

Human Rights Law and Policy Forum seminar: ‘China’s Role in Reshaping Global Governance: Challenges and Opportunities’

David Birchall

The inaugural event of the Human Rights Law and Policy Forum (HRLF) was held in collaboration with the Centre for Development and the Environment of the University of Oslo on 2 March 2018. Scholars and practitioners from several countries came together at the School of Law of City University of Hong Kong’s (CityU) to discuss the emerging role of China in reshaping the architecture of global governance.

The seminar was framed around the backlash against globalization, evinced from growing nationalist and protectionist policies and discourses around the world. Despite these sentiments, interconnectedness remains a reality, and many challenges are innately global, requiring collaboration across borders, such as issues related to transnational corporations, climate change, technology and terrorism.

While some states look inward, China appears firmly committed to continued internationalism. The Belt and Road Initiative (BRI) is one of the most ambitious commercial endeavours ever undertaken, carrying with it both great developmental potential and serious risks. China is also taking a more vocal role on issues related to climate, and in global institutions such as the World Bank and the Asian Infrastructure Investment Bank. This seminar therefore aimed to situate China within global governance structures, to discuss its aims and ambitions, and where a more proactive China might take institutions, rules and norms around international cooperation.

The seminar opened with welcome remarks from Professor Geraint Howells, Dean of the School of Law, who described the growing human rights focus of the School, and welcomed the establishment of a human rights-oriented research group to better share knowledge and organize events around topical human rights issues. Professor Zhu Guobin, HRLF Director, spoke next, expressing his pride in the Forum’s establishment, and delivering a few words on human rights-related aspects of China’s emerging role in global governance. Finally, Professor Dan Barik, Research Director and Professor at the Centre for Development and Environment at the University of Oslo, closed the welcome remarks with some thoughts on the collaboration between the two organising universities, and offered a succinct survey of the array of global projects instigated by China, focusing particularly on sub-Saharan Africa.

The first session was on ‘Global Governance, Sustainable Development and Human Rights’, moderated by Surya Deva, Associate Professor at the CityU School of Law, and co-director of HRLF. Bill Taylor, Associate Professor at CityU’s Department of Public Policy, opened the discussion with a presentation on the ‘competing ideologies’ evident in Western and Chinese approaches to trade and development. While the former focuses on individual rights, particularly those of property and contract, the Chinese approach is more collective, and more deferential to state sovereignty. This, Taylor argued, was often highly attractive to developing states, and represents a major challenge to the Western development orthodoxy. Susan Finder, Distinguished Scholar in Residence at the School of Transnational Law at Peking University, described an emerging trend towards China integrating global governance norms into its domestic legal system. This process was noted empirically in various court judgments even up to the Supreme Court, and, though nascent, was suggested to show signs of bi-directional norm diffusion, as China both influences and is influenced by global governance. Finally Mark Daly, Partner at Daly Ho Associates, discussed the problem of legally enforcing human rights in China, where the courts function as political agents, and expressed concerns about how the rule of law in Hong Kong is being undermined by interpretations issued by the Standing Committee of the National People’s Congress. The talks were followed by lively discussions as competing viewpoints on China’s aims, motives and ideology were offered by discussants around the room.



The second session discussed ‘Corporate Social Responsibility and the Chinese Investments in Low-Income Countries’, and was moderated by Yalin Wang, Project Manager of Sustainable Business Abroad at the United Nations Development Project (UNDP). Joshua Rosenzweig, Business & Human Rights Strategy Advisor at Amnesty International, opened the session discussing cobalt value chains. Cobalt is a rare earth metal present in many electronics, and much of the world’s supply comes from the Democratic Republic of Congo. Through complex supply lines, many companies are linked to potential human rights abuses in its extraction. Rosenzweig argued that large Chinese buyers of cobalt should practice due diligence in

understanding where their cobalt comes from, in order to allow full mapping of the cobalt value chain and in so doing prevent adverse human rights impacts. Lowell Chow, Greater China Senior Researcher at the Business & Human Rights Resource Centre, discussed the Myanmar to China oil pipeline, an ambitious project that stretches from the sea to the west of Myanmar to Kunming in China. Its development has many potential economic benefits, but is marred by the destruction of farmland in its path. This farmland is often owned customarily, rather than through binding property rights. Chow argued that the Free, Prior, Informed Consent model should be adopted by developers. Finally, Dan Barik discussed Chinese investment in the sub-Saharan Africa. One very interesting point raised was that Chinese firms abroad frequently receive very little government assistance. Nevertheless, they are expected to finish on time and on budget, and this often entails significant extra work for the firms, because the initial project information may not capture all factors. Barik argued that a major reason for firms taking CSR projects was to curry favour with the political leadership.



After lunch, Dan Barik moderated the third session: ‘Integrating the Belt and Road Initiative with the Sustainable Development Goals (SDG) Agenda’. Jianye Wang, Managing Director of the Silk Road Fund and Dean of the Guangzhou Institute of International Finance, opened the discussion with enthusiastic support for the BRI. He emphasized that the BRI was led by private business cooperation, rather than by treaty or other governance initiative, and that its primary ambition was economic development, rather than human rights protection. Yalin Wang of the UNDP spoke next. Wang highlighted the interconnectedness of development and rights issues, and the need for states, civil society, and business to work together. Surya Deva rounded off the session by highlighting contradictions within the SDG agenda, noting that concepts such as ‘sustainable consumption’ are fundamentally opposed to the practice of businesses. Such contradictions limit the transformative potential of SDGs. Nonetheless, human rights and SDGs remain a useful tool and should be integrated into the BRI in line with the UN Guiding Principles on Business and Human Rights.

The final session, ‘Connecting the Dots and the Way Forward’, was moderated by Surya Deva and Dan Banik. This was a more open-ended discussion, and among many topics touched upon were issues related to the globalization of labour rights issues; the absence of an overarching governance framework around the BRI; and the future of international institutions in a Trump/Xi world. The motives and goals of Chinese investment was again rarely far from the surface, while potential contestatory forces were also raised in more detail.



The seminar attracted interest from all over Hong Kong, with attendees from other universities, civil society organizations, law firms, and many CityU faculty and PhD candidates. The event finished with discussions about how to continue the collaboration between CityU and the University of Oslo, including possible research projects and student exchanges.

The discussions throughout the day were lively and many competing viewpoints and understandings of China’s role in global governance were raised. One major takeaway was the breadth of issues at stake, from Chinese soft power and sovereignty to the changing of the hegemonic guard. The conference was thought-provoking throughout, and suggested many avenues for future research and collaboration.

