



European Economic and Social Committee

REX/317
**An emerging civil
society in China**

Brussels, 13 December 2012

OPINION
of the
European Economic and Social Committee
on
**An emerging civil society in China:
civil society's contribution to the EU-China Year of Intercultural Dialogue and its enduring
impact**

Rapporteur: **Ms Sigmund**

On 16 September 2010, the European Economic and Social Committee Bureau decided to draw up an opinion on

An emerging civil society in China; civil society's contribution to the EU-China Year of Intercultural Dialogue and its enduring impact.

The Section for External Relations, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 20 November 2012. The rapporteur was Ms Sigmund.

At its 485th plenary session, held on 12 and 13 December 2012 (meeting of 13 December), the European Economic and Social Committee adopted the following opinion by 68 votes to 1 with 5 abstentions.

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1. **Recommendations**

- 1.1 The Committee calls on the Commission to involve it in the ongoing activities of the various working groups that were set up as part of the third pillar, people-to-people dialogue; as the institutional platform for civil dialogue at EU level, the Committee has amassed a great deal of know-how and experience that it could bring to bear in the development of such dialogue with China. Back in 1999, the Committee pointed out that "culture shapes the areas in which civil society operates"¹ and thus considers culture, within the broad definition that it has adopted, as a cross-cutting issue. With this approach, it is very well placed, within its areas of competence, to assist and support the soft power policies and intercultural diplomacy of the EU and China in their dialogue.
- 1.2 In the first instance, the people-to-people initiatives should, where possible, be strengthened at grass roots level through more student exchanges, possibly specific trainee programmes, and partnerships between towns and cities.
- 1.3 Attention should be given to developing cultural tourism. Experience has shown that cultural tourism not only boosts the economy, but can also make a lasting contribution to enhancing mutual understanding.

¹ See footnote 3.

- 1.4 Compliance with international standards regarding human rights and democratic and fundamental freedoms are important preconditions for cultural expression, cultural exchanges and cultural diversity, and must therefore be made a requirement.
- 1.5 Education and training (including adult education) should be included in the joint activities, as intercultural dialogue opens up many possibilities in this area, from language learning to consumer education, environmental awareness, etc.
- 1.6 With the aim of long-term awareness raising in mind, the Committee proposes an annual "EU-China interaction day", involving cultural events on both sides.
- 1.7 The exchange of good practices should be driven forward in as many areas as possible (this could involve key official as well as opposition players from the socio-economic field such as social partners and human rights organisations, together with various education and training bodies, experts in particular fields such as consumer affairs, environmental protection, penal institutions, etc.).
- 1.8 In any case, existing initiatives should be better networked with one another and the exchange of information amongst all players be improved, as the current situation is that a number of initiatives are taking place more or less in isolation and valuable synergies are being lost (see, for example, the EUNIC-China Cultural Dialogue).
- 1.9 Media cooperation (TV, print media) and joint training of journalists should be stepped up; both help to reach larger sections of the population².
- 1.10 In accordance with Article 167(3) TFEU, the Committee will look into what additional, long-term initiatives it can take within the context of its existing cooperation with China and is also prepared to offer other stakeholders a platform for exchanging information and views.

2. **Background**

- 2.1 Since the 2007 European agenda for culture, a new strategic framework for the EU's external action has been steadily emerging. Culture figures prominently within this framework.

This soft power policy is being extended and put into practice through this year's EU-China Year of Intercultural Dialogue and in the long-term structures planned in connection with this as part of EU intercultural policy.

In addition, this European approach was more or less simultaneously supported by President Hu Jintao at the 17th Congress of the Chinese Communist Party. On that occasion, Hu Jintao called for China to invest more in its "soft power resources".

² One example is cooperation between CRI (China Radio International) and the Austrian Broadcasting Corporation (ORF)/Bavarian broadcaster Alpha Bayern, with regular co-productions.

- 2.2 The EU-China joint declaration on culture of 22 October 2007 led to an increase in cooperation and dialogue in this area, and prompted a livelier political exchange on training and education, including multilingualism.
- 2.3 In May 2011, senior representatives of the EU and China agreed to extend this cooperation by creating a "third pillar" in the strategic partnership between the EU and China: the EU-China High-Level People-to-People Dialogue. This third pillar was formally agreed at the EU-China summit of 14 and 15 February 2012.
- 2.4 The EU-China Year of Intercultural Dialogue 2012 (YICD), which was agreed by leading EU and Chinese representatives at the 2010 EU-China summit and officially opened in Brussels on 1 February 2012, should also be viewed in this context.
- 2.5 The agenda for this year includes not only stepping up cultural relations, but also encouraging political and civil society dialogue in the interest of positive and long-term relations between the EU and China³. It is expected that by combining our forces and identifying synergies, the Year of Intercultural Dialogue will encourage civil society dialogue between the EU and China and have a lasting impact.

3. Introduction

- 3.1 This opinion builds on opinion CESE 413/2006 (rapporteur: Mr Sharma) and on the results of the study commissioned by the EESC⁴, which included a comprehensive, up-to-date analysis of Chinese civil society.
- 3.2 It places the findings of the study in the context of historical development and the EU-China Year on Intercultural Dialogue 2012 and the associated tasks and opportunities.
- 3.3 Of particular importance, in the view of the Committee, is the European Commission's expectation, as articulated in the EU-China YICD concept, that the year will "contribute to civil society dialogue between the EU and China...". As an institutional platform for civil dialogue in the European Union, the Committee is prepared to take on a similar role in EU-China relations.
- 3.4 Since 1999, the Committee has recognised an expanded concept of culture that includes areas like education, training and science alongside art and cultural heritage. Moreover, it has noted

³ "The main objectives of the Year are:

- to promote and strengthen intercultural dialogue and mutual understanding between the EU and China through people to people contacts;
- to establish a sustainable policy dialogue on issues of common interest;
- to contribute to consolidate the EU-China strategic partnership".

⁴ Baocheng Liu, University of International Business and Economics, Beijing: Report on Civil Society, May 2011.

that the political development of civil society is also a cultural process⁵ that shapes people's everyday lives.

- 3.5 The EESC considers personal mobility to be an essential aspect of cultural exchange between peoples, and therefore calls for the dismantling of all obstacles to such mobility.
- 3.6 The Committee issued an opinion⁶ on the *European Year of Intercultural Dialogue 2008*, in which it strongly supported the Commission's view of the importance of the influence of diverse cultural heritage on our way of life. Within the EU, this influence is significant and needs to be taken into account, but takes on particular importance in the context of EU-China intercultural dialogue.
- 3.7 In the area of European legal history and legal philosophy, Montesquieu⁷, as long ago as 1748, referred, in addition to the separation of powers which underpins all democratic systems, to the relationship between legal order on the one hand, and a country's natural circumstances (geography, climate) and the economic, social and cultural development of a people on the other.
- 3.8 In the understanding of culture as a recognition of shared values, espoused by the Committee, it is imperative during this momentous year of EU-China intercultural dialogue that we lead and deepen the dialogue about the values that determine the European Union's political action⁸. As well as being urgently necessary for political reasons, there is also a binding legal basis for this in Article 21 of the TEU⁹.
- 3.9 In addition, Title XIII (Culture) contains the following requirement in Article 167(3) TFEU: "*The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of culture, in particular the Council of Europe*". Since legal opinion is unanimous that "Union" not only means the European institutions but also – in their respective areas of competence – the advisory bodies, the Committee can claim to have a mandate in primary law to take appropriate initiatives in this area as part of its activities.

⁵ *The role and contribution of civil society organisations in the building of Europe*, [OJ C 329, 17/11/1999](#), p. 30.

⁶ *European year of intercultural dialogue (2008)*, [OJ C 185, 8/8/2006](#), p. 42.

⁷ Charles-Louis de Secondat, Baron de Montesquieu: *The Spirit of Laws*.

⁸ Article 2 TEU: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail".

⁹ Article 21(1): "the Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law".

- 3.10 Another key reference document for the EU-China Year of Intercultural Dialogue 2012 is the European Parliament resolution of 12 May 2011¹⁰, in which the European Parliament refers to the major role of civil society in such cooperation and *"stresses that democratic and fundamental freedoms, such as freedom of expression, press freedom, freedom from want, freedom from fear, freedom from intolerance, hatred and the freedom to access printed and digital information, as well as the privilege to connect and communicate – online and offline – are important preconditions for cultural expression, cultural exchanges and cultural diversity"*.
- 3.11 On that basis, the Committee is convinced that intercultural dialogue between the EU and China is a useful tool that, as a platform for economic, social, and legal/political cooperation, can contribute to strengthening mutual understanding and thereby trust as well. This foundation of cooperation will also help to ensure that any common steps taken endure. To achieve this, however, it will be necessary for both the European side and the Chinese one to set up the requisite, mutually coordinated structures and to develop and implement specific projects.
4. **General comments**
- 4.1 **Citizen and state in China**
- 4.1.1 In the Chinese tradition, and in Confucianism in particular, the role of the individual is different to that in European tradition. The subordination of the individual to larger collective entities (previously: primarily family and clan, today: party and state) has shaped Chinese society for more than two millennia.

With its centuries-long evolution of competing states, the idea of the state in Europe is perforce different from that in China, where the concept of *tian xia* ("everything under heaven") made the state's external borders porous until colonial powers imposed the paradigm of national borders on Chinese (at the time, Manchu) state power. Although the historical development of China's political structure reflects global developments in the 20th and 21st centuries, the internal transformation is only beginning. The Chinese Communist Party's power over the individual prevails, because the individual is not seen by the Party as "enlightened" enough to be trusted with responsibility for himself, which prevents democratic progress. With China's rapid integration into the international community (following self imposed isolation in the 1960s, for example) through (international and bilateral) links of very different origin, an increasing number of people-to-people contacts have become possible, challenging this view.

¹⁰ A7-0112/2011: *Cultural dimensions of the EU's external actions.*

4.2 Individual rights in China

- 4.2.1 In the EU, the emergence of a modern welfare state has enabled "social citizenship" to progress, focussing on individual rights at the same time as guaranteeing collective rights. It must be understood, therefore, that the two cultural spaces "China" and "Europe" (in all their internal diversity) are very different as a result of their respective historical development, especially when it comes to the relationship between the individual and society. Of course, this does not mean that human rights abuses should be tolerated – they are always unacceptable – but the conditions for active dialogue should be supported, enabling a pragmatic approach that draws on examples of best practice.
- 4.2.2 The influence of the respective cultural heritage on current attitudes to life and lifestyles mentioned at the beginning of this document applies to both the EU and to China, as does the interrelationship described by Montesquieu between geographical, economic, social and historically developed political structures on the one hand, and current attitudes towards and practice in the law on the other.
- 4.2.3 As an active member of the United Nations and its organisations (including, amongst others, the ILO) and, most importantly, as a permanent member of the Security Council, the People's Republic of China bears responsibility for the implementation of the spirit and values of the United Nations. This also includes compliance with all UN resolutions on human rights issues (UN Charter).

However, China is still far from compliance in everyday life, especially when it comes to social and individual civil rights, but also consumer and employee rights. Infringements against international treaties and standards are common¹¹; the same is true for the environment.

- 4.2.4 The UN charter on human rights¹² provides that individuals are entitled to protection under all circumstances. The discrepancy with the traditional Chinese model of society is obvious, as according to the Chinese understanding of a harmonious society, the unity and stability required by the government form the basis and prerequisite for the application of human rights. However, cultural differences cannot excuse violations of these rights, which should always be condemned.

Clearly, the major changes that have taken place as China has modernised have also included the relationship between society and the individual. However, this process is still at a very early stage, so it is impossible at this time to predict how it will proceed.

- 4.2.5 In keeping with Article 21 TEU, the institutions and public bodies of the Union, i.e. including the Committee, are required to advance in the wider world the fundamental values and

¹¹ See OJ C, 9/5/2006, p. 68, point 2.2.6. *et seq.*

¹² Universal Declaration of Human Rights, Resolution 217(III), 10 December 1948.

principles of the Union, including the indivisibility of human rights and fundamental freedoms. Where appropriate, this can take the form of EU bodies responding to perceived breaches of these values and principles by making public statements or using political means. This also applies to relations between the EU and China.

The Committee considers it to be one of the major challenges of the YICD to engage in a "Dialogue of Values" so as, particularly in the area of human rights, to develop examples of best practice in order to facilitate some initial progress.

It also feels that future work should take into account the Committee's experience as part of the EU-China Roundtable and the International Association of Economic and Social Councils and Similar Institutions (AICESIS).

- 4.2.6 The purpose of any dialogue is to break down prejudices, to gain knowledge and thus understanding of different world views and practices, and to work out concrete solutions.

Through mutual understanding that the principle of human dignity, on which human rights are based, fundamentally determines every political order, mechanisms can certainly be found through EU-China intercultural dialogue so that the question of human rights can be discussed constructively (without the EU renouncing the right to protest against violations it considers unacceptable).

4.3 **State of play and the role of civil society in China**

- 4.3.1 In all probability, one key challenge for China in the future will be the emergence of rapidly accumulating private wealth alongside existing poverty; the income and wealth gap is getting bigger. This problem is exacerbated by demographic development and will have a sustained impact on civil society activities.

- 4.3.2 Due to the circumstances in which they emerged and under the existing political framework, civil society organisations in China cannot act in the same way as equivalent bodies in the EU. Even if some of them have a certain degree of de facto autonomy, they are subject to extensive bureaucratic control. At best, they enjoy "dependent autonomy"¹³, which in plain English means that the rights of civil society organisations or actors cannot be closely compared with those in the European Union and democratic States in general (this applies particularly to freedom of expression and assembly).

- 4.3.3 There are already Centres of Research into Human Rights Issues at some Chinese universities, such as the CUPL (Chinese University of Political Science and Law), where the EU-China Law School was jointly established and is jointly run by the EU and the People's Republic of China. At the Renmin University Law School, a human rights component is planned as part of the basic degree studies of law students. Efforts are also underway to

¹³ See Dr Yiyi Lu: "The Rise of Dependent Autonomy".

promote cooperation with the European Court of Human Rights in Strasbourg in the form of publications, guest lectures, internships etc.

5. Conclusions

- 5.1 In the view of the Committee, building on existing structures for dialogue between the two civil societies and creating new ones as a result of the EU-China Year of Intercultural Dialogue seem to be a promising way of generating understanding of differences and taking confidence-building measures.
- 5.2 In view of the fact that the two cultural spaces "China" and "Europe" (in all their internal diversity) are very different as a result of their respective historical development, especially when it comes to the relationship between the individual and society and their respective political systems, intercultural dialogue should take the form of a broad and imaginative spectrum of platforms, forums and activities involving experts and civil society representatives alongside official bodies, and be based on internationally recognised human rights.
- 5.3 It would be a missed opportunity if the EU-China Year of Intercultural Dialogue failed to yield any tangible and enduring initiatives within appropriate structures. As the institutional platform for civil society organisations at EU level, the Committee is prepared to play a key role in shaping these structures and to help achieve synergies.

Brussels, 13 December 2012

The President
of the
European Economic and Social Committee

Staffan Nilsson
