

Labor rights & the Beijing Olympic Games 2008

The effects of the campaigns of Amnesty International and Play Fair 2008



**Universiteit
Leiden**

Bachelor Project International Politics

Julia Schneemann

S1256386

j.m.schneemann@umail.leidenuniv.nl

Leiden University

Faculty of Social Sciences

Institute of Political Science

Specialization International Relations & Organizations

Instructor: Yvonne Kleistra

9 June 2016

Words: 8351

Abstract

Poor labor conditions, low wages, insecure workspace and child labor were uncovered prior to the Beijing Olympics 2008 by several reports published by NGOs. The labor conditions at construction sites and in merchandise factories appeared to be very bad, among other things due to lack of labor laws. Amnesty International and the Play Fair 2008 campaign both wanted to improve the labor conditions in China in anticipation to the Olympics. This research explores why the Chinese government did not adjust their human rights policy, despite all the efforts of divergent NGOs. This case study analyzes several reports from Amnesty International and Play Fair 2008. The spiral theory of Risse, Ropp and Sikkink is used to explain why both campaigns did not work. Both campaigns were very different, from defending domestic activists to demand the Chinese government as well as the International Olympic Committee to create new laws and policy for better conditions in sportswear and merchandise factories. There will be concluded that the Chinese government did not take action to improve their policy, because China is still a developing country. The Chinese government is not yet in a phase to be convinced of the benefits of improved human rights. This fragile phase could bring hope for the future, but could also cause a throwback to phases where human rights were even worse.

Table of Contents

Chapter 1 - Introduction	4
Chapter 2 - NGOs, norm diffusion & human rights in China	6
Chapter 3 - The spiral model of Risse, Ropp and Sikkink.....	12
Chapter 4 - Research design & methods	17
Chapter 5 - The campaign of Amnesty International	20
Chapter 6 - The campaign of Play Fair 2008.....	25
Bibliography	31

Chapter 1 - Introduction

When Beijing got awarded the 2008 Summer Olympic Games, many (non)-governmental organizations criticized the choice of China by International Olympic Committee (IOC). Most of the concerns regarded human rights, from the occupation of the Tibetan Autonomous Region to freedom of speech for journalists and working conditions (Welch, 2009).

With the Olympics coming closer, it turned out that the labor conditions and other human rights, especially for the workers on the construction sites and in factories producing merchandise, were very poor. Migrant workers had limited to no rights, were forced to work long days and the factories and construction sites were very dangerous. A report of Human Rights Watch, issued early 2008, pointed out that the workers had to work in an abusive environment, with non-existing or unfair contracts. Also, the report stated that the Chinese government authorities were well aware of the dangerous situation (Human Rights Watch, 2008).

A lot of non-governmental organizations (NGOs), especially those advocating human rights, started campaigns to draw attention to this situation. They interviewed several workers, with trustworthy stories about the poor labor conditions. A number of workers died at construction sites and stories about child labor at factories were revealed. Olympic merchandise, such as sportswear, stationary and bags, is being produced by children, some of them just 12 years old. NGOs such as the Play Fair alliance and Amnesty International sent undercover reporters to the factories, to reveal the poor conditions. The organizations called for action by the Chinese Government, since the organizing committees are responsible for the Games licenses rather than the IOC (Taylor, 2007).

Despite all the campaigns and attention, the Chinese government did not take action to improve the working conditions. The government and factories producing the merchandise even refused to admit the problems. Why did they not take any action, despite all the campaigns and pressure of NGOs?

This research will try to explain why, despite all the efforts of NGOs, the Chinese government did not take any significant actions to improve labor conditions. The campaigns of Amnesty International and Play Fair will be tested by the spiral-theory of Risse, Ropp and Sikking. This model explains how NGOs can spread norms in countries. There are five phases, which will be explained in a later stage of this research report. The hypothesis of this research is that the Chinese government did not take any actions, because China is still a developing state with other priorities.

This thesis will start with an overview of known literature about theories explaining how NGOs diffuse norms. The spiral-theory regarding human rights is an example of one of these theories. Then, the spiral-theory will be explained in-depth, explaining the different phases of norm diffusion. The research design will clarify the methods used for the case selection, data collection and data analysis. The thesis will find that the efforts of the NGOs did not have many effects on the policy towards labor conditions, because the Chinese government was in a phase of 'tactical concession' at the time, not truly convinced of the benefits of the policy improvement.

Chapter 2 - NGOs, norm diffusion & human rights in China

This chapter discusses research on NGOs trying to diffuse norms. Several theories will be outlined. The spiral theory of Risse, Ropp and Sikkink will be further discussed and the research question for this thesis will be introduced.

NGOs & norm diffusion

Transnational actors have left their mark on international politics for many years. These actors are very divergent, from multinational corporations to international non-governmental organizations. Transnational actors can operate globally, or on a specific region in the world, can concentrate on a single issue, or follow a multi-purpose mission. Transnational organizations can be formally organized, others are loosely organized. The purpose of a transnational organization can differ as well; some organizations are self-interested, trying to promote the organization itself. Others are motivated by beliefs, promoting a common good by policy advocacy. These are (international) non-governmental organizations (NGOs) (Carlsnaes, Risse-Kappen, & Simmons, 2002).

One of the goals of NGOs is spreading the principles they believe in. The diffusion of these 'norms' can be done in different ways, at different levels and with different goals. The main question is what NGOs want to change and if a government is going to change its policy after pressure of NGOs (Carlsnaes, Risse-Kappen, & Simmons, 2002). A lot has been written about norm diffusion by NGOs. Three commonly known theories for explaining these norms are outlined.

Theories explaining norm diffusion

Checkel developed a theory on norm diffusion by NGOs. He argues that both a liberal view and a constructivist view on norms are right, having both constraining and constituting effects. However, his research was about more than arguing the goal of a norm, but about mechanisms empowering international norms. Liberalists argue that norms are empowered when elites recalculate their strategies when they are faced with

pressure from below. However, constructivists argue that the elite learning-mechanism is the way to explain norm diffusion. Checkel combines these theories, stating it depends on the domestic structure (Checkel, 1997).

Another theory is developed by Krook and True. They believe that norms have to be seen as processes, rather than finished products. This is a discursive approach, viewing norms as life cycles. Continuing debates generate internal dynamism over their definitions and external dynamism, from changes in broader environments. This leads to a more dynamic view on norm diffusion; with a more back and forth approach instead of one way activism. Therefore, activists should communicate a lot with the civil society they are representing, noting external dynamism as soon as possible. Also, activists should accept that their norms should be adjusted to local interpretations (Krook & True, 2010).

On the other hand, Risse, Ropp and Sikkink developed a theory, called the spiral model. In this model, five phases are distinguished. The phases indicate the different stadia a NGO has to go through promoting their norm. Three groups are important in this model, the transnational network (or NGO), the domestic civil society and the government of the country. All three actors have an active role in the different phases, causing a 'boomerang effect'. This theory is well-known and has been applied a lot in research (Risse-Kappen, Ropp, & Sikkink, 1999).

The 'spiral theory' is often used in research to norm diffusion by NGOs. The theory of Checkel is very abstract and not yet far developed. The theory of Krook and True is too much focused on gender equality and on norms created by the United Nations. That is the reason why this research will use the spiral model.

The spiral model

A lot has been written about the theory of Risse, Ropp and Sikkink. An important point of discussion is the phase China is currently experiencing. China is a special case, being an authoritarian state with a lot of eco-

conomic development. Some authors are convinced that the Chinese government has done a lot to improve human rights; others think that the Chinese government only takes cosmetic policy adaptations.

Among other things, research has been done about the relation between China and Australia. The Australian government as well as pressure groups and human rights networks, all promoted human rights in China. The Australian government was able to persuade the Chinese government to make some changes in the human rights policy, by means of negotiations of a trade treaty. This research is marked by the influence of another government, not only pressure of NGOs (Fleay, 2006).

The spiral theory has also been tested to track the steps of norm internalization of climate policy in China. Schroeder concluded that the transnational advocacy network did not use pressuring strategies to influence the behavior of the Chinese government, but shared a lot of information, which was the main trigger for a shift in climate policy. This would mean that the power of persuasion is more powerful than the power of enforcement. However, economic factors should be taken into account as well. NGOs convinced the Chinese government with economic arguments as well, and as long as measures for climate protection can influence the economy, governments are willing to be climate protectors (Schroeder, 2008).

The spiral theory has also been tested by Heo, but on the case of Mongolia and human rights. He found that although Mongolia changed its human rights policy according to the spiral model, it is not sure that this is completely due to the influence of NGOs. At the time, Mongolia had a very progressive leader, who willingly introduced democracy. Personal characteristics are important for policy or behavioral change as well. Heo recommends a multi-dimensional and sequential approach to convince governments of communist states. Domestic actors must emerge and must have links with transnational networks. A moderate government with a civil society and alternative methods are necessary to reach policy change for human rights (Heo, 2014).

To conclude, a lot of research has been done to test the spiral theory. Research has been done on the case of China, but also on other developing countries. The theory has been tested on human rights in general and on climate policy. There is a gap in literature about labor rights, an important part of human rights, in China. Also, there has not yet been written anything about the period prior to the Olympics in 2008.

Research puzzle and research question

Just after the Olympic Games of 2008 were awarded to Beijing, many foreign actors were critical. Human rights in China were not nearly at the level Western states desired them to be for a developing state. Although foreign actors were critical, the Chinese government wanted to show the world the greatness of China. It was a chance for China to proof the rapid economic growth and modernization, not only being a rising power but also a 'peace-loving' country. At the same time, the Chinese government wanted to enhance the domestic support, by demonstrating the competence of the Communist Party (Economy & Segal, 2008).

Despite all the critique, there was also hope that human rights would improve in China. After the successful Olympic Games in 1988 in Seoul, promoting democracy in South-Korea, scholars and governmental institutions were slightly hopeful. The Olympics could be a chance for China to improve its human rights situation (Black & Bezanson, 2004).

The violence or even absence of labor conditions has been a point of discussion in China for years. From 1949 to 1978, labor rights were dismantled during the Maoist era, but after the policy change in 1978, labor rights became important again. Contract laws developed more and more, with the most recent renewing in 2008. Cooney, Biddulph and Zhu concluded, after examining the progress in labor rights in China, that even though the Chinese labor law is based on hierarchy and that there is a degree of dynamism, the laws are influenced by Western standards. However, the mode of implementing is very state-centric, influenced by China's political context. They say that there has been a significant change since the policy change in 1978. It is a sign for a significant shift in the policy of labor laws, but the impact is constrained by several hurdles,

since employers are not obliged to have written contracts with casual workers and other vulnerable workers. Also, labor contracting is still state-driven, rather than shaped by parties such as employers and employees (Cooney, Biddulph, & Zhu, 2013).

Although labor conditions are a point of discussion in China, the International Covenant on Economic, Social and Cultural Rights was ratified in 2001. This covenant is a multilateral treaty, initiated by the United Nations, which includes an important section about labor rights. However, the Chinese interpretation of the section on labor rights is different from the Western interpretation. That is, according to Turner, because of the nature of the Chinese jurisprudence, where rights are not natural but given, and states instead of individuals are subjects of international law (Turner, 2007). Seymour and Wong did research on the use of language in the covenant, as well as in their revisions. Some minor details in the translation from English to Mandarin make a big difference in the interpretation. For example, the word peoples is translated as 'minzu' (民族), which means peoples in the meaning of ethnic groups, instead of 'renmin' (人民), which means citizens. This affected the human right of self-determination (Seymour & Wong, 2015). Concluding, there is still a lot of discussion about the interpretation of the convention, even though China tried to improve its human rights by ratifying it.

Wang calls bad labor conditions an important reason for social unrest. The labor law introduced in 2008 is part of a government strategy to diffuse social unrest and create more economic growth through a market economy. However, Wang is skeptical about the new law. Many companies, as well as the American Chamber of Commerce, lobbied against the law. The law would threaten the price level in China. Employers also moved their production to other, cheaper countries, with less regulation for employees. Despite the negative effects, the oppressed workers are encouraged to fight for their rights. This is however just a little step, because individuals are not able to change the whole situation by themselves. For better labor conditions, a labor association like the union should help them. However, in China there is still no freedom of association, making it harder for employees to stand up for better conditions (Wang, Appelbaum, Degiuli, & Lichtenstein, 2009).

I've already concluded that there is a gap in literature about the spread of the human rights-norm by NGOs. To fill this gap, Risse, Ropp and Sikkink developed their spiral theory. This theory has been tested a lot, but not especially on labor conditions in China. Also, articles about the Labor Law in 2008 have been written. Many of those articles examined the implementation of the law in China, but did not take into account the view of NGOs on creating and implementing the law. Not many academic articles have been written about the anticipation to the Olympics and the role of NGOs on the improvement of human rights in this period. Therefore, nothing has been written about the combination of labor conditions in anticipation to the Olympics in 2008.

My research question will be:

Why did the campaigns of Play Fair and Amnesty International have no effect on the labor conditions for the workers in merchandising factories and construction sites in anticipation to the Beijing Olympics in 2008?

This question will be answered by the following sub-questions:

- What were the characteristics of the campaign of Amnesty International and what were the focal points?
- What were the characteristics of the campaign of Play Fair look like and what were the focal points?

Chapter 3 - The spiral model of Risse, Ropp and Sikkink

This research will use the theory of Risse, Ropp and Sikkink. This is called the 'spiral model', trying to explain norm diffusion in domestic states. This chapter will further go into the theory of Risse, Ropp and Sikkink, extensively explaining the five phases.

The 'spiral model' of human rights distinct a series of five phases. Within these phases, three actors are important. There is a clear distinction between the actions of the domestic society, the government of the repressed state and a transnational community promoting human rights. All actors have other functions and actions during the different phases. There are three types of socialization processes; instrumental adaptation, argumentation and habitualization.

The model was first developed in 1999. More than 10 years later, the authors revised their theory. Political and academic developments were the reason for this fresh look on the model. After evaluating the model, by both the authors and other scholars, the authors concluded that explaining state commitment was not particularly interesting anymore. Every single state in the world did ratify at least one international human rights treaty. On the other hand, compliance, defined as 'sustained behavior and domestic practices that conform to the international human rights norms', is even one step further in the process of human rights change (Risse-Kappen, Ropp & Sikkink, 2013). In the revised version of the spiral model, compliance is only reached in phase 5, called 'rule-consistent behavior'. Thus, the most important changes in the revised model apply to the fourth and fifth phase, where there is a shift from 'commitment' to 'compliance' (Risse-Kappen, Ropp & Sikkink, 2013).

To reach compliance, several mechanisms could be used. The role of enforcement could be used by coercing states and non-state actors to comply with the rules. Sanctions are used to threaten actors to follow the human rights rules, but are seldom imposed. The power of persuasion and discourse is another mechanism to reach compliance. This is more long-lasting than incentive structures, but is extremely rare in interna-

tional relations. Persuasion is also easier in cases where the decisions are made centralized, like asylum policy. In other cases, like decisions about female genital mutilation, which is a family matter, compliance is harder. The last one, capacity building or 'the management approach', especially works in states with limited statehood. This also concerns non-state actors, and it often goes hand-in-hand with capacity-building (Risse-Kappen, Ropp & Sikkink, 2013).

Phases

The first phase is repression. In this phase, the government suppresses any critique or opposition. The domestic society is too weak to challenge the government. Main focus for transnational networks is to collect information about the situation in the country (Risse-Kappen, Ropp & Sikkink, 1999). This phase can last for a long time, since the degree of repression determines whether transnational networks have access to information.

Once information is collected, phase 2 begins. This phase is known as denial. The transnational network produces a lot of information and reports and disseminates this to put the case on the international agenda. The network tries to mobilize other actors, like international organizations and liberal states. The role of the domestic society in this phase is weak. The opposition starts to organize, but the only thing they are able to do, is to inform the transnational network. After the start of the campaign, the government usually denies the problems. The accusations would be an illegal intervention. Transnational pressure, usually by using persuasion as method, can be very effective in creating space for the domestic opposition (Risse-Kappen, Ropp & Sikkink, 1999).

The third phase, tactical concession, starts when international pressure begins to work. The government of the norm-violating country seeks cosmetic changes to pacify international criticism by doing some concessions to the transnational network. Although it regards a temporary improvement, it could be hopeful for the domestic opposition and it might encourage them for their own campaign. The domestic society has the possibility to mobilize new actors, to broaden their network and to improve the organizational struc-

ture. The transnational network continues the pressure by instrumental and argumentative rationality and by supporting the domestic society. This phase is seen as the most precarious phase, since it can result in a backlash to phase 2. This is also the phase of 'commitment', where the first steps into compliance are made (Risse-Kappen, Ropp & Sikkink, 1999).

Phase 4 and 5 are the last phases towards compliance and a substantial change in human rights. The fourth phase is called the prescriptive status, where governments accept the validity of actions, including ratifying treaties and the institutionalization of norms. Both the domestic society and the transnational network keep pressuring the government and bringing human rights up in societal discourse. In the fifth phase, rule-consistent behavior, compliance is reached by the government. There is no possibility to back out of human right norms anymore, because international pressure is too high. Characteristic for both transnational as domestic networks is the reduced attention to the problems (Risse-Kappen, Ropp & Sikkink, 1999).

Problems with the model

Even after the revision of the model, there are some problems. The focus of the model is on states and domestic societies, but according to Simmons firms should be taken into account as well. Since firms have direct impact on human rights and have a status as civil society actor in supporting and demanding rights protections, they should be more important in the campaigns of norm-spreading institutions (Simmons, 2013).

Other limitations of the model involve the influence of the identity of the target state and interests on human rights norms. It does not say anything about the establishment of the norms, nor about how these norms might change by the relationship between states and non-state actors. A powerful state, like China, might influence international human rights norms by using their powerful status in the world (Fleay, 2005). In the revised version of the spiral model, state capacity and regime type has been taken into account. Scope conditions for the ability to comply are affected by state capacity and centralization of compliance decision. The willingness to comply is affected by regime type and material and/or social vulnerability. For

example, states like China and Russia are less affected by international sanctions for human rights abuses, which influences the willingness to comply to international human rights norms. This is useful for human rights networks to know, because they can adjust their expectations and strategies (Risse-Kappen, Ropp & Sikkink, 2013).

Table 15.1. *Target ability to comply*

		<i>State capacity</i>	
		High	Low
<i>Centralization of compliance decision</i>	High	High probability	Mid-level probability
	Low	Mid-level probability	Low probability

(Risse, Ropp & Sikkink, 2013: 286)

Table 15.2. *Target willingness to comply*

		<i>Regime type</i>	
		Democratic	Authoritarian
<i>Material and/or social vulnerability</i>	High	High probability	Mid-level probability

(Risse, Ropp & Sikkink, 2013: 287)

According to Kinzelbach, the case of China is unique for the spiral model, being both an emerging power and an authoritarian regime with limited statehood. Although, the spiral model provides a valid framework for explaining the improvement of human rights. Nevertheless, China did try to alter the international human rights. This does not fit into the model of Risse, Ropp and Sikkink. The Chinese government tries to convince the world that there are ‘Chinese human rights’. The approach differs for each part of human rights. To demand modest reforms, with economic benefits, the logic of appropriateness might be sufficient. In other cases, like reform decisions, the logic of consequences might reach more results. The combination of unwillingness and inability to comply makes persuasion and capacity-building not necessarily appropriate. Offering incentives to domestic networks, by both documenting and giving financial aid, as well

as protecting human rights defenders at risk, may build a strong domestic opposition, ready to create and manage a window of opportunity for improvement (Kinzelbach, 2013).

To conclude, the theory of Risse, Ropp and Sikink tells that norm diffusion, especially for human rights, is a lengthy process, dependent of many variables. These variables are, among others, the domestic society, the government of the repressing country, the transnational network who diffuses the norm, but also the regime type, vulnerability and identity of the state. Following from the theory, my hypothesis of this research is that the more powerful a state is, the harder it is for NGOs to diffuse their norms. The lack of vulnerability, combined with the third phase, could make it very hard for NGOs to improve human rights. I expect that there is a big difference between both campaigns, since Play Fair and Amnesty International have different goals and missions. However, I foresee that both actors try to mobilize the domestic society to protest against the government, both in their own ways.

Chapter 4 - Research design & methods

Research design

The research will be a case study, for a detailed and intensive analysis of one case. It will be a qualitative research. The theory will be tested by a unique case, the case of China in anticipation to the Beijing Olympics in 2008. China is unique, because it is seen as both authoritarian as emerging state. The theory that will be used to explain the results is the 'spiral theory' of Risse, Ropp and Sikkink.

Case selection

China is a state of authority, but has been changing its policy since 1978 for economic purposes. Therefore, China is developing laws and regulations, new policy and is trying to find a good structure to keep the authoritarian state, but with a market-driven economy.

The case of the Olympic Games is a special case, because NGOs and other human rights defenders use this opportunity to draw attention to abuses and room for improvement. For a developing country it is interesting to organize the Olympics, because it gives the opportunity to promote a country, e.g. for touristic purposes. It also gives the country an opportunity to offer an attractive economic climate for companies to invest, for example in merchandise and other promotional purposes. This combination of extra media attention and the opportunity for countries to improve its human rights makes it interesting for research.

During the period prior to the Olympics, three NGOs were outstanding in media and protesting against the Chinese policy. Human Rights Watch was very active, but they only reported the situation in an impartial way. Amnesty International and the Play Fair Campaign however, were active in promoting improvements and human rights. This was apparent from several news articles about the situation in China, with Amnesty International and Play Fair first responding as experts. One of the differences between Amnesty International and Human Rights Watch, is the fact that Amnesty International tries to mobilize support and has a systematic approach for the human rights of individuals, especially human rights defenders at risk

(www.amnesty.org). Play Fair not only wants to address states, but also other actors of the sports branding industry. So, both Amnesty International and Play Fair not only focus on actions of the government, but also want to create support, for both the domestic society as other actors. Therefore, I chose to only involve Amnesty International and Play Fair in my research, and not to involve Human Rights Watch.

It is important to notice the differences between Amnesty International and Play Fair. Both organizations have different structures, missions and actions to accomplish these missions. The mission of Amnesty International is broad and could be called as 'protecting and empowering people'. The goals vary from abolishing the death penalty to protecting sexual and reproductive rights, from fighting against discrimination to defending rights of refugees and migrants (www.amnesty.org). Amnesty International focusses on the behavior of state. In other words, Amnesty International has political goals, trying to improve human rights for all people in the world, but they involve labor rights and protection for defenders of labor rights in reaching their goal.

On the other hand, Play Fair focuses on the rights of workers in sportswear factories. This is a more specific goal, with a clear target. Play Fair campaigns around big sports events, like the Olympic Games and the Soccer Worlds Championship. The campaign focuses on more than just a state, and wants to involve other actors, like brands and the International Olympic Committee as well. Labour rights are the most important thing in their campaign (www.ituc-csi.org).

I focus on working conditions in factories and at construction sites, since that is an important part of human rights. To improve working conditions, it is necessary for governments to take action. It is easy to see which measures a government has taken to improve working conditions, such as a safe working place, high wages and no long stretches of overwork.

Methods

I will compare published positions, reports and calls for action of both Amnesty International and the Play Fair Campaign. I will use qualitative content analysis as research method. This method would be useful, because it will be clear to see what the focusing points of both campaigns were. I want to analyze campaigns from 2004 to 2008, and this method allows longitudinal research as well (Bryman, 2012). Sides of this kind of research that could be potentially problematic are that the analysis can only be as good as the documents I can find. Also, it will be hard coding the found results, so it will be hard to conduct quantitative research. Therefore, I will need to pay attention to my objectiveness.

Important to notice is the generalizability of the research. I do not aim to develop a theory that could be used in all authoritarian states, but I want to contribute to the existing theory by testing it to this specific case. The development of China is unique by itself, having an authoritarian state but with a market-driven economy. The special period in anticipation to the Olympics has been unique as well, since many countries do not have the opportunity to organize the Olympics.

Chapter 5 - The campaign of Amnesty International

In 2004, Amnesty International published a report about the domestic defenders of human rights in China, who were at the time locked up in jail. Some of these human rights defenders were locked up because of their activism in labor conventions. In 2004, China had signed and ratified several international conventions to protect workers' rights. However, China did not sign up to certain core elements of the conventions and did not ratify International Labor Conventions on freedom of association and the rights to collective bargaining, which lead to independent trade unions to be forbidden (Amnesty International, 2004).

Rapid changes in China's industrial and other economic structures have had a profound effect upon China's workforce. Peaceful demonstrations for better working conditions are often ended by police interventions. Demonstrations are not prohibited, but organizers are often prosecuted for vague charges (Amnesty International, 2004).

Amongst others, Zhang Shanguang, Yao Fuxin, Xiao Yunliang and Du Hongqi were sentenced after demonstrations for better labor conditions. The official charges differed from time to time, from "providing state secrets for an organization outside the country" to "disturbing social order". Amnesty International calls for actions of the Chinese authorities, to allow workers in China to exercise their rights to freedom of expression and association. Amnesty also asks the Chinese government to release the imprisoned for peacefully demonstrating for labor rights (Amnesty International, 2004).

Zhang Shanguang was released before the Olympics started. His release was quiet, with no media attention or official statement (Zhang, 2008). Yao Fuxin was released in 2009, after the Olympics and being locked up for seven years (ITUC, 2009). The other activists who were imprisoned were released before the Olympics as well, after being in prison and being tortured for years. In this case, Amnesty International performed

great efforts for releasing the defenders of human rights, in line with their actions for better circumstances for human rights defenders during the 'Olympic countdown' campaign.

In 2007, Amnesty International published a report about internal migration in China, and the discrimination and abuse that followed. China still uses the hukou-system, which requires every resident of China to be registered with a local bureau. This household registration system contains all the information about the people of the family. The place of registration is permanent, which means that people are able to move to another city for their job, but are not able to fully integrate in their new cities, due to the limitations of the temporary registration (Amnesty International, 2007a).

This insecure status causes the refusal for migrant workers of labor contracts and other labor rights such as minimum wages, safe and healthy working conditions, and leisure and holidays. Amnesty International therefore recommended reforming the hukou-system, formulating improved health care schemes and removing administrative barriers to education and health care due to the hukou-system. Amnesty also requested the Chinese government to create the freedom of association, or at least respect the right to form and join a trade union. This would lead to fair wages, safe working conditions and limitation of working hours (Amnesty International, 2007a).

Amnesty International published several reports in the light of its campaign 'The Olympics Countdown'. The reports summarize the concerns of Amnesty International in China, which were highlighted as key areas for reform in the run-up to the Olympics. Key in this campaign is the treatment of condemned persons. The continuing use of death penalty, the arbitrary detention, imprisonment and torturing of human rights defenders is an area of concern for Amnesty International (Amnesty International, 2006). The first report, published in 2005, introduced the focal points for Amnesty International.

The second report, published September 2006, was called 'The Olympics Countdown - failing to keep human rights promises'. In this report, the focal points of Amnesty's Olympic campaign are further explained,

including recommending actions for improvement. After the report about the human rights defenders who are imprisoned, this report asks for concrete progress in the run-up to the Olympics. One of the recommendations is to eventually abolish the death penalty, but first improve conditions for death penalty. For example, many who are sentenced to death do not receive a fair trial (Amnesty International, 2006). Another concern of Amnesty International is the use of 'Re-education through Labor' (RTL). This system is used to maintain the public order in China, and constitutes a form of inhuman treatment, by coercion, humiliation and punishment. Minor offenses can be punished by RTL, ranging from one to three years. The punishment is used to control various types of offending behavior, especially for those damaging the image of China by, for example, unlawful advertising (Amnesty International, 2006).

Amnesty International also wanted to improve the conditions for human rights defenders. Human rights defenders in China often experience many obstacles in drawing attention to abuses. These defenders were frequently imprisoned or tortured. Torturing of demonstrators is used to force them to admit guilt. This prevents demonstrators and other activists from drawing attention to human rights (Amnesty International, 2006). Amnesty International also asks for complete media freedom in its campaign; however this is not the subject of this research and will not be taken into account.

In 2007, Amnesty International published a new report about the situation and the progression of their focal points. Progression had been made with regard to the issues about death penalty and media freedom, but there had been no developments with regard to the use of RTL and other forms of detention or the general situation for human rights defenders. Amnesty International reports that there has been apparent relaxation of the policy, but was still concerned about human rights defenders who want to report violations (Amnesty International, 2007b).

Later in 2007, Amnesty International released a new report about the progression made regarding human rights. This report mentions the progression made by the Chinese government regarding the death penalty system and media freedom, but also concerns about the continued use of RTL and the protection for activ-

ists (Amnesty International, 2007c). The Olympic Games were used to justify the RTL method, because the streets of Beijing had to be clean of activists and rioters. Apart from the concerns about human rights defenders, Amnesty International also expressed its concerns about the exploitation of Chinese workers making Olympics merchandise. This could be bad for the reputation of the Olympics and other big events (Amnesty International, 2007c).

Early 2008, Amnesty International was still concerned about the measures taken, especially those regarding the human rights activists. Amnesty International strongly encourages the Chinese government to fulfill the commitments regarding human rights, made during the bidding process. The crackdown on activists had not decreased, but had increased because activists linked human rights to the Olympics. It became more dangerous for activists to draw attention to human rights in anticipation to the Olympics, than before. The Chinese government, more than ever, wanted to keep peace in the country and wanted to have 'clean streets', without room for protests and peaceful demonstrations (Amnesty International, 2008a) . Amnesty International recommends the Chinese government to release current imprisoned activists and to stop intimidation, harassment and torturing of activists who are not formally detained.

Finishing their campaign, Amnesty International published the last report called 'The Olympics Countdown - broken promises'. In this report, the progress made by the Chinese authorities is evaluated. The results are divergent. On the one hand, progress has been made regarding death penalty. Also, the Chinese government was surprisingly open about the earthquake in Sichuan, allowing relatively free media to enter the region and report the situation. On the other hand, the crackdown on human rights defenders had intensified in the period prior to the Olympics. Human rights activists were still detained, prosecuted and imprisoned when they attempted to report violations or challenged policies. They were seen as rioters, and were part of the 'pre-Olympics clean up' (Amnesty International, 2008b).

To conclude, Amnesty International made great efforts to improve human rights in China, using the window of opportunity of the Olympics to draw attention to the bad situation. Like Amnesty International's mission,

the campaign was not only focused on labor rights, but on human rights in general. Amnesty International wanted to improve human rights, including labor rights, by improving conditions for human rights defenders. Some of these defenders promoted labor rights in China. Notable is that Amnesty International mainly focusses on individuals, making the story behind human rights extra 'human'. In their reports, imprisoned defenders are called by their names. After this part of 'shaming', they ask for better conditions for campaigning in China.

Using the spiral theory, this is characteristic for phase 3. Amnesty International tried to support the domestic society. This support mainly existed of creating a safe environment for the Chinese defenders of human rights. They put pressure on the Chinese government to release imprisoned campaigners and not to arrest more campaigners. In doing this, they were very careful, aware of the precarious situation China was in. Argumentative rationality rather than enforcement by sanctions was the key instrument of the campaign of Amnesty International. The use of language was informing rather than attacking, with Amnesty 'expressing concerns' about the situation instead of a more aggressive way of persuasion.

Despite all efforts, the results were disappointing. The situation for human rights defenders did not improve, or even became worse. Nevertheless, the labor rights improved a little bit, by the Labour Law of 2008. These characteristics also fit in phase 3 of the model, which might be the reason that the campaign did not have the intended effects.

Chapter 6 - The campaign of Play Fair 2008

Play Fair is a campaign, coordinated by divergent international labor organizations, which fights for good labor conditions in anticipation to sport events, such as the Olympic Games. Prior to the Olympics in 2008 in Beijing, the campaign focused on the labor conditions in factories for merchandise and the conditions at the construction sites for the stadia. The group is made up by several organizations, such as The Clean Clothes Campaign (CCC), the International Trade Union Confederation (ITUC) and the International Textile, Garment and Leather Worker's Federations (ITGLWF) (Fong, 2007).

In 2007, Play Fair kicked off its Beijing 2008 campaign, by publishing a report which analyses several enterprises producing sportswear. Not only the producing brands earn a lot of money by selling sporting goods, also sporting bodies, such as the International Olympic Committee (IOC) earn vast amounts of income through their sponsorship and licensing. The Play Fair 2008 campaign wants to make governments aware of their responsibility to protect workers' rights and that governments have to hold business accountable for labor practices. In China, this is more complicated, since workers are not able to defend their fundamental rights at unions. The Play Fair campaign recognizes the both symbolical and practical opportunity to improve the working rights, according to the ideals of the Olympic charter (Play Fair, 2007a).

The Play Fair 2008 campaign was the second campaign of the alliance, after the 2004 Olympics in Athens. After Athens, Play Fair demanded the IOC to take responsibility for labor conditions, by requesting several points, amongst which the adoption of a clear statement for labor standards, including inclusion to the Olympic charter. Also, Play Fair asked the IOC to incorporate binding labor standards into the licensing contracts, to establish an effective mechanism to deal with violations of labor rights and to take concrete steps to ensure that national Olympic committees adopt similar provisions. The IOC ignored the requests of Play Fair. Play Fair stated that the IOC refused to take responsibility for labor rights (Play Fair, 2007b).

Play Fair also wants to draw the attention of the Chinese government for labor rights. Since the economic growth in China, the 'Chinese miracle', the production of manufactured goods had to grow to the highest level as possible. Ordinary workers have to pay the price, since some incomes had risen by the transformations, but most of the incomes stayed at the same level or even reduced, causing extreme poverty for some. Even though the Chinese government made progress in creating laws, many Chinese (migrant) workers did not profit since their companies did not enforce the laws. One of the causes for the unenforced laws is the lack of freedom of association, taking the possibility for workers to have a voice (Play Fair, 2007a).

Play Fair investigated four merchandise production companies, differing from small companies to the biggest merchandise production company in China. The findings were 'extremely worrying'. Play Fair therefore urged the IOC to take the responsibility for the workers. Also, the Chinese government was asked to ensure that companies behave according to the pre-scripted working conditions. The government was asked to use their influence to push companies to improve their working conditions (Play Fair, 2007a).

In 2008, Play Fair published a more extensive report about the situation in the clothing industry. The report is broader than just the 2008 Olympics, which is used as an example on what to improve. The situation appeared to be even worse than expected, after conducting interviews with over 320 workers from different countries. In many cases, workers did not receive minimum wage despite working for 13 hours a day. The report seeks for solutions to these problems. The three central 'hurdles' are the lack of respect for freedom of association, the insecurity of employment caused by industry restructuring and the abuse of short-term labor contracting (Play Fair, 2008).

Especially in China it is hard to construct an independent credible labor group, since there is no freedom of association. Play Fair recommends offering training to workers, to make them aware of their rights, freedom of association and collective bargaining. This training should be adjusted for China, to make it relevant and achievable for workers to learn about their rights (Play Fair, 2008).

Play Fair also recommends in its report to make labor contract laws, to avoid many short term contracts or no contracts at all. China is taken as an example, since the Chinese government affected the Labor Contract Law early 2008. This avoids migrant workers, since migrants have the obligation to have a legal residence permit. It also requires companies to grant permanent contracts to workers after two short-term contracts (Play Fair, 2008). However the law was officially enforced 1 January 2008, the Chinese government did not enforce it immediately, and the punishments were especially pointed towards the migrant workers (Human Rights Watch, 2008).

Specifically, Play Fair asked the Chinese government to 'facilitate the right of workers to form and join independent trade unions', to 'implement policies that promote socially responsible behavior in international business activity' and to 'promote respect for workers' rights in international and bilateral treaties and trade agreements'. Also, the Chinese government is asked to 'promote a role for the ILO in making codes of labor practice more effective' and to 'adopt a procurement policy that guarantees respect for workers' rights'. Play Fair also calls for action to the IOC and companies producing sportswear and other merchandise (Play Fair, 2008).

Play Fair also promoted its goals by means of a flyer, drawing attention to the problem. In the flyer, facts about the situation are shared and people are convinced that there is a real problem. Organizations culpable for the problem are not only the companies in the industry, but also the Olympic movement. Therefore, Play Fair asks the reader of the flyer to send a postcard, which is attached to the flyer, to Jacques Rogge, President of the International Olympic Committee. Play Fair hopes to get attention this way, and to stop being ignored (Play Fair, 2007c).

An annual report or another report with booked results of Play Fair is not available. However, the organizations that supported Play Fair 2008 do have annual reports. According to the annual report of CCC, Play Fair had an ambitious goal to improve the labor conditions in the sporting goods industry, by persuading 12,000 people to send a message to the IOC by a virtual tool. The report also mentions a dialogue between

sportswear brands and the Play Fair coalition, to discuss implementation strategies. A working group was formed to take the recommendations further, but there is no information about further results. The report also mentions an exchange-trip to India, to discuss strategies and obstacles organizing a union, but there are no known results of this event (Clean Clothes Campaign, 2009). The other partners of Play Fair unfortunately did not publish annual reports with results about the Play Fair campaign.

To conclude, the Play Fair campaign focused on the conditions in the factories itself, in contrast to the campaign of Amnesty International. It is a recurring campaign, taking big sports events as window of opportunity to improve the situation in factories for sportswear. Therefore, the focus is not only on the Chinese government, but also on the International Olympic Committee and the merchandise factories. Freedom of association was an important point of discussion for Play Fair. They asked for action of the Chinese government to create the right of freedom of association, so the domestic society should be able to organize and defend their own rights.

This campaign also fits in phase 3 of the model, but in a different way than Amnesty International. The mobilization of the domestic society was a strong point of action in the campaign. On the other hand, the campaign of Play Fair might fit in phase 2 of the model. The Play Fair campaign asked for action in an intrusive way, with strong statements against the Chinese government, the IOC, the factories and merchandising companies. Not only the Chinese government is addressed, but international organizations and people of liberal states are asked for attention as well. Persuasion, by spreading inside information combined with success-stories of other countries, is a well-known method in this phase.

Chapter 7 - Conclusion and discussion

The theory of Risse, Ropp and Sikkink could declare why the campaigns of Amnesty International and Play Fair had no effect on the labor conditions for the workers in merchandising factories and construction sites in anticipation to the Beijing Olympics in 2008. According to the theory, China is in the third phase of the development of human rights. This phase is called 'tactical concessions', because of the cosmetic changes the government of the repressing country makes. In this case, China ratified the ICESCR, but did follow their own interpretation, following from the Chinese translation. Also, the Labor Law of 2008 seems like a big step forward, but the improvements for the labor conditions are limited because of the hard implementation. These actions could be the first commitments to compliance of human rights, but on the other hand was the Chinese government during the years from 2004-2008 sometimes still in state of ignorance. Many of the problems addressed by the NGOs were not even recognized as problems, but were often ignored.

There was a big difference between both campaigns. The identity of both NGOs was very different. Amnesty International focused its campaign on the Chinese government, but wanted to draw attention to human rights in general. It was a very political campaign, highlighting the imprisonment of very specific defenders of human rights.

The Play Fair campaign had a very specific target, namely the labor rights in factories for sportswear and merchandise for sport events, but did address many actors. Not only were the circumstances in China, but over the whole world addressed. Examples of countries with improved conditions were used to persuade the Chinese government to organize freedom of association. Unlike the spiral model, but according to the critique of Simmons, Play Fair involved firms in their campaign as well.

Both campaigns had characteristics of the third phase of the spiral model. With Amnesty International for the mobilization and protection of the domestic society, while being aware of the precarious situation and risk on a back-lash for the human rights, the campaign fits well in the third phase. The persuasive and active

method of Play Fair fits less in the methodology of the third phase, but their active campaign for freedom of association perfectly fits into the model.

Take the model into account; it is not surprising that the campaigns of both NGOs had no effect on the labor conditions. China is still a developing state, but an emerging country at the same time. The lack of material vulnerability, combined with the state capacity, might be the reason for the limited improvements on human rights.

Regarding my hypothesis, it is not proven that the more powerful the country is, the harder it is for NGOs to spread norms in every case. Nevertheless, it is true for this case. The Chinese government did nothing, but NGOs tried to fortify the domestic opposition.

This research was limited to two NGOs. Both NGOs were very different, with different missions and focal points. Also, the approach of both NGOs varied a lot. It would be interesting to see what the effects of a focused campaign would be. A focused campaign would be a campaign who does address only one country, like Amnesty International does, and fights for one human right, like Play Fair. The combination of both campaigns might fit even better in the model, and might explain norm diffusion by NGOs.

To conclude, this research is not generalizable, since the case was extreme. Not many other countries experience the same development as China and none of them are organizing the Olympics. It is hard to measure the specific effects of one campaign, because a policy change is often a combination of many factors, apart from pressure from NGOs. Also, I was only able to use official reports and documents, and I do not know if, behind the scene, other actions have taken place, for example dialogues about improvements.

Bibliography

Amnesty International, retrieved 8 June 2016, from <https://www.amnesty.org/en/what-we-do/>

Amnesty International. (2004). *Human Rights defenders at risk*. Retrieved from <https://www.amnesty.org/en/documents/asa17/045/2004/en/>

Amnesty International. (2006). *The Olympics countdown - Failing to keep human rights promises*. Retrieved from <https://www.amnesty.org/en/documents/asa17/046/2006/en/>

Amnesty International. (2007a). *Internal Migrants: discrimination and abuse. The human cost of the economic miracle*. Retrieved from <https://www.amnesty.org/en/documents/asa17/008/2007/ru/>

Amnesty International. (2007b). *The Olympics countdown - one year left to fulfill human rights promises*. Retrieved from <https://www.amnesty.org/en/documents/asa17/024/2007/en/>

Amnesty International. (2007c). *The Olympics countdown - repression of activists overshadows death penalty and media reforms*. Retrieved from <https://www.amnesty.org/en/documents/ASA17/089/2008/en/>

Amnesty International. (2008a). *The Olympics countdown - crackdown on activists threatens Olympics legacy*. Retrieved from <https://www.amnesty.org/en/documents/asa17/050/2008/en/>

Amnesty International. (2008b). *The Olympics countdown - broken promises*. Retrieved from <https://www.amnesty.org/en/documents/ASA17/089/2008/en/>

Black, D., & Bezanson, S. (2004). The Olympic Games, human rights and democratisation: Lessons from Seoul and implications for Beijing. *Third World Quarterly*, 25(7), 1245-1261.

Bryman, A. (2012). *Social research methods* (4th ed.). Oxford: Oxford University Press.

Carlsnaes, W., Risse-Kappen, T., & Simmons, B. A. (2002). *Handbook of International Relations*. London: Sage

Checkel, J. T. (1997). International Norms and Domestic Politics: Bridging the Rationalist--Constructivist Divide. *European Journal of International Relations*. 3(4), 473-495.

Clean Clothes Campaign. (2009). *Annual Report 2008*. Retrieved from <http://www.cleanclothes.org/about/annual-reports/2008-annual-report>

Cooney, S., Biddulph, S., & Zhu, Y. (2013). *Law and fair work in China*. New York: Routledge.

Economy, E. C., & Segal, A. (2008). China's Olympic nightmare - What the games mean for Beijing's future. *Foreign Affairs*, 87(4), 47-56.

Fleay, C. (2006). Australian foreign policy, human rights in China and the spiral model. *Australian Journal of Political Science*, 41(1), 71-90.

Fong, M. (2007). Politics & Economics: Labor Group Raps Olympic Goods - Alliance Faults Practices of Chinese Produces Ahead of 2008 Games. *The Wall Street Journal*. 11 June 2007.

Heo, M.-h. (2014). Mongolia's Political Change and Human Rights in Five-Phase Spiral Model: Implications for North Korea. *Pacific Focus*. 29(3), 413-438.

Human Rights Watch. (2008). *One year of my blood*. Retrieved from <https://www.hrw.org/reports/2008/china0308/>

ITUC. (2009). Retrieved 16 May, 2016, from <http://www.ituc-csi.org/china-yao-fuxin-released>

ITUC. Retrieved 8 June, 2016, from <http://www.ituc-csi.org/play-fair?lang=en>.

Kinzelbach, K. (2013). Resisting the Power of Human Rights: the People's Republic of China. In Risse, T., Ropp, S. and Sikkink, K. (red), *The persistent power of human rights: from commitment to compliance*. Cambridge: Cambridge University Press.

Krook, M. L., & True, J. (2010). Rethinking the life cycles of international norms: The United Nations and the global promotion of gender equality. *European Journal of International Relations*, 18(1), 103-127.

Play Fair. (2007a). *No medal for the Olympics on labor rights*. Retrieved from http://www.playfair2008.org/docs/playfair_2008-report.pdf

Play Fair. (2007b). *Play Fair 2008 Campaign Statement*. Retrieved from http://www.playfair2008.org/templates/templateplayfair/docs/PF_2008_campaign_statement.pdf

Play Fair. (2007c). *Respect workers' rights, play fair now!* Retrieved from http://www.playfair2008.org/docs/PlayFair2008_flyer_UK.pdf

Play Fair. (2008). *Clearing the Hurdles: steps to improving Wages and Working Conditions in the Global Sportswear Industry*. Retrieved from http://www.playfair2008.org/docs/Clearing_the_Hurdles.pdf

Risse-Kappen, T., Ropp, S. C., & Sikkink, K. (1999). *The power of human rights: international norms and domestic change*. Cambridge: Cambridge University Press.

Risse-Kappen, T., Ropp, S. C., & Sikkink, K. (2013). *The persistent power of human rights: from commitment to compliance*. Cambridge: Cambridge University Press.

Schroeder, M. (2008). The construction of China's climate politics: transnational NGOs and the spiral model of international relations. *Cambridge Review of International Affairs*. 21(4), 505-525.

Seymour, J. & Yuk-Tung Wong, P. (2015). China and the International Human Rights Covenants. *Critical Asian Studies*. 47:4. 514-536.

Simmons, B.A.. (2013). From Ratification to Compliance. In Risse, T., Ropp, S. and Sikkink, K. (red), *The persistent power of human rights: from commitment to compliance*. Cambridge: Cambridge University Press.

Taylor, A. (2007, June 10). Child labor caution for China Olympics. *Financial Times*. Retrieved from <https://next.ft.com/content/5eaa339a-177a-11dc-86d1-000b5df10621>.

Turner, B. (2007). Rule of Virtue: China and Human Rights. *Journal of Human Rights*. 6:2. 265-271.

Wang, H., Appelbaum, R. P., Degiuli, F., & Lichtenstein, N. (2009). China's New Labour Contract Law: is China moving towards increased power for workers? *Third World Quarterly*. 30(3), 485-501.

Welch, A. (2009). Human Rights in China: 2008 Beijing Summer Olympics. *Human Rights & Human Welfare*.
Fall 2009.

Zhang Shanguang released. (2008, July 24). Retrieved May 17, 2016, from
<http://www.clb.org.hk/en/content/zhang-shanguang-released>