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China's Role in the Darfur Crisis: An Inquiry into Global Ethics

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CHINA'S ROLE IN THE DARFUR CRISIS: AN INQUIRY INTO GLOBAL ETHICS
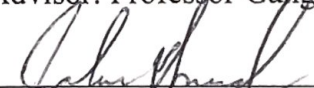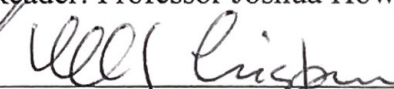
by
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ABSTRACT
KATIE MALONE SWAIN: China's Role in the Darfur Crisis: An Inquiry Into
Global Ethics
(Under the direction of Professor Gang Guo)

As the rise of globalization allows for greater trade, communication, and information sharing than ever before, the way states interact with one another and the world as a whole is being redefined. The rapid economic development that has occurred globally in the last century has not necessarily been accompanied with improvements in human rights worldwide. Now more than ever, there is a need to consider a global code of ethics. Though the role of states in advancing and policing human rights has been explored in innumerable treaties, conventions and other documents, there is currently no clearly defined standard of conduct for nations. The lack of a criterion combined with the complexity of cultural relativism has often led to ambiguity and stalemate by the international community in the face of heinous human rights violations.

This thesis will explore the issue of the need for a standard of global ethics by focusing on Sudan, where China's economic investment has possibly influenced current human rights issues, particularly in the Darfur region. It will examine China's policies toward Sudan in light of the conflict in Darfur and will use this situation as a microcosm with which to analyze the complexities of dealing with a human rights issue multilaterally. In addition, it will compare China's theories about ethics to those of both Western nations and multilateral institutions such as the United Nations. Finally, it will provide an overall assessment of China's role in the Darfur crisis.

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LIST OF ABBREVIATIONS

AMIS	African Union Mission in Sudan
AU	African Union
CNPC	China National Petroleum Corporation
DLF	Darfur Liberation Front
FOCAC	Forum on China-Africa Cooperation
FDI	foreign direct investment
GNPOC	Greater Nile Petroleum Company
HRW	Human Rights Watch
ICC	International Criminal Court
ICID	International Commission of Inquiry into Darfur
IMF	International Monetary Fund
JEM	Justice and Equality Movement
NIF	National Islamic Front
OECD	Organisation for Economic Co-Operation and Development
RBC	responsible business conduct
SLA/M	Sudan Liberation Army and Movement
SOE	state-owned enterprises
TDRA	Transitional Darfur Regional Authority
TNC	transnational corporations
UN	United Nations
UNAMID	United Nations-African Union Mission in Darfur

UNCHR	United Nations Council on Human Rights
UNMIS	United Nations Mission in Sudan
WTO	World Trade Organization

INTRODUCTION

Significance

As the rise of globalization allows for greater trade, communication, and information sharing than ever before, cultures are brought together in ways that previously seemed unimaginable. As a result, the way states interact with one another and the world as a whole is being redefined. The rise of multilateral organizations such as the United Nations has led to the gradual deterioration of states' sovereignty, as trade regulation and other issues begin to fall outside of the sphere of just one nation. Issues such as civil war and social rights that individual nations have previously argued constitute their own internal affairs are now being scrutinized under the international spotlight. The rapid economic development that has occurred globally in the last century has not necessarily been accompanied with improvements in human rights worldwide. Now more than ever, there is a need to consider a global code of ethics.

Though the role of states in advancing and policing human rights has been explored in innumerable treaties, conventions and other documents, there is currently no clearly defined standard of conduct for nations. While the international community as a whole desires world stability and continued economic development, it is up for debate what types of actions should be mandated in order to maintain equilibrium. The lack of a criterion combined with the complexity of cultural relativism has often led to ambiguity

and stalemate by the international community in the face of heinous human rights violations.

This thesis will explore the issue of the need for a standard of global ethics by focusing on Sudan, where China's economic investment has possibly influenced current human rights issues, particularly in the Darfur region. It will examine China's policies toward Sudan in light of the conflict in Darfur and will use this situation as a microcosm with which to analyze the complexities of dealing with a human rights issue multilaterally. In addition, it will compare China's theories about ethics to those of both Western nations and multilateral institutions such as the United Nations. Finally, it will provide an overall assessment of China's role in the Darfur crisis.

Background

China and Africa have greatly expanded trade in recent decades, especially since 2000 with the establishment of the Forum on China-Africa Cooperation (FOCAC), which focused on what steps were necessary to establish a new global political and social order and how Sino-African trade should be strengthened under these circumstances. This trade has had considerable positive economic and social impact in many African countries, as China's financial investments have come bundled with necessary infrastructure improvements and valuable political backing. However, while China's "no strings attached" foreign policy in Africa fulfills the mutual desire of both regions to retain sovereignty, in recent years this approach has come under considerable scrutiny by the international community, especially in relation to the Sudan.

A notable trade partner of China, Sudan has been plagued for the past decade by civil war in the south and conflict with rebel forces in Darfur in the west. The government and Janjaweed militia have engaged in violent warfare against non-Arab Darfur rebel groups since 2003, and this conflict has resulted in a humanitarian crisis that has left hundreds of thousands dead and millions of Darfurians dependent on foreign aid.[1] International human rights organizations such as Human Rights Watch and Amnesty International have heavily criticized China for its refusal to use economic sanctions to influence the Sudanese government and combat what these groups see as an ongoing genocide, and China is often portrayed in Western media as obstructing the peace process in Darfur.

Research Questions

Exploration of both the current lack of a global code of ethics and the Darfur crisis leads first to the question: what legal and moral obligations does China have to interfere with the internal violence that is occurring in the Sudan, and has China succeeded in fulfilling these requirements? While most Western nations consider it appropriate and even necessary to link international trade treaties to promises to improve human rights, this directly contradicts China's trade ideals, the "Five Principles of Peaceful Coexistence," which above all promise mutual respect for sovereignty and non-interference in one another's internal affairs.[2] In this context, it becomes even more

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[1] Janjaweed, meaning "devils on horseback," is sometimes alternatively translated as "Janjawiid" or "Janjawed."

[2] The "Five Principles" include promises of mutual non-aggression and respect for sovereignty, non-interference in each other's internal affairs, and overall equality, mutual benefit and peaceful coexistence

difficult to ascertain whether China is at fault if it does not directly intervene in the Sudan.

Another question raised by this dilemma is what type of external involvement was appropriate and necessary to solve the current conflicts in the Sudan? It is clear that in order to both allocate blame and to find viable solutions for this conflict, an international standard of trade ethics that takes cultural relativism into consideration must be explored.

Methodology And Organization

In order to answer these questions, I will first examine the history of the trade relationship between China and Africa, China's overall objectives as outlined in its African foreign policy, and the methods Beijing has used to further these relations. China's objectives and methods will be determined through consideration of official statements by PRC top officials and the Ministry of Commerce, along with secondary sources. In addition, I will explore the high level of trade that has developed between China and African nations, particularly Sudan. Economic data from sources such as the PRC's Ministry of Commerce and the World Trade Organization (WTO) will provide insight into the level of import-export trade between these nations and the types of goods traded. Additional sources such as the CIA's World Factbook and the United States' Energy Information Administration will provide further trade-related data that highlights the increasing role that China is playing in African countries.

Next, I will outline the history of the overall conflict in Darfur and examine the impact China has had on this conflict. The actual role of the Chinese government in this controversy will be determined both through examination of China's political, social, and

economic influence in the Sudan and through exploration of China's motives concerning business in this region. Social statistics from the United Nation Human Development Reports will provide insight into the current state of life in Darfur. Finally, I will examine the currently existing standards for global ethics by guidelines and models from sources such as the United Nations, the Organisation for Economic Co-Operation and Development, and Transparency International.

In order to break the situation down into manageable components and determine China's role, I will then examine both the positive and normative aspects of China's actions. I will establish a positive political model by outlining the definition of constructive engagement, the difficulty level of peacekeeping in Darfur, and the goals of the four main actors involved. I will then use this model to assess China's role in the Darfur crisis. Next, I will use an ethical decision model in order to reach a normative conclusion about the ethical nature of China's actions in Darfur. Both my positive and normative model will facilitate answering my two research questions: what China's legal and moral obligations are in Darfur, and what type of external intervention was appropriate and necessary for this situation.

Summary

The recent conflicts in Sudan and their relevance to trade relations with China provide both a prime example for microanalysis of trade ethics and a key opportunity to create analytical methods with which to evaluate similar ethical dilemmas. This comprehensive analysis will provide a non-biased presentation of China and Sudan's partnership from which an accurate assessment of the results of this relationship can be

derived. Assessment of whether or not China has adhered to generally accepted world guidelines of ethical business conduct will be beneficial in determining both the appropriate global response toward China's involvement in Sudan and in assessing what actions should be taken in order to resolve the ongoing conflict in Darfur.

CHAPTER I: SINO-AFRICAN RELATIONS AND TRADE

A Brief History

China has a long history of economic and political dealings with African countries. During the Maoist era of the 1950s and 1960s, China's primary interest in African countries was the support of communist ideology through grassroots revolutions. Following Mao's tenet of "righteous struggle", Beijing aided revolutionary forces in "liberation war(s) against 'capitalism' and 'imperialism'" in countries such as Tanzania, Zambia, and Zimbabwe (Ampiah and Naidu, 2008, 6). After the fervor of the Cultural Revolution ceased, Chinese leadership, disillusioned by the results of the past credo of "continuous proletarian revolution", began to focus on placing geopolitical goals before ideology. As a result, Beijing's top priority abroad shifted from promoting Maoist communist doctrine to protecting its national security interests (Eisenman, 2007, 32). This policy change was confirmed at the three FOCAC summits, where Chinese leaders explicitly promoted the goals of greater consultation, cooperation, and trade and the desire for a "new strategic partnership" (Ampiah and Naidu, 2008, 7).

China's national security interests today are focused on securing the natural resources and consumer markets necessary to fuel its growing economy and continuing to boost its international standing through political power and establishment of itself as a responsible international actor (Alden, 2007, 13, 22). Beijing's current strategy, as outlined in "China's African Policy" established in 2006 by the Chinese Ministry of

Foreign Affairs, is structured around obtaining these goals through what is termed as "mutually-beneficial cooperation" (FOCAC, "African," 2006, p. 3). China's strategy for securing its political and economic interests in Africa is based on the promotion of its trade policies as an alternative model to those of Western nations. Resulting methods include the continuation of the advancement of an anti-hegemony ideology, the promotion of a mutual development agenda, and diplomatic support.

This chapter will focus on how these objectives and methods have enabled China to establish close relationships with African countries, particularly the Sudan. In the process, it will document what trends have resulted from Sino-African partnership. It will also provide insight into the amount and type of trade that has flourished between China and the Sudan.

China's Objectives in Sino-African Partnership

In analyzing China's intent towards African countries, it is important to first consider the motivations of both parties to enter into a strong trade relationship. For many African nations, the initial appeal of embarking on a partnership with China arose from the promise outlined by FOCAC of providing "African countries with assistance to the best of its capacity without any political condition" (FOCAC, "Economic," 2006, p. 1). This assurance gave countries such as Sudan and Zimbabwe, whose controversial human rights records have led to disbarment in trade by other developed nations, a viable business alternative. Other African nations looked to China as a trade partner as a result of dissatisfaction with the "often paternalistic, patronizing and culturally prejudiced

attitudes" towards Africa by the West and resulting disillusionment with Western partnerships and trade agreements (Ampiah and Naidu, 2008, 4).

As for China, after the reform and opening-up policies of the late 1970s, the new pragmatist government under Deng Xiaoping clarified Chinese foreign policy goals as seeking market opportunities and increasing international influence. It was at this time that it began to acknowledge Africa's under tapped potential as a vast source of natural resources and potential political power. In order to achieve maximum benefit for the Chinese economy and fulfill its national objectives, the Chinese government sought to create an approach that would align African interests with its own. Beijing's blend of economic investment coupled with social aid ensured that African nations would be willing partners, since Beijing and most African nations both perceive that the top way to achieve national stability and prosperity and in turn improve human rights is through economic development (Taylor, 2009, 96).

China's lack of natural resources has caused the quest to secure oil and other sources of energy to be the center point of China's current strategy in Africa. Despite its massive land mass and population of 1.3 billion people, only an estimated 1.3% of the world's proven oil reserves lie in China (BP, 2008, 6). However, China has experienced rapid economic growth in the past few decades, boasting a 13% growth rate in 2007 (Qin, 2009, p. 1). Additionally in 2007, it was the second leading exporter and third leading importer in the world (WTO, 2008, 12). As the Chinese population and economy continue to grow, the need for energy only increases. In 2007, China's consumption of natural gas grew by 19.9%, its overall energy consumption increased by 7.7%, and it accounted for 9.3% of the world's oil consumption (BP, 2008, 2, 4). In total, China

accounted for 52% of the global energy consumption growth worldwide in 2007 (Ibid.,

5).

Without sufficient energy resources, China's high level of economic growth is

unsustainable. Securing partnerships with African nations, which in 2007 accounted for

12.5% of world oil production, has given Beijing ample access to natural resources,

particularly nonferrous metals, crude oil, and fisheries (BP, 2008, 8). Oil, in fact,

accounts for 70% of African exports to China (Taylor, 2009, 37). Africa has also

provided an immense consumer market. As seen in Figure 1.1, African exports from

China have increased by over 90% since the mid-1990s. In 2007, China exported 36.5

billion dollars worth of merchandise to African nations and imported 30.3 billion (WTO,

2008, 177).

Figure 1.1   China's Import and Export Trade with Africa, 1996-2006
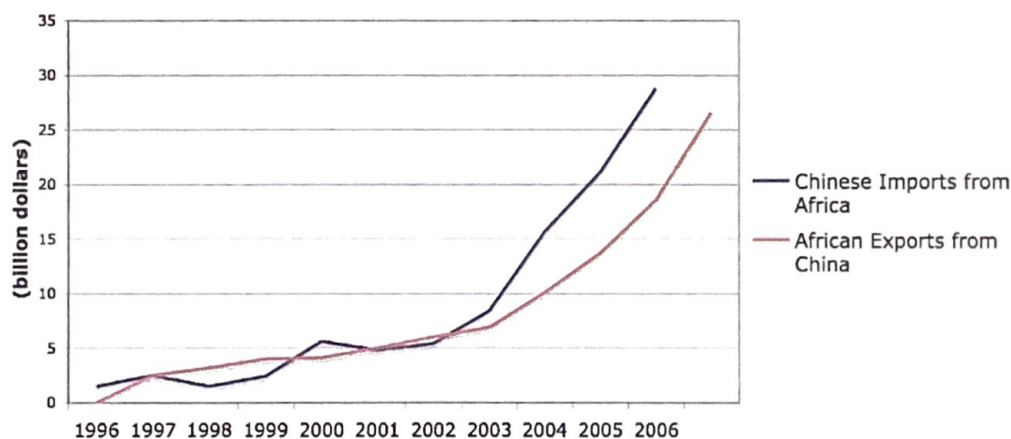
Source: WTO International Trade Statistics 2007, Table A14.

A second major focus of Beijing's foreign policy is the acquisition of political

support in international institutions such as the United Nations. Partnerships with

African nations have given Beijing considerable clout in international institutions, such as the United Nation Council on Human Rights (UNCHR). This influence has greatly benefited China. For example, African votes were crucial for China in winning the 2008 Olympic bid and have also helped China avoid UN resolutions denouncing alleged Chinese human rights violations (Alden, 2007, 22).

Finally, a third aspect of China's national security policies has involved the continuation of support for its "One-China" principle of reunification, under which official diplomatic ties and relations with Taiwan are forbidden. Adherence to this policy is in fact the key requisite for official recognition and establishment of relations with other countries (FOCAC, "African," 2006, p. 15). Recognition of a unified China bolsters its political stability. Since this policy is important to China both culturally and politically, agreement by African countries to support the isolation of Taiwan has been a further source of empowerment for China.

China's Methods in Africa

Towards the end of the 20th century, the African continent was "low on the foreign policy priority list" of other major economic players, such as an "indifferent Russia, and a "divided Europe," and the US, which remained preoccupied in the Middle East (Eisenman, 2007, 29). As a result, China has had the opportunity to be exceptionally successful at devising policies both to fulfill African economic, social and security needs and to continue its own transformation into an "outwardly engaged, interdependent and emerging global power" (Srinivasan, 2008, 56). China advertises itself as an alternative to traditional Western methods of development and promotes its

long held theory of anti-hegemony. This method, along with the Chinese policies of developing mutually beneficial development plans and courting nations through diplomacy, have greatly facilitated its success in African nations.

Promotion of Anti-Hegemony Theory

China's practice of engaging in trade with developing countries, even those with a questionable international standing, stems from its different moral and social value priorities than Western nations and its "independent foreign policy of peace" (FOCAC, "African," 2006, p. 2). The Chinese government has historically placed more importance on the community than on the individual, and its treaties and policies focus more on securing collective economic, cultural and social rights than on individual political and civil liberties (Taylor, 2009, 94). As a result, economic development is seen as the foremost goal, because greater prosperity is said to help in maintaining social stability and increasing the standard of living for all citizens.

Since China does not have the baggage of having been a colonial power in Africa, it can present itself in a more benign light. Similar experiences at being manipulated or treated as inferiors in trade agreements by other international actors have led both Chinese and Africans to have a concurrent viewpoint on the issues of sovereignty and human rights, and both sides see the relationship between individuals and the state to be dependent on both cultural and political factors (Alden, 2007, 16). Neither actor wishes to see developing countries marginalized in the global economy, and Beijing offers promises of counterbalancing Western dominance in the current global order (Taylor, 2009, 16). This mentality has allowed China to forge a common bond with African countries, which on the whole similarly value the idea of collectivism.

In addition, Africa and China's economic relationship has been fostered by correspondent evaluation of global threat, namely fear of the loss of sovereignty and of the United States as a hegemonic power (Eisenman, 2007, 34). Western states, primarily the United States, are focused on achieving social stability and prosperity through political change and tend to attach numerous strings to trade deals and aid packages. African countries such as Nigeria, the Republic of Congo and Zimbabwe, where democracy and a market economy was imposed by Western powers with disastrous results, feel that this method constitutes cultural and political imperialism and reveals a Western lack of respect for Africa (Alden, 2007, 102). Uninterested in the imposition of a Western political and moral agenda, African nations such as these readily embrace China's 'no strings attached' trade methods. This mutual sense of threat has had great cohesive power, and as a result it has been relatively easy for China to frame itself as the better alternative to trade than Western powers.

This anti-hegemonic mentality has given China a political and economic advantage in trade in many developing countries. By distinguishing itself from Western nations and their former unequal "conditionalities" in Africa, China has managed to achieve the status of a favored trade partner and has been able to secure critical resources through government-to-government agreements (Alden, 2007, 12, 20). In addition, China has found ready support for its views on human rights and unification with Taiwan (Eisenman, 2007, 33). Moreover, China has gained a market advantage by being willing to work with any nation regardless of its international standing, including those that may be barred by other major competitors, such as Sudan and Zimbabwe (Alden, 2007, 42).

Mutual Development Plan

China's promise of mutual developmental goals that allow for self-interest is clearly reflected in its trade ideals, the "Five Principles of Peaceful Coexistence." These principles were first established in 1954 as the basic guide to Sino-Indian relations and have since been repeatedly reconfirmed in treaties, public statements, and documents establishing diplomatic relations between China and over 160 nations (People's Daily, 2004, p. 13). They include promises of mutual non-aggression and respect for sovereignty, non-interference in each other's internal affairs, and overall equality, mutual benefit and peaceful coexistence (Ibid., p. 10). From these ideals, China has formulated its methods for engaging in trade with African countries.

The promotion of reciprocal interests, where China secures critical international influence and natural resources, particularly oil, and African nations gains necessary financial support and political backing has been the crux of Sino-African affairs (Alden, 2007, 15). This mutual development plan widely encompasses the sectors of humanitarian affairs, infrastructure investment and economic support, and military patronage and peacekeeping (FOCAC, "African," 2006, p. 1-3). Africa has greatly benefited from this partnership as Beijing has poured money into advancing African infrastructure, from roads and government buildings to hospitals and schools, in exchange for oil and raw materials (Eisenman, 2007, 23). These "financial and political carrots and sticks" have allowed China to obtain the favor of African nations (Ibid., 38).

The humanitarian or "soft" approach refers to China's help in human resources development, education, science and technology and its dedication to cultural exchanges, humanitarian assistance, and medical aid (FOCAC, "African," 2006, p. 25-42). This

sector of aid has included student and "people-to-people" exchanges, training and

assistance in schools, debt reduction, and disaster relief. These recent exchanges have

supplemented China's history of aid in Africa, which in the past included medical

assistance such as "barefoot doctors" to West Africa (Alden, 2007, 15).

Infrastructure investment has also been a major factor in this relationship. Since

the signing of FOCAC in 2000, Beijing's policy has been to "vigorously encourage"

Chinese businesses to build infrastructure and engage in development projects from water

conservancy and electricity to transportation and communication (FOCAC, "African,"

2006, p. 26). Other construction aid has included showpieces such as presidential palaces

and national stadiums (Taylor, 2009, 11).

China's military benefaction in Africa has not been negligible, nor has its

participation in peacekeeping. China supplies over 15% of Africa's total arms imports,

notably to countries such as Zimbabwe and Sudan (Taylor, 2009, 119). These sales

primarily consist of small arms and inexpensive weaponry (Ibid., 115). China has

participated in peacekeeping sanctioned by the UN in Liberia, the Democratic Republic

of the Congo, and Sudan, committing in total over three thousand Chinese peacekeepers

in seven different missions (Alden, 2007, 26).

Diplomacy

China's diplomatic attention and willingness to work with African states has been

a key element in this relationship (Alden, 2007, 42). In the past, China's backing of

various African independence movements was its key diplomatic support, but now China

focuses on backing African interests in international organizations (15). In the UN,

China has backed proposals advocated by African nations on topics such as debt relief

and peacekeeping (Eisenman, 2007, 50). Another way that China has provided

diplomatic support is through the choice of foreign policy with "no political strings"

(Alden, 2007, 8). Furthermore, China has been adamant in refusing to link trade treaties

with human rights improvements or to sanction African countries, regardless of their state

of internal affairs.

Sino-Sudanese Trade

Sudan is the largest country in Africa and had a population of over 40 million as

of 2008 (CIA, "Listing" 2009, p. 21). It is considered to be of strategic importance due to

the fact that it shares borders with nine African nations. Overall, China is the Sudan's

largest export partner, receiving 82.1% of its exports, and in 2008 this share was

approximately $11.2 billion (Ibid., p. 42-49). In 2005, Chinese foreign direct investment

(FDI) in Sudan topped $351.5 million, the largest amount invested by China in any

African nation that year (Srinivasan, 2008, 63).

Figure 1.2   Breakdown in Sudan's Total Exports by Main Destination, 2007
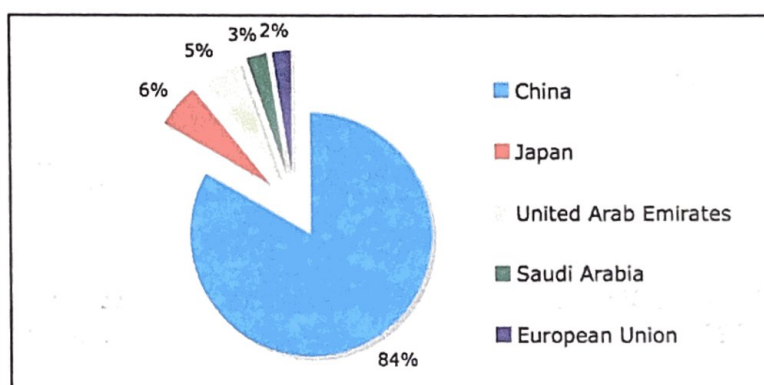
Source: World Trade Organization, Oct. 2008. "Trade Profile: Sudan."

Figure 1.3   China's Import and Export Trade with Sudan, 1999-2005
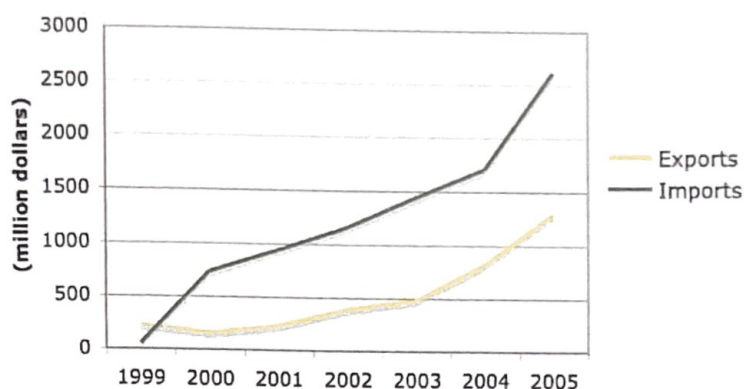
Source: IMF. 2006. China, P.R.: Mainland. Direction of Trade Statistic Yearbook. p. 133.

Oil

Beijing's primary African imports come from oil-producing states and Sudan is no exception. Oil was first discovered in southern Sudan in 1978, and at present Sudan possesses 6.6 billion barrels of proven oil reserves (BP Statistical, 2008, 6). While this number is low compared to oil giants such as Iraq, whose current reserve is estimated at 115 billion barrels, Sudan possesses the 5th largest amount of reserves in Africa (Ibid., 6). Oil production in the Sudan has exponentially increased in recent years, from 300 barrels per year in 1992 to 350,000 per year in 2005 (EIA, "World Production," 2007). As seen in Figure 1.4, fuel products dominate Sudan's total merchandise exports.

Figure 1.4   Breakdown in Sudan's Total Imports and Exports by Main Commodities, 2007
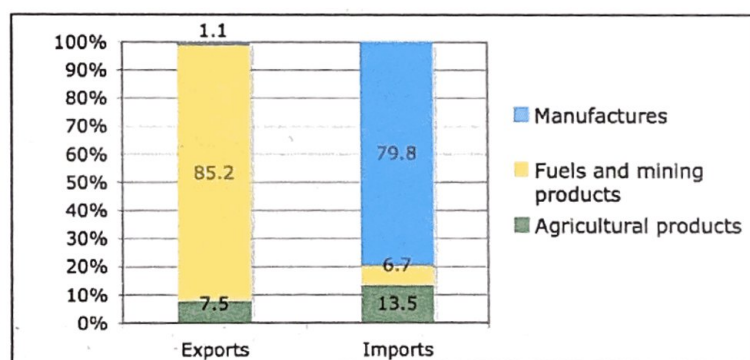
Source: World Trade Organization, Oct. 2008. "Trade Profile: Sudan,"

This immense wealth of energy resources coupled with the weaknesses in the economy and infrastructure left by the civil war in southern Sudan have made this country highly amenable for Beijing's mutual development plan. Since the mid-1990s, China has invested in Sudan's oil sector, and this region has emerged as a main source of oil and energy security for China in the early 21st century. Indeed, Chinese oil investments in Sudan are estimated at $4 billion, making it Sudan's largest investor, and it imports 60% of Sudan's oil (Taylor, 2009, 50). The state-owned China National Petroleum Corporation (CNPC) is the primary shareholder in Sudan's national oil company, the Greater Nile Petroleum Company (GNPOC) (Holslag, 2008, 71). CNPC additionally holds 50% of the shares for the Khartoum oil refinery, and 95% of oil field Block 6 in Darfur (Srinivasan, 2008, 61).

Arms

Sino-Sudanese trade has not just been limited to natural resources. Though it is difficult to precisely account for sales of arms, significant sales have occurred from the 1980s on, and since the late 1990s Sudanese arms manufacture and assembly have been aided technically and financially by the Chinese (Srinivasan, 2008, 60). China's arms sales to Sudan have been among one of the most controversial aspects of their relationship. Khartoum has purchased Chinese-manufactured arms since the early 1980s, fueling the conflicts of this time with transfers totaling $50 million between 1985 and 1989 (Taylor, 2009, 120). At present the Sudanese Air Force possesses around $100 million worth of Chinese-produced fighter planes, including a dozen supersonic F-7 jets, and many of Khartoum's helicopter gunships were obtained from China (Ibid., 120, 123).

As evident in Table 1.1, Chinese transfers of weaponry to Sudan did not cease in light of the Darfur conflict that began in 2003.

Table 1.1   Transfers of Major Conventional Weapons by China to Sudan, 1980-2006

Number Ordered	Weapon Description	Year(s) of Order
14	F-6 fighter aircraft	1981
20	122mm towed gun	1981
20	130mm towed gun	1981
50	YW-531 armored personal carrier	1981
12	F-7B fighter aircraft	1987
10	130mm towed gun	1989
18	122mm towed gun	1992
2	Y-8 transport aircraft	1991
6	F-7M fighter aircraft	1997
10	Type-85-IIAP tank	2002-2003
3	A-5C FGA aircraft	2003
10	WZ-551 armored personal carrier	2004
12	K-8 trainer/combat aircraft	2006

Source: Stockholm International Peace Research Institute, "Arms Transfers Database," 27 Feb. 2009.

Mutual Development

Beijing has backed its significant amount of trade with Sudan with a number of cooperative programs. In addition to aid with the construction of highways, bridges and irrigation systems, investments include partnerships such as the "strategic agricultural cooperation agreement" with Sudan, where China has sent experts to help build agricultural centers and train Sudanese farmers (Xinhua, "Sudan," 2008, p. 4-5). In addition, Chinese support has included active participation in UN peacekeeping missions in the Sudan, and in 2006 it granted over $3.5 million in support of African Union (AU) peacekeeping operations in the Darfur region (Alden, 2007, 26). Sudan's economy has suffered both from the natural disasters of drought and desertification and from the decades of violent conflict during the 21-year North-South civil war (Daly, 2007, 227).

As a result, the benefits from China's investments and overall assistance in improving infrastructure have been a key incentive for the Sudanese government to embark in this partnership (Ibid., 13).

Summary

Similar political and social values have allowed China to successfully develop a mutual development agenda in Africa and promote itself as a viable business alternative to Western nations. Beijing's methods of the "soft approach," infrastructure investment and economic support and military patronage and peacekeeping combine to create a great amount of government influence, which in turn gives Chinese businesses a competitive edge in Africa. As Sudan's most significant investor and foreign partner, it is plausible that China has the political means with which to potentially exert significant power over the Sudanese government, if it so chooses.

Having examined China's objectives and methods in dealing with African nations and established its powerful role politically, socially and economically in Sudan, it is necessary to delve into the details of the current conflict in Darfur and the precise nature of China's role in this issue.

CHAPTER II: THE SITUATION IN CHINA AND DARFUR'S ROLE

Historical Factors

Located in western Sudan, Darfur, or "homeland of the Fur," encompasses an area

nearly the size of France and contains around one-fifth of the Sudanese population

(House of Commons, 2005, p. 8, 10). Once an independent sultanate of the Fur tribe, it

was incorporated into Sudan in 1916, when both entities were made protectorates of the

British Empire and remained a part of Sudan after independence from the British in 1956

(Daly, 2007, 2). Though Darfurians chose to peacefully assimilate into Sudanese culture

and the region remained relatively stable for decades after the fall of the Fur sultanate,

violent conflict infiltrated the area in the 1980s as Darfur became the battleground for

warfare between Chad and Libya (Flint and De Waal, 2008, 23-24). Aggressive

displacement of Fur villagers first occurred in this conflict, and it was also during this

time period that political parties based around the platform of Arab supremacist ideology

first emerged and massive amounts of arms began to accumulate in this region.

These factors in the 1980s, along with the beginning of Darfur's current 30-year

drought and the ensuing famine, set the stage for the war that has raged between

Sudanese government and rebel forces in Darfur since 2003 (Burr and Collins, 2006,

190). This war has received an unprecedented amount of international attention, largely

due to the grassroots opposition movements that have sprung up in nations worldwide,

primarily the United States. This crisis has created a unique challenge for China, which

as the top trade partner of Sudan is seen by the international community as being

obligated to intervene in the situation, in spite of its typical policy of non-interference. In

addition, the severity of the crisis and level of public attention has led international actors

such as the United Nations Council on Human Rights (UNCHR) to closely monitor and

critique China's involvement.

This chapter will outline the history of the current conflict in Darfur and explore

the present social, political and economic state of affairs in this region. In addition, it

will assess what involvement China and other key international actors have had in this

conflict and provide a framework with which to evaluate each party's intentions and

actions.

History of the Darfur Conflict

Origin

Darfur currently consists of the three federal states of West Darfur, South Darfur,

and North Darfur and is an extremely heterogeneous region. Though dozens of tribal

groups with varying occupations and customs such as the Fur, the Masalit and the

Zaghawa inhabit this region, Darfurians can be grouped into the two general categories of

indigenous, non-Arab sedentary peoples and migrant, Arab nomadic peoples (House of

Commons, 2005, p. 10). While none of the regions are ethnically homogenous, all

indigenous groups in this region are historically Muslim (Jok, 2007, 120). Though small

conflicts have broken out between tribes in Sudan for decades, past skirmishes have been

fought on a limited scale by individuals and groups over issues such as land rights and

economics, and the government remained a relatively impartial negotiator (House of

Commons, 2005, p. 14). The diversity of this area, however, has been compromised by the ongoing historical trend of "Arabization" that has led to the mistreatment and marginalization of non-Arab groups.

The emergence of an "Arab Alliance" in Sudan in 1987, and the division of an "Arab Belt" and an "African Belt" across Darfur marked the beginning of an era of politicization of tribal differences (Daly, 2007, 246). Based on the supremacist claims that Arabs comprised 70% of Darfur's population and were "socially predominant," the Arab Alliance formally requested governmental reform and decentralization and demanded greater political representation in the form of 50% of all regional government posts (Flint and De Waal, 2008, 50). Coupled with these political demands was the rise of ideological and racist definitions of "Arabs" and "non-Arab," the latter more commonly referred to by ethic slurs such as "*zurug*," black, or "*abid*," slave (Daly, 2007, 283).

Furthermore, the demarcation of Arabs from other ethnic groups caused the 1994 division of Darfur into the separate states of North, West and South. This tactic split the largest ethnic group in Darfur, the Fur, into a minority in each of the new regions (Burr and Collins, 2006, 287). This gerrymandering, known as "Native Administration," facilitated the appointment of new Arab governors in each Darfurian capital, which dissolved the traditional authority given to local chiefs. The favoring of Arabs, both recent immigrants from Chad and native tribes, in leadership posts by the Sudanese government only fueled feelings of Arab supremacy and the desire to appropriate land.

Since this delineation of ethic groups has occurred, both the magnitude and scale of ethnic violence in Darfur has increased. From the 1980s on, Khartoum had provided

Arab groups in western Sudan with weapons, under the premise that they needed defense from attacks by the dissident Sudan People's Liberation Army/Movement (SPLA/M), which have been engaged in a civil war against the northern Islamic government since 1983 (Daly, 2007, 227).[3] In the 1990s, in an effort to further control the non-Arab tribes of Darfur, particularly the Zaghawa and Masalit who were reluctant to accept the new leadership, the clearly partial government further armed Arabs and began mobilizing militias with promises of "land and loot," marking the beginning of the government-backed Janjaweed (Flint and De Waal, 2008, 65-67).

The Arabs in this region were given overall impunity from the law, and from the 1990s on, these militias conducted raids on non-Arab villages. These raids evolved into a form of ethnic cleansing, with the displacement of non-Arabs and widespread destruction of their property and Arab resettlement occurring on dispossessed Fur land (Daly, 2007, 278). This cycle of violence eventually led to the major offensive on Jebel Marra in October 2002, where militias invaded villages, destroyed infrastructure and fields, killed or maimed men, and raped women (Flint and De Waal, 2008, 69). Non-Arab tribal groups were outraged at this treatment, and as a result, numerous small rebel alliances formed to protect themselves and their families from attacks.

Rebel Groups

Though the official beginning of the current war between the government and tribal groups in Darfur is cited as February 26, 2003, when the Darfur Liberation Front (DLF) seized Gulu, the capital of Jabal Marra Province, it is more accurate to date the beginning of conflict back to the raids of the 1990s (Burr and Collins, 2006, 288).[4]

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[3] SPLA is military; SPLM is political.
[4] The DLF is the predecessor of the SLA/M.

Khartoum had already violated one peace agreement between Arabs and non-Arabs, that of the 1987-89 Arab-Fur war, during which thousands of people were killed and hundreds of villages destroyed, and infuriated Darfurian militants began to assemble an opposition movement (Flint and De Waal, 2008, 24). The marginalization of Darfur through racist policies was first formally outlined in the *Black Book*, distributed in May 2000 by members of these early Islamic resistance groups (Daly, 2007, 275). This publication, which drew from government publications and other public documents, elaborated the under-representation of peripheral regions in government positions from the Parliament to provincial governorships, and exposed the fact that since independence 80% of all government jobs in Sudan had been held by Arab elites from the heartland (Burr and Collins, 2006, 288).

With the shocking statistical proof of non-Arab marginalization offered by *Black Book* and the memory of the violence at Jebel Marra to unite the resistance in Darfur, it is not surprising that in 2003 both the key insurgent groups, the Sudanese Liberation Army and Movement (SLA/M) and the Justice and Equality Movement (JEM), stepped forth and identified themselves (Jok, 2007, 21).[5] These two groups both challenge the government in Khartoum, but have fairly different origins and political approaches and at times have been more rivals than allies. Similar goals of these groups include the end of "social injustice and political tyranny" and eventual equal rights and basic services for all Sudanese, facilitated by economic development in every region (Burr and Collins, 2006, 291).

The SLA/M is headed by chairman Abdel Wahid. It consists primarily of the indigenous African Fur, Zaghawa and Masalit tribal groups and has the goal of a "New

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[5] The SLA is military (2001); the SLM is political (1992).

Sudan" that will belong equally to all citizens (Flint and De Waal, 2008, 89). In March of 2003, the SLA/M issued its official "political declaration" that demanded self-determination for Darfur and secularization of government as a solution to the past political and economic discrimination toward Darfurian citizens and the "brutal oppression, ethic cleansing, and genocide sponsored by the Khartoum Government (Burr and Collins, 2006, 289). This group shares similar political goals with the SPLA/M, who support the SLA/M's manifesto, and this alliance is what first brought Western media attention to the situation in Darfur (Daly, 2007, 280).

The JEM, which announced its existence only weeks after the SLA/M and is led by chairman Khalil Ibrahim, opposes "secession of any part of Sudan" and believes that the fall of the current regime is necessary in order for the nation to remain unified (Flint and De Waal, 2008, 101). Though the SLA/M has had more success in militant ventures, the JEM has challenged the Sudanese government more politically through their more radical goals. Ironically, many founding JEM members were Darfurian migrants to Khartoum and were initially dedicated members of the current ruling party, the National Islamic Front (NIF) (Burr and Collins, 2006, 290). Though these dissidents have not abandoned their Arab-Islamic beliefs and unlike the SLA/M do not demand separation of church and state, they oppose the abuses of power by the "small group of autocratic rulers" and seek equal political representation for groups outside of the Khartoum elite (291).

The seizure of Gulu, the capital of the Jebel Marra region of central Darfur, by insurgents in 2003 was an overt attack against the Sudanese government. This attack marked the beginning of a number of early successes for the rebel groups. It was

followed by attacks at Al Fasher airbase and Nyala in April 2003 by both the SLA/M and JEM, and later SLA/M attacks near Kutum and Tinay in May and July (Daly, 2007, 281-282). In these raids, the rebels killed hundreds of government soldiers and took hundreds more as prisoners, in addition to destroying planes and helicopters and capturing arms, ammunition and vehicles. Khartoum initially ignored the rebels' attempts but as the death toll of government soldiers rose and the conflagration continued, the government began to plan its retaliation.

The Government and the Janjaweed

The government in Sudan has been dominated by the NIF and its Arab-Islamic agenda since its successful military coup in 1989. Its president is General Omar al-Bashir, who through authoritarian methods has pursued aggressive and radical policies in Sudan such as the suspension of the constitution, the dissolution of Parliament, and the outlawing of unions and censorship of media, that have inflamed the current regional conflict (Daly, 2007, 248). Though the Sudanese government claims that the current violence is Darfur is merely the result of tribal conflicts, it has conducted violent counter-offensives against both rebel forces and also civilians since September of 2003. To do so, Bashir contracted the Janjaweed, a group that originated among Arab herders and that has historically been backed by Khartoum in regional competition (Jok, 2007, 126).

The Janjaweed militia have not only participated in active warfare with the JEM and SLA/M, they have also engaged in violent campaigns against non-Arab civilians, particularly those in rural regions, who are seen as aiding the rebel groups (Jok, 2007, 21). These attacks have consisted of two primary offensives between July and September of 2003 and December 2003 to March 2004 and have included the looting and destruction

of villages, the rape and assault of women, the murder and mutilation of men, and the displacement of millions of citizens (HRW, 2008, p. 1). The Janjaweed were instructed to kill and plunder without reserve and were promised impunity by the government for their crimes, regardless of their nature (Flint and De Waal, 2008, 135). As seen in Figure 2.1, only a year into this crisis over one million citizens were internally displaced inside Darfur. In addition, large areas of Western Sudan were depopulated, and basic resources such as food, drinking water and shelter were scarce (Jok, 2007, 127).

Figure 2.1   Approximate Populations of IDP Camps in Sudan and Chad, 2004
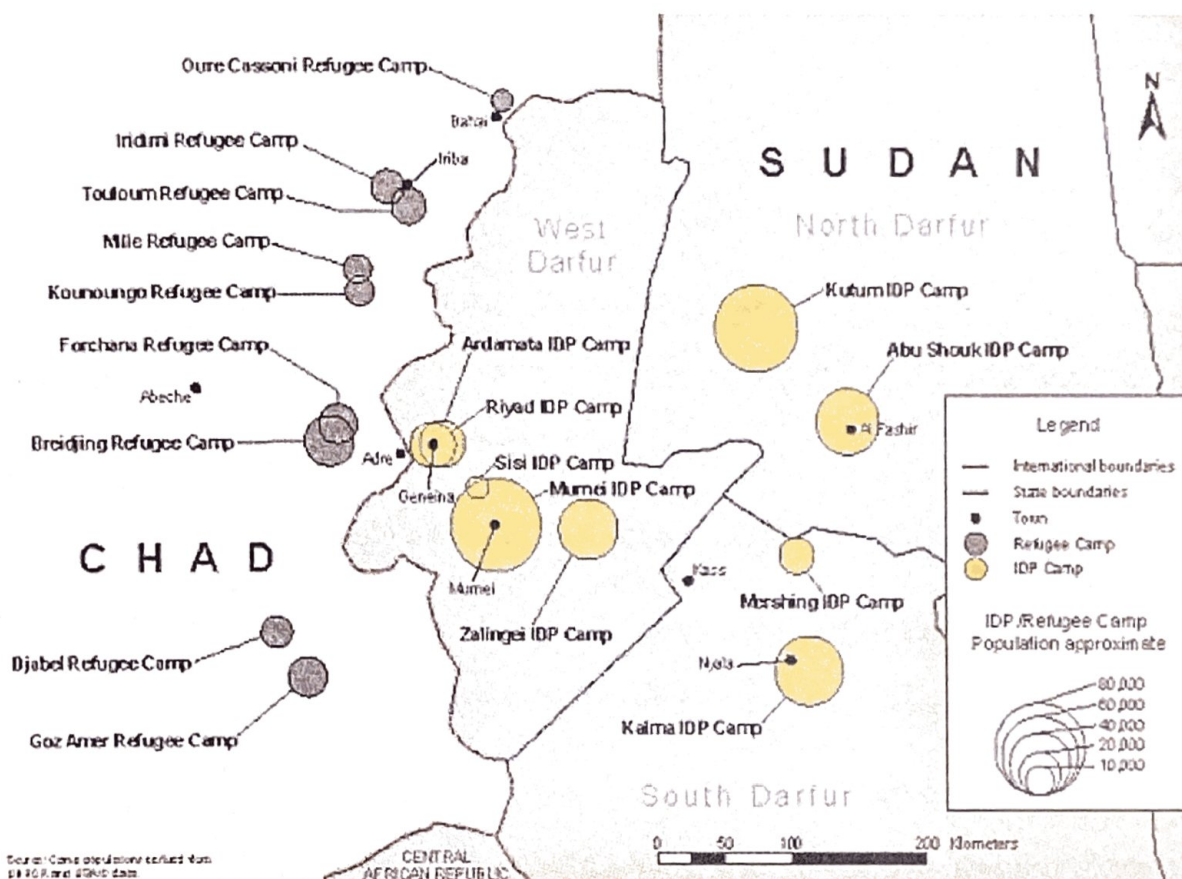
Source: UNHCR and USAID data. 13 Aug. 2007. "Satellite Imagery."
<http://www.usaid.gov/locations/sub-saharan_africa/countries/sudan/images/satellite/>. Access date: 14 March 2009.

Causes

Unlike the 21-year Sudanese civil war, which was based primarily on religious divides between the North and the South, all Sudanese members involved in the Darfur conflict are Muslim (Daly, 2007, 227). This conflict is thus not caused by religious divisions, but rather by the perceived racial divisions between the Arab and non-Arab populations in Darfur (Jok, 2007, 119). The rebel groups believe that non-Arabs have been blatantly discriminated against by the government and claim that Khartoum has consistently neglected regional people in the sectors of health and education (Flint and De Waal, 2008, 107). Additionally, the rebel groups feel that the Sudanese government is guilty of corruption, racism and war crimes, and they demand political representation and unification. This conflict has been further fueled by social and economic circumstances, such as the drought and famine in Darfur and the historical neglect and marginalization of the Western region.

The Current Situation in Darfur

Darfur is plagued by drought, desertification, and overpopulation. Scarce natural resources paired with the last few decades of violence and destruction of infrastructure have not only exacerbated the current violent conflict, but also presently contribute to the challenges of obtaining peace. Despite increasing investments and economic activity in the Sudan as a whole, Darfur, largely because of its internal conflicts, remains crippled politically, economically and socially. The catastrophic state of Darfur has affected the Sudan as a whole and interfered with the peace process in southern Sudan.

The statistics about this conflict are staggering. Since 2003, approximately two million people, or nearly 1/3 of the civilian population, have been displaced and an estimated 200,000 to 400,000 have died (CIA, 2009, "Sudan," p. 1). Another two million Darfurians are considered "conflict-affected" by the UN and depend on aid to survive (HRW, 2008, p. 2). Darfur's local economy has collapsed and most of its infrastructure has been destroyed, preventing the hundreds of thousands of displaced persons and refugees from returning to a normal life. Eighty percent of the Sudanese population is employed in the agricultural sector, making it even harder for displaced citizens to continue their livelihood (CIA, 2009, "Sudan," p. 1).

With a Human Development Index (HDI) value of 0.52, Sudan at present ranks 147 out of 173 countries, indicating that considerable social and economic progress is still needed (UN, "Development," 2008). This low ranking also reflects Sudan's current level of domestic instability, as life expectancy and the standard of living have both plummeted since the beginning of the war. Sudan is labeled as a" fragile state" by the Organisation for Economic Co-Operation and Development (OECD), implying that the state "lacks either the will or the capacity to engage productively with their citizens to ensure security, safeguard human rights and provide the basic functions for development" (OECD).

The severity of the ongoing humanitarian crisis in Sudan has rendered Khartoum unable to provide the resources and aid necessary for its people to obtain an adequate standard of living. This internal conflict has clearly prevented the influx of Chinese investment in trade and infrastructure in the Sudan from reaching all members of the Sudanese population, and despite yearly increases in average per capita income, the

living situation for the average Sudanese citizen has not improved. As seen in Figure 2.2, while Sudan's 2005 GDP per capita was nearly 2.5 times that of Madagascar, Madagascar's 2005 HDI ranking was still slightly higher than that of Sudan. When its HDI is juxtaposed with its GDP, it is evident that Sudan is vastly behind in human development.

Figure 2.2   Sudan's Human Development Index in Relation to Its GDP Per Capita, 2005

HDI and GDP data refers to 2005 as reported in the 2007/2008 Report.
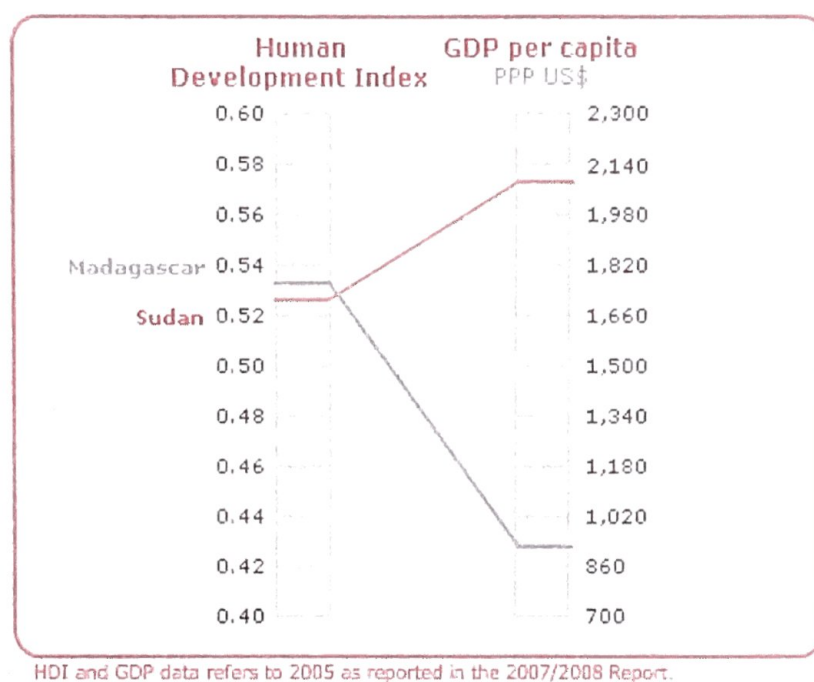
Source: "Human Development Report 2007/2008: Sudan." United Nations.
<http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_SDN.html>, Figure 1.

In addition, government corruption is rampant. In Transparency International's yearly report on the perceptions of public-sector corruption worldwide, Sudan ranked 173 out of 180 countries, with a score of 1.6 out of 10 (Transparency International, 2008). As seen in Figure 2.3, a comparison of governance indicators over time displays Sudan as ranking in the lowest percentiles across the board, especially in the categories of political stability and rule of law. The data for the figure comes from World Bank surveys of the

Sudanese public's perception of the government, and in Figure 2.3, the magnitude by which Khartoum's authority has been undermined since the Darfur conflict began in 2003 is clearly seen. The category that has changed the most is control of corruption, and this sudden drop most likely stems from Khartoum's harsh retaliation on the non-Arabs in Darfur and its alliance with the Janjaweed.

Figure 2.3   Governance Indicators for Sudan, 1998-2007
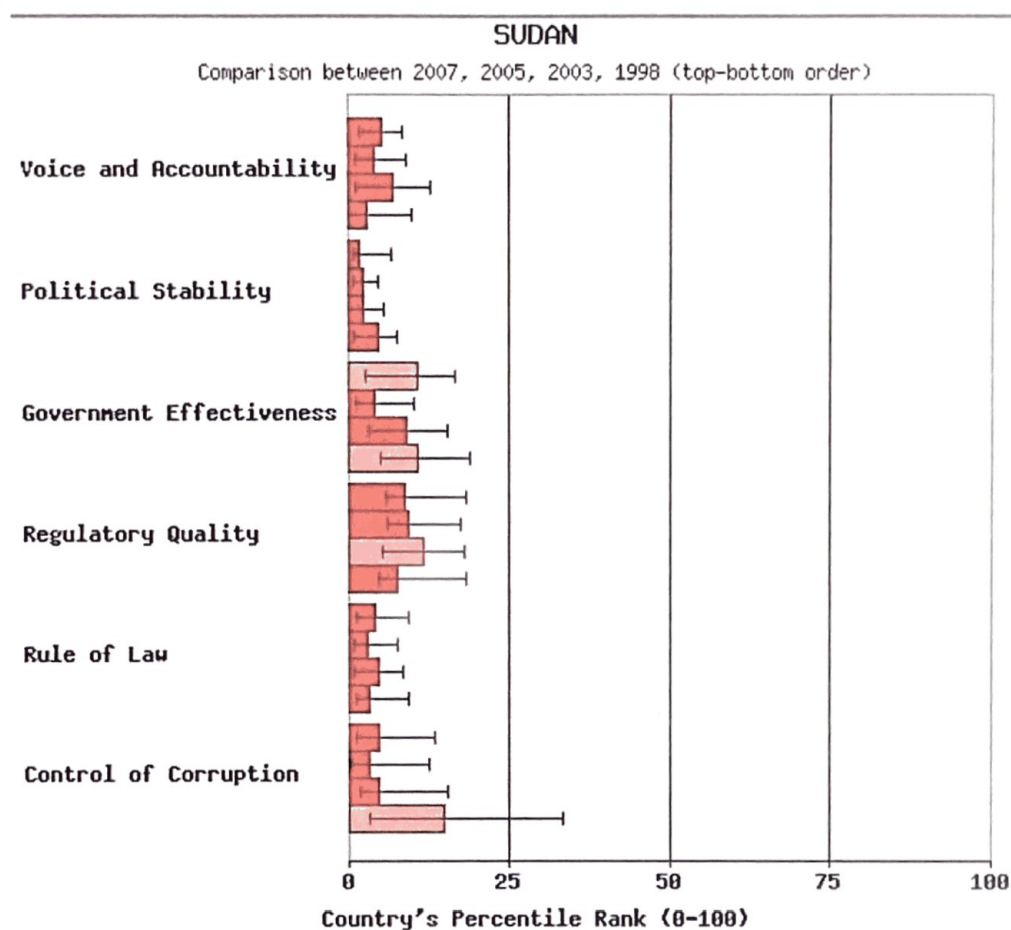
Source: Kaufmann D., A. Kraay and M. Mastruzzi. 2008. Governance Matters VII: Governance Indicators for 1996-2007. World Bank. <http://info.worldbank.org/governance/wgi/index.asp>.

International Response

Darfur captured the world's attention in 2004 when editorials concerning the ongoing humanitarian crisis began to flood major papers, including the *New York Times*

and the *Wall Street Journal* (Murphy 316). After being described in 2004 by the UN as the "world's worst humanitarian crisis," this conflict inspired a massive grassroots movement to aid Darfurians and protest against the Sudanese government (Jok, 2007, 115). Many non-governmental organizations (NGOs) have arisen to pressure both Khartoum and the international community, notably Students Taking a Stand Against Darfur and the Save Darfur Coalition. Existing humanitarian organizations like Amnesty International and Human Rights Watch (HRW) termed the Sudanese government's campaign as "ethnic cleansing" and called for its immediate halt (HRW, 2008, p. 1).

International Action

Considerable measures have been taken by international entities such as the UN and NGOs to assist in the cessation of this war. Members of the international community such as these organizations have generally held the view that they holds the "responsibility to protect" in regard to severe humanitarian crises like Darfur (Holslag, 2008, 73). This unofficial mandate has the implication that when a nation neglects to protect its own citizens from extreme humanitarian crises, it is necessary for external actors to intervene. The UN has approved numerous resolutions urging the Sudanese government to cease its military campaign. The UN Security Council additionally requested a global arms embargo on Sudan and approved a peace enforcement operation, the African Union Mission in Sudan (AMIS), first employed in May 2004. In addition, in July 2008, the International Criminal Court (ICC) filed charges against President Bashir, accusing him of war crimes and crimes against humanity, and on March 4, 2009, the ICC issued a warrant for his arrest, indicting him on five counts of crimes against humanity (Rice, 2009, p. 6).

A number of peace treaties were attempted in the Darfur region, including the April 2004 Humanitarian Ceasefire Agreement between Khartoum and the JEM and SLA/M, which failed almost immediately when rebels did not adhere to the ceasefire. Next, the Transitional Darfur Regional Authority (TDRA) was established in April 2007 under the Darfur Peace Agreement of May 2006. Among other things, it included return of refugees and internationally displaced persons, promotion of peace and reconciliation and a referendum on the status of Darfur in July of 2010. However, Darfur Peace Agreement rapidly failed due to the lack of sufficient enforcement and realistic expectations. Most recently a good intention deal known as the Darfur Agreement of Goodwill was signed in Qatar between the Khartoum and the JEM on February 17, 2009 (BBC, 2009, p. 2). Unfortunately, this agreement has been undermined by the continuing humanitarian crisis in Darfur and President Bashir's recent arrest, and peace is still uncertain.

China's Response: The Three Phases of Policy in Darfur

The increasing conflict in Darfur posed a significant problem for China. On the one hand, the turmoil in Sudan directly affected the stability of China's investments in energy and natural resources. On the other hand, intervention threatened the very principles that underlay its African policies. The definition of the "responsibility to protect" implied the need for considerable intervention into Sudan's internal affairs, and the outcry by the international community for China to take action forced Beijing to choose between its traditional respect for sovereignty and the action necessary for it to

maintain its image as a "responsible actor on the international scene" (Holslag, 2008, 72).

Beijing's involvement in the humanitarian crisis can be broken into three key phases.

Phase One: Opposition to Active Political Engagement

Beijing's initial stance in 2003 to the burgeoning events in Darfur was that of

opposition to active political engagement. China supported the position of the Sudanese

government that the situation in Darfur does not constitute genocide and maintained that

external interference in the issues between the rebel groups and the government was

inappropriate and unnecessary (Howard, 2008, 323). Chinese leaders' view was

expressed by Zhou Wenzhong, deputy foreign minister, who stated that "we try to

separate politics from business…the internal situation in Sudan is an internal affair, we

are not in a position to impose on them" (as cited in Srinivasan, 2008, 67). While China

was not opposed to UN troops entering the region, it strongly wished to acquire the

consent of Khartoum before allowing active peacekeeping operations to be deployed.

During this phase, which lasted until mid-2006, China obstructed and weakened

UN Security Council resolutions that favored direct intervention in Darfur. This included

the refusal of several resolutions concerning troop deployment, including resolution

1590, which provided for cooperation between the UN Mission in Sudan (UNMIS) and

AMIS, and resolution 1706, which involved preparations for deployment (Holslag, 2008,

76). Beijing repeatedly took the political stance that it would not help move the process

forward without the agreement and assistance of Khartoum. In addition, Beijing

continually refused to impose economic sanctions or engage in trade embargos with the

Sudanese government and threatened to veto resolutions that mentioned sanctions, such

as resolution 1564 which dealt with Sudan's oil sector (Srinivasan, 2008, 67).

Phase Two: Active Persuasion and Influence

Since late 2006, after the failure of the Darfur Peace Agreement and rekindled fighting, Beijing increased its efforts to persuade Khartoum to cooperate with UN efforts, in part due to increased international pressure and efforts to improve its own international image leading up to the Beijing Olympics. Resolution 1706, which urged Khartoum to consent to the deployment of around 20,000 UN troops and civilian policemen to the Darfur region by the end of the year, was adopted in August 2006 (Srinivasan, 2008, 70). Chinese officials at this time stated that having the UN deploy troops was a "good idea, but it is up to them [Khartoum] to agree to that" (cited in Holslag, 2008, 79). However, China still continued trade relations as normal. This included not cutting military ties with Khartoum, and in December 2006, the Chinese Chief of Staff allegedly tried to sell fighter jets to Sudan (Holslag, 2008, 77). While Beijing eventually supported a ban on arms to militias, it has refused an embargo on Khartoum, arguing that trade should continue as normal.

Phase Three: Practical Results and Rejections of Criticism

By early 2007, in light of preparations for the 2008 Beijing Olympics, Beijing began to seek methods to better diffuse the criticism it was receiving from the international community concerning its involvement in Darfur. Even though it was the first non-African nation to send peacekeepers to the region and has made considerable leeway since 2006 in persuading Khartoum to go along with UN efforts, such as AMIS, China has been heavily criticized for its hands-off approach to the turmoil in Sudan. Beijing has been seen by some as "foot-dragging" on the issue of conflict resolution in Darfur, due to its perceived inaction and continued military and political ties with

Khartoum (Srinivasan, 2008, 67). Human rights groups worldwide have accused Beijing of indirectly facilitating crimes in Sudan due to its refusal to adhere to weapon and trade embargos. Amnesty International has repeatedly petitioned China to cease all supplies of weaponry to parties in Darfur and to "publicly condemn human rights violations committed against civilians" in Sudan (Amnesty International, "Sudan/China," 2006, 2,3). Both prior to and during the 2008 Beijing Olympics, numerous groups in Western Europe and the US protested the fact that China was allowed to host this event, calling it the "Genocide Olympics" (Holslag, 2008, 80).

In response to this intense global reaction, Beijing began to attempt to more heavily influence the Sudanese government and obtain lasting results in the peace process. The Chinese government began to use "very direct language" in its interactions with Khartoum, and Assistant Foreign Minister Zhai Jun was sent in early 2007 to meet with President Bashir to request that he willingly accept and work with the UN's peace forces (Srinivasan, 2008, 73). Chinese leaders have expressed regret that the Sino-Sudanese relations have become "unnecessarily politicized" and have directly countered accusations that link business affairs such as oil drilling with the violence in Darfur (Ibid., 74). Liu Guijin, Chinese government's special representative on the Darfur issue stated that China was "open and cooperative to any move conducive for the long-term and proper settlement of the Darfur issue" (Xinhua, "Accusation," 2009, 2). Beijing has backed their new approach with increased amounts of humanitarian aid, including a promise of 8.8 million dollars in 2008 (Ibid., 3).

Summary

From the very beginning in 2003, it was clear that the conflict in Darfur was not one that would be easily resolved. After two failed peace treaties and with a tenuous third treaty in place, this situation remains tumultuous. Though China has received considerable criticism for its perceived inaction in this crisis, there has yet to be a comprehensive evaluation of its performance. The next chapter will explore the currently existing global standards for dealing with human rights situations, then will establish an analytical framework through which to examine the different elements of this conflict.

CHAPTER III: GLOBAL TRADE ETHICS

Current Inadequacies

In exploring the concept of global trade ethics and human rights obligations, it is first necessary to discuss the changes that economic globalization has brought to individual nations. In the past few decades, advances in communication and technology have brought about rapid change in every political, economic, and cultural sphere. Included in these changes has been the rise of multilateral institutions, such as the United Nations (UN) and the World Trade Organization (WTO). Such organizations have held a valuable role in regulating transnational trade, aiding government relations and promoting human rights. However, the existence of these institutions is creating the necessity to redefine notions of the individual sovereignty of nations, as many thinkers point toward the growing necessity of a 'set of institutions that would work towards delivering global public goods' (Pikalo, 2007, 30).

Situations like the crisis in Darfur put a spotlight on the current inadequacies of international regulations governing human rights. Since there are no clear guidelines for how to handle human rights issues, current judgments by the international community of situations like China's role in Darfur are based more on personal interests than on common moral ground, as evident in Chapter Two's discussion of the many interpretations of why the crisis in Darfur continues. In order to determine how China

should be evaluated for its actions and policies in the Sudan, it is necessary to step back from the situation and explore it through a non-biased framework.

This chapter will investigate what regulations on global human rights and trade currently exist, both internationally and for China, and then determine how well China has followed these rules through application of these notions of ethics to Chapter 2's framework.

Currently Existing Global Ethical Regulations

After the Cold War, a shift occurred from the notion that human rights should be focused on protecting citizens from violations by their state to the idea that human rights were tools with which to improve social justice on a global scale (Ulrich, 2007, 41). This notion has been widely reflected in global laws, treaties and mandates produced by entities from the UN to NGOs such as Amnesty International. It has also furthered the concept that this new idea of human rights is not only the guideline for multilateral institutions to use when creating global policies and for outlining the social responsibilities of private investors and companies, but also the "reference point for horizontal relations" between individuals and nations (Ibid, 42). The very notion of global ethics operates under several main principles, including the notion of global responsibility, the concept of interconnectedness, and the recognition of the autonomy and dignity of every individual. A number of documents based on these concepts have emerged in the last sixty years, but a global code of conduct for countries has not yet been clearly outlined.

The UN

With 192 nations as members in its General Assembly, the UN as a polity has considerable influence worldwide, and most human rights organizations utilize the ideas set forth in the UDHR. As the former UN High Commissioner for Human Rights, Mary Robinson, stated in 2002, "Linking human rights with ethics and globalization represents a connection whose time has come. And yet the task is daunting" (cited in Ulrich, 2007, 39). Nonetheless, the UN is seen by many as leading the way in the international promotion of human rights. When human rights are referred to, what is generally being referenced are the rights outlined in the UN's 1948 Universal Declaration of Human Rights.

The post-WWII compilation of this document marked the beginning of international recognition of the need for human rights standards. Consisting of 30 articles, this comprehensive document encompasses not only civil and political rights but also social, cultural and economic rights. Its proposition is that all five of these categories are fundamental and must be committed to worldwide, if all individuals are to enjoy their full, entitled rights (De Feyter, 2007, 2). It has been regarded as the foundation for international law, including the seven other UN backed treaties that together make up the core of international rights.[6]

Other relevant UN documents include the Convention on the Prevention and Punishment of the Crime of Genocide. Since its establishment in 1948, 133 countries

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[6] These treaties are: the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Convention on the Rights of the Child (1989), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

have signed and ratified it, including China in 1983 and the US in 1988. In addition,

there is the Global Compact, created in 2000 by the UN as a method of influencing

transnational corporations. This policy initiative is not a regulatory instrument, but rather

a voluntary forum where businesses, labor organizations and governments can

collaborate towards sustainable development worldwide (UN, "Global Compact," 2008,

p. 4). Its primary objectives are obtaining broader support for the UN Millennium

Development Goals (MDGs) and the promotion of its "10 principles" of business

conduct, which seek protection of human rights, good labor standards, protection of the

environment, and opposition to corruption.

The power to enforce was given to the UN via internationally agreed upon

tribunals, in particular the International Criminal Court (ICC), which was founded in

2002 and has the power to prosecute crimes that occurred after this date. In particular,

the ICC was designed for cases dealing with genocide, crimes against humanity, war

crimes, and the crime of aggression. The main function of tribunals like the ICC is to

attempt to restore rule of law and stability in a nation that has experienced violent

conflict.

Other Institutions

Other regulations on ethics include Transparency International's Anti-Corruption

Conventions, which were created to evaluate the ethical standards, level of institutional

strength, and incentives of both parties in a trade situation. Its yearly report on reported

corruption levels in countries worldwide allows for easy assessment and comparison of

the levels of governance. In addition, the OECD plays a regulatory role by helping

governments worldwide deal with the problems created by a globalized economy. In all

of its documents, the OECD provides a clear outline of what ethical principles have been agreed on by key world players, including all OECD members and also developing nations like China who have agreed to OECD principles. At present, the OECD's "Guidelines for Multinational Enterprises" is the "only comprehensive code of conduct involving recommendations by governments to business" (OECD, 2008, 5).

NGOs

The role of NGOs has primarily been to detect noncompliance to international standards and bring it to the attention of the international community through news articles and the publication of reports. NGOs typically perceive the greatest obstacle to the expansion of global human rights is apathy and lack of political will. If states have already decided that there is nothing that can be done, than human rights violations are by default given an environment in which to flourish (Pikalo, 2007, 30). Thus, NGOs counter this trend through public exposure and condemnation of human rights violations. Current leading international human rights monitoring groups include Amnesty International and HRW.

China's Ethical Regulations

In exploring China's cultural and political ideas toward human rights, it is necessary to explore the historical background of Chinese morality. Chinese government and society certainly do not lack guidelines of moral behavior for both individuals and groups. Writings by classical philosophers Confucius and Mencius include many references to what constitutes proper ethical conduct. These traditional moral standards are based on the importance of relationships, in particular the "Five Relationships" of

Confucianism that provide the basic social model of interactions between individuals. This leadership model stresses following by example more so than by rule of law, and China's current treaties and documents must be considered with this history in mind.

Current Treaties and Documents

China's basis for foreign policy, the "Five Principles for Peaceful Coexistence" does not contain any direct reference to human rights, though it strives for the same goals as do documents like the UNDHR, that of "overall equality, mutual benefit and peaceful coexistence" (People's Daily, 2004, p. 10). The Chinese government has a historical tendency to enact "vague legislation," intentionally giving local authorities the power to interpret it as they please, and this "deliberate vagueness" continues today (OECD 2008, 24). For example, the entire provision in the Chinese constitution about human rights consists of the statement "the State respects and preserves human rights" (PRC, 2004, p. 3).

A significant document about ethics is the China-OECD Project on Government Approaches, which was established in 2008 in order to facilitate dialogue between China and other major economic powers about the necessity for and benefits of responsible business conduct by both government and private corporations. While this framework focuses more on the actions of the Chinese government itself, exploring regulations on multinational Chinese enterprises is especially relevant due to the strong ties in China between businesses and the state. Though China is not an OECD member, Beijing entered this agreement due to the belief of the "shared responsibility" to ensure that "countries work in harmony with the local societies everywhere they operate" and to focus on sustainable development (OECD, 2008, 3). The philosophy of "responsible

business conduct" (RBC) that is promoted in this document includes the obligation to adhere to existing regulations and laws and to comply with "social morality and business morality" (Ibid., 3).

Differences Between Chinese and Western Regulations

Group versus Individual and Ideas of Negotiation

Notable differences exist between Chinese and Western governments concerning both the concept of human rights and methods of negotiation. A key difference between these cultures centers on the very different mentalities of the individualistic versus the relationship-oriented ethos (Cohen, 1997, 28). Confucian based Chinese ideas greatly value the collective, and this communal view of society leads to a different approach toward governance and foreign affairs than does the individualist focus of Western nations. In this sense, the Chinese government considers the good of society as a whole to be most significant and is therefore more focused on topics such as improving the standard of living for all citizens through poverty reduction than on individual rights.

On the other hand, the West has been more heavily influenced by Christianity which most values the "inherent worth and dignity of every person" and by the European "Enlightenment," which focused on the idea of individual liberty from government tyranny (Amstutz, 1999, 72). Due to this focus, along with its more developed social structures, the governments of Western nations at this point are more concentrated on guaranteeing individual liberties through specific laws and regulations. Under the theme of political liberalization, Western nations, namely the United States and Europe, see human rights as "claims of individuals against the state" (Amstutz, 1999, 71). They see

"freedom, the development of the individual personality, self-expression, and personal enterprise and achievement as supreme values," and individual rights and social equality are of foremost importance (Cohen, 1997, 29). In this society, status is acquired through individual choice and action, and a person's duties and rights are outlined by law and contract, not custom. From this ethos springs the free market and representative democracy, and freedom of choice is paramount.

For societies like that of China, the relationships between individuals and society are defined very differently. The "welfare of the group and cooperative endeavor" are the basis of society, and the individual is defined based on group and family affiliations, making individuals very status conscious (Cohen, 1997, 30). The concept of "saving face," or one's standing in society, and preventing dishonor are very important, as shame would be long-lasting and spread to one's family and group. Individual freedom is limited by familial duties and obligations; group affiliation is inherited at birth, and as a result, relationships are more likely to be lifelong. Thus, duty to a government or state is abstract, since duty to a small local community is the way of life. Transactions are not "within the protective framework of contract, but on a personal, face-to-face basis," and this lessens accountability to legislation (Ibid., 31).

Roles are ascribed by the Confucian system, hierarchy is typically not questioned, and as a result actions that threaten the group are avoided. Conflict resolution is thus based more on the principle of continuing harmony and prosperity than on formal abstract practices of law. This can be seen in the current Chinese reluctance to see President Bashir prosecuted by the ICC.

Chinese Resistance Toward Intervention

China highly values sovereignty and is intrinsically opposed to active intervention in another nation's affairs. This ideal, which stems from China's communist and Confucian background, is stated in the "Five Principles" and has been a common theme in all of its foreign policies, Thus, in a situation where constructive engagement must occur, China is much more likely to pick diplomacy over sanctions or military intervention. Western nations such as the United States, on the other hand, strongly recognizes the sovereignty of nations that are "legitimate internationally and domestically" yet operate on the idea of the responsibility to protect citizens, should a government prove unable or unwilling to provide basic necessities and rights for its people (Amstutz, 1999, 124). Depending on the severity of individual circumstances, it thus may likely choose any one of the three options.

Once again, one must highlight the difference in the Western definition of "human rights" and that of China and African nations such as Sudan, which focus more on economic development. As mentioned in the discussion on what bonds developed between China and African nations, these societies share more similar views of what human rights means. China is seen by a number of non-Western nations as having made huge strides in human rights due to its massive poverty reduction in recent decades (Sun, 2009, p. 9). China's less aggressive methods of diplomacy and mutual development are the basis of its strong relationship with African nations, and active intervention is perceived by Beijing not only to violate the Chinese stance on foreign policy but also to significantly endanger its friendly relations with other developing nations.

Exploring the Reality of a Global Code of Ethics

The dispute over what type of intervention is proper for Darfur relates to the greater debate over global governance. Since concrete assessments of the concept of sovereignty are currently being debated, it is challenging for the international community to come to a consensus on if and when it is appropriate to violate another state's primacy, even in the case of a severe humanitarian crisis. Global governance does not necessarily have to challenge the state, as long as 'agencies of different scales and dimensions cooperate for the common goal' (Pikalo, 2007, 31). Defining common goals, however, can be quite a challenge, as no culture or society has the exact same perspective, and different moral values applied to a situation will result in different outcomes (Machan, 1999, 12).

States are the primary agent that promote and uphold standards of human rights. Transnational corporations (TNCs) do not sign legislation and treaties and are therefore not reliable agents. The UN believes that economic globalization does not change states' legal obligations to respect human rights (De Feyter, 2007, 7). Human rights must be thought of as a framework with which to advance social justice internationally (Ibid., 2). The assertion of successful multilateral treaties is certainly possible and in fact more than 3600 treaties involving all realms of global activity have been established in the last 50 years (Pikalo, 2007, 30).

At present, there is considerable global debate about to whom the responsibility of the task of creating such a standard should fall. In this time of ever-increasing globalization, eyes turn toward leading economic powers, the UN, and even the EU. Some believe a role of the UN should be to draft an international Code of Conduct and

that trans-national companies should be required to issue a yearly report about the effect of their business practices on human rights (Williams, 2000, 91).

Methodology

In order for social customs to become part of a community's morality, there must be a normative component (Amstutz, 1999, 70). As a result, there is a tendency of critics to focus their analysis of human rights situation such as the crisis in Darfur on normative models, or what should have been done in the situation, and reports most often contain a value judgment. In light of the international criticism that China has received, the serious nature of this still ongoing conflict, and the ambiguity of a standard of global ethics, however, it is necessary to look at this situation in a more analytical light. While recognizing the need for normative judgment, I will argue primarily from a perspective of positive political theory, looking at what has happened and the interests of those involved. I will, however, briefly focus on the normative elements through the use of an ethical decision model that will question the moral nature of China's policies.

Figure 3.1 outlines my methodology for evaluating both the normative and positive aspects of China's role in the Darfur Crisis. From the positive side, I will use my assessment of the three phases of Chinese policy in Darfur to break down this crisis into three key time periods. I will next evaluate the difficulty level of peacekeeping operations during each of these time periods. Finally, I will apply my assessment of each actor's definition of success in the Darfur crisis to the outcome of these time periods in order to determine China's level of success in handling this conflict.

From the normative side, I will also use China's three phases of policy in Darfur to break down this conflict into three main time periods. I will then use the data I collected on the existing standards of ethics and the application of an ethical decision making model to evaluate China's role in Darfur.

Figure 3.1   **Evaluation of China's Role in the Darfur Crisis**

EVALUATION OF CHINA'S ROLE IN DARFUR CRISIS	
POSITIVE	NORMATIVE
China's Three Phases of Policy in Darfur	China's Three Phases of Policy in Darfur
Situational Difficulty Level During Each Phase	Existing Standards of Ethics
Assessment of Each Actor's Definition of Success	Application of Ethical Decision Model
Level of Success for China	Evaluation of China's Role

Source: Katie Swain, 2009.

Assessing the "Difficulty Level" of the Situation

First, in order to come to a positive conclusion about China's actions, I assess the "difficulty level" of the situation using by using a "Situational Difficulty before the Start

of the UN Peacekeeping Operation" chart (Howard, 2008, Appendix I). This chart uses numerical values to assess the difficulty level that UN peacekeeping missions face before committing troops in a given region, with the value of 10 designating a very easy situation to resolve and the value of 1 designating a very difficult situation. However, data obtained by looking at the start and end date of UN operations in Darfur is not useful in assessing China's performance. Therefore, in the case of Darfur, I found it more relevant to evaluate the situational difficulty in Darfur at the time of major peace agreements.

These peace agreements line up with the three phases of China's policies in Darfur: "Opposition to Active Political Engagement" from 2003 to mid-2006, "Active Persuasion and Influence" from late 2006 to early 2007, and "Practical Results and Rejections of Criticism" from 2007 to the present. Therefore, my modified application of Howard's model to of each of these key time periods is useful to an overall critique of China's role in Darfur, since the difficulty level at a given time strongly influences what type of action should be taken. Based on the difficulty level of action in a conflict situation, the type of constructive engagement chosen will differ.

Defining Constructive Engagement

China has been under critique for both the political and moral impact of its policies in Darfur. However, the opinion of what constitutes "constructive engagement" in another country's internal affairs differs from actor to actor in this situation, as does the decision of when the severity of a conflict warrants overruling another country's sovereignty. As made evident by earlier comparison of Western and Chinese nations' moral philosophies, these entities have dissimilar ideas over the role that external nations

should play in a humanitarian conflict. Options for engagement in conflicts such as that

in Darfur include diplomacy (peacekeeping and mediation/fact-finding), sanctions (arms

or economic) and the threat or use of military force. As different interest groups may

choose different methods of constructive engagement based on their idea of success in a

given situation, it is important to identify the goals of each actor in this conflict.

Defining the Key Actors and Their Definitions of "Success"

Since the various parties involved in the Darfur conflict have dissimilar goals,

"success" has a very different definition for each actor. Based on evaluation of the

different ideals and costs of each actor, it is possible to determine each actor's perception

of a successful outcome in Darfur. This analysis of the differing notions of success is

highly relevant to the overall determination of China's performance in handling the

Darfur crisis, since some actors may see China's actions contributing to their idea of

success, while other actors may not. The actors in this situation can be divided into four

groups: China, the Sudanese government, the Darfurian people, and the international

community.

In this assessment, China is defined specifically as the Chinese government and

its foreign interests. The Sudanese government interest category includes the NIF under

President Bashir, the Janjaweed militia, and Arab Darfurian civilians. The Darfurian

group consists of the JEM, SLA/M and non-Arab Darfurian civilians. The international

community specifically designates the interests of the UN and of Western nations.

Chinese Government

To the Chinese government, success in Darfur can be defined as the successful

navigation of a tumultuous crisis through use of constructive behavior, without defying

its political and cultural morals, damaging its relationships in Africa or utilizing

sanctions. Securing energy and natural resources and the continuation of its powerful

influence in Africa are also elements of its ascendancy. China has the potential to benefit

from the handling of a situation like this, as adequate reaction gives it a chance to prove

itself as a responsible and capable international actor. Costs include loss of favored trade

status with Sudan, damage to its international standing as a key actor, lost investments,

and disruptions to energy supplies. Since many Chinese businesses still have strong

government ties, particularly state-owned enterprises, Chinese corporations have the

same costs and benefits as the government.

As a distanced actor, the magnitude of death and destruction in this conflict is

important to Beijing only in the sense that it makes the situation more complex and

drawn-out and thus increases the risk of China's investment in Sudan. In addition, China

does not wish to damage its reputation in the international community. This definition as

an actor does not include the opinions of the Chinese population.

Sudanese Government/Janjaweed

Future prosperity for the Sudanese government lies in the successful quelling of

the rebellion in Darfur. The success of the Janjaweed and the Arabs in Darfur is linked

with that of the government because both stand to gain power and prosperity through

containment of the non-Arabs and continued Arab supremacy. If the government is able

to crush the JEM and SLA/M, it will be possible for Janjaweed members and Darfurian

Arabs to obtain favor in political positions and also in the distribution of land and other

resources. The government in Khartoum will specifically regain its past ability to enact

totalitarian mandates and keep Sudan unified.

While the number of causalities does directly affect these groups, since the majority of those killed are non-Arabs, these groups are less concerned. Continuation of instability and conflict however will inflict high costs on the government. Costs include regional burdens, embargos/sanctions, ethnic radicalization, higher defense budget, threat to economic investments, and threat to territory and government.

Non-Arab Darfurians

Success for the non-Arab Darfurians seems most difficult to obtain in light of the current power structure and instability in Sudan. The political and military groups of the JEM and SLA/M have specific political goals that must be fulfilled in order for this group to fully benefit, including decentralization of government and also the continued unity of Sudan. These groups' goals are not entirely mutually compatible, as the SLA/M also desires secularization of government, but the general goals of equal representation in government and cessation of corruption would similarly benefit both groups.

For the average non-Arab civilian, success is linked to the obtainment of the JEM and SLA/M's goals, yet more realistically, their focus is on resolving the pressing issues of starvation, displacement, and rape. For the 2.5 million citizens who rely on foreign aid, their current chief desire is stability, and the ability to live day to day without fear of raids and massacres. Costs to both non-Arab citizens and rebels include political and social burdens, displacement, loss of property, land and persons, ethnic radicalization, and inability for self-sustenance.

International Community

Since globalization has linked the world, the international community is most benefited by global stability, which is perceived as being most obtainable through

adherence to rule of law and general standards of human rights. The UN specifically wishes to see the ten basic rights outlined in its 1948 Universal Declaration of Human Rights fulfilled. Creation of multilateral institutions such as the UN that are endowed with a certain degree of peacekeeping and prosecution force has furthered the notion of an obligation to intervene, and the governments of Western Europe and the US are being particularly pressed by their people to aid Darfur. In areas of the world where massive grassroots opposition has arisen to the violence in Darfur, governments are faced with the pressure of saving face in the eyes of the public and not damaging the reputation of the current political party in power. Costs to the international community as a whole include humanitarian relief efforts, conflict resolution operations, and threats to global peace, security and sustainable globalization.

Assessment of China's Policies in Darfur

Positive

As previously stated, China's policies concerning Darfur can be broken into three main phases: "Opposition to Active Political Engagement" from 2003 to mid-2006, "Active Persuasion and Influence" from late 2006 to early 2007, and "Practical Results and Rejections of Criticism" from 2007 to the present. As evident in Table 3.1, in mid-2004, at the time of the first Humanitarian Ceasefire Agreement, this conflict ranked extremely low on the scale of situational difficulty, with the score of 3.5, showing that peacekeeping would not be easily facilitated. China's refusal to back a significant number of UN resolutions concerning peacekeeping also contributed to the low level of success at this time.

Table 3.1 Situational Difficulty in Darfur at the Time of Major Peace Agreements

	(April 2004) Humanitarian Ceasefire Agreement	(May 2006) Darfur Peace Agreement	(February 2009) Agreement of Goodwill	Maximum Score
Consent of warring parties for UN operation	0	2	0	(2)
Peace agreement signed by all sides	0	2	0	(2)
Regional actors	1	2	2	(2)
Mutually hurting stalemate	1	0	1	(1)
Fatalities (civil and military)	.5	.5	.5	(1)
Duration of war	1	1	1	(1)
State of infrastructure	0	0	0	(1)
Total (10 easy – 1 difficult)	3.5	7.5	4.5	(10)

Source: Katie Swain, 2009.

In mid-2006, when the Darfur Peace Agreement was signed, the difficulty of this situation improved drastically to 7.5, primarily based on the participation of all involved parties in the peace process and the agreement of China in the UN council. China's policy of active persuasion and influence during this time period clearly had a considerable impact on the feasibility of finding a solution for this conflict. However, while this high rating seemed to promise success in peacekeeping ventures, the violations of the ceasefire and renewed fighting that occurred after the failure of Darfur Peace Agreement in late 2006 caused a downturn in stability, as evident by the diminished stability rating of 4.5 at the time of the Darfur Agreement of Goodwill in February 2009, nearly as low as during 2004, when some of the worst violence was occurring in this region. Indeed, without China's participation in the UN, this score would have been as low as in 2004.

While only time can ascertain the true outcome of any chosen type of engagement, the scale of situational difficulty analysis can be used to provide insight into

the best type of constructive engagement during a given time period. That two of the ten possible points are obtained from the consent of all involved parties to a detailed peace agreement supports the UN rule of intervention that consent is of utmost importance in a peacekeeping operation. In light of this, the best constructive engagement during the early period of the Darfur crisis may have been the type of diplomacy that China chose, which was to refuse action on peacekeeping resolutions until consent was given by all parties. As a result, China's steadfast refusal to back intervention during the period before mid-2006, when the Darfur Peace Agreement which did include consent of all parties was signed, can be seen as a strategic move to lessen negative repercussions.

Based on comparison of the goals of each of the four actors involved in this crisis to the current outcome of this situation, it is possible to make assessments of the current level of success of each player. The Chinese government has been the most successful of these four interest groups in achieving its desired results. Beijing managed to navigate the complex undertaking of cementing its role as a responsible international actor while not abandoning its primary foreign policy of respect of sovereignty. This is evident in its refusal to approve peacekeeping missions without the consent of Khartoum or to issue sanctions and also in the continuation of prosperous trade and relations between China and Sudan.

The rest of the actors involved have not necessarily achieved as high a level of success. The Sudanese government has benefited from its continued high levels of trade with China and with other developing nations, but the long duration of the war has only contributed to political, social and economic instability. The lack of resolution thus far has not allowed the Sudanese government to resume its control over Sudan as a whole,

and the prosecution of President Bashir by the ICC only heightens the possibility that the current regime will lose power. The non-Arab Darfurians have achieved the lowest level of success in this situation, as both the duration and intensity of this conflict have disallowed any return to social and economic stability. However, both groups have been weakened internally by ethnic divisions and weak leadership, and this has bee Due to the vast numbers of Darfurians who are still displaced and dependent on foreign aid, a return to normalcy will be quite a challenge. In addition, while President Bashir's conviction increases the possibility that he will lose power in Sudan, the rebel groups are still far from achieving their goals of government decentralization and equality.

The international community's level of success is the most difficult to ascertain, in part due to the differing interests of various nations. Since stability still has not been restored in this region, global stability is still threatened. In addition, many nations are still faced with the high costs of aid to Darfur.

Normative

For a normative analysis, I applied the Ethical Decision Model shown in Table 3.2 to the analysis of China's performance in Darfur based on existing legal and moral obligations. My prior exploration of the ethical values of both Western and Chinese societies deals with Question 1 by determining the historical and current guidelines that exist to determine what constitutes ethical action in a given society. I next looked at China's policies during each time period to answer both Questions 2 and 3. From this analysis, I concluded that China has acted ethically in handling the Darfur crisis based on its own standards of ethics, but has not acted ethically based on the international community's standards.

Table 3.2   Ethical Decision Model: Three Questions

1. How can this action be conducted ethically?

2. Is the objective of this action moral?

3. Is the timing of this decision appropriate?

Source: Machan, Tibor R. 1999. *Business Ethics in the Global Market*. Stanford, CA: Hoover Institution Press.

Summary

Just as globalization has been the result of conscious, deliberate choices by nations worldwide, so must be the establishment of a more clear code of conduct. Increased economic development does not necessarily beget improvement in human rights. My positive model and the Ethical Decision Model will next be applied to my two main research questions. I will evaluate in summary what China's legal and moral obligations are in Sudan. In addition, I will offer future suggestions by assessing what type of external interference is appropriate or necessary to solve the current conflicts in the Sudan.

CHAPTER IV: CONCLUSION

1) What are China's legal and moral obligations in Sudan, and has China fulfilled them?

This question explores the normative aspect of this situation. As shown in Chapter Three's assessment of both international and Chinese ethical regulations, China does indeed have both legal and moral obligations to interfere with the internal violence that is occurring in Sudan. Based on documents and treaties that China has agreed to, such as the Universal Declaration of Human Rights and the China-OECD Project on Government Approaches to Encouraging Responsible Business Conduct, China has the responsibility to engage in responsible business conduct and to aid partner nations in achieving sustainable development. However, as seen in Chapter Three's comparison of Western and Chinese philosophies, the methods by which this aid should be given is debatable. Chinese leaders believed their hands-off policies and mutual development agenda is the best solution to aiding developing nations, whereas Western nations and the UN viewed China's perceived inactivity as immoral.

As made evident in my analytical framework, assessment of the type of constructive engagement appropriate for a situation varies depending on the moral perspective used. From the view of the Chinese government, immediate interference went against Chinese legal precedents and was inappropriate for the situation. Thus, according to the Chinese belief that the best way to improve human rights is by

improving the overall standard of living for a nation through economic growth and its

precedent of refusal to violate another nation's sovereignty, China has legitimately

fulfilled its existing obligations and taken appropriate actions in its dealings with Darfur.

While China's actions were not entirely morally motivated, as it did not want its

economic interests to be at risk, I believe that in the case of Darfur, China managed to

find solutions in Darfur based on common interest and consent of the Sudanese

government and therefore both fulfill its legal and moral obligations and also further its

relationship with Sudan.

2) What type of external interference was appropriate or necessary for China to take in order to solve the current conflicts in the Sudan?

As seen in the positive assessment of this situation, the best type of constructive

engagement varied due to the perspective of each actor. It is therefore clear that it is not

possible to create an overarching code of conduct for dealing with situations such as the

Darfur conflict, since each human rights crisis involves many different factors. This was

seen especially in the early stages of the Darfur conflict, such as during China's phase of

"Active Opposition to External Intervention," multilateral negotiations over the peace

process in Darfur often ended in stalemate. Entities such as the United States and the

United Nations both place the highest value on the individual and operate on the idea of

the responsibility to protect citizens, should a government prove unable or unwilling to

provide basic necessities and rights for its people. On the other hand, China, due to its

communist and Confucian history, most values the collective and believes that social

stability was paramount both to resolving this crisis and to protecting its own interests.

However, based on my evaluation of the high levels of situational difficulty during the Darfur conflict, especially at the time of the 2004 Humanitarian Ceasefire Agreement, I believe that China's refusal to approve UN troop deployment without the approval of the Sudanese government was the best action for this time period. I furthermore believe that China's willingness to respect the sovereignty of the Sudanese government and to encourage the Khartoum to consent to peacekeeping operations proved to be an effective method for handling the peacekeeping mission in this crisis. Handling the situation in Darfur was a learning experience for the Chinese government, as evident in its evolution of policy during the past six years. The Chinese government concluded that it could not retain credibility as a responsible international actor in the eyes of the international community without altering its methods of engagement in situations involving human rights violations. In the end, successful negotiation of this circumstance has been a valuable step in China's path toward becoming a significant world player.

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