

2 A Free versus Repressive Vision: The Role of Human Rights in Indo-Pacific Strategies and Policies

Dr. Frédéric Krumbein



International relations in the Indo-Pacific region are increasingly shaped by “great power competition” between the United States and the People’s Republic of China (PRC). What matters most are the power and interests of these two states and their allies and partners. Values, such as human rights, are only of secondary importance. However, domestic political systems and the values that underpin these domestic orders play a crucial role in defining how states large and small view themselves and “the Other” on the

world stage.

For the most part, the United States and its closest allies in the Indo-Pacific region share the same values of democracy and human rights. Importantly, they tend to define competition with China in terms of these values. The 2017 US National Security Strategy, for example, stated that “a geopolitical competition between free and repressive visions of world order is taking place in the Indo-Pacific region.”¹ Thus, there is a recognizable first group of states in the Indo-Pacific that not only views democracy, human rights, and the rule of law as part of their own identity but also wishes to promote these values in their foreign policies as well. These are mainly the “Western” countries, including the United States, European countries,² and Japan.

A second group of Indo-Pacific states shares, to varying degrees, the same values as the first group, but they are more reluctant to promote human rights in their relations with other countries in the Indo-Pacific region. The Asian democracies (with the exception of Japan) fall under this category, such as India, South Korea, and Taiwan. These actors either do not wish to provoke China and the other authoritarian regimes in the region by promoting human rights and democracy³ or else they adhere to the principle of

noninterference and want to avoid criticism of their own human rights situation.⁴ The Quadrilateral Security Dialogue (Australia, India, Japan, and the United States) share some commonalities with this group in that they collectively emphasize shared democratic values but, when acting as the Quad, exhibit a primary concern for upholding the rules-based order in the region, not the promotion of human rights and democracy.⁵

A third group of states does not necessarily share the values of democracy and human rights but does nevertheless advocate respect for international law and the rules-based order in the Indo-Pacific region. ASEAN is the most notable proponent of this approach. Due to the political diversity of its members and its traditional principles of neutrality and noninterference, the organization rarely interferes in the domestic affairs of its members and other countries. Consequently, the “ASEAN Outlook on the Indo-Pacific” mentions neither human rights nor democracy. On the other hand, ASEAN has explicitly called for respecting international law (including the UN Charter) and promoting good governance and the rule of law.⁶

Of those that have been put forward by national governments and regional organizations like ASEAN, most Indo-Pacific strategy documents and policies aim to maintain the

political status quo in the region. At least implicitly, most also seem to be directed against China’s authoritarian influence and Beijing’s territorial claims over Taiwan, the South China Sea, and the Diaoyu/Senkaku Islands. Even though human rights play only a secondary role in the Indo-Pacific strategies and policies of most stakeholders, the democracies in the region—and China—view human rights as an area of competition.

Human rights are not part of the PRC’s identity. Nevertheless, the PRC has a well-developed conception of human rights and has published over 100 white papers about human rights in China, as well as international human rights policy.⁷ The PRC’s conception of human rights comprises three pillars: authoritarianism, social and economic development, and relativism. First, the one-party dictatorship is portrayed as the foundation for human rights in the PRC: “The Party’s leadership is the fundamental guarantee for the people of China to have access to human rights, and to fully enjoy more human rights.”⁸ Second, social and economic human rights (such as the rights to social security, shelter, education, food, or healthcare) take priority over civil and political human rights; the two most important human rights from the PRC’s perspective are the collective rights to subsistence and development.⁹ Finally,

the PRC government argues for human rights relativism and the related concept of “human rights with Chinese characteristics.”¹⁰

China does not promote human rights, whether in the Indo-Pacific region or elsewhere. Rather, the main objectives of the PRC’s human rights policy are to discourage other states and international actors from criticizing the PRC’s human rights record, to weaken the international human rights regime, and to propagate its own relativist conception of human rights as opposed to rival definitions.

To achieve the objectives of its human rights policy, the PRC has used both hard and soft power. On the one hand, the PRC has built alliances with so-called like-minded countries—that is, authoritarian and developing countries—in international forums such as the United Nations with a view toward shielding each other from human rights criticism. The PRC also signals cooperation and nominal acceptance of human rights to the international community by signing and ratifying human rights treaties, by being an active member in UN human rights institutions, and by conducting human rights dialogues with (mainly Western) states. If the PRC criticizes other countries’ records on human rights, it is almost always directed against Western states to counter

their criticism of the PRC’s dismal human rights situation. Most of the time, however, China refrains from criticizing human rights in other countries and expects not to be criticized in return.¹¹

On the other hand, when confronted with criticism of its own human rights situation, the PRC usually denies the accusations and accuses the critics of not knowing the facts or of being biased against the PRC. If this tactic is not successful, the PRC government initiates a counter-narrative that portrays the alleged human rights violation as a lawful policy. Many of the PRC’s white papers on human rights describe a rosy human rights situation in Tibet and Xinjiang or in areas such as freedom of expression or religious freedom.¹² Sanctions are another typical reaction against countries, companies, or other actors that speak out for human rights in the PRC; states that openly criticize the PRC’s human rights situation are punished, often by impeding their access to the vast Chinese market.¹³ Given that China is a larger trading partner than the United States for every country in the Indo-Pacific except Bhutan, these threats of economic punishment are significant.¹⁴ The PRC’s vast hard power resources are the major reason why a lot of countries refrain from “naming and shaming” the PRC in their Indo-

Pacific strategies in favor of talking about upholding the rules-based order in more vague terms, without pointing the finger at the PRC as the “norm-disrupting elephant in the room.”

In sum, the PRC is often successful in limiting criticism directed against its human rights record by other Indo-Pacific stakeholders. At the same time, balancing against the PRC is largely shaped by shared values and norms among democracies and human rights-abiding countries in the region. At least, such nations have shown the strongest resolve to confront China in recent years. Whether this dividing line will result in human rights becoming a core pillar of the so-called rules-based order remains to be seen, however. ■

Dr. Frédéric Krumbein

Dr. Krumbein is the Heinrich Heine Visiting Professor, Tel Aviv University, Tel Aviv, Israel.

Disclaimer

The views and opinions expressed or implied in *Indo-Pacific Perspectives* are those of the authors and should not be construed as carrying the official sanction of the Department of Defense, Air Force, Air Education and Training Command, Air University, or other agencies or departments of the US government or their international equivalents.

Notes

¹ “National Security Strategy of the United States of America,” White House, December 2017, 45,

<https://trumpwhitehouse.archives.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf>.

² High Representative of the Union for Foreign Affairs and Security Policy, “The EU Strategy for Cooperation in the Indo-Pacific,” 16 September 2021, https://eeas.europa.eu/sites/default/files/jointcommunication_2021_24_1_en.pdf.

³ This is the case with South Korea and Taiwan, for

example. Wongi Choe, “The Quest for Strategic Balance and South Korea’s Indo-Pacific Conundrum,” *The Diplomat*, 13 August 2021, <https://thediplomat.com/2021/08/the-quest-for-strategic-balance-and-south-koreas-indo-pacific-conundrum/>; and Frédéric Krumbein, “Two Chinese Tales of Human Rights— Mainland China’s and Taiwan’s External Human Rights Strategies,” *The International Journal of Human Rights*, forthcoming.

⁴ This is the case with India. See Arkoprabho Hazra, “Why Is India Silent on China’s Human Rights Record at the UN?,” *The Diplomat*, 27 October 2020,

<https://thediplomat.com/2020/10/why-is-india-silent-on-chinas-human-rights-record-at-the-un/>.

⁵ “Quad Leaders’ Joint Statement: “The Spirit of the Quad,” White House, 12 March 2021,

<https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/12/quad-leaders-joint-statement-the-spirit-of-the-quad/>.

⁶ “ASEAN Outlook on the Indo-Pacific,” Association of Southeast Asian Nations, 23 June 2019,

<https://asean.org/speechandstatement/asean-outlook-on-the-indo-pacific/>.

⁷ “Archive - White Papers,” State Council of the People’s Republic of China, n.d., <http://english.www.gov.cn/archive/whitepaper>.

⁸ “70 Years of Progress on Human Rights in China,” State Council Information Office of the People’s Republic of China, n.d., 4,

http://english.scio.gov.cn/node_8014390.html.

⁹ “National Report Submitted in Accordance with

Paragraph 5 of the Annex to Human Rights Council Resolution 16/21 - China: A/HRC/WG.6/31/CHN/1,” UN Human Rights Council, 18 May 2021, 7,

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/CNindex.aspx>.

¹⁰ “National Report,” UN Human Rights Council, at 2.

¹¹ Ann Kent, “China and the International Multilateral Human Rights System,” in Sarah Biddulph and Joshua Rosenzweig, eds., *Handbook on Human Rights in China* (Cheltenham: Edward Elgar Publishing, 2019): 61–83.

¹² “Archive - White Papers,” State Council of the People’s Republic of China.

¹³ Krumbein, “Two Chinese Tales of Human Rights.”

¹⁴ Yu Jie, “Indo-Pacific Is Rigorous Test of China’s Foreign Policy,” Chatham House, 26 April 2021,

<https://www.chathamhouse.org/2021/04/indo-pacific-rigorous-test-chinas-foreign-policy>.