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China and the International Humanitarian Order

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To date, there has been minimal effort—by either the West or Beijing—to fully integrate China into the global governance of humanitarian assistance. China is not an official member of the Organisation for Economic Co-Operation and Development (OECD) Development Assistance Committee (DAC). The DAC plays a significant role in shaping the discourse on legitimate and appropriate humanitarian action by outlining those forms of assistance that qualify as humanitarian aid and by determining the conditions that demarcate humanitarian aid from the broader field of official development assistance.¹ Despite the size of its economy and commitment to the work of the United Nations, China is not a member of the United Nations Office for the Coordination of Humanitarian Affairs' Donor Support Group (ODSG), which acts as a “sounding board and a source of advice” on a range of policy, financial, budgetary and management questions guiding the coordination of humanitarian services.² The same is true for the Good Humanitarian Donorship initiative (GHD), which was established in 2003 as an informal forum to enhance principled, accountable humanitarian donor behaviour and share best practices among donor states. State endorsement of the GHD's guiding Principles and Good Practice of Good Humanitarian Donorship has grown from the original 17 sponsor states to the current 37 signatories. China has not—nor has any other emerging power for that matter—lent support to these multilateral efforts to define the scope and objectives of “good” humanitarian action and develop standards for principled and accountable donor behaviour. China remains outside informal and formal governance structures shaping contemporary humanitarian action.

There are a number of ways to make sense of China's absence. China demonstrates a strong preference for bilateral rather than multilateral humanitarian assistance and has yet to meet the basic qualifying conditions for membership on humanitarian assistance governing committees.³ Yet, explaining China's non-participation in humanitarian governance by its failure to meet basic threshold requirements for committee membership points merely to the symptoms rather than the sources of China's alienation. Understanding the barriers to China's integration into global humanitarian governance requires asking more fundamental



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questions about the ontological assumptions and ethical convictions that define the contemporary humanitarian order, and how these foundational principles resonate with Chinese thought. In this vein, this brief explores whether the defining principles of classical humanitarianism—humanity, impartiality and universality—are compatible with China’s worldview. Does a world of equal human beings of inherent moral worth, bound by universal and reciprocal moral obligations cohere with Chinese ideology? If not, how does a divergent understanding of humanity, impartiality and universality impact second order questions as to who constitutes a legitimate humanitarian actor, what qualifies as appropriate humanitarian assistance, and how emergency relief should be delivered? How, in turn, are these underlying discrepancies reflected in China’s humanitarian assistance policy?

Chinese political philosophy and humanitarianism

Humanitarian assistance refers to life-saving relief to populations who have suffered the effects of natural disasters or complex emergencies.⁴ Although the definition of humanitarian assistance has been the subject of much debate, it is generally distinguished from other types of development assistance by its commitment to core principles of humanity, impartiality and universality.⁵ Humanity, as defined by the International Committee of the Red Cross (ICRC), suggests a commitment “to prevent and alleviate human suffering wherever it may be found”, and “to protect life and health and to ensure respect for the human being”.⁶ The principles of impartiality and universality are in many ways a by-product of the principle of humanity: because “humanity” inheres in the individual the subject of moral concern and the bearer of moral obligations, assistance must be universally offered to all individuals, regardless of their ethnic, religious, political or any other distinguishing identity. By requiring aid to be delivered without prejudice to place or politics, the principle of impartiality by definition diminishes the moral and political significance of international borders. Thus, humanitarianism reflects a particular, historically grounded perception of the human subject and ethical action. Ideologically, humanitarianism is an offshoot of Western-individualist thought that ascribes each person with inherent, equal moral value. Ethically, it is quintessentially a reflection of cosmopolitan liberalism, for it “takes the well-being of individuals as fundamental and interprets the values of society as derivative”.⁷

How do the fundamental principles of classical humanitarianism resonate with Chinese political philosophy? In answering this question, there is a tendency to try to locate

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humanitarian principles in the Confucian moral code. Such analysis centres on how Confucian norms of humanity and benevolence bolster the notion that humanitarianism is indeed a universal value.⁸ While mapping Confucian concepts of moral obligation to alleviate suffering may be a useful exercise in comparing traditions of charity across cultures, such inquiry runs the risk of reifying the role of traditional thought in guiding modern Chinese state practice. A more complete picture of whether and how the fundamental principles of humanitarianism resonate with Chinese thought requires examining the ideological lens through which contemporary Chinese leaders judge and understand international politics and ethics. Since the founding of the People's Republic of China (PRC), Marxist-Leninist-Mao Zedong Thought has been the prevailing structure shaping China's conception of appropriate and legitimate international action. Therefore, to understand China's contemporary humanitarian thinking requires looking not only to Confucius, but also to Mao.

The Western liberal philosophy of the human subject that is foundational to conceptions of a cosmopolitan humanitarian imperative finds little resonance in modern Chinese ideology. The victory of the communist revolution and the establishment of the PRC in 1949 solidified Marxist-Leninist-Mao Zedong Thought as the guiding force behind Chinese understanding of rights and duties. In line with classical Marxist thinking, Chinese communists did not understand the human being as an abstract moral entity, but as a political subject/class member. Rather than innate, universal, and independent, the official Maoist line of reasoning presumed that human rights are granted, limited and defined by the state. On the basis that neither rights nor duties exist independent from political and historical context, Chinese leaders positioned human rights, like any other citizen rights, as "consequence of historical struggles against servitude and inhuman conditions which had been historically generated".⁹ As the official CCP journal *Red Flag* contended, "human rights are not 'heaven-given,' they are given and regulated by the state and by law; they are not universal, but have a clear class nature; they are not abstract but concrete; they are not absolute but limited by law and morality".¹⁰ Ann Kent observes that Chinese socialist thinking emphasized the "supremacy of the state over the individual" in a manner that strengthened a "historical bias toward dependence of the individual on the state for rights".¹¹

Within this frame of thinking, there is little ethical purchase for the notion that individuals are the bearers of inherent rights or correlative obligations, or that "humanity" exists as an ontological category divorced from place, power or politics. In direct contradiction to the core pillars of humanitarianism associated with the Red Cross Dunant tradition, early Chinese communist political philosophy interrogated abstract conceptions such as humanity, impartiality and universality as a guise for imperialist or hegemonic policies. More

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to the point, the Western classical liberal notion of individual, natural rights that underpin the contemporary humanitarian order are alien to China's communist thinking.

Although post-Deng reforms have downplayed the role of ideology in guiding Chinese policy, there are nevertheless important ramifications proceeding from core differences in the Western liberal tradition versus post-revolutionary Chinese political philosophy. First, because modern Chinese political philosophy builds on a long Confucian tradition of emphasizing a unity of society and state, there is no (philosophical) barrier for states and state agents to be "significant moral and legitimate humanitarian actor[s]".¹² For example, China's imagery of the People's Liberation Army as a "people's army, an army of the people, from the people and for the people" blurs the lines between civilian and military actors, and serves to legitimize the armed forces as agents of humanitarian relief.¹³ China's position therefore diverges from the ICRC principle of independence (an operational guideline that distances legitimate humanitarian actors from government entities and state armed forces). China perceives the qualifying condition for legitimate humanitarian action less as a matter of who acts (official state agents or civilian/non-state actors) than whether actors are "free from ulterior political motives" and refrain from invoking humanitarianism as "an instrument for the pursuit of political and military goals of individual states".¹⁴

Second, as there is no ingrained conviction that states bear impartial obligations to individuals on the basis of universal humanity, Chinese conceptions of legitimate humanitarian action hinge on respect for the community (sovereign state) as the locus of rights and obligation. That is, the moral agent and subject of moral duty is the state rather than individual. Unlike cosmopolitan principles of humanity, impartiality and universality that define classical humanitarianism, the Chinese communitarian conception of humanity does not erode the moral significance of international borders. The result is a humanitarian policy that—ethically and ideologically—centres on respect for sovereignty. This ethical weight China attaches to sovereign communities has practical implications for China's official policy on emergency humanitarian assistance.

PRC Humanitarian Policy: Complex emergencies vs. natural disasters

The centrality of sovereignty in Chinese humanitarian discourse is evidenced in the way it rhetorically frames and practically delivers on its commitment to respond to natural disasters versus complex emergencies. Relief to natural disaster-stricken areas is often requested and accepted by state officials and therefore is delivered under conditions of host state consent. Respect for sovereignty is much more problematic in complex emergencies,

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where state authorities may be complicit in the conditions that give rise to violence, or are themselves party to conflicts. As a result, China has a much more sophisticated, institutionalized and ethically coherent response to natural disasters than complex emergencies.

In recent years, China has taken strides to articulate its official policy on ameliorating suffering overseas in the language of humanitarian obligation. For example, China's 2010 Defense White Paper reads: "China's armed forces consider it an obligation to take part in international disaster relief operations organized by the government, and to fulfil international humanitarian obligations".¹⁵ Similarly, China's 2011 Foreign Aid White Paper, the first of its kind, includes a separate category of assistance labelled "emergency humanitarian aid".¹⁶ It notes that China's policy is to provide "emergency humanitarian aid...when a country or region suffers a severe natural or humanitarian disaster".¹⁷ Yet all of the examples included in the 2011 Foreign Aid White Paper that evidence China's provision of material, human or financial resources for emergency humanitarian relief refer to natural disasters or disease epidemics. The section on emergency humanitarian aid offers examples of China's aid to countries affected by tsunamis, earthquakes, floods, hurricanes, tropical storms and locust plagues; to countries combatting disease such as cholera, H1NI, bird flu or dengue fever; as well as China's food aid.¹⁸ Noticeably missing from this list is aid China has offered in complex emergencies to provide succour to victims of armed conflict. The exclusion of China's contribution to human-induced crises from the Foreign Aid White Paper suggests China's official policy on "natural or humanitarian" disasters does not pertain to complex emergencies.

That China's official foreign aid policy omits reference to relief to victims of armed conflict does not mean that China is not in the business of providing emergency humanitarian assistance in complex emergencies. Rather, in the absence of a coherent policy for situations wherein the state is the perpetrator of violence and the source of humanitarian upheaval, China's assistance in complex emergencies tends to be an ad hoc, case-by-case response to international pressure as opposed to being driven by official policy. Unlike its response to natural disasters, which China lauds as an example of upholding its international humanitarian obligations, China frames its response to complex emergencies in much more reactive, political terms. China's aid to victims of conflict in Darfur and Syria are telling of this. China's special representative for Darfur, Liu Guijin, characterized China's offer of 20 million yuan (USD \$2.8m) in humanitarian assistance in 2008 as a way to "send signals to Sudan and the outside world that the Chinese people and their government are sympathetic with the people there in Darfur...With humanitarian aid and development projects, we show the world that China is sincere in providing tangible assistance to Darfur."¹⁹ Similarly, in

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March 2012, following its second veto of a United Nations Security Council draft resolution on the conflict in Syria, China offered US\$2m in humanitarian assistance to the people of Syria to improve the humanitarian condition and to “demonstrate Chinese people’s friendliness towards Syrian people”.²⁰ That China justified its humanitarian assistance as a means to “signal” or “demonstrate” its sincere and humane policy suggests that China’s aid served the broader political purpose of deflecting international criticism and defending its image.

Because sovereignty assumes such a central role in China’s conception of legitimate humanitarian action, there is limited room for invoking humanitarianism to justify aid delivery against the will of a host state. For example, in August 2012, when the UN Security Council discussed the plight of refugees and internally displaced persons in Syria, China’s ambassador to the UN, Li Baodong cautioned against the “politicization of humanitarian issues” and voiced opposition to “any act of interference in Syria’s internal affairs or military intervention under the pretext of humanitarianism”.²¹ According to Ambassador Li, efforts to provide humanitarian relief should be guided by the humanitarian principles of neutrality, impartiality and respect for Syria’s sovereignty, independence, unity and territorial integrity”.²² In a clever turn of phrase, Ambassador Li folded respect for Syria’s sovereign independence to the humanitarian operational principle of independence, and thereby implied that independence equated to deference to the government of Syria. By contrast, other Council members (notably the United States, France and Great Britain) interpreted humanitarian relief efforts to include taking action to neutralize the obstruction and repression of the al-Assad regime. As US Ambassador Susan Rice noted, “no amount of humanitarian assistance would end the bloodshed and suffering” without addressing the “callousness of the Assad regime at the root of the conflict”.²³ Unlike China, Western permanent members of the Security Council did not envision respect for sovereignty as a functional guideline of humanitarian action.

Although China’s defence of sovereignty is often portrayed as a calculated self-interest, Beijing’s deference to the state is not simply a political expedience but also a matter of ethical coherence. That is, the delivery of aid in coercive environments is a logistical, sometimes legal, hurdle rather than a fundamental ethical challenge for classical humanitarianism, which holds the individual as the moral subject and attaches no moral weight to international borders. For China’s communitarian ethical imaginary, coercive aid cuts to the heart of conceptions of the state as the referent of moral concern and the beneficiary of moral obligations.

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Who acts, for whom, and how?

There is little debate that China is and will continue to be an important actor in realizing international commitments to relieve the suffering of strangers. Yet relatively limited scholarly attention has been paid to how China's understanding of humanitarianism diverges from the cosmopolitan principles that emerged from Western thought based in individual/natural rights. China's conceptions of the human subject as contextualized rather than abstract, of a unity between society and state rather than the need to protect citizens from incursions of the state, and the state as a moral subject are integral to understanding who constitutes a legitimate humanitarian actor, on whose behalf humanitarian actions are invoked, and how assistance is delivered. This suggests that integrating China into the global governance of the contemporary humanitarian order is more than a technical exercise for China to meet basic donor threshold requirements. Rather, China's divergent understandings of appropriate and legitimate humanitarian action raises questions as to whether and how China's burgeoning role as a humanitarian donor will impact the resilience of the constitutive principles of the contemporary humanitarian order.

BIOGRAPHICAL NOTE AND ACKNOWLEDGEMENTS

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The *R2P Ideas in Brief* series is produced as part of the activities of the Asia Pacific Centre for the Responsibility to Protect (AP R2P) [DFAT Agreement 63684]. The AP R2P wish to acknowledge the funding support provided by the Australian Government, Department of Foreign Affairs and Trade.

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¹DAC outreach efforts to build partnerships with China have focused almost exclusively on development cooperation rather than humanitarian aid. See Andrea Binder, Claudia Meier, and Julia Steets, “Humanitarian Assistance: Truly Universal? A Mapping Study of Non-Western Donors,” (Berlin: Global Public Policy Institute August 2010), p.9.

² The group currently (November 2014) comprises 25 members: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Italy, Japan, Luxembourg, New Zealand, the Netherlands, Norway, Poland, Republic of Korea, Russian Federation, Spain, Sweden, Switzerland, United Arab Emirates, United Kingdom, United States, and the European Commission. See: <http://www.unocha.org/about-us/ocha-funded>

³ To participate in donor governing committees, states generally must meet an annual minimum contribution. OCHA’s Donor Support Group, for example, requires a contribution of US\$500,000 to qualify for membership; whereas China contributed a mere \$20,000 in 2010, and \$30,000 per annum for 2011 and 2012. To qualify for DAC membership, states must provide 0.20% of their gross national income in (DAC defined) ODA or contribute US\$100 million in ODA. DAC likewise requires member states to have established monitoring and evaluating systems for ODA and commit to DAC guidelines when formulating their ODA policies (including humanitarian assistance). See: <http://www.unocha.org/about-us/ocha-funded> and <http://www.oecd.org/dac/joiningthedevelopmentassistancecommitteedac.htm>

⁴ The UN Interagency Standing Committee for emergency response defines complex emergencies as “A humanitarian crisis in a country, region or society where there is total or considerable breakdown of authority resulting from internal or external conflict and which requires an international response that goes beyond the mandate or capacity of any single agency and/or the ongoing UN country program”. According to the International Federation of the Red Cross and Red Crescent Societies, complex emergencies are typically characterized by extensive violence and loss of life; displacement; widespread damage to societies and economies; and the need for large-scale, multi-faceted humanitarian assistance in a coercive conflict environment.

⁵The principles of independence and neutrality are often included in this list, but these might be seen as instrumental/functional principles to produce desired outcomes rather than the constitutional principles of humanitarian action. By contrast, the principles of humanity, impartiality and universality are intrinsic to humanitarian identity as they define what humanitarian action is and does. Michael Barnett and Thomas G. Weiss, “Humanitarianism: A Brief History of the Present,” in *Humanitarianism in Question*, ed. Michael Barnett and Thomas G. Weiss (Ithaca: Cornell University Press, 2008), p.12.

⁶ International Committee of the Red Cross, “Fundamental Principles of the International Red Cross and Red Crescent Movement,” <http://www.icrc.org/eng/resources/documents/red-cross-crescent-movement/fundamental-principles-movement-1986-10-31.htm>.

⁷ Charles Beitz, “Social and Cosmopolitan Liberalism,” *International Affairs* 75, no. 3 (1999): p.520.

⁸ Binder, Meier, and Steets, “Humanitarian Assistance: Truly Universal? A Mapping Study of Non-Western Donors,” p.13.; He Xiaodong, “The Chinese Humanitarian Heritage and the Dissemination of and Education in International Humanitarian Law in the Chinese People’s Liberation Army,” *International Review of the Red Cross* 841(2001).

⁹ Edward Wu, “Human Rights: China’s Historical Perspective in Context,” *Journal of the History of International Law* 4(2002).p.360.

¹⁰ Official publication of the CCP *Red Flag* cited in Andrew J. Nathan, *Chinese Democracy* (Berkeley: University of California Press, 1985). pp.115-16.

¹¹ Ann Kent, *China, the United Nations, and Human Rights: the Limits of Compliance* (Philadelphia: University of Pennsylvania Press, 1999).p.29.

¹² Miwa Hirono, “China’s Conception of Assistance in Disaster Areas,” in *Cultures of Humanitarianism: Perspectives from the Asia-Pacific*, ed. Miwa Hirono and Jacinta O’Hagan (Canberra: Australian National University Keynotes Series, 2012), p.25.

¹³ He Xiaodong, “The Chinese Humanitarian Heritage and the Dissemination of and Education in International Humanitarian Law in the Chinese People’s Liberation Army.”

¹⁴ International Commission on Intervention and State Sovereignty “The Responsibility to Protect, Background Research,” (Ottawa: 2001), p.393.

¹⁵ Information Office of the State Council of the People’s Republic of China, “China’s Defense in 2010,” (31 March 2011).

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¹⁶ Information Office of the State Council of The People's Republic of China, "China's Foreign Aid White Paper," (April 2011).

¹⁷ Ibid.

¹⁸ Specifically, to countries affected by the Indian Ocean tsunami in 2004; Southeast Asian countries to prevent and treat avian influenza; Guinea-Bissau to curtail a locust plague and cholera epidemic; Ecuador to combat dengue fever; Mexico to halt the spread of H1N1 (swine flu); Iran, Pakistan, Haiti and Chile following severe earthquakes; Madagascar in the aftermath of a hurricane; Myanmar and Cuba following tropical storms; and to Pakistan flood relief. Emergency food aid to North Korea, Bangladesh, Nepal, Afghanistan, Burundi, Lesotho, Zimbabwe and Mozambique, among others, is included under examples of China's humanitarian aid.

¹⁹ Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland, "Chinese Envoy: China to Provide more Humanitarian Aid to Darfur," (25 March 2008).

²⁰ "China to Offer Humanitarian Aid Worth 2mln USD to Syria," *People's Daily* 10 March 2012.

²¹ S/PV.6826, "Verbatim Record of the United Nations Security Council on the situation in Syria," (United Nations, 30 August 2012).p.33

²² Ibid.p.33

²³ Ibid, p.22.



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