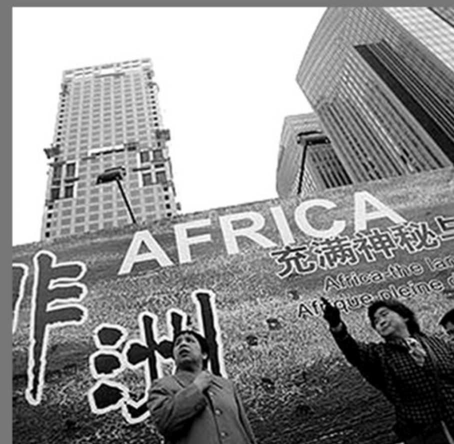

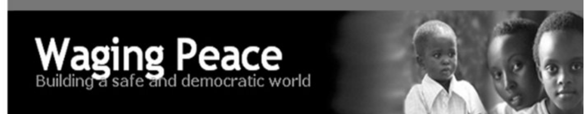

A Waging Peace report

China in Africa: the Human Rights Impact ……

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China in Africa: the Human Rights Impact
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About Waging Peace

Waging Peace campaigns against genocide and systematic human rights violations. We have a particular focus on Africa, on atrocities overlooked by the international community and where minorities have been persecuted on racial or religious grounds including by militant Islamist movements. We work to secure the full implementation and enforcement of international human rights treaties wherever we campaign. Our current priority is Darfur, where we are fighting for an immediate end to the atrocities and a stable and secure peace settlement that will bring about long-term safety and security for Sudan's citizens. Our experienced team produces regular high-level and in-depth research reports, which enable us to support the call for urgent, effective and measurable action from the UK government and the international community.

Abbreviations

AU	African Union
CATIC	China's National Aero-Technology Import and Export Corporation
CCECC	China Civil Engineering Construction Corporation
CMEC	China National Machinery and Equipment Import and Export Corporation
CNOOC	China National Offshore Oil Corporation
CNPC	China National Petroleum Corporation
COVEC	Chinese Overseas Engineering Corporation
CPA	Comprehensive Peace Agreement
CRBC	China Roads and Bridges Corporation
CSR	Corporate Social Responsibility
DRC	Democratic Republic of Congo
EU	European Union
Exim Bank	Export-Import Bank of China
FDI	Foreign Direct Investment
GDP	Gross Domestic Product
GoS	Government of Sudan
GoSS	Government of Southern Sudan
ICBC	Industrial and Commercial Bank of China
IMF	International Monetary Fund
NICEP	Nigerian National Information Communication and Education Programme
NEPAD	New Partnership for African Development
NGO	Non-governmental organisation
NNPC	Nigerian National Petroleum Corporation
OECD	Organisation of Economic Cooperation and Development
OPEC	Organisation of Petroleum Exporting Countries
PRC	People's Republic of China
SEZs	Special Economic Zones
SINOPEC	China Petrochemical Corporation
Sonagol	National Society for Combustibles
UN	United Nations
UN-AU hybrid peacekeeping force	United Nations- African Union hybrid peacekeeping force
UNDP	United Nations Development Programme
WHO	World Health Organisation
WTO	World Trade Organisation
ZTE	ZTE Zhong Xing Telecommunication Equipments Company Limited

Please note that throughout this report all $ denote US$.
Additionally, Africa is used to reference Sub-Saharan Africa. It should be assumed that North Africa is excluded, unless otherwise stated.

China in Africa: the Human Rights Impact
Executive Summary
Christa Bennett

This report examines the practical impact of Chinese investment on human rights in Africa, in order to assess how the positive effects of China in Africa can be maximised and how the negative effects – which have the potential to be particularly damaging in states that may already be experiencing economic, political, and social upheaval – can be checked.

In particular, this report addresses the recent debate over boycotting the 2008 Beijing Olympics in light of China's complicity in the genocide in Darfur via its diplomatic, economic, and military support of the Government of Sudan (GoS), and thus the GoS-backed Janjaweed militia.

This debate led Waging Peace to consider China's increasing investment and trade with African states as a whole and its implications for the well-being of African citizens. While China's involvement in Sudan is a clear example of the grave consequences of Chinese investment, there are other cases where the effects of China in Africa are not so obviously 'good' or 'bad'.

China's numerous infrastructure projects are certainly welcome on a continent where improved roads and railways could have a significant positive effect on the local economy. On the other hand, many of the dams being constructed in Africa have had detrimental effects, including the forced displacement of tens of thousands of people.

Waging Peace believes that the best means of maximising China's positive influence is for African leaders to use investment and trade agreements with China to guarantee a fair deal for their own people. However, in cases where African governments are unwilling to institute safeguards to ensure that local populations benefit from the investment, others must exploit China's desire to be seen as a respected member of the international community as leverage, putting the onus on China to make fair deals that promote human rights in African states.

Waging Peace therefore recommends that:

- All parties interested in Chinese investment in Africa must recognise that the promotion and protection of human rights, as laid out in the Universal Declaration of Human Rights and in the African (Banjul) Charter on Human and Peoples' Rights, is an integral commitment of states acting in good faith as members of the international community.
- African state leaders must ensure that all financial agreements on behalf of their states fulfil the criteria of the African (Banjul) Charter on Human and Peoples' Rights, namely, Article 21.1, that "*All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.*"
- Positive steps taken by Chinese state and business officials should be publicised, as a means of holding them accountable for their promises and to encourage them to follow through on declarations of support for human rights and socially responsible principles.

- The 2008 Olympics in Beijing should be leveraged to highlight continuing human rights abuses to which China's financial and political support have contributed and to call for more responsible action by China.

I. Introduction

Christa Bennett & Sophie McCann

In recent years, China has strengthened its economic ties with Africa, with colossal investments in natural resource extraction, oil, infrastructure projects, construction, textile and other commodity sectors. In 2007, trade between the two actors reached $65 billion.[1] China's return to Africa for the long-term has been regarded by many as "*the most dramatic and important factor in the external relations of the continent – perhaps in the development of Africa as a whole – since the end of the Cold War.*"[2]

In light of these developments, *China in Africa: the Human Rights Impact* examines China's increasing presence throughout Africa, in order to analyse the practical impact of Chinese investment on human rights in the continent.

Referring to 'China in Africa' can be problematic, as African states are individual and differ greatly from one another, and likewise, China's investment policies and the nature of its relationship with African governments vary among states. Yet, there also exist similarities, and with the aforementioned limitations in mind, this report attempts to weigh the possibilities for good – and harm – that exist through Chinese financial investment in Africa. However, as the subject of China's investments in Africa is complex and vast in scope, this report should be viewed as an introductory overview of the topic.

For instance, China's strict adherence to the foreign policy principle of 'non-interference' has allowed China to turn a blind eye in cases where Chinese investment has contributed to the ability of African governments to perpetrate human rights violations. Furthermore, in some countries, Chinese investment in mega-infrastructure projects has caused widespread human displacement; rampant natural resource extraction has had severe environmental and social and economic impacts; Chinese companies often propagate lax labour, health and safety standards; and the flood of Chinese businesses into African markets has strangled many indigenous businesses.

On the other hand, in some African states, Chinese companies have employed and trained local labour; Chinese companies have speedily built desperately needed infrastructure, such as roads, railways, housing, power stations, which is essential for the economic and social development of Africa.

This report further discusses the spectrum of positive and negative effects of Chinese investment on human rights and, in the concluding recommendations, outlines ways in which the former can be better achieved

China in Africa: the Human Rights Impact is divided into three main chapters. 'Sino-African Relations: A recent history' provides an overview of Sino-African relations in recent decades in order to place the present day situation into context. 'China, Africa, and Human Rights' is divided into four sections: Trade and Commodity Markets; Infrastructure and Innovation; Labour Force and Education; and Aid. After outlining Chinese investment in these areas, an analysis is made of its impact on human rights in Africa. Examples from individual African states are used throughout the second chapter. However, 'China in Sudan' examines how Chinese activities in Sudan have had particularly drastic consequences. 'China in Sudan' also includes a brief discussion of the 2008 Beijing Olympics and Darfur.

China in Africa: the Human Rights Impact concludes that in order for human rights in Africa to be respected and upheld, Chinese financial investment must be properly and carefully implemented and, ideally, directed by Africans. Recommendations for ensuring that this happens are included as the final section of the report.

II. Sino-African Relations: A recent history

Ben Radley

In 1421, before European involvement began in the west coast of Africa, the military leader Cheng Ho sailed to East Africa and established official relations at a number of portal towns, including Mombasa, Zanzibar, and Dar es Salaam[3]. More than 500 years later, China has become the world's most populous country with one of the fastest growing economies and Africa the second-largest continent with the fastest growing population. By 2020 China and Africa are predicted to be home to 20% of the world's people[4]. The re-emergence of China in Africa and current trends in Sino-African relations are sure to impact upon a significant number of the world's population.

In 2007, bilateral trade between China and Africa reached $65 billion, according to some sources.[5] Beijing had invested approximately $6 billion in more than 900 projects in Africa by 2007 [6]. Yet 'there are very few historically informed analyses of [Sino-African] relationships'[7], despite the fact that forty years earlier, Sino-African relations were at an altogether different juncture to the one they find themselves at today.

From the 1960s to the 1980s, politics was at the heart of the Sino-African relationship. As part of its geopolitical strategy, China challenged the major superpowers through its targeting of aid in Africa, and in return most African states recognised the recently formed People's Republic of China (PRC)[8]. The construction of the TaZara (Tanzania-Zambia) railway in 1975 by 25,000 Chinese technicians and 100,000 African labourers[9] came to symbolise this relationship of 'South-South' solidarity, and although markedly different now, China's 'practice then of supporting developing state initiatives and providing aid that did not enrich elites still resonates with Africans today'[10].

Towards the latter part of this period, signs of the shift that was to occur in Sino-African relations began to manifest themselves. China's market-based economic reforms, begun in 1978, created a demand for raw materials and many manufacturers needing new markets abroad. Consequently, in the 1980s South Africa and Mauritius actively encouraged Taiwanese firms and Chinese investment by establishing export processing zones and, in the case of South Africa, decentralising industry[11].

Since 1978, China has averaged real GDP growth of 9.67% per year, consistently recording more than 8%[12]. Such sustained levels of economic growth make for a resource-hungry economy, and by the 1990s the developing economic relationship between China and Africa, hinted at in the previous decade, was starting to take off. The 1990s saw the beginning of a steady and continued increase in bilateral trade between China and Africa, from less than $10 billion in 1996 to $55 billion by 2006;[13] with much of this increase occurring since 2000.[14] Significantly, China's demand for African exports also surged, with the PRC share as a destination of such exports rising from 1.3% in 1995 to 9.3% in 2004[15].

The turn of the Millennium saw another change of pace, with the first Ministerial Conference of the Forum on China-Africa Cooperation (FOCAC) held in Beijing in October 2000 marking the beginnings of a new era of Sino-African relations[16]. The conference emphasised common understanding on major international and political issues, as well as presenting ideas and cooperation in many areas, including the economy, trade, agriculture, and tourism. A number of important meetings have been held since, including the China-Africa Business Council meeting of 2005 and the China-Africa Business Conference held in Egypt in 2007. These meetings have been accompanied by a continued proliferation of Chinese investment in Africa, with more than 800 Chinese companies active in the continent, and 750,000 Chinese working or living there as of January 2007[17].

The significant shift in Sino-African relations over the last fifty years, from one of geopolitics to a more financially-based and motivated relationship, begs a number of questions. Does politics still have any role to play? Why is China so attracted to Africa as an area for investment? Similarly, what opportunities can Chinese investment offer Africa?

In the first instance it would seem that, however diminished, the role of politics is still a relevant one. Whether or not African states choose to adhere to the 'One-China' policy, opposing any form of Taiwanese independence, can impact directly on their relationship with China.[18] Recognition of Taiwan by an African state generally results in China officially refusing to do business with that country[19]. However, China appears to be more flexible the more beneficial the goods from any particularly country are. Hence China's continued cotton trade with Burkina Faso, a country recognising Taiwan, alongside its refusal to deal with Gambia[20], a country that also recognises Taiwan. Whilst still of importance, politics appears capable of being overshadowed by the dominance of China's pragmatic, economic priorities.

China's selective pragmatism in such matters may be explained by the fact that China is a resource-low country, with a continually growing economy and domestic oil reserves set to last two decades at the current rate of consumption[21]. Thus, China is in desperate need to secure a range of resources in order to continue its current rates of growth, and consequently Africa's vast resource-base is of great appeal. With 85% of the world's new oil reserves found in 2001-2004 on west and central African coasts[22], and China's oil reserves rapidly diminishing, it is perhaps of little surprise that China is desperately keen to secure African oil. As of 2006, China was importing 28% of its oil and gas from Sub-Saharan Africa[23], with one third of its oil imports coming from the continent[24]. That Africa provides the world's highest returns on Foreign Direct Investment (FDI), averaging 29% in the 1990s and 40% in 2005[25], only encourages such activity.

Africa, too, is attracted by the opportunity to benefit economically from its new relationship with China. Africa's share of world trade decreased from 5% in the 1970s to 1.5% in 2005, and its receipt of FDI from 30% in the 1980s to 7% in 2003.[26] China's financial investment in Africa is an opportunity to reverse these statistics. Furthermore, according to a Nigerian manager, China is desperate for African resources, which gives African countries a greater amount of agency in their discussions[27]. China's low-tariff, low-subsidy regime also allows African countries to 'export freely to China and compete with her in world markets'[28], reflected by the recent significant increase in the amount of African exports to the PRC. What's more, the lack of conditionality attached to Chinese aid is of particular appeal to African countries, especially following Africa's experience of conditional and Western-dictated structural-adjustment programmes in the 1980s, as it allows for greater state agency in the sequencing and planning of development.

However, there is more to Africa's eagerness in attracting Chinese investment and aid than the potential for economic growth. In January 2006, China's first comprehensive Africa strategy was published, emphasising support for both Africa's development and its efforts to achieve the UN Millennium Development Goals. By 2006, China had cancelled the debt of more than thirty African states worth $1.36 billion, and further planned to cancel the interest-free loan debts owed by heavily indebted and least developed African countries;[29] initiated more than 700 foreign aid projects, and trained thousands of Africans as medical or technical qualified personnel. A major attraction of Chinese aid for Africa is that rather than going to corrupt rulers, it is often used in the form of creating infrastructure[30] which can bring tangible benefits to the general population. China's recent $5 billion loan to the DRC is illustrative of this, as the money is set to pay for 3,200 kilometres of new railway lines, an equivalent amount of road, 31 hospitals, 145 smaller health care centres, two large new universities, and 5,000 new government housing units[31]. However, numerous social and environmental problems arise from Chinese-funded infrastructure projects such as population displacement, heavy pollution, lack of job creation and the destruction of the traditional way of life.

Despite the recent proliferation of economic activity between China and Africa, it is worth noting that foreign activity in Africa is and has long been a crowded stage with many actors, of which China is but one; even at today's level of investment China is still Africa's third largest trading partner, behind the USA and France. [32] Many analysts believe that when it comes to oil 'the overall impact of Chinese companies in Africa will be limited because they do not have the financial power or technology to access the continent's biggest oil fields, which are offshore'[33]. Moreover, 58% of China's oil imports currently come from the Middle East, with this expected to rise to 70% by 2015[34], further suggesting the more limited role and impact for Chinese oil companies in Africa.

However, the last five years have seen a significant increase in financial relations between Africa and China, and one not just limited to oil - a trend that is certain to continue. Although PRC trade with Africa in 2005 comprised of a small part of her $1.4 trillion world trade, it is fast growing[35]. Only $10 billion in 2000, it had reached over $55 billion by 2006. Many of the African states in which China is currently investing are fragile from conflict or poverty, or a combination of both, and as such are struggling to create or maintain a stable, much less democratising, government. Thus, any negative consequences arising from Chinese investment cannot be as easily offset by an efficient state welfare system, as they might be in other nations. The potential for Chinese investment to have a damaging impact on the poorest and most vulnerable people of the countries in which they invest is all too real, and as such, China's rapidly increasing role in Africa, and the impact it could have on human rights in African countries, warrants a serious analysis.

III. China, Africa, and Human Rights

Asenath Mutumbi

As China has made the shift from the geopolitical basis of its relationship with Africa in previous decades to one primarily focussed on financial investment, it has done so in diverse ways. The effects of Chinese investment is here evaluated through an examination of trade and commodity markets; infrastructure and innovation; the labour force and education; and aid. Obviously, there is some overlapping among these categories, but they provide a useful tool for analysis.

Trade and Commodity Markets

While the USA and France are currently Africa's main trade partners,[36] with the EU remaining China's largest export market and China Europe's largest source of imports[37], trade between China and Africa is growing rapidly. Between 1999 and 2004, African exports to China grew by 48%, with annual rates increasing higher than that of any other region, including the European Union[38]. By the end of 2007, trade between the two actors reached an estimated $65.9 billion.[39]

Crude oil and natural gas, logs and minerals, referred collectively as 'extractive' sectors, constitute the largest share of commodities that Africa exports to China[40]. China's main oil and gas suppliers in Africa include Sudan, Chad, Nigeria, Angola, Algeria, Gabon, Equatorial Guinea, and the Republic of Congo.[41] African states currently supply around one third of China's oil,[42] with Angola supplying half of this amount[43]. Chinese companies have also invested in oil exploration in Kenya, Chad, Gabon and Nigeria,[44] and have exploration and extraction licenses with Libya, Mauritania, Ethiopia and Sao Tome and Principe[45].

Examples of trade other than oil are also readily available. The trade volume between China and Gabon reached $300 million in 2003, 95% of which were Gabonese exports to China[46]. The main exports consist of petroleum, timber and manganese ores[47]. Congo is China's forth most important trading partner, with trade value amounting to $2.423 billion in 2005, of which Chinese exports totalled $145 million and the import value was $2.278 billion[48]. In June 2006, Chinese Premier Wen signed seven accords on the Congo's natural resources.[49] Since 2003, China has continuously imported over 50% of Congo's total global timber exports.[50] Beijing has also gained access to Zimbabwe's wide variety of minerals, including platinum, gold, chrome, coal, nickel and diamonds.[51] China has not only focused on booming industries but has also invested in sectors of African economies that have previously been deemed unprofitable and thus neglected by Western investors; the reopening of the Chambezi copper mines in Zambia is an example.[52]

In turn, consumer products are the main Chinese imports to Africa. Principal Chinese exports include machinery, electrical equipment, garments, textiles, drugs, light industry products and metals.

China also exports huge quantities of small arms to African nations. Chinese-manufactured AK-47 assault rifles have been directly supplied to Democratic Republic of Congo (DRC), Uganda, Rwanda and Burundi, and to third parties suppliers like Zimbabwe and Albania who have subsequently supplied Great Lakes states. [53] US Congressional figures state that between 2000 and 2004, China exported $200 million worth of arms to Africa.[54] China also provided military training in Mozambique and provided arms to Eritrea and Ethiopia in the late 1990s[55]. Small arms make up to 10% of total conventional arms China transferred to Africa between 1996 and 2003[56].

Human Rights Consequences

Trade with China has important benefits for Africa. China is able to produce consumer goods more cheaply; thus, commodities such as textiles, electronics, and drugs are generally more affordable, enabling some middle-class Africans to save money in the short term. If approved by the World Health Organisation, initiatives such as DanAdams Pharmaceuticals in Ghana under the Global AIDS Fund, which heavily relies on Chinese equipment, technicians, ingredients and additives, may provide timely and affordable generic drug alternatives for the treatment of HIV/AIDS and malaria.[57] In a recent survey of Cameroonian opinion on Chinese presence, 81% of respondents said they welcomed the influx of Chinese goods into Cameroon.[58]

Additionally, Chinese investment, through multinational corporate networks, may aide Africa's participation in the global economy. This is implied by a recent World Bank study of 450 Chinese (and Indian) companies operating in four African countries: South Africa, Tanzania, Ghana, and Senegal. The study asserts that Chinese (and Indian) companies could help to facilitate the diversification of African exports, increase labour-intensive production and processing and foster domestic competition in some African industries, which can boost their effective competition abroad.[59] China's demand for natural resources has led directly to an increase in global commodity prices, which has greatly benefited commodity exporting nations. [60] Through increased trade and returns, economic rights in African states may be more easily realised.

On the other hand, the argument could be made that China is taking Africa's natural resources, using them to produce commodities, then selling them back to Africa, thereby inhibiting the development of local resource-processing and manufacturing capacities, which contribute to the diversification of the economy, transformation of industry and higher-earning activities for local citizens.[61] As Peter Navarro, author of *The Coming China Wars*, warily remarks,

> "*China goes in, builds the infrastructure, uses that country's infrastructure to extract their resources, takes those resources back to China, builds finished goods, then ships them back into that country to sell. It's a closed imperialistic loop, and the bottom line is poverty instead of prosperity in countries that have incredible natural wealth.*"[62]

Instead, China could be establishing long-term economic stability in Africa – and therefore better environments for Chinese investments – by helping African states develop their own capacity for turning resources into products.

There are also numerous examples of cheap, subsidised Chinese products displacing the African manufacturing that does exist.[63] The influx of Chinese textiles into Nigeria has resulted in only ten out of 170 Nigerian textile companies remaining in business[64]. Mulungushi Textiles is among the textile mills and other factories in Zambia that have suffered closures as cheaper Chinese goods flood the market, eliminating thousands of jobs in a country that desperately needs them[65]. A meeting held in October 2005 with trade union representatives from the textiles, clothing, leather and footwear sectors from Ghana, Kenya, Malawi, Madagascar, Mauritius, Namibia, Tanzania, Nigeria, Lesotho, Swaziland, Zambia, Zimbabwe and South Africa concluded that Africa lost more than 250,000 jobs over the past few years, due to cheaper Chinese goods flooding African markets.[66]

It should be noted that some Chinese companies are responding to criticism about their products eliminating domestic competition. In response to demands made in South Africa, where the trade union federation called for a severe restriction on Chinese imports,[67] China agreed to a quota restriction on its textile imports.[68] However, with few African states introducing even such minimal policy measures, commodities continue to cripple African markets.

Concerns also exist regarding the improper extraction of natural resources. For instance, the Royal Institute of International Affairs in London estimates that 70% of China's timber import from Sub-Saharan Africa is illegal.[69] It is highly unlikely that Chinese companies are abiding by responsible practices such as reforestation in their illegal forestry pursuits. Another example is Sinopec, who in 2006 was caught drilling illegally in Gabon's protected Loango National Park,[70] cutting down large swathes of forest and conducting oil exploration in areas that could damage the fragile ecosystem. In response, the Gabonese government announced that the law provided for extractive activities to occur in natural reserves, so that the area of natural reserve affected would be reassigned elsewhere. This indicates the importance of China as a trade partner to Gabon. Commentators have stated that "*if China becomes Gabon's dominant trade and aid partner we are likely to see Gabon revoke its environmental legislation or simply to turn a blind eye on environmentally destructive practices*"[71].

Finally, participation in small arms trade raises serious human rights concerns. Small arms are in almost all contexts the preferred tools for committing serious violations of human rights, bearing responsibility for more crimes against humanity than any other type of weapon. These violations include deaths, injuries, rapes, abductions, torture, forced displacement and other attacks against civilian populations, and the pillaging of civilian goods.[72] Arms supply to warring factions with stable and lootable economic resources has proven to prolong civil wars, sustain war economies, and make peaceful negotiations more difficult to achieve[73].

A majority of China's trade partners in arms are currently embroiled in civil war or have experienced conflict in recent decades and remain in a post-conflict environment with a possibly tenuous peace. On several occasions, China has breeched arms embargoes of such states. For example, China has supplied military equipment to Sudan, despite widespread and well-documented murders, rapes and torture by the government-allied Janjaweed militia in Darfur.[74]

To date, China is the only major arms-exporting power that has not entered into any multilateral agreement that sets out trading criteria, including the respect for human rights, to guide arms export licensing decisions[75].

Infrastructure and Innovation

Until recently, Chinese trade with Africa mainly involved oil, natural gas, consumer commodities, and foreign acquisitions in related industries. However, Chinese investments are becoming more diverse. In 2007, the Industrial and Commercial Bank of China (ICBC) in a transaction worth 36.7 billion rand ($5.5 billion) partnered with South Africa's Standard Bank, the largest banking group in Africa by assets[76]. Additionally, China is turning its attention towards infrastructural investment, and establishing Special Economic Zones (SEZs).

China's infrastructural investment in Africa involves constructing roads and bridges, railways, power and water supply plants, irrigation, telecommunication networks, healthcare centres, government and community buildings, football stadia, universities and housing.

In 2003, China financed the construction of Gabon's $34.9 million Senate Building.[77] In 2004, China agreed to construct the Gabonese National Assembly, two hospitals at Franceville and Libreville,[78] petrochemical facilities, oil refineries and gas stations.[79] In the Republic of Congo, China has taken on projects to build a new foreign ministry building in Brazzaville, soccer stadiums, textile mills, hospitals and roads, and has completed building a large radio and television network tower.[80] In late 2006, China granted Nigeria a $2.5 billion loan for infrastructure and the Chinese company China Civil Engineering Construction Corporation (CCECC) signed an $8 billion agreement with the Nigerian government to construct a railway linking the cities Lagos and Kano in Nigeria.[81] In May 2007, China launched a domestically produced communications satellite for Nigeria, expanding the Chinese commercial launching services for foreign space hardware.[82]

In 2004, China's Eximbank granted a $2 billion oil-backed line of credit to Angola. It has since been reported that this value has risen to almost $9 billion.[83] The loan is being used to rebuild Angola's infrastructure, including road repairs, construction and refurbishment of old schools, rehabilitation of water and energy infrastructures.[84] $145 million of the credit was earmarked for hospitals, $447 million for education infrastructure and $551 for infrastructure rehabilitation and construction.[85] China's ZTE Corporation agreed to a deal with Angolan company MundoStartel to invest $69 million to develop telephone networks in Angola; ZTE will also invest $400 million to expand and modernise Angola's fixed-line telephone network.[86] Part of the $2 billion loan will be spent on training Angolan telecommunications workers.[87]

China is also involved in at least ten dam projects in Africa, in various countries including Sudan, Ethiopia, Zambia, Ghana, Nigeria, Republic of Congo, and Mozambique.

Additionally, China has plans to create SEZs in selected states in Africa. SEZs are designated geographical areas created to encourage rapid economic growth by attracting foreign company investment through liberal policies and tax incentives.[88] Two SEZs have already been identified. The first is Zambia's Chambishi mining town with an estimated $800 million in Chinese investment. The zone's anchor investment is a $250 million copper smelter.[89] The second SEZ has been identified in Mauritius with planned investments of $500 million[90].

Human Rights Consequences

Chinese companies have the potential to contribute to infrastructural development that could have tremendous potential in improving African states' economies.[91] It has been claimed that the successful emergence of Chinese construction and infrastructure sectors in many African states has been 'effective in building relations with African governments - increasing influence and expanding access to natural resources on the continent'.[92] However, the infrastructure made possible by China comes at a cost – in some cases, a very high one.

Agreements for investment projects reached by China's Exim Bank support limited development of local African enterprises.[93] However, these loans and credits from the bank stipulate that at least 50% of materials have to be sourced from China. This requirement allows for fewer opportunities for African domestic entrepreneurs to benefit from 'backward linkages' that would have been otherwise created from these investments.[94]

For example, a $2 billion loan to Angola in 2004, although granted at a low level of credit, conditions that 70% of all contracts for national reconstruction go to Chinese companies, leaving only 30% for Angolan firms.[95] The $34.9 million project that China financed for the construction of Gabon's Senate Building was given to China's General Construction Company.[96] China signed a deal providing Nigeria with $4 billion for infrastructure; the exchange was first refusal rights for CNPC on four Nigerian oil blocks,[97] which effectively meant that CNPC would have the prior option of purchasing shares, before the shares would be offered to new investors. The multibillion line of credit that China's Eximbank gave to Angola in 2004 was backed by Angolan oil.[98] This connection between loans and resources has been decried as a cycle fuelling the "resource curse" of many African states, [99] where their plentiful resources have resulted in further impoverishment, which has been due to unethical practices by companies, other groups and African governments, particularly in areas experiencing or recovering from conflict.

Human displacements are also a prominent concern associated with grand-scale infrastructure projects in developing states. In April 2007, China admitted that most of its constructed dams had serious structural problems, referring to them as 'time bombs'[100], threatening the lives and property of populations living downstream[101]. In Mozambique, the Mpanda Nkuwa project has involved very little engagement with and empowerment of local populations, although approximately 1,400 people[102] – most likely a conservative estimate from the country's population density – have been displaced. Compensation and resettlement plans remain unclear[103]. Concerns over forceful displacement also surround the Bui dam in Ghana, where 2,500 people are scheduled to be 'resettled'[104].

There are also detrimental changes in the environment, which affect local populations. In September 2006, an African Union task force identified as a challenge *"[e]nsur[ing] that China pays more attention to the protection of the environment in its investment practices*"[105]. The Mpanda Nkuwa dam, for instance, was initially rejected under a proposed World Bank scheme before receiving Chinese support. The dam is predicted to have major environmental impacts along the Zambezi delta[106] and does not comply with any of the seven guidelines of the World Commission on Dams[107]. It is reported that the dam undermines efforts of an already existing Cahora Bassa dam seventy kilometres upstream to improve water release patterns in an attempt to replicate natural flows along the delta. Downstream communities, especially farmers heavily reliant on the river for their livelihoods, are bound to be negatively affected by the twice-daily fluctuations in the river's flow for the production of hydroelectric power.[108] Another example is Ghana's Bui dam project, which would flood nearly a quarter of a national park[109].The Merowe dam in Sudan is largely financed by China's Exim Bank, despite the World Bank and the French government rejecting the project due to environmental and human rights concerns[110].

The creation of SEZs are another area of Chinese-inspired 'innovation' that may be problematic for human rights in Africa. Like other export processing zones, SEZs can have negative implications on employment and human development. Although inconclusive, foreseen challenges of SEZs can be drawn from analysis in developing countries such as India, where the SEZs have been misused to benefit real estate development, with miniscule contributions to exports and employment at the national level.[111] These challenges are compounded by the weak social and institutional capital of African states.

There have been some efforts by Beijing to improve practices. For instance, a January 2007 statement from the vice-chairman of the standing committee of China's National People's Congress allegedly affirmed sanctions on Chinese companies abroad that avoided their corporate social responsibilities[112]. Additionally, the Chinese Cabinet has issued the 'nine principles', which require Chinese companies to abide by local laws, bid for contracts on the basis of transparency and equally, protect the labour rights of local employees, among others[113]. Declarations of support for corporate social responsibility have been made by Chinese consortiums such as the National Development and Reform Commission, the Ministry of Commerce and Chinese business associations.[114] In February 2007, the China National Textile and Apparel Council announced a corporate social responsibility program[115].

Labour Force and Education

The number of Chinese workers living in Africa is estimated by some to stand at 750,000.[116] The importation of labour sometimes occurs in connection with large infrastructure projects, such as the Merowe dam project in Sudan, which has employed over 1,700 Chinese workers;[117] the total number of Chinese workers in Sudan has been estimated to be at least 100,000.[118] There are also a reported 100,000 Chinese workers residing in Angola, building roads, railways, hotels and housing.[119] Namibia hosts about 40,000 Chinese labourers.[120] It is reported that in Mauritius, Chinese factories rely on Chinese workers, to the exclusion of the local labour.[121] Similar migrant labour influxes have been reported for other African states. In some instances, the ratio of Chinese to local workers hired for Chinese-run projects is 70% Chinese to 30% local.[122] Sun Baohong, a senior official at the Chinese Embassy in Washington, D.C., has asserted: "*We take advantage of our low cost…. and cheap labour to maximise our efficiency of aid (to Africa).*"[123] Chinese companies have also defended the choice to import workers by claiming that local labour in Africa is sub-standard and does not produce good work.[124]

Chinese labourers in African states often live in isolation from the locals. In the housing compound for 95 Chinese working on a project in Angola there is no substantial evidence of interaction with the local community.[125] Such isolated compounds are not limited to Angola.

There are also examples, however, of Chinese-funded projects employing indigenous labour forces. When China signed an agreement with Nigeria to construct a railway linking Lagos and Kano, the president of the China Civil Engineering Construction Corporation said 50,000 Nigerians would be hired to construct the 1,315 km of track.[126] In Angola, the Chinese Overseas Engineering Company completed the building of the $8 million Luanda General Hospital in February 2006, with 90% of the workforce reportedly consisting of indigenous labour.[127] A study carried out by the Centre for Chinese Studies found that the majority of Chinese companies they surveyed in Tanzania reported that up to 80% were from the local labour pool, with one company declaring 95% of its total workforce to be local.[128] Furthermore, in addition to providing unskilled labour, Tanzanians were employed as managers, and sometimes senior managers, with evidence to show that it is common practice for workers in Chinese companies to receive on-the-job training, particularly in the operation of machinery in the construction sector[129].

In addition to the number of Chinese workers filling jobs for Chinese projects, effects of China's presence are also felt in labour standards. Some industries that do utilize the African labour force have reportedly not adopted local labour regulations, which in some instances has led to deaths in Chinese-run mines and factories.[130] Chinese firms have been resistant to the unionisation of workers; in fact, Chinese firms in Mauritius import labour as a way of raising productivity, lowering wages and ensuring unionisation does not take hold.[131] Limited solidarity between African workers and trade unions and the flexibility and low cost of imported labour has encouraged a 'race to the bottom'.[132]

Related to the influx of Chinese workers are educational efforts to strengthen Chinese-African communication at the local level. Confucius Institutes, centres that specialise in Chinese language and cultural communication, have been introduced in South Africa, Zimbabwe, and Rwanda;[133] the State University of Harare, in Zimbabwe, also offers Chinese language courses.[134] China has fostered education ties with South Africa in particular. China has offered South African students scholarships at Chinese universities; has sponsored the Centre for Chinese Studies at Stellenbosch University; and has created eleven partnership agreements between Chinese universities and South African counterparts.[135]

Human Rights Consequences

Chinese immigrant labour necessarily means that local African people, many of whom are already living in states characterised by high unemployment rates, will be excluded from potential job opportunities with projects that are supposed to bring them economic benefits. While Chinese diplomat, Sun, and other Chinese leaders couch their practices in terms of positive development for Africa, many unemployed and unprotected African labourers are not appreciative; the practice of labour importation breeds resentment and tensions. In Angola, with its high number of Chinese immigrant workers, disparaging racial stereotypes are rampant on both sides.[136] The ill will is added to by the lack of interaction between Chinese workers and the local community. It remains to be seen whether the implementation of Chinese language and culture centres at universities will promote widespread cultural acceptance at a grassroots level. Those Africans most affected by the influx of Chinese workers are not likely to be the same people with access to such institutions.

Of perhaps more immediate concern are the ramifications of Chinese companies' lax labour standards, including insufficient protection of workers. Sun may be correct that using Chinese labour makes a job quicker, but such speediness comes with both short- and long-term costs for human rights. For example, there is a housing project in Chad that does employ some local workers, but the engineers, drivers, architects, and crew bosses are all Chinese. The project director explains, "*They don't have limited hours; all they do is work. And they are not paid well – no insurance, nothing. They're fast, cheap, and they don't argue. That's why they got the job.*"[137] Such a lack of standards will inevitably erode what measure of workers' rights may have existed locally.

Namibia congressman and head of the Congress of Democrats political party Ben Ulenga introduced a motion targeting Chinese malpractices in the building industry, including "*non-compliance with tender regulations, lack of standards and the role of foreign contractors.*"[138] Ulenga's motion echoes the sentiment of many Africans who regularly accuse Chinese companies of unfair competition, as Chinese companies often submit bids at below cost, enjoy the protection of African states, and are thought to commonly use bribery to escape taxes and regulations.[139]

The effects of Chinese companies' poor business practices can be seen in very practical – and sometimes severe – ways. In April 2005, in one of the worst industrial accidents in Zambian history, an explosion at a Chinese-owned explosives factory in Chambishi killed 46 people.[140] There are now reports that Chinese companies have forced Zambian mine workers to sign declarations that they were working at their own risk.[141] In July 2006, four workers protesting a wage dispute at the Zambian NFC-Africa copper mine were shot and wounded by both Chinese management and the police.[142] Chinese companies have been criticised for hiring Zambians on short-term contracts[143], meaning that the workers are less likely to receive benefits and, fearing being fired, may be more hesitant to lodge protests over working conditions in the first place. In the Republic of Congo, labourers working in the Chinese quarry used for the Imboulou Dam complain that they are earning 35 cents an hour in dangerous conditions.[144] In Nigeria, workers have had to process metal ores without the masks necessary to protect them from noxious substances.[145]

Aid

At the China-Africa Co-operation Forum in 2003, China announced it was forgiving debts of 31 African nations totalling $1.27 billion, in addition to offering aid packages to some African states[146]. During a subsequent ministerial conference held in Beijing in 2006 between China and 48 participating African governments, China pledged to double development assistance through bilateral relations to African states by 2009. Within months after the conference, trade between the two parties surged up 42% from 2005 levels.[147]

In what has been coined the 'Beijing Consensus', China offers non-prescriptive development assistance that emphasises state sovereignty,[148] meaning the assistance is purported to be free from political conditionalities that must be fulfilled by the receiving state. This is in contrast to the 'Washington Consensus', in which assistance is provided by organisations like the World Bank and the International Monetary Fund and is dependent upon public sector reforms being undertaken by African states through Structural Adjustment Programmes (SAPS). SAPS are touted as mechanisms to promote free trade and improve the economies of borrowing states but have been criticised for failing to achieve these aims and instead further entrapping states with limited fiscal choices. It has been argued that such conditions also undermine the fiscal ability of receiving states to safeguard, for example, public health and primary education[149].

Human Rights Consequences

Even before its recent focus on financial investment in Africa, China did have a humanitarian presence on the continent. China has provided $314 million to 14 projects in eight African countries through the African Development Bank since 1985.[150] Since 1963, 15,000 Chinese doctors have worked in more than 47 African countries and treated an estimated 180 million cases of HIV/AIDS. At the end of 2003, there were still 940 Chinese doctors working in the continent.[151] Such examples have undoubtedly helped Africans. However, the long-term benefits of Chinese loans and aid packages are more questionable.

China's refusal to broach human rights issues with the African states with whom they deal undermines the good China might otherwise accomplish with their loans. It has been noted that the support China provides "*gives dictators the means to resist*."[152] Emerson Mnangagwa, Speaker of the Zimbabwe Parliament remarked, "*with all-weather friends like the People's Republic of China… Zimbabwe will never walk alone*".[153] Considering the horrific abuses perpetrated by Zimbabwe leaders, such a statement serves as an indictment of China's participation, perhaps indirect, in human rights violations in the country.

Furthermore, the question remains whether Chinese aid is in fact, 'unconditional', as much of Chinese development aid is specifically targeted to complement its commercial ventures.[154] Grants issued by China to African governments as 'soft loans' often require the utilisation of up to 50% of Chinese imports[155]. Some critics have argued that this leverages Beijing's hold on recipient countries[156], which is founded on a quest for profits and oil[157].

Take for example Angola. In recent years, $4 billion of Angola's public money simply disappeared.[158] As a result, the IMF attached transparency and anti-corruption conditions to its 2004 loan to Angola. Angola suddenly abandoned the negotiations when it received a counter-offer of a $2 billion loan from Exim Bank, with an interest rate repayment of a mere 1.5% over 17 years. However, in exchange, Angola agreed to supply China with 10,000 barrels per day of crude oil (later to increase to 40,000 barrels per day) and substantial construction contracts.[159]

The Angolan example also highlights concerns that Chinese soft loans undermine debt relief initiatives and positive practices that ensure rights.[160] While the true efficiency of conditions imposed by organisations like the World Bank and IMF is debatable, there are clear instances where Chinese policies may be lowering real standards. The 'good governance' agenda upon which lending institutions incentivise political change and the human rights agenda, and upon which institutional structures such as the New Partnership for African Development (NEPAD) and the African Union, seems weakened by Beijing's non-interference approach[161]. This point was summed up by Sierra Leone ambassador to Beijing, Sahr Johnny, who said,

> "*If a G8 country had wanted to rebuild the stadium, for example, we'd still be holding meetings! The Chinese just come and do it. They don't start to hold meetings about environmental impact assessment, human rights, bad governance and good governance. I'm not saying that's right, I'm just saying Chinese investment is succeeding because they don't set high benchmarks*."[162]

The president of the European Investment Bank criticised Chinese ambivalence to social and human rights conditions. He claimed that Chinese banks had snatched projects from under his bank's nose in Asia and Africa, after offering to undercut the conditions it imposed on labour standards and environmental protection[163]. Such cases put banks in a position where they are pressured to lower standards, so as to compete with China[164].

Additionally, despite the Chinese claim of no strings attached to loans and aid, African states adhering to the Beijing Consensus almost always pledge a firm commitment to the 'One-China principle', asserting that 'there is one China and that mainland China, Hong Kong, Macau and Taiwan are all part of that China'. In many cases, public announcements by African states of solidarity to this principle follow talks with China, with subsequent Chinese pledges of boosted cooperation.

Joshua Kurlantzick, an expert on China at the Carnegie Endowment for International Peace, asserts that "*China's goals in giving aid to Africa are clearly access to the continent's natural resources, markets for Chinese multinational companies, political allies and the isolation of Taiwan*."[165]

IV. China in Sudan

Sophie McCann

China's presence in Sudan and contribution to the oil revenue that has helped fund the *Janjaweed* militia and the genocide in Darfur has sparked a global protest calling for a boycott of the approaching Chinese Olympic Games and has led many commentators and activists to refer to the upcoming sporting event in 2008 as the 'Genocide Olympics'[166].

However, Darfur is not the only region in Sudan where the negative effects of Chinese investment are sorely felt. With the Government of Sudan caring so little for the well-being of its people, human rights abuses in Sudan are more obvious than in some other African states. Since Sudan is an extreme example, this additional chapter has been allotted to focus specifically on the effects of Chinese investment on the Sudanese population.

This section begins by briefly describing Sudan's history, then outlines China's presence and investments in Sudan and finally analyses the human rights consequences of this presence. This chapter also contains a brief discussion of whether the 2008 Beijing Olympics should be boycotted.

Background

Sudan's recent history has been characterised by violent conflict, bad governance, poverty and widespread human rights abuses.

The current Sudanese President, Omar El-Bashir, came to power in 1989 through a military coup and has presided over an autocratic government, whose unstable political, economic and military position has been boosted by enormous oil revenues since the late 1990s when Sudan became an exporter of crude oil.[167] Oil has indeed become the backbone of Sudan's economy which is growing at close to 10% a year.[168]

Since Sudan gained independence from Britain in 1956, the country has been in a near-constant state of civil war encompassing multiple conflicts in the South, East and West (Darfur).[169] The North-South civil war began in 1956 and ended in 2005 with the signing of the Comprehensive Peace Agreement (CPA). The conflict killed around 2 million people and displaced a further 4 million;[170] currently there are fears that the North-South conflict will reignite in the near future.[171]

Meanwhile, the violent conflict in Darfur came to the fore in 2003, as the main rebel opposition, the Sudan Liberation Movement and the Justice Equality Movement rose up against the government and attacked one of their military air bases. In response, the Sudanese Government has unleashed its army and allied *Janjaweed* militias to attack villages of the same ethnicity as the Darfur rebel groups, committing war crimes, crimes against humanity and genocide against the mainly non-Arab population of Darfur. Rape, murder, torture and forced displacement have become a regular occurrence in Darfur, where between 250,000 and 400,000 people have died and 2.5 million civilians have been displaced.[172] In 2005 a report by a UN International Commission of Inquiry stated that the GoS, the *Janjaweed* militias and Darfuri rebel groups had committed crimes against humanity and war crimes in Darfur. The report further noted that the Sudanese Government and its allied militia were responsible for the majority of the crimes.[173]

Chinese Presence

Sudan and China have a largely symbiotic relationship and they have maintained a positive diplomatic relationship since the 1950s. Since the mid-1990s, this relationship has shifted from one concerned with geopolitics to focus on economic and commercial ties, based largely on Sudan's abundant oil reserves. This shift has encouraged China (amongst other countries and multinational corporations) to invest heavily in Sudan's oil sector in order to feed its growing energy demands.[174] Oil exports from Sudan now constitute one tenth of China's total oil imports[175], with China receiving 82.3% of Sudan's total oil exports in 2006.[176] In 2007, exports to Sudan more than doubled from last year, reaching the 200,000 bpd.[177] China thus has extensive economic links with the Government of Sudan (GoS), as the state-owned China National Petroleum Corporation (CNCP) owns and controls the largest single share (40%) of Sudan's oil consortium, the Greater Nile Petroleum Operating Company (GNPOC), and a 41% stake in Petrodar, which operates two oil blocks.[178] China is now both Sudan's largest trading partner and its biggest investor.[179]

China is also Khartoum's main arms supplier. China has also invested over $20 billion in development and non-oil public and private sectors and infrastructure projects, including dams, hydroelectric power stations, agriculture, textiles, modern communications technology, and other large infrastructure projects.[180] Furthermore, in agreements signed in 2007 China cancelled Sudanese debts of $80 million,[181] having previously written off debts totalling $67.3 million in 2001.[182] In February 2007 various agreements between the two countries gave Sudan an interest-free loan of $77.4 million for infrastructure, promised reduced imports tariffs on some Sudanese goods and a grant of $40 million for a variety of projects including building new schools and a presidential palace worth 12.9 million.[183]

Using its position as a member of the UN Security Council, China has regularly protected Khartoum from resolutions that might lead to decisive global action in Sudan, particularly in Darfur.

In addition to oil and large contracts for Chinese companies, Sudan has assisted China in maintaining its 'One China' policy by non-recognition of Taiwan and has helped China gain position in UNSC 1991 by mobilising African support.[184]

Main Investments

Oil

China has provided Sudan with much of the infrastructure and investment needed to become a major oil producer, as well as the technological assistance for exploration, exploitation and transportation.[185]

In 1999 CNCP participated in building the 1,500 km-long oil pipeline running from Unity (Block 1) and Heglig (Block 2) oilfields in South Sudan to Port Sudan in the North.[186] In 1999 China also constructed the major Khartoum oil refinery, which was upgraded in

2006 enabling production of 100,000 barrels per day.[187] China has recently (2007) invested $500 million in construction of a new oil refinery.[188]

The Chinese state-owned oil companies CNCP and Sinopec own shares ranging from 35% to 95% in Sudanese oil operations to develop oil in blocks 1/2/4, 3/7, 6, and 15. In June 2007, CNCP signed a production-sharing agreement with the GoS to explore and exploit the largest offshore oil block, Block 13.[189] Furthermore, CNCP owns oilfields in and around Darfur.[190] Although these companies do not publish any statistics, it is believed the oil deals are worth US$ 2 billion a year for the GoS.[191] Chinese labour has been used consistently in the oil projects.[192]
Chinese oil companies and associated construction and development companies have invested in large-scale oil infrastructure, all-weather roads and exploration rigs.[193] In January 2007, CNCP committed $900,000 to training Sudanese oil workers.[194]

Arms

Since 1996 Beijing has been Sudan's principal arms supplier,[195] selling Khartoum $100 million worth of arms - including small arms and light weapons (SALW), helicopter gunships, antipersonnel mines, jets and battle tanks - between 1996 and 2003.[196] Chinese arms sales rose 25-fold between 2002 and 2005,[197] as demonstrated when in early 2005 the Sudanese armed forces reportedly bought over $100 million worth of fighter planes. China has also assisted the development of domestic arms production - industrial and SALW - and technology transfer and technical assistance, and has also constructed three weapons factories.[198] It is regularly asserted that China transfer arms to Sudan in return for oil.[199]

Despite the passing of UN Security Council Resolution 1591 in 2005 (which imposes arms sanctions to all those party to the Darfur conflict) China (alongside Russia) continues to sell weapons to Sudan.[200] Chinese arms transfers appear unlikely to stop as Chinese Defence Minister Cao Gangchuan stated in April 2007 that his government "*[is] willing to further develop cooperation between [Sudan and China's] two militaries in every sphere*."[201]

Political Protection

In the name of political solidarity with other developing nations, staunch adherence to the policy of non-interference and in order to protect its economic interests and oil investments,[202] China has supported and defended Khartoum from international condemnation and military action by abstaining on or threatening to veto numerous UN Security Council resolutions, or forcing a diluted version of the original.[203]

Merowe Dam

The Merowe Dam on the River Nile is the largest hydropower construction project taking place in Sudan and the whole of Africa. Budgeted at between $1.2-1.8 billion, the construction contract was awarded to a consortium of Chinese companies, known as CCMD, worth $650 million of the total cost, with China's Exim Bank contributing another $387 million, alongside other Sudanese and European companies.[204] The dam has a total installed capacity of 1.25 million kilowatts, twice the existing capacity in the whole country.[205] Over 1,700 Chinese workers have been brought in to help construct the dam.[206]

Human Rights Consequences

Oil Revenue

Massive Chinese-generated oil revenues have helped to finance the Sudanese regime's continued war efforts[207] by allowing the government to increase military expenditure (which doubled after oil exports began[208]), and financing the $1million a-day North-South civil war,[209] as well as the ongoing conflict in Darfur. Between 70-80% of oil revenue is believed to be ploughed back into the Sudanese army's and allied *Janjaweed* militia's military campaigns in Darfur; thus making "*oil ventures in Sudan… an undeniable and well-documented enabler of Khartoum's genocidal policy in Darfur.*"[210] In the absence of much 'Western' competition and in spite of US imposed sanctions, Khartoum has been able to continue funding war, due to oil revenues and investment, largely provided by China - as a defiant el-Bashir commented in December 2006: "Just when some countries gave us sanctions, God gave us oil"[211]

Population displacement

According to many rights groups, Chinese companies present in Sudan, especially CNPC, have encouraged and facilitated human rights abuses in the country. A 2006 Amnesty International document reports that the exploitation of oil in Unity and Heglig oilfields in Southern Sudan,

> *"was accompanied by mass forced displacement and killings of the civilian population living there. Sudanese planes bombed villages and Southern militias, supported by Sudanese armed forces, attacked villages, killing people and destroying homes until the area was depopulated, in an apparent aim to clear the area of people for oil exploration and extraction."*[212]

A 2001 Christian Aid report declared, 'Companies such as…CNPC are contributing to the extension of the war by permitting government forces to clear new areas for them to exploit' - their silence, activities in Sudan and cooperation with the GOS amounting to complicity in scorched earth tactics, human rights abuses and the perpetuation of war.[213]

Amnesty International reported that;

> *"The CNPC also directly benefited from the "security" provided by the Sudanese army against rebel groups in the oilfields – the same forces responsible for the massive force displacements of civilians in the oilfields…even though clearing the oil-rich areas for exploitation has not been the main motive for the targeting and massive forced displacement of civilians in Darfur, the area of the...[CNCP] concession has seen some of the most horrific human rights violations."*[214]

According to one activist, CNPC have given Khartoum's army direct assistance to clear the oilfields, whilst "*prospecting for oil*."[215] Rusthal Yackok, an IDP in Southern Sudan who was blinded, his wife and six children killed, lamented: "*The Chinese want to drill*

for oil, that is why we were pushed out…Now, I have no family, no cows…I have nothing. My life is totally destroyed."[216]
Furthermore, Chinese-built oil infrastructure, including an all-weather road, were used by the Sudanese army and allied militias to launch attacks on civilians. The Sudanese forces also used the GNPOC-run Heglig oil base and airstrip to rearm and refuel during their attacks on civilians.[217]

The Merowe dam in Sudan will forcibly displace around 50,000 local people from fertile lands they have lived on for generations to harsh, desert lands. The dam has so far displaced 10,000; the resettlement plans have been a "complete failure"' and the authorities are refusing to pay compensation to many families who have lost their plots and houses, in violation of Sudanese law.[218] Peaceful protests have been violently suppressed and their organisers arbitrarily arrested, detained and tortured.[219] In 2006, three protestors were killed and 47 injured in a confrontation with the militia of the project authority.[220]

Arms

China's presence in Sudan's oil sector is also linked to the stream of military equipment to Sudan. Oil revenue from Chinese companies helped the GoS to fund its war effort during the North-South conflict and has "*provided, and continues to provide, a financial and military means for Khartoum to engage in its brutal campaign to suppress the Darfur rebellion*."[221] According to the organisation Sudan Divestment Task Force,

> *"in exchange for oil, Beijing provides weapons and diplomatic support.…It is estimated as much as 80 percent of Sudan's oil revenue goes to buy arms, while the general population remains one of the poorest in the world."*[222]

The large variety of arms China has transferred to Sudan and the weapons Beijing has assisted in manufacturing within Sudan have been used in *"Khartoum's campaign of ethnic cleansing. Chinese-built helicopter gunships reportedly operate from airfields maintained by the Chinese oil companies."*[223]

That China has knowingly sold Khartoum weapons that would be used in human rights abuses, and has used Sudanese security forces who have committed human rights violations to protect their oilfields raises the possibility that Beijing might be legally, as well as morally, culpable for complicity with the GoS in committing human rights abuses.[224]

Diplomatic Links

Maintaining strong diplomatic and economic links with a government perpetrating mass human rights atrocities, war crimes and genocide can be interpreted as condoning and emboldening the actions of Khartoum.[225] The role of the CNPC (which has channelled over $4 billion into Sudan[226]) and of other Chinese companies in facilitating the ongoing genocide in Darfur is felt diplomatically. Close economic ties with Sudan and heavy Chinese investment, especially in the oil sector, has caused China to protect Sudan, and its own economic interests, from any potential meaningful action by the UN Security Council.[227] Addressing his Chinese counterpart, the Sudanese President El-Bashir stated: "*When our relations became problematic with the international financial institutions, we* *turned to China. Relations with China have enabled us to overcome economic difficulties*."[228]

Yet, since 2006 Beijing has publicly and privately appealed to Khartoum to find a peace settlement, address the humanitarian crisis in west Sudan and accept a peacekeeping force into Darfur.[229] In April 2007, China shifted its political position on Sudan by voting with the UN Security Council to pass Resolution 1769, which mandates for a UN-AU hybrid peacekeeping force to be sent into Darfur China has further deployed 140 engineers[230], contributed 315 troops, weapons and equipment;[231] and donated just over $10 million worth of humanitarian assistance to Darfur since 2006.[232]

Another recent development that demonstrates a shift in Beijing's relations with Khartoum occurred on 30 January 2008, when Beijing's Special Envoy to Sudan appeared to be pressurising Sudan over the issue of Darfur by instructing Sudan "*not to do things that will cause the international community to impose sanctions on them.*"[233]

The statement was a positive step by the Chinese, indicating Beijing's awareness of international criticism and perhaps of the long-term need for stability in Sudan, although it is reported that China worked hard to dilute the terms of Resolution 1769.

It is also important to consider just how much power Beijing wields over el-Bashir, as some argue that the real influence Beijing has over Khartoum has been exaggerated. [234]

Overall, however, continued arms sales, oil revenue and increased economic and diplomatic ties between Sudan and China appears to undermine this rhetoric.

Environmental Damage

CNCP's (and other GNPOC members') oil extraction has damaged agricultural land, dwellings and local livelihoods by causing ecological degradation,[235] by allowing toxic water, extracted when drilling for oil, to seep into soil and underground waters[236], and, as some officials at the Heglig plant admitted, discharging it 'untreated from the complex'.[237] This environmental degradation is partly due to CNCP being a 'new' oil industry player, lacking sophisticated oil-development technology, experience and interests in human rights and environmental preservation.[238]

The Merowe dam defies the Sudanese 2000 Environmental Protection Act and Chinese laws; yet the Chinese companies involved (and the German company managing construction) have blocked attempts to carry out a full environmental impact assessment and have systematically watered down the likely damaging impacts of the dam's construction.[239] The Chinese workers brought in to construct the dam took the employment opportunities of local Sudanese, and have also caused tension by appropriating the local water supply for the project.[240] However, currently there are 2,000 Sudanese workers employed to construct the dam.[241]

Many believe that the dam is the key to solving Sudan's lack of electricity,[242] providing infrastructure that is desperately wanted and needed for development,[243] with the capacity to benefit 3 million local people.[244] One Sudanese engineer said, "*We Sudanese can see great changes in economic and social development with the help of the Chinese, especially in oil, electricity and transport sectors*."[245] Yet, some argue that the dam will only provide Khartoum and the North with power, thus perpetuating underdevelopment and inequality in the South, West and East of Sudan.[246]

Conclusion

China's economic, political and military links with Khartoum continue to attract controversy and criticism. It is clear that the majority of Chinese investment, especially in the oil and arms sectors, have had noticeable negative effects on human rights in Sudan, facilitating gross human rights abuses and marking China's complicity in these violations.

Currently, China's policy towards Khartoum appears to be shifting slightly, with Beijing altering its position on the UN Security Council, voting to pass Resolution 1769, sending peacekeepers and technicians to the region and appearing more willing to criticise the Sudanese government with regards to Darfur. However, China and Chinese companies continue to invest in Sudan's oil sector, sell arms to the GoS, and remain on good diplomatic terms with Khartoum, which continues to facilitate mass human rights abuses prevalent throughout Sudan, and a government-perpetrated genocide in Darfur.

Should the 2008 Beijing Olympics be boycotted?

Waging Peace supports engaged dissent as a first priority. China's significant investment in Sudanese oil has helped to create the revenue that the Government of Sudan uses to fund the genocide of its own people in Darfur. China must know, indeed *all* states must know, that being members of the international community means acting responsibly with financial investments, for the well-being of all people. It is not enough to turn a blind eye.

Remaining engaged with and in the Olympics provides a forum for calling China to task for its actions. We, individuals within the international community, as well as NGOs, governments, and others, can use the Olympics as a means of holding China to the expected standards of international responsibility.

However, there are people in positions to make powerful statements to China by, after attempts at diplomatic entreaties, severing their engagement. If China continues to refuse to use the full extent of its influence on Khartoum to bring about an end to the genocide in Darfur, such last resort measures should be considered.

There are those who question why China should be singled out for protest over Sudan (or a myriad of other causes such as Zimbabwe or China's internal human rights situation), when there are other states whose actions elsewhere in the world have also contributed to an erosion of human rights. In this case, the 2008 Olympics are an opportunity to focus on one critical human rights concern – China's influence in Sudan. This should not distract from discussions and demonstrations to promote human rights elsewhere; rather, the world's commitment to human rights everywhere should be strengthened by utilising all resources to promote the advancement of human rights.

V. Conclusion

Christa Bennett & Sophie McCann

Waging Peace's research indicates that Chinese financial investment in Africa is resulting in both positive and negative impacts on human rights in Africa. Indeed, some examples of Chinese financial investment are particularly complex, creating positive effects in one area, whilst simultaneously negatively affecting others in same state. For example, dam projects have displaced thousands of people and had a detrimental effect on the surrounding environment, while at the same time contributing to much-needed power generation.

We must, therefore, be careful not to let the recently highly publicised example of Darfur pervade all analyses of China's investments in the continent. Whilst China's involvement in Sudan is a clear example of the grave consequences of Chinese investment, there are many other cases where the net impact of China's presence is less obvious. Rather, Chinese investment has potential for good, but without proper implementation, it poses serious negative consequences for Africans.

It is also necessary for *Western* governments & businesses to change policies that are unfair to Africa. Competition for African resources is beneficial to Africans, as it provides a range of choices and better ensures a fair deal and the long-term strengthening of African human rights. As Sophie Richardson points out in a recent HRW World Report, China's activities may deserve criticism when linked with human rights abuses; however, they should receive no more criticism than any other country doing the same.[247]

The best means of maximising China's positive influence is for *African* leaders to use investment and trade agreements with China to guarantee a fair deal for their own people. African leaders must ensure that all financial agreements on behalf of their states are in adherence with Article 21.1 of the African (Banjul) Charter on Human and Peoples' Rights: *"All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it."* A recent $5 million deal agreed between China and the Democratic Republic of Congo exemplifies a step in this positive direction, with the DRC's President Kabila assering,

> *"The Chinese banks are prepared to finance our Five Works (water, electricity, education, health, and transport). For the first time in our history, the Congolese will really feel what all that copper, cobalt and nickel is good for."*[248]

It should be noted that the long-term effect of this deal for ordinary Congolese is yet to unfold, but it has at least been initiated with the proper goals in mind.

Indeed, some African governments are beginning to distance themselves from the pace and penetration of Chinese investment. In 2006 South Africa's President Mbeki cautioned against African states getting caught 'in an unequal relationship' with China, as they did under other states during colonial rule, and some West African states have asserted their control on Beijing by accepting contract offers whilst maintaining relationships with other investors.[249]

However, the majority of African states are jumping at the chance to accept Chinese investment[250] and are averse to taking precautions against the potential negative impact it might have on their populations' human rights.

Where African governments are unwilling to institute safeguards to ensure that local populations benefit from the investment, China's desire to be considered a respected member of the international community presents a unique opportunity and must be used to pressurise China to ensure fair deals that promote human rights in African countries.

For instance, the 2008 Olympics in Beijing and the current media-hype surrounding it should be leveraged to highlight continuing human rights abuses to which China's financial and political support have contributed and to compel China to take more responsible action in Africa.

Chinese investment in Africa has the potential to boost and benefit the human rights of African citizens and ultimately, the best way to ensure this is to encourage African leaders to direct the terms and consequences of this investment. In the meantime, where African leaders stand in the way, it is imperative that the international community pressure China to ensure its investments promote African human rights.

VI. Recommendations

Waging Peace makes the following recommendations to government agencies, NGOs, academics, media, and businesses.

All parties interested in Chinese investment in Africa must recognise that the promotion and protection of human rights, as laid out in the Universal Declaration of Human Rights and in the African (Banjul) Charter on Human and Peoples' Rights, is an integral commitment of states acting in good faith as members of the international community.

Government agencies:

- Lobby China through diplomatic means to promote human rights in African states.
- Western governments must change Western policies that are unfair to Africa: competition for African resources is good for Africans, as it gives them a range of choices and better ensures a fair deal.
- African leaders must ensure that all financial agreements on behalf of their states fulfil the criteria of the African (Banjul) Charter on Human and Peoples' Rights, namely, Article 21.1, that *"All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it."*
- African and Chinese state officials must use meetings such as the China-Africa Seminar on Human Rights (2004), sponsored by the China-Africa Co-operation Forum, to state a general support of human rights and to outline and agree on effective and practical measures on local, state and regional levels to safeguard human rights and to remedy the previous infringement of those rights.
- African governments and regional governmental organisations must institute – and then enforce – punitive consequences should the actions of business in African states contravene the rights of the local people, or should business act in a way that is detrimental to the well-being of the local community.
- State and local African governments should require investing business to consult community members and leaders about the local impact of projects before those projects begin, particularly when they might result in significant changes in, for example, the local job market, environment, and property.
- Collaboration, including joint-venture projects, between Chinese business and local communities and organisations should be encouraged.
- People must be given the chance to freely voice opposition to projects. The African state should take local opposition into consideration when reaching agreements with business and must protect the right of the community to peaceably express opposition.

NGOs, Academics, and Media:

- Lobby for fair trade & fair investment deals for Africa.
- Research into how African states can get better deals from China, and work with academics to advise African states and organisations accordingly.

- Continue tracking and publicising the effects of Chinese investment in Africa.
- Publicise positive steps taken by Chinese state and business officials, as a means of holding them accountable for their promises and encouraging them to fulfil promises of support for human rights and socially responsible principles.
- Urge businesses to sign and adhere to initiatives that encourage accountability and transparency such as the Extractive Industries Transparency Initiative (EITI) and Publish What You Pay and Publish What You Earn schemes.

Business:

- Engage in fair policies with African states: competition for African resources is good for Africans.
- Businesses operating in Africa must make conscious efforts to ensure that their actions conform to the African (Banjul) Charter on Human and Peoples' Rights.
- Infrastructure projects, such as the construction of dams, must recognise the prior right of local people to their land. Furthermore, where land has been wrongfully taken, misused and/or damaged, the dispossessed people have the right to the lawful recovery of their property as well as to adequate compensation.
- Business must be willing to consult community members and leaders about the effects of their projects on the local community and to demonstrate a willingness to consider local concerns.

Specifically regarding China's presence in Sudan, Waging Peace calls for the immediate implementation of the following by the Chinese government:

- Use diplomatic and economic levers to pressure the GoS to sign the agreement finalising the legal framework of the deployment of the UN-AU hybrid peacekeeping force, which the GoS is still tactically delaying.
- Utilise all means possible to pressure Khartoum, both publicly and privately, to bring an end to the ethnic cleansing and genocide in Darfur.
- Assist the ICC wherever possible in their attempts to indict those charged with crimes against humanity and war crimes.
- Engage with both the Government of South Sudan (GOSS) and the GoS in order to help mediate between the two political bodies, especially on issues concerning natural resources, devolution of power and implementation of the CPA; highlight that it is in the political and economic interests of Beijing to forge a relationship and engage with the GOSS to secure the future of their investments in the South.
- Immediately cease violating UN Security Council Resolution 1591, to which you are a signatory.
- Under no circumstances allow Sudan's armed forces to use Chinese built and/or operated oil installations and infrastructure as bases from which to attack or displace civilians.
- Publish the full details of agreements, accounts, and transactions regarding the transferral of oil and arms. Urge the GoS to do the same.
- Introduce more stringent monitoring of the true and final destination of weapons transfers to Sudan; for example, ensure proper use of end-user certificates.

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