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Abstract

The increasing economic engagement of emerging states such as China raises concerns, especially in Western scholarly work, as to the growing influence and negative impact of China on international law. South-South investment relations are especially being put under heightened scrutiny. In this regard, it has been argued that the rise in economic legalisation efforts, for instance the signing of BITs, would politically alter the balance of power between developed and developing states. The present article intends to take a closer look at the human rights implications of Chinese investment agreements with African states. It, therefore, firstly identifies a lack of justice-based provisions that hinders the systemic integration of human rights law and international investment law. Secondly, it suggests that China's human rights approach when engaging in investment relations does not necessarily differ from investment approaches of traditional partners since China utilises the underlying power implications by Westernising its investment treaties. Yet, the overall failed integration of justice considerations into international investment law must rather be considered a result of both structural deficiencies and colonial legacy, a legacy that till today hinders essentially the implementation of policy space, human rights and the right to development.

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Introduction

The economic rise of the People's Republic of China (hereafter China) in international law has been studied from various perspectives. According to the 2016 World Investment Report and against a general downward trend in 2015, a limited number of developing economies registered an increase in their outward foreign direct investment (FDI); China's FDI increased from US$ 123 billion to US$ 128 billion (UNCTAD, 2016). China, thereby, remained the third largest investor worldwide, after the United States (US) and Japan, and became a major investor in other developing states. With regard to Africa, China overtook South Africa in being the largest investor in the region. The rise of Chinese FDI in Africa has been described as a subject of profound curiosity (Kidane and Zhu, 2014). Particularly, emerging economies such as *inter alia* China or India appear to have an increasing demand for Africa's natural resources and engaging in extensive South-South[1] investment relations (ECOSOC, 2015).

With such an economic power shifting towards China, the West seems to observe an increasing impact of China on the international normative order (see Fenby, 2014; Jacques, 2009; Shambaugh, 2013). In particular, a growing concern is being voiced in international legal scholarship about China's negative impact on the international human rights law regime (Ahl, 2015; Subedi, 2015). This Western concern or even "anxiety" revolves around China allegedly engaging in neo-colonial activities, for example, its deployment of numerous state-owned enterprises (SOEs) or the vast investments in infrastructure[2] (see Anthony, 2013; Kidane, 2014) while at the same time playing an increasingly significant role in international law and within international (human rights) institutions (Ahl, 2015). The anxiety is, however, also based on the potential for China, a communist state that is seen as a threat to Western democratic values, to restructure the international legal society (Subedi, 2015).

Till today, China has ratified 25 human rights treaties (Ahl, 2015), while also being a state with the second most international investment agreements in place, namely, 129 bilateral investment treaties (BITs) and 19 other treaties with investment provisions. China's human rights approach, having signed, yet not ratified the International

Covenant on Civil and Political Rights (ICCPR), differs substantially from those of other major capital-exporting states. China prioritises community rights, the right to development and lastly economic, social and cultural rights (ESC rights)[3]; rights whose extraterritorial application have been marginally studied in international legal scholarship and is rather considered an approach *de lege ferenda* (Langford *et al.,* 2013).

Home state responsibility in a foreign investment scenario could almost exclusively arise in the context of extraterritorial human rights application. While extraterritorial application of civil and political rights of, for example, the ICCPR, the European Convention on Human Rights (ECHR) or the American Convention on Human Rights (ACHR) are commonly accepted (Coomans and Kamminga, 2004; Borelli, 2005; Dennis, 2005; Wilde, 2005; Milanovic, 2011), given the prerequisite of effective control ESC rights appear to fall short of such an extraterritorial dimension. Accordingly, it does not come as a surprise that ambiguity remains with regard to extraterritorial human rights obligations in international investment law: Is China under a duty to safeguard the non-infringement of human rights in case inventors hold the Chinese nationality? Uncertainty arises, firstly, because the degree of sufficient home state control is questionable and secondly, because the rights potentially infringed in a foreign investment situation are typically those of economic, social or cultural quality (Desierto, 2015).

This article, therefore, aims at taking a closer look at the historic and systemic implications of international investment law, a law that was designed to restrict state sovereignty in favour of foreign investments. It argues that power within international investment law hinders the full realization of justice-based rules such as human rights. In particular, power-based investment rules that are inherently asymmetric contribute to the failure of systemic integration of international investment law and human rights law. The study then aims to evaluate the Chinese approach to human rights law, especially within its investment treaty practice with African states, in order to conceptualise the impact of rising powers on the current legitimacy crisis, a crisis that conceptualises in states distrusting the dispute mechanism system, re-evaluating investment treaties and the partial termination

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thereof[4]. Studies suggest that while China is not desiring to undermine the current human rights system since China indeed works *with the system* and *within the system*, it may nevertheless potentially try to (re-) shape the normative order to suit both its political and economic needs (Subedi, 2015). Admittedly, political considerations are to a certain degree inherent to any legislative policy (Abi-Saab, 1962).

This article proposes that in contrast to expressed Western anxieties, today's concern is not rooted in ideological differences (communism vs. democracy), but rather in a quest for *economic* supremacy. The failed systemic integration of human rights into international investment law consequently is only partly exacerbated by rising powers and their human rights approach, but rather fundamentally due to underlying power tendencies inherent in international investment law.

Conceptualising human rights law and international investment law – prospects and limits

Economic globalisation and its implications currently pose a challenge to the international normative order (Bunn, 2012). Not only is power shifting towards emerging economies, but it also entails the reduction of the role of the state (Aguirre, 2008), either through privatisation or deregulation (ECOSOC, 1999). Likewise, the rise of private power and cross-border state activity infringes the effective realisation of human rights, since the main duty bearers are territorial states. In 1998, the Committee on Economic, Social and Cultural Rights (the Committee) held a general session on "Globalisation and its impact on the enjoyment of economic, social and cultural rights", in which the Committee observed a risk to especially ESC rights (ECOSOC, 1999). Trade, finance and investment seem to have a negative impact on particularly the right to work, the right to just and favourable working conditions, the right to unionize, and the right to have social security (Bunn, 2000).

The issue: fragmentation of international law – BITs and pieces

International law consists of many sub-regimes such as "international human rights law", "international environmental law" or "international investment law" that

contain highly specialised rules with regard to content of obligations, compliance and enforcement. The problem arises in cases of no clear hierarchy or relationship of those systems. For example, international environmental law entails no provisions with regard to its relationship to international economic law. Nevertheless, in certain situations, for example, a state fulfilling its obligation to undertake an environmental impact assessment (EIA), could thereby possibly violate its obligations owed to the private sector.

Today's fragmentation of international law is rooted in the emergence of highly specialised and to a degree independent rules, institutions and spheres of legal practice (ILC, 2006). Especially in international investment law the bilateralisation of treaty-law exacerbates the fragmentation of the international society, with the consequence of lawyers having to deal with sub-regimes (ILC, 2006). General international law can only to a certain extent support the implementation of such specialised regimes. The International Law Commission's Fragmentation Report identifies the problem as one of isolated law-making, disregarding the other sub-regimes. Consequently, conflicts arise, "deviating institutional practices and, possibly, the loss of an overall perspective on the law" (ILC, 2006). Also investment arbitration raises concern in the eyes of international lawyers, since they fear continued inconsistency in international investment decision-making and thus the producing of fragmented and illegitimate international law (Alvarez and Khamsi, 2009).

Numerous investment tribunals have dealt with the relation of host states' human rights obligations towards its own population and obligations owed to the foreign investor[5]. In the case of *Suez v. Argentina* concerning a concession agreement for water distribution, the investment tribunal held that Argentina had violated its fair and equitable treatment (FET) obligation by disrupting investors' "reasonable expectations" to regulatory stability. In its decision on liability, the tribunal saw Argentina under an obligation to satisfy both human rights and investor rights "equally", yet failed to explain how to reconcile such obligations, for example, by interpreting the investment treaties in light of Argentina's human rights obligations pursuant to Article 31(3)(c) Vienna Convention on the Law of Treaties (VCLT).

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Considering the case law of arbitration tribunals generally, it seems questionable whether the jurisprudence of investment tribunals reconciles those conflicts of obligations in a systemic way, for instance, through a *lex specialis* approach (Viñuales, 2012). Is FET *lex specialis* right to water in the specific case and can a state simultaneously fulfil its investment and human rights obligations in times of economic crisis? Due to a recent wave of progressiveness in international law, a few new generation BITs contain clauses, which obligate host states to respect human rights and environmental law. Recent BITs, for example, the 2015 Burkina Faso-Canada BIT, the China-Republic of Korea Free Trade Agreement (FTA), the Japan-Uruguay BIT and the China-Australia FTA have taken the approach of incorporating clauses protecting, for example, labour rights that help clarify host state and investor obligations (see UNCTAD, 2016). However, it remains unclear whether this really solves the compelling issue between conflicting regimes that are substantially drafted to satisfy a completely different obligation. Those new clauses often remain vague in language and potential human rights infringements continue to not fall under the jurisdiction of investment tribunals. Incorporating rules into investment agreements can, therefore, be considered beneficial only to a certain extent. In conclusion, such an approach does not, however, solve the *systemic* question of conflict of obligations, investors' obligations and extraterritorial application of human rights.

Host states' conflicting obligations

BITs and similar investment chapters in FTAs limit sovereignty, in particular, home states' policy space. This means the state is limited in its decision-making powers to regulate in the public interest, which includes economic matters, but also human rights questions (Dolzer, 2006; Kaushal, 2009). The dilemma in international investment law is that up-to-date international law does not pose binding obligations on private entities (Dumberry, 2016; Kinley and Tadaki, 2004), except with regard to gross human rights abuses or norms *jus cogens* (Vázquez, 2005). This lack of international legal accountability is regardless of the influence and leverage that a private investor might have.

With regard to home states, only a few BITs incorporate obligations for the capital-

exporting state (Van Harten, 2016); for instance, the obligation to regulate activity of their nationals abroad or enhancing programs for insurances. Thus, regulatory risk is shared between host and home state in case of economic, environmental or social necessity (Van Harten, 2016).

Several suggestions have been made as to incorporate human rights aspects in the negotiation process of investment agreements. The UN Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises suggested that "[s]tates in fulfilling their duty to protect against corporate-related human rights abuses avoid unduly and unwittingly constraining their human rights policy freedom when they pursue other policy perspectives" (quoted in Simons, 2012). He thereby places the sole responsibility on the host state, ignoring the fact that BITs allocate power, in particular government decision-making power from the state to both private actors and international tribunals (Davitti, 2012; Jackson, 2003; Kaushal, 2009). In other words, he suggests: "don't allocate power to third parties", thereby failing to approach the question of systemic integration, shared responsibilities and the underlying reasons for developing countries to enter into unfavourable BITs (see Kaushal, 2009).

The failed reconciliation of human rights law and international investment law is also due to the uncertainty of BITs' application and inconsistency of tribunal's methodology. Furthermore, it is an overall trend in international law, due to globalisation, that we experience a wave of denationalisation, meaning a shift of power towards other entities, for example, multinational enterprises, other than the state (see Bogdandy, 2003; Vázquez, 2005).

The primary human rights responsibility continues to lie with the host state that enters into sovereignty restricting treaties (Vandenhole and Benedek, 2013). Yet, the failure to reconcile human rights and investment law is also a consequence of underlying systemic inadequacy of international investment law itself, a law that is not based on factual reciprocity. BITs are reciprocal in so far as their application between states is concerned, yet with regard to investor-state relations, no such reciprocity can be determined. Despite the underlying systemic errors, international

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investment law does, however, not shift sovereignty *per se* to the foreign investor. Host state sovereignty is rather restricted with regard to the exercise of that authority, yet does not entitle the private actor to exercise the state's authority instead (Kaushal, 2009). In this regard, the sovereign responsibility to protect its citizen from human rights abuses by third parties continues to lie primarily with the host state and perhaps also with the home state.

This article tries to shed some light on power implications of a failed reconciliation of human rights and investment law. It accordingly identifies three key aspects: Firstly, the conflicting investment and human rights obligations of host states as discussed above; secondly, the lack of investor-accountability and thirdly, the ambiguity when it comes to extraterritorial home states' obligation, especially with regard to ESC rights. In the following, this paper seeks to answer the question of home state responsibility, in particular applying the findings to Sino-African investment relations. This paper, therefore, concentrates on the issue of extraterritorial application of ESC rights[6], or alternatively, justice-based solutions.

Power and justice in international investment law

Power has always been an essential aspect of international law. It has even been argued by "Third World[7]" scholars (see Sornarajah, 2006) that international law was created *in order to* safeguard Western power, *inter alia* through colonialism, thereby both creating and upholding hegemonic structures (Anghie, 1999; Koskenniemi, 2001). According to Antony Anghie, those power implications in the historical evolution of international law continue to shape international law and the conceptualisation of sovereignty (Anghie, 1993; Anghie, 1999), particularly international investment law (Lipson, 1985). At its height of unity, Third World states articulated norms on behalf of peoples that were justice-based in order to counter power-based norms. Such norms are for instance the right to self-determination, the (some might say failed) quest for a New International Economic Order which advocated national control over foreign investments or permanent sovereignty over natural resources (Sornarajah, 2006; Sornarajah, 1997; Sornarajah, 2015).

Specifically, the evolution of laws and regulations on foreign investment was inherently power-based. Although investment agreements were drafted in formally reciprocal terms, the application of international standards was based on the assumption that developing countries do not accord sufficient protection to FDI (Sornarajah, 1997). For example, despite Article 42 International Centre for Settlement of Investment Disputes-Convention (ICSID-Convention) establishing a primacy of national law, international law was applied to cases despite parties to an arbitration proceeding did not agree to it. Today's concept of the Third World refers to a state of mind, a justice-based approach, and is not meant as an economic concept, considering also that developing countries are now major capital exporters (Sornarajah, 1997). From a Third World perspective, justice became the prerequisite for legitimacy in international law. In the following, this article takes a justice-oriented approach in answering the question of today's power-implications and lack of legitimacy in investment law.

The importance of history and a Third World approach to international investment law

The question of legitimacy in international investment law, or even international law in general, always arises in Third World scholarship due to the regime's colonial history (Miles, 2010; Sornarajah, 1997) and its implications for developing countries today. Yet, as scholar Abi-Saab phrased it: "That is why I would discard from the discourse of legitimacy any attempt to use it as a means to dodge or get around the law; as a *passé-droit*, a license trumping legality or a 'justification' of its violation" (Abi-Saab, 2008). Third World scholarship and justice approaches may not serve as a shield from criticism; it is rather an approach to dismantle old power-based structures, but also to dismantle the adaptation by developing countries thereof.

While most Western scholars reject the approach of decolonising international investment law through a historical analysis (Sornarajah, 1997),[8] Third World scholars regard international investment law as suffering from a deeply-rooted legitimacy crisis that it intertwined with the historical origins of international

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investment law, a regime that was created in order to secure Western assets in newly independent states (Lipson, 1985). This view of power implications inherent to investment protection is supported by various facts, for instance, the historical trend in which developed-country investors have accounted for over 80 per cent of all known claims (UNCTAD, 2016).

Indeed, the historiography of international law, even when half a decade has past, is crucial in dismantling current structural deficiencies (Chan, 2014; Davitti, 2012; Miles, 2010; Sornarajah, 1997; Sornarajah, 2006). Such a critical approach is necessary to potentially create a more legitimate and balanced system. It is likewise necessary in understanding specifically South-South legal relations and developing states' attitude towards specific concepts of international law. Susan Marks for example stated that

> *... when we treat international law as a redemptive force that could save the world if only it were properly respected and enforced, we obscure the possibility that international legal norms may themselves have contributed to creating or sustaining the ills from which we are now to be saved. We also mischaracterize the processes of emancipatory change as redemption or deliverance. And we weaken our capacity to criticize international law, and make it more useful to those by whom liberatory processes are actually carried forward* (Marks, 2006).

Other authors (Kaushal, 2009) have argued that the inability or unwillingness to address the historical context leads to what is described as recent "backlash" (Caron and Shirlow, 2016). Both developed and developing states are being more and more sceptical towards the system and its enforcement mechanisms, due to an alleged erosion of democratic principles (Alvarez and Khamsi, 2009). In order to understand the underlying structural deficiencies, especially with regard to the fragmentation of human rights law and international investment law, it is essential to factor history and critical scholarship into the analysis (Miles, 2010). The inherent power implications continue to influence the relationship between investment and human rights, and can only be conceptualised when engaging in a justice-based analysis

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(Davitti, 2012).

Understanding the legitimacy crisis – a critical approach

Since 1959, when the first BIT was concluded between Germany and Pakistan, capital-exporting, developed states have engaged in a practice of negotiating BITs, typically with developing states (Peterson and Gray, 2003). The evolution of BITs can be traced back to both failure of negotiating a multilateral agreement and disagreement as to the customary international law standards with regard to foreign investments (Peterson and Gray, 2003). The treaties were designed to protect primarily Western assets in states that later became newly independent. Western fears of nationalisation or arbitrary treatment in newly-independent states was accordingly the main motivating force (ECOSOC, 2015). Furthermore, African states concluded first generation BITs primarily to assert their status as sovereign states, not considering perhaps due to a lack of experience and expertise, the distinctive needs for their young societies (ECOSOC, 2015).

International investment law, particularly its dispute settlement mechanism, has been harshly criticised, especially for its public/private divide and contribution to fragmenting international law. Developing states increasingly condemn the current system, by either reviewing their BITs or limiting the jurisdiction of investment tribunals. The backlash that international investment law is facing manifests itself on the one hand in the re-evaluation, re-negotiation and termination of international investment treaties, but also in the increase of private power in international investment law, namely the exclusion of investors from the list of duty-bearers.

States recently expressed their distrust in the dispute mechanism system and no longer view ICSID as the preferred mechanism to deal with disputes arising between a foreign investor and the host state (UNCTAD, 2010). Countries such as Bolivia, Nicaragua, Ecuador, South Africa, India and Indonesia are limiting ICSID's power by denouncing consent to investment arbitration, reviewing and partly terminating their BITs. Finally, China altogether has limited trust in international adjudication, which is why it granted limited jurisdiction to ICSID and international arbitration (Ofodile, 2013).

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There are structural aspects that shift power towards the private sphere through disengagement of the state (Davitti, 2012; Des Rosiers, 2003): Firstly, investment arbitration, based on a model of private commercial arbitration, generally excludes the necessity of initiating proceedings before national courts prior to arbitration, thereby allowing investors to bypass national and most importantly public law institutions (Davitti, 2012). Secondly, private entities in investment law, while being beneficiaries, do not hold any legal obligations such as human rights obligations *vis-à-vis* the host state population (Davitti, 2012).

Another concern explicitly revolves around the growing diversity of BITs and the risk of incoherence (UNCTAD, 2007). According to the United Nations Conference on Trade and Development (UNCTAD), the risk of incoherence is especially great for developing countries that lack expertise and bargaining power. Consequently, they are more likely to conduct treaty negotiations on the basis of the BIT model of their negotiating partner, following the trend of whatever approach the developed capital-exporting country takes in its treaties (UNCTAD, 2007). This could result in BITs leaving policy space for public policy reasons, while other BITs of that same state are excluding such policy considerations (UNCTAD, 2007). The implications for developing countries are enormous and power continues to play into law-making in international investment law. In this regard it seems striking, especially when analysing South-South agreements, that the overall increase in bilateralisation juxtaposes "the historical collective resistance of developing countries towards pro-investment principles and their resistance to a multilateral investment agreement" (Kaushal, 2009).

China vis-à-vis "Western" principles: understanding resistance

According to Sornarajah,

> *China, though not a state created through the processes of self-determination, played a leading role through solidarity with the newly independent states of Africa and Asia in advancing the causes espoused by these states which, together with the developing states of Latin America, collectively came to be described as the Third World*

(Sornarajah, 2006).

China's international law approach and general scepticism has been explained with China's exposure to Western oppression and the legitimation of this oppression by international law (Chan, 2014). It has been argued that China was denied equality in international law in the 19th century as "Western powers, supported by their legal theorists whose work justified colonialism and Western legal norms and principles, devised the notion that only they constituted the 'family of nations'", from which China was excluded on account of its alleged inferior standards of civilization (Chan, 2014).

This perception or Third World "trauma" explains China's strong emphasis on egalitarian principles, non-interference and state sovereignty[9]. It is rhetoric that till today constitutes a decisive aspect of China's foreign policy and which Western states perceive to be contrary to modern human rights law. China's approach, therefore, feeds the Western anxiety of China as "the other" in international law.

Sovereignty and legitimacy in international investment law

China always placed great emphasis on its sovereignty and non-infringement. In the evolution of international investment law, sovereignty played a key role. The UN General Assembly (UNGA) Resolution 1803 on the permanent sovereignty over natural resources or UNGA Resolution 3218, an appeal for a New International Economic Order especially marked a significant change in the balancing of sovereignty and the protection of foreign investment from a Third World perspective. In particular, Article 2 of UNGA Resolution 3218, prioritised national sovereignty over property rights of foreigners and allocated disputes for that matter to national courts and tribunals, leaving the host state in full control over foreign investments on its territory (Kaushal, 2009). In the 1990s, also due to the rapid bilateralisation of international investment law, the priority (at least the treaty texts suggested such assumptions) shifted towards a stronger protection of foreign investments (Kaushal, 2009). The uncertainty of the aforementioned balance (sovereignty vs. protection of foreign investments) as well as the uncertainty of priorities is partly responsible for the recent legitimacy crisis (Kaushal, 2009). In this

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regard, it seems remarkable that Third World states, including China, extensively concluded BITs since the 1970s (Kaushal, 2009).

Yet, China's attitude with regard to state sovereignty might not be as antiquated as current scholarly works suggest. Developed countries, as much as developing countries, are demanding greater respect for sovereign regulatory measures (Kaushal, 2009). The US for instance argues in the *Methanex v. US* case:

> *A doctrine of restrictive interpretation should be applied in investor-state disputes. Wherever there is any ambiguity in clauses granting jurisdiction over disputes concerning states and private persons, such ambiguity is always to be resolved in favour of maintaining State sovereignty* (Methanex v. US).

"Justice" in the sense of protecting public policy space is not exclusively a Third World concern and sovereignty considerations are leading to a re-evaluation of the current BIT-regime also in developed states (UNCTAD, 2007).

Hypocrisies in the current legitimacy debate?

Third World scholars perceive current debates about and heightened scrutiny of *inter alia* human rights' validity, normativity and implementation as being abused and even "manipulated" by the Western world (Chan, 2014). China specifically, "the other", seems to be under heightened scrutiny due to its emergence in economic strength and ambiguous behaviour within its international relations; a behaviour that the majority of Western actors has yet to comprehend. It has been suggested that rising powers such as China, India and Brazil "may contribute to the creation of this new alternative international law in opposition to the law created by the hegemonic power and its pliant allies" (Sornarajah, 2006). Still, eyebrows are raised as to whether such an approach may erode the current international legal system, especially human rights law. Such an alternative approach in international law seems to cause what this author refers to as "Western anxieties" - anxieties that hinder an unbiased evaluation of South-South agreements and approaches.

Particularly, investment protection through the formulation of binding, power-based

rules that systemically excluded human rights and justice considerations is a crucial aspect in the maintenance of economic power (Sornarajah, 2006). Therefore, an analysis that deals with underlying structural deficiencies of South-South agreements and a Third World approach to international investment and human rights law needs to include historical evolution of such power-based rules. An unbiased analysis must also include the fragmentation of the Third World itself, namely emerging economies such as China on the one hand and other, lesser developed countries on the other hand. It seems that international investment law today falls short of an overall Third World resistance, meaning the incorporation of justice-based rules such as human rights. One reason might be the lack of common interests shared by capital-exporting developing states such as China and capital-importing other developing states.

Third World scholarship is not a shield against criticism for any violations of international law by Third World states. In particular, the fact that underlying legitimacy errors impede the realisation of human rights does not justify Third World states condoning such a law-making process. Accountability for human rights abuses is not limited because other states engage in similar abuses (see Peerenboom, 2005). Such a perception would indeed unveil hypocrisies of both Third World states and Western states alike, however, it would not, in fact, improve international human rights standards.

Home state ESC rights obligation – state responsibility for conduct of private investors abroad

A rise in FDI within developing states demonstrates the increasing vulnerability of the individual in a globalising world (Coomans and Kamminga, 2004). The idea of human rights and its codification after World War II was to constrain any arbitrary exercise of state power (Coomans and Kamminga, 2004). Today, however, we see global power shifting, diffusing and in the context of private investors even privatising, leading to legislative loopholes and an increase in uncertainty. Such an uncertainty arises for instance in the case of home states' human rights responsibility.

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Western economic interests expanded significantly as a result of globalisation. In this regard, international law was used to secure hegemonic power and Western interest especially in developing states (Sornarajah, 2006). As a consequence, power, whether governmental or private, was not merely exercised within a state's territorial borders, but impacted and still impacts individuals in receiving states.

Generally, under international human rights law, states have the duty to *inter alia* protect individuals from violations by both public authorities and non-state actors (Peterson and Gray, 2003). However, in a foreign investment scenario *home* state responsibility could only arise in the context of extraterritorial human rights application. International courts and treaty bodies (ICJ, 2000; ICJ, 2004; ICJ, 2005; ICJ, 2008; HRC, 2004) as well as scholars (Borelli, 2005; Coomans and Kamminga, 2004; Dennis, 2005; Gibney and Skogly, 2010; Gondek, 2009; Milanovic, 2011; Skogly, 2006; Wilde, 2005) welcome the idea of civil and political rights of, for example, the ICCPR, the European Convention on Human Rights (ECHR) or the American Convention on Human Rights (ACHR) as applying extraterritorially, given the prerequisite of jurisdiction, which is presumed to be exercised when the state or its agents are exercising authority or control or otherwise public powers (ECtHR, 2011). Yet, ESC rights' extraterritorial dimension, apart from the international assistance requirement of Article 2(1) of the International Covenant Economic Social and Cultural Rights (ICESCR), even though suggested by scholars (Maastricht Principles 2011), must be seen as *de lege ferenda* (Coomans and Kamminga, 2004). The field is said to be embryonic (Langford and Darrow, 2013) especially due to lack of extraterritorial state practice.

The following gives a short overview about the different legal approaches to extraterritorial ESC rights' obligations. Legality of such approaches has not necessarily emerged in international law. Nevertheless, when one considers morality and justice, the question of normative legitimacy goes beyond the question of mere legality (Langford and Darrow, 2013). Moral theory in this regard can be utilised in deconstructing the underlying reasons for systemic errors and, thus, might serve to answer the question of legitimacy.

Extraterritorial application of ESC rights in the jurisprudence of international courts, tribunals and committees and literature

Traditionally, the state duty of realising human rights was limited to a state's territory (Langford et al., 2013). In today's globalised reality, however, a state might engage in activities abroad for which it needs to be held accountable in case of potential human rights abuses and exercises of control. In the wake of powerful extraterritorial actors, it appears that they operate with immunity due to legal uncertainty (Langford et al., 2013). Legal uncertainty of extraterritorial ESC rights can be traced back to states that on the one hand engage in activities abroad, yet, are on the other hand reluctant to accept the extraterritorial application of human rights (Wilde, 2013). Hence, state practice with regard to the extraterritorial dimension of especially ESC rights treaties is non-existent.

The UN Committee on Economic, Social and Cultural Rights and extraterritorial scope of the ICESCR

The Human Rights Committee (HRC) uses the term "effective control" when establishing state responsibility for abuses of civil and political rights (HRC, 2004). Most human rights treaties that codify civil and political human rights expressly require state parties to ensure the rights enshrined in the conventions to all persons subject to their *jurisdiction* (see for example, ACHR, Art. 1(1), Art. 1 ECHR and Art. 2(1) ICCPR). The term jurisdiction allows for an interpretation in line with the HRC (HRC, 2004) and the International Court of Justice (ICJ), for civil and political rights to apply extraterritorially (ICJ, 2004). According to the HRC, "a State party is under an obligation to respect and ensure the rights laid down in the Covenant within the power or effective control of that State Party", even extraterritorially (HRC, 2004). Therefore, in exceptional circumstances jurisdiction can be assumed when the state in question exercises power or authority outside its territory (ECtHR, 1996, Borelli, 2005).

A similar approach has been taken by the UN Committee on Economic Social and Cultural Rights with regard to ESC rights, when assessing state duties (CESCR, 1997; CESCR, 1999; CESCR, 2004). In particular, Article 2(1) ICESCR, while

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lacking a jurisdictional clause, includes an extraterritorial aspect, namely the duty to take steps individually and through international assistance and cooperation, especially economic and technical. In its General Comment No. 3, the Committee notes

> that in accordance with Articles 55 and 56 of the Charter of the UN, with well-established principles of international law, and with the provisions of the Covenant itself, international cooperation for development and thus for the realization of economic, social and cultural rights is an obligation of all States (CESCR 2004).

In its General Comment No. 12 on Article 11 ICESCR, the right to adequate food, the Committee further concretises the obligation of international cooperation by inviting state parties to "take steps to respect the enjoyment of the right to food in other countries" (CESCR 1999). The Committee, accordingly, does not limit the state duty of cooperation to an omission but sees states under a somehow *positive obligation* to act, even when outside its territory. To what extent the Committee perceives foreign states as being under a positive obligation remains ambiguous.

The International Court of Justice and ESC rights

The ICJ, a significant judicial organ when it comes to human rights despite not being a "human rights court" (Wilde, 2013), dealt with the question of extraterritorial human rights application. Cases such as the *2004 Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories Advisory Opinion*; the *2005 Case Concerning Armed Activities on the Territory of the Congo (DRC v. Uganda) judgment* of 2005; and the *2008 Order Indicating Provisional Measures in the Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation) case* all revolve around the interpretation of human rights treaties, especially their extraterritorial application (ICJ, 2000; ICJ, 2004; ICJ, 2008; ICJ, 2005).

With regard to the ICESCR, the ICJ held in the Wall Advisory Opinion that the lack of a clear provision on the scope of application

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> … may be explicable by the fact that this Covenant guarantees rights
> which are essentially territorial. However, it is not to be excluded
> that it applies both to territories over which a State party has
> sovereignty and to those over which that State exercises territorial
> jurisdiction (ICJ, 2004).

The ICJ then applies its finding to Israel and the occupied territories (ICJ, 2004).
Yet, it fails to make a systemic argument why it assumes the possibility of
extraterritorial application. It fails to argue whether the lack of a jurisdictional clause
either waives the requirement of territorial connectivity or *a fortiori* supports
extraterritorial application, which could be assumed when interpreting Article 2(1)
ICESCR in accordance with Article 31(1) VCLT[10]. The ICJ merely concluded that
the wall and its associated regime impede "the exercise by the persons concerned of
the right to work, to health, to education and to an adequate standard of living as
proclaimed in the International Covenant on Economic, Social and Cultural
Rights..." (ICJ, 2004). This reduced analysis of applicability of the ICESCR led to
some authors questioning the appropriateness of the ICJ on deciding human rights
issues, considering that there are more suitable and specialized treaty mechanisms in
place to deal with such violations (Higgins, 2004).

The reduced elaboration of the ICJ in its Wall Advisory Opinion on extraterritorial
ICESCR state obligations could also be read as the ICJ treating all human rights
treaties as if they entailed a jurisdictional clause (Wilde, 2013). It assumed that due
to state "power" (ICJ, 2004) being exercised, Israel was under an ICESCR
obligation. Hence, power or influence could be the relevant factor in establishing
extraterritorial state obligations, also in the case of foreign investments.

Article 2(1) ICESCR – jurisdiction and the duty to respect, protect, fulfil extraterritorially?

Although there is currently no treaty practice in place, home states that are parties to
the ICESCR are according to Article 2(1) ICESCR under an obligation to *respect*,
protect and *fulfil* the human rights contained in the treaty, as stipulated by the Report
of the Special Representative of the Secretary-General on the issue of human rights

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and transnational corporations and other business enterprises (UN Framework Report 2008; Desierto, 2015) as well as by the Committee (CESCR, 2014). Accordingly, at least this is what the UN Framework Report suggests, contracting states are under an obligation to also ensure that its nationals who are third parties are not violating the rights enshrined in the ICESCR (UN Framework Report 2008). The UN Framework Report further considers the duty to protect to encompass a legal as well as a policy dimension (UN Framework Report, 2008).

According to the UN Framework Report, one problematic aspect in the context of foreign investments remains as to what extent home states are under a duty to prevent human rights abuses abroad by national corporations (UN Framework Report 2008). In this regard, the UN Framework report firstly concentrates on the question of jurisdiction, as in control or authority; secondly, the actions of the home state must meet an overall reasonableness test, which includes non-intervention in the internal affairs of other states (UN Framework Report 2008).

There is increasing encouragement at the international level, including from treaty bodies, for home states to take regulatory action to prevent abuses by their companies overseas. Yet, jurisdiction, which triggers the extraterritorial application of civil and political rights, as for example exercised in a situation of foreign occupation or military detention, could hardly be assumed on grounds of mere nationality of the investor. Even in the event of an extraterritorial dimension of ESC rights, some degree of "influence" must be exercised by the home state in the specific case, either legal or political (Gondek, 2009). Such an influence could only be seen in the negotiation process of BITs (Gondek, 2009), the regulation of investor activity in domestic law or potentially in case of an SOE.

In this regard, most moral legal theories offer an interesting alternative approach to jurisdiction and influence. Namely, they do not focus on or even disregard completely the prerequisite of legal jurisdiction and control, and rather focus on effects of a certain conduct (Langford and Darrow, 2013). The threshold for extraterritorial human rights obligations does thereby not revolve around the question of state control but rather on the analysis of justification (Langford and Darrow, 2013).

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Due diligence obligations – bridging the gap between public/ private divide

Some authors, courts and treaty bodies suggest another solution to the extraterritorial application of human rights. The Committee (CESCR, 2000), the Inter-American Court of Human Rights (IACtHR, 1988) as well as scholarly work (Davitti, 2012; Desierto 2015) assume a due diligence obligation of home states. Daria Davitti, for example, identifies common elements deployed in international investment law as well as in international human rights law. She stipulates that the customary (Reinisch, 2005) due diligence principle constitutes a common element and may serve as a solution for the reconciliation of investment law and human rights law (Davitti, 2012). Accordingly, international law must experience a transformative change in order to include those most vulnerable that have been excluded from the international legal system (Davitti, 2012). Justice considerations must bear the potential for a reconceptualization of the current order.

Due diligence entails an obligation of states to protect other states from harm through domestic legislative or administrative action, thereby, bridging the gap between the public/ private divide that allows investors to operate carefree (Davitti, 2012). In contrast to attribution, where a state is responsible for acts that were exercised in state authority, due diligence allows for state responsibility of private acts (Davitti, 2012; Hessbruegge, 2003).

Power and justice in investment arbitration?

One suggested reconciliation of human rights law and international investment law is the consideration of human rights in investment arbitration. Investment tribunals, however, only have limited jurisdiction under the given BITs (Peterson and Gray, 2003). Yet, tribunals can, when interpreting the substantive provisions of an investment treaty, take human rights norms into consideration, in accordance with Article 31(3)(c) VCLT (Peterson and Gray, 2003). Investment tribunals consequently are in a position to reconcile host states' conflicting obligations. Such an approach would, however, exclude any evaluation of home state responsibility, since home states are usually excluded from the proceedings. This exclusion is being justified with the alleged depoliticisation of investment arbitration. It conversely also

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contributes to power increasingly shifting towards private actors and, therefore, exacerbates underlying power structures as outlined below.

Developing states and Third World scholars criticise the international system of investment dispute mechanism for various reasons (Van Harten, 2007; Gómez, 2012). In particular, it is argued that public policy issues should not be settled by arbitrators due to both a tendency of inconsistency and biased decision-making (Van Harten, 2007). It is further pointed out that non-commercial interests are generally not adequately taken into consideration such as human rights or environmental protection (Gómez, 2012; Odumosu, 2007).

One critique of investment arbitration is its apparent conceptualising of old power structures in favour of private investors. According to Sornarajah (1997), this constitutes one of the reasons, why stakeholders, especially developing states, lose trust in the system of investment arbitration. Sornarajah further stipulates that the system of international arbitration needs to

> … move away from the view that it exists to create principles which protect foreign investment and into a position in which it evolves as a system that evinces a sufficient neutrality, which indicates that principles favourable to the interests of the host State also receive a balanced acceptance (Sornarajah, 1997).

Soranajah's notion on the legitimacy of modern investment arbitration is that the current system is more power-oriented than genuinely justice-oriented - justice being the refuge of Third World states while power is securing economic structures of the "rich" states. While the current BITs, including Chinese BITs, do not grant jurisdiction in cases of mere human rights abuses by investors, arbitrators can nevertheless consider the aforementioned abuses when deciding on admissibility of claims. Yet, it rarely appears that arbitrators evaluate such accuses.

Before the system of investment dispute settlement was in place, any claim by a foreign investor had to be solved with means of diplomatic protection. By shifting the dispute from the inter-state level to a level of private arbitration, international investment was supposed to depoliticise since power politics between host state and home states would no longer effect the relation between the foreign investor and the

host state. Yet, power-based formulations of rules by investment arbitration tribunals remain dominating international investment law (Sornarajah, 1997). If we consider such power-based rules, for instance, a rule that only grants investors the right to bring a claim, the question remains if the system can be genuinely considered depoliticised. Investors that bring claims due to an unjustified expropriation might as well find themselves enforcing their human rights that were accorded to them in the respective BITs. Nevertheless, if compared to human rights claimants, investors are awarded extensive privileges such as the exemption to exhaust local remedies and the right to appoint an arbitrator (Alvarez, 2010). Consequently, such power-based rules do not become "power-based" merely through their application. Power implications are rather inherent to the rules themselves. Further, private power especially has been used in the past as leverage to pressure host state governments (Kentin, 2004). This constitutes one crucial critique of the current system of foreign investment arbitration: foreign investors use their ability to bring proceedings against a home state and the threat of huge sums of compensation as a tool for influence into domestic regulatory space (Kentin, 2004; Schneiderman, 1996). In conclusion, there is a general tendency of power in investment arbitration impeding the implementation of human rights and, thus, the implementation of justice.

China's approach to human rights, FDI and extraterritoriality – are South-South agreements different?

Chinese South-South investment agreements, in particular, those entered into with African states, supposedly differ from Western approaches (Kidane and Zhu, 2014). According to the UNCTAD,

> new partnerships often have established forums and dialogue platforms and are generally supported by frequent high-level official visits. Furthermore, they are based on the principle of non-interference in the internal affairs of partner countries. Consequently, they are not associated with policy conditionality as has been the case in relations with traditional partners (UNCTAD Africa Report, 2010).

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This does not necessarily imply greater justice considerations in South-South agreements in spite of the sovereignty considerations in China's Africa-approach. While investment treaties have traditionally been concluded predominantly between developed, capital-exporting countries and developing, capital-importing countries[11], more and more South-South agreements are being concluded due to an increase in South-South FDI flows (Ofodile, 2013). Yet, those BITs have not been under the same scrutiny as the traditional North-South agreements, since they were assumed to be fairer, more just and sensitive to mutual benefit and development goals (Ofodile, 2013). Hence, their evaluation of appropriate policy space, human rights and development considerations seems to fall under the table in the global debate about legitimacy of international investment law. Yet, such an assessment remains crucial, since we find ourselves in a time where Third World states especially re-evaluate, renegotiate or even terminate foremost their North-South agreements while perceiving South-South agreements as just[12]. The overall critical attitude towards power-based investment rules by Third World states, which is also to a certain extent shared by Western societies, might, however, also be inherent in South-South agreements.

China's human rights approach

In the late 1970s, the Chinese approach to human rights seemed to change substantially. This was due to factors such as China replacing the Republic of China within the UN in 1971 (UNGA Res. 2758), domestic economic developments and China's increasing engagement in international affairs (Kent, 1993). China's official activities with regard to human rights, its decision to join the UN Human Rights Commission, its later acceptance of the UN Human Rights Council, all suggested China's continuous liberalisation of its position on international human rights. In 1988, the Chinese Foreign Minister made a statement with regard to the Universal Declaration of Human Rights, emphasising its far-reaching influence and overall positive role on the international human rights activities (Kent, 1993). The post-Tiananmen phase marked another crucial chapter in a changing Chinese attitude towards human rights, also due to a policy of naming and shaming, as well as the negative image that was associated with China (Chen, 2004; Kent, 1993).

While China's new human rights approach materialised into an overall innovative
and proactive direction, some authors, such as Ann Kent, predict a negative impact
of China's growing engagement in the field of human rights (Kent, 1999). It has
even been further argued that China's approach, in particular, the emphasis on ESC
rights over civil and political rights, is watering down Western human rights
standards or at least slowing down the further development into *jus cogens* (Ahl,
2015) and, thus, eroding the current legal system.

*State sovereignty, state-centrism and non-interference - conceptual conflict with
human rights realisation?*

After the phase of decolonisation, numerous developing states that were under
former colonial rule and in particular its people, rejected the idea of restricting their
hard-won sovereignty, which was also considered the basis for the right to self-
determination, thus the Third World's liberation (Chan, 2015). Newly independent
states found themselves in the dilemma of voicing criticism to a set of rules that had
justified colonial oppression, while at the same time enabled their emancipatory
process (Abi-Saab, 1962). consequently, the strong stance on sovereignty resulted in
Western criticism of Third World states as being "state-centric".

The criticism of state-centrism generally encompassed three aspects: state-centrism
firstly would exclude any non-state actor from international subjectivity. Secondly, it
would give weight to state sovereignty when in conflict with individual rights.
Thirdly, its association with power politics would diminish international law as a
governing and power constraining regime (Marks, 2006). The criticism that China's
approach to international law in this regard faces, is the alleged prioritising of state
sovereignty over humanitarian concerns such as the Chinese passivity with regard to
African conflicts.

In its Africa approach, China largely remained silent on issues such as human rights.
In this regard, the critiques often cite the Chinese voting behaviour within the UN
Security Council (UNSC), its arms supply to African states, as well as its veto used
as leverage in order to water down UNSC Resolution that would impose economic
sanctions on African states. China for instance abstained from voting in favour of

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resolutions regarding the Darfur crisis such as UNSC Resolution 1556, 1672 and 1706, and its voting behaviour within the UNSC was generally guided by hesitation when authorising UN-led peacekeeping missions. China's passivity was heavily criticised, perhaps not due to legality concerns, but rather with regard to morality, which might have led to today's change in attitude towards UN-led mission within Africa[13].

Yet, while China remains a firm defender of state sovereignty when it comes to human rights, and in this regard may only accept limitations in exceptional circumstances, its economic treaty practice became more liberal over the years and suggests a greater Chinese trust in international investment law. The concept of state-centrism seems to be especially loosely applied to matters such as economic development, while conversely, China continues to uphold a strict policy of non-interference in the area of human rights. For instance, China perceives human rights as being in conflict with state sovereignty, and thus made several reservations to the human rights treaties it has signed and ratified, especially with regard to the complaint mechanism under the respective treaties (Peerenboom, 2005). Western scholars reject such an absolute form of state sovereignty, as applied by China, since they see potential of abuse, namely the potential abuse of human rights (Chan, 2015).

Although state sovereignty should not outweigh humanitarian aspects and responsibilities of the international community (Marks, 2006), state sovereignty also safeguards rights, such as the right to self-determination; at least in the process of decolonisation self-determination was crucial to the protection of Third World people as a justice-based rule that enabled liberation. It is, therefore, understandable that a certain trauma accompanies any attempts at restricting this sovereignty, especially when the restriction of sovereignty is found to be the result of securing power.

Overall, state sovereignty is fundamental to the implementation and enforcement of human rights (Jennings, 2002) since state sovereignty is the starting point of any decision-making process in international law (Chan, 2015) - a law that is a product of state power but at the same time limits its exercise (Marks, 2006). While a strong

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emphasis on state sovereignty may be legitimate, the Chinese tendency of applying different standards of sovereignty to different sub-regimes of international law, might contribute to a further fragmented development of international law and, thus, to the illegitimacy of international law.

Prioritising ESC rights over civil and political rights

Replacing the Republic of China within the UN in 1971 meant that China, at least on paper, adhered to core principles of the UN such as human rights principles (Kent, 1993). Yet, China abstained a long time from voting in favour of resolutions that emphasised the importance of human rights and did sign but not ratify the ICCPR up until today. Its emphasis remained for a long time on group rights, the right to self-determination, granting independence to colonial countries, and its opposition of the South African apartheid regime, while abstaining from votes with regard to resolution that dealt with human rights abuses in other parts of the world (Kent, 1993).

In 1985, China voted in favour of UNGA Resolution 40/114 that dealt with the indivisibility and interdependence of ESC rights and civil and political rights. While China for the first time implicitly acknowledged the importance of civil and political rights, its involvement at the UN level in favour of civil and political rights continues to remain inconsistent (Kent, 1993). Additionally, China's core human rights approach has not changed over the years: China still puts great emphasis on collective rights and favours ESC rights over civil and political rights (Kent, 1993; Webster, 2013). Furthermore, when making statements on human rights performances of other states, China exclusively addresses ESC rights on international platforms (Ahl, 2015). In particular, China officially rejects the allegedly "Western idea" of human rights being foremost individual rights that entitled the individual's right to prevail against the community and even state authority (Peerenboom, 2005; Webster, 2013). In its position paper at the 66th Session of the UNGA, China stated that: "The international community should recognise that all human rights are indivisible and attach equal importance to the realisation of the economic, social and cultural rights, civil and political rights and

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realisation of the economic, social and cultural rights, civil and political rights and the right to development" (Lijiang, 2012).[14] Likewise, the Chinese Constitution refers to *inter alia* the right to work, rest, education, scientific research, cultural activities as well as to some extend the right to health (Peerenboom, 2005). China itself even took part in the adoption of the 1993 Bangkok Declaration, a declaration that aimed at clarifying the Asian position on human rights (Bangkok Declaration, 1993). The declaration again emphasised ESC rights as well as the right to development and prescribed it as "a universal and inalienable right and an integral part of fundamental human rights." From a Chinese perspective, the right to development especially is seen as a precondition for the realisation of human rights, rule of law and democracy. Thus, it is surprising that China, when engaging in South-South investment relations, is not putting a stronger emphasis on including the right to development into its BITs, for instance leaving policy space in favour of human rights.

Home state responsibility in Sino-African investment relations - towards extraterritorial human rights obligations?

With China's economic rise, it is increasingly playing a proactive role within the international society. Scholarly works suggest that China's attitude might be changing with regard to its stance on non-interference, at least this is what its increasing contribution to peacekeeping operations (Anthony, 2013) would suggest. Also, its human rights approach and rhetoric is said to be one of "tactical learning" (Ahl, 2015), describing China as being more and more vocal about human rights law. On 18 October 2011, China's representatives made a statement at the Third Committee of the 66th UNGA on the implementation of human rights instruments: "China believes that general comments should be faithful to the original intention of the treaty, and in their preparation, attention should be given to the views and suggestions of state parties, and over-broad interpretations of treaty provisions should be avoided" (Lijiang, 2012). Accordingly, a broad interpretation of jurisdiction or application clauses, especially when not supported by state parties through state practice, but rather "imposed" by treaty bodies, is unlikely to have China's support.

Committee on Economic, Social and Cultural Rights' Concluding Observations on China

In its *Concluding observations on the second periodic report of China, including Hong Kong, China and Macao, China* (CESCR, 2014), the Committee addressed the issue of extraterritorial state obligations under the ICESCR. In particular, while the Committee welcomed China providing economic and technical assistance in accordance with Article 2(1) ICESCR to over 2,100 projects in approximately 120 developing countries, the Committee expressed concern "that some of such projects have reportedly resulted in violations of economic, social and cultural rights in receiving countries (arts. 2 and 11)" (CESCR, 2014). The statement by the Committee, however, does not indicate whether or not the Committee assumes extraterritorial state responsibility as a result. It merely indicates a causal connection between the technical assistance and human rights abuses in the receiving states. Overall the language of the Committee remains vague with regard to China's extraterritorial state responsibilities. It made the following recommendation, namely that China should "adopt appropriate legislative and administrative measures to ensure legal liability of companies and their subsidiaries operating in or managed from the State party's territory regarding violations of economic, social and cultural rights in their projects abroad" (CESCR, 2014). This suggests that the Committee perceives China to be at least under a due diligence obligation in its foreign investment relations, an approach that was discussed above.

Chinese BIT practice with African states – lack of human rights provisions in Chinese BITs

China has 32 BITs with African states, of which half are currently in force. Sino-African BITs generally do not enshrine human rights obligations for host states, home states or private investors (Ofodile, 2013). Although Sino-African BITs cannot be considered development-hostile in absolute terms, they also do not include explicit provisions that would encourage home states to achieve human rights or other development goals (Ofodile, 2013). In particular, the treaties lack provisions that acknowledges and give appropriate policy space to a state's development exigencies

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(Ofodile, 2013), which would constitute one possibility to include human rights considerations or at least the collective public interest into international investment law. Further, with regard to least developed countries, Chinese BITs do not significantly take into account distinctive levels of economic development (Ofodile, 2013). In this regard "the fact that Southern partners engagements are based on the principle of non-interference in the internal affairs of partner countries has given African countries some policy space and reduced the influence of traditional partners on domestic and regional issues" (UNCTAD Africa Report, 2010). This constitutes a rather bold statement, bearing in mind that non-interference might *a fortiori* lead to infringements of human rights of the host state population.

Indeed, non-interference seems to be in line with the Third World's strong stance on sovereignty. However, policy space is not exclusively diminished through "interference", but also through an economically-driven treaty practice that disregards regulatory host state power. It also seems to be contrary to the justice-based approaches shared by Third World states and fosters a fragmenting dynamic among developing states, namely the fragmentation into powerful and not so powerful developing states, thereby utilizing power entailed within the system. South-South agreements can likewise be regarded as asymmetrical, as one (slightly more developed) state remains the almost exclusive capital exporter, while the other (less developed) state signs the treaty in the hope of economic development (Sornarajah, 2015).

As discussed previously, one suggested approach of reconciling human rights and investor rights is the systemic reconciliation of both regimes in arbitration proceedings. Yet, with regard to investor-state arbitration, China does not grant tribunals jurisdiction over human rights issues. Since China was predominantly a FDI recipient up until the year 2000 (Qi, 2012), it was rather reluctant in its first generation BITs to include broad investor-state arbitration clauses and limited jurisdiction mostly to "disputes relating to the amount of compensation", for example, Article 7(4) China-Malaysia BIT (1988) and Article 11 China-Japan (1988) BIT. Likewise, the first Sino-African BIT, namely, between China and Ghana in 1989, reduces the subject matter of arbitration to compensation (Article 10[1] China-Ghana BIT,1989). This reluctance stemmed on the one hand from the Chinese desire to protect and

promote inward rather than outward investment (Qi, 2012). In particular, China with its long history of emphasising state sovereignty and non-interference in its international relations, always kept a cautious attitude towards international adjudication (Qi, 2012). Consequently, Sino-African BITs leave little room for potential human rights consideration by investment tribunals.

Changing Chinese attitude as opening up for a broader spectrum of subject matters?

The second generation of Sino-African BITs (1990 to 2000) indicates a change in the Chinese approach towards investor-state arbitration. Article 9(1) of the China-Botswana BIT (2000), for example, contains a broader provision, determining that "any dispute … in connection with the investment" would be permissible for arbitral proceedings. China, thereby, continuously adapts to European BITs' consent clause with regard to dispute resolution (Qi, 2012). The reason for this changing approach is on the one hand, the increase of Chinese capital export, but also to sustain a certain degree of ambiguity on the other hand (Qi, 2012). Subject matters such as development and human rights remain excluded from tribunals' jurisdiction.

The number of cases involving Chinese investors or China as the respondent state are rare and do not make reference to systemic integration of human rights, considering that China up until its 2005 China-Germany BIT generally restricted jurisdiction. Only four cases have ever been registered, none of them involving African investor or states. The cases include firstly, *Tza Yap Shum v. Republic of Peru* under the 1994 China-Peru BIT (Tza Yap Shum v. Peru), secondly, *China Heilongjiang International et al. v. Republic of Mongolia* (Heilongjiang International v. Mongolia), and thirdly, *Philip Morris Asia Ltd. v. Australia* under the Australia-Hong Kong BIT (Philip Morris v. Australia). Fourthly, the first arbitral proceeding that was initiated against China as a respondent state, *Ekran Berhad v. People's Republic of China* (Ekran Berhad v. China), was filed in 2011 at ICSID, yet was suspended the same year in accordance with the parties' agreement (Qi, 2012). Considering China's reluctance, it remains unclear whether the proceeding is being settled at a later point. Accordingly, it seems more likely that China wishes to not set a precedent to investors initiating proceedings against it as a respondent state, thereby restricting power of arbitra-

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tion tribunals, while, and this needs to be emphasized, maintaining ambiguity and its own power advantages.

Liberalisation of Chinese investment agreements

With an increase in outward FDI, China places more emphasis on concluding and updating its BITs, in particular with other developing countries, in order to guarantee Chinese investors a more comprehensive legal protection abroad (Wei, 2015). China's investment approach evolved from a restrictive to a liberal or legalised approach, including stronger provisions for substantive and procedural investment protection (Berger, 2013), thereby adapting essentially to Western BIT standards (Schill, 2007; Zhang, 2008). Some authors argue that the increasing Chinese liberal treaty practice is due to "China's increased confidence in providing sufficient protections to foreign investors, its increasing outbound FDI, and its more sophisticated legal system" (Wei, 2015).

Several Chinese BITs with other developing countries such as the China-Seychelles BIT (2007), the China-Costa Rica BIT (2007), the China-Mexico BIT (2008) and the China-Colombia BIT (2008) even go so far as to include references to the concept of the customary minimum standard of treatment. This appears to be a significant change in China's treaty approach since China as well as other Third World states generally prioritised treaty law over customary international law (Berger, 2013). Nevertheless, Chinese BITs with developed countries provide for slightly higher levels of substantive investment protection than Chinese BITs with developing countries. This is due to the fact that China generally accepts the model agreements put forward by European states (Berger, 2008), thus contributing to inconsistency within its Sino-foreign BITs. Overall, China's BIT stance appears to continuously adapt to liberal patterns and can thus be described as an emerging "powerhouse in trade and investment" (Sornarajah, 2015), utilising economic treaties as a tool for economic, maybe even political supremacy.

Right to development as integrating motor for human rights in business?

China strongly advocates the consideration of its "national realities/conditions",

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when evaluating the universality of human rights (China, 2016). A state's develop-ment, hence, seems to be a crucial point in China's human rights rhetoric (National Report, 2008). Further, on 29 October 2014, the Chinese Ambassador made a state-ment at the General Discussion on Items of Human Rights at the 3rd Committee of 69th UNGA, stating that

> [r]ealizing the rights to subsistence and development is the top priority
> for the developing countries in the field of human rights. [...] Coun-
> tries differ in terms of value, cultural tradition, political system and
> level of economic and social development. Governments and peoples
> of various countries have the right to choose a path of human rights
> development most suitable to their national conditions and set their
> own priorities in the field of human rights (Wang, 2014).

China is, thereby, not explicitly referring to its internal system of communism, yet it bases it justification on its identity, namely the identity as and solidarity with any Third World state. China's emphasis on development as the core aspect of realisation of human rights is quite apparent in any statements made within an international institution. In its statement made at the 68th Session of the UNGA, the Chinese Counsellor, Yao Shaojun, even referred to development as being "the basis for the promotion of human rights, and human rights are the safeguard of develop-ment" (Yao, 2014). The right to development could create connectivity of human rights and investment law. Yet, when analysing Sino-African BITs no such reference can be found in the treaties. The emphasis remains on mutual benefit in economic development, yet does not seem to include human rights considerations, even when contracting with least developed countries in Africa.

Future trends of Sino-African BITs

Up until its third generation (2000 until today) of Sino-African BITs, China did not implement human rights provisions, incorporated due diligence provision into its domestic law or otherwise engaged in an approach to reconcile human rights law with investment policies. The fact that Sino-African BITs lack specific human rights references is also admittedly due to the fact that they were concluded in a time of a-

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not-as-developed Chinese human rights awareness. Nonetheless, if one analyses current trends in Chinese BIT law-making, consistency and a clear policy aim are lacking. The 2015 China-Korean FTA, for instance, includes references to the protection of *inter alia* health and safety, labour rights, environment or sustainable development in its preamble (UNCTAD, 2016). To the contrary, the 2015 Australia-China BIT has no references in its preamble as to human rights, but includes a general exceptions clause, for example, for the protection of human, animal or plant life or health; or the conservation of exhaustible natural resources, which is a clause not included in the China-Korean FTA (UNCTAD, 2016). This might be due to the fact that China negotiates BITs in order to pursue aims outside the economic context, and is generally investing irrespective of whether or not a BIT is in place (ECOSOC, 2015).

As outlined above, international investment law historically shifted power extensively from the receiving state to private actors. It thus, till today, hinders a state from excising its power in order to implement or enforce human rights. However, Chinese activities within Africa are generally carried out by SOEs, such as, for instance, National Oil Companies (Anthony, 2013), enterprises that, while not necessarily being state organs, or exercising governmental authority (see Vázquez, 2005), are under a certain control of the home state. The exercise of governmental authority would then lead to state responsibility according to Article 9 of the Draft Articles on Responsibility of States for Internationally Wrongful Acts. When compared to the European-employed companies during the colonial period, similar implications could be drawn from China deploying SOEs across Africa (Anthony, 2013). The deployment of such SOEs goes hand in hand with both economic and state interest overlapping (Anthony, 2013). With regard to human rights, one thus could make the moral argument that power or influence has not shifted towards private entities, but to a certain extent to the home state itself, namely China, thus causing the re-politicising of investment-relations. Consequently, it might be adequate, perhaps not in the sense of legality, but with regard to legitimacy, to assume complementary human rights obligations in the sense of "do no harm", an approach of moral legal theories (Langford & Darrow, 2013). China, while admittedly not being the root of the legitimacy crisis, contributes to it by imitating Western treaty patterns, remaining ambiguous in its

investment arbitration approach and essentially profiting from power shifts towards the private sector.

Concluding remarks

China's investment engagement in Africa has been under scrutiny in recent scholarly work. The accusation reaches from exploitation of natural resources to disregarding international environmental and human rights law. Yet, the present analysis has shown that the lack of a systemic human rights integration into Chinese BITs does not necessarily differ from BITs by traditional partners. The failed integration of human rights into international investment law is rather a result of both structural deficiencies and colonial legacy, and moreover, it is the result of an increased-isolated what Axel Berger calls "legalisation" of international investment law (Berger, 2008), a legalisation that essentially disregards policy space, human rights and the right to development.

Moreover, ambiguity remains with regard to Chinese investors themselves in the context of either home state responsibility or even private responsibility. In 2008, China issued an advisory opinion to its SOEs, making recommendations with regard to corporate social responsibility (CSR) and *inter alia* labour rights (SASAC, 2008; Lin, 2010). The document is crucial in understanding the Chinese attitude towards CSR. It appears that there is a growing Chinese sensitivity towards human rights implications in business. Nonetheless, while many Chinese SOEs are operating abroad, China rather 'privatises' state responsibility with regard to human rights violation in host states, while conversely still exercising influence. China accordingly channels the power implications entailed in international law in order to benefit from it. In this regard it further failed to implement due diligence provision, in order to regulate domestically. The Committee for instance notes that China did not adopt adequate and effective measures to ensure that Chinese companies both state-owned and private, respect ESC rights, including when operating abroad (CESCR, 2014). The changing Chinese attitude and liberalisation of its stance on human rights is therefore poorly reflected in its domestic legislation, in particular if it concerns extra-territorial activities.

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Yet, China is not the sole source of "evil", as commonly shared Western anxiety suggests. China is not exacerbating the overall negative impact of extraterritorial business conduct on human rights, but rather *profiting* from both a system that benefits extraterritorial activities and a system that upholds underlying power tendencies. The fragmentation of international human rights and investment law is a result of a lack of justice-based approaches, the lack of an inclusion of development considerations and the failed systemic integration of both sub-regimes, a consequence of power implications in both treaty law and jurisprudence.

Concluding, what does the future hold for justice in international investment law and especially South-South relations? A number of BITs are the result of leverage and thus politically motivated irrespective of intention to invest (ECOSOC, 2015). Therefore, a greater reflection on a systemic approach is inevitable rather than the mere inclusion of human rights provisions into BITs which might again be inconsistently applied by arbitration tribunals. Bearing in mind that the Chinese decision to invest in African states is not driven by the fact that a BIT is in place (ECOSOC, 2015) indicates that the question of home state responsibility can only be solved by a comprehensive and reformative approach.

Endnotes

1. In this paper "the South"/ "the Global South" refers to the less developed countries, in contrast to "the North" as the developed countries.

2. According to Kidane, W. 2014. The China-Africa Factor in the Contemporary ICSID Legitimacy Debate. *University of Pennsylvania Journal of International Law*, 35(3): 559-673, "Africa's largest infrastructure financier is no longer the World Bank - it is China."

3. Economic, social and cultural rights are enshrined in various human rights treaties; however, this article focuses on the International Covenant on Economic, Social and Cultural Rights.

4. Bolivia denounced the ICSID-Convention in 2007, followed by a withdrawal of Ecuador's consent to arbitration under ICSID. Likewise, Nicaragua no

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longer views ICSID as the preferred mechanism and Venezuela officially announced its withdrawal in January 2012. Ecuador, South Africa, India and Indonesia are limiting ICSID's power by reviewing and partly terminating their BITs. China's overall approach is a rather sceptical one with regard to international adjudication.

5.   See, for example, *Biwater Gauff (Tanzania) Ltd. v. United Republic of Tanzania*, ICSID Case No. ARB/05/22; *Piero Foresti, Laura de Carli & Others v. The Republic of South Africa*, ICSID Case No. ARB(AF)/07/01; *Suez, Sociedad General de Aguas de Barcelona S.A., and Vivendi Universal S.A. v. The Argentine Republic.*

6.   ESC rights are typically infringed when it comes to foreign investments. Furthermore, China is a state party to the International Covenant on Economic, Social and Cultural Rights, which is why the present paper will focus on ESC rights.

7.   The term "Third World" refers to a common belief and conception of justice in international law and the decolonization thereof, shared by a group of developing states.

8.   According to Sornarajah, M. 1997. Power and Justice in Foreign Investment Arbitration. Journal of International Arbitration, 14(3): 103-140, "highly qualified publicists who are credited with fashioning international law on liberal principles could well be viewed as hired guns who simply furthered the interests of their paymasters."

9.   The rhetoric can be traced back to the 1954 Five Principles of Peaceful Co-existence set out in a bilateral treaty with India, and which still govern contemporary China's approach to international law.

10.   See also Article 29 VCLT.

11.   The first modern investment treaty was concluded in 1959 between Germany and Pakistan.

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12. While South Africa, for example, re-evaluated and terminated numerous of its BITs with Western states, it did not yet terminate its BITs with China.

13. According to a Position Paper of China at the 71st Session of the UNGA, "UN peacekeeping operations are an important instrument for maintaining world peace and security.", available at http://www.china-un.org/eng/hyyfy/t1396325.htm.

14. Position Paper of China at the 66th Session of the UNGA, http://www.fmprc.gov.cn/eng/zxxx/t857763.htm

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Situating Somali Piracy in Japanese Security Policy

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Abstract

This paper examines Tokyo's engagement with Somali piracy and discusses what it reveals about Japan's overall security posture. I argue that Japan's response to Somali piracy highlights the continued salience of domestic political processes and embedded anti-militarist norms in moulding Tokyo's responses to emergent threats, of which piracy is a prime example. This is evidenced by the fact that the Japan Coast Guard (JCG), rather than the Japanese Maritime Self-Defence Force (JMSDF), is primarily responsible for Japan's anti-piracy mission in the Gulf of Aden. Additionally, I draw attention to the economic logic underpinning Japan's approach to security and posit that the defence of sea lanes links maritime security issues to continued economic security to explain why combatting maritime piracy is important to Tokyo.

Debating Japanese security, international pressures versus domestic norms

Japan's post-war constitution was introduced by the United States (US)-led Occupation government in 1946, roughly a year after Japan's defeat in the Second World War by the US and its allies and the atomic bombings of Hiroshima and Nagasaki. A key element of the new constitution was Article 9, the "peace clause," which renounced war as a tool of foreign policy and dispute settlement and forbade Japan from maintaining a military (Article 9, Japan Constitution; Hughes, 2004: 21). Japan became firmly embedded in the US-led capitalist camp during the Cold War and bilateral norms informed by its alliance with Washington dominated Tokyo's external

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relations during this period. In terms of security policy, the Yoshida Doctrine became the dominant approach. The Yoshida Doctrine was the brainchild of then Prime Minister Yoshida Shigeru and it emphasised security dependence on the US, institutionalised via the Japan-US security alliance in 1960, and a prioritisation of post-war economic recovery and growth (Hook *et al*., 2012: 84-85; Yamaguchi, 2012: 81). In return for the US protection, Japan had to host a network of US military bases, notably in Okinawa which would remain under US administration until 1972, in order to help Washington project its power into Asia (Hughes, 2004: 22). Japan did have to take on some responsibility for its security, especially its internal security. Labour activism was perceived to be a particularly important threat owing to concerns about the advance of communism in East Asia. These fears came to the fore during the Korean War (Yamaguchi, 2012: 83). The National Police Reserve (NPR) was formed in 1950. This was quickly followed by the formation of the National Safety Force (NSF) in 1952 and the Japanese Self-Defence Force (SDF) and Japan Defence Agency (JDA) in 1954. The SDF and JDA remain Japan's primary externally-focussed security institutions (Hughes, 2004: 22).

In terms of domestic society, the experience of war, as represented by the atomic bombings, combined with the post-war constitution led to the entrenchment of anti-militarist norms at the societal level. Opposition parties played, and continue to play, an important role in safeguarding anti-militarist norms (Hook *et al.,* 2012: 85; Delamotte, 2012: 160-162). Additionally, polling data consistently shows that most Japanese citizens oppose constitutional revisions aimed at scrapping or altering Article 9. Recent changes in the interpretation of the constitution and the new legislation which allows for collective self-defence by the current Abe administration resulted in protests, including at least one example in which a man self-immolated (*Japan Times,* 2014; BBC, 2014). Indeed, as Midford (2011) argues, Japanese public opinion against drastic security policy reforms and constitutional revisionism has remained remarkably consistent for decades.

Despite the continued salience of domestic and international constraints on its security policy, Japan has cautiously and incrementally expanded its international security profile since the end of the Cold War, albeit within normative and constitutional con-

straints. For example, the SDF is engaged in various peace-keeping operations and humanitarian assistance missions (Midford, 2011: 108; Aoi, 2012: 132-133; Delamotte, 2012: 160-162). The evolution of Japanese post-Cold War security posture has attracted considerable academic and policy-making interest. One of the key points of contention is the degree to which domestic variables, like pacifist norms, and international variables, like the rise of China, determine Japanese security policies (Hughes, 2014: 373). Neorealism posits that anarchy is the ordering principle of the international system and that states are beholden to no higher authority. Consequently, states must pursue power in order to secure themselves and their material interests. Inevitably this leads to conflict with other states, which are doing the same thing (Mearsheimer, 2001; Waltz, 1979). As noted by Hughes (2014: 373), neorealist interpretations of Japanese security policy can be divided into two camps: offensive realists and defensive realists. Both camps assume that the major influences on Japanese security policy arise from Japan's external environment. The former position argues that structural changes in the international system, specifically the relative decline of the US and the need to balance a rising China, Japan's regional rival, will force Tokyo to adopt an assertive military posture to match its economic standing. Japan will, offensive realists argue, inevitably "normalise" its security policy and military outlook to balance China (Mearsheimer, 2001; Waltz, 1993; Hughes, 2004).

Contrastingly, defensive realists argue that structural changes will induce milder security policy reforms in Japan. The relative decline of the US is not so great that Washington will abandon East Asia altogether. As such, the US-Japan alliance will balance a rising China and Japan will make modest reforms to its current defensive posture, striking a balance between dependence on the US and emergent threats from China. Richard Samuels refers to this balance as the Goldilocks Approach, not too close but not too far from the US and getting security "just right" (Samuels, 2007, 2006). Additionally, defensive realists predict that Japan will enhance its defensive capabilities whilst assuring its neighbours that it is not on a path to remilitarisation. Finally, Japan, defensive realists predict, will utilise its economic strength to pursue power via mercantilist policies (Heginbotham and Samuels, 1998; Green 2001). Overall, neorealist interpretations highlight the explanatory power of post-Cold War

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structural changes in studying Japan's evolving role in an increasingly complex and multipolar international system.

Constructivist scholars emphasise developments at the domestic level. They highlight domestic societal norms and identities, specifically anti-militarism and pacifism, as the defining features of Japanese foreign and security policy. Norms filter upwards from the societal level into the policy-making process. The consequence is a profound resistance to Japan taking on a more aggressive military posture (Katzenstein and Okawara, 1993). Indeed, Friman *et al*. (2006: 85) have questioned whether or not pacifist norms are an "immovable object." Ultimately they argue that as new threats emerge, the social norms evolve to accommodate them and that as the world becomes increasingly globalised the lines between internal and external threats become increasingly blurred (Friman *et al*., 2006: 85-86). Additionally, Katzenstein and Okawara (2008: 60) point out that security policy-making processes are diffused through multiple government ministries all with competing interests and identities. For example, the Ministry of International Trade and Industry (MITI) has an interest in securing Japanese economic interests and thereby ensure Japanese security and foreign policies are in line with mercantilism. The Ministry of Finance, for example, has an interest in balancing the national budget and this further restrains military advancement (Katzenstein and Okawara, 2008: 60). The overarching theme of constructivist analyses of Japanese security policy is that domestic forces play a key role in articulating Japanese security postures and that societal norms are particularly important.

Linking economic and maritime security: piracy and shipping lanes

In the decades following the Second World War, Japanese foreign policy doctrines and national security priorities have been underpinned by a certain economic logic. Indeed, Japan's prioritisation of the economic aspects of international relations has led several scholars to classify its foreign policy as mercantile realism (Heginbotham and Samuels, 1998). This economic logic is evident in the Yoshida Doctrine, Japan's first major post-war foreign policy doctrine. As mentioned earlier, the Yoshida Doctrine emphasised dependency on the US in security matters and a prioritisation of

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post-war economic recovery (Hook *et al*., 2012: 29; Yamaguchi, 2012: 81). Tokyo derived many significant economic benefits by becoming enmeshed in the US sphere of influence and capitalist camp during the Cold War. First, with US security guarantees being institutionalised in the 1960 ratification of the US-Japan alliance, Tokyo's defence expenditure remained low and has hovered around one per cent of the national budget for the past few decades (Akaha, 1991: 326). Even more significantly, Tokyo's partnership with Washington ensured that Japanese manufacturers had access to the US market (Hughes, 2004: 22). Washington also backed Japanese ascension to emerging international economic institutions. For example, Japan joined both the International Monetary Fund (IMF) and the General Agreement on Trade and Tariffs (GATT), the precursor to the modern World Trade Organisation (WTO), in 1952 and 1955 respectively (Hook *et al.,* 2012: 343-344). It is evident that, in the early years of the Cold War, economic recovery was a priority and this fact is reflected in the Yoshida Doctrine.

Economic considerations continued to play a key role in shaping Japanese foreign and security doctrines in the latter half of the Cold War and into the post-Cold War period. This is observable in the concept of comprehensive national security. The concept of comprehensive national security gained popularity in Japan in the late 1970s and early 1980s and remains an important pillar of Japanese security policy today. The term was popularised by a 1978 joint report by the National Institute for the Advancement of Research (NIRA) and the Nomura Research Institute (Akaha, 1991: 324; Bradford, 2004: 484-485). Conceptually, comprehensive security builds on framework developed under the Yoshida Doctrine with its minimal focus on military affairs and prioritisation of economic development. However, US commitments to Asia following the defeat in Vietnam and the 1973-74 OPEC oil crisis forced Japan to reassess its security posture (Chapman *et al*., 1983; Akaha, 1991: 325-326). The 1973 oil crisis struck a nerve because it highlighted Japan's dependency on imported Middle Eastern oil and general lack of domestic resources (Yoshimatsu, 2014: 578). The Japanese economy was based on value-added production which depended on imported raw materials and the exportation of finished goods. This made the potential for disruptions to Japan's supply lines especially concerning for

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policy-makers (Graham, 2006: 10; Chapman *et al.,* 1983: 232). Comprehensive national security developed as a recognition of Japan's economic vulnerability and the changing security environment in the latter half of the Cold War. Japanese policy-makers, therefore, adopted a multifaceted approach to national security comprised of military and non-military dimensions. On the military front, Prime Minister Nakasone abandoned the policy limiting defence expenditure to less than one percent of Gross National Product (GNP) in 1985 and Tokyo became more receptive to US demands for more equitable defence burden-sharing. In non-military front, Japan made large financial contributions to various United Nations (UN) missions and substantially increased its humanitarian aid and official development assistance (ODA) programs (Akaha, 1991: 237-239). Domestically, Japan's technological and economic capabilities became vital to the maintenance of national security and policymakers came to regard economic decline as a major threat (Yoshimatsu, 2014: 578; Samuels, 2007: 143-144). Japan's concept of comprehensive national security, like the Yoshida Doctrine, highlights the importance of economic considerations in Japanese approaches to security.

Geography plays an important role in linking maritime security developments to Japanese concerns about economic security. East Asia is a maritime region and threats emanating from the sea play particularly important role in the regional security agenda. Indeed, according to Paik (2005: 15), most of the major security threats in East and Southeast Asia emanate from maritime concerns. These could include traditional security threats such as territorial disputes or naval build ups. Alternatively, they could be non-traditional security threats such as conflicts over fishing, oceanic pollution, natural disasters or maritime piracy (Paik, 2005: 15; Liss, 2013: 141; Wirth, 2012: 223**)**. Asian waters are particularly significant because they sit at the centre of international trade and shipping routes (Baird, 2012: 501). Trade flowing through Asian waters is both interregional and intraregional and played an integral role in promoting the economic growth of both Northeast and Southeast Asia (Baird, 2012: 502-503). According to Allessio Patalano, East Asia is a maritime system and historically the sea "constituted the region's main connecting fabric with shipping routes providing the highways for trade, transport and the projection of power across

its most remote corners" (Patalano, 2012: 222). For East Asia, regional maritime security issues are especially important given the high degree of economic interdependence and connectivity.

Japan is an island nation, or more accurately an archipelagic nation, in an interconnected maritime system (Patalano, 2012: 222). This has profound implications for Japanese economic security and explains why contemporary maritime piracy can be viewed as a threat to national security. Fundamentally, piracy is an economic crime which has the potential to upset the flow of raw materials to Japan and finished products out of Japan. Japan has a complicated relationship with the sea. It is a source of both security and vulnerability. For centuries, insular geography kept the world at bay, creating a spatial and cognitive differentiation between Japan and the Asian mainland (Yamaguchi, 2012). *Kamikaze* winds and tempestuous seas helped prevent the Mongol invasions centuries ago, for example. The sea is also an important source of food security. However, with the onset of modern transport and trade networks coupled with Japanese industrialisation and economic development, the seas became a source of vulnerability. In fact, Euan Graham (2006) characterises the protection of sea lines of communication (SLOCS) a matter of "life and death" for Japanese economic health and therefore national security. Concerns over maritime trade have historically informed developments in Japanese security posture. For example, Patalano (2008) demonstrates that the JMSDF fielded a sizable submarine force to keep an eye on Soviet maritime activities Northeast Asian waters and safeguard sea lanes. Additionally, in 1981 Japanese policy-makers decided to extend JMSDF patrols to 1,000 nautical miles in response to US demands for increased security burden-sharing (Samuels, 2007: 89). In fact, Samuels (2007: 144) highlights the fact that current Sino-Japanese territorial disputes over the Senkaku/Diaoyu islands have profound implications for Japanese sea lane security. The protection of maritime trade networks is important to Japan and as those networks extend beyond the East Asian region and into the Indian Ocean region, for example, Japanese maritime security interests must follow (Kotani, 2011). Threats to sea lane security can emanate from traditional sources, such as the Union of Soviet Socialist Republics (USSR) during the Cold War or China's rise. Alternatively, they can come from non-traditional

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sources, like piracy. For example, Graham (2006: 25-31) and Black (2014: 117) note that piracy-induced trade blockages, in the Malacca Straits or Gulf of Aden, have the potential to seriously undermine Japan's economic health. If such a blockage were to occur, ships en route to Japan would have to be rerouted, costing roughly US$ 200,000 to US$ 300,000 per ship (Black, 2014: 117). Acts of piracy also have a more indirect cost. Ships occasionally have to hire private security or install other security measures, like location device ShipLoc or Secure Ship, a kind of electric fence. These added costs produce a more expensive but secure shipping industry. However, the need for more secure shipping is detrimental to the Japanese consumer because the price of goods goes up (Black, 2014: 2). This is on top of the safety risks posed by maritime piracy to Japanese citizens who work in the shipping industry (Bradford, 2004: 486). Therefore, the issue of piracy speaks to Japanese concerns over the nation's economic well-being and highlights Japan's dependency on maritime trade.

Whatever floats your boat: JMSDF vs JCG

Japan has two primary maritime security organisations. The first is the JMSDF and the second is the JCG. The latter organisation has taken on an increasing number of maritime threats since the end of the Cold War, such as incursions by North Korean "suspicious ships" and anti-piracy cooperation with Southeast Asian and East African states (Black, 2014: 2). Importantly, for this paper, the JCG is the Japan's primary anti-piracy organisation. While the JMSDF patrols the Gulf of Aden and escorts ships through troubled waters, officials from the JCG have to be on-board and they are the people with the authority to board suspicious vessels and make arrests (MOFA, 2009, 2016). Additionally, the JCG is involved in a variety of capacity building initiatives with littoral states in both Southeast Asia, another piracy hotspot, and the Gulf of Aden (MOFA, 2006, 2016). The increasingly important role of the JCG in meeting maritime threats has led some analysts to speculate that Tokyo uses it to test the waters, so to speak, for the eventual "normalisation" of the JMSDF's international security role. David Leheny (2006: 165) invokes the "canary in a coal mine" metaphor to describe this idea. Richard Samuels (2008: 97-98) argues that the JCG has become a second navy and fulfils the same function as a regular military.

Consequently, the JCG's role in combatting various maritime security issues is seen as an erosion of Japanese pacifist norms.

Lindsay Black, however, argues that conflating the JMSDF and JCG is misguided (Black, 2014: 4). Both organisations serve different functions and are governed by very different legislations. For example, the JCG is a civilian law enforcement, disaster relief and emergency response organisation housed within Ministry of Land, Infrastructure, Transport and Tourism (MLITT). Contrastingly, the JMSDF is housed within the Ministry of Defence (MOD) and its mission is to defend Japan's territorial integrity (Black, 2014: 4). Historically, the JCG evolved out of the Maritime Safety Agency (MSA). The MSA was created to combat organised crime in Japanese coastal waters and the fact that the fundamental purpose of the JCG is law enforcement alleviates East and Southeast Asian concerns over Japanese remilitarisation and makes them more amenable to working alongside and learning from the JCG (Black, 2014: 4; Sato, 2007: 3; Bateman, 2006: 50-51). The prominence of the JCG in responding to maritime threats demonstrates the importance of domestic antimilitarist norms and regional concerns regarding Japan's military posture in shaping Tokyo's response to piracy and other emergent maritime threats (Black, 2014: 5). Norms, therefore, have an important role to play in determining what range of policy options are available to Japan.

Piracy in the Gulf of Aden and the Horn of Africa

Attacks by pirate gangs off the coast of Somalia increased rapidly in the early 2000s. The most common kind of attack is kidnapping for ransom. Pirates will board ships and hold the crew hostage. Then, they will extort large sums from shipping companies in exchange for the safe return of the crew and the cargo (Kraska and Wilson, 2009: 223; Beckman and Davenport, 2014: 145). Piracy in this region has a significant impact on international shipping because of its proximity to the Suez Canal. The attacks have been noted for their boldness and violence. A total of 42 vessels were captured by pirates in 2008. This jumped up to 114 attacks in the first five months of 2009 (Kraska and Wilson, 2009: 223). Political instability and economic deprivation in Somalia are the primary drivers behind the rapid growth in regional maritime

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crime. The overthrow of the Islamic Courts Union (ICU), a group of Sharia courts that governed most of Somalia after the collapse of Said Barre's regime in 1991, by joint Ethiopian and Somali transitional government forces was a particularly important development. There is a significant correlation between the fall of the ICU and the dramatic increase in piratical attacks (Pham, 2010: 329-330; Chalk, 2010: 90-94). Governmental collapse is also evident in the way Somali pirates defined themselves. Pirates would often refer to their actions as collecting a "fishing tax" and that they were taking it upon themselves to police illegal fishing in lieu of the government's ability to do so (Kraska and Wilson, 2009: 224-225). The UN Security Council (UNSC) was quick to respond to piracy in the Gulf of Aden and Horn of Africa. It issued resolutions 1816 and 1846 calling on all nations to work together to combat piracy and secured the permission to the Somali transitional government to allow foreign vessels to conduct anti-piracy missions in Somalia's territorial waters (UNSC, 2008). Shortly after, the UNSC also called on states engaged in anti-piracy missions to cooperate with states willing to charge and prosecute pirates, such as Kenya (Gathii, 2010: 416). Japan would become one of those states in 2009 with the passage of its own anti-piracy law. Under Japan's anti-piracy law, four Somali nationals were prosecuted for their involvement in the attempted hijacking of the *MV Guanabara* in 2011 (Hayashi, 2010: 143; MOFA, 2016). Combined Task Force 151 (CTF-151), a multilateral anti-piracy force comprised of 31 states, was established as a consequence of the multiple UNSC resolutions. The European Union (EU) also dispatched its EU Naval Force (Chalk, 2010: 97-99). Piracy in the Gulf of Aden and around the Horn of Africa resulted from a mixture of government collapse and economic deprivation within Somalia. The international reaction to it was swift and encouraged a variety of multilateral military initiatives to contain the threat to international trade.

Japan's contributions to anti-piracy operations off the coast of Somalia

Japan has initiated reforms to its own legal code to combat maritime piracy, actively contributes to UN missions in the region and made financial contributions to aid local coast guards, of which Djibouti, Somalia and Yemen are prominent beneficiaries (MOFA, 2016). Japan enacted an anti-piracy law in 2009 which allows the MSDF to

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protect both Japanese and foreign-owned ships from pirate attacks and escort them through dangerous waters. Japan has also enacted legal reforms which allow privately-owned Japanese ships to hire armed security capable of shooting pirates in the event of an attack. Since 2009, two MSDF vessels have been deployed to the Gulf of Aden to combat maritime piracy and aboard each is a contingent of JCG officials equipped with the necessary authority to arrest pirates. Indeed, four Somali nationals were charged and convicted under Japanese law for the attempted hijacking of the *MV Guanabara* in waters near Oman in 2011 (*Japan Times,* 2011; MOFA, 2016). In addition to the two MSDF ships, Japan has deployed two P-3C maritime patrol aircraft. Between June 2009 and June 2015, the two planes conducted over 1,000 patrols. In order to support maritime and air patrols and escort missions, Japan constructed a military base in Djibouti in 2011 with the support of the Djibouti government (MOFA, 2016; 2009). Japan has participated in the UN-mandated Combined Task Force 151 (CTF-151) zone-defence activities in addition to the MSDF's own escort missions. Additionally, CTF-151 was under Japanese command for a three-month period in 2015. Japan also participates in multilateral dialogues associated with its membership in the Contact Group on Piracy off the Coast of Somalia (MOFA, 2016). The Contact Group was established following the passage of UN Resolution 1851, an anti-piracy resolution (MOFA, 2016; UN, 2008). In addition to its own efforts and UN-initiated ones, Japan works to enhance the coast guard capabilities of regional states, notably Djibouti, Yemen and Somalia, via training exercises, technical assistance and providing patrol boats. It also contributes financially to anti-piracy initiatives via the International Maritime Organisation (IMO) Djibouti Code Trust Fund, a Japan-initiated fund aimed at capacity-building programs in Somalia and neighbouring states. Additionally, Japan provides funds to the Regional Cooperation Agreement on Combatting Piracy and Armed Robbery against Ships in Asia (ReCAAP) Information Sharing Centre on an ad-hoc basis. The purpose of these funds is to promote dialogue between Southeast Asian and East African states regarding their experiences of maritime piracy (MOFA, 2016).

Japan and Somali piracy – domestic factors defining Japanese engagement

The Japan Ship Owners Association (JSA) played an important role in drawing gov-

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ernment attention to the issue of piracy in the Gulf of Aden. It did this by lobbying the Japanese government to tackle piracy in after the number of attacks in that region increased in 2008. The 2008 attack on the *Takayama* and subsequent JSA lobbying was a particularly important catalyst for Japanese government involvement in the issue. Initially, the JSA contacted Iwazaki Teiji, an official at the Ministry of Land Infrastructure and Transport (MLIT) (Black, 2012: 268-269; 2014: 136). MLIT is the Japanese government ministry which oversees the JCG. Mr Iwazaki confirmed that the JCG was unable to tackle piracy around Somalia because it lacked the operational capacity to do so. Shortly thereafter, the Japanese government set up several ODA initiatives in the Gulf of Aden and brought the Draft Law on the Penalisation of Acts of Piracy before the Diet, Japan's parliament, in 2009. The law included a role of the JMSDF in anti-piracy operations. The Diet debate following this submission limited the role of the JMSDF and ensured that the primary responsibility for combatting piracy lay with the JCG. For example, only JCG officials are allowed to board suspected pirate vessels and have the authority to arrest suspected pirates (MOFA, 2009, 2016; Christofferson, 2009: 140; Black, 2012: 272, 2014: 135-136).

Japan's counter-piracy initiatives in the Gulf of Aden were the result of a discursive process between the Liberal Democratic Party (LDP)-Komeito alliance and multiple Japanese opposition parties, most notably the Democratic Party of Japan (DPJ). The various Japanese opposition parties were determined to uphold the anti-militarist norms embedded in Japan's constitution and undermine the ruling LDP's political standing. The LDP government under Aso Taro was very unpopular and the opposition parties controlled the Upper House of the Diet. Consequently, opposition parties were determined to challenge the government on any new legislation as the continued failure to pass new laws would force a snap election (*Japan Times,* 2009a; Black, 2012: 269). Challenging the constitutionality of dispatching the JMSDF to combat piracy in the Gulf of Aden provided an opportunity to do so. With this in mind, government policy-makers had to craft anti-piracy measures in such a way that opposition parties would be unable to fault their constitutionality. Therefore, the government highlighted the fact that piracy is a criminal issue rather than a military issue. Consequently, the JMSDF was there to support the JCG in its law enforcement

duties, not the other way around. Additionally, the JMSDF was limited to escort and surveillance duties whereas the JCG would be the organisation invested with the authority to actually arrest pirates and board their boats (*Japan Times,* 2009b; Christofferson, 2009: 140; Black, 2012: 272; 2014: 135-136). The government also argued that all dispatching Japanese officials would complement rather than replace capacity building initiatives amongst regional states like Djibouti and Yemen and ODA-led approaches (Black, 2012: 276). Overall, the debate around the constitutionality of dispatching Japanese officials to combat maritime piracy highlights the fact that anti-militarist norms play an important role in shaping the content of Japanese security policies.

Conclusion

This paper examined Japan's efforts to combat piracy off the coast of Somalia. It has argued that Tokyo's response to piracy demonstrates the continued importance of domestic anti-militarist norms in moulding Japan's response to piracy. Opposition parties were eager to challenge the constitutionality of the planned JMSDF dispatch and consequently the LDP-led government developed a policy in which the JCG, a civilian law-enforcement body, played the primary role. Additionally, this paper posited that maritime threats, like piracy, are particularly important for Japanese policy-makers because of the potential disruptions of shipping lanes have profound implications for Japan's economic security.

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'With those views, you should work for the Communist Party of China': challenging Western knowledge production on China-Africa relations

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Abstract

China's relations with the African continent continues to be misrepresented within the Western (North American and European) academe. This is due, in part, to the methodological and epistemological assumptions underpinning many research agendas. These agendas are founded upon a range of histories, theories and frameworks that have been produced in the West, by the West, and for a particular end – within a particular location, or, event.

This paper brings forward some original empirical data - from five months field research in South Africa which questioned power and agency (participation and self-determination) in response to Chinese Development assistance - to support, and bring into conversation, emerging literatures which focus upon the 'uneven production of knowledge' on and about China. It works with critiques of historicism and emerging concepts such as Sinological-orientalism and Sinologism, to explain how the continued measuring and representation of China through Western concepts,

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understandings and logics, come to reduce, in an Orientalist manner, accurate relations between China and Africa.

Conclusions join calls for more balanced and disinterested scholarship on the China-Africa relationship and argue that this can only be achieved through greater geographical and temporal specificity within writing. Within current work on China-Africa relations there is a lack of empirical qualitative data being collected, or, arguments are being extrapolated from limited cases. This paper represents a critical case that introduces new voices and alternative narratives from (South) African's themselves.

Introduction

> *To all Cape Town Chinese, I just want to say that we celebrate you. We celebrate your energy and your contribution to our economy. Now, as a well-established community, we say this to you...long may you be here (Cape Town Government Representative, 11 February 2015).*

These are the words spoken by a representative of the City of Cape Town's local government at a reception hosted by the Consulate General of the People's Republic of China (PRC). It was an event, held in Cape Town, to mark the Chinese New year. The comments were documented during an early period of fieldwork that looked to investigate issues of power and agency – questions of participation and self-determination - in response to China's growing presence as a D/development partner on the African continent. The research took its start upon the news that the United Kingdom (UK) was looking to end its aid to South Africa (BBC, 2013; DFID, 2013). It was a personal view within the study, possibly resulting from an inherent bias as a white British male scholar within the Western academe, that South Africa was, in respect of this, losing what could be perceived as a 'responsible' partner, only to be replaced by an exploitative and self-interested PRC. Such a view acknowledged arguments that China saw the 'Development' arena as yet another geopolitical axis in which to gain power over, and access to, valuable African resources. This argument structured itself around the wealth of criticisms on Empire, Development and Colonialism (Duffield and Hewitt, 2009) and broader criticisms focusing on the burgeoning China-Africa relationship that came to represent a 'third wave' of colonisation

and land alienation (Cheru and Modi, 2013; Moyo, 2013; Sidaway, 2002; Taylor, 2014).

Yet, as further sentiments similar to those in the opening lines (discussed in detail later) came to the forefront of the investigation, it became clear that the research agenda – particularly its methodological and epistemological assumptions – needed redress. Whilst the ceremonial rhetoric (the smoke and mirrors) that are associated with such events, and China's diplomacy more widely, are well-known (see Bakken, 2000; Gong, 2012; Strauss, 2009), what had not been accounted for was the widespread voices of support celebrating the China-Africa relationship and, furthermore, the expression of intent to extend such relations further. This paper represents that iterative reflection on a somewhat misinformed – yet revealing – line of questioning. Put simply, in the context of the original study, through what logic do so many Western scholars come to represent China *as* colonial rather than asking 'is it'? What is important here is not the outcomes of that particular study (that is for a later paper), but the assumptions that came to guide it.

Whilst a somewhat personal reflection of time spent in South Africa - during which qualitative data (semi-structured interviews, field observations, and documentary analysis) was collected at three Chinese-led development projects (an automotive factory within an Industrial Development Zone [IDZ], a new urban infrastructure project, and a mine complex) - the framing of what follows looks to bring into conversation some of the emerging literatures that attempt to explain why there continues to be this somewhat 'uneven production of knowledge' (a bias towards the West as both the source, and holder of, superior knowledge) on the PRC and its relations to Africa. Focus will be placed on the work of Vivek Chibber (2013), Daniel Vukovich (2012), and Ming Dong Gu (2013) who bring into question the role of historicism, Sinological-Orientalism and Sinologism respectively.

The paper demonstrates that current theoretical framings – in this instance postcolonial theory - are somewhat flawed and come to misrepresent relations. Conclusions will call for a more nuanced approach to the study of China by those in the Western academe. As Daniel Vukovich argues: 'What is at stake here is not the truth but a certain paternalist, even colonial arrogance from abroad…' (Vukovich, 2012: 8).

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Such thinking holds *Orientalist* tropes in which China is reduced to some negative 'Other':

> …for various reasons, the West's perceptions, conceptions, generalisations, and evaluations tend to be detached from the real conditions of Chinese culture and society (Gu, 2013: 15).

As an illustration of this, on returning from the field, back in the UK, the sharing of the results outlined here were simply met amongst colleagues (many who have long spent their time studying notions of power and agency) with the view that any such hint of positivity towards China can only mean that your next stop is membership of the Communist Party of China. Positivity towards China was an error, or a joke. It is these views which are challenged here-on-in.

China *as* colonial

China's engagement with the African continent has come to represent the biggest change in African international relations since the ending of the Cold War (Taylor, 2014). In the West, China's engagement with Africa is seen to be just as concerning as issues of poverty and terrorism. There is a heightened, almost alarmist, interest in its engagements as it comes to challenge the position of the so-called 'unchallengeable' states within Europe and America. These engagements with Africa have grown in-sync with its wider economic might (Escobar, 1995) and the PRC is now identified as Africa's largest bilateral trading partner (Taylor, 2014). As Giovanni Arrighi notes:

> …when the history of the *second* half of the 20th century will be written in such a longer perspective, the changes are that no single theme will prove to be of greater significance than the economic renaissance of East Asia. […] The revolt against the West created the political conditions for the social and economic empowerment of the people of the non-Western world (2008: 1).

China's role as a development partner with Africa fits within the broader trajectory of actors from the global 'South' - should the geographic imaginary of China in the so-called 'South' be accepted - taking ownership of the development agenda through

'South-South' cooperation. Those looking to 'develop' do so knowing that there is no longer a single pathway or one that is dictated by the presumptive normative path of the West (DeHart, 2012; Mawdsley, 2012; Muchapondwa et al., 2016; Raghuram et al., 2014; Richey and Ponte, 2014). The BRICS grouping of nations (Brazil, Russia, India, China, and South Africa) who are leading this divergent approach - providing finance and trade agreements for schools, hospitals, technology, industry, transport, and universities - are acknowledged by some as being seen as the 'new Saviours' of the global South (see Cheru and Modi, 2013; Muchapondwa et al., 2016; Taylor, 2014). The BRICS predominantly work unilaterally and are seen to hold differing objectives, ideologies, and practices '… distinct from and superior to "Western" models of development' (Berger, 1995: 717). These differing practices include the promotion of 'trade' rather than 'aid' with the view that cooperation should be 'win-win' with benefits for *both* donor and recipient.

China, specifically, has transformed the development landscape from one based on *public* funds to the increasing use of *private* capital – a transition from governments giving grants or material resources to achieving overseas development objectives through trade and investment. In the context of China, which uses State-owned Enterprises (SOEs) or state-owned policy banks (thus retaining its *public* lineages) this becomes translated within this context as the use of market mechanisms, beyond its domestic borders, for the transfer of finance, the facilitation of capital growth, and the exchange of commodities. The PRC's loosening grip on private capital, as SOEs become increasing managed like private enterprises, allows this to be the case even in a state still officially governed by a Communist Party. This sentiment is exemplified by the wealth of literature within journals of accounting and finance showing how Chinese businesses and banks adopt 'Western' mechanisms and standards (see Cao et al., 1999; Nolan and Wang, 1999; Wu et al., 2007).

With the use of language such as 'saviours' – these actors seen as playing '…a progressive role in reducing the gap between the core and the developing

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world' (Taylor, 2016: 170) – it is no surprise that there is concern over the true implications of these new relations. Such a language comes to represent power and hierarchy and demonstrates very little change when it comes to a reorientation of power for those who have, for many years, been subject to development assistance from 'above' and 'outside.' Developing further the contentious nature of such directions, the type of development promoted overseas by China is based on *markets* and *competition* and has been highly criticised. Such an approach leaves business executives responsible for development objectives and, as some have argued, makes them no more responsible for progress '…than a hammer is responsible for the carpenter's thumb' (Blowfield and Dolan, 2014: 24). Such practices have even led some to suggest that disasters can be engineered or exacerbated for the purpose of profiteering. As an example, pharmaceutical companies withholding HIV drugs or vaccinations to ensure the product enters the market at the peak of demand and the highest price (Hühne et al., 2014; Mohan, 2013; Mohan and Lampert, 2012; Weizman, 2011). These authors go on to suggest that Development, *through* the market, damages local business environments (driving out local competition), reduces employment opportunities (through the importing of labour) and dissolves cultural heterogeneity through the transplanting of foreign processes and practices (Hirono and Suzuki, 2014; Moyo, 2013; Wang and Zou, 2014). China has itself acknowledged that even with its 'socialist' principles, a certain level of inequality must be tolerated (Harvey 2005).

Many of these criticisms stem directly from the Chinese governments motivations for engaging at a developmental level in Africa. One of these is the gross need for resources to meet its own domestic energy and food security needs. China also has a growing urban class and the government proactively seeks new markets for its traders and producers. All of this is seen by critics as a resource 'grab' utilising Africa's cheap and suitably abundant land in a manner replicating the political and economic conditions of the 19th Century (Berthoud, 2010; Cheru and Modi, 2013; Escobar, 2008; Sachs, 2010; Schoneveld and German, 2014; Steger and Roy, 2010; Taylor, 2014; Wang and Zou, 2014). China, from this perspective, is considered to be re-establishing relations of centre/periphery - the essence of colonial and imperial

economics - by taking primary commodities and returning manufactured goods at considerably higher costs (Escobar, 2008; Harvey, 2005; Rodney, 2012; Sidaway, 2002; Taylor, 2014). For those looking to achieve 'better' more 'egalitarian' development (Atkins et al., 2006; McEwan, 2009; Noxolo et al., 2012) Chinese development assistance is associated with unfair land acquisitions, the forced relocation of traditional communities, and environmental damage.

Central to China's engagements, and what is seen to legitimise or make such an approach favourable, is the notion that it does so without encroaching on the sovereignty of recipient nations – against the backdrop of the West (North American and European development policies) who impose conditionalities in their trade and development interventions (see reference to Structural Adjustment policies in Briggs and Yeboah, 2001). Yet, critics argue this means holding no obligation to development outcomes and leads to the support for 'corrupt' governments and safeguards those who are responsible for massacres and regimes of violence (Halper, 2012; Hirono and Suzuki, 2014). Hillary Clinton, a United States (US) politician and 2016 Presidential candidate, quoted by DeHart (2012), offers one perspective of Chinese development assistance, she says:

> Be wary of donors who are more interested in extracting your resources than in building your capacity. Some funding might help fill short-term budget gaps, but we've seen time and again that these quick fixes won't produce self-sustaining results (2012: 1260).

From this brief overview it is clearly seen that there are real concerns and assumptions, particularly amongst those based in the Western academe, indicating that the PRC is detrimental to African development. With particular reference to the study undertaken here within South Africa, postcolonial theory – the theoretical lens that was used to analyse China's development assistance – brings forward the same underlying viewpoints, for similar reasons, that China should not be welcomed. These arguments are particularly pertinent for nations that have only recently fought hard for freedom and independence. Yet, at the same time, there is a counter-narrative to what has been told here.

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South African perspectives on the PRC

In a challenge to the literature, voices from within South Africa seemed to provide an alternative, counter-narrative, to the arguments told above. If the study was one about agency and power, then it is only the South Africans themselves who can inform us on whether they feel powerless at the hands of Chinese actors. What follows are responses from communities, business executives, unions and high-level government officials. Responses look at opinions, but also importantly, various institutional adaptions being made to further deepen and promote China-South Africa relations. The broad range of participants within the study show that, even within such a highly stratified society, a common narrative on, and about, China can be validated – from township residents to business elites.

One area of interest was the recruitment of Chinese staff by South African companies, development agencies, and government departments. This is significant because it goes against the suggested high level protest of 'foreign' workers coming to South Africa – evidenced through a spate of migrant killings and the looting of foreign-owned shops (see Porter, 2015). Although these protests have not, as yet, taken aim specifically at Chinese migrants, it comes to further demonstrate the 'exceptional' space that China occupies within the minds of South Africans – tolerance and acceptance. South African businesses and development agencies were seen to hire Chinese staff to work with and further attract Chinese investment. One of these Chinese individuals described their job:

> I do daily research and make daily contact with Chinese companies back in China to see if there are opportunities for them to come over here. It is our job to attract Chinese investors to South Africa.

Beyond all criticisms, there was a determined effort to attract more Chinese businesses and industries. Making further reference to the Chinese workforce, South African employers argued that 'Chinese workers are willing to work holidays and also after work. They sacrifice their time off.' This seems to counter the literature that, far from the Chinese coming to exploit South African workers, it looks as if South African businesses and those looking to fast-track South African development are pre-

pared to do the same to Chinese workers. Commenting further on Chinese character it was seen that in investment negotiations Chinese workers and businessmen were described as 'friendly, and humble' which was directly contrasted to the dog-eat-dog approach by Western companies. Furthermore, Chinese production and manufacturing processes were also seemingly admired. Research participants commented on how 'China can now offer good quality and a cheaper price. Not the old "Made in China" that was of bad quality.' The Business Chamber added that Chinese citizens 'drive efficiency' and we are 'pleased to learn from that.'

There were efforts at all scales to create the human and physical infrastructure needed for China to move more industries to the country. The development zone had a state-funded training centre that looked at providing skills training for local communities – skills training tailored to the specific requests of incoming Chinese investors. The Development zone also provided Chinese organisations with favourable taxes (as much as ten per cent cheaper), free stationary, administrative and garden services and vehicle repairs. The South African government will even build your factory: 'We are very proud of that.' These are all benefits that are not necessarily available to domestic companies or organisations outside of the IDZ. On a cautious note, the role of IDZ's in national development have long been contested (Peters and Fisher, 2004; Wilder and Rubin, 1996) with histories, in various countries, of providing little return (other than much valued employment opportunities) after these many exemptions and services have been made or provided.

Efforts are also widely made to encourage people, from primary education to the executive boardroom, to learn the Chinese language. Training is also provided focusing on 'How to do business with China' which is offered to banks, factories, schools and both government and non-governmental organisations. All these are decisions 'consciously done' on the South African side to further deepen the relationship. These ideas only begin to touch on some of institutional developments taking place - others including the acknowledgement and honouring of Chinese national holidays and the sending out of Chinese greetings cards. As one worker protested: 'I celebrate St Patrick's Day - but we don't get the day off.'

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At a larger political level, South Africa recognises that China offers a certain stability today that others cannot (see O'Brien, 2015). The 2008 global financial crash, which China seemingly managed to weather, is regularly referred to. It is recognised that China can offer unrivalled opportunities, taking some areas from '…the declining automotive and textile industries, to now, nuclear and renewables.' The UK stopping its aid to South Africa was referred to earlier, in response, one individual laughed - 'At least the Chinese are sticking around.' China, itself a 'developing' nation, is offering something the West cannot. As one government representative argued:

> The difference between many of the European and American companies that are currently here is that the market is limited. The African market is not so sophisticated so they have to export back into Europe. The Chinese are specifically looking at serving Africa. […] What China is doing here is purely for the African market. About three months ago they started taking their products to Angola, Zimbabwe, and so on. It is not going back to China.

If we move the discussion away from the business and corporate environment, which you would expect to be supportive, and look at residents within townships or communities in traditional rural areas, it is also surprising that there is further support for the China-Africa relationship. In reference to the development zone, one individual said: 'We are in support of the development zone. We want big business for big impact. They are doing some seriously good work'. On a lighter note, a Township resident comments: 'As I told you…the Chinese do not pay with cheque [he laughs]. They carry cash. I also buy a lot of Chinese things. Appliances and stuff.' He goes on: 'We refer here to our comrades from China.' These sort of comments are reiterated by the government who say that, at the end of the day, it will be the consumer who dictates the relationship with China: 'From that point-of-view, South African's do not seem to demonstrate discontent.'

Representing support for the 'market-driven' approach to development, residents and business owners seem to believe the associated 'trickle-down' is working. One local

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South African land owner, who is now building low-cost housing, states:

> …our land has gained significance due to the ambitious [Chinese] development. And I mean, we are seeing land prices double, double, and double again. […] You are getting economies of scale beyond what any government can possibly provide. When the government hands out title deeds to those in the townships, the land will be in excess of one million Rand.

Obviously the limits of such an argument should be recognised. These benefits are only favourable if you are the landowner and hold land rights – not so good if you want or need affordable housing.

With regards to Development literature which takes issue at foreign states or international organisations deploying 'experiments' on the global 'South', such as the International Monetary Fund's (IMF) shock treatment and structural adjustment policies, there was a general view on the ground that China and its potential 'experiment' in Africa is to be accepted:

> …they are definitely testing the water first. And that would be a good thing, because, for us at least, we get an understanding of their concerns, ideas, and what they would like to achieve. And more importantly, it helps us to make sure we do not lose our identity.

There was also evidence that China had been learning from its engagements with South Africa which has only been nurtured and enforced through the business/corporate environment. The urban infrastructure project provided a great example of the cooperation and knowledge exchange taking place:

> …having a [Chinese] developer that is very familiar with the Chinese market, seizing a really great opportunity in South Africa, but not being completely comfortable with that market. So the [Chinese company] has been really smart in getting the local developer to work with them. Now they work as a single company with the local developer providing 17 years of onsite experience.

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The research also asked where fault lies when issues in the relationship do arise. Asked if the real issue was with the South African government, one Senior Official from South Africa's Department of International Relations and Cooperation (DIRCO) responded: 'Exactly! That is how we look at it. It is whether our system has stood up to the extent that it should, or not. If there are issues with China, it is our systems that have failed.' Further urging not to be so concerned with the relationship, they went on: 'South Africa, because of its unique history and the hard fight for freedom and democracy, we will be much more protective over our democracy and basic freedoms than many other countries would be.' This would be similar for other African nations too. These views were echoed in the politically vibrant Townships: 'Basically what is happening is in our communities, we have a problem with our own leadership.' One resident of Alexander acknowledged that blame is bluntly with former President Mbeki and current leader Zuma - 'not the Chinese.'

This section ends here with one comment that rightly put the concerns of the original study into perspective:

> You know, we are not that naïve here in the colonies! We are well versed in dealing with the pretty ugly sides of the world. In other words, we can handle China ourselves.

What has been evidenced here are explicit responses – actions and statements – that have been taken 'as said.' From this, it needs to be recognised, in taking analysis forward, that none of these statements would be free from other forces of power and there would be a variety of reasons why individuals may take such a stance. Many arguments are made under other discursive conditions, possibly within a capitalist drive for growth (the need to 'keep-up'), the greed of South Africa's chief executives, a government needing to display open and favourable diplomacy, or a party political system in which votes and short term gains (at the expense of the long term) take priority. But, the views expressed cannot simply, as a result, be cast-out or refused. These are often the views and statements that are taken to international forums (for example, the BRICS summits) and it is, unfortunately, performances and verbal statements that enact, and are drivers of, change. It goes without saying, these should be read openly, as any interpretation of qualitative data should be.

Moving forward, what follows is an introduction to some emerging work that attempts to explain the disjuncture between the theoretical work and data shown here.

An explanation: historicism, Sinological-orientalism and Sinologism

On return from fieldwork, time was spent thinking about how arguments or thought processes had become challenged by the empirical evidence. Specifically, why these voices identified here, and alternatives, are rarely heard in the literature on China-Africa relations. The first explanatory note focuses upon the role of grand theories, or historicism, which have come to be used to approach understandings of global relations. Referring here to the field of postcolonial studies, only through familiarity with it, and by no means the only culprit, the issue was seen that:

> For generations now, philosophers and thinkers who shape the nature
> of social science have produced grand theories that embrace the entirety of humanity. As we well know, these statements have been produced in relative, and sometimes absolute, ignorance of the majority
> of humankind – that is, those living in non-Western cultures
> (Chakrabarty, 2008: 29).

Vivek Chibber's (2013) work, found within his book on *Postcolonial Theory the Specter of Capital* provides the best analysis of when theory created or written in one context, for example Western Marxism, cannot simply be used to explain or criticise phenomena in another. His analysis considers the work of the Subaltern Studies group who apply Western capitalist logic to locations such as India. Chibber cites work of Chakrabarty (2008) who acknowledges in *Provincializing Europe:*

> No country is a model to another country […] because no human society is a *tabula rasa*. The universal concepts of political modernity
> encounter pre-existing concepts, categories, institutions and practices
> through which they get translated and configured differently (2008:
> xii).

It was noted that whilst capital (at the heart of the development assistance discussed here) can have a global reach, it can never be universal. In the context of this study

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and those that question terms such as modernity, globalisation, colonial- and imperial-ism, it cannot be assumed that they operate the same in all places. These are ideas and concepts generated or nurtured primarily in the Western academe based on historical events or geographical phenomena. Because of that, the 'evidence' or 'events' represent something very specific. Citing Lawrence Grossberg, Chakrabarty writes about re-situating the local into global theory because '…every event is potentially evidence, potentially determining, and at the same time, changing too quickly to allow the comfortable leisure of academic criticism' (2008: 7). Our use of historically or geographically specific events become too 'fuzzy' as a tool of accuracy. The work on the China-South Africa relationship, evidenced within this paper, centred its analysis on measuring against Western theory. This has proven to be problematic. Using criticisms found within Ian Taylor's (2014) economic analysis on *Diversifying Dependency*, for example, becomes inadequate for the study of cultural change, or to hold up as the measure of Chinese engagements. Taylor's assessment of relations through Gross Domestic Product (GDP) and various other 'econometrics' to show how Africa continues to become positioned in a subordinate light as a primary commodity producer misrepresents growth or the desires, freedoms and increased agency of recipients. Chibber rightly illustrates the issue: 'When abstract theories misdescribe local practice in this way, it is not that the specificity of the local is obscured. The casual dynamics are also misrepresented…' (Chibber, 2013: 213).

The evidence here only proves further that China comes to challenge many theoretical understandings of the contemporary world (Vukovich, 2012, 2013; see also Raghuram et al., 2014). It also comes to challenge the view that China is looking to replicate the West and integrate into global systems. China is seen, by some, to be doing things differently and on its own merits: '…China has its own modernity, which is not only different from the West but is actually its opposite' (Callahan, 2012: 34). China will follow its own path. Current ways of knowing cannot simply be transplanted onto new relations. This has been happening partly due to the rapid growth of interest in China-Africa studies. Theoretical work that took root in International Relations and Political Science have diversified into economic, environmental, and cultural studies. In the process of doing so, 'difference' has rarely been

acknowledge - with regards to the need to approach analysis of China within a different framing - and assumptions in one field are too commonly used to justify assumptions in another. Whilst many recognise China as being 'not like us', models rarely change.

Building on from the notion of grand theory misrepresenting local causality the work of Daniel Vukovich (2012) argues that this misrepresentation of China and its process and practices comes to represent a new strain of *Orientalism* – extending the work of Edward Said (2003). Using incorrect frames of analysis produces a system of knowledge production that holds the ability to curate China in the vision of the West. Vukovich calls this *Sinological-orientalism*. It differs slightly in that whilst *Orientalism* was a product of literary studies, *Sinological-orientalism* is a product of social-scientific and Cold War writing. He explains: 'Representations of the PRC seemed a clear instance of *positional superiority* over and against some entity called China' (Vukovich, 2012: xii), he continues, '[China] was not colonised. The latter freedom makes it fair game: one can speak guiltlessly...' (2012: xiii). Too often when theorising on China we identify it simply as 'different' and thus 'opposite.' This bounds our openness to new ideas and pre-determines our conclusions. Examples used by Vukovich include the West's interpretation of the Tiananmen Square protests, the demonisation of Mao and the deaths resulting from the Great Leap Forward.

What *Orientalism* and *Sinological-orientalism* have in common is that they are both 'anti-empirical' and 'self-reinforcing':

> …Orientalism was and is about knowledge production and its distribution, the accumulation of information about an area/Other for the purpose of control, management, administration, and profit […]. It is a material phenomenon, the production of a multifarious discourse that becomes institutionalised and that is articulated to global political-economy and imperialism even as it takes the form of intellectual and scholarly knowledge (Vukovich, 2012: 142).

A common thread through these discussions so far is the foundations used to struc-

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ture arguments and assumptions on the PRC.

Ending here, with the work of Ming Dong Gu's (2013) notion of *Sinologism*, his ideas build on what has already been said but brings forward the realisation that once China has been misrepresented through processes of *Sinological-orientalism*, these ideas are then re-inscribed beyond their initial formation (*Orientalism* and *Sinological-orientalism* were always performed to achieve an end and thus held what could be called an 'agenda-bias'). Knowledge produced through these processes are now used as the source material for the study of China, not only in the West, but by Chinese scholars themselves. To put it another way, *Sinologism* is the epistemological and methodological assumptions that we make on, and about, China due to knowledge systems founded upon Western theory and politicised agendas. Whilst *Orientalism* and *Sinological-orientalism* are seen to have been 'employed' for political gain, and the tool of governments and traders, *Sinologism* is an unconscious process used by academics and wider society. China, and its scholars, now represents itself as the West does. To clarify, Gu writes:

> I have been keenly aware of a deep-seated intellectual mentality and scholarly habit in China-West studies; the conscious and unconscious acceptance of Western teleological models and conceptual frameworks for Chinese materials irrespective of their appropriateness and the historical and cultural conditions in which the materials would generate (Gu, 2013: 3).

The result being:

> …the Chinese intellectual […] viewing China in terms of the Western perception, conception, evaluation, and the accompanying way of determining and measuring the value and achievements of their own culture in terms of Western values, endorsements or disapproval (Gu, 2013: 106).

It is noted that, at once, we talk of China as achieving miracle growth and development whilst also being a place of human rights violations and oppression – not inac-

curate or unique dichotomies (Britain too developing on a similar history – for example, growth founded on slavery) – but Western scholars are seen to hold the privilege of selection. Gu has argued that Western scholars begin their inquires with [these] pre-conceived ideas. Their studies are simply designed to 'confirm' or 'disconfirm' their preconceptions. This possibly at the centre of the problematics of the study focused upon in this paper. Gu goes on: 'In some cases, if the Chinese conditions do not support their notions, they will remould the Chinese materials so as to fit them into the Procrustean bed of Western conceptions and imaginations' (Gu, 2013: 17).

In short what the emerging literature in this analysis is coherent in saying, and what should be taken forward, is that scholars of Africa-China relations must stop alienating knowledge by continually taking the stance that 'Western standard[s] must [be] upheld as the yardstick by which Chinese materials are to be evaluated' (Gu, 2013: 7). The critical analytical tools of Western origin must be challenged.

Conclusions

Through reflecting on a piece of fieldwork that looked at China and South Africa as development partners this paper has done two things. Firstly, it has come to challenge the epistemological and methodological assumptions made regularly in the Western academe, and beyond, regarding the growing dominance of the PRC. The discussions here have demonstrated that the founding assumptions within the study, in this instance those born within postcolonial studies, led an approach to the China-Africa relationship that took an inherent negative framing. Secondly, it has contributed to bringing forward new empirical data and voices that represent a less-often reported corrective on the China-Africa relationship. The result is an original contribution highlighting a range of voices and alternative arguments from South Africans themselves. African voices have been lacking in discussions to-date. Providing alternative perspectives had delivered a different alternative reading. This data has supported arguments made within emerging literature on historicism, Sinological-Orientalism and Sinologism.

It has been demonstrated that the PRC continues to be misrepresented within the

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Western academe (and beyond) due in part to the continued reliance upon, and mis-use of, theoretical understandings that were developed and transposed in reference to Western historical events and experiences. Whilst it cannot be argued that the negative perceptions of China's past are inaccurate - it can be certain that there have been instances of exploitation and political misjudgement on behalf of the Chinese government - it has to be accepted that history as a point of reference can only be productive to a point. National policies change and countries develop. Referring back to one Union representative, he acknowledged: 'They are getting better, they are beginning to understand'. Today's conditions and relations may have vastly improved.

It is clear China has come to challenge our understanding of the contemporary world and this work comes in agreement with calls for a depoliticised scholarship on China. We need to develop existing theory and at the same time grasp the creativity and confidence needed to break from models of the past. While European thought is both valuable and indispensable it is at the same time 'inadequate in helping us think through the experience of political modernity in non-Western nations' (Chakrabarty, 2008: 16). There is a lack of empirical data collection being undertaken to support arguments, or, arguments are being extrapolated from limited cases. There is a need for geographical and temporal specificity within writing which will at the same time open up space for alternative (African) voices. This is something too often lost in the cross-fire as Western scholars dedicate their resources to 'knowing' China, and China only. Leaving the last word to Gu (2013), failing to take steps to address the issues flagged here will simply lead to:

> …wars of discourse, culture wars, or even worse, ideological wars, which will compromise the dissemination of knowledge, promote cultural intolerance and bigotry, and hinder inter-cultural understanding (2013: 13).

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China's Public Diplomacy in Zimbabwe: perceptions, opportunities and challenges

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Abstract

Contemporary Chinese engagements in Africa have been described in many terms by scholars and media practitioners. One of the threads in the China-Africa discourse is the role of public diplomacy and the desire by the Chinese government to engage African governments and citizens. Using insights from the concept of public diplomacy and new public diplomacy, this study seeks to understand China's public diplomacy in Zimbabwe by analysing news stories from the Chinese Embassy Website in order to discern the key actors and instruments used. Furthermore, the study uses the media reports from the private and public media as a barometer to form valuable insights on how the Chinese engagements and public diplomacy initiatives are perceived. Focus is particularly placed on convergences and departures between official Chinese public diplomacy narratives and the local media perceptions. The study finds that China has maintained the traditional state-centred public diplomacy model and that it has extensively focused on relationship building in its public diplomacy approaches in Zimbabwe which is in line with new public diplomacy. However, there are divergences between the themes prioritised by China and those prioritised by the local media which points to a possible communication gap. The study, therefore, proposes a proactive approach by China for effective public diplomacy in Zimbabwe.

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Introduction

Zimbabwe established diplomatic relations with China on 18 April 1980 after attainment of independence. The establishment of diplomatic ties with the new government in Zimbabwe signified the formalisation of a relationship that had been established in the 1960s. Then, China, together with other nations, supported the armed struggle waged by the nationalist movements to unseat the oppressive colonial white regime. Historians have gone further to trace the links between China and Zimbabwe to the pre-colonial period. The government of Zimbabwe's official website (2016) notes that discovery of Chinese dishes among other artefacts at the Great Zimbabwe archaeological sites points to the existence of a gold trade network that occurred in the 15th century and extended as far as China and India with the facilitation of Arab traders. The history is corroborated by Li Anshan (2015: 49) in his acknowledgement of the study by Ma Wenkuan (1985) which noted discovery of 43 pieces of porcelain from the Song Dynasty in a cave at Great Zimbabwe.

Contemporary Zimbabwe-China relations have been characterised by officials from both sides as an 'all weather friendship' on the basis of the rich history of cooperation founded on shared interests and principles. The relations have gone beyond the initial historic trade links and blossomed as evidenced by increased cooperation in the political, socio-economic, security and cultural sectors. Two significant developments are attributed to the growing relations between Zimbabwe and China. The first is the establishment of the Forum on China-Africa Cooperation (FOCAC) in 2000 which created a framework for closer cooperation between China and African countries. The second is Zimbabwe's adoption of a 'Look East' Policy in 2004 which was a deliberate decision to focus on China and other Asian countries after the United States (US) and the European Union (EU) bloc imposed unilateral sanctions on Zimbabwe. As a result, China has become the top foreign direct investor in Zimbabwe.

The African country is the 15th highest recipient of Chinese funds on the continent with over US$ 1.7 billion disbursed between 2000 and 2014 (Hwang et al., 2016). The period 2014-2015 also marked a significant increase in cooperation as testified by the exchange visits between the presidents of Zimbabwe and China. The visits

were not only political events but were crowned with the signing of 'mega-deals', hence, the leaders defined the phase of engagement as a 'new strategic partnership'.

The trend of increased cooperation with China has not been unique to Zimbabwe but to all African countries operating within the FOCAC framework. However, despite the deep historical ties and evidence of growing cooperation, the relationship has faced both domestic and international criticism from politicians, media and academics. In Zimbabwe, Mano (2016: 172) shows that the majority of the citizens in the capital city perceive the Zimbabwe-China economic engagements as not benefiting Zimbabwe and the same theme is dominant in the privately-owned media. Other observers have criticised China for supporting Zimbabwe which they perceive as undemocratic, thus, questioning China's policy of not attaching political and human rights conditions to its financial support to African countries. Shinn (2008: 2) advances that the relationship between China and Zimbabwe posed a special human rights problem for Beijing and that 'China's policy of no strings attached to its aid fits neatly into Mugabe's concept of a desirable foreign partner'. Brautigam (2009: 3) adds that there has been condemnation of China's policy of engaging with all countries that grants it diplomatic recognition, and its pledge not to interfere in domestic affairs in such countries as Sudan and Zimbabwe.

Against the background of such negative and critical views of China's policies in Africa, in general and Zimbabwe in particular, the role of public diplomacy becomes important in order to win the support of the local population. Henrikson (2006: 4) captures the important role of public diplomacy stating that communication of ideas and information has now become the most powerful form of action such that public opinion is now both a measure as well as a source of power. China has awakened to the centrality of public diplomacy and communication in contemporary China-Africa relations as acknowledged by the Public Diplomacy Association vice president, Gong Jianzhan, when addressing a group of African journalist. He noted the negative and biased coverage of Africa and China by the Western media and advocated cooperation among media from both sides in order to change the narrative (Chikova, 2016).

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The practice of public diplomacy is, however, far more complex than just sending out information as captured by Melissen (2011) that while governments have increased budgets for public diplomacy, in the majority of cases, there was little or no clear cut proof that it was working. The sentiment is echoed by Pammet (2011) and Wang (2011) who demonstrate the difficulty of public diplomacy evaluation by characterising it as the 'Achilles heel' and 'holy grail' of public diplomacy respectively. Banks (2011: 9) notes the complex nature of public diplomacy evaluation and suggests a number of approaches in order for individual countries to draw the benefits of public diplomacy. In China, the complexity is acknowledged by Director of the State Council Information Office (SCIO), Cai Mingzhao, who points out that policy-makers should pay more attention to the receiving side of public diplomacy and take a closer look at how Chinese messages are received by audiences abroad (d' Hooghe, 2013).

The question of how China's messages and public diplomacy initiatives are structured, designed and received in Zimbabwe forms the basis for this study. Using insights from the concepts of public diplomacy and new public diplomacy, this study seeks to understand China's engagements in Zimbabwe and discern some of the Chinese public diplomacy instruments and principal actors by analysing news stories from the Chinese Embassy Website. Media reports from the private and public media are used as a barometer to form valuable insights on how the Chinese engagements and public diplomacy initiatives are perceived with focus on convergences and departures between official Chinese public diplomacy narratives and the local media perceptions. The study is significant in that it casts light on the practice of China's public diplomacy in a particular context, Zimbabwe. Resultantly, the study contributes to the existing body of knowledge that has generalised the study of China's public diplomacy. Unpacking of the official China's public diplomacy initiatives and how local media perceive and represent the different Chinese engagements in Zimbabwe is important in filling the void on the outcomes of public diplomacy. The finding of the study will inform the discussion on the opportunities and challenges for effective Chinese new public diplomacy in Zimbabwe.

Public Diplomacy and New Public Diplomacy as conceptual frameworks to understand China's public diplomacy

There are numerous definitions of public diplomacy such that Lane (2006: 2) contends that there still remains lack of clarity on what it is and how its tools might be used. The different perspectives on public diplomacy continue to expand the knowledge on the concept and its practice in international relations and international communication. This article will not retrace the debates on the nuances of the definitions of public diplomacy but seek a common thread and understanding of public diplomacy and the transition to new public diplomacy which serve as theoretical frames for further discussions. Understanding public diplomacy and its recent transformation forms the backbone of understanding Chinese public diplomacy in general and specifically in Zimbabwe.

According to Gilboa (2001: 4) public diplomacy involves activities that are directed at foreign citizens in order to affect their thinking and ultimately that of their governments. He notes that these activities are in the field of information, education and culture and expands on the definition by identifying three variants of public diplomacy based on the characteristics of the participants, their goals and methods. Gregory (2011: 353) captures these different perspectives and defines pubic diplomacy as an 'instrument used by both state and non-state actors 'to understand cultures, attitudes and behaviours; build and manage relationships and influence thoughts and mobilise actions to advance their interests and values.' It is evident that there are two major distinctions of public diplomacy which are based on the central players or drivers of public diplomacy. Hocking (2005: 35) acknowledges these 'two worlds' of public diplomacy and notes that they are often at odds and in unison. On the one hand there is the traditional 'hierarchical' model which stresses inter-governmental relations. On the other hand there is the 'network model' where there are government and non-governmental actors and the emphasis is on building long term relationships based on understanding the values and culture of the publics. Melissen (2011) views the network model and entry of new actors as 'democratisation' of diplomacy and concurs with the Wiseman (2010: 24) concept of 'polylateral diplomacy' which means collaboration between state and non-state

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actors. The difference between the hierarchical and network models is one of the key distinctions between traditional public diplomacy and new public diplomacy.

The transformation of public diplomacy has been attributed to globalisation and developments in communication technologies in the 21st century, hence scholars and practitioners have been challenged to consider new approaches to public diplomacy (Snow and Taylor, 2009; Arsenault, 2009; Pammet, 2013). In distinguishing between 'old' public diplomacy and the 'new' public diplomacy, Pammet (2013: 8) describes the former as a one-way flow of information (hierarchical model) which relied more on persuasion models of communication. On the other hand, the defining feature of new public diplomacy is dialogue as opposed to monologue, which is facilitated by the network model of communication (Melissen, 2005; Snow and Taylor, 2009). Further to these new features of new public diplomacy, Cull (2009: 13) adds that new public diplomacy places emphasis on relationship building based on people-to-people interactions and it makes use of real time technologies to communicate. He contends that the major paradigm shift is the break from broadcasting models to new models that incorporate new communication technologies for two-way engagement with the public. However, Pammet (2013: 9) is quick to note that such definitions and conceptions of new public diplomacy remain normative in nature because they describe desired or 'ideal approaches to public diplomacy rather than reflect how public diplomacy is widely practiced'. To this end, Brown (2004: 9) points out that the challenge, therefore, is to test the new public diplomacy concepts against empirical evidence.

Using public diplomacy and new public diplomacy as theoretical frames allows the study to understand the diverse public diplomacy initiatives by China in Zimbabwe and also provides an opportunity to test the concepts against empirical evidence. Three broad approaches are identified in the evaluation of public diplomacy and these are outcome analysis, network analysis and perception analysis. This paper focuses more on perception analysis as some form of evaluation of Chinese public diplomacy in Zimbabwe with particular focus on the official representations against the local media representations. This approach exposes how the media in Zimbabwe and their audiences are responding to China's public diplomacy initiatives.

China's public diplomacy and practice

The relationship between Africa and China has continued to scale new heights in different sectors since the establishment of FOCAC in 2000. Since then, every FOCAC meeting has outdone the previous one in terms of the financial commitments and areas of cooperation. At the Sixth FOCAC meeting held in December 2015 in Johannesburg, South Africa, the President of China, Xi Jinping, committed a staggering US$ 60 billion. Yun Sun (2015) observed that China went beyond the traditional doubling of financial commitment to Africa at each FOCAC meeting by tripling the commitment at the Sixth FOCAC meeting. Evidence of this growing cooperation is seen in the statistical data that shows that China has maintained its position as the biggest trading partner for Africa (Chen et al., 2015). In light of this growing cooperation between Africa and China, it is worth reviewing how China is using public diplomacy in Africa and other parts of the world and how it is perceived in order to inform the study of China's public diplomacy in Zimbabwe.

According to Melissen (2011), the need to project an attractive and friendly image to the world has inspired China's new public diplomacy. The scholar contends that in the face of critical views on China's approaches to the 'triad of democracy, human rights and rule of law', the challenge is to find a strong and competing storyline in Western countries. In the developing countries, he argues that China is less hindered because foreign aid and public diplomacy go hand-in-hand. While this is largely true, it is worth noting that there is also growing scholarship on negative public opinion of China in some African countries, highlighting the triad of issues noted by Melissen and other issues such as environment protection and labour rights among others. In line with this view, Zhang (2016: 9) notes that the official view of China is cosy and positive but the unofficial perspectives tend to be critical of China's actions and policies. Naidu (2010: 33) attributes the growing negative perceptions of China to the traditional state-to-state model of engagements which alienates the ordinary citizens. She cites the cases of conflict between Chinese citizens and locals in countries such as Zambia, Nigeria and Ethiopia and points out that these have less to do with anti-Chinese sentiments than with the frustration directed at African political

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and economic elites.

The media in Africa have over the years proved to be important sites to understand the perceptions of China in different countries. A number of studies have been conducted in order to understand how the media in Africa depict the relationship (Nassanga and Makara, 2016; Wassernan, 2012). In a study on the representation of China in South African media, Wasserman (2012: 343) observes that an analysis of academic literature and international media shows a binary representation of China. On the one end is the benevolent, development partner and on the opposite end, the relationship is depicted as a new form of imperialism. The study shows that, diverse as the media is in South Africa, the coverage for the year 2010 was balanced in terms of positive and negative statements. In 2011, the top two outlets, SABC 3 and Business Day had a majority of neutral statements (ibid: 348). The scholar posits that the balance in the representation of China may suggest an understanding 'that China's role in Africa is a complex one, which cannot be pigeonholed in either a "bad" or "good" news story'. On the dominance of neutral stories in 2011, he suggests that it may be a reflection of the growing influence of professional journalism ethics such as objectivity among South African practitioners (Wasserman, 2012: 351). In the case of Uganda, Nassanga and Makara (2016) note that the local perceptions of China were largely neutral and positive. The study, therefore, concurs with earlier studies which note the differences between Western and African perceptions of China (ibid: 24).

Such evidence serves as some form of gauge of the public opinion of China's engagements in Africa. Public diplomacy would, therefore, seek to address the negative perceptions by creating knowledge and understanding of China's values thereby enhancing its appeal to foreign publics. In the face of negative perceptions of China's economic rise and programmes in Africa and driven by the desire to project a friendly image, Bolewski and Rietig (2008: 84) note that China has embraced new public diplomacy in order to enhance its appeal to foreign publics. The scholars concurs with Rumi (2004: 10-11) that the three main characteristics of China's public diplomacy are 'the management of public opinion abroad through external publicity and external cultural exchanges, the spreading of information to the outside world, and

the focus on selected issues in its public diplomacy'. It is evident that information is critical in effective public diplomacy and China has taken positive steps to ensure that it has the capability to spread information to the outside world through a media going out strategy. In the case of Africa, the strategy has seen China expanding the number of bureaus for established media such as Xinhua and China Radio International (CRI) as well as setting up new media outlets such as China Central Television Africa (CCTV Africa), and China Daily in 2012 (Zhang, 2016: 7).

On the structure of China's public diplomacy, d'Hoogle (2013) notes that the Chinese government has over the years selected some Western approaches and adapted them to the Chinese political and cultural context, resulting in 'public diplomacy with Chinese characteristics'. To this end, a number of scholars agree that it is state-centred with a minimal role for non-state actors who are not fully independent (d'Hoogle, 2007; Melissen, 2011; Zhang, 2016). This centralised public diplomacy style is questioned by Melissen (2011) who casts doubts on its effectiveness in a world of ever-changing transnational relations. While questioning the Chinese public diplomacy style, he concedes that there are however experiences of China and other East Asian countries that can enrich the debate on public diplomacy which has largely centred on Western traditions and practices. The view is reinforced by d'Hoogle (2007: 36) who argues that the centralised system is both a strength and a weakness for China's public diplomacy. She notes that in the Chinese centralised system the chances of conflicting messages from different actors are avoided but there are also missed opportunities from the lack of full participation of non-state actors.

On the instruments used by China, Bolewski and Rietig (2008: 91) posits that public diplomacy is used as a tool in Chinese soft power which is conceived as 'all means of power outside the hard military power'. To this end, China has effectively used economic engagements as one of the key instruments of public diplomacy. According to Hocking (2005: 34), China's use of economic engagements in public diplomacy has made the country more successful at attracting political partners than the US. Further, d'Hooghe (2013) observes that the 'Chinese government has embraced the ideas of soft power and public diplomacy to an extent not often seen in China with regard to political concepts from abroad'. Other instruments used in China's public

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diplomacy include Confucius Institutes (CIs), student exchange, media publications and building long term relationship or 'guanxi' which is an inherent Chinese custom (d'Hooghe, 2013). These insights on the objectives, structure and instruments of Chinese public diplomacy provide an important framework to understand China's public diplomacy in Zimbabwe.

Research Questions and Methodology

In light of the insights from the literature on Zimbabwe-China relations and the practice of China's public diplomacy, the study seeks to find answers to the following research questions:

RQ1: **How is China practicing public diplomacy in Zimbabwe?** The question seeks to understand the actors and the instruments used in China's public diplomacy in Zimbabwe in view of the new public diplomacy concepts.

RQ2: **How is China represented in the public and privately-owned media in Zimbabwe?** The question seeks to find the convergences and departures on themes on China between official Embassy narratives and those in the public and private media.

RQ3: **What are the opportunities and challenges for China's new public diplomacy in Zimbabwe?** The questions forms the basis for the discussion of the findings and attempts to identify those areas where China has excelled and those that could be improved in its public diplomacy efforts in Zimbabwe.

The period of the study was that period bracketed by the exchange visits by the two Heads of States from Zimbabwe and China (August 2014 and December 2015). The period is, therefore, considered significant in the relationship between the two countries and more media reports of the relationship were expected to be in this period. The Chinese Embassy Website was selected as an official account detailing the news and events of importance in the China-Zimbabwe relationship. In the case of the relationship between Zimbabwe and China, Mano (2016: 171) observes that *The*

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Herald represents the relationship as beneficial to Zimbabwe while the privately-owned media such as *Daily News* and *NewsDay* depict it as the reenactment of colonisation. The selection of *The Herald* and *NewsDay* to represent the public and privately-owned media is important in order to capture all the different views on China in Zimbabwe.

Key words such as '*China-Zimbabwe*' and '*China*' were used to search for stories on the newspapers' online archives. Purposive sampling was used to select all the stories relevant for the study from the Chinese Embassy Website and the two local media houses. The criteria for selecting the stories was that they focused on the China-Zimbabwe relationship in order to capture all the reported engagements between the two countries. Another criteria was that the stories had to be published during the period of the study. A total of 42 stories were selected from the Chinese website, 56 from *The Herald* and 30 from *NewsDay*.

Content analysis was used to interpret the instruments used in China's public diplomacy in Zimbabwe. According to Kerlinger (1986) content analysis is 'a method of studying and analysing communication in a systematic, objective and quantifiable manner for the purpose of measuring variables'. In using content analysis, the entire collection of stories was considered as the unit of analysis. The approaches by Cull (2009) and Fitzpatrick (2010) provided a framework for coding the range of instruments used in both public diplomacy and new public diplomacy. Further, new instruments were included to capture some of the engagements that emerged from analysis of the stories. For instance, China has included economic activities and relationship building initiatives in its soft power and public diplomacy strategies and it was, therefore, important to consider these as additional components of new public diplomacy. Below is an example of the distinction made in the definition of codes for such instruments as listening and relationship building:

> • Listening is the collecting and collating of data about the public and their opinions. It included public opinion polls, image surveys and media analysis. In this study it was extended to include seminars, conferences and public lectures where there was interaction and exchange of ideas.

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• Relationship building is a feature from new public diplomacy and involves all efforts aimed at establishing and maintaining long term relationships between China and the citizens in Zimbabwe. The activities include long term livelihood projects which empower citizens with skills, equipment and infrastructure to transform their lives.

It is acknowledged that in one story there might be a number of possible public instruments descendible but the challenge was overcome by focusing on the main thrust of the story as drawn from the emphasis placed on the headline and the text within the story. For example, at face value, it would be easy to associate the story such as '*Press Briefing on China's Donation of Wildlife Protection Equipment to Zimbabwe*' (7 August, 2015) with relationship building. However, close analysis of the story shows that focus is on advocacy. This is evident in statements within the story such as; 'the donation also symbolises the great importance China has attached to wildlife protection. The Chinese government is very strict when it comes to wildlife conservation and has put up policies and laws to govern the issue'.

In determining the themes from the stories from the Embassy and local newspapers, thematic analysis was used. Braun and Clarke (2006: 93) note that in thematic analysis the researcher requires to understand the implicit and explicit ideas within the data. In all the stories analysed for this study, it was important to identify the dominant themes and come up with mutually exclusive categories to which each story belonged. The themes emerged from the stories, hence, it was possible to have a theme that is evident in one newspaper but is lacking in others. An example is the theme of 'corruption' which is discernible in *NewsDay* but is absent in *The Herald* and Chinese Embassy stories. Furthermore, it was possible to distinguish between such themes such as 'exchange programmes' and 'people-to-people relations' by restricting the definition of exchange programmes to official visits and courtesy calls by officials from the two countries while people-to-people relations only focused on interactions outside official programmes such as cultural engagements. This distinction was particularly important in light of the observations earlier noted by Naidu (2010: 33) on the pitfall of the China's emphasis on state-to-state model of engagement. It was, therefore, prudent to separate the state-to-state exchange programmes

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from the people-to-people relations.

The study will further interrogate the instruments used in China's public diplomacy in Zimbabwe using the three-dimension model of public diplomacy advanced by Leonard (2002: 10). The model shows that the main dimensions are reactive, proactive and relationship building. According to Leonard (ibid) reacting means those actions triggered by news events while proactive means creating a news agenda through activities and events which are designed to reinforce core messages and influence perceptions. The last is relationship building which aims to establish and maintain long term relationships with populations overseas to win recognition of our values and assets and to learn from theirs. Proactive and relationship building dimensions, therefore, have similarities with the key elements of new public diplomacy that place emphasis on engagement, dialogical communication, partnerships and relationship building.

China's public diplomacy actors and instruments in Zimbabwe

The study sought to understand China's public diplomacy in Zimbabwe by analysing the actors, instruments used and representation of the initiatives from the Chinese perspective as compared with that in the public and privately-owned media in Zimbabwe. This section presents the findings of the study.

A State-centred model in China's public diplomacy in Zimbabwe

The study finds that the structure of China's public diplomacy in Zimbabwe does not depart from the findings of earlier studies which note the dominance of the state as the principal actor (d'Hoogle, 2007; Melissen, 2011; Zhang, 2016). Below is a table and figure which show the actors in China's public diplomacy in Zimbabwe.

It is also evident from the data that China formed partnerships with non-state actors to support particular programmes in line with the overall public diplomacy objectives in Zimbabwe. Some of the key areas that have been prioritised in China's public diplomacy in Zimbabwe include improving the livelihood of disadvantaged peo-

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ple and communities and the promotion of Chinese culture. Stories that reveal this partnership include; '*The Women's Group of the Chinese Embassy Held a Christmas Party with Zimbabwe Parents of Handicapped Children Association*' (25 December 2015) and '*The Chinese Embassy Successfully Hosted the First-ever Chinese Food Festival in Zimbabwe*' (27 October 2014).

Table 1. Actors in China's public diplomacy in Zimbabwe

ACTOR	FREQUENCY	PERCENTAGE
State	37	88.10%
State and Non-State	5	11.90%
Non-State	0	0
TOTALS	**42**	**100%**

Figure 1. Actors in China's public diplomacy in Zimbabwe

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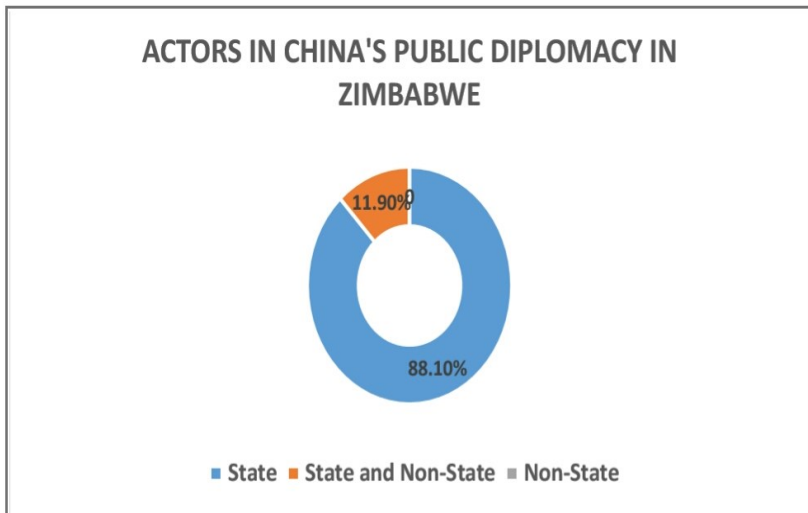
Relationship building central to China's public diplomacy in Zimbabwe

The study finds that China has used the full range of traditional public diplomacy instruments, embraced some elements of new public diplomacy and also incorporated its own characteristics such as economic and political engagements in Zimbabwe. Below is Table 2 and Figure 2 which summarise the data on the instruments used and the frequency.

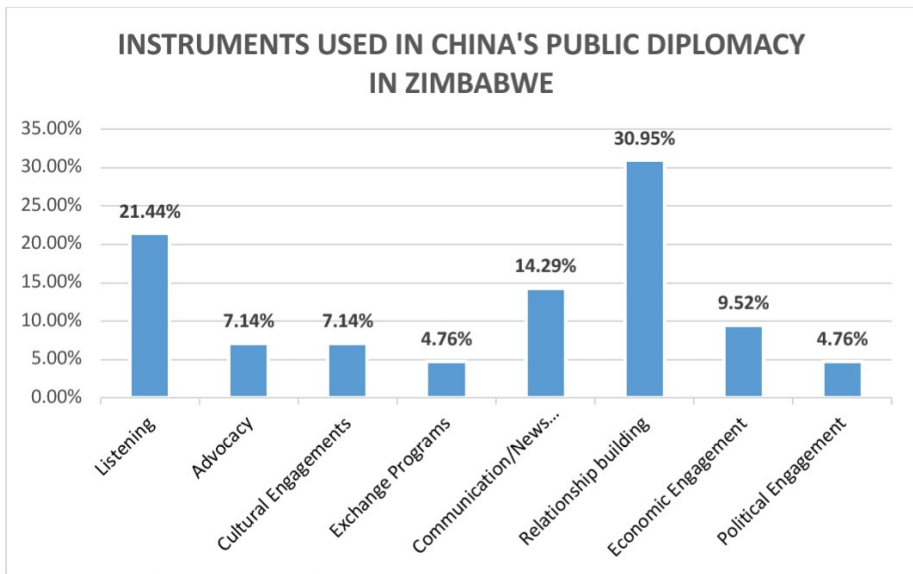**Table 2.** China's public diplomacy instruments in Zimbabwe

INSTRUMENTS USED IN CHINA'S PUBLIC DIPLOMACY IN ZIMBABWE

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Figure 2. Instruments used in China's public diplomacy in Zimbabwe

PUBLIC DIPLOMACY INSTRUMENT	FREQUENCY	PERCENTAGE
Listening	9	21.44%
Advocacy	3	7.14%
Cultural Engagements	3	7.14%
Exchange Programmes	2	4.76%
Communication/News Dissemination	6	14.29
Relationship Building	13	30.95%
Economic Engagements	4	9.52%
Political Engagements	2	4.76%
TOTAL	**42**	**100%**

The inquiry into the instruments of public diplomacy used by China in Zimbabwe shows that China has heavily invested in relationship building which accounts for 30.95 per cent of all the stories published on the Embassy website for the period of the study. Relationship building is a long term investment which aims to create and establish deep and long lasting relations based on shared values and understandings. The stories that highlight China's commitment to relationship building include: '*Chinese Embassy Implements Projects for People's Livelihood*' (5 September, 2014), '*Charge d'Affaires Cui Chun Attends Handover Ceremony of Rukururwi Primary School*' (2 December 2014) and '*The Women's Group of the Chinese Embassy Held a Christmas Party with Zimbabwe Parents of Handicapped Children Association*' (25 December 2014).

Listening is described by Cull (2009) as one of the most important functions which precede any successful public diplomacy. The data reflects that China has attached as much importance to listening in its public diplomacy priorities in Zimbabwe. In the data, listening has the second highest frequency (21.44 per cent) of all the initiatives discernible from the stories on the Chinese Embassy website. The stories that

show this function include: '*Ambassador Lin Lin Hosted Breakfast Meeting on the 4th Plenary Session of the 18th CPC Central Committee*' (23 December 2014) and '*Ambassador Lin Lin Attends China-Zimbabwe Relations Seminar*' (20 May 2015). It is worth noting that participation of Chinese officials at organised events presented unique opportunities to interact and listen to the issues that are important to different sectors in Zimbabwe.

The media are an important tool in effective public diplomacy and this accounts for the third highest frequency (14.29 per cent) of the instruments used in China's public diplomacy in Zimbabwe. To this end, the Chinese Ambassador had a number of exclusive interviews with both the public and privately-owned local media as well as Chinese media such as Xinhua. The data also shows that economic engagements have the fourth highest frequency (9.52 per cent) and advocacy and cultural programmes have the joint fifth highest frequency (7.14 per cent). Political engagements have the least frequency (4.76 per cent). Noteworthy is how cultural programmes between Zimbabwe and China have not featured highly and the minimal use of advocacy in China's public diplomacy initiatives.

In the study, advocacy was used sparingly in articulation of China's commitment to environmental protection and conservation. A number of platforms were used to demonstrate this commitment and this is evident in the stories such as: '*Press Briefing on China's Donation of Wildlife Protection Equipment to Zimbabwe*' (7 August 2015) and '*Chinese Ambassador Lin Lin Attends Launching Ceremony of Sino Zim Wildlife Foundation*' (9 September 2015). In the press briefing the Chinese Ambassador states that 'The donation also symbolises the great importance China has attached to wildlife protection. The Chinese government is very strict when it comes to wildlife conservation and has put up policies and laws to govern the issue'.

In view of the data on the public diplomacy instruments used by China, it is worth noting that the Chinese Embassy Website is a valuable and authoritative source for insights on China' engagements with Zimbabwe. At the same time, the Website is also a tool for public diplomacy. It can, therefore, be argued that dominance of relationship building over other instruments of public diplomacy might represent the

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way the Embassy has decided to shape public opinion in Zimbabwe. Against this view, it is significant to measure the representations by the Chinese Embassy against those by the local media in Zimbabwe in the following section.

Divergences on China's public diplomacy themes and local media representations

The study finds that there are divergences on the themes that are prioritised by China and those that are represented in both the public and privately-owned media. The findings are summarised in Table 3 and Figure 3 below.

Table 3. Themes covered by the media and frequency of coverage

THEMES COVERED	CHINESE EMBASSY NEWS	*THE HERALD*	*NEWSDAY*
	% of 42 Stories	*% of 56 Stories*	*% of 30 Stories*
Environmental Protection	7.14%	1.79%	3.33%
Improving Livelihoods	23.81%	3.57%	0
Strengthening Bilateral Ties	**38.11%**	17.85%	0
Culture and People-to-People Relations	7.14%	7.14%	3.33%
Economic Cooperation (Trade and Investment)	19.04%	**53.57%**	**50%**
Exchange Programmes	4.76%	14.29%	3.33%
Corruption	0	0	9.99%
Environmental Violations	0	0	6.69%
Negative Outcomes from Cooperation	0	1.79%	23.33%
TOTAL	100%	100%	100%

Figure 3. Themes covered by the media and frequency of coverage

THEMES COVERED IN THE STORIES ON CHINA
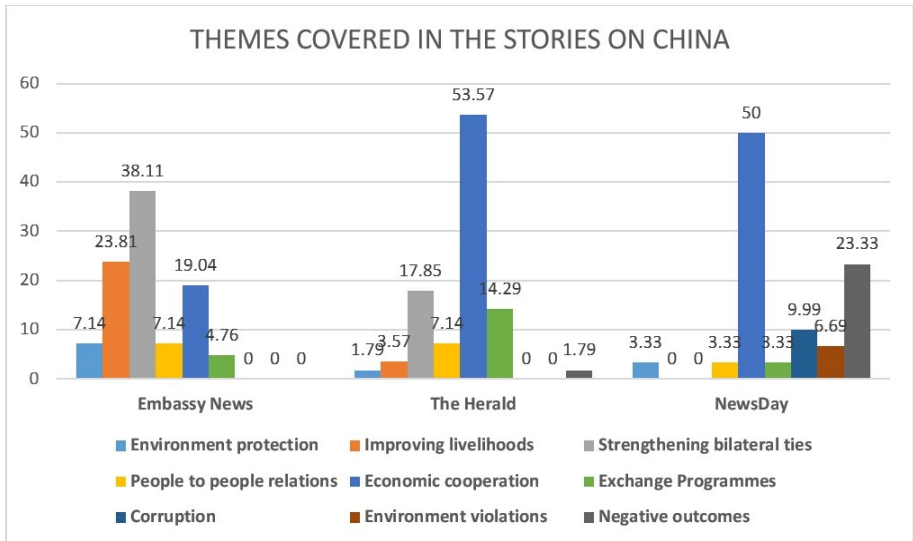
A consolidation of all the major themes covered by the stories from the Chinese Embassy news, *The Herald* and *NewsDay* was done and analysis of the data shows that the two daily newspapers prioritised economic cooperation between China and Zimbabwe as the most important outcome of the relationship. *The Herald* had 53.57 per cent while *NewsDay* had 50 per cent of the stories focusing on the theme. Significant to note is that the stories highlight the numerous agreements and economic projects in the economic sphere such as trade, investment, equipment and technical support. Stories from *The Herald* include, '*Zim-China sign nine mega deals*' (22 August 2014), '*China has shamed the West: President*' (6 September 2014) and '*Zim-China economic ties growing*' (16 January 2015). *NewsDay* equally has stories expressing optimism on the Zimbabwe-China economic cooperation and these include; '*Trade with China spikes*' (17 March 2015) and '*NetOne receives state-of-the-art equipment from China*' (25 May 2015).

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However, the Chinese Embassy news only has economic cooperation as the third ranked theme with 19.04 per cent of the stories focusing on the theme. The difference could be explained by the fact that the immediate challenge facing Zimbabwe and its citizens is economic development hence stories on the theme will not only capture the attention of the readers but also create hope of a brighter future for the citizens. On the other hand, China has realised that while economic engagements are important for the interests of the two nations, they, however, do not define the relationship. This realisation might have been a result of the negative criticism that China has faced in the past on prioritising economic cooperation which is described by Strange et al. (2014) as a 'lightning rod for criticism' in that it is one area that has attracted the most negative criticism. As a result, China's public diplomacy in Zimbabwe has placed more emphasis on the strengthening of bi-lateral ties (38.11 per cent) and projects aimed at improving the livelihoods of the ordinary citizens (23.81 per cent) as the hallmarks of the China-Zimbabwe relationship. In contrast, the strengthening of bilateral ties is the second most covered theme in *The Herald* but does not feature in *NewsDay* while improving livelihood projects are ranked fifth in terms of frequency of coverage in *The Herald* and again do not feature in *NewsDay*.

The theme on the negative outcomes of the relationship in such areas as economic cooperation is extensively covered by *NewsDay* (23.33 per cent) which is the second highest frequency but *The Herald* has minimal coverage (1.79 per cent). In *NewsDay* the theme is evident in stories such as '*Zim govt sells out to China*' (25 September 2014) and '*China can't feed us*' (11 September 2014). In *The Herald*, there is one story that brings out the theme, '*China Cotton Africa fires senior managers*' (12 November 2014). The stories reflect a mistrust of China often couched by the stereotype images of China in Africa that is projected by the Western media and academics. In addition, the stories also reflect the internal dynamics of Zimbabwe's political environment which in turn influences the media.

The third and fourth most covered themes in *NewsDay* are corruption (9.99 per cent) and environmental violations (6.69 per cent) and these themes are missing from *The*

Herald and Chinese Embassy stories. The theme of Corruption has stories such as, '*China Exim Bank loan for Harare infrastructure abused*' (16 July 2015). Environmental violations has stories on China's purchase of young elephants from Zimbabwe which is presented as a wanton disregard for wildlife protection through headlines such as '*Zim's baby elephants getting sold to Chinese zoo*' (2 December, 2014) and '*Zim ignores pleas, catches 20 baby elephants, ships them to China*' (24 March 2015). The negative stories on environmental protection in the *NewsDay* come against concerted efforts by the Chinese Embassy to emphasise its role in Zimbabwe's efforts to protect the environment and wildlife as demonstrated by the frequency of 7.14 per cent which is the fourth highest in the themes covered in the Embassy news. In *The Herald*, the commitments by China towards environmental and wildlife protection have the least coverage of 1.79 per cent of all the stories published. Questions again arise on what needs to be done for the issues that are top priorities for China to reflect in the local media and by extension to shape public opinion.

Discussion and Conclusion

In view of the findings from the study, further analysis of China's public diplomacy in Zimbabwe reveal a number of characteristics worth discussing.

China side-stepping the limits of state-to-state model

The data shows that relationship building is the most used public diplomacy instrument used by China in Zimbabwe with a frequency of 30.95 per cent. In rolling out the assistance programmes, China has also adopted the new public diplomacy strategies of networking and partnership. It is evident in all the projects that China established networks with the government, local authorities and the beneficiaries. In this way, the findings corroborate the observations by d'Hoogle (2007) that identify 'guanxi' as an inherent Chinese value that is used in its public diplomacy. Figure 4 below has the network communication model used by China in its relationship building programmes in Zimbabwe and this is set against the traditional top-down approach in public diplomacy.
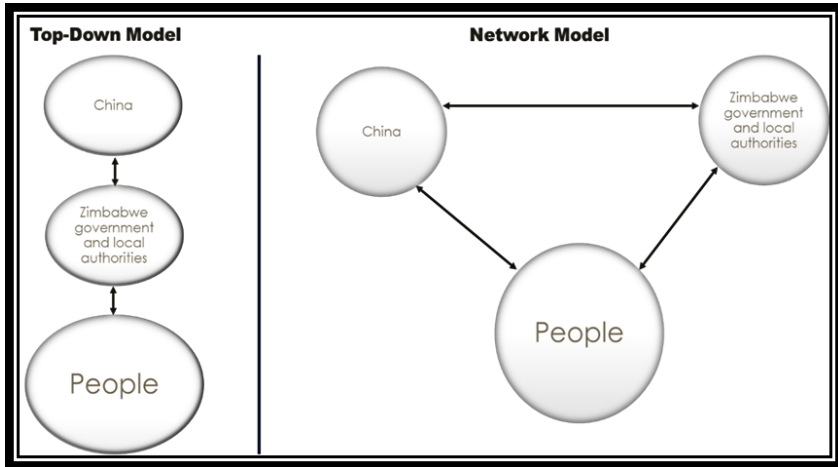
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Figure 4. The Top-down model (left) as opposed to the Network model (right) used by China in relationship building engagements as part of public diplomacy in Zimbabwe

The model is clearly discernible in the relationship building programmes and could serve as an important approach for all of China's public diplomacy programmes in Zimbabwe. It is worth noting that the model is in line with the dialogical communication requirement under new public diplomacy and it is an effective approach to side-step the shortcoming of state-to-state engagements in Africa which were noted by Naidu (2013). The approach allows China to acknowledge the government and local authorities as important partners and at the same time facilitate direct interaction with the beneficiaries at the grassroots level.

The Chinese network model, however, differs from that generally perceived by new public diplomacy scholars where the state establishes a network with a number of partners who include state and non-state actors. In the model above, China partners with the government of Zimbabwe and government local authorities to directly engage with the public. This approach could be understood from the perspective of non-interference which is a cardinal principle of China's foreign policy and in this case

China seeks to involve the host government in all its public diplomacy initiatives. China has, therefore, found a balance between the obligation to maintain cordial state-to-state relations and the desire to engage directly with the public at the grass-roots level in Zimbabwe. The success or failure of this approach cannot be easily ascertained as this is a long term investment but what is evident is that the pro-grammes address the issues at the heart of the citizens and the interaction with the benefactor has the potential to establish a solid foundation for a long term relation-ship.

Inadequate communication on key themes in China's public diplomacy

China has implemented a number of livelihood projects which have the potential to empower people and communities thereby laying a solid foundation for relationship building. The importance attached to the theme of improving livelihoods by China has not been evident in the news stories in both the public and private media. The minimal coverage of the theme in *The Herald* (3.57 per cent) and total absence in *NewsDay* points to a gap in effective communication of China's public diplomacy priorities in Zimbabwe.

In such a scenario, a proactive approach, advanced by Leonard (2002), will create a news agenda to reinforce core messages and influence perceptions. It can be argued that the media will have their own priorities which differ from China's public diplo-macy priorities and indeed this is a challenge that faces all public relations and pub-lic diplomacy efforts. It is in view of this challenge that advocacy and media rela-tions or information dissemination are some of the instruments of public diplomacy. Failure to effectively communicate the key priorities of China's public diplomacy in Zimbabwe will deny China the opportunity to showcase its face that is committed to protecting the environment and wildlife as well as empowering the less privileged and disadvantaged communities in the remote parts of Zimbabwe. Instead, the citi-zens who depend on the media for news and information will continue to see China from the perspective of economic engagements which is not the total sum of the rela-tionship between Zimbabwe and China.

In addition to the traditional public diplomacy instruments that could be used to en-

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hance communication of China's priorities, new and interactive communication tools could be used in China's public diplomacy in Zimbabwe. In line with the expectations of new public diplomacy which calls for the use of information communication technologies, China has made use of the internet technology and made available a website which is accessible to citizens. However, the website lacks interactivity to allow for dialogical communication with citizens. Cull (2013: 13) acknowledges the growing use of social media in public diplomacy and notes that it has brought two main advantages. The first is that social media is one of the communications that allows for dialogical communication and its use in public diplomacy allows for engagement of citizens in real time. The second advantage is that it is much easier to monitor public opinion from the engagements with the public. He, however, cautions that in quantifying public opinion, raw numbers of followers and friends do not equal engagement. In view of these advantages, the Chinese Embassy in Zimbabwe can enhance its reach by making use of popular social media platforms in Zimbabwe.

Underplayed value of culture as a potential asset for people-to-people relations

China has underplayed the value and attraction of culture in public diplomacy initiatives in Zimbabwe with a frequency of 7.14 per cent making it the fourth in the order of priority themes. Melissen (2005: 94) identifies Chinese ancient culture as one of the main assets in the country's public diplomacy toolkit. In Zimbabwe, like many parts of the world, there is growing interest in Chinese cultural aspects such as alternative Chinese traditional medicine and Chinese cuisine. Another popular and probably one of the most successful public diplomacy programmes under the umbrella of cultural exchange is the Chinese government scholarship. However, these aspects of Chinese culture have minimal presence on the Embassy website and in turn in both *The Herald* and *Newsday*.

While cultural exchange is an important public diplomacy instrument, one of the prerequisites for credible and successful cultural diplomacy is the perceived distance from government. Distancing cultural exchange from government allows for the initiatives to be viewed and received as neutral and genuine interactions aimed at building people-to-people relationships (Cull, 2009). The study, however, shows that the

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state has remained the key actor even in cultural programmes. It was shown that the Chinese Embassy in collaboration with local Chinese restaurants organised one event to promote Chinese cuisine to citizens in Harare. It is apparent that the state has not distanced itself from cultural exchange programmes thereby risking the credibility of the engagement. However, the Chinese centralised system could prove to be a valuable asset for planning and identifying those non-state actors that share the same interests with the state public diplomacy before allowing them to undertake the cultural programmes in Zimbabwe.

On the question of effectiveness of cultural diplomacy, Wekesa (2015: 199) argues that Chinese cultural diplomacy initiatives in Africa such as CIs and Chinese cuisine may become popular but it will not necessarily translate to acceptance of the Chinese state's interests. It is worth to point out that when cultural diplomacy is used in such short to medium term objectives, it will likely fail to achieve its public diplomacy goals. Instead, culture in public diplomacy should not be seen as a tool to convert people but rather to share experiences which will be valuable in future interactions as there is better appreciation of similarities and difference in values. Thus, such an approach is not limited to only facilitating acceptance of Chinese state's interests in Africa but to paving the road to deeper understandings among people. It is, therefore, the bridge that facilitates future interactions.

Conclusion

The role of public diplomacy has been underlined by a number of distinguished scholars. New development in the geopolitical environment and technological developments have called for new and interactive approaches in the conduct of public diplomacy. The case of China's public diplomacy in Zimbabwe and the perceptions and representations from the local media offers a glimpse into its conduct and the challenges and opportunities that arise. China has embraced a number of elements of new public diplomacy and fused them with some Chinese public diplomacy characteristics. Resultantly, the state remains the key actor but this does not preclude partnerships with some non-state actors. The relationship between the state and non-state actors in the Chinese system in Zimbabwe differs from the new public diplomacy

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conceptions of networking in that the non-state actors are groups and associations that are affiliated to the state. On the question of outcomes of China's public diplomacy in Zimbabwe, the study shows that there are divergences on the themes that are prioritised by China and those by the local media. The challenges noted include media and political polarisation in Zimbabwe, inadequate measures to communicate the important themes by the Chinese Embassy and minimal use of culture to attract and engage the citizens in Zimbabwe. However, the Chinese adapted network model used in its relationship building programmes is a potential effective public diplomacy approach in Zimbabwe and other countries in Africa.

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South Korea's changing political environment and the impact on its Africa policy*

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Abstract

While political and economic self-interest retains its primacy in South Korea's foreign policy towards Africa, recent domestic constraints have negatively affected its Africa policy. This article sheds light on the subtle differences between Roh and Lee's stances towards Africa on the one hand and that of Park on the other hand; whilst further looking at the origin of those differences by examining the political environment of the current administration. The deterioration of inter-Korean relations has led to South Korea's returning to a foreign policy in which security is primary. Simultaneously, resource diplomacy has faced growing criticism from the public and has lost its legitimacy as a basis for engagement with the continent. These two processes have had an impact on the re-orientation of South Korea's foreign policy towards Africa. Africa has, again, been placed at the periphery of South Korea's foreign policy.

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Introduction

Political and economic self-interest retains its primacy in South Korea's foreign policy towards Africa. South Korea's successful transformation from a recipient of aid to a donor, coupled with its seeking a middle-power role, have largely contributed to the foundation for the sought after relationships (Choi *et al.*, 2014). At the same time, mercantilism, driven by a desire to obtain raw materials for energy supply and new markets, drove this engagement. Consequently, since the mid-2000s, the government has made some progress with institutionalising its links with the continent.

In particular, former presidents, Roh Moo-hyun (2003-2008) and Lee Myung-bak (2008-2013), have actively forged connections with a number of countries in Africa. Roh Moo-hyun formalised the relationship with Africa by making state visits to Egypt, Algeria and Nigeria in March 2006. And it was the first time a head of state had visited since 1982.[1] Since Roh's state visits, the First Korea-Africa Forum was held to formulate a roadmap for strengthening cooperation with Africa in November 2006. South Korea's official development assistance (ODA) towards Africa has increased from US$ 82.57 million in 2008 to US$ 260 million in 2013 (ODA Korea, 2016). Lee Myung-bak promoted the relationship more vigorously by incorporating African diplomacy as one of the major goals of his foreign policies in 2010 (Cho, 2010). This also resulted in Lee's state visits to South Africa, the Democratic Republic of Congo (DRC) and Ethiopia in 2011. The current President, Park Geun-hye (2013 to the present), inherited this tradition and completed her state visits to Ethiopia, Uganda and Kenya in May 2016.

Under the different administrations from Roh to Park, a number of high-level official visits and exchanges have become a means for developing the relationship and were all resource-oriented. This became clear at a time of turmoil in the Middle East, in particular the Iraq War (2003). South Korea's heavy reliance on the Middle East for its oil supplies has been a major concern from the early 2000s, resulting in energy security being the underlying principle of the whole edifice of South Korea's resource diplomacy.

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At the same time, its middle-power aspirations intersected with its new "national role" in the international community and this has become an integral part of South Korea's foreign policy towards Africa. Middle-powerism has become a prominent feature of South Korea's foreign policy since the 1990s (Robertson, 2013). South Korea has actively engaged in "multi-lateral organisations and alliances to achieve foreign policy goals" (Hey, 2003: 4). One of the recent examples is the creation of MIKTA (Mexico, Indonesia, South Korea, Turkey and Australia), South Korea and other member countries, so-called emerging powers, hoped that this grouping will become a useful platform to increase their clout. With regard to the African continent, the South Korean government wishes to become a game changer as there has been competition among traditional and emerging partners for influence and relevance.[2]

While these approaches once laid the framework for understanding South Korea's foreign policy initiatives and the future course of action, this article would like to shift the analytic attention from this push-pull logic of the relationship. Instead, this research focuses on understudied underlying aspects which also play a role in shaping South Korea's foreign policy towards Africa by incorporating South Korea's domestic situation and regional challenges with regard to its Africa policy.

When looking into Park's foreign policy towards Africa in particular, there have been indications of change in the relationship, despite the continuity. While the analysis of South Korea's pursuit of national interest became the dominant discourse in the literature, relatively little critical analysis has focused on other aspects that have, perhaps equally and substantially, influenced the direction of South Korea's foreign policy. Seemingly, the recurrent visits by South Korean leaders have shown the country's interest in continuing its relationships with Africa (Kang, 2016). However, Park's approach to Africa differs from that of the former administrations' explicit resource-seeking behaviour. This article sheds light on the subtle differences between Roh and Lee's stances towards Africa on the one hand and that of Park on the other hand, as well as on the origin of those differences by examining the political environment of the current administration.

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This article is organised as follows: Firstly, South Korea's underlying constraints on its foreign policy towards Africa is discussed. Secondly, a general overview of South Korea's engagement with Africa focusing on its pursuit of national interests is provided. This is followed by a discussion focusing on two challenges that South Korea faces, namely, its security challenge *vis á vis* North Korea, as well as the mounting criticism of resource diplomacy and their implications for South Korea's foreign policy towards Africa.

Underlying constraints on South Korea's foreign policy towards Africa

The existing body of literature exhibits various aspects that curtail small or middle powers' foreign policy options and goals (Vital, 1971 in Hey, 2003). South Korea's foreign relations are largely shaped by its geo-political situation, the confrontation with North Korea, and limited to the key security stakeholders such as the US, China and Japan. Under the circumstances, Africa has received little attention. Even though Seoul has shown its willingness to extend its outreach in the continent, scholars such as Yoo and Seol (2015: 219) question whether South Korea has a long term vision of engagement and a genuine set of policies for Africa.

Despite increased efforts to establish research institutes and think tanks, South Korea has lagged behind its neighbours, China and Japan, which have explored and implemented various areas of cooperation with various actors in the African continent. This is due to lack of resources (experts and professionals/financial) and the interest of the South Korean public. A prominent example that demonstrates South Korea's limited capacity and its operational challenges when engaging with Africa is the postponement of the fourth Korea-Africa Forum, which was supposed to be held in 2014. This prompted speculation regarding South Korea's commitment among observers. Under the circumstances, this gives rise to questions regarding Seoul's ability to manage its relationship with Africa. Commentators argue that there was a difficulty coordinating schedules between the African Union (AU) and the South Korean government regarding the Forum (Darracq and Neville, 2014). Another source (Interview, 4 November 2015) points out that South Korea's lack of experience dealing with African actors negatively affected finding a reliable partner

with whom to materialise the Forum. Despite it being a decade since Seoul resumed engagement, it seems that the South Korea-African relationship is still far from mature.

In recent years, more room has been made in the foreign policy arena for various actors, such as civil society, to play a role in the policy-making process (Robinson, 1999). Despite this, in the case of South Korea, the current level of engagement of civil society and its capacity to influence the government's foreign policy towards Africa tends to be marginal, despite a growing interest in engagement in various activities in Africa. A narrow circle of political economic elites still retains the ultimate decision-making power (Holsti, 1970). Resultantly, high-level government officials play a central role in the foreign policy process with regard to Africa. Under the Roh and Lee administrations, resource or sales diplomacy which is mercantilist in nature, became the heart of foreign policy towards Africa, and political/economic elites ranging from high-level officials to businessmen shared this principle and were involved in promoting this idea. However, the successor, Park, does not share this enthusiasm (Kim and Gray, 2016). Overall, it seems that South Korea's interest in building and maintaining the relationship with African countries has lessened after Park took office, hence, scaling back on its earlier promotion of Africa in South Korea's foreign policy has become a reality.

South Korea's national interests - rationales for engagement with Africa

With regard to South Korea's burgeoning relationship with Africa, Heo and Roehrig (2014:149-150) identified its motivations and intertwined political-economic interests. This section to some extent overlaps with their analytical framework. However, a more detailed analysis on South Korea's aspiration for middle-powerism and resource diplomacy is provided. Furthermore, the diplomatic competition between the two Koreas on the continent, another aspect which has been largely overlooked, is examined to identify the rationales for South Korea's engagement with Africa.

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The search for respect in the international community

The expansion of South Korea's engagement with Africa is closely related to middle-powerism. Middle-powerism attracted the attention of South Korean scholars during the 1990s and soon after was translated into various policies (Robertson, 2013). The concept of middle power, a state that is neither a great power nor a small power, allows more space for countries like South Korea that recently gained "hard-power capacity, geopolitical and strategic locus, and leadership intentions within the international community" (Jordaan, 2003: 165). In the course of pursuing middle-power diplomacy, its "norm-based approach", rather than a power-based approach, created the opportunity for South Korea to seek its niche in its advances towards Africa (Hwang, 2014: 249). This concept rapidly gained legitimacy among the public in South Korea and the idea that South Korea should play a leading role in forming a bridge between the developed and developing countries gained momentum (Kim, 2012: 534). As South Korea's middle power diplomacy has evolved, the government has broadened its focus from regional issues to global agendas by participating in various multi-lateral platforms (Son, 2015). This has provided the framework for Seoul to include Africa in its diplomatic initiatives.

Since Roh's visit in 2006, South Korea's development cooperation with Africa has rapidly gained ground and led to South Korea tripling its development assistance. There were a number of events that were conducive to forging the relationship with Africa, instilling the nation with the sense that it should play a prominent role as a middle power at both the regional and global level. In 2006, the former foreign minister, Ban Ki-moon, became Secretary-General of the United Nations (UN). Since 2010, South Korea has become a member of the Organisation for Economic Cooperation and Development/Development Assistance Committee (OECD/DAC).

Following Roh's tour, various multi-lateral platforms, such as the Korea-Africa Forum and the Korea-Africa Economic Cooperation (KOAFEC), were established to strengthen co-operation with Africa and support its development.[3] The Korea-Africa Forum is one of the key elements of South Korea's Africa policy, institutionalising the relationship. In 2006, the first forum was hosted by the Ministry of Foreign

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Affairs (MOFA, 2016).[4] Compared to China's FOCAC and Japan's Tokyo International Conference of Africa's Development (TICAD), the Korea-Africa Forum is smaller in the number of participants and their level in government, mostly ministerial or director-general level instead of head of state level. Despite this limitation, South Korea has maintained working-level relations with partners. One of the interviewees argues that the South Korean side focuses on the "manageability" of the relationship by having a small number of African states instead of competing with China or Japan (Interview, 5 June 2014). Nevertheless, problems arose within the South Korean government such as a lack of interaction or coordination, and the sharing of information between ministries, thus, synergy effects are limited (Interview, 5 June 2014).

Even though South Korea has increasingly supported various agendas in Africa such as contributing to peace-keeping missions and humanitarian relief efforts on the continent (MOFA, 2016), there has been criticism that South Korea's intertwined economic interests underpin its approach towards Africa. South Korea's development assistance is viewed as a "political vehicle" (Kim and Gray, 2016; Kalinowski and Cho, 2012). Scholars such as Watson (2011: 60) argue that South Korea's ODA, for example, has been closely related to its economic interests targeting a few selected recipients through a high proportion of tied bi-lateral aid agreements with countries where South Korea's interests in natural resources and markets lie. This has largely overshadowed Seoul's development cooperation in Africa.

Quest for natural resources

Even though South Korea's aspiration to expand middle-powerism on the continent forms one pillar of its approach to Africa, its quest for natural resources remained at the centre of South Korea's relationship with Africa. South Korea's strategies towards Africa became explicitly mercantilist under President Lee Myung-bak, known for being the economic president. His personal experience as CEO of Hyundai Construction, one of the largest businesses in South Korea, appealed to the public during the presidential election. He emphasised entrepreneurial leadership and

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his top priority became exploring new markets and resources abroad to revitalise the domestic economy (Park, 2015).

The increasing level of geo-political tension in the Middle East made South Korea look to other regions for energy supply. South Korea realised the urgency and importance of energy security during the commodity shortage of 1972-1973 and the oil shock of 1973-1974. Nevertheless, energy diplomacy was not treated as important because global oil prices were steadily declining at that time. However, energy security has become the official guiding principle of South Korea's foreign policy in the early 2000s. The National Energy Advisory Committee was established in 2006 to prepare a mid- to long-term energy policy. In 2006, the Parliament enacted the Energy Act, which aims to attract new investments and promote development of the energy sector (National Law Information Centre, 2016). Resource diplomacy appeared to bestow strategic advantages in the quest to forge a relationship with Africa (Heo and Roehrig, 2014). Various South Korean government ministries have been strengthening relationships with countries in Africa. Meetings involving high level officials aimed at securing energy resources have become institutionalised since the mid-2000s (MOTIE, 2016).[5]

Lee accelerated reaching out to new partners, and resource diplomacy became a core principle of his foreign policy (Snyder, 2009). One of the prominent examples is that the Ministry of Foreign Affairs and Trade embarked on a project to build an "energy cooperation belt" across Central Asia, Africa and Latin America, with the assignment of South Korean energy cooperation advisors at 22 overseas diplomatic missions in these regions (MOFA, 2009). His resource diplomacy was spearheaded by a number of state-owned enterprises (SOEs) (Darracq and Neville, 2014), with the Korea National Oil Corporation (KNOC), Korea Gas Corporation (KOGAS) and the Korea Resources Corporation (KORES) being at the forefront of the move. Under the Lee administration, South Korea's overseas investment in the energy sector reached KRW 27 trillion (*Korea Heral*d, 4 April 2015).

In 2015, Park also visited a number of resource-rich countries in the Middle East, such as Kuwait, Saudi Arabia, United Arab Emirates (UAE) and Qatar, which shows

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that her foreign policy priority is the same as that of predecessors. However, during the visit, her main focus areas seemed to shift to so-called "soft" areas such as IT, healthcare and tourism (Presidency, 2015). This trend could also be seen during her visit to South American countries such as Columbia, Peru, Chile and Brazil in 2015 (Presidency, 2015). This new direction of cooperation was also evident during her African tour. During Park's visits to Ethiopia, Uganda and Kenya in 2016, Seoul announced that it will provide education and vocational training for a total of 6,000 Africans during the next five years (Presidency, 2016). Park's initiative, "Korea Aid" comprises projects providing mobile food and basic healthcare services in rural areas. It also aims to spread aspects of Korean culture such as Korean food, music and films. However, a closer look reveals that only a handful of vehicles are involved in this project. It is thus possible to say that although "Korea Aid" could be an overarching framework guiding the future of South Korea-African relations, promoting the well-being of the recipient community and spreading Korean soft power, the practicality and usefulness of the approach is still questioned. Another criticism levelled against Park's African tour and "Korea Aid" was that there was no prior consultation with stakeholders and experts in South Korea as well as the three African countries (ODA Watch, 2016). Civil society in South Korea has expressed concerns that this initiative is tokenism rather than involving genuine transfer of knowledge and resources, and will not contribute to the welfare of local communities. It might even undermine South Korea's other efforts (*Pressian*, 30 May 2016). While South Korea and Africa relations have continued through high-level meetings, the actual efforts have faced challenges regarding a lack of meaningful content on the ground.

Competition between the two Koreas

The African continent has long been a battlefield for competing ideologies (the United States versus the Soviet Union) or diplomatic recognition (the People's Republic of China versus the Republic of China). Likewise, the two Koreas' competition for diplomatic recognition has expanded to the continent. North Korea seemed to have won over its allies in Africa by the 1980s, at which time the country had 40 diplomatic relationships in Africa, outpacing South Korea which maintained

only 28 diplomatic allies on the continent (Yoo and Seol, 2015: 232). While experiencing democratisation and globalisation from the 1990s onwards, South Korea started expanding and diversifying partnerships with Pacific island countries and South America. The demise of communism reversed the dynamics of the relationships, creating the opportunity for South Korea to engage with former communist nations in East Europe. The government also started looking for a way to fill the diplomatic void left in the African continent over the past few decades (MOFA, 2009). In contrast, North Korea seems to have lost its influence on the continent. The current involvement of its diplomatic missions in illicit activities such as the arms trade, military training and wildlife trafficking has marred its reputation (*News24*, 23 December 2015). Based on dismal levels of development, North Korea's Juche ideology, promoting autonomy or self-reliance, has failed to attract new audiences in Africa, except for a handful of allies such as Zimbabwe (Armstrong, 2009).

Nevertheless, the diplomatic competition for engagement with the continent of Africa seems to linger on. Following the recent visit by Park to the Ugandan President, Yoweri Museveni, the South Korean government announced that Uganda, one of North Korea's closest allies, would sever its relationship with North Korea (*The Wall Street Journal*, 30 May 2016). The South Korean government's announcement was immediately followed by criticism from the Ugandan government, which stated that South Korea made this public disclosure unilaterally (*Mail & Guardian*, 29 May 2016). Despite this diplomatic setback with Uganda, South Korea has vigorously expanded its outreach to include North Korea's allies. In fact, following the African visit, the South Korean foreign minister visited Cuba, one of North Korea's closest friends for decades, where he proceeded to normalise diplomatic relations with the socialist island state (*Yonhap News Agency*, 5 June 2016). At the same time, North Korea has continued to counter South Korea's diplomatic expansion in Africa. In May, the President of the Presidium of the Supreme People's Assembly of North Korea—the official head of state, Kim Young-nam—attended President Obiang Nguema's inaugural ceremony in Equatorial Guinea. During his visit, Kim Young-nam met with African leaders from Chad,

Gabon, Central Africa, Congo, Mali, Burundi and the former president of Mozambique (*Yonhap News Agency*, 23 May 2016). In April 2016, Angola and North Korea discussed cooperation on public security and North Korea agreed to send medical doctors to Angola (*NK News*, 8 April 2016).[6] The prolonged competition between the two Koreas might lead to waste of resources which could have been re-directed to other development projects.

New challenges for maturing the relationship with Africa

In the case of South Korea's foreign policy towards Africa, while pursuing the primacy of national interests, each South Korean administration has taken a different approach towards Africa. Under Park, it has especially faced an inexorable, gradual decline which inhibits the maturing of the relationship.

South Korea's foreign policy with respect to Africa is faced with multiple obstacles. While the foreign policy of small states is susceptible to changes in international relations, the domestic political environment, which also helps to form foreign policy, plays a pivotal role in shaping governmental action (Evans, 2009). In this respect, domestic politics has a significant impact on foreign policy choices and their outcomes (Fearon, 1998). North Korea's security challenges have led to South Korea' diverting its focus away from the African continent; and the mounting criticism of resource diplomacy under President Lee has forced Park to find a way to differentiate herself from her predecessor. In this process, Africa has again been placed at the periphery of South Korea's foreign policy.

Deteriorating security environment on the Korean peninsula

South Korea's foreign relations have been predominantly shaped by its conflict with North Korea and on its geo-political relations with the major powers surrounding the peninsula—namely, the US, China, Japan and Russia. South Korea's attitude towards the North has been to alternatively adopt hard and soft-line stances along with the changes in political leadership. Roh's foreign policy towards North Korea highlighted engaging the North and initiating dialogue. In the same vein, Roh prioritised "peaceful co-existence" in the Korean peninsula through economic

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cooperation with Pyongyang (Kim, 2006). In this context, his so-called "Participatory Government" aimed to play the role of balance-keeper in Northeast Asia, and sought much more independence than previous administrations with respect to relationships with South Korea's traditional allies, including the US. Since the outbreak of the Korean War, South Korea has tried to keep the wartime alliances with the US intact in order to deter North Korean aggression. However, Roh sought a more independent and assertive position (*The Diplomat*, 13 June 2015). This shift was contested within the country, especially by the Conservative opposition. His autonomous stance towards the US put the bi-lateral relationship under strain (Ryu, 2013). Roh's approach especially created a rift with Bush's "axis of evil" hard-line stance against North Korea (Kim, 2006).[7]

Lee Myung-bak from the Conservative Party took a much more hard line approach towards North Korea. Even though Lee announced "Vision 3,000", which was pledged to help North Korea raise its gross domestic product (GDP) per capita to at least US$ 3,000 within a decade, and North Korean denuclearisation as decided during the Six-Party Talks, his policy turned out to be a "failure" since it was based on the "prediction of North Korea's collapse" and "the unreality of the Reunification" (Paik, 2009). Even though Lee envisioned a "Global Korea" and had ambitions for a higher international profile, his aspirations were constrained by issues of security on the Korean peninsula (Snyder, 2009).

Since Kim Jong-il's death in December 2011, North Korea under Kim Jong-un has posed an increasing military threat, which has forced Park Geun Hye's conservative administration to shift its focus and priority to security. Since Park assumed the presidency in 2013, she has focused on building trust, translated into *Trustpolitik* and peace in Northeast Asia. Nevertheless, in March 2013, North Korea cut the channel of communication, warning of nuclear attack targeting the US and the South in response to UN sanctions in February (*Daily News*, 27 March 2013). In February 2016, Kaesong Industrial Complex, a landmark project involving inter-Korean cooperation, finally shut down due to the nuclear test and missile launch by North Korea. In this context, the efforts involving denuclearisation have been virtually stopped. Considering that Seoul's single most important foreign policy priority is

unification of the peninsular, this prolonged, deteriorating, confrontational South-North relationship has made South Korea's foreign policy-makers pursue a narrow range of foreign policy interests. Consequently, commitment to a certain set of foreign policy goals with respect to the developing world has ceased.

Resource diplomacy and the loss of its legitimacy

While Seoul has struggled with relations with security stakeholders, internal constraints associated with the previous administration's resource diplomacy have significantly affected both domestic discourse on the relationship with Africa and a shift in South Korea's relationship away from Africa. After his term of office, Lee's two major projects that mobilised SOEs were subjected to mounting criticism. The public works, Four-Rivers Project (wherein the four largest rivers were turned into reservoirs by building 16 small dams under his National Green Growth Policy), had come under strong criticism from its initiation (*Asia Times*, 02 December 2011).[8] Lee's other signature project during his term, resources diplomacy, which is directly related to the African continent, also faced criticism due to its "poor preparation and hasty implementation" (*Korea Times*, 15 June 2016). Involvement of major SOEs such as KNOC, KORES, KEPCO and KOGAS resulted in "project failures, asset losses and the aggravation of financial solvency" according to the National Assembly audit of state affairs (*ibid.*).

The Lee Myung-bak administration sought to strengthen diplomatic approaches to African governments highlighting a sense of crisis amid the increasing international competition to secure energy and resources, a move that was intensified by the strong presence of China in Africa in particular. Lee's brother, Lee Sang-deuk, a politician, played the role of "special envoy for resource diplomacy" (*The Hankyoreh*, 25 January 2015). He and Park Young-joon, former Knowledge Economy Deputy Minister and a close associate of Lee Myung-bak, spearheaded exploring new partners in resource-rich countries.[9] Lee Sang-deuk was involved in Namibia's uranium extraction (*The Korea Herald*, 06 February 2012). Park Young-joon supported the mining of diamonds in Cameroon, and a public housing project in Ghana. Kim Eun-seok, the ministry's ambassador for energy and resources who was

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later dismissed from Foreign Affairs and Trade due to the so called MOFAT Diamond Scandal, visited Ethiopia, Uganda, Cameroon and Sudan to seal business deals (*Seoul News*, 18 January 2012). After the termination of Lee's term in February 2013, the promises of overseas resource development turned out to be largely illusory. A total of 96 Memorandums of Understanding (MoUs) for natural resources across the world were signed under the Lee administration, but "only 16 MoUs have become legally binding contracts, while the government suffered huge losses by investing in a heavily debt-ridden energy company" (*The Korea Times*, 05 May 2016). Under Lee, more than US$ 28.5 billion was spent on SOEs' overseas resource development projects alone. As of late 2014, the losses were calculated at around US$ 3.7 billion. A major media investigation reveals that "many of the projects are now positioned for withdrawal, sale, or downsizing, and with growing financial costs, the losses appear likely to continue growing" (*The Hankyoreh*, 25 January 2015).

At first glance, Park's foreign policy seems similar to those of her predecessor, Lee. When looking at the Eurasia Initiative, an "integrated system of transport, energy, and trade networks across the vast Eurasian continent" (*Asan Institute*, 2015), it is clear that some of Park's foreign policy priorities are also in line with resource diplomacy (*ibid*.). However, in 2013, Foreign Minister Yun Byung-se stated that "the government will change its approach from 'resource' to 'market' and 'aid' to 'trade and investment'" (MOFA, 2013). At the end of 2014 a special investigation team was set up to probe Lee's resource diplomacy. The investigation of resource diplomacy has revealed that a series of projects were marred by waste, mismanagement and corruption and this has been a popular topic in the mainstream media and public discussion. Public opinion and the media have asked for more accountability with regard to the government's overseas activities including state visits. In 2016, President Park laid out her key public sector reform plans, targeting SOEs, in order to deliver greater public sector productivity since "the industry's monopolistic structure has triggered numerous problems such as poor management... and snowballing debt" (*Arirang News*, 15 June 2016). The series of scandals has generated negative perception**s** of the engagement with Africa among the public.

During a survey conducted by a non-governmental organisation (NGO), People's Solidarity for Participatory Democracy, 74 per cent of the respondents criticised Lee's resource diplomacy and demanded further investigation of Lee himself (*Civil Servants U Newspapers*, 14 November 2014). The Park administration has started differentiating itself from the previous administration. This has further affected the continuity of the relationship between South Korea and its potential partners in Africa.

Conclusion

Political and economic self-interest retains its primacy in South Korea's foreign policy towards Africa. South Korea has aspirations to gain international recognition and this has been translated into a discourse on expanding its presence on the continent. Resultantly, there have been some achievements, such as the expansion of the scale and scope of aid and the establishment of the Korea-Africa Forum within the Korean Initiative for the development of Africa. Despite this progress, there has been a lack of a coherent approach and of continuity from the South Korean side which hampers the long term relationships.

Whilst analytical frameworks focusing on South Korea's aspiration to expand its middle-powerism on the continent and its resource-seeking behaviour became dominant in academic discourse on South Korea's foreign policy towards Africa, the focus in this article is on other domestic constraints that have negatively affected South Korea's foreign policy choices. The deterioration of the inter-Korean relations has led to South Korea once again giving priority to its relationship with security stakeholders such as the US and China. In this context, Africa has again been placed at the periphery of foreign policy. At the same time, resource diplomacy faced growing criticism from the public and has lost its legitimacy as a basis for engagement with the continent. These two processes have had an impact on the re-orientation of South Korea's foreign policy towards Africa.

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Endnotes

1. Before Roh's African tour, Chun Doo-hwan (1980-1988) was the only South Korean president who had visited African countries, including Kenya, Nigeria, Gabon and Senegal in 1982 (Kim, 2013: 54).

2. Other emerging powers have actively promoted their presence by utilising similar multi-lateral mechanisms such as the Forum for China and Africa Cooperation (FOCAC) and the India-Africa Forum Summit amongst others, thereby strengthening their links with their African partners. China's FOCAC has become a prominent mechanism to promote development cooperation between China and Africa. Its latest meeting, a summit in fact, was held in South Africa in December 2015. President Xi Jinping's attendance and pledge to provide US$ 60 billion assistance to Africa for the next three years signals China's continuous commitment to the continent. In addition to FOCAC, China is part of BRICS, another global grouping, which aims to represent the voice of the Global South and to rectify the unbalanced international system largely dominated by the Global North. India is another emerging power that has actively engaged with Africa through historical linkages such as migration networks and non-alignment movements. The India-Africa Forum Summit is the official platform for the African-Indian relations.

3. KOAFEC is another mechanism that South Korea has held with Africa focusing on economic cooperation. The conference takes place every two years and it involves South Korea's Finance and Strategy Ministry and the African Development Bank (AfDB). Participants increased from 15 countries in 2006, 22 in 2008, 35 in 2010. At the 2016 KOAFEC, the South Korean government announced its plans to offer US$ 10 billion cooperation package in Africa over the next two years.

4. At the second forum in 2009, South Korea emphasised its intention to strengthen South Korea's partnership with Africa through the Seoul Declaration. The country reaffirmed that it will support Africa in eradicating poverty and achieving sustainable development as well as to promote the

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prosperity of African countries and South Korea. It was announced that South Korea's ODA would be doubled by 2012, ten cooperation areas were introduced including: Poverty Eradication and Sustainable Development, Agriculture and Rural Development, Education and Vocational Training, Public Health Services, Trade and Investment, Information Communication Technology (ICT), Environment and Climate Change, Regional and International Cooperation, Cooperation with the Private Sector and Civil Society and Effectiveness of Partnership. It was also announced that 5,000 Africans would be invited for training and that the government would send 1,000 volunteers.

5.   The Ministry of Trade, Industry and Energy (MOTIE) has encouraged enterprises to invest in the continent by holding the Korea Africa Industry Cooperation Forum (KOAFIC) every year since 2008 (MOTIE, 2016). The Korea Trade-Investment Promotion Agency (KOTRA) is another main agency tasked with exploring markets in Africa.

6.   Historically, diplomatic competition, for example "dollar diplomacy", that is, Taiwan's strategy *vis á vis* China in order to maintain diplomatic allies, has perpetuated corruption in Africa as political elites have access to aid to strengthen their own positions (Taylor, 2006).

7.   Despite the improvement of inter-Korean relations, including economic cooperation such as the Kaesong Industrial Complex, the Roh administration was faced with North Korea's continuous nuclear tests and missile programme. The sinking of the South Korean navy ship, the Cheonan, during an attack from the North in 2010, exacerbated inter-Korean relations.

8.   Due to its high environmental impact, the project was strongly challenged from opposition parties and progressive civil society groups. The government invested US$ 18 billion on the project, amounting to roughly two per cent of South Korea's GDP. A few years later, it turned out that the four major rivers (Han, Nakdong, Geum, and Yeongsan Rivers) have been ecologically and geographically transformed by construction.

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9. Lee Sang-deuk was also heavily involved in activities concerned with extracting lithium in Bolivia. It was revealed that a number of his visits to Bolivia in particular became linked to South Korea's ODA channel to Bolivia, a lower-middle-income country rather than other least developed countries in the region (*The Korea Herald*, 06 February 2012).

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Deborah Brautigam's Will Africa Feed China?: A critical media-centric review

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Abstract

One of the recent noteworthy books in the Africa-China field is Professor Deborah Brautigam's *Will Africa Feed China*? The central argument of the paper is that the book is as much a media critique as it is a critique on Chinese investments in African agriculture. Using the book as a springboard, the author begins by commenting on Africa-China/China-Africa scholarship and Brautigam's place in it. The paper then delineates and analyses the media dimensions of the book. After unpacking the media aspects, the paper concludes with a discussion on further research considerations.

Introduction

For students of Africa-China media and communications, Deborah Brautigam's "*Will Africa Feed China*" is more than just a book about real and imagined Chinese agricultural interests in Africa. It is a treatise on journalistic practice and the role of the media in a geopolitical relationship that attracts headlines. It is, therefore, worthwhile going beyond convention to analyse this publication as part book review and part journal paper.

The work of journalists constitutes a major part in the book. This places the book within the broader Africa-China media and communications scholarship with a focus

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on journalistic fact-checking. Africa-China media and communications scholars have pointed out that journalists seem to be aware of their inability to continuously cover the complexities of the China story as they focus on macro political and economic events (Wasserman, 2016: 14, 16). Focus on the "big story" with little attention to tell-tale details is a possible source of erroneous facts in journalistic reporting. Generally, African journalists show disinterest in the China story with the exception being events that have bread and butter benefits for Africans in particular countries and locales (Wekesa, 2013a: 70; Wasserman, 2016: 12). Journalistic focus on economic benefits is a double-edged sword as it may lead to reporting overblown figures. The matter is complicated by the scarcity of data on Chinese financing of development finance. As a result, journalists and other commentators end up making sweeping generalisations. Indeed, tracking Chinese financial flows to Africa can be a daunting task for ill-trained journalists and poorly-resourced media organisations hard-put securing budgets for extended investigative reporting (Strange et al., 2013: 19). Chinese journalism is inclined towards positive reporting (Gagliardone, 2013: 34) and this may spur the reporting of inflated figures. On the other hand, there is "fear" among Western journalists that China is taking over a continent formerly considered a Western sphere of influence. Western media are, therefore, likely to use financial figures to advance this narrative.

It is in this Africa-China media and communications field that Brautigam's book makes a contribution. One of the concerns that this paper will look at is whether Brautigam's book is located in the "China-Africa" or "Africa China" dimension. References to the field as "China-Africa" or "Africa-China" is often done fairly casually when a closer spotlight on these lexical categories might reveal opposing semantic deductions that speak to varying perspectives, worldviews, viewpoints, starting points and motivations. Distinction between "Africa-China" and "China-Africa" can be a convoluted task requiring a separate treatment that is beyond the scope of this article. In brief, Bodomo problematised Africa-China/China-Africa:

> ... why at (sic) all do African scholars … write: "China – Africa" and
>
> not "Africa – China"? The Chinese almost always write China before

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Africa, they don't write Africa ahead of China and I understand them. Almost all prominent Western scholars, mostly sinologists who think China is more prominent than Africa, also write China before Africa. But to have African scholars, who should be putting Africa first in all worldviews, also doing the same? I am disturbed about this … (Musakwa, 2013).

Bodomo's viewpoint is that the geographical and perhaps racial and cultural milieu of a scholar matters. This can evidently be a hot topic, for instance, pitting Afrocentricity versus universalism. For the current paper, it is sufficient to point out that *Will Africa Feed China* is more a China-Africa publication than an Africa-China one as demonstrated below. Indeed, one can also say that Brautigam's earlier publication: *The Dragon's Gift: The Real Story of China in Africa* (2009) is equally more a China-Africa discourse than it is an Africa-China one. One needs only to place emphasis on the *"The Real Story of China in Africa"* as opposed to the potential "The real story of Africa in China" to uphold the "China-Africa" rather than "Africa-China" inclination of the earlier book. Accordingly, in keeping with the China in Africa focus of *Will Africa Feed China,* I talk of China-Africa rather than Africa-China in this paper.

Brautigam in the China-Africa field

Brautigam has focused on the China-Africa topic for over two decades. Her 1998 work, *Chinese Aid and African Development: Exporting Green Revolution,* is one of *the few pioneer works in the field*. In her seminal and probably most quoted work, *The Dragon's Gift*, Brautigam (2009) narrates how she lived in Taiwan in 1979, crossed over to Mainland China in the early 1980s and did a stint in Liberia. The first-person anecdotes in the book speak of an old China-hand rather than one who jumped onto the China-Africa bandwagon when the topic became fashionable in the new Millennium. Brautigam's influence has gone beyond just purely academic publications. Bridging academia and practice (praxis), she has testified before the United States (US) senate on China's role in Africa and implications for America (for instance, Brautigam, 2011a) and consulted for a host of supranational

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organisations and think tanks such as the African Development Fund Group, Norway's Norfund and the Organisation for Economic Cooperation and Development (OECD). She initiated and heads one of the prominent projects in the field, the China Africa Research Initiative at the School of Advanced International Studies (SAIS-CARI)[1], Johns Hopkins University, which has since 2014 accumulated copious amounts of data on various aspects of China-Africa economic engagements. She is active in the digital media space via her blog, China-Africa: The Real Story[2]. The open-source video-sharing internet site, Youtube, captures her delivering lectures in the US, Europe and Africa on the topic.

From the extensive list of publications, it is evident that Brautigam started off in the economic field with a focus on Chinese aid to Africa and in the agriculture field specifically. After time her work shows diversification into other areas of Chinese investments in Africa such as industrialisation (especially with regard to China's special economic zones in Africa) and other forms of infrastructure. It is also evident from her work that she has branched out into general commentary rather than a narrow focus on her original pursuits – aid and agriculture. One senses that having studied and researched the field for a long period of time, Brautigam now inductively uses knowledge of China-Africa aid and agriculture as the springboard for discussions on issues such as history, finance, migration, geopolitics, media and communications and others.

Increasingly, a cross-cutting theme in Brautigam's work is fact-checking, investigation and detective work that calls to attention and debunks taken-for-granted myths about Chinese interests in Africa. At a recent forum entitled *Feeding Frenzy – Fictions & Facts about China, Africa & the Media*[3] she explained her work as being comparable to that of an investigative journalist, while lamenting that her reading of a number of journalistic pieces indicated that little investigative work and fact-checking went into the reporting. In tandem with the rise of online news and information platforms, especially blogs, fact-checking has risen fast enough to become a definitive form of journalism (See Graves, 2013; Spivak, 2012). In Africa, an example of a media content fact-checking organisation is Africa Check[4] which verifies claims made by newsmakers on the continent, including those relating to

China in Africa.

For the purposes of the current paper we can refer to Brautigam as a China-Africa scholar generally inclined towards economic engagements, increasingly diversifying to comment on general or rather broader issues but, more importantly for the current paper, committed to correcting media-based wrong impressions in the field. To be certain, Brautigam did not pioneer the "myth-busting" tradition in the China-Africa scholarship as witnessed by earlier works such as *The Chinese Role in the Congo: Fact or Fiction* (Max, 1965), *The Fact and Fiction of Sino-African Energy Relations* (Erica, 2007) and, *State, Myth, and Agency in the Construction of Chinese South African Identities, 1948-1994* (Park, 2008), among others. However, Brautigam has emerged as something of an evangelist in separating fact from fiction in the field. Just punch in the word "myth" in the search bar of her popular blog and you see myth-busting written large. Crucially, it would appear that Brautigam's refocus on the China in Africa story convinced her that myths needed to be debunked. In short order, she would publish journal and position papers focusing on discrediting myths. These works include: *Green Dreams: Myth and Reality in China's Agricultural Investment in Africa*; *Rumours and Realties of Chinese Agricultural Engagement in Mozambique*; and *China in Africa: Seven Myths* (Brautigam and Zhang, 2013; Brautigam and Ekman, 2012; Brautigam, 2011c). This is not to mention blog posts such as *"China in Africa: Five Myths"*, *"Mysteries of the China Africa Development Fund"* and *"Mysterious Chinese Imports from Africa?"*[5]

Right from the acknowledgement section of *The Dragon's Gift*, Brautigam was concerned about "a troubling picture [that] arose based on a sometimes sensational mix of fact and fiction, all circulating rapidly through cyberspace … [so much so that she was] pushed to return to a topic [she had] first began to study in the 1980s" (Brautigam, 2009). She goes on to point out how media organisations such as the *Associated Press* and the *Christian Science Monitor* repeated one Chinese financing project several times or mistook a figure in Renminbi (RMB) and captured it in exact terms in US dollars (Brautigam, 2009: 177-178). This is but one instance in *The Dragon's Gift* where Brautigam identifies media misreporting as a problem in crafting perceptions about China in Africa. This said, however, it is worth noting that

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while her 2009 book alluded to the separation of fact and fiction in China-Africa engagements at a time the relations were on a meteoric rise, her latest book – *Will Africa Feed China?* – is much more pointed in puncturing often hyperbolic suppositions. While *The Dragon's Gift* generally and fleetingly exposed erroneous media and popular generated yarns, *Will Africa Feed China?* is forthright about media-generated exaggerations.

Brautigams's focus on the veracity of figures has not been without controversy. In an attempt to shine light on China's financial juggernaut, the US-based Centre for Global Development initiated a project dubbed "AidData" in which they proposed using a media-based, crowd-sourced data collection method as a pathway to putting numbers to Chinese engagements in Africa in view of the paucity of development finance statistics from official Chinese sources (Strange et al., 2013). In the report, the researchers concluded that China had invested US$ 75 billion in Africa between 2000 and 2011. In a series of pieces on her blog, Brautigam responded strongly repudiating what she referred to as "rubbery numbers" that would be and were being bandied around as factual[6] when they were incorrect. The AidData researchers responded with their own criticism[7] of Brautigam and in defence of their methodology. This illustrates how the scale of Chinese economic engagements in Africa is contested space.

The new book can essentially be read as a continuation and deepening of the repudiation of the harmful role of the media in circulating inaccurate stories about "Chinese land grab" in Africa. Before attempting a media-focused appraisal of *Will Africa Feed China?*, it is worthwhile summarising reviews on the book since its October 2015 release.

A review of reviews

As expected, reviewers have appraised the book in opposing ways. Positive reviews, with an eye on the buyer's pockets, are expected from the publisher, booksellers and book endorsers – and there have been no disappointments in this regard. Independent reviewers may, however, provide a detached barometer on how the book has been received. One reviewer concludes that "the prose flows well" but a "narrow" focus

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on "proving a negative" and approaching the topic from the Chinese rather than the African end of things are drawbacks (Pilling, 2016). The same reviewer also states that Brautigam focused on agriculture to the exclusion of other Chinese interests in Africa. This is echoed by another reviewer who expected far more than the book offered, the argument being that she could/should have prescribed some pro-African agricultural development recommendations (Sy, 2015). Another reviewer is in agreement with the book and uses Brautigam's debunking of media myths to throw in their own observations on how and why media and civil society are forces of negativity (Weng, 2015). This perspective coheres with the often-stated perspective by Chinese officials who miss no opportunity charge that Western media is opposed to the Africa-China cooperation for instance and that China must develop its own media so as to be in full control of its own message rather than relying on Western media (Farah and Mosher, 2010: 10; Grassi, 2014: 5; Wekesa and Zhang, 2014: 9; Zhang, 2013: 81). Some of the reviewers of *Will Africa Feed China?* do little else than regurgitate some of Brautigam's writings while others endorse the book as "an engaging, eye-opening read", one that "throws many buckets of cold water on a narrative that many perhaps want to believe is true, to fit pre-ordained opinions and viewpoints" (Anonymous, Undated).

Another reviewer posits that the book would not have been necessary in the first place. This is because the mere thought of Africa feeding China is an unfathomable, rhetorical proposition. However, the same reviewer turns around and finds the book necessary because "there are plenty who believe otherwise. And it's not just pot-smoking conspiracy theorists" (Tapon, 2016). A number of respected news outlets such as *The Economist* are said to be, well, the rumourmongers. Talking of rumours calls to mind the supposition that China sends prisoners to work on African infrastructure projects (Sautman and Yan, 2012: 401), an allegation that remains popular in Africa yet has never been proved. Indeed, dismissing Western media as having an inherent anti-Chinese agenda, some Africa-China scholars have described some of the Western journalism as "yellow peril" journalism [in which] some of the international coverage is outright racist as China is accused of many sins on the continent captured in the catchall phrases such as "new scramble for Africa" and

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"neo-colonialism" (Park, 2013: 152).

It is quite telling to note that a quasi-review-cum-report based on the book by *The Economist* did not push back on Brautigam's dim view of media-generated hyperbole, *The Economist* included, quietly it seems, agree with Brautigam's analysis (City, 2015). A *Reuter's* review similarly tacitly approves of the book, settling for the pulling of "soundbites" that refute Chinese land grabbing (Arsenault, 2015). This suggests that some Western media can indeed cover China in Africa "objectively", when facts and situations so demand.

Based on the reviews, it is safe to conclude that *Will Africa China?* has received favourable coverage. Even criticism of the book for offering too little in terms of scope (Sy, 2015; Pilling, 2016) can be read in positive terms as readers wanting more. Issues such as comparison of how China and Africa fare in the book are broached without being fully debated by the reviewers. A perusal of the reviews suggests they are touch-and-go comments. Reflecting on the deeper disciplinary and methodological considerations of Brautigam's new offering might perhaps provide a different reading of China-Africa engagements.

The fact that the book seeks to debunk media-created myths provides an opportunity for reflection on the link between the two major variables of the book: media and communications on the one hand and the agricultural sector on the other hand. In analysing the book, one can put aside the "main" agricultural investment dimension and concentrate on the media subtheme. Such an endeavour would in essence mean that the "complementary" media dimension is elevated to main thematic status, while the main agricultural theme is lowered into a complementary position. In so doing, parallels can be drawn between the book and the Africa-China media and communications scholars who have undertaken systematic content analysis of African media coverage of China with results in places such as Kenya, South Africa, Angola and Zambia showing that China is covered more in economic than political or cultural terms (Wekesa, 2013b; Wasserman, 2013; Jura and Kalusynzka, 2013).

The media theme

While China's agricultural interests in Africa is the main focus of the book, there is little doubt that media and communications are a major subtheme. Consider, for instance, the incidence of the keywords related to media and communications: Article, data/databases, editorial, headline, internet, journalism/journalists, opinion, magazine, media, news, newspaper, piece, radio, report, reporters, story, television and website. These words appear at least 112 times on their own and at least 119 times as part of a specific organisational media platform (for example, Sinochem website or *Google* or *New York Times*) or a country's media (Chinese website for instance). Collectively, the "media code" appears at least 230 times which means nearly twice per page on average.

It is not just that Brautigam sets out to establish Chinese land acquisition and agricultural investments in Africa, but that she sets out to do so by closely analysing media coverage of the phenomenon. To emphasise the point, Brautigam could as well have swatted away media coverage on the topic and gone straight for the juggler – the form and nature of Chinese agricultural investments in Africa. Indeed, Brautigam is forthright: "This book challenges four widespread beliefs about Chinese agricultural engagement in Africa that have shaped conventional wisdom, circulating through influential policy circles and popular culture (read media)…"

In what amounts to the problem of the statement-cum-justification for the book, Brautigam writes that "hunger and food security, land grabbing, the fate of small farmers in faraway African villages, Chinese migration" are crucial issues plagued by "inadequate data, all covered by the international media with TV, radio, and newspaper stories of sharply varying accuracy." Media is found problematic in circulating fiction rather than fact, warranting Brautigam's "peeling away layers of myths" in an effort that required "extensive fieldwork" with an eye on "a more balanced and realistic account."

What motivates Brautigam's focus on the circulation of misinformed information on Chinese agricultural investment in Africa? Food, Brautigam suggests, is a highly sensitive and political matter on its own. But things are made worse when the media

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fuels speculation about a supposedly food-ravenous China devouring food-hungry Africa's farmland. The real and present danger is that media consumers assume that "because it featured in *The Economist*, *The Guardian* or the website of a famous think tank, it must be true." Worse still, "the nature of knowledge circulation is such that first impressions are very hard to erase."

In an almost equivalent to "gotcha journalism", the book's methodology is one where a media item is identified, re-narrated and then deconstructed in such a way as to overturn falsehoods, errors and hyperbole. Brautigam's approach can, thus, be said to be mixed methods, triangulating development economics with a media-based qualitative content analysis. In these respects, Brautigam has gone farther than most Africa-China media and communications scholars because she picks out a piece of erroneous coverage and firmly dismisses its allegation whilst most Africa-China media and communications writings make general commentary but do not firmly disabuse pieces of inaccurate journalistic reporting. This indeed suggests the need for an inter-disciplinary discussion in which non-media scholars who work on media as a source of knowledge on the topic can cross-pollinate ideas with media scholars.

Media framed as the problem

Will Africa Feed China? is rich in events, incidents, cases, episodes and anecdotes that point at the media as shaping erroneous and mostly negative perceptions of China in Africa's land and agricultural sphere. The telling examples are too numerous to fully account for here and in any case, accounting for all the examples would amount to reproducing the book. Of interest, however, is that Brautigam makes some interesting insights, generalisations and conclusions on her thoughts about the role of the media. It is, therefore, worthwhile considering Brautigam's deductions on the role of the media in China's Africa land and agricultural dealings. In so doing, one can set aside the particular events, incidents, cases, episodes and anecdotes and go straight to Brautigam's judgement on the media.

Brautigam concludes that "media reports are not hard evidence but a mix of actual facts, perceptions, intentions, rumours, guestimates (when the event is confirmed but its scale cannot be verified) and outright lies … In other words, we face a complex

mix of facts and factoids". Counting instances of supposed Chinese land acquisitions in Africa multiple times "heralded … the feeding frenzy of media stories." It is not just one media item that circulates inaccurate data, but "hundreds of newspaper articles and editorials, sensational statements and robust myths."

The internet is a problem because this "wonderful tool" enables "rapidity [and] easy access to 'data' [thus] the dangerous allure of *Google* have facilitated the recycling of facts long after their sell-by date." Further, once an online "database is populated, it will be used" yet "information gathered from the internet may not be accurate." Problematically, "the headlines and media reports turned into 'data' that became the foundation for analysis by researchers in non-governmental organisations (NGOs), universities, and think tanks." When looked at from the vantage point of "realities on the ground", much of the media reporting amounts to "grand exaggerations." The genesis and wide circulation of the inaccuracies is thanks to "some of the early efforts to collect data on Chinese investments [having] been flawed."

Pointing out that "the nature of knowledge circulation is such that first impressions are very hard to erase", Brautigam argues that "like … zombies, the [erroneous] stories refuse to lie down and die." This is despite the fact that some stories reported as fact "melted away like so much palm butter under the hot tropical sun", when subjected to fact-checking.

In what amounts to the most telling indictment of the media, Brautigam concludes:

> But by now, two central points should be fairly clear. First, there have been far fewer Chinese farming investments in Africa than the media headlines would lead one to believe. Some of the early efforts to collect data on Chinese investments have been flawed by the inclusion of cases that were not Chinese, not investments, or that failed to move beyond a press conference or an expression of interest.

The challenge, according to Brautigam, is that some news sources "do very sensational news conferences", a problem compounded by the fact that "there is little investigative reporting on Chinese agricultural investment in Africa, and visiting

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reporters often do not spend the time needed to dig deeply into these issues." Brautigam is clearly focused on picking out faulty reporting rather than considering some of the cases of accurate journalistic reporting on Chinese investment in agriculture as a whole. It is plausible that she could have found a more mixed picture of negativity and positivity if her objective was to undertake value-neutral content analysis. Indeed as Wasserman (2012: 348-352) has put it in the South African context, "assumptions in the literature about China being portrayed in either highly positive terms, as a saviour or close partner for African states, or in highly negative terms, as an exploitative neo-colonial predator, …[are] overly simplistic" since the coverage is balanced between positive and negative reporting with a big presence of neutral reporting (also finding a balance between negative and positive perceptions are Wekesa, 2013: 34-35; Shen and Taylor, 2012: 705; Wasserman, 2013: 9).

Media type analysis

Apart from Brautigam's framing of the media as the problem, another productive media-centric analysis notable in the previous section is that unsubstantiated information flows back and forth from websites, databases, media, think tanks, books and journals. A careful analysis indicates reference to; 1) general media, 2) print media, 3) digital platforms, 4) news agencies, 5) television and radio, in that order. I discuss each of these categories below.

General media

The general media type is here understood as the instances where the book cites or makes reference to media in general, amorphous terms without identifying a particular media organisation or type of media. These include phrases such as: an American reporter, other reporters, Chinese netizens, and international media, in the press, media coverage, press conference/briefing, articles, a local reporter/media, a journalist, and others.

The general media type makes the most appearance in the book, perhaps for obvious reasons such as the fact that media is, in a general sense, a major theme in and of the book. A number of observations can be made with regard to Brautigam's reference

to the general media.

When Brautigam refers to or draws on "the media" in general terms as well as its iterations, she is in essence referring to the media as "institution", commonly known as the fourth estate (see for instance, Deuze, 2005). This is regardless of whether "the media" is an individual media organisation, a journalist or indeed whether it is radio, TV, internet or newspaper. It is perhaps on account of this generalised reference that the "general media" dominates all media types.

Differentiation can be found in the book's general media commentary. Use of the terms "Chinese reporter" and its iterations (Chinese press, Chinese netizens, Chinese language media, Chinese spokesman) is highest, followed by "Western media" codes, with "Africa media" (for instance "Ugandan newspaper" or "African blogs") being the least. In addition, while reference to "international media" suggests global "Western" media conglomerates, African media in places such as Madagascar and Zaire are referred to as "local." I return to this point below.

Another interesting general media observation speaks to Brautigam's methodology. Phrases referring to press conferences make a significant appearance in the book. These appearances are in the context of the grand announcements that "failed to move beyond a press conference or an expression of interest." As explained earlier, the book's methodology is one where a media item is identified, re-narrated and then deconstructed in such a way as to overturn falsehoods, errors and hyperbole. Press conferences are particularly deleterious in these respects. This is an important point as press conferences have not quite been explored in the Africa-China media and communications field and this could make for new contributions in future.

Print

Print media is here understood as the mediums that started off as hard copy newspapers and magazines sold on newsstands but have diversified into online editions. In other words, we can refer to a newspaper such as the *Financial Times* as "print" for the purposes of this paper even though it can be accessed on online digital platforms.

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Besides the amorphous "general media" category, the myth busting in the book is particularly focused on print media more than any other media. Print media make appearances in the book at least at two levels: as individual print titles such as the *Guardian* or *China Daily*, and in unspecific terms such as French or Chinese newspaper. A distinction can be made between Western, Chinese and African media. Western media makes more appearances, followed by Chinese and African media, in that order. The graphic representation below illustrates this.

Figure 1. Incidence of Western, Chinese and African print media
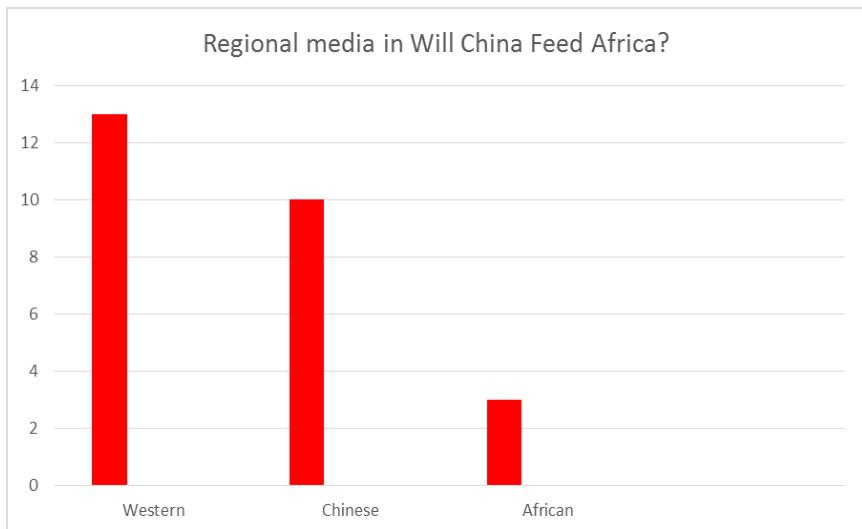
The Western print media that make appearances are: *Daily Mail, Atlantic, Economist, Financial Times, Guardian, New York Times, Far Eastern Economic Review, The Australian, Washington Post, Christian Science Monitor, Harper's, Economist, Africa-Asia Confidential* and *Foreign Affairs.*

Whilst print media, more than digital and broadcast media, emerges as the main culprit in the misreporting and distortions, it is Western media that Brautigam finds

to be a major problem. In addition to a higher reliance on Western media in the fact-checking, the core of the repudiation of media-generated distortions is traced to Western print media. Perhaps the most telling example identified by Brautigam, is a story by the *Financial Times*, headlined: "*China Eyes Overseas Land in Food Push.*" Alluding to the believability of media headlines, Brautigam points out that "with a readership of several million people, the *Financial Times* article commanded attention." Notably, Brautigam finds that other major print media outlets similarly published unverified articles on many other incidents of reckless information about China's supposed ravenous appetite for African farmland.

The Chinese media are: *China Daily, Beijing Morning Post, Caijing, the Hunan Daily, Peking Review, China Business News, Guoji Shangbao (Ministry of Commerce), China Economic Herald, Guoji Shangbao* and *Yangtze Daily News.* The fact that the difference between Western and Chinese media references in the book is just three indicates that media-based research focused on the Western and Chinese sources in almost equal measure. The African media cited are: *Savanna (Mozambique), Herald (Zimbabwe), Gazette de la Grande Ile (Madagascar).*

Brautigam finds that Chinese print media are problematic for reasons different from Western print media. Consider for instance *Peking Review's* (now *Beijing Review*) glorification of Chinese agricultural volunteers to Mauritania in 1966:

> The Chinese did not take a single day of rest … When the annual floods inundated the area, they had to wade through the water to reach the plots … Their sun-burnt skin peeled and their feet became swollen after long hours in the water … As the construction came to an end … the assembled villagers thronged their Chinese friends, shouting with great enthusiasm: 'Long Live Chairman Mao'.

In a more recent example in the mid-2000s, Brautigam describes Chinese media reporting of a Chinese agricultural project in Cameroon: the land they (Chinese agricultural experts) were to work appeared completely barren: no people, electricity, or roads; with thick shrubbery and tall grasses that completely hid the old irrigation system. They struggled through six kilometres of thorny forests to find the

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source of the irrigation water, encountering snakes and wild animals. Within two months, they had planted a vegetable patch, found a way to conquer weeds unlike any they had seen before, cleaned nearly five kilometres of irrigation channels, and rebuilt the access road. Local Cameroonians joined the Chinese, learning to drive tractors, working from seven in the morning until nearly nightfall, and forging, it was said, a "profound friendship."

In another example, Brautigam points out that:

> even today, Chinese press reports on China Sate Farm Agribusiness Corporation (CSFAC) African investments reflect an earlier era of reporting: They are nearly always glowing; most reporters seem to be overcome by awe at the sheer difficulty of the task. If the company has formidable challenges, they are presented as technical obstacles to be overcome by heroic effort. Political uncertainty, crime, the problem of logistics: these are almost never mentioned.

Brautigum, thus, concludes that Chinese media are a problem because they "often failed to reveal the very real problems faced by Chinese projects under negotiation or those that have gone into implementation." Chinese media also "predictably fail to cover labour relations, complaints from villagers about compensation and resettlement, violent protests, higher than expected costs, or the surprising disparity between predicted and actual yields."

Digital

Digital as a media type is here understood to mean the book drawing on, citing or commenting on information accessed from websites, the internet and online databases. The term "digital" is here used to capture online media platforms run by organisations without being owned or operated by conventional media corporations.

Clearly, a substantial amount of myth-busting involved scouring digital platforms, so much so that digital media is the third most mentioned media type. Some of the websites that appear in the book include those hosted by organisations such as: Land Matrix, Swiss Federal Institute of Technology, Center for Strategic and International

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Studies (CSIS) (US) and National Academy of Sciences (US), The Center for International Forestry Research (CIFOR), International Food Policy Research Institute (IFPRI) and GRAIN (Spanish). The websites of companies mentioned include: Hunan Dafengyuan (Chinese), Wems Agro (Nigerian), Juyong-Tech (South Korean) and Sinochem (Chinese). The single government website specifically mentioned is Sudanese. Digital media companies are represented by *Google* as well as general reference to the terms "internet" and "database", while there is an unidentified Zambian blogger. It would appear that much work went into investigating "Chinese websites" and the sentiments of "Chinese netizens."

An analysis of the digital media dimensions shows continuation of reliance on Western sources first, Chinese sources second and very little of African sources. Most of the websites are found to have incorrect data. For instance, the website of the Washington DC-based CSIS claimed that China had an "agricultural colony" in the Zambezi Valley without "fact-checking, or editorial or peer review." Relying on unverified data from the Spanish NGO, GRAIN, The National Academy of Sciences had a "meta-database" [that] included 16 alleged Chinese land grabs in Africa.

The database of Land Matrix, an NGO that tracks land deals, is particularly the focus of Brautigam's investigative data and is found most problematic. For instance Land Matrix had "some egregious errors" in their data base which were corrected in 2013, but the damage had already been done in that the false information was already circulating. In some cases Land Matrix captured land/agricultural projects as being Chinese when they "did not actually involve any Chinese investors."

Brautigam's identification of the digital space as problematic is in line with earlier findings about the role of social media in the Africa-China relations. Wu (2013: 83-84) gives examples of how the death of a Nigerian citizen in Guangzhou drove opposing African and Chinese nationalism online in manner that is at variance of the official Nigeria-China relations. Other researchers have looked at how Chinese migrants use social media to cope with life in Africa and found instances of prejudicial Chinese antipathy towards Africa and Africans (Lu and van Staden 2013). These two examples show that the digital space in Africa and China is

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increasingly important, not just as a channel for inaccuracies, but also as a platform for the formation of perceptions.

News Agency

News agencies – also known as wire services in journalistic lingua – are the media types that started off essentially selling news to media organisations but today leverage a variety of online offerings to directly reach audiences.

By now, it is not surprising to mention that the book uses more Western and Chinese news agencies than it does African agencies. In fact, as news agencies go, Brautigam does not use, research or cite a single African news agency. Interestingly, however, it is with the news agency media type that we see a more elevated use of a Chinese news agency – *Xinhua* – more than the use of the combined Western news agencies namely, *Associated Press, Agence Frence-Presse (AFP)* and *Reuters*. It is worth noting that Brautigam's use of *Xinhua* stands in contrast to studies showing that African media hardly use *Xinhua* but rather rely more on Western news sources (Wekesa, 2013). The *Inter Press Service* news agency, though headquartered in Rome, Italy, lays claim to being a global south network. It would be expected that a news agency of the global south would be sympathetic to China in Africa, but Brautigam cites it spreading the inaccuracies.

Western news agencies are found to be a problem analogous to print media counterparts while *Xinhua* is a problem similar to Chinese print media. For instance, an *Associated Press* story claimed Beijing was intent on snapping up foreign land to feed its people similar to how the *Financial Times* or the *Guardian* would report. On the other hand, *Xinhua* reported that "a private Chinese entrepreneur was bankrolling" a big farm in Senegal when, as Brautigam found out, the said Chinese entrepreneur in fact had no farm.

Television and radio

Television and radio are media types that make an appearing in the book are those that started off broadcasting over airwaves although some if not most have since diversified into internet-based broadcasting as well as running websites featuring

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articles.

Overall, broadcast media – television and radio – are the least fact-checked media types in *Will China Feed Africa?* As with digital media, no single African television or radio makes it into the book. Western television - *CBS News*, a French television station, European television crews, *CNN* and *National Geographic* – largely continue the China-land-grab narrative. Chinese television makes only a minor appearance, for example, in an instance in which they promote a Chinese overseas land investment. In terms of radio, only the *Voice of America* (VOA) is cited, as having "published a critical story on China's overseas investments."

Discussion

Several overarching as well as journalism and media issues can be picked up from the book, with an eye on further research. As Brautigam herself notes, the book should not be taken as conclusive work on Chinese agricultural engagements in Africa but as a work in progress. The stories and fieldwork explores the agricultural investments in 18 out of the 54 African countries. Even within the 18 countries, it is safe to conclude that only a number of cases of rogue reporting were investigated by Brautigam and her team. In short, Brautigam has made a seminal contribution in pin-pointing the form and nature of some cases of Chinese agricultural investments in Africa but a conclusive book on the topic at this juncture in time is yet to be written.

While Brautigam offers some views on how and why media get it so wrong, she does not strike at the heart of why the myths arise in the first place. There must be deeper social-cultural factors that impel media, particularly Western media, to spread the unverified information beyond the dearth in investigative journalism rigour. Perspectives on the deep-seated origins of the myths can be gained from two sources: a reading of the media and philosophy-cum-ideology works and a link with the small but growing Africa-China media and communications field. Many communications scholars have pointed out how media/journalism influences society and how society in turn impacts media and journalism (for instance Hallin and Mancini, 2004). Often the media, reflecting society, runs in opposition to foreign nations and interests. Can the media philosophies, ideologies and systems of China,

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the West and Africa explain the reasons as to why journalists end up broadcasting unverified news and information? In the Western context for instance, Moeller (1999: 1) summarises thus,

> much of the media's coverage … [of foreign issues] relies pre-eminently on … putting forward a formulaic chronology of events, on employing a sensationalized and exaggerated use of language, on referencing certain metaphors and imagery that resonate with Americans and on emphasising an American connection.

One can link Moeller's "formulaic chronology, exaggeration and sensationalism, metaphors and imagery and a localised angle" with Western and African media reporting of China in Africa. The philosophical and ideological underpinning of Western media can also be linked with as such theoretical perspectives as the China threat, China's rise and decline of the West, the three worlds theory and others. While Brautigam is narrowly focused on debunking media-generated myths, her fact finding-approach can be triangulated with these ideological perspectives as means of providing insights into the China-Africa media and communications field.

With regards to Chinese media's so-called positive journalism underpinned by hyper-glorification of China and reporting inflated investment figures, a link can be found with the urge for Chinese media to battle for the hearts and minds of Africans. Some work has already been done on Chinese soft power and public diplomacy towards Africa. A question can be raised as to whether focus on winning African hearts and minds inadvertently lead to misreporting. Indeed Brautigam herself alludes to this public diplomacy push in the case of Zambia (2011b), and the case may be that in the push to tell a good tale of China in Africa, facts end up muddled.

The book is more inclined towards explaining the China end of things more than it does the African end of the spectrum. One needs only to compare and contrast Chinese and African sources to conform this. It is for this reason that I would categorise the book as "China-Africa" rather than "Africa-China."

Additionally, the book is presented from an essentially Western scholars'

perspective, which is an important perspective that needs to be understood as such. One of the many ways to back up the claim that the book approaches the topic from a Western rather than Chinese or Western perspective is to consider the media establishments cited. The bulk of the news media featuring in the book are Western as we have seen above. By extension it would appear, at least from the media narratives deconstructed in the book, alarm over China's land dealings in Africa is a Western rather than an African worry. One can indeed go on to consider the book as treatise on Western media perceptions on China in Africa.

The media-based approach that Brautigam uses serves to debunk myths yes, but from a scholarly media and communications perspective it is rather unsystematic. One may pose the question of just how many media outlets that have information relevant to the topic miss out from Brautigam's analysis? Indeed, this calls to mind the lively debate between Brautigam and the US-based Centre for Global Development also known as AidData when the latter released a report on Chinese economic activities in Africa based on media content in 2013 (Strange et al., 2013; Brautigam, 2013). Brautigam has contributed an important approach towards fact-checking China-Africa agricultural engagements: undertake the hard work of verifying facts through extensive secondary research and fieldwork before you publish figures. But her approach is not quite comprehensive. This is where the media-based data collection method proposed by AidData seems a better fit, albeit one fraught with the potential for the double, even triple data citation that Brautigam warns us about. It would appear that the ideal approach in the use of media to obtain accurate, complete, quality and credible Africa-China data lies somewhere between Brautigam's rigorous approach and AidData big data approach. In fact, as one of the book reviewers points out, this would be unnecessary if the Chinese and African governments had data and were ready and willing to share it. In a nutshell, Brautigam has made a major contribution that can be built on in the bid not only to use media wisely, but also in understanding how and why media cover Africa-China relations the way they do.

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Endnotes

1. See http://www.sais-cari.org/

2. See www.Chinaafricarealstory.com

3. This author attended the talk at University of the Witwatersrand, South Africa, see: http://china-africa-reporting.co.za/2015/11/d-brautigam-wits-lecture-feeding-frenzy-fictions-facts-about-china-africa-the-media/

4. Based at the Journalism Department, University of The Witwatersrand, South Africa, see https://africacheck.org/page/3/?s=China+Africa

5. See: http://www.chinaafricarealstory.com/2016/01/china-in-africa-five-myths.html; http://www.chinaafricarealstory.com/2015/03/is-cad-fund-sovereign-wealth-fund.html; http://www.chinaafricarealstory.com/2014/04/mysterious-chinese-imports-from-africa.html

6. See for instance: http://www.chinaafricarealstory.com/2013/04/rubbery-numbers-on-chinese-aid.html

7. See http://aiddata.org/blog/a-rejoinder-to-rubbery-numbers-on-chinese-aid

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