



China and Africa: Human Rights Perspective

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Abstract

At the turn of the twenty-first century, China emerged as a major player in Africa's international relations. This emergence has attracted a lot of attention in literature on what it portends for Africa. Studies have pointed that China's involvement in Africa undermines human rights. Of important note was China's support for the Sudanese government even in the face of human rights abuses; its unconditional aid to Angola, that has helped the government to shun accountability and transparency; its support for inhuman practices meted to the citizens of Zimbabwe by the government, among others. Against this background, this paper seeks to examine, in detail, current China-Africa relations from the human rights perspective. It intends to explore China and human rights in Africa and China's stance on human rights issues. Another important aspect that is mostly ignored in literature is non-classification of those rights that China undermines in Africa. Is it civil and political rights, economic rights or both? This paper seeks to analyse all these in a bid to provide answers.

Key Words: China, Africa, human rights, civil and political rights, economic rights

Résumé

Au début du XXI^e siècle, la Chine est devenue un acteur de premier plan dans les relations internationales de l'Afrique. Cette émergence a fait l'objet de beaucoup d'attention dans la littérature quant à ce qu'elle laisse présager pour l'Afrique. Des études ont souligné que l'engagement de la Chine en Afrique portait atteinte aux droits de l'homme. On notera entre autres le soutien de la Chine au gouvernement soudanais même face aux violations des droits humains, son aide inconditionnelle à l'Angola qui a permis au gouvernement d'esquiver la redevabilité et la transparence ; son soutien aux pratiques inhumaines infligées aux citoyens zimbabwéens par le gouvernement. Dans

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un tel contexte, le présent article se propose d'examiner plus en détail les relations sino-africaines actuelles du point de vue des droits humains. Il s'agit d'analyser la Chine et les droits de l'homme en Afrique, ainsi que la position de la Chine sur les questions des droits humains. L'autre aspect important qui est généralement ignoré dans la littérature, c'est la non-classification de ces droits auxquels la Chine porte atteinte en Afrique. S'agit-il de droits civiques et politiques, de droits économiques ou des deux à la fois ? Le présent article se propose d'examiner toutes ces questions en vue d'apporter des réponses.

Mots clés : Chine, Afrique, droits humains, droits civiques et politiques, droits économiques

Introduction

It is evident that the contemporary international system is characterized by a high degree of interdependence, especially in the economic sphere. Today, unlike in the 19th century system, states are no longer self-sufficient and impermeable entities. Given the decision of the Arab petroleum exporting countries to impose an oil embargo on the West in 1973, the world became alive to the terms 'dependence and interdependence.'¹ The 1970s oil embargo made it clear to nations and states around the world that politics was really economics. Clearly, in the contemporary international system, it is almost impossible for any state to embark upon a policy of economic isolation.

Thus, with the emergence of an international political economy, one can now talk about an international economy or international economic relations that cut across all the continents of the world. Within the international economic system, the comparative strength of countries becomes visible. States, especially those referred to as Third World Countries (for example, African countries), are producers of raw materials which they sell to the advanced countries in the North and then procure a greater proportion of their manufactured goods and share in the advanced/new technologies from the developed economies in the North. Today, emerging economies such as China, India, Brazil et cetera are already joining the train of developed economies in the North to source raw materials in Africa in exchange for new technologies and manufactured goods. The interdependent nature of the contemporary international economic system means that neither the developed, emerging or developing economies can go it alone.

One of the major noticeable changes that have taken place in the twenty first century international system is the ongoing economic shift. The contemporary shift in the economic power from North to East, with the emergence of new economic powers such as China, is noteworthy. With the economic reform that the People's Republic of China (PRC) started in

1978, the Chinese economy began to witness positive economic growth in the 1990s. Since the 1990s, the Chinese economy has been experiencing remarkable expansion, growing between 8 and 9 per cent annually. China has become the manufacturing centre of the world, and its industries are increasingly sourcing raw materials and resources to sustain economic growth. China is suffering from what Corkin called ‘industrial over-production and market saturation’ (Corkin 2006) in many sectors. Africa has become of great interest to China. Sustaining its meteoric economic rise means that China has to ensure a continuing and sustainable supply of a wide range of natural resources, chief amongst them being oil. China is the second largest consumer of oil in the world, behind only the United States, and ‘it has recently overtaken the United States as the world’s largest net importer of oil’ (The Economist accessed 2013). Aside from Africa’s large market where Chinese-manufactured goods are increasingly penetrating and finding patronage, Africa’s crude oil-producing countries such as Angola, Sudan, Nigeria etc. are now China’s important trade partners. Africa already provides more than 30 per cent of China’s oil. Angola alone supplies 50 per cent of China’s oil in Africa (the largest supplier of crude oil to China in Africa). China’s insistence on a win-win co-operation and non-interference in internal affairs of African states seems to be paving the way for China all over Africa. China to a large extent is already gaining ground with its firms investing in almost all sectors (extractive, manufacturing, agriculture etc) in Africa. China’s aid tied to infrastructural investment is a major source of attraction for Africa. With the dilapidated infrastructure in most African countries ravaged either by war (for example Angola, Sudan) or regime instability via military takeover (for example Nigeria), cheap Chinese labour, unconditional aid and sophisticated technologies are being increasingly looked for. China is the largest investor in the Sudanese oil sector. According to Frynas and Paulo, it is in Sudan that China has the largest international investment in the oil sector (Frynas and Paulo 2007). China’s oil for an infrastructure deal in Angola is helping the Angolan government rebuild its infrastructure after many years of civil war. In Nigeria, the Chinese firm China Civil Engineering Construction Company (CCECC) is currently constructing the Abuja rail project, with a loan of \$600 million from China Exim Bank. Chinese are seen all over Africa from constructing projects, manufacturing, trading (retailing and wholesaling) to agricultural development, among others. Indeed, China’s ‘incursion’ or penetration into the African market (both urban and rural) and into African states that are both democratic and undemocratic is evident, and has garnered attention in literature.

As with all international political interactions, economic interaction among states ranges from conflicts to cooperation, criticisms to praise as

well as approval to disapproval, because wealth is an important goal of states in international politics and the pursuit of wealth in the presence of scarce resources could lead to conflict or disapproval especially over access to markets, the control of raw materials and the means of accessing those raw materials and resources. Such conflict or disapproval is often linked to conflict or disapproval over power and sovereignty. Perhaps the most significant concept behind that of power and sovereignty is national interest. However, sometimes many international economic interactions have a high level of cooperation. Many states share the goals of a stable monetary system, expanding trade relations and rising production although they differ over the means of achieving these ends. Some states favour fixed exchange rates whereas others prefer a floating rate. Some advocate tariff reductions on textiles whereas others forcefully oppose them. Some consider multinational cooperation to be a vital road to economic growth whereas others believe that they perpetuate underdevelopment.

Also, in the contemporary international system, some states opt for and advocate democratic principles while some are indifferent or are more inclined towards economic development as the basis for achieving democracy and human rights. The fact remains that all these states' aspirations and quests in international relations revolve around the national interest ideology. Beijing foreign policy cannot be separated from its national interest (mostly economic security). National interest has been the *raison d'état* (reason of the state) in the first instance in the international system. At its operational level,² national interest is primarily a state's actions in relation to other states where it seeks to gain advantages or benefits for itself (which could be zero-sum or 'win-win' if possible). In pursuance of national interests, states have applied different strategies and means (involving both carrots and sticks), followed with different perceptions - approvals as well as criticisms by other states. While some states may perceive the activities of other states as desirable, others may become apprehensive, especially in the rise of 'challengers' to the dominant powers. China is indeed a rising economic power, and in the view of power transition theory, rising powers are seen as 'challengers' and are bound to attract attention (good or bad).

Indeed, in China's economic emergence and contemporary engagement in Africa, different views have emerged. In other words, lots of concerns have been raised regarding China's contemporary engagement with Africa. One dominant issue that continues to resurface in the majority of these studies (especially from the West) is human rights. For instance, Western officials and human rights organizations express alarm at China's willingness to invest in countries with questionable human rights records (Hanson accessed 2010).

Its non-interference policy that ignores human rights in Africa, particularly in countries like Sudan, Angola and Zimbabwe, has fuelled such criticisms. China's principle of non-interference in the domestic affairs of other states is disparaged as an irresponsible 'see no evil' approach which is bound to undermine human rights in Africa and European efforts to promote these values as, for example, in Darfur and Zimbabwe (Tull 2006). For instance, China's support and non-interference policy were said to have 'emboldened Sudan and undermined international efforts to stop the then continuing atrocities in Darfur' (Wang 2006). China's 'unconditional aid' is considered to serve as a carrot for the dysfunctional government in Angola (Hodel no date). Until now, the Sudanese government repression and abuses of its citizens in Darfur has continued because of the assertion that the Chinese have given their blessing. In another vein, Angola's refusal to demonstrate any form of accountability and transparency in regards to revenue from oil, has been attributed to China's support and aid to the government. In Zimbabwe, the story is not different. Robert Mugabe's crackdown on its citizens and shunning of sanctions from the West were believed to be as a result of 'go-ahead' backing from China. Thus, Mugabe's adoption of the 'look east policy' became good evidence to pin China down for its defence of the government.

However, the criticisms levelled against China have drawn the attention of the Chinese government to explain its stance on addressing human rights issues in other countries. China has emphasized their commitment to the principle of non-interference in the internal affairs of other countries as a key tenet of its foreign policy. China's principle of non-interference, enunciated since 1954 in relation with India, and brought forward to the Bandung Conference of 1955, and later in Africa during the Chinese Leader, Premier Zhou Enlai's first visit to Africa, has been consistently repeated in China's relations with Africa. What this principle simply means is that China does not 'poke-nose' into the internal affairs or politics of other states, but 'minds its business'. In this regard, China perceives human rights as one thing that should not disregard the issue of national sovereignty. Chinese officials have repeatedly argued that attempts by other countries to link positions on democracy and human rights to economic assistance/co-operation violates the rights of sovereign countries (Baseda et al. 2008).

China's argument seemed to have resonated well with Africa. For most African countries that seem to be more concerned with getting rid of Western interference in their domestic issues and preserving national sovereignty, China seems to be an alternative to the Western economic prescriptions that are marred by aid conditions and the unnecessary foreign interference that seem to continuously disrupt their national sovereignty (Mutasa no date). Moreover, 'most African governments are neither troubled by China's human

rights record nor its human rights policy towards Africa' (Shinn 2006). Africa has consistently supported China at the United Nations Human Rights Commission Summit whenever issues of China's disregard for human rights are tabled for sanctions. Over the past decade, human rights proposals against China were defeated 11 times at the United Nations with Africa's support (Li 2007). When it comes to joint resistance to criticism from the international community of the human rights situation in China and Africa, China and some African dictatorships have formed alliances of interests (He 2009). China has also 'joined forces with the so-called Like Minded Groups, which include governments such as Cuba, Iran, Syria, India and Pakistan' (Beacquelin and Chan 2002), in defence of human rights issues concerning them in the United Nations Human Rights Commission. African countries with the worst human rights records welcome Chinese non-involvement in their affairs and seek Chinese support in the UN Security Council and UN Human Rights Council, where China and thirteen African countries are members. There exists reciprocal support between China and Africa. Most African countries on the Human Rights Council are reluctant to criticize China's human rights record (Shinn 2006). China's insistence that other human rights, such as the right to food, shelter and development (second generation human rights) are actually more important than so-called first generation human rights (freedom of expression, right to vote etc.), find a ready and supportive audience amongst African leaders whose countries battle with underdevelopment and poverty (Schoeman 2007). Among Africa's rulers who are physically and intellectually exhausted by two decades of economic reform supposedly adopted by African government but driven by Western governments, donors and the IFIs, China represents hope that another world is possible in which bread comes before the freedom to vote (Ndubisi 2007).

China to a larger extent is receiving a welcome in Africa. At the first ever Forum on China-Africa Cooperation in 2000 organised by China in Beijing, almost 50 African government officials were present. African leaders welcomed this FOCAC initiative from China, as shown by their attendance. This forum now convenes every three years, alternated between China and Africa (2003 FOCAC in Addis Ababa; 2006 in Beijing; 2009 in Egypt; 2012 in Beijing; and upcoming 2015 to be held in South Africa). Wenran Jiang, a political scientist from the University of Alberta, while referring to the November 2006 FOCAC in Beijing, commented that 'no major power had accomplished what China, a developing country with big power ambitions had done that month; to bring 48 out of 53 African heads of state to Beijing for a conclave on trade and economic cooperation. I do not see any parallel in history; the US never did this, nor did Russia...symbolically, this is very, very big event.'

(Chege in Cooke no date). African leaders are increasingly treating China like a great power on the continent (Eisenman and Kurlantzick 2006). For instance, during a banquet honouring the visiting Chinese President Hu Jintao in April 2006, former Nigerian President Olusegun Obasanjo while addressing the Chinese President and his entourage stated, ‘We want China to lead the world, and when China is leading the world we will be right behind you’. In fact, in May 2005, on the occasion of the 25th anniversary of the independence of Zimbabwe, President Robert Mugabe made a clear statement to this effect: ‘We are looking to the East where the sun rises, and have turned our backs on the West where the sun sets’ (Hilsum 2005).

China seems to be appealing to African countries mainly because of its different approach from Africa’s traditional partners. As Thompson stated, ‘Beijing’s consistent respect for other nations’ sovereignty and steadfast refusal to criticize or involve itself in the internal affairs of African nations earns it the respect of leaders and elites who have benefited from poor governance and opaque political systems and are reluctant to implement painful economic or political reforms demanded by the West (Thompson 2005). In other words, China provides an alternative to the West’s long procedural routine for development assistance sourced by African countries. China has been portrayed as a ‘practical and unconditional friend’ that is acting as a catalyst for Africa’s development, through its transfer of technology and direct investment. The perception is that ‘China offers the African continent a new source of capitals and investments, a partner other than the former colonial powers, especially France, the United Kingdom and the US (Kwesi and Lecoutre 2009). In the words of Nigerian Finance Minister, Ngozi Okonjo-Iweala, ‘China has evolved a successful wealth creation formula that it is willing to share with African countries’ (Hanson 2006). Apparently, many Africans are disenchanted with Western neo-liberalism and plausibly regard the PRC as an alternative, based on the experiences and needs it shares with Africa (Sautman 2007).

Indeed, these arguments and counter-arguments on China and Africa have been ongoing, prompting this study to examine in details the issue of human rights in China’s contemporary engagement with Africa. A number of issues are examined in this paper. These are: China in Africa, and contending human rights issues. This study also made a classification of rights to ascertain the rights that China undermines in Africa. Is it civil and political rights? Is it economic rights? Or does China undermine both rights? These are all expatiated below.

This paper is divided into six parts. Section 1 introduces and provides a general framework to the paper. Section 2 examined the concept of human

rights and its varied notions, with reference to China and the Western countries' stance. Section 3 gives a brief overview of the state of human rights in China. Section 4 examines China in Africa, and human rights issues. Section 5 examines the aspect of human rights (civil and political rights or economic rights) which China undermines in Africa. Section 6 draws the conclusion from the data gathered from the preceding sections.

The Concept of Human Rights

The concept of human rights is grounded on the idea that men and women have rights simply because they are human. Until the Second World War, the protection of human rights was seen as a sovereign prerogative of state and not an international concern. The atrocities of the Second World War were what changed that original belief. The globalization of human rights began when the world was awakened to the crimes committed under one government (Hitler), and the need for a more universal system of accountability and responsibility (Bigambo accessed 2011).

At present, the argument is that individuals should not be left at the mercy of a domestic legal system; that more protection should be accorded to individuals when states tend to abuse their rights. This was the justification for the creation of the United Nations and enactment of the international regime of universal human rights. Thus, the starting point of universality of rights is found in the 1948 Universal Declaration of Human Rights (UDHR) which member states in the United Nations subscribe to. Its preamble presented itself as 'a common standard of achievement for all peoples and nations.' Article 1 of the Declaration says 'that all human beings are born free and equal in dignity and rights'. The Universal Declaration defines human rights as universal, inalienable and indivisible. According to the document, universality of human rights means that human rights apply to every single person by virtue of their humanity; it applies to everyone equally, for everyone is equal in simply being human. The inalienability of human rights means that it is impossible for anyone to abdicate his/her human rights and no person or group of persons can take away or deprive another individual of his or her human rights. The indivisibility of human rights means that human rights are inter-related and interdependent; no right is considered to be more important than the other. The Universal Declaration is regarded as the cornerstone of the international human rights system. From it grew the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR) and other international instruments on the protection of human rights. The Covenant on Civil and Political Rights and the Covenant on

Economic, Social and Cultural Rights contained what is usually called ‘core rights’ meaning ‘they are indispensable for an existence in human dignity and therefore need absolute protection’ (Baehr 1999).

The idea of the universality of rights has gained prominence in the circle of international relations and its proponents and supporters are now known as Universalists. Universalism holds that there is an underlying human unity which entitles all individuals, regardless of their cultural or regional antecedents, to certain basic rights, known as human rights. Traditionally, Universalists have based their support for universal human rights on the theory of natural law, the theory of rationalism, and the theory of positivism. The natural law theory bases its argument on the fact ‘that individuals have certain inalienable rights of the highest order granted to all individuals by God or Providence and that human-made laws are just only insofar as they do not conflict with the eternal natural laws governing the universe’ (Weinreb 1987). Rationalism is of the idea that that human rights are held by each human being, in an individual capacity, due to the universal capacity of all humans to think rationally. Rationalists have a belief in the universal human capacity to reason and think rationally (Donnelly 1989). Both rationalism and natural law theory take the form of claims that universal human rights exist independent of culture, ideology, or value systems. Rationalist approach has been disputed especially by cultural relativists arguing that rationalism is merely a reflection of Western culture and it therefore fails to reflect the diversity of human experience. The argument of the theory of positivism is based on the international law and treaties signed by states as justification for universal human rights. Donnelly reinforces the universal validity of human rights by demonstrating that it is increasingly the practice of states to accept human rights, through ratification of international instruments (*ibid*). Positivism justifies the existence of universal human rights by noting the worldwide acceptance and ratification of human rights instruments. To the positivists, ‘universal human rights norms have been created and are embodied in the international treaties and customary international law’ (Higgins 1994). They observe that the source of human rights lies not in individual cultures but rather in international law which gave rise to the idea of universal rights. Positivists have been criticized on the grounds that its legal justification for universal rights is done primarily for individuals living in modern nation-states and fails to justify universal rights for indigenous peoples, many of whom were forcefully annexed into modern states and many of whom deny that modern states have a moral or legal authority to represent them in the international arena. Overall, the Universalist approach to human rights contends that one can use nature-God, reason or law to justify basic rights, inherent to every human.

Although the universality of human rights is still widely accepted by many nations, it is increasingly exposed to competing claims of legitimacy from various cultures and subcultures. In other words, the influence of Cultural Relativism is to some extent undermining the universal human rights claim. For the Cultural Relativists, universal human rights are impossible in a world with diverse cultures. As Pollis and Schwab asserted, 'Universal human rights norms are impossible to defend in such a richly diverse world and are no more than a Western concept with limited applicability' (Pollis and Schwab 1979). Relativism includes moral relativism (depends on a social construct), situational relativism (looks at right or wrong based on the particular situation), and cognitive relativism (posits that truth has no objective standard) (Bigambo accessed 2011).

Also among those that have challenged the notion of universality of human rights are Asian groups and numerous third world countries. For instance, at the 1993 UN Conference on Human Rights held in Vienna, a delegation led by China, Syria and Iran officially challenged the universality of Human Rights when they put forward the conclusions that human rights as currently defined are not universal but based on Western morality; that human rights should not therefore be imposed as norms on non-western societies in disregard of those societies' historical and economic development and in disregard of their cultural differences and perceptions of what is right and wrong and that the imposition of one's standard on another culture is unjust and imperialist in nature. On the eve of this important world conference, African and Asian groups of nations met to draw up their views, in what later came out as Tunis and Bangkok Declarations. For instance in the Tunis Declaration, African groups while admitting the universality of human rights declared that 'no ready-made model can be prescribed at the universal level since the historical and cultural realities of each nation and the traditions, standards and values of each people cannot be disregarded' (Report on the Regional Meeting for Africa of the World Conference on Human Rights 1992). In the Bangkok Declaration, Asian group of nations opposed what they saw as Western imperialism and urged the international community to take into account their cultural differences as regard to human rights.

In affirmation of their argument, Parekh noted that 'different societies throw up different systems of moral beliefs depending on such things as their history, traditions, geographical circumstances, and views of the world; we have no means of judging them for there are no objective and universal criteria available for the purpose, and even if there were, we would be too deeply conditioned by our own society to discover them.' (Parekh in Dunne and Wheeler 1999). Some scholars have also argued that by negating the diversity amongst global cultures and by promoting a monolithic set of social

values, the mere notion of universal human rights reinforces neocolonialist arguments by obliquely signifying Western hegemony over the developing world (Prasad 2004).³ Ordinarily, cultural relativism is based on the idea that there are no objective standards by which others can be judged.

But Universalists have argued that claiming cultural relativism as an excuse to violate or deny human rights is an abuse of the right to culture (Ayton-Shenker 1995), since the right to culture is limited at the point at which it infringes on another human right (*ibid*). Moreover, it is argued that ‘if cultural tradition alone governs state compliance with international standards, then widespread disregard, abuse and violation of human rights would be given legitimacy (Bigambo accessed 2011). In the words of Bigambo, ‘the protection of human rights based on cultural relativism would then only be subject to state discretion, rather than international legal imperative’ (*ibid*) and this runs against the aim of the creation of the United Nations and its enactment of universal human rights.

Indeed, the concept of universal human rights is a concept very much contested between the East (with China at the helm of affairs) and West (with the United States at the helm of affairs). Each group of nations now has a different perception of human rights. It is clear that the centre of the current debate is not what constitutes human rights or what rights takes precedence – for instance, is it economic rights (placing food on the table) as countries like China believe and ratified ICESCR without ICCPR; or is it political rights as countries like the United States believe and ratified ICCPR and did not ratify ICESCR. What concerns a good number of thinkers today is whether or not human rights should be universal (Van Ness 1999; Jacobson and Brunn 2000), given the controversies. For example, human rights universality has always been challenged mainly by the developing world, including China on the grounds that it represents a form of cultural imperialism or hegemony from the West. Developed countries, and mainly Western countries have often accused these groups of providing excuses for legitimizing political suppression and for authoritarian regimes to thrive. Indeed, the problem with this kind of exchange is that all sides tend to arbitrate the correct form of human rights to human societies.

Nevertheless, if the same countries that have accepted membership of international institutions (for instance, the UN) which proclaim to respect human rights or work towards the realization of human rights are among the groups that argue on the validity of universality of human rights, then I think universalism and cultural relativism arguments are not irreconcilable. No doubt, the importance of safeguarding people’s identities and culture cannot be underestimated; that is to say that culture could be considered

but not at the cost of violation of one's human rights. One major step to follow, among others, is striking out those 'harming cultures' and allowing the 'unharming cultures' since people still have a right to culture. Countries must be able to reach a consensus in different human rights forums in Geneva or New York. Reaching a consensus is important in order not to dilute the force of the international forum (this could happen when countries say one thing and do something else at home). All the same, consensus is achievable when controversies on universality and cultural relativity of human rights are just 'mere controversies' and are not inherent in the 'quest for dominance and contest for power' among the different groups (Cultural relativists and Universalists). If, for instance, China's rise is being interpreted as that of a hegemon by the West, then China's activities (even when beneficial) in Africa might be covered by its human rights 'errors' (as they surely exist) to suppress its rising, recognition and prominence. Obviously, the debate on the universal validity of human rights is still ongoing even though human rights have apparently achieved global coverage. Almost all sovereign countries are members of the United Nations and have incorporated human rights in their constitution, which is a good step to acceptance of universality. What is unclear is if culture is really the basis for the controversy surrounding universality of human rights or there exists underneath a power tussle among the states or different groups? This is an issue for further research.

Overview of the State of Human Rights in China

The Communist Party of China (CPC) has been in control of the government for more than five decades now (the party ascended into power in 1949). Since the Communist Party gained power in China and established the People's Republic of China, authoritarian rule has been the norm (Anup 2010). A one-party system of government can be authoritarian in nature and the Chinese Communist-led government is no exception. For instance, the Mao-Tse Tung era was so authoritative and repressive that almost all rights (economic, political etc) were violated. These violations were explained as 'partly because of functional requirement of its autarkic, totalitarian development model, and partly because the Party's internal political struggles morphed into violent mass movements like the Cultural Revolution that caused hundreds of millions of people to be persecuted, tortured, sent to labour camps, or killed' (He 2007). Because China is a one-party dictatorship, the government can act arbitrarily; it can disregard public pressure and change whatever it wants in the manner it pleases; can raise prices, lay off workers, sell a state-owned enterprise at whatever price it feels like, or even give it away to whomever it wants to for free (Hu 2009).

Human rights issues have not been faring well with the government, starting from the Great Leap Forward Policies,⁴ the Cultural Revolution,⁵ down to the most recent Tiananmen Square massacre of Chinese students and intellectuals in 1989.⁶ China generally has an appalling human rights record (Sautman and Hairong 2007). The UDHR and the two covenants banned slavery, torture, and arbitrary arrest or execution; called for freedoms of thought, speech, assembly, and religion; and vindicated the rights to property, work, education, equal treatment under the law, and a decent standard of living (Nathan and Scobell 2009). But these practices are still rampant in China. In a worldwide survey, Amnesty International found that China has had the highest number of reported executions of any country in the world every year since 1993 (Li 2009). In 1993 there were 8,700 public protests in China; by 2005 that number had risen to 87,000 (Congress Research Service 2006). While such protests do not currently have the power to topple the government, China's population will increase by approximately 123 million by 2025 from a current population of 1.3 billion and the government fears that without sufficient economic growth social protest could grow to a level that would threaten the Chinese Communist Party control (US Census Bureau 2008). Thus, economic reform is being vigorously pursued by China.

Despite its economic reforms, the Communist party still retains control over all important levers of economic activity. Political reform remains elusive. China refrained from joining international human rights conventions until the 1990s, and in 1991 issued the first White Paper on Human Rights Policy. The Paper emphasized China's commitment to human rights, but carefully circumscribed it by emphasizing that reference must be made to a country's national condition and national views. China has maintained that civil and political rights should not be given primacy over economic rights. China signed and ratified the International Covenant on Economic, Social and Cultural Rights in 1997 and 2001 respectively (Kampf 2007). In the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, the banning of all forms of repressive measures against the citizens of a country by the government was embedded in the document; and China also included it in its first Constitution in 1954, yet civil and political rights protection is still farfetched.

In China, political reform has been bifurcated from economic reform policy and debates, while repressive state control ensures the silencing of any criticisms of current policies (Hom 2005). Indeed, the Communist party believes such control is necessary to guarantee any uprising so critical to its legitimacy and retaining of power. Even though reform and opening have brought widening personal freedoms and rising wealth, the government

has met any challenge to its authority with harassments, threats, beatings, and arrests (Nathan and Scobell 2009). Notwithstanding that economic marketization has widened the sphere of individual autonomy, Chinese citizens still do not have reliable and legally protected rights to basic liberties. The Chinese government has claimed that opening fire on peaceful demonstrators in June 1989, imprisoning political dissidents, persecuting religious minorities, arresting independent labour organizers and curtailing information on the internet are necessary to maintain stability and social order (Li 2009).

In all these, one thing is understandable: China has its human rights issues, and with its non-interference principle enunciated in relations with India since 1954 and restated in Zhou Enlai's visit to Africa in 1963, China has often referred to this principle in its external relations, Africa included. Basically, China's 'human rights' at home is not fairing well but this has not stopped China's economic reform and the positive economic development being witnessed. Economic reform has given the Chinese citizens the opportunity of enjoying, even if not completely, their economic rights. Apparently in China's domestic right issues, civil and political rights and economic rights seem to be differently pursued. Mr Frank, China's Country Attache at the Embassy of the People's Republic of China, Lagos on 5 November 2011, in an interview with the author made it clear that China places more importance on putting food on the table of its citizens than any other right. To Mr Frank, 'China's cares about developing its economy and feeding its more than 1.3 billion; survival China believes comes before right to vote and freedom of expression.'

China in Africa and Contending Human Rights Issues

China's engagement with Africa over the last two decades has drawn the attention of scholars, both in and outside Africa. The explanations for these are not far-fetched. China since 1990 has emerged as one of the fastest growing economies in the world. Following its economic reform that began in 1978, China has averaged gross domestic product (GDP) growth of almost 10 per cent per year – the fastest in the world over this period (Moskow and Lemieux 2006). China is the second largest consumer of oil after the United States, a position it has maintained since 2003 (when it displaced Japan), and 'has currently overtaken the United States as the largest net importer of oil.' As a result of all these, China has engaged in an outward economic orientation policy (a policy of market opening, foreign economic cooperation and integration into the world economy), a novel policy as China has practised a closed economy since the Communist Party ascension into power in 1949. China's outward economic orientation policy is taking it to

all countries of the world, particularly Africa. Given Africa's great economic potential (natural resource endowment such as crude oil, copper, timber, diamond, platinum etc), market advantage (the second largest continent, after Asia, where 14 per cent of the world population live) and possibly, political leverage in the international arena (Africa pulls the highest number of votes in the United Nations), China has set its sight on Africa.

Today, the Chinese are seen all over Africa, from constructing projects, manufacturing, trading (retailing and wholesaling) to agricultural development and extracting crude oil. China's insistence on win-win co-operation and non-interference in the internal affairs of African states seems to be paving the way for China all over Africa. China to a large extent is already gaining ground with its firms investing in almost all sectors (extractive, manufacturing, agriculture etc.) in Africa. China's aid tied to infrastructural investment is a major source of attraction for Africa. With the dilapidated infrastructure in most African countries ravaged either by war (for example, Angola, Sudan) or regime instability via military takeover (for example, Nigeria), Chinese cheap labour, unconditional aid and sophisticated technologies are being increasingly sourced in Africa. China is the largest investor in Sudan's oil sector. According to Frynas and Paulo, it is in Sudan that China has the largest international investment in the oil sector (Frynas and Paulo 2007). China's oil for an infrastructure deal in Angola is helping the Angolan government rebuild its infrastructure after many years of civil war. In Nigeria, the Chinese firm China Civil Engineering Construction Company (CCECC) is currently constructing the Abuja rail project, with a loan of \$600 million from China Exim Bank. Indeed, China's 'incursion' or penetration into the African market (both urban and rural) and into African states both democratic and undemocratic has been receiving so much attention.

Indeed, the recent Sino-African links are becoming the main topic of interest in the circles of international relations. Key issues that have hitherto dominated scholarship, for instance, are China and human rights in Africa. In China's current relations with Africa, human rights have been part of the dominant discourse. A Council on Foreign Relations (CFR) report charged that China protects 'rogue states' like Zimbabwe and Sudan, and deploys its influence to counter Western pressures on African states to improve human rights and governance (Council on Foreign Relations 2005). This view is not particular to only the CFR report. Western officials and human rights organizations are expressing alarm at China's willingness to invest in countries with questionable human rights records (Hanson 2006). And the effect of such investment is that 'China is legitimizing and encouraging Africa's most repressive regimes, thereby increasing the

likelihood of weak and failed states' (Brookes and Shin 2006). For countries with poor human rights records, China's deals are tempting alternatives to the investment packages offered by international financial institutions and other foreign governments, which often require standards of transparency and accountability (Human Rights in China 2005). With regard to the then crisis in Darfur, 'its strategy has been to dilute the language of UNSC resolutions and frequently to abstain from voting' (Large 2007). For example, in September 2004, the United Nations (UN) Security Council passed Resolution 1564 and condemned the mass killing of civilians in the Darfur region, but could not impose sanctions because China abstained from the vote (Sautman and Hairong 2007). Also on 31 August 2006 China abstained from voting on the adoption of UNSC Resolution 1706 on the deployment of the AU-UN hybrid operation in Darfur. China's vote signalled to Khartoum that the capital would not have to face urgent or forceful implementation of Resolution 1706, and that diplomatic protection and support would be extended to Sudan's intransigent refusal to abide by international law (Reeves 2007). But a shift in Beijing's stand has been witnessed since the beginning of 2007, when the call to boycott the 2008 Olympics (labelled the genocide Olympics) that were to be hosted by China was high in the West. China later persuaded Sudan to accept the UN-AU hybrid force in Darfur, by using what it called 'soft power diplomacy', not intervention and what I called in one of my papers, 'switching off of non-interference.' Consequently, in May 2007, Liu Guijin was appointed special representative for African affairs with a brief to facilitate a political solution to the crisis in Darfur. Currently with the referendum in practice since 9 July 2011, South Sudan has gained its independence from the North and formed its own government.

Even though non-interference exists in international law, according to Chandra and Brown:

there are number of ways in which China may be culpable for abuses committed by or in another states – through passive support for abuses (such as sales of arms that may be used to attack citizens); active support for abuses (if state security forces attack civilians or displace people to facilitate Chinese operations, China would be seen as active participant in abuses); commission of abuses by Chinese agents (Chinese government would be responsible for acts by its own agents, such as employees of its government or state-owned enterprises that involve in direct commission of abuses such as massacre, torture, use of slave labour undertaken in support of economic enterprises such as oil exploration) and shielding of the abusive government (where China's veto or threats of veto result in watering down or halting a resolution,

and many lives may be lost in the process of conflict, China may be morally responsible, although it cannot be said that China is legally responsible for the acts of the abusive state) (Chandra and Brown accessed 2013).

The view of Chandra and Brown was drawn from the 2001 International Law Commission Draft Articles on Responsibility of States for Internationally Wrongful Acts, Article 16 which states that:

A State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if: (a) that State does so with the knowledge of the circumstances of the internationally wrongful act; and (b) the Act would be internationally wrongful if committed by that State.

Arguably, China's responsibility on human rights abuses in Africa must be well established that China is really 'responsible' or 'culpable' for aiding abusive regimes. The study by the US Department of State, the Bureau of Democracy did not fail to point that without China, the human rights standards maintained in a majority of African countries fare no better. In Nigeria, for instance, among the most prevalent human rights violations are: human trafficking for the purpose of prostitution and forced labour; societal violence and vigilante killings; child labour and exploitation; discrimination based on sex, ethnicity, region and religion; and restrictions on freedom of assembly, movement, press, speech and religion (US Department of State 2009), which China makes no contribution to. It follows that China cannot take all the blame; Africans' human rights even without China have not been commendable.

Indeed, there are ways China must have committed or aided human rights abuses in Africa. Some of the ways that China has aided human rights violations in Africa have been cited. First, China's labour practices and poor working conditions that have ignored the human rights of African citizens have been a source of concern. For instance, the issue of the Zambian Copper Mine has been pointed. The Chambishi Copper Mine, in the heart of Zambia's copper belt, had been closed for more than a decade when the China Non-Ferrous Metals Corporation (CNMC) bought 85 per cent of the mine in 1998 for \$20 million (Brautigam 2009). The project was hailed as a prime example of how foreign investment can bring jobs and new technologies to Africa. Then, in April 2005, an explosion at the mine killed fifty-one Zambian workers due to poor safety standards. A year later, after the Chinese had banned union activity and began paying Zambian employees less than the \$67-a-month minimum wage, six Zambian workers were shot at a labour demonstration by a Chinese supervisor (French 2004). Even though it is estimated that at least 20,000 Zambian jobs were created in the

copper mine and support industries (Belk 2011), poor working conditions of Chinese firms that ignored the rights of workers by not providing safety standards constituted human rights violations. Also, there are other issues cited. In April 2013, Nigerian workers at Dura Pack, a Chinese company that produces nylon bags embarked on strike to protest the death of their colleague from electric shock 'due to what they called unsafe working environment and lack of safety tools' (Vanguard Newspaper Online 2013). In Namibia, South Africa and Zambia it was found that Chinese managers repeatedly ignore local minimum wage laws and affirmative action requirements, while refusing to pay social security and allowances (Jauch and Sakaria 2009). Environmental protection on execution of projects in Africa is also cited as being ignored by China (Freschi 2010). But the fact remains that the Chinese domestic environment fares no better and its companies are not doing anything in Africa different from what they do at home. How could one expect Chinese mining companies in Africa to comply with environmental and safety laws if the mines they operate in China are considered the most dangerous in the world? (Horta 2010). According to an April 2007 World Bank report, 16 of the 20 most polluted cities in the world lie in China (The Rockefeller Foundation 2009). Nevertheless, China is not the only kid on the block disregarding environmental abuse in Africa. China as well as the EU is also said to be guilty of 'environmental abuses' throughout Africa by being large purchasers of illegal African timber.

Second, China's arm sales to countries like Sudan and Zimbabwe are said to have encouraged genocide in Darfur and Zimbabwe government crackdown on its citizens respectively. In Sudan, the state-owned China National Petroleum Corporation (CNPC) owns the largest share in Sudan's oil sector, the Greater Nile Petroleum Operating Company, and with its investment helped Sudan to begin exporting oil in 1999, after the Western countries withdrew in the early 1990s due to what they called 'Sudan human rights abuses'. Chinese investment in Sudan's oil sector and money accrued from oil were seen to have helped Omar Al-Bashir's government fuel crisis and fund ethnic cleansing through acquiring weapons, also from China. China was said to have sold \$100 million worth of aircraft and small arms to the Sudanese President Omar al-Bashir between 1996 and 2003 (Brautigam 2009). The arms include jets and helicopter gunships that were said to have been used for repression of civilians in the South, which rather made China complicit in the abuses of the government. While its government insists that they are not selling arms destined for Darfur, Amnesty International reported that small arms and aircraft supplied by China and Russia have been sighted in Darfur, and that such aircraft have been used by the Sudanese military to

support janjaweed attacks on civilians (Chandra and Brown accessed 2013). While Chinese weapons might have assisted in attacking and abusing civilians in the Darfur conflict, it is important to distinguish those abuses for which China is clearly responsible or complicit (as seen in the sale of weapons used to attack citizens), from those that international communities or some states might merely wish China to constrain or prevent through its power of veto (which China's readiness or non-readiness to act cannot be attributed to the reasons for abuses).

In the case of Zimbabwe, Xinhua News reported that in 2004 despite the US and EU arms embargo against Zimbabwe, China sold fighter aircraft and military vehicles worth over US\$200 million to Zimbabwe (Xinhua 2007). With Operation Murambatsvina ('Drive Out the Trash' or 'Restore Order') that the Zimbabwe government started in 2005, in which more than 600,000 people lost their dwellings and sources of livelihood, with other repressions against civilians before that time, the Western countries imposed sanctions on Zimbabwe and an embargo on the sales of arms. Faced with increased international isolation and an impending economic crisis, President Mugabe announced in 2005 a 'Look East' policy, and sought China's help. China, already known for its non-interference policy, became its major partner investing in many areas-mining, farming, building roads, power construction as well as selling its manufactured goods including light arms. China also built a weapon factory for Zimbabwe. As a permanent member of the United Nations Security Council, China provided Mugabe support at the United Nations. Among non-African countries, only China endorsed the Zimbabwe 2005 Parliamentary election. While it is clear that the Zimbabwean government has been repressive against its citizens, there are no allegations of Chinese agents directly committing abuses or of China actively supporting violations; unlike its Sudanese counterpart, the Zimbabwean government has not used Chinese weaponry to bomb villages or forcibly displace their entire population (Chandra and Brown 2013). Indeed, China has shielded Mugabe's regime from international sanctions with its veto power. But China does not seem to be benefitting much from Mugabe, shown in its expressed concern about the possible negative impact of factory invasions and chaotic land reform policies on its economic interests in Zimbabwe, and also concerns on whether its loans to Zimbabwe would ever be repaid (which made it signal its intent to limit future involvement to humanitarian assistance) (ibid).

Clearly, China's interest (national interest) is to sustain its economic development, and focus on 'business' that favours it in Africa. This is reflected in the comments of China's deputy foreign minister, Zhou Wenzhong, when once interviewed on China's position on the Sudan conflict, Zhou pointed

that 'Business is business. We try to separate politics from business....' (French 2004). Moreover, China is not the only 'black sheep' engaging in military activities in Africa. For instance, the US has a strong military base in Djibouti, has established an African Force – the Africa Command (AFRICOM) – on the continent, made two air strikes against Southern Somalia in January 2007 and generally plays a much more forceful role on the continent than does China (Schoeman 2007). While China and Russia have protected beleaguered governments such as Sudan and Burma, the United States, Britain and France have also continued to protect Israel (against the Palestinians) (Anup 2010). Clearly, China's self-interested relationship with Africa is not different from the Western countries engagement with Africa. For instance, the United States government and its oil-based companies are closely involved with the authoritarian regime of Equatorial Guinea's Teodoro Obiang Nguema, among the worst violators of human rights on the continent (Chandra and Brown 2013). Normally, national interest describes the underlying rationale for the behaviour of states and statesmen in a threatening international environment. The argument is that the 'extensive criticism of China from the western media and political elites smacks of nothing short of hypocrisy' (Teke 2007), given that the West also has skeletons in their cupboard on human rights issues. Apparently, it depends on where any country's interests lie at the time and how vital that 'interest' is would dictate 'how far' a country will go to protect or pursue it. In international politics, a state's interests and survival is often placed first in relation to other states. Ordinarily, international politics is the 'patterns of political interactions between and among states which involves goal-seeking behaviour and a process of deciding who gets what, when and how.'

Third, there is the argument mainly from Western and European countries that China's unconditional aid undermines good governance, democratic principles and fuels a lack of accountability by the recipient governments in Africa. The case of Angola was cited. China's unconditional aid is considered to serve as a carrot for the dysfunctional government in Angola (Hodel no date). In 2004, the International Monetary Fund (IMF) was attaching transparency measure requirements to the loans it would provide to Angola for post-war reconstruction efforts. The Angolan ruling elite was reluctant to sign such a deal but was desperately in need of the funds. Along the line, China's Exim Bank came forward with an offer to provide \$2 billion worth of loans, with no conditions regarding corruption or transparency attached. Angola turned down the IMF's assistance and agreed to provide China with 40,000 barrels of oil per day in exchange for the loan. China proved willing to lend to Angola where the IMF hesitated. The loan from China is to rebuild infrastructure devastated or neglected during the country's long civil war. Because China's aid did not attach any strings for transparency

and accountability, and did not require implementation of anti-corruption measures, the efficiency of the aid was doubted. That China did not require anti-corruption measures cannot be doubted because as Condon noted, ‘corruption is still commonplace within Chinese businesses themselves’ (Condon no date). Transparency International’s 2008 Bribe Payer’s Index ranked Chinese companies 21st out of 22 countries, for their propensity to bribe overseas. Notwithstanding the criticisms of non-transparency and accountability, ‘Chinese loans are currently being used to restore three rail lines that are essential to Angola’s mineral exports, construct a new airport, and build low-income housing’ (Taylor 2006).

There is no guarantee that conditional aid has worked better. The European Union (EU) for instance has a normative orientation of development policy that entails the linking of aid to the fulfilment of various political conditions, relating to human rights, democracy and good governance (Manners no date). In the Cotonou Agreement, human rights, democracy and the rule of law are marked as ‘essential elements’, which implies that their violation could lead to the suspension of development aid (Keukeleire and MacNaughtan 2008). Ordinarily suspension of aid falls in the category of ‘negative conditionality’ as such suspension renders such aid useless, and adds nothing to development. According to Condon, Western aid approaches like conditionality have largely been development failures (Condon 2012). Moreover, EU commitments to sanctioning of repressive regimes in Africa have been inconsistent. For example, Robert Mugabe was invited by the French President, Jacques Chirac, to attend the 2003 France-Africa Summit despite sanctions imposed by the EU on the government of Zimbabwe, including a travel ban. Also, in 2007 the EU agreed to temporarily lift the travel ban to allow the Zimbabwean President to participate in the EU-Africa Summit and, in so doing, accommodated pressures of the African Union, which threatened to boycott the Summit (Brummer no date), making their so-called sanctions and conditionality ‘questionable.’ The underlying argument is that ‘an African country that is economically successful (e.g. because of Chinese investments that are not linked to its current human rights performance) will definitely be more in good position’, than one that is poor because of Western sanctions (Rebol 2009), (if it genuinely exists).

Moreover, China has expressed that any aid that is ‘conditional’ means interference in the affairs of states, which runs contrary to China’s principle of assistance to other developing nations. In the White Paper released in April 2011 on Chinese foreign aid, China reiterated the principles of its foreign aid to developing countries. The Chinese Government’s White Paper frames China’s provision of aid as operating within the context of China’s

position as a developing country and also as part of fulfilling its international responsibilities. In the White Paper, the objectives of providing foreign aid are to help recipient countries to strengthen their self-development capacity, enrich and improve their peoples' livelihood, and promote their economic growth and social progress, adhering to equality and mutual benefit without imposing any political conditions to recipient countries. Chinese foreign aid has its own characteristics (surely different from the Western or European countries characteristics). As reflected, 'mutual benefit' and 'win-win' outcomes mark the cornerstone of Chinese aid. China dismisses the notion of 'charity', instead stressing the idea of 'friendship.' In being grounded in notions of friendship rather than charity, China maintains that it remains a developing country with low per-capita income and a large poverty-stricken population; thus its foreign aid is suited both to its actual conditions and the needs of the recipient countries. Like other donors, China utilizes foreign aid in Africa on a range of objectives (could be trade-purchasing Chinese goods, oil deals or other contracts for its firms), but differently from other donors because it does not attach political strings that it sees as hindrance to 'aid effectiveness' and also as 'hegemonic in nature.'

In the 2006 Forum on China-Africa Cooperation (FOCAC), President Hu Jintao while addressing 48 African countries represented at the Great Hall of the People at the Summit in Beijing pointed that common development is the shared aspiration of the Chinese and African peoples and that they are committed to pursuing mutually beneficial cooperation to bring the benefits of development to their peoples (China Daily 2006). Undoubtedly the development China refers to is nothing short of economic development. This was well captured by Chinese Foreign Ministry spokesman, Liu Jianchao, when he posed these questions to the African leaders present at the 2006 FOCAC Summit in Beijing: 'When China is building roads and schools and providing health infrastructure and agricultural technology to African countries, are we damaging human rights in Africa? Are we hurting good governance in those countries?' (ibid) Obviously, Africa is benefiting from Chinese projects. China finances more infrastructure projects in Africa than the World Bank and provides billions of dollars in low-interest loans (Condon no date). According to the 2011 Chinese White Paper on Foreign aid, while there are interest-free loans used to help recipient countries to construct public facilities and launch projects to improve livelihood of its citizens, the annual interest rate of China's concessional loan is between 2 and 3 per cent, and the period of repayment is usually 15 to 20 years (including five to seven years of grace).

Currently in Nigeria, China is constructing the Abuja light rail project

(connecting Abuja to Kaduna) with a \$600 low-interest loan from the China Exim Bank, and also its firms are constructing a 700 MW Power Plant in Zungeru, Niger State, Nigeria, at a cost of almost \$1.5 billion also financed by the China Exim Bank. China has completed the African Union building in Addis Ababa, Ethiopia. In 2008, the Congolese government brokered a deal with Beijing for the construction of a massive cobalt and copper mine; 1,800 miles of railway; 2,000 miles of roads; hundreds of clinics, hospitals and schools and two new universities and in exchange China has the right to extract 12 million tons of copper and cobalt over the next 25 years; the total value of investment reached \$6 billion, around half of Congo's GDP (French 2010). Chinese construction projects are seen all over Africa ranging from roads, railway, schools, hospitals, government offices and buildings, power projects, telecommunication upgrades and services, among others. For China, economic development (with targets on infrastructural development) is what Africa needs and in the spirit of Third World solidarity, China tends to abstain from imposition of any conditions but bases its assistance on friendship, mutual benefit (win-win co-operation) and common development.

At the moment, China is making great efforts to sustain its economic development, with its 'own characteristics.' In its relations with Africa, is it likely that China will undermine both economic rights and civil and political rights? This leads to the question, which of these rights does China undermine in Africa?

Which of the Rights is China Undermining in Africa? – Civil and Political Rights or Economic Rights?

The 1948 Universal Declaration of Human Rights (UDHR), which was adopted by almost all countries of the world (including African countries and China) marked the beginning of international human rights. Emerging from the 1948 Declaration were two important documents classifying aspects of rights – the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These two documents entered into force in 1976. The Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights contained what are usually called 'core rights' meaning 'they are indispensable for an existence in human dignity and therefore need absolute protection' (Baehr 1999). The classification of these rights did not in any way make one right more important than another but to assert that all these rights are recognised as human rights and should be protected as core rights. China is a signatory to all the covenants, but has

only ratified the ICESCR. Presently, China is vigorously pursuing the path of economic development.

Positive growth of the Chinese economy has brought an improvement in living standards of the Chinese, which is applauded as an adequate step by the Chinese Communist Party in promoting the economic rights of its citizens. Deng Xiaoping's rise to power in 1976 was actually seen as 'messianic in nature', following economic reform that started in 1978. A big relief was brought to the Chinese citizens as their welfare increased, taking care to a substantial extent their economic rights – the right to an adequate standard of living (even though according to China's 2011 White Paper on Foreign Aid, China remains a developing country with low per-capita income and a large poverty-stricken population). China has continued to strive to sustain its economic development and to feed its more than 1.3 billion people, without much attention to civil and political rights. Even with the transition from Maoist orthodoxy to 'economic development', the Party's sights have remained much more closely focused on developing a strong nation than a wealthy citizenry, completely excluding human rights-related concerns from their policy considerations (*ibid*). This may explain why China agreed to ratify the ICESCR and not the ICCPR. The debate surrounding China's relationship with international law has placed deserved emphasis on human rights, most notably China's continuing failure to ratify the International Covenant on Civil and Political Rights, which it signed in October 1998 (Lewis 2009). China signed and ratified the International Covenant on Economic, Social and Cultural Rights in 1997 and 2001 respectively (Kampf 2007). China is known to have achieved its economic growth devoid of political reform. China achieved its economic growth not by not permitting bargaining, and limiting or even abolishing trading rights to 'lower transaction costs', but by refusing democratization, suppressing public participation, ignoring ideas, deriding beliefs, scorning justice, and stimulating the appetite for material things in order to induce people to concentrate their energies on the impulse of the illusory single-minded pursuit of wealth (Hui 2009). For China, economic development cannot be compromised.

However, it is important to state that it is China's rapid economic growth that is driving China to seek economic co-operation abroad and search for resources and new markets. African countries are increasingly becoming China's major economic partners. Why? Africa has the resources to sustain Chinese economic growth; it has a large market to take in Chinese manufactured goods. Apart from being the second largest continent behind Asia, it is endowed with natural resources and is rich in raw materials that are

needed by Chinese industries. As China's domestic production is no longer enough to meet the required needs, China had no alternative than to court Africa for the latter's crude. It is well known that the Middle East is being mired in instability; it is dominated by early arrivals (Western firms). It is also a well-known fact that Africa's crude is largely unexplored, which makes it easier for China to penetrate and win deals. China is already winning oil blocs and deals with African oil-producing countries, from Sudan to Angola, Nigeria to Gabon, Republic of Congo, among others. In a bid to penetrate Africa's markets, China is investing heavily in Africa in exchange for oil deals and to create an accessible market for the goods churned out by its industries. Africa is benefiting from China's new technologies, aid, expertise and skills in their infrastructural development and China is as well benefiting from Africa's resources and large market. From Angola to Sudan, Nigeria, Democratic Republic of Congo, South Africa to Malawi, Chinese aid and investments are evident. For instance, China has invested in mining in Zimbabwe and in exchange for mining concessions China has become the largest importer of Zimbabwean tobacco; a Chinese \$2 billion loan to Angola in exchange for oil concessions now helps Angola to build rail lines, construct new ports and build housing. Also in Nigeria a Chinese \$5 billion loan given to Nigeria in 2006 in exchange for two oil blocks to SINOPEC in the Niger Delta region, OML 64 and OML 66, helped Nigeria in rehabilitating its railway project running from Lagos to Kano and launching its satellite telecommunication into space in 2007. Other examples are Chinese investment in the Sudan oil sector that helped Sudan to begin exporting oil in 1999 and in the Democratic Republic of Congo, China is constructing railway, copper and cobalt mines, roads, clinics, hospitals, schools, universities, an investment that has reached \$6 billion in exchange for extracting 12 millions of cobalt and copper over the next 25 years. China is involved in many projects in Africa, to mention but a few.

Even with this development assistance, human rights issues still persist because several African countries in which China or Chinese-owned companies are involved have extremely poor human rights records and also the fact China has refused to moralise on human rights in its economic relations, compounded also by the fact that China itself has an appalling internal human rights record of its own. Viewed from the perspective of China's domestic human rights situation, it is apparent that China is not likely to offer Africa what it does not have (charity begins at home). Supporting human rights or democracy in Africa would seem 'hypocritical' and also contrary to the dogma of non-interference. But viewed from its desire for economic reform, expansion and quest for win-win co-operation in the developing world, it is

evident that China is offering (what it has) Africa opportunities to benefit from its sophisticated technologies, skills, expertise, no strings-attached aid, cheap labour, goods and services to improve the living standard of its people. While there may be other challenges that China brings to Africa unrelated to human rights, such as the increasing influx of Chinese goods to the detriment of Africa's nascent industrial growth and the large influx of Chinese labourers and business men that tend to compete over jobs and markets with Africans, that must be tackled promptly by African leaders in their relations with China to really benefit from China and ascend to their economic development throne, the 'overfocus' on human rights must not be allowed to cloud the opportunities being currently offered by China as against the 'old order.'

Obviously, the real political China is different from economically developing China. China has joined the train of economic powers devoid of 'democratic gospel' of the West, and is now the El Dorado of the world, where both democratic and undemocratic countries/firms flock for investment and business co-operation. While China is not offering Africa its communism or 'authoritarian style', it is offering Africa the opportunities to share in its economic growth 'testimonies' which could be embraced through Africa's own characteristics (China's development is development based on Chinese characteristics) or any other characteristics that Africa chooses, since China apparently does not interfere in the 'way' of Africa. Whether economic development would translate later into political freedom and liberties, it is only the future that will tell when that is finally achieved. What is important is that African countries (still struggling with poverty and underdevelopment) should grab the available economic opportunity, and on that platform it would be able to speak authoritatively on other rights. China is now the El Dorado of the world; both democratic and undemocratic countries flock to China to do business even with the human rights issues. The economic feat achieved by China has given it greater leverage in international politics. While human rights abuse should not be encouraged in Africa, economic development of Africa using the opportunities provided by China, and other emerging economies should be encouraged in order for Africa not to lose at both ends - economic and political rights.

Arguably, the right that China might undermine, in some cases, in Africa is more of civil and political rights. Economic security is the paramount interest of China, both domestically and externally. Evidently, African countries are currently benefitting from China in their economic development through Chinese investments and aid, and are exposed to other opportunities from the economic rising superpower – China. Even though China might have

been complicit in human rights abuses in Africa (in cases like Sudan and Zimbabwe, as explained above), and have committed some abuses (through its companies' unsafe working practices that have led to some deaths in countries like Nigeria and Zambia), China's 'real' human rights abuses have been 'overblown' and portrayed not only as if China is all about 'evil', but as if China is the only external country in Africa that abuses human rights.

Conclusion

Human rights issues in China's contemporary engagement with Africa have continued to resurface over and over again, especially in China's relations with countries like Zimbabwe, Sudan and Angola. It is evident that China has an appalling human rights record at home, has committed some abuses in Africa through its firms, and is complicit in human abuses in Africa through its veto or sale of arms, but China's stance on economic development first shows China's idea, conviction and understanding of human rights.

Thus, in China's African relations, China believes that what is important is improving the living standard of African people and not on the 'gospel of freedom' without food. For China, 'freedom starts with food'; the right to survival is paramount because it is only after survival that other rights follow. Because non-interference in Africa's internal affairs and no-strings-attached aid are China's national anthem, China is offering Africa the opportunity to develop its economy (with or without human rights). Many African countries have benefitted (and are still benefitting) from China's sophisticated technologies, aid, skills, expertise and cheap services. It is obvious that China has its interest to pursue in Africa just like all other countries, and in doing that China has stepped on some toes, and has not stepped on some too. While China cannot be labelled a 'saint' in human rights abuses in Africa, it still cannot be labelled a 'sinner' in many human rights abuses by African regimes.

In conclusion, while China is not offering Africa its communism or 'authoritarian style' (not promising Africa democratic or human rights support), it is offering Africa the opportunities to share in its economic growth 'testimonies' which could be embraced through Africa's own characteristics (China's development is development based on Chinese characteristics) or any other characteristics that Africa chooses. Africa has the power to decide. It is then left for Africa to negotiate properly with China where challenges exist, and explore greatly, where opportunities exist, in order to ascend to its economic development throne sooner than expected.

Notes

1. Dependence here means reliance on somebody or something for support. Interdependence means unable to exist or survive without each other.
2. National interests could be at aspirational or operational level. According to Sondermann (1977:124), at aspirational level, national interests are more of desires; for instance, hopes, wishes, aspirations and dreams are not the same as practical and concrete interests. See Sondermann, F.A. (1977), 'The Concept of the National Interest', *Orbis, A Journal of World Affairs*, Vol. 21, No.1, Spring 1977, pp.121-138.
3. Alternatives are: *Turkish Journal of International Relations*, Vol. 3, No. 2 and 3, Summer and Fall 2004.
4. The Great Leap Forward began in 1957 by Chinese leader Mao Tse Tung to bring China into the forefront of economic development. Mao wanted China to become a leading industrial power and to accomplish this goal, landowners were stripped of their lands and were forced to work in agricultural cooperatives to help to pay for industrialisation. In one year, 750,000 collective farms were merged into 24,000 communes, each of which was composed of dozens of villages and on average 5,000 households. The government spent huge sums on the development of heavy industry, but this ended up producing what is called the Great Leap Famine, and not the Great Leap Forward, as such a policy ended up causing famine. It was estimated that between 16.5 million and 40 million died before the experiment came to an end in 1961, making the Great Leap Famine the largest in world history.
5. The Great Proletarian Cultural Revolution, usually known as the Cultural Revolution was a social upheaval that began as a struggle between Mao Tse Tung and other top party leaders for the dominance of the Chinese Communist Party, and went on to affect all of China with Mao's call for continuing revolution. Due to the government of Mao Tse Tung losing ground after the Great Leap Forward, Mao feared that the Party officials and planners were abandoning the commitment to the values of communism and revolution, and he instructed the Red Guards to attack and kill everything that did not fit into socialist system and proletarian dictatorship. It lasted from 1966-1976. In the autumn and winter of 1966, schools and universities were closed so that students could dedicate themselves to revolutionary struggle. They were encouraged to destroy the 'four olds' - old customs, old habits, old culture and old thinking. This Revolution left a deep scar upon the Chinese society, as people left important jobs and schools to attack each other.
6. Also called the Tiananmen crackdown that took place on June 4th 1989; it was the crushing and shooting of Chinese university students and intellectuals that engaged in national protest asking for political reform, freedom of speech, press freedom and imbibing in democratic values by the government; the students supported by Chinese residents were numbered over a million. The government saw their actions as a threat and ordered the military (People's Liberation Army)

to crack down on the demonstrators; the number of casualties could not be ascertained as many deaths were witnessed. More information can be sourced from China Rights Forum, <http://www.hri.com>

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