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Assessing the Impact of International Human Rights Pressures: the Dominican Republic
and China

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Advisor: Prof. Jacqueline Braveboy-Wagner

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Abstract

Human rights abuses occur regularly around the world, affecting millions of people each year. In the post-World War II era, a human rights movement helped create regional and international human rights regimes. This thesis tries to assess the impact of international human rights pressure on state compliance with international human rights norms and conventions. In investigating the impact of human rights pressure on states, I hypothesize that certain conditions are helpful. The first condition is the absence of a strong public opinion and/or cultural sentiment against what the pressuring entities are trying to achieve. The second condition is dependency: dependent countries are more vulnerable to economic and military threats, and thus are more likely to comply with international pressures. To support this hypothesis, I analyze human rights situations in one dependent country, the Dominican Republic; and a rising power, China. This thesis concludes that indeed, a strong public opinion and/or cultural sentiment militate against what the pressuring entities are trying to achieve. Thus, international human rights campaigns need domestic support as Margaret Keck and Kathryn Sikkink's seminal book *Activists Beyond Borders* notes. Contrary to my assumption that small dependent states are more susceptible to international human rights pressure, dependency did not play a significant role in the case studied.

Chapter 1

Introduction

Human rights abuses occur regularly around the world, affecting millions of people each year. In the post- World War II era, a human rights movement helped create regional and international human rights regimes. Non-governmental organizations (NGOs) formed part of a network of organizations working together on behalf of human rights. The work of NGOs has made states' repressive practices more visible and salient, forcing states to respond and improve practices. There are numerous cases of successful human rights advocacy around the world, such as the abolition of slavery, the case of the disappeared in Argentina in the 1970s, and the campaign against foot binding in China. But not every story is a story of success; at times the efforts of human rights pressure groups have not resulted in an improved human rights situation. Take for example the use of chemical weapons in the Syrian civil war of 2013 and the continued practice of female genital mutilation throughout Africa. In the latter case there has been improvement, but much remains to be done. With millions of dollars invested annually to advocate for human rights it is useful to know how much change this advocacy has produced. How can we assess if human rights pressure is effective? And if so, can we determine what factors contribute to its success or failure? Why do human rights violations persist despite ongoing pressures for compliance with conventions and norms?

My aim in researching this topic is to understand the dynamics of international human rights influence. If we can determine when and to what degree international human rights pressure has an influence on what states do we will be better equipped to formulate policy recommendations that can target the situations on the ground. Knowing

what conditions hinder the success of a human rights campaign would give the international community a valuable tool to better use its economic resources and man power, to create smarter campaigns and ways in which it can negotiate with government officials and other factions to effect the desired change in human rights. The study of the impact of international human rights pressure will help us explain not only positive changes in state behavior but also the persistence of norm violations.

In sum, what is the impact of international pressure on state compliance? Which domestic factors mediate this influence? If international human rights pressure is effective, why does noncompliance remain widespread? Alternatively, if international pressure is ineffective, why have a growing number of transnational actors increased dramatically their pressure on noncompliant states? Understanding the complex ways in which states respond to human rights pressure could solve part of this puzzle. The subject has implications for what we know about the prospects for human rights reform, the impact of international norms, and, more broadly still, the nature of state sovereignty. If states respond in complex and often contradictory ways to international human rights pressure, how can those applying such pressures hope to enhance their influence? The conventional answer has been to increase human rights pressure, including by strengthening domestic proponents of international norms. How we think about compliance and the impact of international pressure is essential for devising more effective human rights policies.

Although the rising consensus on global standards has yet to render the enforcement of human rights any easier, no one denies the growing importance of human rights to an emerging international order.

Chapter 2

Research Design

In investigating the impact of human rights pressure on states, I hypothesize that certain conditions are helpful. The first condition is the absence of a strong public opinion and/or cultural sentiment against what the pressuring entities are trying to achieve. The second condition is dependency: dependent countries are more vulnerable to economic and military threats, and thus are more likely to comply with international pressures. My first assumption is based on previous research by Keck and Sikkink that argues that international pressure is likely to succeed when members of a domestic society support international norms and join transnational networks of activists.¹

According to Keck and Sikkink, human rights reform occurs when international and domestic norms converge; therefore compliance is as much the result of pressures from “below” as from “above.” If a strong civil society and participation in international human rights networks create the conditions for reform, then public opinion against human rights could hinder the success of human rights pressure groups.

The second assumption is based on the literature on dependency. The ability of a powerful nation to influence the foreign policy behavior of a weaker nation has long been recognized. According to Bruce Moon, dependent relationships occur between countries when a powerful state influences the foreign policy choices of a weak state, and the two countries engage in bargaining that is severely limited. Furthermore, he argues that such a dependency relationship “creates distortions in the social and political system of the weaker states which brings to power an elite whose interests, values and perceptions have

¹ Margaret Keck and Kathryn Sikkink. *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, N.Y: Cornell University Press, 1999), p. 15.

more in common with the elites of the powerful nation than with the masses in their own country.”² Therefore I ask, under which conditions will a weak state not give in to the influence of a powerful state? How can we explain noncompliance from weak states?

To answer these questions I will be using two countries as case studies: the Dominican Republic and China. The Dominican Republic and China were chosen for this analysis because they are premier examples of countries that have been under great international pressure to reform their human rights practices. These countries also provide an important contrast given that the Dominican Republic is a small dependent state and China is a rising power. Small states are usually more vulnerable to international pressures, therefore contrasting the events in the Dominican Republic to those in China will allow me to compare the different dynamics that are at play when a small state is targeted versus a big power. This is the second part of my hypothesis.

I will begin by discussing the existing literature on the impact of human rights pressure, including previous research on compliance with international norms. I will then examine the domestic factors that affect compliance in my case studies, focusing on domestic public opinion, culture and economic dependence.

Definitions

In order to address the effectiveness of human rights pressure it is important to first define how the term human rights will be employed throughout this paper. The idea of internationally protected human rights was placed on the international agenda when the United Nations (UN) General Assembly adopted the Universal Declaration of Human Rights in 1948. The UN defines human rights as rights inherent to all human beings,

² Bruce E. Moon. “The Foreign Policy of the Dependent State.” *International Studies Quarterly*. Vol. 27. No. 3 (September 1983). Pp. 315-340.

whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status.³ We are all entitled to our human rights without discrimination. The notion of human rights was expanded in 1976 when the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) were enacted. The ICCPR commits its parties to respect an individual's right to life, freedom of religion, freedom of speech, freedom of assembly and rights to due process and a fair trial. The ICESCR commits its parties to work toward the granting of labor rights, the right to education and the right to an adequate standard of living.

Hawkins defines human rights pressures as “nonviolent activities carried out by transnational networks and states with the primary purpose of improving individual rights by creating economic and political costs for a repressive government.”⁴ States pressure other states to change their human rights practices through diplomatic channels either bilaterally or multilaterally. Human rights pressure groups are networks of NGOs that are part of the human rights movement, and work together with regional intergovernmental organizations and private foundations on behalf of human rights. International organizations develop formal procedures to discuss and investigate human rights situations in member states, and NGOs make states' repressive practices more visible and salient, thus forcing states that otherwise would remain silent to respond.

³ Universal Declaration of Human Rights, United Nations 1948

⁴ Darren G. Hawkins. *International Human Rights and Authoritarian Rule in Chile* (Lincoln, NE: University of Nebraska Press, 2002), p. 20.

Literature Review

Research about human rights has been focused on explaining the emergence of international regimes and the application of human rights pressure on states. Scholars have been particularly interested in the formation of norms. According to this perspective, the impact human rights can have depends on the strength of international norms. Martha Finnemore, for example, adopts such an approach to show how states have intervened with growing historical frequency to protect human rights abroad.⁵ She argues that the growing willingness of states to use force on behalf of human rights reflects rising acceptance of international norms of humanitarian intervention. Jack Donnelly goes beyond the concept of acceptance of international norms and argues that the Universal Declaration of Human Rights has shaped society in the image of the rights that it enumerates. “Just as individuals ‘nature’ or ‘character’ arises from the interaction of natural endowment, social and environmental influences, and individual action, human beings create their ‘essential’ nature through social action on themselves. Human rights provide both a substantive model and a set of practices to realize this work of self-creation.”⁶ These arguments are liberal in nature, but have been reinterpreted by constructivism, which considers norms to be the product of socialization. In international relations theory, constructivists understand the world as coming into being through a process of interaction between agents (individuals, states, non-state actors) and the structures of their broader environment. In terms of human rights, constructivists trace

⁵ Martha Finnemore. *The Purpose of intervention: Changing Beliefs about the Use of Force* (Ithaca, N.Y.: Cornell University Press, 2003).

⁶ Jack Donnelly. *Universal Human Rights in Theory and in Practice* (Ithaca, NY: Cornell University Press, 2013). p. 15.

state interest to a set of principled ideas and practices, such as the international normative context and transnational networks. This approach highlights the role of socialization in driving the effects of international human rights pressure on state actions.

One of the most influential and groundbreaking works to emerge in this area of literature in the past few years is Risse, Ropp, and Sikkink's work, entitled *The Power of Human Rights: Institutional Norms and Domestic Change*. In this seminal work the authors lay out a theoretical framework for norm socialization, a process whereby human rights norms become internalized, "so that external pressure is no longer needed to ensure compliance."⁷ The spiral model for globalization of human rights norms has explanatory power and value. Not only can it explain much of what we observe in terms of the respect for human rights in the world today, it can explain various levels of violation and abuse of these human rights as well. The spiral model consists of five stages:

1. State repression
2. Denial of oppression
3. Tactical concessions
4. Internationalization of human rights norms
5. Rule-consistent behavior

In fact, nearly every country in the world can be placed into one of these five phases.

In contrast to constructivism, realism is a long-lived approach in international relations. Realists look at what the group's interests are, and the role that power relationships play in reconciling clashing interests. Although realists tend to generalize

⁷ Thomas Risse, Steven Ropp and Kathryn Sikkink. *The Power of Human Rights: International Norms and Domestic Change* (Cambridge, UK: Cambridge University Press, 1999), p. 11.

about human rights advocates with charges of idealism and sentimentality, such arguments overlook the fact that human rights fit comfortably into a realist's world defined by interests and anarchy. As Cyrus Vance said in explaining the Carter administration's human rights policy to the Senate Committee on Foreign Relations: "The advancement of human rights is more than an ideal. It, too, is an interest. It realizes peaceful gains for freedom and also steps toward stability abroad, and greater security for America."⁸ When human rights abuses could degrade the legitimacy of a partnership, rupture the stability of a country, or threaten political processes where a country has critical interests at stake, it is in that country's interest to at least consider how it might deal with the issue of human rights in word and deed.

Some claim that compliance will be greatest when international pressure is applied by a hegemonic state and the target state is weak internationally.⁹ Realists believe in the power of coercive sanctions, whether applied through interstate bargaining or issue linkages. The basic argument is that human rights compliance is most likely when states make their broader military or economic relations contingent on state performance.¹⁰ I will test this by looking at the case of the Dominican Republic. The combination of human rights criticism with dependence on foreign aid and investment can be crucial in lessening repression.

⁸ Daniel R. Mahanty, Oct 9, 2013 "Realists, Too, Can Stand for Human Rights." Accessed 3/2/14. <http://nationalinterest.org>

⁹ Stephen Krasner. "Sovereignty, Regimes and Human Rights." *Regime Theory and International Relations*. (Oxford: Oxford University Press, 1993).

¹⁰ Neta Crawford and Audie Klotz. *How Sanctions Work: Lessons from South Africa* (New York: St. Martin's Press, 1999).

While material sanctions made through foreign aid disbursements or preferential trade agreements are a potential source of influence on human rights-violating governments, a great deal of activity by the global human rights network involves public condemnations of a government's human rights abuses.¹¹ Shaming refers to when human rights organizations use information about human rights abuses in the popular media to pressure or "shame" a state regarding its human rights record. Shaming seeks to convince leaders that their behavior is inconsistent with an identity to which they aspire. In a study that examined how governments that are targeted for human rights criticism respond to subsequent contentious challenges, James C. Franklin found that human rights criticism does lead governments to reduce repression in cases where there are relatively strong economic ties to other countries.¹² This result shows that countries with greater ties to the outside world, and hence more to lose, tend to be more sensitive to their international human rights reputation. Similarly, Murdie and Davis found that states targeted by human rights international non-governmental organizations often do improve their human rights practices.¹³

In a democracy, governments are supposed to be responsive to the public. That is to say, the opinions of people living within a democratic state are expected to be reflected in government policy. The press is a major source of the public's information on human rights conditions and, therefore, a major force in shaping public opinion on the topic. In a

¹¹ James Franklin. "Shame on You: The Impact of Human Rights Criticism on Political Repression in Latin America," *International Studies Quarterly* 52 (2008): pp. 187-211.

¹² Ibid.

¹³ Amanda Murdie and David Davis. "Shaming and Blaming: Using Events Data to Assess the Impact of Human Rights INGOs," *International Studies Quarterly* 56 (2010): pp. 1-16.

study that examined if human rights international organizations had an impact on public opinion, Davies et al found that human rights organizations (HROs) provide information to citizens in repressive regimes about their government's human rights practices.¹⁴ This study suggests that HROs impact domestic public opinion regarding a state's respect for human rights.

On the other hand, in a study that analyzed public support for international human rights institutions, Min Zhou found that public support for global institutionalization of human rights is not universal and may be related to broader social context.¹⁵ Zhou notes that people with certain social, economic, and demographic characteristics are more likely to show support for international human rights institutions. For instance, in China the level of support decreases as the level of education attained rises. The declining level of support could be related to the notion of western proprietorship of human rights. This notion puts the global movement at risk because it may render obsolete the developing global culture of human rights. Developing countries and non-liberal states often criticize human rights advocates as invasive of sovereignty, the result of imbalances of power.

In arguments about human rights there are two well-known claims that dominate the discussion. First, there are those who argue that human rights are universal, and then there are those who claim cultural relativism in human rights. Proponents of universality claim that human rights are universal and there should be no exceptions in light of

¹⁴ David Davis, Amanda Murdie and Coty Garnett Steinmetz. " 'Makers and Shapers': Human Rights INGOs and Public Opinion," *Human Rights Quarterly* Vol. 34, No. 1 (2013): pp. 199-224.

¹⁵ Min Zhou "Public Support for International Human Rights Institutions: A Cross-National and Multilevel Analysis" *Sociological Forum* Vol. 28, No. 3 (2013): pp. 525-548.

cultural or historical differences. For relativists, moral values, and thus conceptions about human rights are determined by history, culture and economics. In discussing the argument that moral values are historically or culturally specific rather than universal, Donnelly says that there are “three worlds” of human rights. The “Western” approach emphasizes civil and political rights and the right to private property. The “socialist” approach emphasizes economic and social rights. The “third world” approach emphasizes self-determination and economic development.¹⁶

Sonia Cardenas, in explaining human rights reform and compliance, suggests that national security threats, pro-violation constituencies, and domestic rules of exception or exclusion are important factors in mediating the influence of international human rights pressure on state behavior.¹⁷ According to Cardenas, a state’s violation of international norms can depend on the support of pro-violation constituencies who can reside inside or outside the state apparatus. The author argues that international and domestic human rights pressures can have both direct and indirect effects. On the one hand, human rights pressures can lead directly to human rights commitments. This is because human rights pressure alters a state’s interest in appearing compliant, regardless of whether it actually violates international norms. Consequently, states will respond to human rights pressure by ratifying international agreements, acting with leniency in specific cases, providing access to international monitors, implementing international norms domestically, or even occasionally holding abusers accountable. On the other hand, as long as certain

¹⁶ Jack Donnelly. *International Human Rights* (Boulder, CO: Westview Press, 1998) p. 35.

¹⁷ Sonia Cardenas. *Conflict and Compliance: State Responses to International Human Rights Pressure* (Pennsylvania: University of Pennsylvania Press, 2007), p. 25.

conditions exist- national threats, pro-violation constituencies, and rules of exception-states will continue to violate international norms even in the face of international and domestic human rights pressures.

Much of the literature, therefore, suggests a relationship between the domestic environment and the success of international pressures. In the rest of the thesis, I examine two cases to see if the relationship holds.

Chapter 3

Case Study: The Dominican Republic

The Dominican Republic, because of its small size and its relatively minor position in the order of international power, presents a good case to study in terms of its vulnerability to human rights international pressures. The Dominican Republic has often depended on foreign investment for capital, and as a country that has been occupied by the U.S. twice, it is a nation not totally in complete control of its destiny. Therefore I ask: is there a particular issue on which the Dominican Republic has been widely perceived as violating human rights? If so, has international pressure been brought to bear and has it been successful? Finally, if not, why not? Is it a matter of public opinion, or culture?

A Major Human Rights Issue

In order to understand the human rights issue, I have chosen the Dominican Republic's decision in 2013 to denationalize Haitian residents. Before we get to the details of the case, some background on the subject is necessary. The Dominican Republic is situated in the Caribbean in the chain of islands called the Greater Antilles. Of more geographic significance is the fact that the Dominican Republic is in a rather unique position in that it shares the island of Hispaniola with Haiti. Christopher Columbus landed on the north-coast of present day Haiti on Christmas day, 1492. Thinking that they had reached the far east, Columbus' party erected a makeshift fort and began the process of establishing a Spanish presence in the New World. Santo Domingo became the first permanent Spanish settlement in the Americas. The failure or unwillingness of the Spanish to control the attacks by the French and English prompted

Spain to cede the western third of the island to France under the terms of the Treaty of Ryswick in 1697. The French- controlled western third of the island developed quickly into what many considered to be the richest colony in the world at that time. Relying upon over 500,000 slaves imported from Africa, the French led the world in the exportation of sugar, coffee, cocoa and other agricultural commodities.¹

In 1795, Spain ceded the eastern part of the island to France, as the war in Europe with Spain gave the French the opportunity to take over the rest of the island. Following a slave revolt led by Jean Jacques Dessalines, the Haitian rebels defeated the French army and declared Haiti independent in 1804-the first independent republic in the western hemisphere with a majority population of African descent. All Haitians regardless of skin color were declared *noir/e* under the Constitution of 1805. In 1822, the Haitian President Jean-Pierre Boyer invaded and occupied the eastern part of the island (present day Dominican Republic). The atrocities committed by the Haitian army formed an important historical basis for popular anti-Haitian sentiment in the Dominican Republic. The period from 1822 to 1844 is remembered in Dominican history, to this day, as “the Haitian domination,” a parenthesis in the development of native institutions during which alien laws based on unfamiliar principles turned social and political life upside down.²

The Haitian occupation lasted from 1822 to 1844. Despite emancipation of the slaves, Dominican politics remained restricted to a small, mainly white elite. In 1844, this elite declared independence from Haiti. After independence the two countries developed important economic and political differences, one of the main ones being the political

¹ Emilio Cordero Michel. *La Revolucion Haitiana y Santo Domingo* (Santo Domingo: Editora Nacional, 1968).

² *Ibid.*, pp. 25-30.

instability that has affected Haiti throughout the 20th century, although the Dominican Republic’s stability has rested on authoritarianism. A study conducted to assess the growth divergence of the Dominican Republic and Haiti concluded that while both countries share similarities in terms of geography and historical institutions, policy decisions since 1960 have played a central role in the growth divergence between Haiti and the Dominican Republic, in particular economic policies.³ A comparison of socio-economic indices illustrates quite substantial differences.

Table 3.1 Comparative Indices Dominican Republic and Haiti, 2012

	Dominican Republic	Haiti
Population	10.28 million	10.17 million
GDP	US\$59.05 billion	US\$7.843 billion
Literacy	90%	47%
Life Expectancy	73	62

Source: World Bank country data, 2014 (<http://data.worldbank.org>)

Two nations with vastly different heritages occupying one island is certainly an oddity, but the geographic uniqueness of Hispaniola is more than just the fact that two countries share the same parcel of land. Over the years, the Dominican Republic and Haiti have not been good neighbors, and in fact have been unwilling to gloss over their racial, economic, political and cultural differences, choosing instead to avoid contact and to keep age-old grudges at center stage. According to Kryzanek and Wiarda, the long

³ Laura Jaramillo and Cemile Sancak. “Why Has the Grass Been Greener on One Side of Hispaniola? A Comparative Growth Analysis of the Dominican Republic and Haiti,” IMF staff papers, 2009 Vol. 56, No. 2.

period of Haitian domination of the Dominican Republic during the 19th century, the exodus of illegal Haitian immigrants into Dominican territory, and the constant fear of excessive “darkening” and “Africanizing” of Dominican society by the Haitians has created a definite anti-Haitian climate in the Dominican Republic.⁴ Anti-Haitianism combines a legacy of racist Spanish colonial mentality, nineteenth century racial theories, and twentieth century cultural racism into a web of anti-Haitian attitudes, stereotypes and historical distortions.⁵

In describing anti-Haitianism, Teresita Martinez-Vergne contends that a key element of anti-Haitianism is the accusation of racial exclusivism, of isolation and anti-Europeanism. According to her, in this respect, Dominicans would always point to Haiti’s birth as the result of a race war in which, according to the common wisdom, the savage destroyed the civilized. For this reason, blacks and mulattoes in Haiti hated each other and continued to fight, condemning the country to material poverty. Dominicans, according to their own account, welcomed racial mixture and did not obsess about it, while Haitians prohibited confraternization. Because of the Dominican Republic’s “cosmopolitanism,” Haiti would always resent its eastern neighbor and try to neutralize it.⁶

⁴ Michael J. Kryzanek and Howard J. Wiarda. “The Politics of External Influence in the Dominican Republic,” (New York: Praeger Publishers, 1988).

⁵ Daly Guilamo. “Dominican Funnies, Not So Funny: The Representation of Haitians in Dominican Newspaper Comic Strips, After the 2010 Earthquake.” *Journal of Pan African Studies*, Vol.5, No. 9, March 2013. pp. 63-82.

⁶ Teresita Martinez-Vergne. “Race in the Formation of Nationality.” *Nation & Citizen in the Dominican Republic, 1880-1916* (Chapel Hill, N.C: University of North Carolina Press, 2005), p. 95.

Haitians began to arrive in Dominican cane fields late in the first decade of the twentieth century and were actively recruited as workers only after the U.S occupation of the island in 1916.⁷ The development of the sugar cane industry after World War I and the use of Haitian labor in this sector shaped the migration patterns of Haitians to the Dominican Republic. The destruction of the European beet-sugar industry created the opportunity for the Dominican Republic to become a major sugar producer. In order to satisfy the demand for labor, the United States initiated the practice of recruiting Haitians to work on Dominican sugar plantations. Reliance on Haitian labor in the sugar industry continued after the United States withdrew from the country in 1924, and Haitians became an exploited, yet stable supply of workers.⁸

During the occupation a national constabulary was created to maintain order after the marines left. It was from this marine trained National Guard that the Dominican Republic would see the rise of their next leader, Rafael L. Trujillo, who established one of the most brutal dictatorships in Latin America. In a sense Trujillo's regime is a lasting legacy of the U.S. occupation.⁹ Trujillo came to power in 1931 and for thirty-one years maintained a strong hold on Dominican society. According to David Howard, Trujillo used his power from 1930 to 1961, to pursue his anti-Haitian agenda and embarked on a program of "dominicanization" of the country, a nationalist program aimed at redefining

⁷ Teresita Martinez-Vergne. "Race in the Formation of Nationality." *Nation & Citizen in the Dominican Republic, 1880-1916* (North Carolina: University of North Carolina Press, 2005), p. 93.

⁸ Ibid.

⁹ Bruce J. Calder. *The Impact of Intervention: The Dominican Republic During the U.S. Occupation of 1916-1924*, (Austin, Tx: University of Texas Press, 1984).

Dominican identity as white.¹⁰ The most brutal example of this policy came in 1937 when he ordered the massacre of around 18,000 Haitians and dark-skinned Dominicans who resided in the border area. Continued expulsions of Haitians were carried out by the Dominican military during the following decades, and an intense religious and educational campaign was pursued in the border areas.¹¹

With the assassination of Trujillo in 1961 a period of instability ensued that culminated in the April revolution of 1965 and the U.S. occupation to contain it. After the U.S. occupation in 1965, Trujillo's disciple, Joaquin Balaguer became president and started what Howard has termed a new era of "dominicanization."¹² In 1983, Balaguer published *La Isla al Revés*, in which he outlined the demographic threat from an expanding Haitian population and argued that nationality can never be granted or exchanged, only inherited.¹³ Joaquin Balaguer maintained power through fraudulent elections for thirty years, letting go of control, only after international pressure, for two terms between 1978 and 1986.

Howard points out that the politics of the 1990s was marked by the development of an intensely racialized political discourse, when the mayor of Santo Domingo, José Francisco Peña Gómez became the presidential candidate for the Dominican Revolutionary Party, el Partido de la Revolucion Dominicana (PRD), and leader of the main opposition party. Peña Gómez had suffered racial slurs during the elections in 1982

¹⁰ David Howard. *Coloring the Nation, Race and Ethnicity in the Dominican Republic*, (United Kingdom: Signal Books Limited, 2001).

¹¹ *Ibid.*, p. 157.

¹² *Ibid.*, p. 160.

¹³ Joaquin Balaguer. *La Isla al Revés: Haiti y el Destino Dominicano*, (Santo Domingo: Editora Corripio, 1993).

as a candidate to be mayor, but not to the extent as he did in the 1994 and 1996 presidential campaigns.¹⁴ The attack against Peña Gómez suggested that his Haitian ancestry made him an improper, and potentially untrustworthy, candidate for the presidency. He was born to Haitian immigrants in 1937 and adopted as an infant by a Dominican peasant family when his parents were forced to flee back to Haiti as Trujillo enacted the massacre of Haitians that same year.¹⁵

In 1994, Peña Gómez ran against Balaguer, who orchestrated one of the biggest election frauds in Dominican history to stop his opponent from getting to office. The scale of the fraud received international media coverage. International pressure led to an agreement between the political parties, limiting Balaguer's term to eighteen months, later extended to two years after political maneuvering.¹⁶

In 1996, Peña Gómez ran against Leonel Fernández and Jacinto Peynado. With an 80 percent turnout on May 16, the leading vote getters were Peña Gómez, with 45.94 percent, and Fernández with 39.94 percent. The ruling party's candidate, Peynado, mustered only 14.99 percent.¹⁷ Balaguer decided not to endorse his party's nominee and instead endorsed the young newcomer, Fernández. Despite being from an opposition party, Fernández, a mulatto, shared Balaguer's conservative, anti-communist stance that made him attractive to Balaguer. Balaguer made public calls to support "a real

¹⁴ David Howard. *Coloring the Nation, Race and Ethnicity in the Dominican Republic*, (United Kingdom: Signal Books Limited, 2001), p. 162.

¹⁵ *Ibid.*, p. 178.

¹⁶ *Ibid.*

¹⁷ Vito Echevarria. September 1996. "Racism, Foreign Money Dominate "clean" Dominican Elections." *Hispanic magazine*. Vol.9 Issue 9.

Dominican” candidate versus the Haitian one.¹⁸ His public rallying proved effective when Fernández was declared the winner of the second round of elections. International observers upheld the legitimacy of both rounds.¹⁹ The fear of Haitian influence, and the possible fusion of the island under Haitian dominance, prompted the formation of a patriotic front to block Peña Gómez from gaining the presidency, first through fraud and then through an unlikely pact between opposing parties. For the controlling elite it was unacceptable that a dark-skinned Dominican could become president of the country.²⁰

During Fernández’ presidency, first in 1996-2000, and then 2004-2012 the deportation of Haitian immigrants and the irregularities in the birth registration of Dominicans of Haitian descent caught international attention. In early 1997, the Dominican Republic again launched a sweeping campaign to expel undocumented Haitians. In two months, an estimated 25,000 suspected Haitians were expelled from the country.²¹ A massive deportation campaign in November 1999 resulted in the Inter-American Commission on Human Rights issuing precautionary measures against the Dominican Republic. The commission’s order called upon the Dominican authorities to ease the mass expulsion of foreigners, and to respect due process norms in conducting future deportations. It is difficult to establish an average deportation rate, but a network

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ David Howard. *Coloring the Nation, Race and Ethnicity in the Dominican Republic*, (United Kingdom: Signal Books Limited, 2001), p. 167.

²¹ Human Rights Watch. 2002. “Illegal People:” Haitians and Dominico-Haitians in the Dominican Republic.

of organizations that monitors the border estimates they go over the ten thousand mark each year.²² For details see the chart below.

Table 3.2 Deportations of Haitian Immigrants from the Dominican Republic

Month	2003	2004	2005	2006	2007	2008
1	3,615	1,743	1,140	3,757	244	1,084
2	2,869	1,423	2,727	3,080	1,176	1,034
3	5,713	1,563	1,740	4,256	881	1,440
4	1,815	1,422	1,504	1,924	1,758	1,099
5	1,203	1,819	2,978	1,233	1,974	1,428
6	2,423	1,088	507	2,616	1,706	1,510
7	1,853	917	1,437	1,954	962	1,369
8	1,254	635	3,413	144	1,102	1,315
9	3,626	1,454	1,615	427	581	1,630
10	3,981	1,044	1,076	131	1,272	1,303
11	2,375	760	2,081	151	918	1,050
12	6,469	1,596	1,013	483	542	1,081
Total per Year	37,196	15,464	21,229	20,156	13,116	15,343
Average per Month	3,100	1,289	1,769	1,680	1,093	1,279
Average per Day	102	42	58	55	36	42

Source: Groupe d'Appui aux Rapatriés et Réfugiés (Support group for deportees and refugees), 2009 Annual Report.

In 2005, Dilcia Yean and Violeta Bosico, two girls of Haitian descent born in the Dominican Republic, sued the Dominican Republic in the Inter-American Court of Human Rights. The Dominican registry office refused to issue birth certificates for the children even though the Dominican constitution in effect at that time recognized every child born in the Dominican territory as a Dominican citizen. The Inter-American Commission on Human Rights filed an application with the Inter-American Court of

²² Groupe d'Appui aux Rapatriés et Réfugiés (GARR). 2009. Rapport Annuel Sur la Situation des Droits Humains des Haitiens/nes dans la Migration et a la Frontiere Haitiano-Dominicaine en 2008.

Human Rights, alleging that the Dominican government's discriminatory policies had rendered Yean and Bosico stateless and forced them to live in very vulnerable circumstances. The Court ordered the Dominican Republic to issue the girls' birth certificates and to take the necessary steps to ensure non-discrimination against children born in the Dominican Republic to Haitian parents. While voting in favor of the adoption of the judgment of the Inter-American Court of Human Rights, Judge A.A Cançado Trindade submitted a separate opinion to emphasize the importance of the case because it was the first time in its history that the Inter-American Court ruled in the right to nationality under the American Convention on Human Rights. In his separate opinion Judge Cançado stated, "the issues of nationality cannot be considered merely from the perspective of the state's discretionary authority, because general principles of international law are involved, such as the obligation to protect."²³

In 2010 the Dominican Republic amended its Constitution to change its statute on the granting of citizenship. Prior to 2010 the Dominican constitution granted citizenship on the basis of *jus soli*, or the right of being born on the land. This new amendment granted citizenship on the basis of, *jus sanguini*, or right of blood, thus granting Dominican citizenship to people born to Dominican nationals. With this move the government sought to silence the international critics that demanded Dominican nationality for those born in the Dominican Republic regardless of their Haitian ancestry.

On September 23, 2013 the Dominican Republic's Constitutional Court found that the provision on citizenship in the 1929 Dominican constitution, which recognizes as a citizen anyone born in the country, should not apply to the children of parents who were

²³ Yean and Bosico V. Dominican Republic, Inter-American Court of Human Rights No. 130 (Sept. 8, 2005).

not “legal residents” at the time of their birth, on the basis that their parents were “in transit.” It further ruled that as a result these children, and subsequent generations born on Dominican soil, are excluded from the citizenship guarantee provided by the constitution.²⁴ The Court’s decision effectively strips citizenship rights from the descendants of Haitian migrants who settled in the Dominican Republic from the start of the 20th century, despite the fact that the current constitution declares as Dominican anyone who enjoyed Dominican citizenship prior to 2010. The vast majority of these individuals will be left stateless. This ruling threatens a massive denationalization that will have a potentially devastating impact on hundreds of thousands of Dominican citizens. It risks rendering tens of thousands of people stateless, and excluding them from basic state services including access to health care and education.²⁵

According to legal analysts, the Court decision directly defies the 2005 judgment of the Inter-American Court of Human Rights. In *Yean & Bosico v. Dominican Republic*, the Inter-American Court had ruled that the migratory status of the parents can never constitute justification for the deprivation of nationality and that children cannot inherit the migratory status of their parents. At that time the court observed, “To consider that a person is in transit, irrespective of the classification used, the State must respect a reasonable temporal limit and understand that a foreigner who develops connections in a State cannot be equated to a person in transit.”²⁶ In contrast, the constitutional court, in

²⁴ TC/0168/13 (Tribunal Constitucional República Dominicana 2013).

²⁵ Press Release “World Vision Position Statement on Denationalization in the Dominican Republic” <http://www.wvi.org/dominican-republic/article/world-vision-position-statement-denationalization-dominican-republic>. Accessed 3/20/14.

²⁶ *Yean and Bosico V. Dominican Republic*, Inter-American Court of Human Rights No. 130 (Sept. 8, 2005).

direct violation of the Inter-American Court's ruling, uses the concept of in transit to define the status of the immigrants and descendants of immigrants that have lived in the country for decades.

Legal analysts also note that the 2013 ruling also provides a highly disturbing procedure for its implementation that would constitute a breach of international prohibitions against racial and ethnic discrimination. It proposes the identification and listing of all citizens of "foreign origin" from the Dominican Civil Registry and the creation of a second list for those who under the new criteria given by the court are considered to be mistakenly registered as Dominicans. The names of people listed in this new regime will then be administratively transferred to foreigners' books and notified to the foreign ministry so that the ministry can inform the affected individuals and the supposed correspondent embassy. The UN High Commissioner for Refugees (UNHCR) pointed out that these procedures ordered in the constitutional court's ruling clearly violate the Dominican Republic's obligations under well-established human rights principles, particularly the universal anti-discrimination norm.²⁷

As noted above, the UNHCR criticized the judgment, noting also that the Dominican Republic is a party to the International Convention on the Elimination of All Forms of Discrimination (ICERD) and as such has human rights obligations to ensure equal protection before the law as in the granting of nationality. The UNHCR regional

²⁷ Press Release "UNHCR Concerned by Potential Impact of Dominican Court Decision on Persons of Haitian Descent," (10/01/13) <http://www.unhcr.org/524c0c929.html>. Accessed 3/20.14.

representative, Shelly Pitterman, also noted that it is a basic principle of international law that no one should be deprived of a nationality if that action leads to statelessness.²⁸

International Pressure

My hypothesis is that states will only ignore international pressure for reasons of culture and strong public opinion. I will now focus on the international pressure that has been applied to the Dominican Republic in this case. The international community has been quick to express its contempt for the Court ruling. Like other organizations, the Caribbean Community (Caricom) has put the Dominican Republic's accession application, which was in process, on hold pending the country's revocation of the Court ruling.²⁹ In the United States, the Congressional Black Caucus issued a statement expressing its concern for the human rights impact of the ruling.³⁰ Moreover, various human rights organizations, including Amnesty International and Oxfam international, all expressed deep concern for the application of the Court's decision and advocated for a solution for all those affected.³¹ This international criticism was met with responses that

²⁸ Ibid.

²⁹ CARICOM suspende la adhesión de la República Dominicana a ese grupo. 11/27/14. <http://www.acento.com.do/index.php/news/140745/56/CARICOM-suspende-la-adhesion-de-la-Republica-Dominicana-a-ese-grupo.html>. Accessed 3/26/14.

³⁰ Congressional Black Caucus Statement on the Dominican Constitutional Tribunal Ruling TC/0168/13. 10/28/13. <http://cbc.fudge.house.gov/press-releases/congressional-black-caucus-statement-on-the-dominican-constitutional-tribunal-ruling-tc016313/>. Accessed 3/26/14.

³¹ "ONU Condena fallo que Niega la Nacionalidad a Haitianos" <http://www.listindiario.com/la-republica/2013/10/2/294242/La-ONU-condena-fallo-que-niega-la-nacionalidad-a-haitianos>. Accessed 3/28/14.

"Amnistía Pide RD Retracte Sentencia por Discriminante" <http://www.listindiario.com/la-republica/2013/10/19/296359/Amnistia-pide-RD-retracte-sentencia-por-discriminante>. Accessed 3/28/14.

appealed to sovereignty and nationalism. President Danilo Medina reiterated the country's right to establish its citizenship laws, while at the same time he acknowledged that those denationalized are living a human drama.

At the official level, the Inter-American Commission on Human Rights carried out a country visit in December 2013 to assess the impact of the denationalization ordered by the Court's decision. In terms of bilateral pressures, the President of Venezuela, Nicolás Maduro presided over a meeting between the Dominican President Danilo Medina, and Haitian President Michel Martelly in a bilateral push to get the two countries to discuss possible solutions for those stripped of their citizenship. Since the first meeting in December the talks have continued but not much progress has been attained. The Vice President of the United States, Joe Biden was scheduled to visit the Dominican Republic in March 2014, as the last stop on his trip throughout Latin America. During this visit Biden was expected to discuss the issue of denationalization with President Medina, but because of the urgency of the Crimean crisis on 2014, he cut his trip short and at the time of this writing his trip had not been re-scheduled.³²

An online petition created by a movement that represents the people affected by the Court decision, quickly spread through social media sites like Facebook and Twitter, gained thousands of signatures and started spreading the word about those affected by the

“La Oxfam Advierte: ‘La desnacionalización debe ser suspendida’”
<http://www.acento.com.do/index.php/news/131985/56/La-OXFAM-advierte-La-desnacionalizacion-debe-ser-suspendida.html>. Accessed 3/28/14.

³² “Biden trae a R. Dominicana preocupacion de EEUU por desnacionalizados”
http://www.7dias.com.do/internacionales/2014/03/08/i159341_biden-trae-dominicana-preocupacion-eeuu-por-desnacionalizados.html#.U2rdWeZdVQo. Accessed 5/7/14.

ruling.³³ Social media has played an important role as a platform through which people can express and share ideas. Most importantly, the Arab Spring in 2011 demonstrated the power of social media in gathering like-minded individuals to push for democracy. In the case of the Dominican Republic's Court ruling, it has also proven to be an effective method for civil society organizations and individuals to let the world know what is happening on the ground.

Margaret Keck and Kathryn Sikkink speak about a “boomerang effect,” in which activists appeal to the international community to act on domestic situations.³⁴ In this case, Facebook posts, tweets and hashtags have been the tools used to bring the issue to the international community's attention. One of the popular hashtags for the campaign against the Court's ruling has been #DroitsHumainsRD, or human rights DR. This hashtag became a trend when a group of young people organized a protest at an airport in Montreal. The protesters set a beach-like scene in which a white woman with a bikini is seen tanning and her hands are covered in red paint to simulate blood. The purpose of the protest was to hit the Dominican Republic's \$4.5 billion dollar tourism industry, and it was accompanied by numerous articles published online that suggested that people vacation somewhere else to punish the country for its human rights violations.³⁵

³³ “Evitar el despojo de la nacionalidad y garantizar los DDHH de dominicanos/as de ascendencia haitiana en Rep. Dominicana”
https://secure.avaaz.org/es/petition/Evitar_el_despojo_de_la_nacionalidad_y_garantizar_los_DDHH_de_dominicanos_de_ascendencia_haitiana_en_Rep_Dominicana/?copy.6,362 as of 4/7/14.

³⁴ Margaret Keck and Kathryn Sikkink. *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, N.Y: Cornell University Press, 1999).

³⁵ “Airport Protest Targets Dominican Republic Tourism”
http://colorlines.com/archives/2013/12/airport_protest_targets_dominican_republic_tourism.html. Accessed 12/13/13.

However, there have been no reports of decline in the country's tourism activities as of mid-2014, which suggests that this kind of economic attacks have not yet been successful.

In my hypothesis I consider that certain conditions are necessary for international human rights pressure to be effective. One of the conditions is economic and military dependence: dependent countries are more vulnerable to economic and military threats, and thus are more likely to comply with international pressures. The Dominican Republic has not received any economic or military threats from other countries, but given the international attention it has received, one assumes that the country's economic and military vulnerabilities might make it comply with international pressure. For example, Kryzaneck and Wiarda point out that the U.S. government has historically had an influence in the Dominican military. They argue that most of the assistance provided by the U.S. to the Dominican military has been in two categories- Foreign Military Sales (FMS), a program through which weapons and equipment are distributed, and the Military Assistance Program (MAP) which grants or lends defense articles, services and training.³⁶

In an article published on the magazine *The Nation*, Todd Miller describes the relationship between the specialized border security corps, called CESFRONT, or commonly known as the Dominican border patrol, and the American military. According to Miller, the Dominican Republic created its border patrol in 2006 after a group of U.S. experts reported that there were a "series of weaknesses that will lead to all kinds of illicit

³⁶ Michael J. Kryzaneck and Howard J. Wiarda. "The Politics of External Influence in the Dominican Republic," (New York: Praeger Publishers, 1988).

activities” on the Haitian-Dominican border.³⁷ The U.S. team recommended, “There should be helicopters deployed in the region and a Border Guard should be created.”³⁸ A month after their report appeared, the CESFRONT was created. Given the relationship between the Dominican military and the U.S. government, if the U.S. threatened to renegotiate the terms of the partnership, or more drastically to temporarily suspend training and funding, the Dominican government would be pushed to reconsider its position.

In terms of economic threats, the Dominican economy is highly dependent upon the U.S., the destination for more than half of its exports, and remittances from the U.S. amount to about one-tenth of GDP, equivalent to almost half of exports and three-quarters of tourism receipts. In addition, the country suffers from marked income inequality and struggles with an unemployment rate of 15% in 2013.³⁹ If we also take into consideration that the country is part of the Central American Free Trade Agreement (DR-CAFTA), and that it has historically sided with the U.S. in terms of diplomatic matters (to the extent of contributing troops to the war in Iraq) it is not a far-fetched assumption to believe that if the U.S. were to pull the strings the Dominican government would respond.

The European Union is also one of the Dominican Republic’s biggest donors. In 2013, it donated \$66,180 million euros for various aid projects to the Dominican

³⁷ Todd Miller. “Wait-What are U.S. Border Patrol Agents Doing in the Dominican Republic?” *The Nation*. <http://www.thenation.com/article/177253/wait-what-are-us-border-patrol-agents-doing-dominican-republic>. Accessed 12/13/13.

³⁸ Ibid.

³⁹ CIA World Factbook 2013. <https://www.cia.gov/library/publications/the-world-factbook/geos/dr.html>. Accessed 4/23/14.

government.⁴⁰ Furthermore, Antonio Vargas, the Director of multilateral cooperation said that even though many countries have manifested their contempt for the Court ruling, the Dominican government has been able to convince the European governments of the need for the projects they are funding, and thus avert the link of aid to compliance.⁴¹ In sum, international pressure has not been as strong as expected, and it has not been effective so far.

The Domestic Environment: Explanations for the Lack of Effectiveness of International Pressure

Public Opinion

My hypothesis is that international pressure works only when the domestic environment is conducive to it. Even if the international pressure has not been strong, the Dominican Republic could hardly adopt such a policy without domestic support. In fact, there has been strong nationalist sentiment in support of the Court's decision. The elite has been instrumental in framing the issue as a matter of Haitian immigration instead of an issue of stripping of citizenship from those who had already received it. This disinformation or manipulation of the facts has created a divide in public opinion about the matter. For instance, a group of self-titled "Intellectuals in support of the Dominican Republic" published a letter condemning The Company of Jesus, a regional Jesuit organization, for their position in opposing the Court decision. In the letter, the "intellectuals" claim that the Court decision does not strip the citizenship of Dominicans

⁴⁰ "UE apporto al pais 66,180 millones de euros en 2013." <http://www.listin.com.do/economia-and-negocios/2014/1/7/305993/UE-aporto-al-pais-66180-millones-de-euros-en-2013>. Accessed 4/28/14.

⁴¹ Ibid.

of Haitian descent, but instead gives the Dominican government the right to investigate the cases of those who obtained their documentation fraudulently, and that allows the government to stop this practice and punish the responsible individuals.⁴²

Another view that has been popularized in the mass media has been that the Court ruling does not denationalize those who have Dominican nationality, but instead the Court has simply ordered the implementation of a “plan de regularizacion nacional,” an immigration bill that would control the flow of undocumented Haitians to the Dominican Republic.⁴³ Consuelo Despradel, a well-known journalist who hosts a radio and a television show, has used her image in the media to echo that argument and to organize protests against those who according to her are “damaging the country’s international image.”⁴⁴ The constant presence of well-known public figures in the media presenting these kinds of arguments has played a big role in the public’s perception about the situation. Some polls show widespread support for the Court decision, others slight support, and one of the most interesting, finds that 62 percent of the population think the

⁴² “Intelectuales por Republica Dominicana” pide a jesuitas no parcializarse y victimizar a Haiti por fallo TC. <http://www.listin.com.do/la-republica/2013/12/11/303090/Intelectuales-por-Republica-Dominicana-pide-a-jesuitas-no-parcializarse>. Accessed 4/28/14.

⁴³ Consuelo Despradel asegura “sentencia del TC busca regularizacion” <http://zdigital.do/app/article.aspx?id=108699>. Accessed 4/28/14.

⁴⁴ “Dominicanos respaldan sentencia del Tribunal Constitucional” <http://eldia.com.do/dominicanos-respaldan-sentencia-del-tribunal-constitucional/>. Accessed 4/28/14

Court ruling is not anti-Haitian.⁴⁵ This finding represents the belief of many Dominicans that there is no such thing as discrimination in the country.

According to Kryzanek and Wiarda, the “quiet power,” or the elite, in the Dominican Republic is actually an amalgam of the business, professional, and landowning elite that has consistently operated most effectively in the shadows of national politics.⁴⁶ In fact, because the Dominican Republic is a small country with a vast web of interfamily relationships that cross economic, social, and political lines, the opinions of elite members on public policy issues can easily reach the National Palace or the various governmental bureaucracies. This group has put its power to work to back the government and label those opposed to the Court’s ruling as “traitors of the homeland.” Interestingly, the Cardinal of Santo Domingo, Nicolás de Jesús López Rodríguez, a regular figure in all political discussions, has also used his power to condemn those that are not supporting the government, a position that prompted Pope Francis to send him a public letter reminding him to advocate for the disenfranchised and those who live in the margins of society.⁴⁷

⁴⁵ Encuesta Revela Profunda Division del Pais Sobre la Sentencia 168-13 del TC. 12/19/13. <http://www.acento.com.do/index.php/news/148552/56/Encuesta-revela-profunda-division-del-pais-sobre-la-sentencia-168-13-del-TC.html>. Accessed 3/25/14.

Encuestas del Gobierno Dan Apoyo del 90% al TC. 11/28/13. <http://impactodigital.com.do/?p=20791>. Accessed 3/35/14.

Encuesta Gallup-Hoy: Para el 62% de los ciudadanos Sentencia TC no es antihaitiana. 2/3/14. <http://hoy.com.do/encuesta-gallup-hoy-para-el-62-de-los-ciudadanos-sentencia-tc-no-es-antihaitiana/>. Accessed 3/25/14.

⁴⁶ Michael J. Kryzanek and Howard J. Wiarda. “The Politics of External Influence in the Dominican Republic,” (New York: Praeger Publishers, 1988), p. 109.

⁴⁷ German Marte. “El Papa envia carta al Cardenal Lopez Rodriguez y pide apoyo para el Nuevo nuncio” October 28, 2013. Accessed 2/25/14. <http://eldia.com.do/el-papa-envia-carta-al-cardenal-lopez-rodriguez-y-pide-apoyo-para-el-nuevo-nuncio/>.

The civil society groups that have organized to advocate against denationalization have united forces under ideas of respect for human rights, diversity and solidarity. One of the organizations leading the opposition against the Court decision is Centro Bono, a Jesuit organization that works closely with Haitian immigrants. The organization has organized protests, press conferences with legal scholars that analyze the Court decision, and other events in which those affected can tell their stories. One such event was called “abrazos solidarios”⁴⁸ and its organizers invited everyone opposed to the Court decision to meet the affected and commit to advocate for them; they also suggested giving them a hug, as an expression of solidarity in the face of the hatred they are experiencing.⁴⁹ Other organizations, like the student groups “Reconocido” and “Dominicano como tu” (“Recognized” and “Dominican like you”) have focused on organizing peaceful protests and conducting workshops for those affected to understand the implications of the Court ruling.⁵⁰ While these groups have been able to raise awareness and gather more support, they have not been successful in influencing a change in the government’s implementation of the Court ruling.

⁴⁸ “Abrazos solidarios con desnacionalizados”
<http://dominicanosxderecho.wordpress.com/2013/11/28/abrazos-solidarios-con-desnacionalizads-este-jueves-5-de-diciembre/>. Accessed 4/28/14.

⁴⁹“Centenares de Dominicanos y Dominicanas llaman a solidaridad y al respeto de su nacionalidad frente al congreso”
<http://dominicanosxderecho.wordpress.com/2014/03/12/centenares-de-dominicanos-y-dominicanas-llaman-a-la-solidaridad-y-al-respeto-de-su-nacionalidad-frente-al-congreso/>. Accessed 4/28/14.

⁵⁰ “Movimiento Reconocido responde a Danilo, en RD si hay proceso de desnacionalizacion”
<http://dominicanosxderecho.wordpress.com/2014/01/30/movimiento-reconocido-responde-a-danilo-en-rd-si-hay-un-proceso-de-desnacionalizacion/>. Accessed 4/28/14.

Culture in the Dominican Republic: The Influence of Anti-Haitianism

The Constitutional Court's decision has put the Dominican Republic in the spotlight, and not in a good way, given that countries rarely welcome criticism from abroad. This situation has affected the country's international image and it threatens its relations with the international community. In the context of my hypothesis, why would the government of the Dominican Republic not change its position even if the public supports it? In this section I analyze the historic and cultural background that has led the Dominican Republic to maintain its adamant position, in spite of the pressures to comply with international norms and treaties.

As described in the beginning of this chapter, anti-Haitianism was “the nectar that nourished-and continues to nourish-nationalism in the Dominican Republic.”⁵¹ Martinez-Vergne says that historians have examined the periodic outbursts of “nationalist” sentiment in the Dominican Republic in an attempt to grasp its roots. She expands this noting that one sizable group of authors explains anti-Haitianism as a function of the efforts of the dominant classes to remain firmly at the top of the hierarchy.⁵² Another explanation for anti-Haitianism, less directly pertinent to my study, is the development of world capitalism. The unequal development of both parts of the island, that is, the growth of Saint Domingue into a plantation economy, allowed for a more conflictive and eventually destructive relationship between African slaves and masters. On the other

⁵¹ Teresita Martinez-Vergne. “Race in the Formation of Nationality.” *Nation & Citizen in the Dominican Republic, 1880-1916* (Chapel Hill, N. C: University of North Carolina Press, 2005), p. 98.

⁵² Ibid.

hand, the Dominican Republic, which had reverted to subsistence farming and cattle raising, developed more harmonious race relations and, conceivably, a more egalitarian society and form of government.⁵³

According to Teresita Martinez-Vergne, Dominicans at the turn of the century were careful to deny that they disdained Haitians because they were black. Rather, they insisted, the differences that made the two peoples incompatible resided in “culture”- language, religion, body of laws, and social practices, including voodoo and cannibalism, two “germs even more barbarian and solvent (of culture than race is)...which placed Haiti at the very bottom of civilized nations.”⁵⁴

Teresita Martinez-Vergne, continues, noting that Haitian policy was based on the principle of the “indivisibility of the island” which in practice translated into attempts to subjugate the Dominican Republic. This principle was in direct conflict with attempts to affirm a Dominican nationality. As a result, once independence from Haiti was achieved, there emerged a “fundamental, indestructible antagonism between the two peoples.”⁵⁵ The creation of the Haitian state was based on exterminating “two races from its soil, the white and the mixed.”⁵⁶ This principle, while perhaps justified by previous events and by the barrier to slavery that the Haitians wished to erect, served to alienate the Dominican people. While Haiti developed a policy based on “the exclusivity of a single race,” the black race, the Dominican Republic was supposedly guided by “cosmopolitanism, the

⁵³ Henry Louis Gates, Jr. *Black in Latin America*. PBS Documentary, 2011.

⁵⁴ Teresita Martinez-Vergne. “Race in the Formation of Nationality.” *Nation & Citizen in the Dominican Republic, 1880-1916* (North Carolina: University of North Carolina Press, 2005), p. 96.

⁵⁵ *Ibid.*, p. 97.

⁵⁶ *Ibid.*

expansion of all the races on its soil, although,” the author adds, “with a preference for the white race.”⁵⁷

According to Michael Baud, intellectuals and politicians throughout Dominican history have sought to make others believe that they spoke on behalf of the people. Conservative nationalists repeated time and again that they were merely voicing ideas alive within the population.⁵⁸ The author questions how seriously this everyday anti-Haitianism should be taken, and whether it has been a constant component of popular culture, if in the same countryside where children scare each other with tales of Haitian witchcraft, adults work amicably together with Haitian workers. He concludes that such working relations often lead to cordial personal relations.⁵⁹

How can one explain the dichotomy between the rampant covert racism that is held by the elite and people in government, and the everyday relations between Haitians and Dominican workers? Baud explains that part of the answer is that authoritarian nationalism in the Dominican Republic evoked the counterbalance of a more democratic and flexible current of nationalist thought.⁶⁰ This liberal nationalism was less powerful and lacked the coherence and elaboration of its authoritarian rival, but it has provided an ideological alternative in the Dominican political arena. Where the conservatives implicitly or explicitly favored a hierarchical society in which the classes were more or

⁵⁷ Pedro L. San Miguel. “Racial Discourse and National Identity: Haiti in the Dominican Imaginary,” *The Imagined Island: History, Identity, and Utopia in Hispaniola* (Chapel Hill, N. C: University of North Carolina Press, 2005), p. 48.

⁵⁸ Michael Baud. “‘Constitutionally White’: The Forging of a National Identity in the Dominican Republic,” in *Ethnicity in the Caribbean: Essays in honor of Harry Hoetnik*, ed. Gert Oostindie (Amsterdam: Amsterdam University Press, 2005), p. 140.

⁵⁹ Ibid.

⁶⁰ Ibid., pp. 141-142.

less strictly constituted along ethnic or racial lines, the liberals tried to incorporate all classes and colors into one project of dominicanidad or dominicanness.

The author contends that the other part of the answer to questions concerning the influence of dominant anti-Haitian ideology on popular culture can be found in the history of the border trade. Haitian traders traveled from market to market throughout the Dominican countryside with their merchandise loaded on mules.⁶¹ Professional merchants also made regular visits to Haiti. Beyond the control of the two states, a border society came into existence, which followed its own logic and possessed its own dynamics.⁶² In 2010, the market at the border reported US\$143.85 millions in sales, a sign of the strength in the bilateral business.⁶³

Furthermore, Baud argues that the Dominican population seems largely to have ignored the strong anti-Haitian bias, which developed in intellectual and political circles during this period. That is not to say that there is no awareness of racial differences, but that it goes in a different direction.⁶⁴ He notes:

Many Dominicans accept and sometimes pride themselves on their mixed descent. They convert the term *indio*, which has been considered above all as a denial of the African heritage in Dominican culture, into a proof of the specific mixed character of the Dominican population. Few Dominicans hesitate in admitting that, in practice the

⁶¹ Ibid.

⁶² Ibid.

⁶³ Jhonatan Liriano. 2/23/11. "Dajabon Vive entre el Comercio y el Agro." Periodico Listin Diario. <http://www.listindiario.com/economia-and-negocios/2011/2/22/178502/El-mercado-binacional-es-el-eje-principal-de-riqueza-en-Dajabon>. Accessed 3/20/14

⁶⁴ Michael Baud. "'Constitutionally White': The Forging of a National Identity in the Dominican Republic," in *Ethnicity in the Caribbean: Essays in honor of Harry Hoetnik*, ed. Gert Oostindie (Amsterdam: Amsterdam University Press, 2005), p. 143.

Dominican population is a mixed one. It is worth noting that this attitude is especially apparent among the poorer classes living in both rural and urban areas. This suggests that racial attitudes in the Dominican Republic are, at least partly, class related. In contrast to the situation, in for example, Europe, where racist ideas and attitudes originate among the poor or lower middle classes who feel threatened by immigrants, in the Dominican Republic they spring from the elite.⁶⁵

Thus, in the context of the lack of opposition to the Court's decision, the previous passage illustrates the complexities of defining the Dominican identity as white and/or black. Baud notes here that there are groups of the population that accept and take pride in their mixed race. But the elite's categorization of Haitians as the ones to be feared, have stopped the lower classes from seeing the results of the Court ruling and thus, mobilizing against its implementation. In this respect, in describing the forging of a national identity in the Dominican Republic, Michael Baud argues that historians and social scientists too often interpret ethnic and nationalist ideologies expressed by elites as representative of popular perception.

Apart from the ethnic dimension, there is a nationalist dimension worth discussing briefly. Nationalists consider foreign powers to have conspiratorial interests in the Dominican Republic's internal affairs. The nationalist debate diverts attention from domestic problems, including political corruption.⁶⁶ Second, there is the ever-present concern over the increasing influence of the United States in Dominican politics and society. For example, the Ambassador of the Dominican Republic to Spain, Cesar

⁶⁵ Ibid.

⁶⁶ See The Heritage Foundation's corruption index for more information about corruption in the Dominican government. <http://www.heritage.org/index/country/dominicanrepublic>.

Medina asserts that the accusations of human rights violations against the Dominican Republic are part of an international campaign to tarnish the country's international image. Cardinal Lopez Rodriguez concurs with this argument and adds that the NGOs that are working with those denationalized are a "plague" to the country and are financed by the American government.⁶⁷ Threats to sovereignty have been a major issue in the Dominican Republic. The country has been occupied by foreign powers for a total of 35 years since 1822-by Haiti between 1822 and 1844, Spain between 1861 and 1865, and twice by the United States, from 1916 to 1924 and 1965 to 1966. International agencies and foreign governments had a significant input into Dominican affairs for most of the twentieth century. As late as 1940, the Dominican customs administrator was an American nominated by the United States president, a hangover from the 1910 American-Dominican Convention.⁶⁸

Kathryn Sikkink offers a model of state acceptance of human rights norms. In the first stage the state denies the legitimacy of accusations and refuses to cooperate with any international human rights pressures. In the second stage, the state would accept the legitimacy of international human rights practices and will cooperate with the ratification of the relevant human rights treaties, but not change domestic repressive practices. In the final stage, the state accepts that gross violations of human rights will no longer be an

⁶⁷ "Embajador RD en España visita diario para denunciar campaña"
<http://www.listin.com.do/la-republica/2013/11/1/298010/Embajador-RD-en-Espana-visita-diario-para-denunciar-campana>. Accessed 4/1/14.

"Cardenal dice que una plaga de ONG desprestigia al pais"
<http://www.listindiario.com/la-republica/2013/10/29/297547/Cardenal-dice-que-una-plaga-de-ONG-desprestigia-al-pais>. Accessed 4/1/14.

⁶⁸ Michael J. Kryzaneck and Howard J. Wiarda. "The Politics of External Influence in the Dominican Republic," (New York: Praeger Publishers, 1988), p. 112.

issue solely within its domestic jurisdiction and provides concrete responses to international pressures that change domestic human rights practices.⁶⁹ In this case the first two stages are merged: the Dominican Republic has denied external accusations even while it cooperates with international human rights treaties, but the Dominican Republic has not moved to the last stage of Sikkink's model. The denationalization problem comes in the heels of international charges of Haitian "slavery" on Dominican sugar plantations and pressure on various Dominican governments from U.S. human rights organizations, such as America's Watch, to improve the terms in which the Haitian question have been discussed within the country. The Haitian situation became so bad that in 1983 the International Labor Office (ILO), upon the request of the British-based Anti-Slavery Society, sent an investigative mission to the Dominican Republic to explore the charges of inhumane treatment and near slave-like control of the workers. Later, in 1983, the ILO released findings that embarrassed the government, but did little to alleviate the plight of the Haitians.⁷⁰ But foreign criticism has invoked a defensive attitude in the Dominican Republic, especially among the elite, which considers the Haitian question as a threat to Dominican national identity. It confirms the historical suspicion that foreign powers disregard Dominican identity and favor the unification of the island. In this way it has provoked a more paranoid and vehement anti-Haitianism, sometimes mixed with anti-imperialist rhetoric.

⁶⁹ Kathryn Sikkink, "Human Rights, Principled Issue-Networks, and Sovereignty in Latin America," *International Organization* Vol. 47, No. 3 (1993).

⁷⁰ Michael J. Kryzanek and Howard J. Wiarda. "The Politics of External Influence in the Dominican Republic," (New York: Praeger Publishers, 1988), p. 115.

As the history of anti-Haitianism suggests, the anti-Haitian sentiment has become deeply rooted in the Dominican elite. Therefore, it is not surprising to see the nationalist reaction to the Court's decision. International human rights pressure is not only seen as an intervention in domestic affairs, but also as an intrusion in the definition of Dominican identity. The role that the media has played in providing biased information has only worsened the issue, with journalists and public figures that oppose denationalization being labeled as "traitors" by the nationalist elite.⁷¹ Given that the majority of the population does not favor Haitian immigration, they accept as valid the arguments that justify the Court ruling as a protection against the immigration of undocumented Haitians. Howard says that racialized politics are likely to dominate during moments when it becomes politically expedient to resurrect traditional racial and national rivalries, and analyzing the situation in the Dominican Republic it is evident that the Court decision has come to do just that.⁷²

Even if Dominicans opposed the Court ruling, it should be noted that Dominicans do not in general think that they can influence politics. Dark-skinned Dominicans rarely identify their lack of civil and political rights with their race, and rarer still do they politically organize in an attempt to improve their status.⁷³ Not only does this limit the possibility of any participatory oriented citizenship, but it also impedes the ability of

⁷¹ "Muerte a los traidores!, gritan los neonacionalistas frente al Altar de la Patria." http://www.7dias.com.do/portada/2013/11/05/i151260_muerte-los-traidores-gritan-los-neonacionalistas-frente-altar-patria.html#.U1_GKuZdVQo. Accessed 4/28/14.

⁷² David Howard. *Coloring the Nation, Race and Ethnicity in the Dominican Republic*, (United Kingdom: Signal Books Limited, 2001), p. 184.

⁷³ Anthony Peter Spanakos, "The Privatization of Citizenship: Race and Democracy in the Dominican Republic and Brazil" (PhD diss, University of Massachusetts Amherst, 2000), p. 240.

groups to monitor and prevent violations of civil and political rights within these communities. In a survey conducted in 1994, 49.2 percent of those interviewed believed that the majority of Dominicans never or almost never have a means of influencing those in power.⁷⁴ Whether this is the case or not what is important is that Dominicans believe that the majority of their compatriots have limited or no means of affecting politics, indicating that there is a sense that the majority of citizens are incapable of asserting their legal rights and civic responsibilities. Other alarming results from this survey are that 75.3 percent believes that there is no equality before the law for poor and rich people. According to Anthony Spanakos, this widespread lack of faith in the judiciary system and the police supports the claim that citizen rights are perceived as particular, rather than universal rights.

⁷⁴ Ibid.

Chapter 4

Case study: China

In the study of international human rights pressures, the case of China comes to the fore as a country that has been under significant pressure to reform its human rights practices. With regards to China, the international community has not been shy in denouncing abuses, and bargaining with the country to secure the protection of Chinese citizens that face repression. Besides the involvement of human rights organizations and the bilateral efforts undertaken by countries like the United States, improvements in the protection of human rights in China have been hard to achieve. After decades of involvement on the issue, one would expect greater results. What explains China's resistance to human rights pressure? In this chapter, following my hypothesis, I analyze the roles played by culture and public opinion in affecting human rights reform. I will first look at the current state of human rights in China, and then I will discuss the forms of international pressure that the country has been exposed to. Lastly, I will analyze the challenges that have made compliance with human rights norms and treaties, difficult to accomplish.

Human Rights Issues

The People's Republic of China is an authoritarian state located in East Asia. It is a single party state in which the Chinese Communist Party (CCP) is the principal authority. For millennia, China's political system was based on hereditary monarchies, known as dynasties. As Angle and Svensson note, during the last years of the Qing dynasty (1900-1911), the early signs of rights discourse started appearing in China in

writings published by Chinese students who had studied in Japan. In these writings the students reveal conscious attempts to critically reflect on the Chinese ethical and political heritage in light of the new political situation in which China found itself at the turn of the last century.¹ After World War II, the communists under Mao Zedong established an autocratic socialist system that imposed strict controls over everyday life and cost the lives of tens of millions of people. As Mao attempted to impose communism, he launched the “Cultural Revolution,” a movement that paralyzed China politically and significantly affected the country economically and socially.²

Mao’s goal was to eradicate all threats that could restore capitalism in China. This movement spread violent struggles around the country; millions of people were persecuted and suffered a wide range of abuses including public humiliation, arbitrary imprisonment, torture and seizure of property.³ A large segment of the population was forcibly displaced, most notably urban youth were transferred to rural regions. During the Cultural Revolution, China became one of the most isolated states, cutting all of its ties to the outside world. China recalled all of its ambassadors from abroad and no direct flights linked Beijing to any of the major cities of Asia.⁴

With Mao’s death in 1976, China slowly started to reform internally and to improve its relations with the rest of the world. In 1978, with Deng Xiaoping in power

¹ Stephen C. Angle and Marina Svensson. *The Chinese Human Rights Reader: Documents and Commentary 1900-2000* (New York: M.E. Sharpe, 2001) General Introduction Pxxi.

² Ibid.

³ Ibid.

⁴ Rosemary Foot. *Rights beyond borders: The Global Community and the Struggle over Human Rights in China* (Oxford: Oxford University Press, 2000), p. 15.

the CCP introduced revolutionary policies, which involved new foreign trade, investment, and borrowing arrangements, the training of Chinese students abroad and the importation of foreign ideas to demonstrate that under the guidance of the CCP the country could modernize.⁵ In the course of the 1980s its GDP doubled, and foreign trade rose from \$38.1 billion in 1980, to \$69.66 billion in 1985.⁶ As a result of these policies, within a few years many aspects of the Maoist legacy were cast aside and China began to participate in the international community.

Membership in international organizations rapidly advanced. In 1980, China joined the International Monetary Fund and the World Bank, it also expressed an interest in becoming a member of the General Agreement on Tariffs and Trade (GATT) a multilateral agreement regulating international trade, and in 1986 it was granted observer status.⁷ In 1986, China also joined the Asian Development Bank. By 1989 Beijing had overtaken New Delhi in becoming the world's largest recipient of official bilateral and multilateral aid, receiving almost \$2.2 billion a year,⁸ and in 1991 it joined the Asia Pacific Economic Cooperation (APEC) forum.⁹ This was, according to analysts, a clear sign of Beijing's need for economic and social development, and also of the fast growth the country was undergoing.

⁵ Ibid.

⁶ Ibid., p. 17.

⁷ Susan C. Morris. *Trade and Human Rights: The Ethical Dimension in U.S.-China Relations* (Vermont: Ashgate Publishing Company, 2002), p. 119.

⁸ Ibid.

⁹ Ibid.

China became increasingly active in international human rights work in the UN during the 1980s: it became a member of the UN's Human Rights Commission in 1982, and in 1986 it signed the Convention against Torture, although on ratification in 1988 it chose to opt out of Article 28 of the provision that allowed the Committee to undertake a confidential inquiry into evidence of the systematic use of torture.¹⁰ Although the country was showing more international involvement, Angle and Svensson suggest that human rights remained off limits in the domestic discourse.¹¹ In the late 1980s, however, as China experienced a period of political liberalization that culminated in the spring of 1989, academics and others began to debate human rights.

Dingxin Zhao notes that as China reformed it faced the challenge of determining the scope of its political and economic reforms. In April 1989, Hu Yaobang, a former CCP General Secretary passed away and his death triggered a series of protests in Beijing. Hu was a liberal reformer who was forced to resign after losing a power struggle with hardliners over the direction of political and economic reform.¹² University students marched and gathered in Tiananmen Square to mourn his death, and a democracy movement of unprecedented scale developed, as first students and then ordinary citizens took to the streets.¹³ Millions of students called for government accountability, freedom of the press and freedom of speech. The peaceful protests lasted through April, and at the

¹⁰ Rosemary Foot. *Rights beyond borders: The Global Community and the Struggle over Human Rights in China* (Oxford: Oxford University Press, 2000), p. 17.

¹¹ Stephen C. Angle and Marina Svensson. *The Chinese Human Rights Reader: Documents and Commentary 1900-2000* (New York: M.E. Sharpe, 2001) General Introduction Pxxviii.

¹² Dingxin Zhao. *Power of Tiananmen: State-Society Relations and the 1989 Beijing Student Movement* (Chicago: University of Chicago Press, 2001), p. 148.

¹³ Ibid.

start of the protests the government took a conciliatory stance toward the protesters, but a compromise was never reached. As time was passing by and the movement did not want to lose momentum, the students organized a hunger strike that started on May 13, and within two days 3,000 students were fasting in Tiananmen Square.¹⁴

The Chinese government rapidly reacted to the hunger strike and organized a dialogue with the movement's leadership to convince the students to leave Tiananmen Square. In just two days, May 15, the President of the former Soviet Union Mikhail Gorbachev was visiting China for the first time in thirty years. This official visit marked the ending of hostile relations between the two countries.¹⁵ The dialogue between the government and the student movement failed, and the students remained at Tiananmen Square throughout Gorbachev's visit. As the hunger strike continued, tensions escalated and 300,000 military troops were deployed to the area and martial law was imposed.¹⁶

As Rosemary Foot asserts, the Chinese government's authorization of the use of deadly force on June 4th 1989 against the demonstrators in Tiananmen Square accomplished in one stroke what unrest in Tibet, earlier student demonstrations, the arrests of political activists, and reports of torture had failed to achieve: international attention became focused on human rights violations in China.¹⁷

After years of isolationism China's open door policies came to reveal the human rights atrocities that China was capable of. China's brutal handling of the protests

¹⁴ Ibid., pp. 162-163.

¹⁵ Ibid., p. 170.

¹⁶ Ibid.

¹⁷ Rosemary Foot. *Rights beyond borders: The Global Community and the Struggle over Human Rights in China* (Oxford: Oxford University Press, 2000).

horrified the international community. In providing an account of the weeks and months after the events in Tiananmen Square, Foot explains that Western and Japanese governmental responses were well coordinated, supported by the evidence of abuse and the leadership of the U.S., European countries and Japan.¹⁸ Multilateral sanctions of both a symbolic and material kind were imposed on China and hurt it economically, politically, and in terms of its international image. This propelled China along a path that began with denial of human rights abuses and claims of state sovereignty and noninterference.

Scholars note that it is likely that thousands of people were killed in the suppression of the democracy movement on June 4th; though no official or reliable figures are available, tens of thousands of people were arrested. The regime defended its actions by describing the movement as a “counterrevolutionary rebellion” and those killed and arrested as “counterrevolutionaries” and “hooligans.”¹⁹ It dismissed foreign criticism as interference in its internal affairs and rejected any charges of human rights violations. In view of its increasing incorporation into the international human rights regime, however, it did not dismiss the language of human rights but instead insisted that China itself was the true defender of human rights, that foreign human rights concern was bogus and insincere, and that the students had been imbued with bourgeois understanding of human rights that needed to be corrected and replaced by a Marxist one.²⁰

¹⁸ Ibid.

¹⁹ Stephen C. Angle and Marina Svensson. *The Chinese Human Rights Reader: Documents and Commentary 1900-2000* (New York: M.E. Sharpe, 2001) General Introduction Pxxviii.

²⁰ Shi Yun. “Who Are the True Defenders of Human Rights?” 1989 in *The Chinese Human Rights Reader: Documents and Commentary 1900-2000*, ed. Stephen C. Angle and Marina Svensson (New York: M.E. Sharpe, 2001), p. 323.

Foot notes that China's discourse on human rights during these years, put the emphasis on attacking its critics for interference in its domestic affairs or for slandering the country. In addition, however, it began to respond to the accusations against it and tried to protect itself as playing a constructive global role through its support of international human rights instruments.²¹ As noted above, Beijing had started to be more open about the problem of the use of torture in China at the time of its signature of the convention.

Since the Tiananmen crisis the international community has constantly criticized China's human rights records. Amnesty International's 2013 report on China emphasized the Chinese authorities' "stranglehold" on political activists, human rights defenders and online activists, subjecting many to harassment, intimidation, arbitrary detention and enforced disappearance. According to the report, people were frequently charged with "endangering state security," "inciting subversion of state power" and "leaking state secrets," and were sentenced to long prison terms, in many cases for posting blogs online or communicating information overseas that was deemed sensitive.²²

The report also points out that authorities budgeted over 701 billion Yuan (approximately US\$112 billion) to maintain public security, an increase of over 30 billion from 2011.²³ This increase in the budget can be associated with the Chinese Communist Party (CCP) leadership transition that took place in March 2013. As the result of this transition Xi Jinping holds the three most powerful positions as CCP General Secretary,

²¹ Rosemary Foot. *Rights beyond borders: The Global Community and the Struggle over Human Rights in China* (Oxford: Oxford University Press, 2000).

²² Amnesty International, "Annual Report: China 2013"

²³ Ibid.

State President and Chairman of the Central Military Commission. It seems that in anticipation of the leadership transition, Chinese authorities felt the need to crackdown on dissidents who might present some challenges to the transition.

Similarly, the U.S. Department of State 2013 human rights report on China, highlights the continuation of repression and coercion, particularly against organizations and individuals involved in civil and political rights advocacy. For example, in May 2013 authorities in Sichuan Province detained and beat lawyers Tang Jitian and Jiang Tianyong as they attempted to visit a black jail in Ziyang that reportedly holds followers of the banned Falun Gong movement.²⁴ In the section on torture and degrading treatment the report offers a grim picture of the treatment that detainees are subjected to. Numerous former prisoners and detainees reported that they were beaten, force fed, tortured with electric batons and held in prolonged solitary confinement. The report also describes the conditions in penal institutions for both political prisoners and criminal offenders as harsh and degrading; inadequate food, overcrowding and poor sanitation were mentioned as the main issues.²⁵

Surveying both reports it becomes clear that improvements in the state of human rights in China has not met the expectations of the international actors involved in the matter. Chinese authorities have become adept at navigating accusations of human rights, from denying the existence of political prisoners, asserting that authorities detained persons not for their political or religious views but because they violated the law, to refusing international humanitarian organizations access to political prisoners. This

²⁴ U.S. Department of State, Country Reports on Human Rights Practices for 2013: China

²⁵ Ibid.

makes one wonder, what has been the role of the international community in pressuring China to reform its human rights practices? What have been the successes and failures?

International Pressure

Has China been heavily pressured by the international community? Due to China's isolationism during the Cultural Revolution the international community did not have the mechanisms to effect pressure. Also at that time the international human rights regime was in its early stages which limited its effectiveness. As China re-entered the world scene in the 1980s, and now with a more developed human rights regime, criticism and pressure were at an all time high. In analyzing international human rights pressure on China, I will focus on the aftermath of the Tiananmen Square crisis because it was a critical event that gathered broad international attention, not only at the moment, but also in the following years. The repercussions have increased human rights reporting in the country, and the international community's response has been unparalleled.

Following the Tiananmen crisis, the U.S. suspended all sales of weapons and of exchanges between military leaders, and banned all exchanges with the Chinese government above the level of assistant secretary, halted the implementation of a Sino-American agreement on nuclear cooperation that had been agreed to, and instructed its representatives at the World Bank and Asian Development Bank to postpone consideration of new loans to China.²⁶

Foot describes other forms of pressure: NGOs kept up the pressure. Human Rights Watch/Asia in an open letter called for an even tougher response, such as the recall of the U.S. ambassador and the revoking of China's Most Favored Nation status,

²⁶ Rosemary Foot. *Rights beyond borders: The Global Community and the Struggle over Human Rights in China* (Oxford: Oxford University Press, 2000).

which I will discuss later in this section. The U.S. Congress at the end of June 1989, pressured by human rights groups, Chinese students in the U. S., and large parts of the press, sought to broaden these sanctions, introducing a conditional element in its legislation that required either that the president certify, before the lifting of such measures, that China had made “progress on a program of political reform” or that he would waive sanctions only for reasons of “national security.” That bill passed in the House 418 to 0 votes. However, the president was reluctant to have his hands tied on a foreign policy issue and, working with the Senate, substituted a phrase that made clear the President could lift sanctions if it was in the “national interest,” a much broader authority than that offered in the House bill.²⁷

Beginning in July 1991, with the arrival of an Australian human rights delegation, foreign delegations arrived in China prepared to take Beijing to task for its disregard of human rights.²⁸ Andrew Nathan reports about high-level visitors to China:

From 1991 onward an endless procession of important visitors made public and private representations on human rights, including the French prime minister, the Japanese prime minister, two Australian parliamentary delegations, many U.S. congressional delegations, a European Community (EC) delegation, the Polish foreign minister, a Canadian parliamentary delegation, a delegation of EC ambassadors visiting Tibet, and German Chancellor Helmut Kohl.²⁹

One assessment of the economic cost to China has estimated that commitments of new bilateral foreign assistance declined from \$3.4 billion in 1988 to \$1.5 billion in 1989 and \$0.7 billion in 1990 and that, on the basis of a 20 percent annual increase in aid

²⁷ Ibid.

²⁸ Andrew Nathan, “China and the International Human Rights Regime,” in Elizabeth Economy & Michel Oksenberg (eds), *China Joins the World: Progress and Prospects*, (New York: Council on Foreign Relations, 1999), p. 39.

²⁹ Ibid.

commitments, Tiananmen cost China some \$11 billion in bilateral aid over four years.³⁰ From the start of the Tiananmen crisis, American officials had indicated in various ways their concern not to alienate or isolate a country as important as China. As Foot asserts, the first 18 months after this crisis marked the height of global criticism of China's human rights record, but the years 1992 through 1995 gave some indication of the difficulties that would be faced by those who wished to move China beyond tactical concessions towards genuine acceptance of the validity of some of the core human rights norms.³¹ Major Western states, together with Japan, continued to reduce the bilateral pressure, for economic and strategic reasons, and China's recapturing of its high economic growth rates from 1992 "enhanced its ability to pose policy dilemmas for those interested in competing in the Chinese market, as well as for weaker countries that were ready to benefit from China's economic dealings with them."³²

Despite ongoing reports of China's human rights transgressions, economic relations between the United States and China have continued to expand. In 1994 the GATT culminated in the creation of the World Trade Organization (WTO). China was not admitted as a founding member of the WTO because the U.S. and other European states requested changes in the Chinese economy before accepting it as a member. These conditions included tariff reductions, open markets and industrial policies.³³

³⁰ Jack Donnelly. *International Human Rights*. (Boulder: Westview Press, 1998), p. 120.

³¹ Rosemary Foot. *Rights beyond borders: The Global Community and the Struggle over Human Rights in China* (Oxford: Oxford University Press, 2000).

³² Ibid.

³³ Susan C. Morris. *Trade and Human Rights: The Ethical Dimension in U.S.-China Relations* (Vermont: Ashgate Publishing Company, 2002), p. 119.

As part of the GATT many countries granted each other most-favored-nation status (MFN), which means the recipient country receives preferential trade treatments. After the Tiananmen Square crisis the U.S. made China's MFN status contingent on human rights improvements. As a result of this policy China's MFN status would be reviewed yearly.³⁴ In 1994, the United States decided to end the connection between China's human rights record and MFN status. This was particularly significant because of China's increasing role in the international political economy. The United States became China's second largest trading partner, for both exports and imports. Muravchik, for example, concluded that in regards to China, the United States favored economics over human rights issues to the point of "coddling China."³⁵

In the debate leading to the decision to end the connection between MFN status and human rights, some writers, including Harland and Simon, maintained that the most effective way to promote U.S. - China relations was through the reciprocal opening of markets and the freedom to conduct business in those markets.³⁶ Following the liberalist tradition, these authors recommended that U.S. economic engagement with China was the most viable measure to promote political reform in China and to sustain U.S.- China bilateral relations. Increased economic relations with China would then serve as a catalyst for the expansion of China's political, human rights, and economic reforms. The opening

³⁴ Ibid.

³⁵ Joshua Muravchik, "Clintonism Abroad" *Commentary Magazine*. Vol. 100 No. 4 (1995), pp. 36-40.

³⁶ Bryce Harland. "For a Strong China." 1994. *Foreign Policy* Vol. 94, pp. 48-52.

Sheldon W. Simon. "Security, Economic Liberalism and Democracy: Asian Elite Perceptions of Post-Cold War Foreign Policy Values." 1996. *National Bureau of Asian Research*, Vol. 7, pp. 5-52.

of peaceful relations among countries through economic exchange was also highlighted in the U.S. - China policy position of Laura D'Andrea Tyson, who argued that U.S. revocation of China's MFN status would impede the progress of China's democratic reform.³⁷

As Morris explains, scholars of political and economic liberalism stressed that U.S. economic engagement with states would enhance the welfare of all, and would therefore hasten the pace of political and human rights reforms in China and elsewhere throughout the world.³⁸ U.S. trade with China, for example, was considered to be the right thing to do because the concept of freedom of choice that comes in a free-market economy would pave the way for further individual political rights and freedoms.

In analyzing the factors that led to China's renewal of MFN status, Morris argues that complex interdependence influenced the U.S. shift in China policy from 1993 to 1994. Channels of formal and informal contacts between and among multinational corporations, international organizations, and the world's elite had factored into the 1994 decision. As well, linkages that had been formed between U.S. and Chinese corporations would have been severed had President Clinton decided to base MFN renewal on China's human rights records.³⁹

Additionally, Morris points out that economic and ideological solidarity in the Asian region had a significant effect on the U.S. decision to separate MFN and China's

³⁷ Laura D'Andrea Tyson. "Are Economic Sanctions an Effective Tool for realizing U.S. Interests in China?" 1997. *National Bureau of Asian Research*, Vol. 8, pp. 37-44.

³⁸ Susan C. Morris. *Trade and Human Rights: The Ethical Dimension in U.S.-China Relations* (Vermont: Ashgate Publishing Company, 2002), p. 32.

³⁹ *Ibid.*, p. 127.

human rights.⁴⁰ She adds that Asian countries acted as one with regard to their strong stance on an Asian interpretation of human rights, an interpretation which promoted the realist proposition of cultural relativism and which emphasized the sovereign rights of nations. “The unity of the Asian countries in challenging the Western interpretation of human rights provides evidence of the resistance to comply with international human rights, not only specifically from China, but more broadly, within the region”⁴¹ says Morris.

External pressures have caused Beijing to respond defensively and sometimes in denial, but its responses have not yet transformed China into a society that upholds human rights. In 1999, a study of China’s compliance with the international human rights regime since 1989, noted that China had become more compliant, but its compliance did not result from internalized, learned behaviors.⁴² Beijing has become adept at offering gestures of compliance in exchange for other benefits, status and prestige among them, which, according to Kent the government seeks. While this had resulted in increased attention to human rights, Kent concluded that:

...despite their best efforts, UN human rights bodies and the broader international human rights community have not succeeded in breaching the divide between China’s international human rights policy and its domestic human rights practice, but they are slowly making some inroads.⁴³

Today, widespread respect for fundamental human rights is still absent in China.

The international community has not continued to exert pressure on China to improve its

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Anne Kent, *China, The United Nations, and Human Rights: The Limits of Compliance*, (Philadelphia: University of Pennsylvania Press, 1999), p. 247.

⁴³ Ibid.

human rights practices. Countries, international organizations and NGOs have only focused on naming and shaming, but no targeted policies like the ones put in place after Tiananmen are in effect. According to Kent, the 1994 decision to de-link MFN status and human rights, combined with the May 2000 decision by the U.S. government to grant China permanent normal trade relations, has placed the cause of international human rights in the hands of both private and public international actors. These international actors on human rights issues include U.S. multinational corporations, their partners and suppliers, as well as international governmental organizations.⁴⁴

The Domestic Environment: Explanations for the Weak Effectiveness of International Pressure

Public Opinion

Public opinion in China is hard to assess because of China's isolation during the Cultural Revolution, and after its open door policies, China has remained an authoritarian society in which the Chinese regime does not subject itself to dialogue with or accountability toward the people. But if events like the Tiananmen crisis and the subsequent repression of political dissidents and Internet censorship suggest, Chinese society is slowly changing and standing up for its rights. In the aftermath of Tiananmen NGO activity increased dramatically in China. For example, Human Rights Watch opened an office in Hong Kong in October 1990, the destination of a number of Chinese dissidents. The work of NGOs has been crucial in advocating for human rights, collecting information and spreading the ideas of respect for human rights. But as the U.S. State

⁴⁴ Susan C. Morris. *Trade and Human Rights: The Ethical Dimension in U.S.-China Relations* (Vermont: Ashgate Publishing Company, 2002), p. 154.

Department's report highlighted, human rights NGOs face a great amount of scrutiny and harassment by the Chinese state, actions that significantly limit the impact of their work.

Zhan Ning states that the concept of public opinion was introduced in China from the West at the end of the nineteenth century. Before then, one finds the Chinese idea of *Yanlu*, which conventionally designates the “channels through which criticism and suggestions can be transmitted to the authorities.”⁴⁵ According to Ning, the new elites, who do not question the legitimacy of the government, sometimes resort to this ancient notion in order to transmit their criticism in an acceptable form. The notion of public opinion in China has a range of meanings, both because of the number of translations of the expression and because of the evolution of the historical context. Mao, in his own language, distinguished the “people's will” (*renmin de yiyuan*) from opinion (*yulun*).⁴⁶

Going back to the literature review, in a study that analyzed public support for international human rights institutions, Min Zhou found that public support for global institutionalization of human rights is not universal and may be related to a broader social context.⁴⁷ Zhou notes that people with certain social, economic, and demographic characteristics are more likely to show support for international human rights institutions. For instance, in China the level of support decreases as the level of education attained rises (see figure 4.1). The United States and China therefore, display a sharp contrast in the effect of education. While the higher level of education attained increases the level of

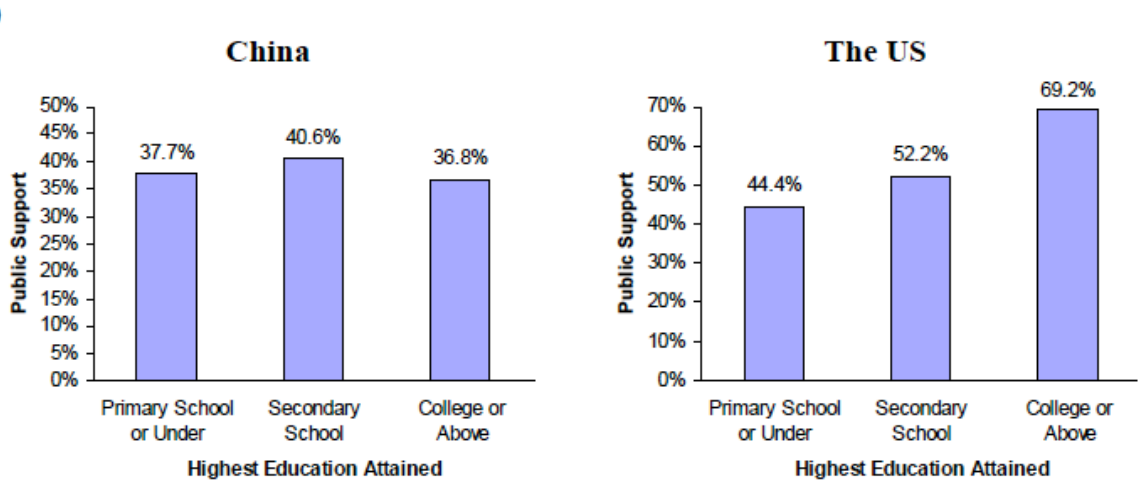
⁴⁵ Zhang Ning. “Public Opinion and the Death Penalty Debate in China.” *China Perspectives* (2010), pp. 85-95.

⁴⁶ Ibid.

⁴⁷ Min Zhou “Public Support for International Human Rights Institutions: A Cross-National and Multilevel Analysis” *Sociological Forum* Vol. 28, No. 3 (2013) pp. 525-548.

support in the United States, this group shows less support in China. Zhou concludes that the declining level of support could be related to the notion of western proprietorship of human rights, and that this notion puts the global movement at risk because it may render obsolete the developing global culture of human rights. Zhou continues that developing countries and non-liberal states often criticize human rights advocates as invasive of sovereignty, the result of imbalances of power and ethnocentrism.⁴⁸

Figure 4.1 Chinese Public Support for International Human Rights Institutions Vs. American's Responses



Source: Min Zhou “Public Support for International Human Rights Institutions: A Cross-National and Multilevel Analysis” *Sociological Forum* Vol. 28, No. 3 (2013) p525-548.

The apathy of the rising middle class can be explained by a study that suggests that the members of that group have displayed either a lack of interest in politics, or a preference for political stability rather than rapid democratization, as a result of economic

⁴⁸ Ibid.

reforms. The rising middle class has been careful not to jeopardize their economic gains, and have expressed some fear of grassroots democracy.⁴⁹

Public opinion in China is affected by censorship and the fact that the state still directly controls the largest mass media outlets, pressures other media regarding sensitive stories, and imposes severe measures against its critics. King et al, provide an important point when they argue that the purpose of the Chinese censorship program is to reduce the probability of collective action by clipping social ties whenever any collective movements are in evidence or expected.⁵⁰ My view is that if there is a need for censorship it is because people are changing and are demanding that their rights be respected. This also has to do with the expansion of the Chinese middle class. Perhaps some of this is attributable to the work of human rights organizations, although it is hard to tell.

The vastness of the population in China makes it difficult to establish effective internal networks of opposition that may benefit from the support offered by external advocates of reform. Economic growth is uneven, so what appears to be significant development is, in fact, limited to a small segment of the population- "China has yet to achieve the level of growth necessary to lift enough boats"- so popular demand for more extensive rights has yet to increase significantly.⁵¹

⁴⁹ Willy Wo-Lap Lam. *Chinese Politics in the Hu Jintao Era*. (Armonk, NY: M.E. Sharpe, 2006).

⁵⁰ Gary King, Jennifer Pan and Margaret E. Roberts. "How Censorship Allows Government Criticism but Silences Collective Expression." *American Political Science Review*. Vol. 107, No. 2 (May 2013), pp. 326-343.

⁵¹ Alan Wachman, "Does The Diplomacy of Shame Promote Human Rights in China?," *Third World Quarterly* (Vol 22, No. 2, 2001), p. 275.

As discussed in this section, public opinion in China is hard to assess because it is a relatively new concept. In addition, state repression and censorship make it very difficult for people to express their opinions, much less to criticize the government and push for human rights. The fact that under these conditions there are many activists and dissidents that risk their lives to have their voices heard is an indication that things might be moving in the right direction.

Chinese Culture: A Challenge to Human Rights

In the debate about human rights, China has often responded that human rights are a creation of the West and that pressure to comply with human rights international norms are a tool of Western imperialism. The idea that all human beings, simply because they are human, have certain inalienable rights, was essentially foreign to Asian political thought. As Angle and Svensson have explained classical Confucianism, along with most other Chinese schools of thought, denies that the sole unit of ethical or political assessment is the individual. Instead, theorizing begins from relationships and roles within relationships, “Confucian thinkers stress reciprocal responsibilities rather than correlated rights and duties.”⁵² Therefore, the responsibilities of the individual toward society are emphasized over the rights of the individual.

As a result of the international criticism, the Chinese political leadership decided that more research on human rights issues was needed and that its official human rights policy needed to be refined and strengthened. To this end, human rights research both

⁵² Stephen C. Angle and Marina Svensson. *The Chinese Human Rights Reader: Documents and Commentary 1900-2000* (New York: M.E. Sharpe, 2001) General Introduction Pxxviii

within government organs and within academic institutions, has been encouraged and supported. The first and most visible result of the government's own efforts was the publishing of a white paper on human rights in 1991, which was followed over the years by a whole range of other white papers.⁵³ The 1991 white paper outlined the Chinese official position on human rights, setting the parameters for both the official and other more academic discussions. Rather than react in shame to criticisms, Beijing responded with defiance and with some consistency in its response. In a sequence of white papers concerning human rights, Beijing explained all that it had done to promote human rights and also articulated a view of human rights that has several hallmarks:

1. Conditions were worse in China before 1949 than since.
2. China is still a developing country and must cultivate human rights in a way that is consistent with Chinese culture and the specific conditions in China.
3. Consequently, China emphasizes the right to subsistence and development as the foundation for other civil and political rights.
4. Legal institutions exist in China to safeguard civil and political rights, but the rights of the majority should not be undermined by the claims of the minority.
5. China does respect universal human rights, but believes that these rights must be determined in a cooperative manner with other states, not imposed by some states on others.

⁵³ Stephen C. Angle and Marina Svensson. *The Chinese Human Rights Reader: Documents and Commentary 1900-2000* (New York: M.E. Sharpe, 2001) General Introduction Pxxviii

6. Western states have tried to usurp the issue of human rights to use it as a political lever against developing states, interfering in their internal affairs in a culturally hegemonic fashion.⁵⁴

Some authors, for example, Alan Wachman have suggested that the cynicism Beijing has shown in the face of criticisms about China's human rights records may stem from a perception that foreign critics fundamentally oppose the development of China and have other political motives, for example turning China into a democracy. China has responded in a way that is consistent with the second, "denial" phase of Risse and Sikkink's spiral model.⁵⁵ The Chinese government has made clear that, while it accepts the concept of universal human rights, it rejects the Western definition and imposition of those rights. In an attempt to avoid having standards imposed on it by other states, say Risse and Sikkink, China wraps itself in the language of universality, while arguing that: China cannot copy the mode of human rights development of the developed Western countries, nor it can copy the methods of other developing countries. China can only start from its own reality and explore a road with its own characteristics...China has...found a road to promoting and developing human rights which is in line with the country's reality.⁵⁶

⁵⁴ Alan Wachman, "Does The Diplomacy of Shame Promote Human Rights in China?," *Third World Quarterly* (Vol 22, No. 2, 2001), p. 269.

⁵⁵ Thomas Risse, Steven Ropp and Kathryn Sikkink. *The Power of Human Rights: International Norms and Domestic Change* (Cambridge, UK: Cambridge University Press, 1999).

⁵⁶ "White Paper-Fifty Years of Progress in China's Human Rights," Embassy of the People's Republic of China in the United States <http://www.china-embassy.org/eng/zt/ppflg/t36624.htm>. Accessed 4/1/14.

Has international pressure worked? Beijing has used “cosmetic gestures” to impress foreigners.⁵⁷ This corresponds with Risse and Sikkink’s third stage of the spiral model, the stage of “tactical concessions.” At that stage, governments

..changed their human rights practices only to gain access to the material benefits of foreign aid or to be able to stay in power in the face of strong domestic opposition. In fact, the process of human rights change almost always begins with some instrumentally or strategically motivated adaptation by national governments to growing domestic and transnational pressures.⁵⁸

Among these gestures has been the regular release of political prisoners at critical times. Between 1990 and 1991 in an attempt to influence the debate in the USA about whether to grant MFN status to China, the Chinese government released 881 individuals associated with the demonstrations in Tiananmen Square, martial law was lifted in Beijing, Fang Lizhi- a noted senior activist who had taken refuge in the US embassy- was permitted to leave the country, Han Dongfang-a labour activist dying in prison- was released and China offered the U.S. assurances that it would not prohibit individuals “from going abroad for political reasons.”⁵⁹

Again in 1993 China released Wei Jingsheng, a long-held prisoner, when the International Olympic Committee was preparing to make its decision about which city would host the 2000 summer Olympics. Other prisoners were released on the eve of President Clinton’s decision about whether to grant MFN status to China in 1993. In

⁵⁷ Thomas Risse, Steven Ropp and Kathryn Sikkink. “The Socialization of international human rights Norms into Domestic Practices.” *The Power of Human Rights: International Norms and Domestic Change* (Cambridge, UK: Cambridge University Press, 1999).

⁵⁸ Ibid., p. 10.

⁵⁹ Alan Wachman, “Does The Diplomacy of Shame Promote Human Rights in China?,” *Third World Quarterly* (Vol 22, No. 2, 2001), p. 272.

neither case did the releases buy for China the approval it sought. Both men were actually arrested again. Of those released, some were jailed again.⁶⁰

One explanation of why Beijing has used tactical concessions is that external pressure is not applied consistently or uniformly by all states. Once a state is not under constant pressure, the process of reform may slow, be reversed, or stall at the concession stage. Risse and Sikkink write of certain “blocking factors” that impede socialization to international norms. Citing the case of Indonesia, Risse and Sikkink explain that the effectiveness of external pressures applied by transnational network

...was limited by countervailing national norms and value structures which emphasized sovereignty and domestic cohesion more than human rights principles. Similar constraining appeals to a narrowly defined sense of cultural and territorial nationalism were made by Hispanic elites in Guatemala when they felt threatened by network influence.⁶¹

In studying the effectiveness of shaming to promote human rights in China, Alan Wachman considers that since the country made the transition from totalitarianism to authoritarianism the regime is still relatively uneasy about preserving its legitimacy, so is eager to preserve domestic order and reluctant to introduce potentially destabilizing freedoms.⁶²

As Wachman suggests, at this point, Beijing has discovered that, while greater international involvement could bring rich rewards, it could also reduce a government's ability to maintain control over both domestic and external issues. Beijing's participation in human rights bodies and signature of some of the international conventions, notably

⁶⁰ Ibid.

⁶¹ Thomas Risse and Kathryn Sikkink. *The Power of Human Rights: International Norms and Domestic Change* (Cambridge, UK: Cambridge University Press, 1999), p. 277.

⁶² Alan Wachman, “Does The Diplomacy of Shame Promote Human Rights in China?,” *Third World Quarterly* (Vol 22, No. 2, 2001), p. 275.

the one against torture, suggests a growing responsiveness to international human rights norms and the realization that full participation in the international community required adherence to certain minimal rules of behavior.⁶³

As I have discussed above, it seems that Beijing is prepared to sacrifice a degree of international prestige for the sake of sovereignty. Andrew Nathan rejects the idea that China is not susceptible to outside pressure on the grounds that it must preserve “face” after frequent infringements of its sovereignty.⁶⁴ My assumption is that China has behaved as a realist power, making concessions it perceived as necessary to influence states with which it was interacting and not making them when they were not seen as necessary.

When multilateral sanctions were imposed on China in the aftermath of the Tiananmen crisis, the impact on China’s international relations was definitely severe, forcing the country to make some concessions in response to criticism of its human rights abuses. As Foot has pointed out, “the country was damaged economically and psychologically and the great power status that it craved seemed further out of reach.”⁶⁵ Beijing was forced to respond, and even though egregious human rights abuses continue to this day, China realized that the world is watching and that human rights violations will not go unpunished. Morris sustains that complex interdependence played a big role in the U.S.’s decision to grant MFN status to China, and I believe that condition is still

⁶³ Ibid.

⁶⁴ Andrew Nathan, “China and the International Human Rights Regime,” in Elizabeth Economy and Michel Oksenberg (eds), *China Joins the World: Progress and Prospects* (New York: Council on Foreign Relations, 1999), p. 159.

⁶⁵ Rosemary Foot. *Rights beyond borders: The Global Community and the Struggle over Human Rights in China* (Oxford: Oxford University Press, 2000).

prevalent today.⁶⁶ Economic relations between China and the rest of the world are too intertwined to suggest the imposition of sanctions to curtail human rights violations. Clearly, China benefits from this complex interdependence and engages in tactical concessions to appear engaged in addressing its human rights issues.

⁶⁶ Susan C. Morris. *Trade and Human Rights: The Ethical Dimension in U.S.-China Relations* (Vermont: Ashgate Publishing Company, 2002).

Conclusion

Despite the clear policy implications and mounting consequences of international human rights pressure, we are only beginning to understand how such pressures affect state compliance. How we think about compliance and the impact of international pressure is essential for devising more effective human rights policies. In this thesis, I have set out to study the impact of international human rights pressure on state compliance. In investigating the impact of human rights pressure on states, I hypothesized that certain conditions were helpful. The first condition is the absence of a strong public opinion and/or cultural sentiment against what the pressuring entities are trying to achieve. The second condition is dependency: dependent countries are more vulnerable to economic and military threats, and thus are more likely to comply with international pressures.

Analyzing the cases of the Dominican Republic and China, I have been able to show that the existence of a strong public opinion and/ or cultural sentiment against human rights, have negatively affected the international pressure that has been exerted over these states to reform their human rights practices and to comply with international norms and treaties. In the Dominican Republic, human rights abuses against Haitian immigrants have been denounced since the 1930s, more specifically after the massacre in 1937. In the subsequent years, reports about the living conditions in the sugar cane fields, mass deportations and issues concerning the birth registrations of Dominicans of Haitian descent have prompted the visits of international human rights bodies, recommendations and a lot of criticism from the international community. In other words, the practice of naming and shaming has led the discussion of human rights violations in the Dominican

Republic. The absence of a concerted effort to address this issue, even as thousands of people risk being in the limbo of statelessness, is simply shocking, and it begs the question, why the international community has not exerted pressure in other ways, given that current strategies have failed to produce results? The only answer is a combination of apathy and the lack of leadership to lead the efforts to push for reform.

Meanwhile approximately 250,000 people remain stateless. Getting the Dominican government to act is proving a challenging task. If the international community joined forces and decided to address this issue more seriously, those affected could be able to continue their lives normally, and integrate as full members of society and not as the second-class citizens they are today. The human rights situation in the Dominican Republic requires as an immediate action bargaining with the conservative elite that refuses to allow any change, and in the long run, the resources of the international NGOs, and bilateral aid programs, are better spent on programs that promote diversity, anti-discrimination and democracy in the country. Such programs may raise awareness about Dominicans' racial identity and empower the poor and middle classes.

In the case of China, the aftermath of Tiananmen saw an increase in reporting about human rights conditions, and significant amounts of pressure in the first years after the crisis, but the international community gradually moved away from putting enough pressure to effect change. Today, the horrors lived by activists, opponents of the government and prisoners are well known. Yet, the international community has restricted its actions to pointing fingers and criticizing. The U.S. and other countries have attempted to promote human rights through bilateral relations, and public diplomacy, but

these efforts have only resulted in tactical concessions, and no major changes have been registered. Economic ties between China and the rest of the world have now become too tight for countries to consider hurting their own economies to promote human rights abroad. This is a very disappointing realization to make given the successes the international human rights regime has been able to produce when the different actors get together and act as one.

As my research has suggested, Chinese culture has played a big role in the resistance to comply with international norms. Therefore, I believe that the international community should find a way to reconcile international human rights values and Chinese culture. Chinese scholars and academics in the field of human rights should be brought to the discussion about human rights in China, to dispel the fears of outside imposition of human rights values. The other alternative is to continue monitoring the situation to ensure the protection of political dissidents. The international community is better off accepting an Asian conception of human rights, and pushing for at least basic protections, than alienating China completely and losing the chance to achieve change, even if it is gradual.

There is very little research on the role played by mass public opinion in the field of human rights. However, as I have discussed in this thesis there are certain links that help explain people's perceptions about human rights, and more specifically when there is international pressure to ensure protection of those rights involved. In the Dominican Republic the widespread availability of biased information affects people's perceptions of current events, and at the same time it makes advocating for the rights of Dominicans of Haitian descent and Haitian immigrants a challenging task, mainly because of the lack of

popular support. On the other hand, in China, censorship and the suppression of human rights advocates limits the reach of human rights campaigns. Further research on this field, could expand our knowledge of public opinion and human rights and allow for better strategies to address this challenge.

Looking at the case of the Dominican Republic the government does not provide a cultural response to criticism the way China does, but close examination of public sentiment leads to the conclusion that historical racial biases have impeded the success of international pressures to reform human rights practices. As the analysis in chapter three suggests, the predominantly white Dominican elite has consistently enforced anti-Haitianism throughout Dominican history, and its voice has been stronger in perpetuating racial biases and division between Haitians and Dominicans. Understanding the difference between the powerful elite and the rest of the population is crucial to see why, pressures to overturn the Court decision, or to avert statelessness have not been well received in the country. Statements that denounce interference in domestic affairs, uphold sovereignty and incite nationalism are indications of the denial which the country seems to be in, in terms of its policies against Dominicans of Haitian descent and Haitian immigrants. Both the Dominican Republic and China have responded similarly, which is consistent with the way states normally respond to international pressure (Chile and Argentina in the 1970s offered similar responses). After all, states don't usually admit to human rights violations.

In this thesis, I have concentrated only on some of the actors that make up the international human rights regime: international organizations, a few of the major NGOs, regional courts and bilateral action by certain states. It is a small number of actors, but it

has served to give some signals of the impact in this issue area, and has also helped to illustrate how the different components of the human rights regime can operate in accord. Future research on this subject could concentrate on the other side of the coin, which would be the incentives domestic actors have to violate human rights. Such research could provide valuable insight into the motivations behind the domestic resistance to human rights pressure.

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