of the greater Chinese diaspora, and b) undermining academic freedom in higher education institutions.[2]

The PRC today, like many other authoritarian states, has the capacity to surveil, harass and threaten UK residents who advance critical viewpoints or are otherwise seen as threatening to the party-state. Chinese democracy and human rights campaigners have faced surveillance and infiltration for more than three decades, undermining the movement's cohesion and effectiveness.[3] In recent years, exiled Uyghurs have described widespread ongoing intimidation from PRC officials, often via digital platforms, including the threat that relatives in Xinjiang could wind up in the region's mass internment camps. Most concerningly, many members of targeted communities fear that seeking help from local authorities would place family members – or themselves – at even greater risk.[4] UK policymakers must address this situation as a matter of priority.

The PRC has affected the exercise of basic political rights by members of diaspora communities – including dissidents, overseas students, Uyghur and Tibetan exiles, Hong Kongers – in various other ways. Some local UK organisations have cancelled or refused to host events that tackle topics Beijing considers sensitive.[5] The party-state's financial and informational leverage over UK-based Chinese-language media, and its ability to censor news outlets hosted on PRC-based platforms, undermines readers' rights to reliable political information. A proliferation of PRC-aligned community groups claiming to represent 'the Chinese community' risks overshadowing the diversity of the diaspora. While the UK needs to affirm that expressions of pro-PRC views are legitimate exercises of democratic rights, on at least some occasions the party-state has helped organise counter-protests geared towards suppressing others' expression of political viewpoints.[6]

Higher education co-operation with the PRC is often beneficial – and in many cases may be essential to combating global challenges – but associated challenges to the academic freedom of staff, students and visitors have not yet been properly addressed. As UK institutions have built partnerships with PRC institutions and competed for market share in overseas education, legally enshrined principles of academic freedom have sometimes been eroded. For example, academic staff at joint partnership campuses in the PRC have complained of fetters on research and teaching, and researchers and teachers in PRC Government programmes may face the same, even when based in the UK.[7] More generally, many scholars are concerned about self-censorship and perceive a lack of support from their institutions in navigating such issues.[8] UK

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1 'MI5 accuses lawyer of trying to influence politicians on behalf of China' *Guardian*, January 13, 2022, theguardian.com/uk-news/2022/jan/13/chinese-national-trying-to-improperly-influence-politicians-says-mi5

2 For a detailed breakdown of different PRC overseas political activities, including consideration of the level of impact of each, see Andrew Chubb, *PRC Overseas Political Activities: Risk, Reaction and the Case of Australia* (London: Royal United Services Institute, 2021), Chapter 2

3 Jie Chen, *The Overseas Chinese Democracy Movement* (Cheltenham: Edward Elgar, 2019), pp. 58–60.

4 Index on Censorship, 'China's long arm: How Uyghurs are being silenced in Europe', 10 February 2022; Sophia Yan, 'Exclusive: China continues to harass exiles on British soil, claim victims', *Telegraph*, 16 August 2020.

5 Ben Quinn, 'Royal Court dropped Tibet play after advice from British Council,' *Guardian*, April 4, 2018; 'Flour power: Hong Kong protest-themed cake disqualified from UK baking contest,' *Guardian*, November 5, 2019.

6 House of Commons Foreign Affairs Committee, 'A cautious embrace: Defending democracy in an age of autocracies', HC 109, Second Report of Session 2019, 4 November 2019, p. 6.

7 'Academics speak out on rising tensions at UK–China branch campuses', *Times Higher Education*, 19 August 2021; 'Obstacles to excellence: Academic freedom and China's quest for world-class universities', Scholars at Risk, 24 September 2019, scholarsatrisk.org/resources/obstacles-to-excellence-academic-freedom-chinas-quest-for-world-class-universities

8 Tena Prelec, Saipira Furstenberg, John Heathershaw and Catarina Thomson, 'Is academic freedom at risk from internationalisation? Results from a 2020 survey of UK social scientists', *International Journal of Human Rights*, online 2022; Sheena Greitens and Rory Truex, 'Repressive experiences among China scholars: New evidence from survey data', *China Quarterly*, 242, 2020.

universities have not taken adequate steps to provide students, staff and visitors from all backgrounds with the opportunity to learn, research, talk and teach in an environment free from political constraints.

The issues raised by the PRC's overseas influence are not simply the result of China's authoritarian turn under Xi Jinping, and the PRC is by no means the only source of interference against such rights and freedoms in the UK. Many illiberal entities, ranging from local domestic pressure groups to other authoritarian states and their allies, pose challenges to liberal-democratic institutions. Each issue reflects general shortcomings in UK frameworks and practices, which have not yet been adapted to an era of dense cross-border communications and overlapping economic interests across regime types. Thus, policy responses to these issues should not be approached as national security 'countermeasures' against the PRC's influence. They should instead be taken as opportunities to fundamentally strengthen the UK's liberal democratic institutions in a period of general authoritarian advance.

But policy responses aimed at addressing the PRC's impact on the political environment in the UK can themselves end up undermining liberal democratic principles. Key to managing such risks is recognising the distinctions between issues of (1) national security, (2) human rights and (3) academic freedom. Australia's policy response to China's attempts to build political influence – commonly held up as an example to follow – in fact illustrates many of the drawbacks of approaching different sets of issues through a single national security lens. Avoidable consequences have included overreaching security legislation; alarmist public discourse and the fanning of anti-Chinese sentiments in the community; and the neglect of key human rights and civil liberties issues.[9] This paper lays out a series of measures that government and universities should take to address the PRC's impact in a manner that avoids these pitfalls and reinforces core liberal democratic principles.

Recommendations

For government

The UK Government is obliged to ensure individuals can exercise their fundamental rights such as freedom of speech, association and protest.[10] While direct harassment and intimidation on the basis of political beliefs is already illegal in Britain, numerous diaspora communities face surveillance and repression implemented from overseas.[11] Often, such transnational coercion is directed at the target's family members located outside the UK's borders. Government must enable the UK's human rights institutions to provide meaningful support to diaspora communities facing these issues; ensure the implementation of transnational

9 Chubb, *PRC Overseas Political Activities*, Chapter 3
10 Human Rights Act 1998.
11 Yan, "Exclusive: China continues to harass exiles on British soil"; Index on Censorship, *China's Long Arm*.

coercion against UK residents carries costs; offset the PRC's ability to shape the Chinese-language local information environment; and educate key elite groups to better understand the PRC and its relationship to the greater Chinese world.

1. Establish a Transnational Rights Protection Office in the Equality and Human Rights Commission

The Equality and Human Rights Commission (EHRC) has the task of promoting awareness, understanding and protection of human rights in the UK.[12] The EHRC lists the strategic goal of 'protecting people in the most vulnerable situations', and one of its key tasks is working to 'equip and support individuals to gain access to justice when they experience...a breach of their human rights'.[13] But the EHRC has not so far identified protection of targeted migrant and diaspora communities from coercion and harassment as a priority.

Establishing a Transnational Rights Protection Office (TRIPO) within the EHRC would directly mitigate the human rights impact of foreign states' interference. The new office should serve at least three core functions:

- Providing accessible, low-risk points of contact from whom individuals facing coercion can seek information, advice and support.
- Collecting data on the prevalence and type of transnational infringements against UK residents' political rights, as well as anti-Chinese racism and discrimination and other issues currently affecting human rights in diaspora communities.
- Supporting individuals, communities and vulnerable family members to access legal assistance, humanitarian visas and, in future, redress via targeted sanctions as outlined in the next section.

These functions align closely with existing activities of the EHRC and answer pressing needs. For example, no systematic data have yet been collected on the extent of transnational coercion experienced by particular groups in Britain. Uyghur exiles have been advised to report cases of PRC harassment and intimidation to police, but police services in the UK – as elsewhere in Europe – are currently ill-equipped to investigate such cases.[14]

It is important to underscore that many members of vulnerable communities fear that contacting police or national security agencies will bring further risks to their family and themselves. It is vital, then, to clearly locate the TRIPO within UK's key rights protection institution. An office within the EHRC – together with its network of associated legal professionals – would offer points of contact that are both more capable of providing direct support and less risky to make contact with for those concerned about transnational coercion.

12 Section 3 and Section 9, Equalities Act 2006.
13 'Strategic plan 2019–2022', EHRC, June 2019, p. 20.
14 Index on Censorship, 'China's long arm', pp. 13–14.

2. Magnitsky-style penalties for transnational coercion

Transnational interference with the exercise of political rights of people in the UK often occurs from offshore via communications platforms, or against the families of the target. Where acts of coercion are committed outside UK jurisdiction, Magnitsky-style targeted sanctions should apply to ensure such acts are not costless.[15] Foreign officials or agents shown to have directed or implemented coercive acts against the exercise of political freedoms in the UK should be disqualified from entering or investing within the country's borders. Against the backdrop of rising US–China tensions, which is likely to impact on PRC officials' access to the US, the potential deterrent effect of such measures if introduced in other liberal democracies has increased. The specific intent behind such policies – rights protection – should be clearly communicated through diplomatic channels.

Government should ensure the full range of modern techniques of coercion is prohibited under the law, and that legal protections extend to citizens and non-citizens alike.[16] It is vital, too, that legislative protections are communicated effectively to culturally and linguistically diverse communities via multilingual websites, community outreach and clear contact points. The TRIPO, as outlined above, could provide key information and an evidence base for such measures. Short of imposing such sanctions, the government should issue formal diplomatic protests against documented cases of transnational coercion against people located in the UK.

3. Offset PRC influence in political information

Readers of Chinese-language news in the UK face an impoverished political information environment. On one hand, content on the most popular online platforms such as WeChat is vulnerable to PRC censorship, and long-established Chinese-language media in the UK have become increasingly reliant for content on partnerships with Chinese Communist Party (CCP) propaganda organs.[17] The BBC's Chinese site currently provides only a trickle of UK news – around one article per day, on average – leaving readers with few alternatives besides far-right Falun Gong-affiliated media. Government should, first of all, provide funding for independent Chinese-language journalism commensurate with the size of the diaspora population. This could be delivered by introducing or expanding the Chinese-language services of existing media catering to local diaspora communities.

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There is no obvious way to eliminate the risk of media organisations' content being censored when shared over PRC-based platforms, notably WeChat and TikTok. Banning such platforms outright, meanwhile, would violate democratic principles and generate disproportionate effects on diaspora communities. However, media regulations could mitigate the impact of censorship by requiring local mainstream news outlets present on foreign platforms to inform their audiences when censorship has occurred, and to maintain a publicly accessible depository of such content. This would serve to uphold principles of transparency, and potentially enable increased attention to flow towards the issues missing from the censored information supply.

4. Enhance China literacy of key groups

Experts have consistently urged public investment in programmes to grow China literacy – both linguistic and intellectual – among key elite groups such as public servants, MPs, business leaders and university management.[18] The PRC's new-found political, military and economic heft have made this a matter of urgency, not only to underpin sound policymaking, but also to ensure elites understand the complex transnational issues facing many of their constituents, clients and fellow citizens in the UK. In the short term, liberal democracies like the UK need to expand and maintain rolling programmes of executive education aimed at boosting the overall level of understanding of China among such groups.

Cultivating China literacy requires raising awareness not only of the CCP's institutions, ideas, policies and strategies, but also of mainland China's place within the broader Chinese world that includes Hong Kong, Taiwan and Chinese diaspora communities around

15 The UK imposed such sanctions against four individual Chinese Government officials over human rights violations in Xinjiang in March 2021, resulting in travel bans and asset freezes.

16 Australia's 2018 Espionage and Foreign Interference Act outlawed coercion via threats to a person's relatives in another country, financial punishment, visa denial, and suppressive counter-protests (Article 92.2). However, the law only outlawed such conduct insofar as it interfered with the rights of Australians – a status that many of the most vulnerable targets, such as recent migrants or refugees, do not have. *EFI Law*, Explanatory Memorandum, pp. 92, 163, 169.

17 Emily Feng, 'China and the world: How Beijing spreads the message', *Financial Times*, 12 July 2018.

18 Charles Parton, 'China watching in the new era: A guide', *Sinocism*, 1 February 2022.

the world.[19] Despite Xi Jinping's strongman rule in the PRC, China remains enormously complex, with abundant contradictions and uncertainties regarding its future direction. China literacy therefore should not be approached as a training exercise to transfer facts about the country or the 'nature' of the regime. The goal should instead be to cultivate participants' ability to critically engage with ongoing issues and debates concerning China and its role in the world.

For universities

UK law and international conventions require higher education institutions to provide an environment of academic freedom for staff, students and visitors.[20] Upholding this obligation in the context of a more powerful and assertive Beijing, while continuing to pursue the benefits of internationalisation in higher education, will require measures to properly support members of university communities; give consideration to academic freedom in due diligence and risk management procedures; and recognise, reassess and offset any compromises.

Some universities may be reluctant to act upon, or publicly advocate, principles with which important international partners disagree. However, institutions can seek safety in numbers by acting collectively – for example, by endorsing voluntary codes of conduct laying out basic country-agnostic principles and good practices in internationalisation.[21] With an increasingly febrile domestic political discourse on China-related issues, addressing these issues is a reputational imperative for universities as they continue to pursue ties with the PRC. It will also help avoid heavy-handed government intervention that would undermine the institutional autonomy upon which academic freedom depends.

1. Point person for academic freedom

Universities should each establish a clear and well-advertised point of contact from whom staff and students can seek support on issues of academic freedom.[22] General responsibilities of such point persons, referred to here as Academic Freedom Officers (AFOs), should include:

- Collecting reports on challenges to academic freedom from all sources – home governments, foreign states, domestic donors, students, etc – and providing annual reporting on such challenges.

19 Geremie Barmé, 'What is New Sinology?', *China Heritage*, undated, chinaheritage.net/reader/what-is-new-sinology, accessed 22 March 2021.
20 Section 202, Education Reform Act 1988; 'Recommendation concerning the status of higher-education teaching personnel', UNESCO, Paris, 11 November 1997, portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html
21 Academic Freedom and Internationalisation Working Group (AFIWG), 'Model Code of Conduct: Protection of academic freedom and the academic community in the context of the internationalisation of the UK HE sector', November 2021, hrc.sas.ac.uk/networks/academic-freedom-and-internationalisation-working-group/model-code-conduct
22 See Article 9, AFIWG, 'Model Code of Conduct'.

- Delivering practical advice to staff and students with concerns about academic freedom in the university environment and in the field.
- Providing expert input to university management on managing challenges to academic freedom, both domestically and in their international engagements.
- Overseeing support programmes for visiting scholars and incoming students from countries where principles of academic freedom are not recognised.[23]

The office should be accessible, prominently advertised and explained in university orientation materials. Establishing AFOs at the institutional level would offer a much more flexible and effective solution than a national ombudsperson, as controversially proposed in the government's 2021 *Higher Education (Freedom of Speech) Bill*.[24]

University AFOs should be equipped to provide specialised support to scholars researching sensitive topics.[25] Surveys have found that a significant minority of China-focused academics face risks of repression in the conduct of their study, and many do not feel they can obtain support from their institutions in dealing with the PRC Government.[26] AFOs could also share experiences across institutions and develop collective responses and representations, leveraging safety in numbers against financial vulnerability.

2. Include academic freedom in due diligence processes

Universities must ensure risks to academic freedom are given explicit acknowledgement and consideration in due diligence processes and risk assessments for international partnerships and collaborative projects.[27] Doing so does not imply the automatic abandonment of any collaborative project where such risks are identified, but rather implies recognition of the risks, identification of mitigation measures, justification of why the benefits still outweigh the downsides, and actions to offset any compromises (see below).

The process need not be onerous or costly. Numerous existing public resources provide accessible indicators of academic freedom around the world, such as the Academic Freedom Index developed by a Berlin-based think tank.[28] Senior management should also leverage the expertise of the country specialists among their own staff in assessing and navigating such challenges.[29] AFOs, too, could help conduct preliminary assessments and identify relevant specialist staff for consultation.

3. Ensure punitive and coercive disclosures are prohibited in classrooms

Within UK universities, staff and students have expressed concern that their words and actions could be reported to PRC authorities, risking punishment to them or their family members in China. Although the prevalence of such practices is not known, such fears are highly impactful, and highly impactful on the academic environment for those affected.[30] The PRC is by no means the only source of such concerns: many authoritarian countries attempt to monitor and police the political activities of students and staff abroad.[31] Universities must ensure that punitive and coercive disclosures – the reporting of lawful comments or activities in a manner likely to place any person at risk of coercion or punishment – are expressly prohibited in codes of conduct and course outlines.

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23 As suggested in European Commission, *Tackling R&I Foreign Interference*, January 2022, p. 3.
24 Section 9, Higher Education (Freedom of Speech) Bill.
25 European Commission, *Tackling*, p. 28.
26 Greitens and Truex, 'Repressive Experiences', p. 20.
27 European Commission, *Tackling*, pp. 26–27.
28 The Index can be accessed freely at: gppi.net/2021/03/11/free-universities
29 John Heathershaw, Andreas Fulda and Andrew Chubb, 'Vice-Chancellors should welcome staff participation in the governance of their university's international partnerships', LSE Impact blog, 1 October 2021.
30 See '"They don't understand the fear we have" How China's long reach of repression undermines academic freedom at Australia's universities', Human Rights Watch, June 2021.
31 John Heathershaw, 'Dictators beyond borders? Authoritarian challenges to the integrity of professional services, the protection of refugees, and academic freedom in the UK', written evidence to House of Commons Foreign Affairs Committee, 23 July 2019, data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Foreign-Affairs/Autocracies-and-UK-Foreign-Policy/Written/105181.html, accessed 2 April 2021; 'Oral evidence: Autocracies and UK foreign policy', HC 1948, 5 June 2019, data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/foreign-affairs-committee/autocracies-and-uk-foreign-policy/oral/102827.pdf; Saipira Furstenberg et al., 'The internationalization of universities and the repression of academic freedom', Freedom House, 2020.

The Chatham House Rule of non-attribution of remarks made in specified settings offers a simple model that universities and academics can draw upon.[32] Prohibitions will not guarantee that such disclosures never occur, but an express prohibition could reduce their incidence. The most important function of such standard language would be to reassure all students and staff of their right to an academic environment free from the threat of harmful disclosure, and the availability of expert assistance for those with such concerns.

4. Enhance support services for international students

Inadequate specialised support and pastoral care for international students has left many PRC international students with little choice but to rely on PRC embassy-affiliated Chinese students and scholars associations (CSSAs) for social support and activities. In some cases, universities have outsourced various orientation and induction functions to CSSAs. Given the Xi-era party-state's strengthened emphasis on political work among overseas students, reliance on state-affiliated organisations is increasingly a source of constraint on academic freedom.[33] Higher education providers generate significant income from international student fees, and should set aside an agreed proportion of this revenue stream to ensure the institution provides full-spectrum support services that account for the particular challenges international students may face in areas such as cultural differences, language abilities and mental health, as well as political issues.[34]

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Specific student support initiatives might include:

- **Language-capable staff and guidance for accessing student welfare and academic support services, including referrals to points of contact in key offices such as student unions and faculty support offices.**
- **Introduction of programmes facilitating greater interaction between international and local students.**
- **Increased campus security, where necessary, to ensure free speech for all sides when contending political mobilisations occur.**
- **Making key orientation content available in overseas students' first language, particularly on subjects such as academic culture, the place of universities in liberal democracy, campus politics, local laws and key university policies, including those regarding academic freedom.**

Aside from potential enhancements to academic freedom, providing such specialist support services would elevate the quality of the university experience for international students, reduce isolation and alienation, and boost the reputation of institutions individually and collectively in the international education market.

5. Transparency in partnership agreements

Partnerships between universities and foreign institutions can bring significant benefits to universities and the broader community. The PRC's much-criticised Confucius Institutes (CIs), for example, often bring increased opportunities for Chinese language learning to areas in which they operate. However, opaque contractual arrangements between universities and foreign partners – especially governments – threaten academic freedom by precluding faculty involvement in assessment of the nature and severity of risks. They also generate reputational risks to the university by inviting speculation as to their possible content. Significant contractual arrangements should be made public and their activities should be subject to normal faculty oversight.

Most CIs have focused on language training and cultural activities. However, in some cases CIs have been involved in the teaching of courses on contemporary China. This presents major risks to

32 Example wording: 'Disclosure of classroom speech: UK law and international conventions require universities to maintain an environment of academic freedom for all members of the university community. Accordingly, disclosure of another person's lawful speech or activity that would place any other person at risk of harm will be treated as misconduct, for which penalties ranging up to expulsion may apply. Any person with concerns over potential harmful disclosures should consult the course convenor [and other relevant institutional contacts].'

33 See Article 18, 'CCP United Front Work Regulations [中国共产党统一战线工作条例]', Chinese Communist Party Central Committee, 5 January 2021; and Article 14, 'CCP Ministry of Education Party Committee Opinion on Implementation of the Thoroughgoing Rollout of Patriotic Education [中共教育部党组关于教育系统深入开展爱国主义教育的实施意见]', Chinese Communist Party Committee of the Ministry of Education, 19 January 2016.

34 Diarmuid Cooney-O'Donoghue, 'Rising to the challenge of teaching Chinese students', *The China Story*, 23 May 2020.

academic freedom as well as educational standards, as PRC laws and norms may preclude CIs from presenting a comprehensive picture of the PRC that includes important aspects such as elite politics, human rights, social problems, ethnic relations and territorial claims including Taiwan. CIs should not be organisationally involved in university teaching beyond language classes.[35]

6. Recognise, reassess and offset compromises to academic freedom

Broad-ranging co-operation and partnerships with institutions in China – and many other non-liberal countries – often entail compromises to principles of academic freedom. Joint campuses in mainland China and CIs in the UK are likely to involve such compromises as staff located or employed in China may be governed by PRC law and/or party-state discipline procedures. Graduate scholarships and visiting scholar programmes may have strings attached, requiring participants to return home to work after completing their studies, making it risky for them to study topics considered politically sensitive. It is crucial for UK universities to frankly recognise any compromises they make to principles of academic freedom if they remain engaged in such co-operation. Such recognition should lead either to a reconsideration of the partnership, or an effort to offset the compromises made.

One way to offset such compromises is to make regular public reaffirmations of commitment to principles of academic freedom, even – or especially – if their partners may not share them. Doing so not only promotes institutional integrity, but also manages reputation risk. As international political tensions have increased, particularly with China, media and politicians have abundant material and motivation for criticising universities' international partnerships and collaborations. Restating commitments to principles of academic freedom pre-empts criticism that the university is unwilling to speak in favour of its core principles. Such statements could be co-ordinated across universities, for example by signing up to the Model Code of Conduct for Internationalisation drafted by UK academics.[36]

Another way universities can offset any compromises is by supporting programmes that advance academic freedom in other places. One example is the fellowship programme for scholars at risk run by the esteemed Council for At-Risk Academics.[37]

35 Robert Kapp et al., 'The debate over Confucius Institutes', ChinaFile, 23 July 2014.
36 AFIWG, 'Model Code of Conduct'.
37 Cara (the Council for At-Risk Academics), cara.ngo/what-we-do

Conclusion

This paper has argued that, to date, the PRC's greatest impact on politics inside the UK has been in curtailing the political rights of members of the overseas Chinese and PRC émigré communities, and academic freedom in higher education, rather than on national security decision-making. The measures outlined above indicate how government and universities can begin to address these impacts in a generalised, country-neutral manner that stands to help other communities facing similar issues, and that strengthens liberal democratic principles and institutions more broadly.

The PRC's practices – and technology – will continue to evolve, and with the UK's domestic politics of China policy increasingly fraught amid escalating geopolitical tensions, these issues are likely to remain in the public spotlight for the foreseeable future. In this context, it is crucial that policy responses are measured, methodical and matched to specific problems. Robust debate on China policy – especially the thorny issue of the PRC's political influence activities – is a necessary precondition for addressing these issues. However, such debates themselves carry risks. In Australia, alarmist, over-securitised narratives linking the diverse issues discussed above into an overarching national security threat from 'Chinese influence' have fanned ethnically based suspicions and recast the victims of the PRC's transnational coercion as security threat vectors.[38]

Choices of language affect the design and consequences of policy solutions. Besides avoiding the inflammatory, racialised term 'Chinese influence' as a shorthand for this complex and diverse series of issues, politicians, commentators and media should take care to use accurate language. For example, 'agents' should refer to people acting with the party-state's material support or direction, not merely in support of it; 'influence' should refer to actual effects, not attempts to exert influence; 'operations' (or 'influence operations') should refer to organised, co-ordinated actions, not individual or spontaneous ones; 'infiltration' and 'covert' should not be used to describe activities that are, in fact, conducted openly. Finally, PRC United Front activity should be distinguished from spying: Christine Lee, the lawyer at the centre of MI5's interference alert, was accused of lobbying covertly on behalf of Beijing's United Front Work Department, not acting as a Chinese spy, as many headlines and politicians proclaimed.[39]

The issues discussed in this policy paper are complex and diverse, but not intractable. In discussing, formulating and pushing for policy responses aimed at countering the PRC's overseas political influence, it is crucial to address each issue on its merits. By recognising the differences between issues of national security, human rights and academic freedom and assessing each of these issues in a targeted manner, the UK will be better placed to address these aspects of PRC influence and mitigate the risks inherent in responding.

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38 See the Foreign Interference sections of the Australian Security Intelligence Organisation's annual reports to parliament, which since 2008 have frequently alluded to national security threats from diaspora members coerced into acting as agents of foreign intelligence.

39 'Pictured: Husband of Beijing spy Christine Lee who was named in MI5 security alert is spotted near their £1M home in gated Solihull estate... but she has not been seen since 'threat to democracy' claims emerged', *Daily Mail,* January 16 2022, dailymail.co.uk/news/article-10408135/Pictured-Husband-Beijing-spy-Christine-Lee-named-MI5-security-alert-spotted-near-1M-home.html; 'Chinese spy Christine Lee operated out in the open, damaging trust and creating an atmosphere of paranoia', *Sky News*, January 14 2022, news.sky.com/story/chinese-spy-christine-lee-operated-out-in-the-open-damaging-trust-and-creating-an-atmosphere-of-paranoia-12515444; 'Christine Lee: the Chinese spy with links to a Labour MP', *The Week*, January 14 2022, theweek.co.uk/news/world-news/955417/who-is-christine-lee-chinese-spy-links-labour-mp

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