

XIII. Additional Views of Commission Members

Additional Views of Senator Dan Sullivan

Once again, the Commission has produced a very valuable report. It is critical that we stay focused on the values at stake in U.S.-China relations, even as the breadth of the relationship—and more often, rivalry—expands. This is exactly why the Commission was created. It is, therefore, unfortunate that the report has again strayed from its intended purpose and statutory mandate.

I care deeply about the environment. Americans, especially Alaskans, live amidst an abundance of natural beauty and resources. They maintain an abiding interest in responsibly managing them. For that matter, the people of China have an interest in managing and maintaining their own environment. The problem is that monitoring the efforts of Chinese authorities to do so is not part of the Commission's legislative mandate. The same holds for international commitments the PRC may have made to address climate change.

Beyond the question of focus, on this and other issues, the Commission continues to use as benchmarks international agreements and other policy statements outside its writ. The Commission's mandate identifies two United Nations documents against which to evaluate the state of human rights in China: the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights. It does not reference the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights, or the Convention on the Rights of Persons with Disabilities.

What's more, none of these supplemental agreements have been ratified by the Senate. It makes little sense for American officials to cite Chinese compliance with documents over which there is no consensus in the United States itself. If anything, citing them mistakenly implies U.S. consent to their contents and expectations for U. S. compliance.

I raised these concerns in reaction to last year's report. Not only were my concerns not addressed, but the 2024 report is arguably further beyond the Commission's scope. It brings in an additional document outside the Commission's mandate, the "UN Framework Principles on Human Rights and the Environment." This declaration is not even subject to the advice and consent of the Senate. It is a promulgation by a UN Special Rapporteur of 16 principles "reflecting the application of existing human rights obligations in the environmental context." The document leaves a great deal to interpretation. The U.S. is not even signed up to some of these so-called underlying "obligations."

In slipping its legislative mandate, the Commission opens the way to examine any range of issues at play in the U.S.-China relationship. This distracts from its purpose—monitoring human rights and rule of law in China. And by moving beyond the international agreements identified as benchmarks in its mandate, the commission opens the way to lend credence to virtually any multilateral set of norms. This would be fine if the Commission were a private

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research organization. But it is not. The Congressional-Executive Commission is composed of officials of the U.S. government.

Not to take away from the fine and diligent work of the commission staff. I am proud of its work and my association with the Commission. But for the reasons stated above, I must abstain again from voting on the annual report.