

Resolution of the  
Executive Board  
on 9 September 2020

**Guiding questions  
on university cooperation  
with the People's  
Republic of China**

**HRK German Rectors' Conference**

The Voice of the Universities

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## I. Background

The People's Republic of China (hereinafter referred to as 'China') is an important cooperation partner of German universities at the international level; the almost 1,400 cooperation agreements with Chinese partner institutions are impressive evidence of this.<sup>1</sup> In many areas scientific cooperation with China is highly attractive, and in some scientific fields it is essential. Bilateral and multilateral cooperation between German and Chinese universities encompasses the entire spectrum, from individual student mobility and structured study programmes and doctoral projects to joint research projects. German higher education projects in China play a prominent role. These projects, for which German universities bear the bulk of academic responsibility, range from individual study programmes, which are offered in cooperation with partner universities in China, to larger projects, such as the Chinese-German College for Postgraduate Studies (CDHK) and the Chinese-German University of Applied Sciences (CDHAW) at Tongji University.

While experiences of cooperation with Chinese universities and academic institutions have been overwhelming positive, in recent years German universities have faced an increase in legal requirements and organisational hurdles on the Chinese side. Moreover, increasing state influence on the curricula and processes at Chinese universities and growing curtailment of academic freedom, as defined by continental Europe, are hampering cooperation, and in some cases bringing it to a complete standstill.<sup>2</sup> Recently, Chinese actors have also been attempting

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<sup>1</sup> The latest figures are available at <https://www.internationale-hochschulkooperationen.de/en/international-university-partnerships.html>.

<sup>2</sup> Chinese teachers are required to abide by the line of the Party in their lectures and seminars and avoid "harmful ideas and expressions". Although the reality will appear differently throughout China and there are different perceptions and assessments of these issues in the Chinese academic community, the potentially intimidating effect of this instruction is unmistakable: "In August 2016, the Ministry of Education issued guidelines on the performance appraisal of academic personnel that can be seen as illustrative of the tightening of the political space in China. They include measuring staff compliance with 'the basic line of the Party' and further specify that academics who tolerate 'the illegal spread of harmful ideas and expressions in the classroom will be dealt with severely according to regulation and law'. What is understood as 'harmful ideas and expressions' is widely held to correspond with the 'Seven Prohibitions' that were listed in a leaked secret Party communiqué popularly known as 'Document 9'. These prohibitions concern: promoting Western constitutional democracy, promoting universal values, promoting Western conceptions of media independence and civil society, promoting pro-market neoliberalism, promoting 'nihilist' criticisms of past errors of the Party, and questioning China's political course." Ingrid d'Hooghe et al., *Assessing Europe – China collaboration in higher education and research*, Leiden 2018, p. 11; <https://leidenasiacentre.nl/wp-content/uploads/2018/11/LeidenAsiaCentre-Report-Assessing-Europe-China-Collaboration-in-Higher-Education-and-Research.pdf>, accessed on 9/9/2020. For an English translation of Document No. 9, see ChinaFile, *Document 9: A ChinaFile translation*, 8 November 2013; <https://www.chinafile.com/document-9-chinafile-translation>, accessed on 9/9/2020.

In an analysis of the current state of academic freedom in higher education systems around the globe, China ranked in the lowest of five categories in 2019 (alongside Azerbaijan, Bangladesh, Eritrea, Iran and Turkmenistan). See Katrin Kinzelbach et al., *Free universities. Putting the Academic Freedom Index into action*, GPPI / SaR 2020, p. 24. Examples of state influence and curtailment of academic freedom are compiled in a report by Scholars at Risk: The Scholars at Risk Freedom Monitoring Project, *Obstacles to excellence. Academic freedom & China's quest for academic excellence*. New York 2019,

to exert influence on international scientific discourse and higher education abroad, including in Germany.<sup>3</sup> Some Chinese students and researchers abroad have been put under increasing pressure due to their potential role as multipliers.<sup>4</sup> Aside from the numerous opportunities and possibilities presented by German-Chinese university partnership, German universities are also aware of these challenges.

German universities are aware of the conflicting forces at play in the Chinese higher education and research system and are able to differentiate between its various actors. Chinese students and academics are part of the global scientific community. The exchange with them is enriching on an academic and intercultural level and significant progress towards solving global challenges cannot be made without their contribution. In Germany, Chinese students, doctoral candidates and academics account for a substantial part of the university community. German universities are responsible for protecting them against generalisations, prejudice and discrimination.<sup>5</sup> It is also in the interest of society to convince students and researchers to engage more intensively with China and, in doing so, contribute towards the development of China expertise. Only a limited number of German students have spent a

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p. 22 ff.; [https://www.scholarsatrisk.org/wp-content/uploads/2019/09/Scholars-at-Risk-Obstacles-to-Excellence\\_EN.pdf](https://www.scholarsatrisk.org/wp-content/uploads/2019/09/Scholars-at-Risk-Obstacles-to-Excellence_EN.pdf), accessed on 9/9/2020.

<sup>3</sup> See Bundestag document 19/20346 (p. 63 ff.); <https://dipbt.bundestag.de/dip21/btd/19/203/1920346.pdf> (available only in German), accessed on 9/9/2020 and 19/11839; <https://dipbt.bundestag.de/dip21/btd/19/118/1911839.pdf> (available only in German), accessed on 9/9/2020. Examples of influence on foreign universities are also compiled in a report by Scholars at Risk: The Scholars at Risk Freedom Monitoring Project, *Obstacles to excellence. Academic freedom & China's quest for academic excellence*. New York 2019, p. 80 ff. For more on the debate surrounding academic freedom in the cooperation with international partners in illiberal contexts, see also Catherine Owen, *The 'internationalisation agenda' and the rise of the Chinese university: Towards the inevitable erosion of academic freedom?*, *The British Journal of Politics and International Relations* 2020, Vol. 22(2), p. 238–255.

<sup>4</sup> With regard to the National Intelligence Law of the People's Republic of China, adopted in the summer of 2017, Markus Fisch makes the following analysis: "In accordance with Section 7 Paragraph 1 and Section 14 of the law, companies and individuals are also required to cooperate with and support security authorities and to treat any information obtained as confidential." Markus Fisch, *Chinas neues Nationales Nachrichtendienstegesetz* (China's new National Intelligence Law), *ZChinR* 2018, p.16; <https://www.zchinr.org/index.php/zchinr/article/view/1896/1922> (available only in German), accessed on 9/9/2020.

There are different perceptions and assessments of these issues in the Chinese academic community; the latest studies suggest negative effects in parts of the community: "Our interviewees often pointed to the increasing political scrutiny that is being given to teaching and research in China as a major issue hindering the full and free exchange of ideas. [...] They also raised the issue of Chinese students being watched. They said they were aware that Chinese students – both at home and abroad – might have a fellow student monitoring them and that, if a student is heard making a critical remark about Chinese politics, they might be reprimanded." Ingrid d'Hooghe et al., *Assessing Europe – China collaboration in higher education and research*, Leiden 2018, p. 29; <https://leidenasiacentre.nl/wp-content/uploads/2018/11/LeidenAsiaCentre-Report-Assessing-Europe-China-Collaboration-in-Higher-Education-and-Research.pdf>, accessed on 9/9/2020.

<sup>5</sup> Well over ten percent of international students at German universities come from China, around fifteen percent of all foreign doctoral degrees at German universities are received by Chinese doctoral candidates and around 3,000 Chinese academics are employed at universities in Germany. The latest figures are available at <http://www.wissenschaftweltoffen.de/index.html?lang=en>.

period of study at a Chinese university to date; in recent years, the number of German students opting to study Classical or Modern Sinology or comparable specialisations has been on the decline.<sup>6</sup>

In the view of the HRK, the intensification of dialogue and cooperation with Chinese partners – on the basis of one's own clear standpoint and set of values, as well as across the spectrum of disciplines – is essential. The aim cannot be to question academic cooperation with China in general. Instead, a differentiated view of the specific framework conditions, objectives and content of individual partnerships is needed. In the sphere of tension between opportunities and risks, it is important to proactively identify realms of possibility, without jeopardising one's own values and standards in the process.

## II. Objectives

In view of the profound changes in the global environment, the HRK formulated guidelines and standards in international university cooperation in April 2020.<sup>7</sup> These guiding questions on university cooperation with China complement the guidelines and standards by setting out the necessary and optional courses of action specific to the cooperation with China. They are designed to raise awareness among German actors – both universities as a whole and individual university members – of the key aspects of academic cooperation with China, provide them with stimulus, support and orientation in the establishment and further development of resilient partnerships with Chinese universities and academic institutions and identify rewarding development pathways.

The guiding questions are aimed at member universities of the HRK, which means that they are formulated from the perspective of German universities and, with the goal of raising awareness, address the opportunities and risks from the perspective of the participating German actors. This notwithstanding, German universities – like the HRK as the representative of their interests – pursue a collaborative approach in their international partnerships designed to create added value for all parties involved, and they must also continuously scrutinise their own action in this context.

It is also important to note that not all of the listed guiding questions are applicable to every university partnership without distinction. Just as every university pursues its own profile-based internationalisation

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<sup>6</sup> Matthias Stepan et al., *China können, China kennen. Ausgangspunkte für den Ausbau von China-Kompetenz in Deutschland* (Understanding China, knowing China. Starting points for the expansion of China expertise in Germany). MERICS 2018, p. 53 ff.; <https://merics.org/de/china-kompetenz> (available only in German), accessed on 9/9/2020.

<sup>7</sup> German Rectors' Conference (HRK), "Guidelines and standards in international university cooperation". Resolution of the HRK Executive Board of 6/4/2020, <https://www.hrk.de/themen/internationales/strategische-internationalisierung/leitlinien-und-standards/>, accessed on 9/9/2020.

strategy, the goals, framework conditions and resources of partnerships also vary. Nevertheless, aspects considered relevant in the partnership should not be disregarded as a result of limited resources. Networking with other universities, whether in Germany or abroad, can create synergies and harness potential.

German universities regularly evaluate their partnerships with Chinese partner institutions on the basis of the guidelines and standards in international university cooperation and these guiding questions on university cooperation with China. Should this evaluation reveal that the guidelines and standards can no longer be guaranteed in the context of the cooperation, the participating universities shall seek to enter into dialogue with their Chinese partners in order to clarify the situation and to take appropriate steps on this basis.

### III. Strategy and governance

- **Long-term commitment and equal partnership:** In their cooperation with Chinese partners, German universities adopt a partnership-based approach and aspire to stable partnerships with a long-term perspective. Within a German-Chinese partnership, they define their goals and interests and pursue them within the framework of an institutional strategy.
  - What institutional return or added value will be created for the university? Has an appropriate balance been struck between expenditure and return?
  - How does the partnership fit into the university's long-term strategic planning? Can any conflicting objectives be identified in view of other cooperation projects or general objectives of the university?
  - Was an agreement reached on the objectives of the partnership at the start of the cooperation? Are the objectives of the participating institutions compatible?
- **Sound basis for cooperation and mutual respect:** Sound knowledge of the Chinese partner and its research milieu is central to the success of a partnership. Mutual acknowledgement of differing cultural paradigms and approaches is also essential. Advanced knowledge of the Chinese language and culture helps to build trust. Mutual respect involves making differing views and convictions transparent and addressing potential frictions at an early stage.
  - Is there sufficient knowledge of the Chinese partner university and its environs? Is there sufficient knowledge of the institutions sending Chinese students and visiting academics?<sup>8</sup>

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<sup>8</sup> The Deutsche Vereinigung für China-Studien (German Association of China Studies) notes that a review of the communicated job titles may be appropriate during delegation visits. "In particular, senior Party members should be recognised in their role and standard translations of titles and functions provided by the Chinese side should not be adopted

- Is the partnership or the project embedded in a political context on the Chinese side? Does the university have knowledge of how this political framework is assessed by the relevant German actors? Is there a consensus within the university on the assessment of this framework?<sup>9</sup>
  - Has access to the cooperation activities been adequately guaranteed for academically relevant partners (or partner institutions)? What measures will the university take if it becomes apparent that individual persons or institutions have been excluded on the basis of their background, political orientation, religion, gender or geographical location?
- **Stable governance and professional management:** The growing complexity of German-Chinese cooperation needs to be accompanied by increased professionalisation of the structures and processes provided at universities. Transparent responsibilities and a clear allocation of tasks are essential to successful cooperation and enable the partners to bring their specific strengths to bear in the partnership. It is equally crucial to jointly define transparent decision-making structures that also include procedures that apply in the event of a disagreement and clearly outlined exit strategies in the interests of risk management.
- Have responsibilities been defined at the domestic university and the Chinese partner university? Have resilient control mechanisms been established for the partnership? Have transparent procedures been defined for the selection of persons or admission of students as well as funding criteria and funding decisions?<sup>10</sup>
  - Does the university have review procedures for the handling of problematic incidents? How is it decided which grounds militate for or against continuation of the cooperation if no agreement can conceivably be reached with Chinese partners? Who should be involved in this decision? What steps are taken to deal with recurring problems? Have potential exit strategies been defined for the cooperation?
  - Does the university have an exchange platform or a procedure that facilitates internal communication between teaching staff and researchers involved in partnerships and projects with China, establishes a consensus at the university

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without being reviewed. If the hosting German institution has insufficient China expertise to assess the situation, the Deutsche Vereinigung für Chinastudien e. V. (DVCS) will provide assistance within the means at its disposal." DVCS, *Handlungsempfehlungen zum Umgang deutscher akademischer Institutionen mit der VR China* (Recommendations for German academic institutions on dealings with the People's Republic of China) of 1/12/2018.

<sup>9</sup> The German federal government recently decided not to sign any agreements under the Belt and Road Initiative (BRI) (See Bundestag document 19/17395 of 26/2/2020; <https://dip21.bundestag.de/dip21/btd/19/173/1917395.pdf> (available only in German), accessed on 9/9/2020 and Bundestag document 19/11471 of 10 July 2019; <http://dipbt.bundestag.de/dip21/btd/19/114/1911471.pdf> (available only in German), accessed on 9/9/2020.

<sup>10</sup> The German jurisdiction should, among other things, be observed in the event that disputed matters need to be resolved in court.

on the opportunities and limitations of the partnership and thus stabilises existing partnerships in a sustained manner?<sup>11</sup>

- Is there a contact point with China expertise at the university or in its environs that can advise university members participating in the cooperation where needed and provide educational and training offerings?
  - Has a China representative been appointed at the university and is this responsibility backed with the necessary financial and personnel resources?
- **Transparent and balanced funding:** German-Chinese cooperation projects are based on a funding model that ensures a balanced distribution of the costs. This guarantees partnership on an equal footing, in which dependencies are avoided. Excessively one-sided funding can hamper project execution. In this respect, adequate basic funding for institutions and sufficient research funding from state actors, particularly in promising areas of top-level research, safeguards the independence of German universities and German research as a whole. In individual cases, a project can be financed in its initial phase predominantly, or even exclusively, by one party, however a balanced distribution of the financial burden should be pursued in the medium and long term.
- Is the funding concept balanced and does it involve all partners to an appropriate degree? Have the medium- and long-term financial implications of the cooperation been considered? Will long-term financial dependencies be avoided?
  - Are the funding concept and agreements governing the cooperation transparent and comprehensible for all participants?
  - Is there a consensus within the university as to which types of Chinese funding are compatible with its principles as an

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<sup>11</sup> In the German higher education landscape, there are differing assessments of the Confucius Institutes, which have been established at nineteen German universities since 2006. While some universities have not observed any attempts to exert undue influence and the cooperation experience has been entirely positive, other universities have decided to allow the contracts governing the institutes to expire or even to terminate them. One such event that gave rise to debate was the so-called 'Portugal incident' in 2014, in which Xu Lin, the Hanban Chair at the time, had a page containing a scholarship advertisement from the Taiwanese Chiang Ching-kuo Foundation removed from the conference programme at the opening event of the conference of the European Association for Chinese Studies (EACS) in Braga. In his study, Hartig refers to the need for a differentiated approach (see Falk Hartig, *Chinese public diplomacy. The rise of the Confucius Institute*, New York 2016, p. 146/147). He takes a critical view of the efforts of Hanban, which ran the Confucius Institutes until very recently, to offer more accredited academic courses at foreign universities in the future (ibid., p. 183/184). In 2020, the Confucius Institutes, which have been set up all around the world, were transferred into the Chinese International Education Foundation. A comprehensive analysis of the Confucius Institutes can also be found in Jennifer Hubbert, *China in the World: An anthropology of Confucius Institutes, soft power, and globalization*, Honolulu 2019. For more on the need for a differentiated approach, see also Kerry Brown, *China and self-censorship*. In: Michael Natzler (ed.), *UK Universities and China*, HEPI Report 132, Oxford 2020, p. 27-35; [https://www.hepi.ac.uk/wp-content/uploads/2020/07/UK-Universities-and-China\\_HEPI-Report-132\\_FINAL.pdf](https://www.hepi.ac.uk/wp-content/uploads/2020/07/UK-Universities-and-China_HEPI-Report-132_FINAL.pdf), accessed on 9/9/2020.



- institution and which framework conditions the funding should be based on?<sup>12</sup>
- Can it be determined whether individual university members benefit (financially or otherwise) from the cooperation?
  - If necessary, has the question of charging tuition fees been discussed and settled amicably in both countries?
- **Transparent communication:** In their internal communications, universities formulate fundamental principles and frameworks for their international activities and cooperation with China which provide guidance to their members. In the context of their external communications, they affirm their international commitment in and with China and the guidelines on which it is based.
- Does the university have internal guidelines that provide a framework for the cooperation with China? Was or is there an internal discussion at the university that involves all relevant actors and achieves an institutional consensus on the key issues for the university?
  - Is there an internal routine at the university and a communication strategy for problematic and crisis situations, such as an attempt to exert external influence? Have responsibilities been clearly defined within the university?
  - Does the university document its cooperation activities with China, the objectives and the foundations of the cooperation in a manner that can be understood by the general public?
- **Acknowledgement of basic institutional rules:** Chinese students and researchers are part of the higher education community. They have the same rights, as well as the same duties, as all members of the university. The basic institutional rules that are compulsory for all in equal measure include the law applicable to the protection of intellectual property and the acknowledgement of both the university's constitution and Germany's constitution based on the principles of democracy and liberty.
- Are all students and researchers involved in a partnership or exchange informed of their rights and obligations in an appropriate manner?
  - How are Chinese students and visiting academics supported on campus? Are there contact persons whom they can approach with questions relating to professional matters? Is there an ombudsperson whom they can send complaints to and who can be consulted in the event of disagreements within the Chinese student body or the Chinese academic community on campus? Are there any services for persons accompanying academics who are entering the country (e. g. dual career advice)?

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<sup>12</sup> For example, is the university prepared to accept state funding from the Chinese side or business funding? For more on Chinese digital platforms that are active at the international level, see for instance Kai Jia et al., *Global competitors? Mapping the internationalization strategies of Chinese digital platform firms*, Progress in International Business Research 2019, Vol. 13, p. 187–215.

- Is there an internal monitoring system at the university for recurring questions and problems? What steps are taken to deal with recurring problems?

#### IV. Joint teaching, learning and research

- **Freedom of research and teaching:** German universities also guarantee freedom of research and teaching in their cooperation with Chinese partners. Freedom of teaching includes the content and methodological design of lectures and seminars, the selection of topics and teaching material (including map material), the selection of assessment formats and the teaching context. Teaching staff and students have the right to express academic or creative opinions freely. Freedom of research includes the selection of questions and research subjects, the methodology and assessment of the research outcomes and their dissemination, for example by way of publication.
  - Has the academic freedom of the German students, teaching staff and researchers participating in the cooperation been predictably guaranteed?
  - Are there concerns that the scientific independence of university members participating in a partnership has been restricted?<sup>13</sup>
  - Have review procedures been established at the university for the handling of problematic incidents (e. g. attempts to exert influence, recording or monitoring of virtual or face-to-face lectures or seminars, approval procedures for research results)?
  - In view of existing partnerships, how are decisions reached in cases where developments suggest that academic freedom can no longer be adequately guaranteed? Who should be involved in this decision? What steps are taken to deal with recurring problems?
- **Added value of joint teaching, learning and researching:** Teaching that is jointly designed and carried out with Chinese partners places high demands on both teaching staff and students.

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<sup>13</sup> In view of the sometimes difficult demarcation of boundaries between due scientific objectivity, the cultural sensitivity required in international academic exchange and incipient self-censorship, more in-depth studies on this topic would be desirable. For more on the complexity of the topic, see Kerry Brown, *China and self-censorship*. In: Michael Natzler (ed.), *UK Universities and China*, HEPI Report 132, Oxford 2020, p. 27-35; [https://www.hepi.ac.uk/wp-content/uploads/2020/07/UK-Universities-and-China\\_HEPI-Report-132\\_FINAL.pdf](https://www.hepi.ac.uk/wp-content/uploads/2020/07/UK-Universities-and-China_HEPI-Report-132_FINAL.pdf), accessed on 9/9/2020.

According to a recent study, 68% of the 562 researchers from the social sciences (in the broader sense) surveyed in 2018 were concerned about possible self-censorship among researchers working with China. The survey revealed that, although rare, repressive experiences do occur: 9% of those surveyed reported being summoned by Chinese authorities, 26% were denied access to research sources and 5% experienced problems with the issuance of visas. See: Sheena Chestnut Greitens and Rory Truex, *Repressive experiences among China scholars*. The China Quarterly 242 (June 2020), p. 349-375; <https://www.cambridge.org/core/journals/china-quarterly/article/repressive-experiences-among-china-scholars-new-evidence-from-survey-data/C1CB08324457ED90199C274CDC153127>, accessed on 9/9/2020.

At the same time, jointly developed curricula and study programmes represent an attractive opportunity to enable students at the home university to gain international and intercultural experience and to produce culturally sensitive and broadly educated citizens of the world.

Research is inherently international: it lives and evolves through local, national or global exchange and competition of hypotheses and academic knowledge and findings. This guiding principle applies not merely to research into major global challenges but is inherent in all research questions. German-Chinese cooperation in research thus always takes place in the sphere of tension between cooperation and competition.

- Is the teaching or research cooperation expected to result in scientific or economic added value for the participating German actors? What other types of added value are hoped for?
  - Is the curriculum appropriate in terms of subject matter and does it meet the needs of all participating students? Can the academic added value of the joint programme be clearly identified for graduates?
  - What intercultural added value can be expected for graduates? Are teaching materials included in the curriculum that reflect the international or global dimension of the subject matter, with a view to internationalising the curricula?
- **Quality-assured cooperation in teaching and learning:** The German universities engaged in joint teaching ensure the quality of the study programmes they offer within the framework of their institutional quality assurance processes. This includes a quality-assured selection of all participating students based on transparent and verifiable criteria, ongoing further development of the curricula on which the programmes are based and transparent and reliable examination processes. In using a range of modern teaching technologies, joint standards for access and use of digital teaching modules are formulated. In relation to their academic qualifications, teaching staff involved in joint teaching meet the requirements of both the German universities involved and those of the Chinese partner location. The universities involved take joint responsibility for the continuing education of teaching staff and schedule time and capacity for further academic, linguistic and intercultural training of the responsible university teaching staff.
- Have the legal requirements of both countries in terms of quality assurance been met and the formal approval procedures for the joint study programme been initiated both in Germany and in China?
  - Is there a comprehensive quality assurance concept for the joint study programme and is there a joint body that is responsible for matters related to quality assurance? Are both the students and external participants adequately involved in the quality assurance process?

- Are the mechanisms for selecting students adequately transparent and do they satisfy the principles of all participating institutions?
  - Will the possibilities of digital teaching be included in the joint study programme in order to make it more widely accessible at participating universities and to complement face-to-face teaching in a manner that is appropriate to the subject matter? Are data protection requirements met in the use of digital teaching and learning platforms?
- **Quality-assured cooperation in research and innovation:** German-Chinese projects in the area of research and innovation are based on a governance model that guarantees that the project and the results generated in its course benefit both sides. This not only includes transparent rules in relation to the joint use of research infrastructure, but also unimpeded access to jointly generated research data and observance of internationally accepted publication practice, for example with respect to authorship and quality assurance through review processes.
- Are the legal bases of the joint use of research infrastructures and research data clear in both Germany and China and have aspects been addressed that could prove to be problematic?
  - Has a legal framework been agreed in writing that guarantees that the research cooperation and its results benefit both sides (e. g. access to and use of research data with a transfer plan for cross-border data communication)?
  - How is it decided which grounds militate for or against continuation of the cooperation if access to jointly generated research data is expected to be restricted? Who should be involved in this decision?<sup>14</sup>
  - Has a coordinated approach been agreed upon with regard to the application of internationally accepted procedures in publication practice?
- **Observance of research, ethical and legal standards:** Freedom of research and teaching goes hand in hand with a special

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<sup>14</sup> The Cyber Security Law of the People's Republic of China, which entered into force on 1/6/2017, makes the exchange and transfer of scientific data particularly difficult. For example, Article 37 of the law stipulates that 'important data' that 'operators of critical information infrastructures' (including research institutions according to expert opinion) collect or compile in the People's Republic of China must be stored in the territory of the People's Republic of China and may only be transferred to foreign countries following approval by state authorities. See the English translation of the law text at <https://www.newamerica.org/cybersecurity-initiative/digichina/blog/translation-cybersecurity-law-peoples-republic-china/>, accessed on 9/9/2020.

An analysis conducted by the LeidenAsiaCentre confirms this and refers to the implications, particularly for scientific cooperation in the natural and engineering sciences: "The new rules primarily concern data in the fields of natural science and engineering. Authors of government-funded papers, who need to hand over their data for publication in foreign journals, are obliged to get permission to do so first. It is as yet unclear if and how these regulations that apply to government-funded research by organizations such as the NSFC and the CSC will be implemented and if they will influence Chinese-foreign projects." Ingrid d'Hooghe et al., *Assessing Europe – China collaboration in higher education and research*, Leiden 2018, p. 34; <https://leidenasiacentre.nl/wp-content/uploads/2018/11/LeidenAsiaCentre-Report-Assessing-Europe-China-Collaboration-in-Higher-Education-and-Research.pdf>, accessed on 9/9/2020.

responsibility on the part of individual researchers and of the university as a whole. In German-Chinese cooperation projects, the universities ensure adherence to academic and ethical standards and observe the general principles of good research practice. This also includes compliance and enforcement of the applicable law for the protection of intellectual property as well as regulations on handling questions of security-related research and export control (dual use).

- Are the interests of both sides involved in a partnership transparent for all participants? Is there sufficient knowledge of the institutions sending Chinese visiting academics?
- Have principles and procedures been established for issues related to intellectual property protection? Can information on the applicable provisions and relevant internal and external contact persons be easily accessed by all those involved in research or research support? Is information and training available for corresponding questions?
- Have internal university regulations and structures been established for handling questions of security-related research and export control, which exclude military use of civil research results and the transfer of sensitive, protected research technologies?<sup>15</sup>
- Can information on the applicable provisions pertaining to security-related research and relevant internal and external contact persons (e. g. from the German Federal Office of Economics and Export Control) be easily accessed by all those involved in research or research support? Are the actors participating in the cooperation aware of the applicable regulations in China in this context? Is information and training available for questions of security-related research?<sup>16</sup>

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<sup>15</sup> In line with the strategy of the so-called civil-military fusion, in 2017 a working group was established under the leadership of the Chinese President (Central Commission for Integrated Military and Civil Development), which is dedicated to interlinking the civil and military sector. In this context, research is allocated a significant role; members of Chinese universities are urged to explore the possibilities of using their research work for military purposes. "Military-civil fusion is tied to the government's Double First-Class University Plan to build 98 of China's best universities into world-class institutions by 2050. A 2018 policy document about the plan states that universities should integrate into 'the military-civil fusion system' and 'advance the two-way transfer and transformation of military and civilian technological achievements'. The importance of international collaboration and foreign talent to the Double First-Class University Plan means that military-civil fusion, the improvement of China's universities and research collaboration are becoming inextricable." Alex Joske, *The China defence universities tracker. Exploring the military and security links of China's universities*, ASPI Policy Brief, Report No. 23/2019, p. 4; <https://www.aspi.org.au/report/china-defence-universities-tracker>, accessed on 9/9/2020. According to estimates of the Australian Strategic Policy Institute (ASPI), the Chinese People's Liberation Army has sent more than 2,500 academics with links to the military to foreign universities and research institutions, particularly in the USA, Great Britain, Canada, Australia and Germany, for study and research purposes since 2007. See Alex Joske, *Picking flowers, making honey. The Chinese military's collaboration with foreign universities*, ASPI Policy Brief, Report No. 10/2018, p. 3 / p. 8; <https://www.aspi.org.au/report/picking-flowers-making-honey>, accessed on 9/9/2020.

<sup>16</sup> As a rule, the university leadership is personally responsible for compliance with export control regulations. If professors run export projects under their own responsibility (e. g. in the framework of secondary activities), they are to be deemed the exporter themselves as set out in foreign trade legislation. See German Federal Office of Economics and Export Control, *Export control and academia manual*, Berlin 2019, p. 81/82;

- Have the interests of economic actors participating in the cooperation been documented transparently? Has it been ensured that these interests do not obstruct the actual research interests (e. g. prohibition of publication)?
  - Has it been ensured that the research cooperation is compliant with the principles of the university and that research data will not be collected under ethically problematic conditions? Has an internal ethics committee been established at the university that addresses ethical issues in the context of the projects in question where needed?<sup>17</sup>
- **Promoting the mobility of students, teaching staff and researchers:** As globally minded institutions, German universities have a keen interest in recruiting qualified students, doctoral candidates and academics from China, whether for a temporary stay or permanently. They provide information to Chinese applicants about their study programmes, access and admission rules and the costs involved, and offer academic orientation and social and cultural support at both the central and departmental level. By the same token, they promote the mobility of their students to China, whether for a study programme or a practical placement. Transparent rules in relation to the selection, progression and subsequent recognition of the stay abroad facilitate international mobility. Likewise, the universities support their students with offerings for academic and intercultural preparation and follow-up of their stay in China.
- Is the information provided about study programmes as well as research and work opportunities at the domestic university adequate, easy to comprehend and easily accessible for Chinese partners?
  - Is there a sufficient amount of linguistic and intercultural programmes for incoming and outgoing or returning students and researchers?
  - Have contact persons been appointed for the academic and social concerns of students and researchers entering the country as well as those leaving or returning?
  - Is the success of all students monitored? How is the feedback of Chinese students and visiting academics regarding their academic and social experience at the university collected? Have routines and processes been established to ensure that

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[https://www.bafa.de/EN/Foreign\\_Trade/Export\\_Control/Export\\_Control\\_and\\_Academia/export\\_control\\_academia\\_node.html](https://www.bafa.de/EN/Foreign_Trade/Export_Control/Export_Control_and_Academia/export_control_academia_node.html), accessed on 9/9/2020.

<sup>17</sup> It appears that, in some cases, institutional regulations are circumvented in the context of international projects: "Although European universities expect their employees to adhere to codes of research ethics in all their work, including in international cooperation projects, it seems that in practice researchers do not always adhere to this rule. [...] Criticizing a lack of academic freedom or infringement of intellectual property rights in China, for instance, while condoning the dodging of our own rules by working in China would squander whatever grounds we have to criticize Chinese practices that do not conform to our rules and values." Ingrid d'Hooghe et al., *Assessing Europe – China collaboration in higher education and research*, Leiden 2018, p. 22; <https://leidenasiacentre.nl/wp-content/uploads/2018/11/LeidenAsiaCentre-Report-Assessing-Europe-China-Collaboration-in-Higher-Education-and-Research.pdf>, accessed on 9/9/2020.

the acquired findings lead to the adaptation of day-to-day university life?

- Is an emergency plan in place for crisis situations that also includes arrangements for the return of students and researchers of the domestic university? Have arrangements been made in this regard with the Chinese partner institution as well as, where applicable, other local actors? Are outgoing students and researchers provided with essential information about everyday life at the Chinese partner institution as well as about the potential risks and appropriate precautionary measures and the necessary conduct and procedures in case of a crisis?

## V. Universities as transnational spaces

- **Intercultural dialogue and transnational campus:** In the context of their German-Chinese partnerships, German universities are advocates for open dialogue. The fundamental prerequisites for this are fact-based discussion and tolerance towards different opinions, while also recognising the regulations that apply to all university members in equal measure. Interaction and dialogue between all students and researchers create channels for open communication across cultural and language barriers, which stimulate thinking and change processes among all participants, enable people to learn from one another and promote cultural sensitivity and mutual understanding. A university with such a transnational orientation is enriching for all university members.
  - Are there venues for formal and informal interaction and dialogue with Chinese students? Have programmes been established that promote student engagement with regards to the integration of and intercultural interaction with Chinese students, whether curricular or extracurricular (e. g. buddy programmes)?
  - Have programmes and formats been established that encourage Chinese students and academics to share their experiences with university members and support them in doing so?<sup>18</sup>
  - Is there a communication channel with Chinese student associations? Is there adequate knowledge of the activities that these student associations are engaged in?

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<sup>18</sup> Surveys show that Chinese students often experience difficulties in establishing social contacts at German universities and connecting with students of other nationalities: "After going abroad, Chinese students are not sufficiently integrated into the local society. Limitations in their language skills and the lack of an adequate orientation leads students to use social media from China as a main source of information. Moreover, a majority believed that Western media reporting about China is biased. [...] Institutions in Germany should adopt communication strategies to better inform and integrate Chinese students and create environments in which students feel comfortable to debate even contentious issues." Mao Yishu, *Conflicted hearts and minds: A survey of political attitudes of Chinese students in Germany*, MERICS 26/3/2020, p. 2; <https://merics.org/en/report/conflicted-hearts-and-minds>, accessed on 9/9/2020.

- Are there offerings for academic and cultural engagement with China and for learning the Chinese language? Is there a central point of contact with China expertise at the university or in its environs?
- **Living a culture of welcome:** The German universities involved in a partnership offer Chinese students and researchers orientation and support before they take up their studies or their research work and during their studies or project. As part of planning a partnership, social support for Chinese students, teaching staff and researchers is taken into consideration from the outset.
  - Are there sufficient offerings at the university for the social integration of Chinese students and academics? Is there an ombudsperson whom Chinese students or researchers can contact in case of discriminatory incidents?
  - Are students and academics who return from a stay in China systematically contacted? Important contact persons for Chinese students and researchers on site could emerge from this group.
  - Are there sufficient capacities for the academic supervision of Chinese students and academics? Are there fixed contact persons for both target groups?
  - Is there an alumni concept for Chinese graduates and former visiting academics from China?
- **Promotion of linguistic competence and multilingualism:** German universities support Chinese students and visiting academics in acquiring and improving their German language skills and, if necessary, additional teaching or research languages. Likewise, they support their domestic students, researchers and other university staff in acquiring and improving their foreign language skills. Alongside the proactive use of English as an academic lingua franca, German universities consciously advocate the promotion of the German language and multilingualism, in recognition of the fact that linguistic competence is an important prerequisite for a successful stay in Germany or in the partner country and facilitates Chinese graduates' integration into the German labour market.<sup>19</sup>
  - What means are used to evaluate the linguistic skills of applicants and students? Has a corresponding review process been established?

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<sup>19</sup> "In 2018, over 80 percent of overseas students returned after graduation. Germany is a major target for China's "Youth Thousand Talents Plan," a strategy to lure highly skilled young scholars and researchers to return home. According to the Chinese embassy in Germany, among the talents selected 171 graduated in Germany, making the country the first biggest contributor in Europe and second globally after the US. Some recent returnees have become movers and shakers of China's digital economy. [...] With a view to aging societies, it seems sensible to strengthen support for Chinese talents coming in. Germany in particular would be well-advised to convince at least some to stay to benefit more strongly from this workforce educated at its own schools." Ibid., p.10. See also Alex Joske, *Hunting the Phoenix. The Chinese Communist Party's global search for technology and talent*. ASPI Policy Brief, Report No. 35/2020; <https://www.aspi.org.au/report/hunting-phoenix>, accessed on 9/9/2020.



- Has a language concept been developed to support and guide the cooperation? Is there an adequate number of offerings for acquiring or improving German or Chinese language skills?
- Are there sufficient opportunities for academic and non-academic staff participating in a partnership to further develop their language skills?

## **VI. Concluding remarks**

In view of the developments described above, the HRK believes that it is necessary to take measures that will future-proof German-Chinese university cooperation and ensure that it is profitable for both parties.

As outlined in the HRK's guidelines and standards in international university cooperation, anchoring the universities' cross-border operations in firm, well-considered value systems is becoming considerably more important. Freedom of research and teaching is an indispensable basic prerequisite for the successful operation of universities. It therefore describes a non-negotiable fundamental principle that also applies to German universities' international activities and partnerships. Against this background, these guiding questions are to be understood as inspiration to validate and, where needed, recalibrate existing partnerships with Chinese universities and academic institutions.

At the same time, the guiding questions are intended to offer encouragement to continue with the rewarding academic engagement in China and proactively shape the cooperation with Chinese partners. The guiding questions are designed to contribute towards future-proofing the cooperation in research and innovation as well as teaching and learning with China as an important scientific hub. They aim at convincing students and researchers to intensify their engagement with China and establishing and developing transnational academic cooperation, which is key to the prosperous development of the global community, even in complex contexts.

Like the guidelines and standards, the guiding questions are based on the overarching dimensions of 'Strategy and governance', 'Joint teaching, learning and research' and 'Universities as transnational spaces'. They address the prerequisites and requirements as well as the objectives of a partnership on an equal footing in all three areas of action. Careful selection of topics and partners is one success factor for fruitful cooperation. The added value and sustainability of international partnerships are equally rooted in the university's structures and processes. They are furthermore closely connected to the self-concept, mission and profile of the university as well as its institutional principles and values.

The HRK will make every effort to support its members in the upcoming development process and contribute towards the networking of interested parties. China centres that already exist or are in the process of being established at German universities<sup>20</sup> could take on an important role in this process, and the responsible actors should provide them with adequate resources. Furthermore, the DAAD Center for International Academic Cooperation offers consulting services in the context of international university cooperation.

The HRK will seek to engage in dialogue with its partners in Germany, Europe and beyond on the outlined guiding questions. In view of the fact that conditions in the higher education systems worldwide are subject to an ongoing change process and that the realities of German-Chinese cooperation are complex and multifaceted, it will also review the guiding questions at regular intervals.<sup>21</sup>

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<sup>20</sup> See Verbund der Chinazentren an deutschen Hochschulen (Association of China Centres at German Universities) (<http://chinazentren.de/> (available only in German)) and projects of the BMBF funding measure "Expansion of China expertise at German universities" ([https://www.internationales-buero.de/en/china\\_expertise\\_at\\_german\\_universities.php](https://www.internationales-buero.de/en/china_expertise_at_german_universities.php)) as well as [www.daad.de/kompetenzzentrum](http://www.daad.de/kompetenzzentrum) (available only in German), all accessed on 9/9/2020.

<sup>21</sup> These guiding questions were compiled by a working group headed by HRK Vice-President Professor Dr-Ing. Bernd Scholz-Reiter. The HRK sincerely thanks the members of the working group for their commitment.