

SUMMARY OF FINDINGS; CONCLUSIONS AND RECOMMENDATIONS

On 19 January 2022, in response to a WOB request, the NOS (Dutch Broadcasting Foundation) published the report that a scientific centre of VU Amsterdam, the *Cross Cultural Human Rights Centre*, was conducting research on human rights with the help of money from a Chinese university. Professors at the centre are said to regularly advocate an alternative view of human rights, including in relation to China. According to the NOS, the documents released by VU Amsterdam in response to the Wob request show that the Centre received between 250,000 and 300,000 euros per year in 2018, 2019 and 2020. The message stated, among other things:

The money comes from the Southwest University of Political Science and Law (SWUPL) in Chongqing. Universities in China are closely linked to the political regime, the Communist Party. Until this year, the university in Chongqing was the sole provider of funds for the research centre. Professors associated with the centre regularly defend China's human rights policy. This is striking because the country has been under fire for years for human rights issues, for example in the Xinjiang region. VU Amsterdam denies that academic independence is at stake, but experts consulted by NOS question this and speak of an unusual financing construction.¹

Because this in any case cast doubt on the independence of the research of the *Cross Cultural Human Rights Centre* (CCHRC, hereinafter 'the Centre'), VU Amsterdam immediately suspended the Centre's activities and shut down its website. The content contributions were removed, and a statement of VU Amsterdam was placed on the first page.

Subsequently, on 25 February 2022, the Executive Board of VU Amsterdam established the Committee on the Investigation of the Cross-Cultural Human Rights Centre of Amsterdam, which was charged with investigating whether the research, education and other activities of the Centre had been carried out in an independent manner. The Committee was chaired by Professor Carel Stolker, former rector magnificus and chairman of the board of Leiden University.

In **Chapter 1**, the Committee describes the framework and justification for the task and outlines its working method. Important concepts such as academic freedom, self-censorship, independence and undesired influence are used on the basis of definitions provided by the Royal Netherlands Academy of Arts and Sciences (KNAW), the national government and the Netherlands Code of Conduct for Scientific Integrity 2018.

The Committee notes that the Centre conducts research in a wide range of fields, including the position of minorities in Dutch society, with a particular focus on the Islamic community. Because of the funding relationship with SWUPL, the Committee only focused on the activities related to China.

The Committee quickly realised that in answering the research question, it could not ignore a discussion of the wider context of academic cooperation with Chinese partners worldwide. In **Chapter 2**, the Committee provides its own analysis of developments. It not only considers the role of Dutch universities, but also that of the Ministry of Education, Culture and Science (OCW), for example. The analysis shows that universities worldwide have been cooperating with Chinese partners for many years, both for academic purposes and for the recruitment and exchange of students and PhD students. This also applies to the Netherlands. At least until recently, there was hardly any question of restraint. The chapter gives a number of examples.

From 2016 onwards, concerns arose in the Netherlands- partly as a result of publications by the *Leiden Asia Centre* –about the climate regarding academic freedom in China and the leakage of sensitive scientific information to so-called 'unfree countries' ('Knowledge Security'). Academic freedom, especially in social sciences, humanities and legal sciences, involves the danger of undesired influence and (self)censorship of researchers. The undesired leaking of sensitive scientific information is more of an issue in science, technology and medical research.

Since 2019, the Dutch government has also become involved in the discussion. It advocated a more coordinated effort by the Netherlands in case of cooperation with Chinese partners. From 2020 onwards, specific indications

¹ NOS, 'China funds human rights research VU Amsterdam', 19 January 2022 (updated 21 January 2022).

of threats to knowledge security appeared in parliamentary letters. Midway through 2021, the Framework for Knowledge Security of Universities of the UNL (formerly VSNU) followed with a roadmap for effective risk management of cooperation with non-EU partners. That framework also applies to cooperation with Chinese partners.

In his Parliamentary Letter of 21 January 2022, Minister Dijkgraaf of OCW recently drew attention again to the threat to fundamental freedoms such as freedom of expression and core values such as academic freedom and scientific integrity, and denounced interference activities by state actors, for example by making use of financial dependence. The Committee includes such recent developments in its reflections because, in addition to its discussion of the Centre, it also formulates a number of opinions for the future.

Abroad, thoughts about cooperation with China are also changing. It is striking that hardly anyone advocates a complete stop to cooperation with Chinese partners; on the contrary, cooperation with China is of great importance to a wide range of scientific disciplines. Also recently, in January 2022, the European Commission advised not to avoid cooperation with partners in 'unfree countries'. However, it did come up with a number of concrete *tools* that should be actively explored by institutions of scientific research and education.

Against this background of changing views on cooperation with Chinese partners, the Committee described the establishment, objectives, governance, financing, staffing and substantive activities of the VU Centre in **Chapter 3** of this report.

Prior to the establishment of the Centre at VU Amsterdam, the International *Cross-cultural Human Rights Network (CCHRN)* had already been established in Beijing in 2014 consisting of human rights experts and institutes from China, Africa, the Caribbean and from a Palestinian university. In the Netherlands, Utrecht University and VU Amsterdam were connected as observers. This network came up with the idea to establish a *Cross-cultural Human Rights Centre* and to house it at VU Amsterdam. The idea was presented to the Executive Board of VU Amsterdam in mid-2015. The initiators were [Employee 1](#) connected to the University of Utrecht and until then scientific director of the nationally recognised Research School for Human Rights and already active in the international network CCHRN, and [Employee 2](#) then dean of the Faculty of Theology (now: Religion and Theology) of VU Amsterdam.

In this initial period, the VU Executive Board was the point of contact for the initiators. This was at a time when cooperation with China was still considered relatively unproblematic. The initiative was welcomed by the Chair of the Executive Board, provided that a number of VU faculties would have sufficient support for setting up the centre and that external financing would be found. The then Executive Board also set the condition that, if it proved successful, the centre would be included in the so-called first flow of funds after a few years.

In the spring of 2016, it became clear that the centre would have sufficient internal support among researchers from various VU faculties.

For funding, exploratory talks were held with the Ministry of Foreign Affairs, which had previously funded a cross-cultural human rights programme led by [Employee 1](#) at Utrecht University. This financing option was eventually cancelled. [Employee 1](#) currently the director of the Centre at VU Amsterdam, used his network of cooperation with Chinese universities to make an inventory of possible financial contributions by academic institutions in China. At the beginning of 2017, the *Human Rights Institute of the Southwest University of Political Science & Law* was willing to finance the Centre for several years. The mission of the Centre was to stimulate the debate on human rights in the spirit of the Universal Declaration of Human Rights, and in doing so to focus on views and opinions from the so-called *Global South* that would often be insufficiently addressed internationally due to the existing power relations.

The cooperation agreement between VU Amsterdam and SWUPL includes the academic freedom and independence of the Centre in so many words, without an explicit accountability to the funder.

When the Centre was officially launched on 2 July 2017, it was agreed that it would initially be part of the Faculty of Religion and Theology until other VU faculties joined in. On 1 March 2021, the Centre was given inter-faculty status under the responsibility of the faculties of Religion and Theology, Law and Social Sciences and the

School of Business and Economics, with the former acting as lead faculty. Representatives of the faculties involved jointly form the Board of the Centre.

The Centre is small, with an average of eight people in 3.5 FTE, all employed by VU Amsterdam. Apart from the director, the Centre has a few other researchers, a managing editor for the journal *Cross-cultural Human Rights Review* and a web support employee. The website does not belong to the Centre, but to the international network CCHRN; however, it is facilitated by the Centre.

In 2020, the Board of the Faculty of Religion and Theology asked the Centre to come up with proposals for funding from sources other than China.² The Board considered this desirable considering the changing climate of cooperation with Chinese partners. Serious attempts were subsequently made, but to date no such funding has been forthcoming.

The Centre offers two courses, whereby the Committee, in view of its assignment, focused on the course *Law, Human Rights and Governance in Today's China*. This so-called *honours course* is offered to students of VU Amsterdam and the University of Amsterdam. The written evaluations of the students show that they assess the course positively. Students indicate that they found it particularly interesting to come into contact with 'northern' and 'southern' perspectives on human rights.

As regards the Centre's scientific publications, in **Chapter 4**, the Committee first focused on the Centre's guiding approach: the receptor approach. With this approach, the Centre tries to gain more recognition of the specific human rights and development needs of countries in the Global South, and through a more precise understanding of their history, culture and complexes of norms, to achieve greater progress on the long journey to the universal realisation of human rights.

In its study, the Committee looked at how Centre researchers have applied the receptor approach in China. The approach appears to be methodologically often problematic and often leads to *cherry-picking* from divergent cultural views and practices, through scientific methods that are otherwise hardly or not at all justified. The Committee refers to this as *cultural eclecticism*.

The receptor approach is also subject to a shift in thinking. Chapter 4 describes how the Dutch government initially thought of this approach, which in 2012 led to pilot funding by the Ministry of Foreign Affairs for a human rights programme at Utrecht University. The receptor approach received criticism, but the pilot funding also received support in the Dutch Parliament. Afterwards, successive Ministers of Foreign Affairs distanced themselves from this approach. Most recently, in February 2022, this was done by the current minister who, after renewed parliamentary questions, stated that the receptor approach would undermine the universality and indivisibility of human rights and would favour the collective interest over the rights of the individual.

Employee 1 director of the Centre, argues in his publications for the development of a specific 'southern' human rights model, which he contrasts with the prevailing 'northern' model. His efforts and those of the *Cross-cultural Human Rights Network* have led to the document *Comprehensive Southern Vision on Human Rights*. Although in name this links up with the concept of universality of human rights as formulated in the Universal Declaration of Human Rights (UDHR), in combination with the way in which the receptor approach is applied in relation to China, in the eyes of the Committee it leads de facto to *cultural relativism*.

In the discussion of its findings in **Chapter 5**, the Committee states that the Centre's publications on China often have a political-normative character. In itself, this is not unusual for legal research, but the Centre's researchers, through their publications and other public expressions, are closely aligned with the political pronouncements of the President of China. Moreover, the Committee has serious reservations about the methodology used in the practical and empirical implementation of the receptor approach in China. This makes the Centre's researchers vulnerable to political framing, which threatens their independence. The Committee questions in any case the suitability of the receptor approach for human rights research in China due to the limited freedom of citizens and minorities to freely express themselves.

² This request was already made to the Centre in 2017, but then the approach was rather one of risk spreading and business management.

The Committee is also critical of the financing of the Centre. At the time the Centre was set up, it might have been expected that some thought would have been given to whether unilateral funding by one party, SWUPL's human rights institute, would be sensible, even though the cooperation agreement stipulated the academic freedom of the researchers in so many words.

Moreover, the researchers and the responsible board members of the Centre and the Faculty of Religion and Theology have not been transparent about the external funding afterwards. This is contrary to the requirements of the Netherlands Code of Conduct for Scientific Integrity and the Code of Good Governance of Dutch Universities. The external funding could not be found either on the Centre's / Network website or in the scientific and other publications of the researchers involved.

However, the Committee has found no evidence that individual researchers have had their views 'bought' or that they have engaged in self-censorship under pressure from the Chinese financier. The researchers are sincere in their mission to promote human rights in the Global South, are convinced of the value of the receptor approach, believe in it and have always been open about it. At the same time, there is much to criticise about their work when they claim to apply a social science methodology that is not then justified with solid arguments, and by uncritically aligning their publications with the human rights vision of the Chinese president. This is done with disregard for obvious human rights violations in China. It was a recurring theme in the interviews conducted by the Committee. The Committee considers the intentions of the researchers to hear the perspective of 'the other', of the Global South, on human rights to be very legitimate, but they do not parallel solid scientific implementation in the China study

Finally, the Committee wishes to emphasise the social responsibility of Dutch universities and other knowledge institutions when it comes to working with partners from countries where human rights are seriously violated. This undoubtedly also applies to the way in which China deals with the Uighur Muslims and other minorities in the province of Xinjiang. This is compounded by concerns about intimidation and threats to Uighurs living in the Netherlands. It is no surprise that the Minister of Education, Culture and Science has called Dutch knowledge institutions to account on this responsibility. In order to be able to fulfil this responsibility, it is important that all institution boards have an overview of their cooperation projects with foreign partners, including Chinese partners, as soon as possible and that they are transparent about this and act accordingly. This is certainly not only a task for VU Amsterdam, but for all knowledge institutions in the Netherlands.

Conclusions

Based on its findings, the Committee draws the following conclusions as to whether research, education and other activities of the Centre have been carried out in an independent manner.

- I. The directors and researchers of VU Amsterdam cannot be blamed for entering into a partnership with a Chinese partner, the Human Rights Centre of the *Southwest University of Political Science & Law* (SWUPL), when the Centre was established in 2016/2017.
- II. However, the possible risks of unilateral funding were not sufficiently considered when the Centre was set up. It is true that the Centre was asked to diversify its funding as early as 2017, but at that time the approach was more one of financial risk-spreading and business management. It was only in 2020 that the instruction to diversify funding was issued in the light of the changing climate regarding cooperation with Chinese partners. The Committee considers this to be rather late, but also realises that processes such as these take time. At the same time, the Committee finds it plausible that without the NOS investigation, VU Amsterdam would not have taken the sharp and swift measures it did at the beginning of the year.
- III. The Committee has serious reservations about the scientific method used in the practical implementation of the receptor approach in China. This does not alter the fact that the receptor approach also has valuable elements. But whether its application in centrally managed states such as China, with little room for dissent, can lead to scientifically sound findings, the Committee considers extremely doubtful. In any case, the Centre has a duty to work methodologically more thoroughly and to account for this more carefully.
- IV. All this also raises the question of a possible *dual use* of the insights revealed by the Centre's researchers with regard to China. What the researchers themselves see as potentially important conceptual contributions to the improvement of Chinese human rights policy can be used by Chinese colleagues in their academic research and teaching but can *also* be used by the Chinese government to cast its own human rights policy in terms that seem better suited to global human rights debates. In this way, the Chinese government can both make its own 'southern' voice heard and stick to the publicly propagated idea that it operates within the existing UN human rights system. This can lead to a de facto legitimisation and maintenance of the human rights policies of an autocratic regime.
- V. It is reproachable that the researchers as well as the responsible board members of the Centre and the Faculty of Religion and Theology have not been open about the external funding - neither on the websites of the Network/Centre, nor in publications. This is contrary to the requirements of the Netherlands Code of Conduct for Scientific Integrity.
- VI. The Committee found no evidence that individual researchers had their views 'bought' or that they had engaged in self-censorship under pressure from the Chinese financier.

Recommendations

The Committee has the following recommendations for the Executive Board:

- I. Every new collaboration and the acceptance of external funding must be based on a risk analysis. Where cooperation with partners from so-called 'unfree countries' is concerned, frameworks and guidelines are already being formulated at both national and European level (2021/2022) that can help knowledge institutions in this respect. Furthermore, the Committee advises that in the case of future research into human rights in China and other unfree countries, the Ethics Committee of VU Amsterdam should play its role?
- II. In view of developments in China in recent years and the expectation that current trends will continue, continued funding from Chinese partners is not recommended for the type of research the Centre conducts.
- III. Organise a better embedding for the researchers involved in the Centre, with a stronger management and scientific basis. Give researchers room to further investigate the merits of the receptor approach, including the further development of (knowledge of) appropriate scientific methods, with special attention to their application in centrally managed states.
- IV. There is currently no need to generally discontinue cooperation with Chinese partners, provided that conditions such as safeguarding academic freedom, including the sub-condition that the design and organisation of research rests with the researchers, and that openness, scientific integrity and knowledge security are guaranteed. While taking the above into account, try to avoid breaking off relations with China, as this would also destroy positive developments. As far as the Committee is concerned, this also applies to SWUPL's human rights institute. For example, keeping lines of communication open to new generations of young Chinese researchers and professors who are sincerely trying to join the global human rights discourse. Students from VU Amsterdam and the University of Amsterdam have also indicated that they find the Centre's education interesting because of the different perspectives on human rights.
- V. Ensure openness about external funding of research and other activities in line with the requirements of the Netherlands Code of Conduct for Scientific Integrity and do so at management level and academic level.