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PRC Law and the Demise of Hong Kong in 2024

by Arran Hope



Hong Kong skyline from Victoria Peak. (Source: [Wikipedia](#))

Executive Summary:

- New National Security legislation, which emulates recent PRC laws, and the potential torture of a witness in the ongoing trial of Jimmy Lai, is characteristic of the erosion of legal norms in Hong Kong as it moves towards full unification with the CCP regime.
- Attempts at regularization and institutionalization of the PRC law in the last two decades are undercut by irresolvable tensions at the heart of the system, leading to instability. “Socialist rule of law with Chinese characteristics” is a paradox, where “rule by law” is intended to enhance the regime’s capacity for stability but cannot be reconciled with the “rule by man” personalization of the system under Xi Jinping.
- Hong Kong illustrates the instrumentalization of PRC law, whereby the aim of national unification allows the law to be overcome. The CCP, which frequently operates in an extralegal capacity within its own borders, supervenes in the city to assert its ultimate authority.
- How recent developments unfold, including the liquidation of Evergrande—especially in light of recent legal attempts at “harmonization” of the two distinct legal regimes through reciprocal decisions—will expose the political prerogatives that outweigh actual progress in legal system development.

Over the last week, several legal developments in Hong Kong have emerged, with seeming contradictory implications. Interest in these three legal developments extends beyond the coincidence of their arrival. Rather, the fact that they have all occurred this week exposes the uncertainties that surround the increasingly porous links between the two jurisdictions. This has serious implications for understanding what the aims of the Chinese Communist Party (CCP) are regarding the “One Country, Two Systems (一国两制)” framework under which the mainland and Hong Kong nominally operate. At a higher level, it also reinforces our understanding of the CCP’s disregard for international legal norms and agreements when they are found to be inconvenient for delivering its ends—in particular its core aim of national unification, which intends to wholly absorb Hong Kong into the PRC (to say nothing of its designs on Taiwan and other territories it claims). At the most fundamental level, it exposes the conceit behind Chinese President Xi Jinping’s conception of the rule of law (依法治国; more accurately translated as ‘rule by law’) and “socialist rule of law with Chinese characteristics (中国特色社会主义法治)” over the last decade. Namely, that the party-state has the capacity to operate outside of state law—something which it frequently does, especially in cases that impinge on matters relating to national security. In 2024, that could include an increasingly broad array of issues.

On Monday, the High Court in Hong Kong issued a “winding up order” against China Evergrande Group, the Cayman Islands-incorporated conglomerate whose founder was once among the world’s richest people before being detained in September ([Judiciary.hk](#), January 29). \$242 billion—equivalent to more than 90 percent—of the company’s assets are located in the Chinese mainland. It is unclear whether mainland law will recognize this judgment and allow the liquidator to seize assets within the People’s Republic of China (PRC), though Chinese media has played down the likelihood of this, or any negative fallout for its property sector ([Yicai](#), January 29; [Cailianshe](#), January 29).

Monday also saw the *Mainland Judgments (Reciprocal Enforcement) Ordinance* come into effect ([Elegislation Hong Kong](#), January 29). This piece of legislation permits civil and commercial judgments made in the mainland to be recognized and enforced in the jurisdiction of the Hong Kong Special Administrative Region (HKSAR), further eliding distinctions between the two legal systems. On its face, this legislation would appear to sanction the possibility of Evergrande’s liquidator to perform its function within the mainland. Experts believe, however, that reciprocity will not be extended in this case (see, for example, [Trivium](#), January 30). Clearly there are political (not to mention economic) reasons for Beijing doing so, but this does call into question the robustness and efficacy of China’s legal regimes.

While significant distinctions between the two systems do still exist, the Security Bureau of the Hong Kong Government’s release of a public consultation document titled “Safeguarding National Security: Basic Law Article 23 Legislation” this past Tuesday indicates that the overall trend is in the direction of supplanting Hong Kong’s common law system ([HKSAR Security Bureau](#), January 30). Article 23, which forms part of Hong Kong’s Basic Law, is intended to supplement the 2020 National Security Law (NSL), which was imposed externally by Beijing. Xi Jinping’s tenure as Chairman of the CCP has been heavily intertwined with national security concerns—particularly by preventing interference by external forces. Foreign espionage-related

scandals punctuated his rise to power in the early 2010s, and the vibrant pro-democracy protests at the end of that decade are also described as a foreign-induced color revolution ([Xinhua](#), September 24, 2021).

Mao Zedong originally constructed the PRC legal system based on the model of the Soviet Union. The Soviet Union's model, for its part, was borne out of Lenin's adaptation of the European-inflected tsarist system that he inherited. It is best viewed as a tool of as part of the Party's inventory of tools for governance. In the words of the Supreme People's Court (the PRC's highest court), "the people's courts are a highly political professional institution, and a highly professional political institution (人民法院是政治性很强的业务机关, 也是业务性很强的政治机关)" ([SPC](#), August 27, 2023). Following the Soviet model that preceded it, the main body of the PRC state constitution did not mention the Party at all for much of the country's history. Instead, it claimed that no "organization or individual is privileged to be beyond the Constitution or the law [Art.5]" ([NPC](#), March 14, 2004). This was amended in 2019, however, when Xi Jinping made the Party's authority explicit by adding the following to Article 1: "Leadership by the Communist Party of China is the defining feature of socialism with Chinese characteristics" ([NPC](#), November 20, 2019). [1] This is one of many indications of Xi enhancing the Party's power within the PRC's politico-legal framework. However, in making what was formerly implicit explicit, the Party's extralegal (or perhaps suprallegal) *modus operandi* is also articulated.

Hong Kong has often served to illustrate the defects of this conception of the law, often to the detriment of its population. Within the "One country, two systems" framework, Beijing is somewhat constrained in how it can operate in the territory. Given the political prerogatives at stake, however, the PRC government has found convenient workarounds. For instance, the Standing Committee of the National People's Congress (NPCSC) uses specific legal "decisions" to override Hong Kong's Basic Law. These have been referred to as a kind of "quasi-legislative decisions (准法律决定)," because they do not require standard procedures or scrutiny to be passed by the NPC. [2] One such decision paved the way for the NSL ([Xinhua](#), May 28, 2020). Other interpretations of the Basic Law by the NPCSC have contradicted Hong Kong's highest court, including by introducing practices to undermine local authorities' jurisdiction (For instance, [Xinhua](#), March 11, 2021).

The "one country, two systems" framework lives on only in political rhetoric. This has been an inevitable outcome since the handover in 1997. As a report from the time makes clear, the framework was only ever "symbolizing taking an important step forwards in the great cause on national unification (标志着中国统一大业向前迈出了重要一步)" ([Xinhua](#), accessed February 1). In pursuit of that end, political priorities again have allowed for the circumscribing of Hong Kong law. For instance, what is euphemistically termed the "harmonization" of the distinct legal regimes of the two jurisdictions has been an explicit part of Beijing's Greater Bay Area strategy. One legal document details "promoting the convergence (linkage) of judicial legal rules ... between Guangdong, Hong Kong, and Macao (在推进粤港澳司法法律规则衔接, 深化粤港澳司法交流合作)" ([SPC](#), June 23, 2022 ; See also, [China Brief](#), January 19). Gestures towards "harmonization" disappeared this week following the release of the Article 23 publication document. This piece of Hong Kong legislation appears to simply transplant wholesale many features of Beijing's security legislation to the HKSAR ([Hong Kong Law & Policy](#), February 1).

This week has also made unambiguous the Party's capacity to operate outside the law. Mere days after the United Nations' Human Rights Council (OHCHR) held a review of the PRC's human rights record, the Council warned that a witness in the ongoing trial of Jimmy Lai had possibly been tortured by the Chinese regime ([United Nations](#), January 31). Clearly, for the CCP, the law is an extension of politics by other means. As such, the Party can decide that international law does not apply inside the PRC, that Hong Kong's law does not have to apply within its own jurisdiction, and that PRC law can be circumvented by the Party's own actors. This has always been the case in the PRC, but it is increasingly causing problems for people inside and outside the country. As for Hong Kong, which for decades has been the engine for the PRC's impressive growth (the assurances of its rule of law system attracted Evergrande and other such firms [3])—both legal and extralegal overreach is pushing the city more towards its derisory moniker of “Hong Kong District, Shenzhen City (深圳市香港区).” How long the city will retain its uniqueness, or its utility to Beijing, remains to be seen.

“Socialist rule of law with Chinese characteristics (中国特色社会主义法治)” is perhaps the greatest antinomy of the PRC system. Its central paradox strikes at the heart of the regime's capacity for stability through the tension between “rule by man (人治)” and “rule by law (法治).” [4] This can be ascribed to the fact that while Xi Jinping has made considerable efforts to deepen the institutionalization of the PRC's legal system, his concurrent centralization of power within his own person, his erosion of institutional norms, and his suffusion of the Party throughout the political-legal apparatus undermines these efforts. By attempting to identify the rule of law with the “rule of virtue” and equating both with the dicta of one man—Xi himself, these “Chinese Characteristics” negate the possibility of and are deleterious to social stability ([Qiushi](#), December 16, 2022; [MOJ](#), February 22, 2022). [5] One upshot will surely be acute instability when a succession crisis arises, as becomes likelier by the day. Another, closer at hand, one can already witness in real time as international and public confidence seeps out of Hong Kong ([Hang Seng Index](#), accessed February 1). Marx famously described the law as a tool of the ruling elite. Its abuse by the Party's current leadership only reinforces the distance between that elite and the people they claim to represent.

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Notes

[1] The PRC constitution is not to be confused with the CCP Constitution, which can be found here: http://www.chinatoday.com/org/cpc/Constitution-of-Communist-Party-of-China_202210.pdf

[2] See this post for a more in-depth explanation of what these legislative actions are and how they function: <https://npcobserver.com/2021/02/22/demystifying-the-npcs-quasi-legislative-decisions/>

[3] See: Huang, Yasheng. *The Rise and Fall of the EAST: How Exams, Autocracy, Stability, and Technology Brought China Success, and Why They Might Lead to Its Decline*. Yale, 2023.

[4] For historical context, see [Jenco, Leigh K. "‘Rule by Man’ and ‘Rule by Law’ in Early Republican China: Contributions to a Theoretical Debate." *The Journal of Asian Studies* 69, no. 1 \(2010\): 181–203.](#)

[5] As Benjamin Liebman observed a decade ago, the “law-stability paradox suggests that party-state leaders do not trust legal institutions to play primary roles in addressing many of the most complex issues resulting from China’s rapid social transformation. This signifies a retreat not only from legal reform, but also from the rule-based model of authoritarian governance that has contributed much to the resilience of the Chinese system.” [Liebman, Benjamin L. “Legal Reform: China’s Law-Stability Paradox.” *Daedalus* 143, no. 2 \(2014\): 96–109.](#)

PLA Personnel Shakeups and Their Implications

by Lin Ying-yu (林穎佑)



Assembly of a Long March 5 at the China Aerospace Science and Technology Corporation. (Source: [CASC](http://www.spacechina.com))

Executive Summary:

- Dong Jun's appointment as Defense Minister and changes in the PLA Rocket Force leadership mark a strategic shift towards bolstering military diplomacy, particularly with Russia, and enhancing combat and technological readiness, reflecting Dong's significant role in shaping future military strategy.
- The leadership overhaul within the PLA highlights a concerted effort to root out corruption, critical for maintaining the military's operational integrity and effectiveness. This move is partly inspired by the need to avoid the operational pitfalls seen in the Russian military's performance in Ukraine.
- The hiring of PLA officers from services outside the Rocket Force, as well as those with personal connections to Xi Jinping, indicates a desire to start afresh, while also suggesting the extent of corruption within PLARF.
- Analysts believe the ousting of officials like Li Shangfu won't necessarily directly weaken the PLA's combat capabilities, given the defense minister's primarily diplomatic role. However, it also suggests that Li, with his technical background, was perhaps not well-suited to his role. Nonetheless, it prompts speculation about future military diplomacy and technological focus.

On January 30, Chinese state media reported that Wang Xiaojun (王小军) had been removed from the 14th National Committee of the Chinese People's Political Consultative Conference (CPPCC) ([People's Daily](#), January 30). Since June 2019, Wang had served as Director and Deputy Secretary of the Party Committee of the First Research Institute of the China Aerospace Science and Technology Corporation (CASC; 航天一院). This follows the expulsion in December of Wu Yansheng (吴燕生), who had also served at CASC as its chairman and party chief ([Caixin](#), January 30). CASC is the leading, state-owned defense-aerospace conglomerate in the People's Republic of China (PRC) ([China Brief](#), November 30, 2023; [ASPI](#), 16 December, 2019).

Wang and Wu are only the latest in a growing list of top officials and executives within the Chinese Communist Party (CCP) to have disappeared in recent months. The most high-profile, former Foreign Minister Qin Gang (秦刚) and former Defense Minister Li Shangfu (李尚福), were sacked in June and October, respectively ([People's Daily](#), October 24, 2023). No reasons have been officially divulged, but their disappearances are most likely due to crimes such as compromising classified information or engaging in corrupt activities. Whatever the truth, the recent shake-ups in the upper echelons of the People's Liberation Army (PLA) have attracted international attention and speculation about the current state of the Party's army. However, while some analysts consider that Li's removal might affect the PLA's combat strength, this is not necessarily the case. After all, the duties of the defense minister in the PLA do not involve commanding troops and initiating arms build-up efforts. Rather, they are focused on military diplomacy and interactions with foreign military counterparts.

Li Shangfu: The Wrong Man For The Job

Li Shangfu's fall from grace likely extends beyond his stint as Defense Minister and the corruption-related irregularities in which he is suspected of being involved. Another factor contributing to his early exit from the circles of power within the CCP may have relate to his prior service experience. Li spent most of his time in the military at the Xichang Satellite Launch Center (西昌卫星发射中心) in Sichuan Province, which was then subordinate to the now-defunct General Armament Department (总装备部; GAD). He joined as a technician in 1982, and remained there for over three decades, before moving to GAD in 2013. In both his time at Xichang and at the GAD, his work involved the handling of technology developments in fields like aviation. Li has a PhD in engineering which, coupled with his expertise in military technology, could complement the insufficiencies of other members of the Central Military Commission (CMC) who would otherwise have to consult with outsiders for answers to technology issues ([UDN](#), October 26, 2023; [China News](#), March 13, 2023).

Li's skillset may not have been well-suited for the role of defense minister. This position is oriented toward military diplomacy and interaction with high-ranking officers from foreign militaries. As such, Li's specialization in military technology specialty was likely not relevant for much of his work. Indeed, it would have been out of place in discussions and exchanges of opinions on military issues such as the war between Russia and Ukraine or naval and air conflicts in the Indo-Pacific.

Dong Jun: China's New Defense Minister

Dong Jun (董軍) was announced as the PRC's new Minister of Defense on December 29 ([China Daily](#), December 29, 2023). [1] Born in 1961 in Yantai, Shandong Province, Dong graduated from the Dalian Naval Academy. In 2013, Dong briefly assumed the position of deputy commander of the East Sea Fleet, before being transferred to the position of deputy chief of staff of the PLA Navy in December 2014. Two years later, in January 2017, he was promoted to the position of deputy commander of the Southern Theater Command. There he went on to rise to the rank of deputy theater command commander-grade vice admiral (副戰區中將). In March 2021, after serving out his theater command posts—which were not directly under the navy's control—Dong returned to PLAN to become its deputy commander. Five months later, he took the helm of the navy (海軍司令員) and was promoted to the rank of theater command commander-grade admiral one month later (正戰區上將軍階) ([Liberty Times](#), December 31, 2023).

Dong has previously had close interaction with the foreign militaries. In 2015, he served as the executive director of a joint naval exercise with the Russian navy ([People's Daily](#), August 25, 2015). The “Sea Guardians-2020” China-Pakistan joint naval exercise saw Dong in the role of chief director. This was the first joint naval drill under the “Sea Guardians” rubric, though the sixth such China-Pakistan joint naval drill ([People's Daily](#), January 7, 2020). He might even have participated in a theater-level command dialogue between China and the United States in 2021. [2] These past experiences illustrate his continued involvement in military diplomacy and his corresponding achievements.

Dong's appointment therefore appears to fit the requirements of the current moment. There is an urgent need for the PLA to maintain its interactions with the Russian military. This is in part to draw lessons from the Russian forces' operations in Ukraine. A deep understanding of Russia's performance can serve as the basis for an examination of the PLA's own combat strength following the 2016 military reform, the results of which can then be applied to its preparations for future warfare ([China Brief](#), February 4, 2016; [China Brief](#), June 21, 2021). These tasks may be on Dong's priority list, alongside a push for further military exchanges with other countries going forward ([The Diplomat](#), August 8, 2023).

New Rocket Force Officers And Lessons From Recent Exercises

Military exercises launched by the PLA in the Taiwan Strait in recent years offer a good opportunity for Taiwan and other observers to assess the strengths of its principal opponent. It can also provide indicators of the PLA's logistics preparedness and gauge the potential impact of corruption. Eight years have passed since the PLA's latest round of military reform, which included changes in its combat doctrine, equipment, organization, and training.

The PLARF has presented considerable opportunities for corruption since its inception. The force was separated and elevated from the former Second Artillery Corps as part of the 2016 military reforms and underwent a rapid expansion in the subsequent few years. The requirements for construction projects for military bases and launch sites, as well as for organization enlargement projects, generated substantial

prospects for corrupt use of funds. These factors likely came to head as the direct cause of the purge as seen recently.

Corruption is one of the ways in which Russia's forces can be analogized to the PLA. For instance, in nearly two years of Russia's ongoing invasion of Ukraine, Russian forces have underperformed expectations. This has been attributed less to strategic and tactical errors than to rampant corruption in the Russian military. As a direct result of this corruption, front-line troops have been unable to receive arms supply and logistics support in the necessary timeframe ([RUSI](#), May 19, 2023). These issues have sent a warning signal to Beijing. The faulty launch of Dongfeng-series missiles near Taiwan in 2022 may have prompted the Chinese leadership to make inquiries into the internal operations of the PLA Rocket Force (PLARF), as media reports have suggested. The service's abrupt leadership reshuffle in July 2023 might be a direct result of such inquiries ([BBC Chinese](#), August 1, 2023).

A number of the new appointees installed at the top of the PLARF come from beyond the Rocket Force itself. Newly-appointed Rocket Force Commander Admiral Wang Houbin (王厚斌) had served in positions including director of the General Research Office under the now-defunct General Staff Department as well as two concurrent posts—deputy chief of staff of the East Sea Fleet and deputy commander of the Zhoushan aircraft carrier base ([People's Daily](#), August 1, 2023). In 2018, Wang was promoted to the position of deputy chief of staff of PLAN, which is a corps commander-grade position. That same year, he was also appointed as deputy commander of PLAN, a deputy theater command commander-grade position. He later rose to the rank of vice admiral in December 2019. Judging by his service record, he has not only had the experience of serving in higher echelon units, but has also taken positions in the East and South Sea Fleets ([Liberty Times](#), August 1, 2023). However, he lacks any experience commanding front-line combat units. Wang's seagoing experience will have been accumulated during his time spent on surface vessels. This apparently means that he has never had any access to nuclear weapons or nuclear-powered submarines. This is unusual for a Rocket Force Commander and suggests that his promotion could have something to do with his performance as a member of the CPC. It also raises the possibility that discipline problems with PLARF were more serious than previously thought, especially among its leaders. President Xi Jinping thus had no choice but to go outside the force, selecting leaders from other services whom he can trust to bring PLARF back on track.

Another transfer from outside is former PLA Air Force General Xu Xisheng (徐西盛), who has been appointed as the new political commissar of PLARF. He may have been selected for the same reason as Wang Houbin—he is not tainted by the corruption scandals that seem to have brought down many of the senior levels of the PLARF, and is trusted by Chinese president Xi Jinping. Xu was previously in important positions at the Fuzhou Command Post, now renamed the Fuzhou Base. Former PLA Air Force Commander Ding Laihang (丁来杭), with whom Xu has worked, and former CMC Vice Chairman Xu Qiliang (许其亮) were also known for their service at this highly important unit. In the 1990s, Ding served as a regiment commander in the 24th Air Division while Xu Qiliang commanded the 8th Corps of the PLA Air Force, the predecessor of the Fuzhou Command Post. Their stints in Fuzhou overlapped with that of Xi

Jinping, who was serving as the secretary of the Fuzhou municipal committee of the CCP and the first secretary of the Fuzhou military sub-region committee of the CCP at the time. Xu Xisheng is therefore believed to have been chosen to lead the Rocket Force in part because of these connections to Xi personally, which has enabled a degree of trust in and familiarity with him ([Liberty Times](#), August 1, 2023).

Conclusion

The PLA has made considerable qualitative and quantitative improvements in recent years. A comprehensive look at the military exercises it has launched or participated in confirms this assessment. These improvements are advantages that the PLA can exploit to create more opportunities to prevail in future operations, such as any actions against Taiwan. However, the human element is still crucial in affecting the outcomes of war. In the PLA's recent anti-corruption campaign, newly-appointed military leaders selected to replace those whose terms of office had not expired have little prior involvement in the affairs of the units they now head. This is redolent of the Sino-Vietnamese War of 1979, during which the phenomena of "laymen leading experts" and "party loyalty over technical expertise" were prevalent ([BBC Chinese](#), May 2, 2017). The seeming comeback of these old trends might be counterproductive for the PLA, which in recent years has become an increasingly specialized force.

The PLA has advanced a lot in military doctrine, technological development, and organizational structure, but this requires a correlative advance in technical expertise. However, too much emphasis on loyalty without corresponding regard for skilled personnel will lead to questions about whether the PLA can survive the trials of the battlefield. It remains to be seen whether Dong Jun, Wang Houbin, Xu Xisheng, and the other new appointees can provide satisfactory answers to those questions.

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[1] Dong Jun is yet to replace Li Shangfu on the Ministry's website. It is possible that this will only occur after the annual Two Sessions of the National People's Congress in March.

[2] This suggestion has not been verified but comes from an anonymous source on a closed online forum.

New Bhutan Government Unlikely To Resist PRC Incursions

by Sudha Ramachandran



Narendra Modi addressing the Parliament of Bhutan in Thimphu, 2014. (Source: [Wikimedia Commons](#))

Executive Summary:

- The PRC's claims over Bhutanese territory have expanded over the years, including recent large-scale construction in disputed valleys, which contradicts the 1998 agreement to maintain the status quo, challenging Bhutanese sovereignty and raising strategic concerns for India.
- The PRC is pushing to resolve the border issue through negotiations, as well as to finally establish diplomatic relations. But the new Bhutanese government under Prime Minister Tshering Tobgay is expected to continue navigating the delicate balance, though he will likely lean closer to India than the PRC.
- India's close relationship with Bhutan is crucial, especially regarding the Doklam Plateau, with India viewing any concession to the Beijing as a threat to its strategic interests, influencing Bhutan's stance on border negotiations.
- Despite historical tensions, some in Bhutan admire China's economic success and advocate for stronger ties, while the PRC seeks formal diplomatic relations with Bhutan as part of its broader regional ambitions, despite international and regional concerns over its aggressive territorial policies.

On January 9, Bhutan held its fourth parliamentary elections since it became a democracy in 2008 ([Election Commission of Bhutan](#), January 10). The liberal, pro-Indian People's Democratic Party (PDP) won 30 of 47 seats in the National Assembly. Tshering Tobgay, who was prime minister in 2013-2018, has been sworn in for a second term. India's Prime Minister Narendra Modi was swift to offer his congratulations, as was the US Department of State ([PMIndia](#), January 12; [US Department of State](#), January 12). The People's Republic of China (PRC), which is yet to establish diplomatic relations with its small neighboring kingdom, has not publicly acknowledged the new government.

The election comes on the heels of the 25th round of border talks, which took place in late October. During the talks, Bhutan's foreign minister met both PRC Vice President Han Zheng (韩正) and Wang Yi (王毅), Director of the Central Committee's Foreign Affairs Commission ([MFA](#), November 2023). In recent years, the border dispute has been exacerbated by PRC construction of permanent structures within Beyul Khenpajong—sacred ancestral lands for many Buddhists, as well as for the Bhutanese royal family. Tensions are unlikely to be resolved under the new government, but an analysis of recent developments reveals useful details for understanding Beijing's approach to regional states.

Beijing's Expansionist Foreign Policy

Beijing appears to be robustly altering the status quo on the ground along its border with Bhutan. Recent satellite images reveal “the staggering pace” at which the PRC is building “townships along a river valley in Beyul Khenpajong” located in territory it claims in northcentral Bhutan. According to experts cited by the Indian news channel, NDTV, the Chinese constructions are “large format settlements capable of housing hundreds [of people]” ([NDTV](#), January 6). At present, there are over 200 single- and multi-storey structures and their numbers are likely to increase, as construction is not yet complete. According to Himalayan and Buddhist studies expert Phunchok Stobdan, satellite images have provided “detailed evidence of China's massive construction of permanent settlements in the remote Jakarlung valley of Bhutan as well as in the Menchuma valley to its east.” [1] The images reaffirm that the PRC has spent almost a decade building entire villages, roads, hydropower stations, communications facilities, and military and police outposts inside Bhutanese territory. The PRC, which now controls Menchuma Valley and most of the Beyul, has since populated these villages ([Foreign Policy](#), May 7, 2021; [The World Today](#), December 1, 2023).

Chinese encroachment in western and northern Bhutan is not new. For decades, Chinese soldiers and grazers have been encroaching on Bhutanese pastures. The PRC has previously laid claim to 269 sq km in Doklam, Sinchulung, Dramana, and Shakhatoe in western Bhutan, and another 495 sq km in the Jakurlung and Pasamlung Valleys in northcentral Bhutan ([IDSA Comment](#), January 19, 2010). More recently, in June 2020, it added the Sakteng Wildlife Sanctuary, an area spanning 650 sq km in the eastern Bhutanese district of Trashigang, to its territorial claims ([Indian Express](#), July 6, 2020). By 2006, the PRC had built at least six roads near Bhutan's northern border, of which three crossed into Bhutanese territory ([Observer Research Foundation](#), July 22, 2023). In 2017, such activity by the PLA at Doklam in western Bhutan resulted in a 73-day military standoff between the Indian and Chinese armies. However, one Bhutanese

official alleges that what is unfolding in Beyul Khenpajong is “unprecedented,” arguing that the construction activity here is “more systematic, on a larger scale, and of a more permanent nature.” [2]

Negotiations over the border have been ongoing for 40 years. In 1996, Beijing put forward a package proposal under which it offered to recognize Bhutanese sovereignty over Pasamlung and Jakarlung in exchange for Bhutan ceding control of Doklam ([IDSA Comment](#), January 19, 2010). Bhutan rejected the swap proposal. An oft-cited milestone in the negotiations was the 1998 Agreement to Maintain Peace and Tranquillity on the Bhutan-China Border. Under this, the two countries agreed under Article 3 to “refrain from taking any unilateral action to change the status quo of the boundary (不采取任何单方面行动改变边界现状)” ([FMPRC](#), December 8, 1998). However, PRC actions in recent years appear to be contravening this agreement. Nevertheless, talks continue in parallel, and in October both sides signed a “Cooperation Agreement on the Functions of the Sino-Bhutan Joint Technical Team for Boundary Delimitation and Demarcation” ([MFA](#), November 2023).

India’s close relations with Bhutan, and its concerns about the PRC, underlie much of Bhutan’s positioning. India is apprehensive that any arrangement that results in Thimphu ceding control of the Doklam Plateau to the Chinese will undermine its security. According to a retired lieutenant general of the Indian Army, Doklam in Chinese hands would provide the PLA with “a launch pad to choke India’s vital lines of communications running through the Siliguri Corridor to the Northeast” ([Newslaundry](#), July 8, 2017). It is out of sensitivity to Indian security concerns that Bhutan has not accepted deals offered by the Chinese. [3]

The PRC, for its part, often sees Bhutan through the prism of its own relations with India. A recent article by a former lecturer at the PRC’s National Defense University blames the Sino-Bhutanese diplomatic impasse on “India’s obstruction,” and laments that Bhutan has been under New Delhi’s control for many years (“掌控不丹多年的新德里...”) ([WangYi](#), December 8, 2023). It goes on to claim that concern about Chinese activity around Bhutan’s border is due to “impure motives”—namely, election interference by the West and an attempt to disrupt the border talks. Another article from 2021 concludes with the hope that “positive progress in China-Bhutan relations will create favorable conditions for resolving the China-India border issue (中不关系的积极进展能够为解决中印边界问题创造有利条件)” ([China.com](#), October 22, 2021).

The PRC also tends to see Bhutan to some extent as a part of its own territory. In 1930, for instance, Mao Zedong claimed that Bhutan fell under “the correct boundaries of China.” Official maps of the PRC released in 1954 and 1958 reflected Beijing’s expanding territorial claims in Bhutan, and in 1959, amid its annexation of Tibet, the PRC occupied eight Bhutanese enclaves in western Bhutan. [4] The bloody suppression of the Tibetan uprising and the flight of the 14th Dalai Lama and his followers left a deep impression on the Bhutanese. Accounts of Chinese atrocities on Tibetans who fled to Bhutan convinced them that the Chinese were “out to destroy Buddhism and Buddhists” ([China Brief](#), April 20, 2017). Even the PRC’s most recent standard national map includes disputed Bhutanese territories as its own ([People’s Daily App](#), August 28, 2023).

At a minimum, deepening integration with Bhutan is clearly a key aim for the PRC. As part of the most recent round of discussions, Liu Jinsong (刘劲松), Director General of the Department of Asian Affairs, presented Bhutan's foreign secretary with a copy of "China's Neighborhood Foreign Policy Outlook in the New Era (新时代中国的周边外交政策展望)" ([MFA](#), October 25, 2023). This document gives a clear sense of Beijing's desires for the region. It advises that "Chinese-style modernization provides a brand-new option for the vast number of developing countries to explore the road of modernization," and states that the PRC is willing to "join hands in realizing the 'Asian dream' of sustained peace and common development (携手实现持久和平、共同发展的亚洲梦)" ([Xinhua](#), October 24, 2023).

Bhutanese Perception of China

Bhutan's relations with China have not always been hostile. This is in contrast with its former relations with the independent Tibetan kingdom, with whom relations were "close, although often conflicting." [5] Stobdan argues that there is little animosity towards the country, even today. "There is nothing called [the] China threat. It is all about the Tibetan expansion into the Himalayan regions," he says. Even after Tibet's annexation by China, "Tibetan assertion" in Bhutan continued. In addition to "Tibetan nomadic intrusions," thousands of Tibetan refugees fled to Bhutan in the wake of Chinese repression in the 1970s, threatening national security. An episode of palace intrigue led to concerns that some Tibetans were involved in Bhutanese internal affairs. This led Thimphu to expel many Tibetan refugees in the late 1970s for their "lack of allegiance" to Bhutan. Additionally, Stobdan says, Bhutan "shunned all contact with the Tibetan province" in 1979. [6]

In international fora, Bhutan has been very supportive of the PRC. It firmly abides by the one-China principle and considers Taiwan and Tibet as parts of the PRC. A growing number of young Bhutanese are impressed with its rise as an economic power and wish to see some of the same prosperity. [7] There is some resentment over Bhutan having to be sensitive to India's security concerns. In an interview, a Bhutanese political commentator argued that Bhutan is "paying the price on the ground" for not accepting the package proposal from the PRC and establishing diplomatic relations. He framed Beijing's construction activity in Beyul Khenpajong as occurring in part because Bhutan "refused" the package proposal [8]

Former Prime Minister Lotay Tshering addressed the tensions in an interview to a Belgium newspaper last year. Noting that Bhutan did not have major border problems with its neighbor, he admitted, however, that "certain territories are not yet demarcated," though expected that they would "probably be able to draw a line" after "one or two more meetings" ([La Libre](#), March 25, 2023). Importantly, he dismissed claims of Chinese building activity in Beyul: "It's not in Bhutan ... categorically, there is no intrusion as mentioned in the media. This is an international border, and we know exactly what belongs to us." Either Tshering believed there is no Chinese construction in the area or was of the view that the land on which this construction is taking place is not Bhutanese.

Chinese Occupation of Beyul Khenpajong

Beijing has faced little pushback as it has consolidated control of Beyul Khenpajong. [10] The area is full of difficult terrain and a lack of roads. This has made it hard to access from the Bhutanese side. This inaccessibility has added to its mysterious image, [11] but has also facilitated PRC occupation.

The rationale behind Beijing's landgrab is not entirely clear. Unlike Doklam, which is near India and where the PRC has also pressed ahead to alter the situation on the ground through construction of roads and bunkers, control over Beyul Khenpajong would have no strategic value in the event of an India-China war. Stobdan suggests that it "may be spiritually important for the Drukpas and Nyingmapas living on the Tibetan side," something which Beijing could be playing on to boost support. [12] Alternatively, Beijing may be tightening its grip over the Beyul to pressure Thimphu to accept the package proposal. Stobdan believes that Beijing's infrastructure buildup and "nomadic Tibetan infiltration" has been successful in the past. He notes that in 2006, Bhutan excluded Kula Kangri (an Himalayan peak) from its national map, supposedly under duress from the PRC. [13] Given such precedents, Beijing has likely learned the lesson that such pressure can pay off. In this case, as a Bhutanese official warned, the recent structures "are not temporary structures aimed at just pressuring Bhutan but seem built for the long run." They added that this activity amounts to Chinese "occupation" of the Beyul. [14] This perception is not necessarily commonly held. However, foreign policy is not widely discussed in the kingdom and there is sensitivity to any public comments due to the outsized influence of both New Delhi and Beijing on the country's politics. This makes it difficult to get a good sense of how Bhutanese feel about the situation without speaking directly with them.

The PRC side nevertheless intends to maintain its presence in the territory. Beijing's approach to Bhutan echoes its "maximalist position" towards all sectors of the Line of Actual Control in its talks with India ([Seminar](#), 2008). Its construction projects in the face of international criticism is also not dissimilar to its land reclamation efforts in the South China Sea. The permanent nature of constructions and the extensive settlements it is building in Beyul suggest that the PRC will not vacate the areas it has occupied for the foreseeable future.

Conclusion

Talks with China will continue under Bhutan's new Prime Minister Tshering Tobgay but—judging from his last stint at the helm (2013-2018)—perhaps not at the rapid pace they did under the previous government. Tobgay will maintain a strong relationship with India. For the PRC, talks with Bhutan go beyond the border dispute, with the ultimate aim being the establishment of formal diplomatic relations with Thimphu. In the words of a report from an MSS-affiliated think tank, such a result is "the trend of the times and the wish of the people (大勢所趨、民心所向)" ([CICIR](#), November 15, 2023). Indeed, the PRC is in favor of establishing diplomatic ties irrespective of the border settlement.

Parallel to changing the status quo on the ground in its favor with its infrastructure-building activity, China is keen to enhance its economic and other presence in Bhutan. This would help the PRC to create a favorable environment for itself while increasing its leverage. Bhutan's returning Prime Minister will be aware of this, but given the urgency of his country's economic situation, it is unclear how willing or capable his government will be to alter this trajectory.

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Notes

[1] Author's interview with Phunchok Stobdan, Himalayan and Buddhist studies expert and author of "*The Great Game in the Buddhist Himalayas – India and China's Quest for Strategic Dominance*," Vintage Books, 2020, January 18, 2024.

[2] Author's interview with a Bhutanese official based in Thimphu, Bhutan, January 22, 2024.

[3] Author's interview with Bhutanese political commentator based in Thimphu, Bhutan, January 18, 2024.

[4] See Srikant Dutt, "Bhutan's International Position," in *International Studies* (New Delhi), vol.20, nos. 3-4, July-December 1981, pp. 605-06, and Pranav Kumar, "Sino-Bhutanese Relations: Under the Shadow of India-Bhutan Relations," in *China Report* (New Delhi), vol.46, no.3, 2010, p. 245.

[5] Thierry Mathou, "Bhutan-China Relations: Toward a New Step in Himalayan Politics," in Ura, Karma and Sonam Kinga (eds.), *The Spider and the Piglet* (Proceedings of the First International Seminar on Bhutan Studies) (Thimphu: The Centre for Bhutan Studies, 2004), pp. 390-92.

<https://www.bhutanstudies.org.bt/publicationFiles/ConferenceProceedings/SpiderAndPiglet/19-Spdr&Pgl.pdf>

[6] Author's interview with Stobdan.

[7] Author's interview with Bhutanese official.

[8] Author's interview with Bhutanese political commentator.

[10] Author's interview with Indian military official, formerly posted in Bhutan, January 22, 2024.

[11] Author's interview with Bhutanese political commentator.

[12] Author's interview with Stobdan.

[13] Author's interview with Stobdan.

[14] Author's interview with Bhutanese official.

Recent PRC Rhetoric Does Not Signify Substantive Diplomatic Shifts

by Willy Wo-lap Lam



The International Liaison Department office building, Beijing. (Source: [Wikipedia](#))

Executive Summary:

- Liu Jianchao is expected to succeed Qin Gang as foreign minister, emphasizing a focus on maintaining positive relations and creating a market-oriented business environment. But questions have been raised about Liu's qualifications, as he lacks experience as an ambassador and is known for his involvement in anti-corruption and national security efforts.
- Li Qiang, who spoke at WEF in Davos last week, is engaged in a power struggle with Cai Qi over the balancing of economic growth and national security concerns.
- Xi Jinping is shifting his diplomatic strategy and rhetoric towards a more conciliatory approach with the United States and Western allies, moving away from aggressive "Wolf Warrior" diplomacy. But no progress will occur before November's election in the United States.

President Xi Jinping is in the process of recalibrating his diplomatic strategy. By attempting to play nice with the United States and the Western alliance, as well as by courting multinationals, he is shifting away from what has been referred to previously as “Wolf Warrior” diplomacy. This will be further demonstrated by his imminent appointment of Liu Jianchao (刘建超) to succeed the disgraced Qin Gang (秦刚) as foreign minister. This could happen as soon as the end of February, if the Party holds a plenum to sign off on this personnel change. Liu, 59, is currently the ministerial-level Director of the International Liaison Department (中联部; ILD), which is in charge of relations with political parties across the rest of the world. The ILD was spun out of the United Front Work Department (UFWD) in 1951. The exact nature of the links between the two organizations today are unclear, though it is fair to assume that the ILD remains an active part of the UFWD’s operations. For instance, a former UFWD department head has previously compared the ILD’s engagement with foreign parties to the way the UFWD engages with domestic organizations ([ASPI](#), June 9, 2020).

Liu Jianchao’s Background Suggests Hardline Stance

In his recent visit to the United States, Liu made nice with senior American officials. The former assistant foreign minister told an audience of officials and businesspeople that “China will remain committed to the [open-door] policy...Going forward, China will continue to expand institutional opening up with regard to rules, regulations, and management to create a market-oriented, law-based business environment that meets the international standard.” However, he failed to address in detail controversial topics such as tensions in the Taiwan Strait and the South China Sea. He merely underscored the imperative of “establishing a correct understanding jointly, effectively managing differences, [and] promoting mutually beneficial cooperation” ([Council on Foreign Affairs](#), January 9; [Global Times](#), January 9).

Liu also met with US Secretary of State Antony Blinken during his trip. During these talks, Liu had little to say about his country’s human rights record, its detention of several US citizens, or its aggressive tactics toward Taiwan. Blinken pressed the senior Chinese diplomat over his views on the Russian invasion of Ukraine, alleged technological aid to North Korea, and the country’s involvement in Iran in relation to the current conflicts in the Middle East. Liu largely stuck to the official Chinese Foreign Ministry line to take on these sensitive issues. State media outlet Xinhua cited Liu and Blinken as agreeing that both sides “will continue to implement the important consensuses reached by President Xi Jinping and President Joe Biden and take concrete actions to promote the stable, healthy and sustainable development of China-US relations.” ([Xinhua](#), January 14; [The State Department](#), January 12). This “important consensus”—referring to the outcome of the Xi-Biden meeting on the sidelines of APEC last November—echoes the recent upgrade in PRC diplomatic and media discourse of the “San Francisco vision” to the “San Francisco Consensus (旧金山会晤的共识)” ([China Embassy](#), November 21, 2023; [Huanqiu](#), January 31). This rhetorical elevation is yet another indication of attempts by the People’s Republic of China (PRC) to put a positive spin on its most important bilateral relationship.

Questions have also been raised regarding the qualifications of the Foreign Minister-designate Liu and whether he is truly as disposed towards “opening up” as he has claimed. Unlike most of his predecessors, Liu lacks the key experience of being ambassador to the United States or other significant countries such as UN Security Council permanent members. Liu is better known for his heavy involvement in anti-corruption and national security. In the mid-2010s, Liu was in charge of “operation foxhunt (猎狐专项行动),” which involved tracking down corrupt cadres who had fled overseas and bringing them back to the PRC to be subjected to the Party’s justice system. This was often achieved through tasks such as intimidating relatives still living in the PRC or negotiating with the governments of countries to which targets had fled to divide the embezzled money between the PRC and the host country. Rather than focusing on persuading foreign countries to invest more money into a country that has leaned hard into insisting that it has embraced an open-door policy once more, Liu’s priority may well be to strike a more sustainable balance between economic development and national security in his outreach with foreign states and businesses ([Wall Street Journal Chinese](#), January 24; [Radio Free Asia](#), January 24).

Beijing’s “Smile Diplomacy” Belies Toothless Economic Reform

This balance—or struggle—between economic development and national security has played out this month at the top of the Party. Yet another major diplomatic thrust came from a keynote speech recently delivered by Premier Li Qiang (李强) at the World Economic Conference in Davos ([WEF](#), January 17). Li told the assembled global business elite that the PRC was “a supersize market with rapidly unlocked demand,” and committed to continuing to “provide a big stage for various businesses and talents.” More importantly, the Chinese Premier emphasized that his country remains firmly committed to opening up. “We will continue to create favorable conditions for the world to share in China’s opportunities,” he announced ([FMPRC](#), January 17). However, Li’s record as Premier is yet to match up to his rhetoric. He has failed to introduce significant measures to cut party-state and bureaucratic interference with market operations. This is in contrast to the late premier Li Keqiang (李克强) who died from an apparent heart attack last October, prompting public outpourings of grief and implicit critiques of the regime ([VOA](#), October 28, 2023). However, Li’s influence over economic policy is perhaps less sure than previously assumed.

While Li was in Davos, Cai Qi (蔡奇)—Xi’s national security czar and close ally who seems to have secured dominance over a wide policy portfolio—chaired a January meeting at the Central Party School where CCP Chairman Xi Jinping delivered an important speech on “financial and monetary policy under socialism with Chinese characteristics” ([Xinhua](#), January 17). The supreme leader has emphasized “strict party control” over financial policy; and noted that economic development, which must include the introduction of investments from multinationals, should be balanced with national-security concerns. As the PBSC member in charge of overall anti-espionage and national security, Cai is said to be responsible for the execution of the anti-espionage and related legislation ([Nikkei Asia](#), January 25). He is also believed to be responsible for taking the decisions to raid the PRC offices of a number of foreign firms over suspicions about their access to information that Beijing believes to be too sensitive.

In theory, Li remains at the helm. He is the second-ranked member of the Politburo Standing Committee (PBSC), and chairs the recently founded Central Financial Central Financial Commission ([Xinhua](#), November 20, 2023). But there are suggestions that he is locked in a power struggle with his fellow Politburo Standing Committee member. Although Cai is ranked fifth in the PBSC, he holds considerable sway in Beijing. And it is possible that he was doing more than merely filling in for Li in his absence. Cai's work was also specifically praised at the monthly politburo meeting earlier this week ([RFI](#), January 31).

Li Qiang's grandstanding in Switzerland is yet to produce any measurable effect in stemming the outflow of multinationals' positions within the PRC. This is true both financial terms and in terms of their de-risking by diversifying their bases of production away from the PRC. The latest statistics released by the Ministry of Commerce noted that the country only attracted newly utilized foreign investment of \$153 billion last year. This was an 8 percent decrease over 2022. Companies including Blackrock, Apple, Walmart and Hewlett-Packard have continued with their plans to withdraw from the market ([MOFCOM](#), January 19; [VOA](#), December 3, 2023). This might suggest that Cai's responsibilities are more likely to come to the fore as Xi doubles down on national security imperatives.

Sullivan-Wang Talks Underdeliver

On January 26, US National Security Advisor Jake Sullivan and Politburo member in charge of Foreign Affairs Wang Yi met in Bangkok ([FMPRC](#), January 27). The two sides discussed a variety of issues but failed to narrow down exact dates for Presidents Biden and Xi to either call each other or conduct a virtual meeting. Similarly, there is no firm date on a proposed visit to the PRC by Secretary of State Blinken. Instead, Wang and Sullivan merely confirmed that forthcoming bilateral talks on curtailing Chinese-made narcotics from entering North America and on future cooperation on AI-related technology would go ahead as planned ([The Diplomat](#), January 30; [The White House](#), January 27).

The meetings saw minimal engagement on substantive issues. Concerns were voiced from the PRC side of the United States's efforts to downgrade multinationals' investments in China, particularly in high-tech areas. Meanwhile, the United States noted their fears over potential conflicts in the Taiwan Strait. But the talks saw no progress from previous positions. The White House cited Sullivan as emphasizing "maintaining peace and stability" in Taiwan. In his response, Wang insisted that Taiwan-related issues were domestic concerns of the PRC that should not be exploited by other powers. While Western multinationals have faulted the Xi administration for allowing national-security to trump its welcoming of international business, Wang reiterated "there should be no politicizing or overstressing of the concept of security" when it came to the global semiconductor supply chain, and warned that concerns should not be used to "suppress and contain other countries' development." Xinhua cited Wang as merely adding that "the two sides agreed to further discuss the boundary between national security and economic activities" ([Xinhua](#), January 27).

Conclusion: Breakthroughs unlikely in the U.S. election year

2024 is an election year in the United States. As such, Biden will believe that he cannot be seen as soft on the PRC. Any significant progress regarding a rapprochement between the two "systemic competitors" on

issues of trade and geopolitics are therefore unlikely. Meanwhile, Beijing is carefully weighing the policies of a possible second Donald Trump presidency. From the point of view of Xi Jinping, bilateral ties are hardly worth attempting to reconfigure until a new president has settled into the Oval Office. It is clear that Beijing has little intention of altering its substantive positions towards the United States until the dust settles on the presidential election later this year.

In internal meetings at the mid-January conclave at the Central Party School, Xi lectured senior officials on following a “socialist, Chinese-style financial policy.” Xi’s ideologic conservatism came through as he stressed the balance of the seemingly contradictory—upholding party control of finance and economic policy on the one hand while attracting and reaping the benefits from the activities of foreign investors and Chinese entrepreneurs on the other ([People’s Daily](#), January 18; [Xinhua](#), January 17). This contradiction is unlikely to be resolved any time soon. Despite what officials may say to their counterparts and other elites around the world, there is no sense of a genuine change in policy direction.

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China's UPR: Support for Abuse Stalls at the UN

by Anouk Wear 華穆清



The opening of the 49th Session of the OHCHR. (Source: OHCHR)

Executive Summary:

- Analysis of UPR data suggests the PRC's influence at the UN, at least on human rights issues, may be plateauing.
- The UPR outcomes reflect a potentially shifting global consensus on the country's human rights practices, with increased coordination among critics and less cohesive support from friendly States. This suggests opportunities for more robust international advocacy for human rights improvements within the PRC.
- The fourth UPR witnessed a significant rise in the number of UN Member States submitting Advance Questions, from nine in 2009 to 36 in 2024, indicating heightened global scrutiny of the PRC's human rights record, especially concerning international legal obligations, Xinjiang, Tibet, and Hong Kong.
- The range of Recommendations made during the UPR session suggests a complex mix of support and criticism. The PRC exhibited considerable influence, persuading many member states to praise its record on human rights.

This is the second part of a two-part article examining the influence of the People's Republic of China (PRC) at the United Nations through the lens of the Universal Periodic Review of its human rights. The first part, [China's Universal Periodic Review Tracks Its Influence At The UN](#), was published in Volume 24, Issue 2 of China Brief on January 19, 2024. For an explanation of the UPR process, please refer to this previous article.

The fourth round of the United Nations' Universal Periodic Review (UPR) of the People's Republic of China (PRC) took place on Tuesday, January 23 ([United Nations](#), January 23). The first three UPRs, which took place in 2009, 2013, and 2018, occurred simultaneously with the PRC's growing stature and influence at the UN. Consequently, these three UPRs saw an increase in questions from PRC-friendly states that were approving of the PRC's human rights record and an attendant dilution of critical comments ([China Brief](#), January 19). Looking at the trends between China and the other UN Member States at this review can serve as a litmus test to measure its relationships with the international community today.

Two features of the UPR that this article addresses are the Advance Questions—which are submitted in writing before the UPR session takes place—and the Recommendations that are made in the approximately one-minute-long time slot that is allotted to each UN Member State during the three-hour UPR session itself.

Trends in Advance Questions

Between 2009 and 2024, the number of UN Member States who submitted Advance Questions to China's UPR increased dramatically, from nine to 36. This figure is inclusive of both questions that endorse the PRC's human rights record and those that are critical of it. Among the latter, the most frequently raised topic is its compliance with international human rights law. This makes sense, given that the UPR's original mandate is to review member states' compliance with international legal obligations.

There has been a marked increase in the number of Advance Questions that address human rights violations in the PRC's peripheral Autonomous Regions of Xinjiang and Tibet, as well as in the Special Administrative Region (SAR) of Hong Kong. These have reflected the deterioration in human rights in these regions across the last fifteen years. Part of the increased prominence of these issues at the UN can also be attributed to an increase in international awareness and the success of civil society and advocacy groups in focusing attention on the severity of the situations. Meanwhile, new themes have emerged across the UPRs, such as an increasing number of questions regarding the rights of LGBT+ people in the PRC.

States that are friendly to the PRC, meanwhile, have increased the number of questions that they have submitted over the years, but few have addressed compliance with international law. These questions typically concern development, poverty alleviation, and the environment—important issues that have an impact on people's human rights, but also the rights that Beijing is most enthusiastic about promoting at home and abroad. This is in contrast to the indivisible and individual conception of human rights as understood in western discourse. Framing questions with the PRC's preferred focus in mind allows States to avoid criticizing the PRC while permitting it to burnish its credentials as a proponent of a certain kind of

human rights. Indeed, questions from friendly States are typically congratulatory and are not necessarily couched in such a way that answers are required.

To provide one example, Cuba's Advanced Questions submitted prior to this month's session included the following: "As it is pointed out in the Report to the 20th National Congress of the Communist Party of China, China is advancing the Healthy China Initiative. Could you please share some good practices?" Not only is this a compliment which circumscribes the PRC's responses, allowing it to avoid engaging with its extremely poor human rights violations, but this type of question dilutes the discourse and erodes the seriousness of the debate. At a superficial level, the appearance of both compliments and criticisms illustrates a rather balanced picture of a country's human rights. However, this is far from the truth. Rather, the PRC coordinates with friendly states to pose such questions in order to create an overall picture which is at the very least equivocal about its human rights posture. By engineering an influx of approbatory comments at the UN, the PRC can subsequently brush off real criticisms when they arise by pointing to these alternative, more conciliatory characterizations. This behind-the-scenes management by the PRC is also why many of the questions from its friends appear repetitive. The homogeneity of much of the language is suggestive of States merely copying and pasting PRC talking points, perhaps received in briefings from the Chinese Mission. Evidence of such tactics goes back several decades. According to one scholarly account, in 1990 an African diplomat at the UN in Geneva was "visited by ten Chinese officials in his hotel room who explained to him how best to vote and what the economic consequences would be for his country if he rejected the Chinese script." [1]

Trends in Recommendations

States have the opportunity to provide the PRC with Recommendations, which should ideally consist of constructive suggestions for improving human rights policies and practices. *Part 1* of this article analyzed the number of UN Member States that made Recommendations to China beginning with the word "continue." This analysis is extended here to include the updated data from this month's UPR (Table 2).

These "continue" Recommendations are a rough proxy for States' attitudes towards the PRC. They provide a fairly good litmus test which allows for straightforward comparisons across all participating States. However, such an analysis does not allow for a more granular approach of qualitatively assessing the substance of individual States' Recommendations, or indeed of the Recommendations themselves. However, this methodology functions as a reasonable proxy, as Recommendations that urge a state to "continue" doing something implies that that State is already on the right track and need not change its current policy trajectory. Given that it is unlikely a State would request that the PRC continue with any of its practices that clearly contravene its international human rights obligations, such Recommendations are indicative of those States' positive relationships with the PRC.

Over time, the number of UN Member States that have made such Recommendations has varied. The earlier UPRs saw a sharp increase. However, there has been very little change between the third and fourth UPRs. At one level, this—as well as the number of Advance Questions submitted—reflects a general increase in

interest and engagement in the UN UPR across UN Member States. But it also reflects how Beijing was able to rally significant support and rapidly forge new friendships between 2009 and 2018. The lack of meaningful change between 2018 and 2024 suggests that the PRC may have reached an upper limit with its powers of persuasion for now. Whilst they have gained new friends, they have also lost some supporters.

For example, this year the State of Palestine gave China three very encouraging recommendations: “Continue its efforts in taking measures to improve health care services to guarantee the right to good quality and affordable health care to all persons including marginalized individuals; Continue its efforts to ensure equal access to education in urban and rural areas; Continue participation in the global human international rights governance system and strengthen mutual learning on human rights views and practices.” Supportive comments like these could be offered in the hope of receiving Chinese support in Palestine’s current conflict with Israel—it had not previously made any Recommendations to China ([United Nations](#), January 23).

On the other hand, New Zealand had previously made Recommendations beginning with the word “continue” that urged the PRC to improve its human rights record in an encouraging way. This year, their cautious optimism ended. Instead, they made firm and direct Recommendations addressing civil and political rights, women’s rights, and specifically highlighting violations against Uyghurs, Tibetans, and Hong Kongers ([United Nations](#), January 23).

Deceleration in the growth of the PRC’s international supporters correlates with observable trends outside of the UN. Many States began the 2010s enthusiastic about the PRC and eager to deepen engagement and reap the benefits from a more integrated and emerging global superpower. This was initially enhanced by the touted benefits of the Belt and Road Initiative (BRI) and other collaborative projects. However, perceptions in many parts of the world have shifted more recently, as excesses and implementation issues within the BRI have forced Beijing to distance itself from certain aspects of the project, and reorient BRI’s strategic direction. This has damaged the friendships and led to less enthusiastic support for the PRC in international fora ([CFR](#), April 6, 2023). These trends are reflected at the UPR. An analysis reveals a correlation between BRI signatories who receive higher levels of Chinese investment and those who offer positive Recommendations at the UPR. Inversely, States that were not a part of BRI were much less likely to give a supportive or even neutral Recommendations at the UPR ([China Digital Times](#), January 26). Furthermore, many of the Recommendations made by friendly States did not use all the time allocated and spent much of it on formalities. Many of the Recommendations were vague and insubstantial—even States who feel the need to performatively support the PRC seem to have difficulty praising its approach to human rights in the last five years.

Across the four UPR cycles to date, only seven States have made “continue” Recommendations in every session: Bhutan, Egypt, Mozambique, the Russian Federation, Viet Nam, Zambia, and Zimbabwe. As human rights have regressed under Xi Jinping, with several parliaments and governments recognizing an ongoing genocide in Xinjiang, the bar for human rights condemnations at the UN UPR has been raised ([US Department of State](#), January 19, 2021; [BBC](#), February 23, 2021; [France 24](#), January 20, 2021; [Reuters](#), February 25, 2021). Notably, 57 UN Member States made Recommendations beginning with “Continue” just

once. This speaks to an inconsistency in the level of PRC support at the UN, suggesting that there are few States who are truly committed to backing the PRC over the long-term and that most States view their relationship as transactional.

Beijing's most vocal critics have evolved over the last fifteen years. An increasing ability to coordinate has led to strong unified messages on specific issues being sent. [2] For example, in 2024, 18 UN Member States made Recommendations about the human rights violations in Hong Kong ([Hong Kong Watch](#), January 23). This was a 300 percent rise from the six such mentions from 2018 ([Hong Kong Watch](#), November 29, 2023). This rise stems both from enhanced coordination and in response to the deterioration in human rights in Hong Kong following the proposal of the National Security Law in 2019—a trend that is also visible among Uyghur, Tibetan, and other groups whose human rights are also a subject of the PRC's UPR (see for example, [Central Tibetan Administration](#), January 24; [ChinaFile](#), January 22).

Conclusion

The conclusion of the UN's Universal Periodic Review of human rights within the PRC last week has provided the most current data to track the country's relations with other UN Member States. The picture that emerges from aggregating across fifteen years' worth of data supports the argument that beyond a small core of loyal cheerleaders for the Chinese regime, many of the States that act in the PRC's favor are fair-weather friends only, operating with a transactional calculus. Meanwhile, the PRC's most vocal critics are increasingly coordinated in their condemnation of human rights abuses.

There is thus a growing consensus regarding the PRC's human rights violations, and an acknowledgement that they have worsened since 2009. Firmer, more coordinated condemnation could persuade other States to criticize the PRC, and lead to foreign policies that have to acknowledge violations in States' dealings with the country. In contrast, Recommendations from the PRC's friends were less coordinated and more nebulous than in the past. This suggests Beijing's goals for global influence may not rest on as solid a foundation as one might expect. This could mean that there are more opportunities for Beijing's critics to rally the middle ground, where States are now more likely to be neutral than supportive of the PRC, and increase pressure to blunt the sharper repressive instincts of the regime. This month's UPR suggests that China's rise is slowing down and that there is cause for optimism for the promotion of human rights. This can be achieved through the United States and its allies promptly working with "middle ground" countries to consolidate an alliance to criticize the PRC's abysmal human rights record. This would also help prevent future violations, name and shame, and seek pathways for accountability. This should also be a key component in shaping the United States' and its allies' policies towards the PRC more broadly.

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After obtaining her BA in Social Anthropology from the University of Cambridge and her LLM in Public International Law from Leiden University, she worked as a professional researcher and translator on topics related to international law and human rights in the China region, including the Uyghur region. Anouk focuses on cultural rights, freedom of expression, digital rights, labor rights, and democracy, and she works in English, French, Cantonese and Mandarin.

Notes

[1] Rosemary Foot and Rana Siu Inboden, “China’s Influence on Asian states during the creation of the UN human rights council: 2005-2007” in E. Goh, ed., *Rising China’s Influence in Developing Asia* (OUP 2016).

[2] Evidence of coordination has been highlighted in the author’s conversations with diplomats.

Appendix

Table 1: Trends in Advanced Questions

Advanced Questions						
	Compliance with international law	Hong Kong	Tibet	Xinjiang	Death Penalty	Freedom of expression
2009						
Canada					x	
Czech Republic	x					x
Denmark	x		x			
Latvia	x					
Liechtenstein	x					
Netherlands	x					
Norway	x		x	x	x	
Sweden	x		x	x		x
UK	x		x	x	x	x
2013						
Australia	x					
Bangladesh						

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Belgium	x				x	
Canada	x		x	x		x
Cuba*						
Czech Republic	x					x
Myanmar		x				
Spain						
2018						
Australia	x			x		
Austria			x	x	x	
Belgium	x		x	x		
Bolivia*	x				x	
Cambodia*	x					
Canada						
Cuba*	x					
Germany	x	x			x	x
Laos*	x					
Nepal*	x					
Netherlands	x	x		x		
Norway	x			x	x	x
Pakistan*	x					
Philippines	x					
Portugal**	x					
Slovenia	x					
Spain	x					
Sweden	x		x	x		x
Switzerland	x	x				
UK			x	x		x
Uruguay						
US	x	x		x		x
Venezuela*	x					

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Viet Nam*	x					
Australia	x			x		
2024						
Algeria*	x					
Antigua and Barbuda*	x					
Australia	x				x	
Austria	x			x		
Bangladesh*						
Belarus*						
Belgium	x		x			x
Bolivia*						
Burundi*						
Cameroon	x					
Canada	x	x	x	x		x
Cuba*	x					
DPRK	x					
Eritrea	x					
Germany	x		x	x		x
Iran*						
Laos*						
Liechtenstein	x			x	x	x
Netherlands	x	x	x			x
Nicaragua*						
Pakistan*						
Portugal**	x					
Korea						
Russia*		x				
Singapore*						
Slovenia						
Spain				x		x

Sri Lanka*						
Sweden	x		x	x		
Switzerland	x	x	x	x	x	x
Syria*						
UK	x	x	x	x		x
US	x	x	x	x		x
Venezuela*	x					
Viet Nam	x					
Zimbabwe						

*Indicates that the question the country asked was a 'positive' one, which praised the PRC's human rights record

**On behalf of the Group of Friends on NMIRF's ('national mechanism for implementation, reporting and follow-up')

(Source: author's own, data from [United Nations](#), undated)

Table 2: Which States made Recommendations that began with the word "Continue"?

	2009	2013	2018	2024
State				
Afghanistan			x	
Algeria	x	x		x
Angola	x		x	
Argentina		x		x
Azerbaijan		x	x	x
Bahrain	x		x	x
Bangladesh		x	x	x
Barbados				x
Belarus		x	x	x
Belgium		x		
Benin			x	
Bhutan	x	x	x	x

Bolivia			x	x
Botswana		x		
Brazil	x			
Brunei Darussalam		x	x	x
Bulgaria		x		
Burkina Faso				x
Burundi			x	
Cabo Verde				x
Cambodia		x	x	x
Cameroon			x	x
Central African Republic				x
Chad				x
Chile		x	x	
Colombia				x
Congo		x	x	
Cuba		x	x	
Cyprus				x
Djibouti		x	x	x
Dominica				x
Dominican Republic			x	x
DPRK		x	x	
DR Congo			x	
Ecuador		x		
Egypt	x	x	x	x
El Salvador			x	
Equatorial Guinea			x	x
Eritrea		x	x	x
Ethiopia		x	x	x
Fiji			x	x
Gabon		x	x	x
Gambia				x

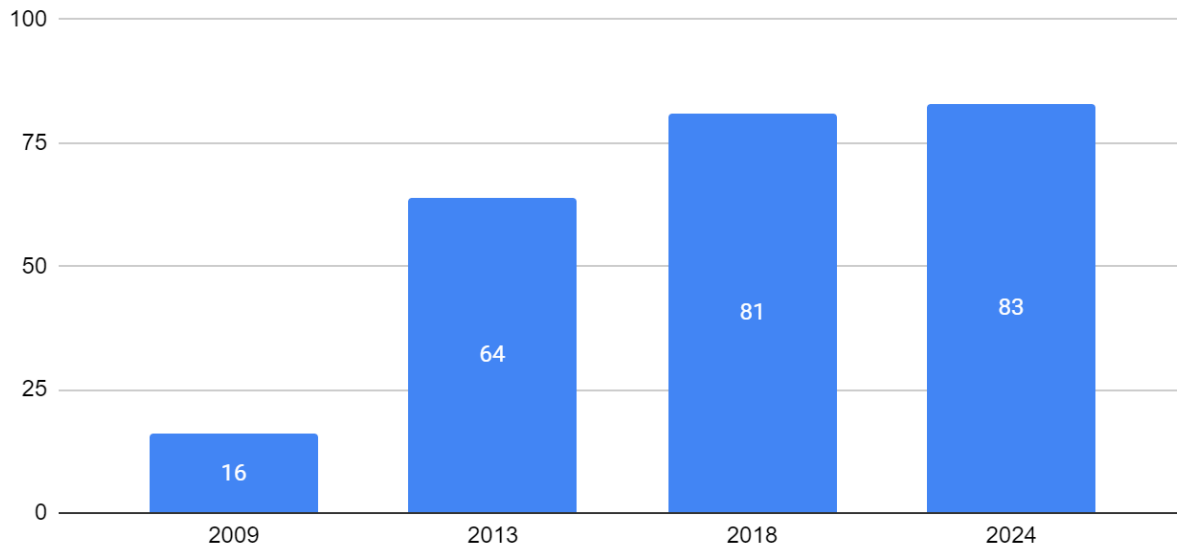
Georgia			x	
Germany	x			
Ghana			x	x
Greece			x	
Guatemala		x		
Guinea			x	
Guyana			x	
Hungary		x	x	x
Iceland		x		
India		x	x	x
Indonesia		x	x	x
Iran		x	x	x
Iraq			x	
Jordan	x		x	x
Kazakhstan				x
Kenya		x	x	x
Kuwait			x	x
Kyrgyzstan		x	x	x
Laos			x	x
Latvia		x	x	
Lebanon			x	x
Lesotho		x		x
Libya				x
Madagascar			x	
Malawi				x
Malaysia		x	x	x
Maldives			x	
Mali		x		x
Malta			x	
Mauritania				x
Mauritius		x		x

Moldova			x	
Mongolia		x		x
Morocco		x	x	x
Mozambique	x	x	x	x
Myanmar		x	x	
Namibia		x	x	
Nepal		x	x	x
New Zealand		x	x	
Nicaragua	x			x
Niger		x		x
Nigeria		x	x	
Oman				x
Pakistan		x	x	x
Panama				x
Peru			x	x
Philippines	x		x	
Portugal		x		
Qatar		x	x	x
Republic of Korea		x	x	
Romania		x		
Russian Federation	x	x	x	x
Rwanda		x		
Samoa				x
Saudi Arabia			x	x
Senegal		x	x	
Serbia		x	x	x
Seychelles			x	
Sierra Leone				x
Singapore		x	x	x
Somalia				x
South Africa			x	

South Sudan				x
Sri Lanka		x		x
State of Palestine				x
Sudan				x
Syrian Arab Republic		x	x	x
Tajikistan		x		x
Tanzania			x	
Thailand			x	x
Timor-Leste				x
Togo		x	x	
Trinidad and Tobago				x
Tunisia			x	x
Türkiye				x
Turkmenistan		x	x	
UAE	x	x		x
Uganda			x	x
Ukraine		x		
Uruguay				x
Uzbekistan			x	
Venezuela		x	x	x
Viet Nam	x	x	x	x
Yemen	x	x	x	x
Zambia			x	
Zimbabwe	x	x	x	x
Total	16	64	81	83

Source: author's own, data from [United Nations](#), undated.

Number of UN Member States that made Recommendations beginning with “Continue”



Number of times States made Recommendations beginning with “Continue” across all four UPRs

