

**Statement**  
**Senator Max Baucus**  
**February 7, 2002**

I am pleased to call to order this first hearing of the Congressional-Executive Commission on China, and to be joined by my distinguished Co-Chair, Congressman Doug Bereuter, and other Commission members from the Congress and the Executive Branch.

This Commission represents a unique endeavor, and a unique challenge, in bringing the resources of the Congress and the Administration together to help improve human rights and the rule of law in China.

I want to start by recognizing and thanking my Co-Chair, Congressman Bereuter, and my good friend Congressman Sandy Levin, for their work during the PNTR debate in creating this Commission as a way for Congress to maintain a strong and continuing interest in human rights and the rule of law in China. Myriad circumstances delayed the start of the Commission, but today we begin a vigorous set of activities.

Let me start by explaining the role this Commission will play in US/China relations.

First, we in the United States cannot impose our will on China and its 1.3 billion citizens. The decisions about what happens inside China can only be made by the Chinese people.

Second, China is an emerging regional and international power, and our national interest requires intensive engagement. We must look at China -- not through rose-colored glasses, and not through dark glasses that see only evil and danger -- but through the lens of reality. China represents a significant challenge to the United States in many areas, and it represents a significant opportunity in many other areas. We need to look at the facts, analyze them objectively and dispassionately, and then act in ways that support our national interest.

Third, there are significant human rights abuses in China. In some areas, the situation is worse today than in the past. In other areas, there have been improvements. We will recognize the latter, and be critical of the former.

Fourth, in no country can there be sustained protection of human rights without the rule of law. Members of Congress, including many on this Commission, as well as every recent Administration, have been active in securing the release, or reduction of sentences, for individual prisoners of conscience in China. I expect that to continue, as it should. However, this Commission will look at human rights within the context of the rule of law in China. As a Commission, we may address individual cases, but only when there is likely to be a broader systemic and structural impact in China.

The witnesses appearing today reflect that orientation. Human Rights Watch and Human Rights in China have done excellent work looking at the legal and political context in China within which human rights can be protected. And Professors Feinerman and Alford have focused much of their work on the rule of law and legal reform in China.

The US-China relationship today is different than a year ago. Following the resolution of the downing of our reconnaissance plane on Hainan Island in April, and the horrible events of September 11, there has been a change in the bilateral relationship. Beijing is cooperating with us on the war against terrorism. China's

rhetoric over Taiwan has ameliorated somewhat. China has joined the WTO. But serious problems remain between us in a number of areas -- arms proliferation, human rights, and significant differences over Taiwan.

This Commission will concentrate on the human rights aspects of our relationship, with a focus on the rule of law in China. We will look closely at areas such as religious freedom, political prisoners, Tibet and minority areas, labor rights, and the flow of information in China. We will examine the developing role of NGOs in China. We will look especially at developments in the rule of law, including legal reform in the civil, criminal, and commercial areas, and the way in which these laws are, or are not, being implemented. We will look at how the United States -- and that means our government, the business community, and the NGO sector -- can pursue policies and programs that will increase the respect for law in China, and strengthen those in China who are working to increase the transparency and objectivity of the legal system.

China is not a monolith. There are many inside the Chinese government, the Communist Party, and State-Owned Enterprises who are working desperately to maintain the status quo. But there are also many in China who want to see genuine reform, both economic and political reform. They recognize that for China to become a great nation and fully join the international community, China will have to follow international standards in the human rights area, meet the obligations the government has made in international covenants covering political, economic, social, cultural, and civil rights, and honor those provisions in the Chinese constitution and in Chinese law that claim to protect the individual from abuse by the state.

As I said earlier, decisions about what happens inside China can, ultimately, only be made by the Chinese themselves. The question for this Commission, and for the Congress and the Administration, is: How can we best assist those who seek reform? Incorporating China into the WTO is, surely, one way to begin down the road of significant commercial law reform.

We will not shrink from pointing out the ways in which the Chinese system is falling short of meeting those standards. But, the major challenge for this Commission is: How can we contribute to an improvement in the human rights of Chinese citizens? And how can we influence the structural change necessary to improve how those citizens are treated?

In our hearings, we want to hear from groups and individuals who can add to our knowledge and understanding of the reality inside China. But we also want to hear from them about the ways that this Commission, with its Congressional and Executive Branch membership, can help promote and support positive, constructive, and lasting change in China.

Let me address some remarks to the Chinese government. When the House of Representatives approved the PNTR legislation in May of 2000, the Chinese government said that it was a wise decision. But their spokesperson went on to say, and I quote, "The Chinese side is seriously concerned and dissatisfied that the bill contains provisions that attempt to interfere in China's internal affairs in various names like human rights and harm the interests of China. The Chinese side has pronounced in explicit terms that it firmly opposes and cannot accept these provisions." I have two comments about that statement.

First, this Commission is an instrument of the United States government and will vigorously pursue the issues of human rights and the rule of law in China. We do not seek to impose American standards on China. But, there are numerous international covenants relating to human rights that China has entered. The Chinese Constitution and Chinese laws include many written guarantees for the citizens of China. For China to be a full and responsible member of the international community, and that includes the global trading system, the rule of law must be honored. This is an issue of concern and interest to all nations interacting with China.

We will work with China when we can. We will acknowledge progress. We will criticize when there is no progress. I firmly believe that there are many in China -- government officials, business people, and ordinary citizens -- who agree with this approach.

Second, I urge the Chinese authorities to work with this Commission. I spent a decade fighting against putting conditions on our trading relationship with China. Along with others on this Commission, I fought hard for PNTR because I believe that engagement and deepening the relations between our two nations is the best way to induce change in China and bring them fully into the community of nations. It is in China's long-term interest to work closely with us.

Let me conclude with a few comments about the Administration's human rights policy. In his meeting with Chinese President Jiang Zemin in Shanghai in October, President Bush discussed the importance of religious freedom and made a strong statement that the war on terrorism should not be used to justify a crackdown on minority groups in China. Under the leadership of Assistant Secretary of State Lorne Craner, a member of this Commission, the United States has re-engaged China in a bilateral human rights dialogue. President Bush will visit Beijing February 21 to 22 and meet again with senior Chinese leaders. I urge him to ensure that human rights and rule of law issues are among his top priorities in those discussions.

Let me turn to my Co-Chairman, Congressman Bereuter, for his statement as we initiate the work of the Congressional-Executive Commission on China. I invite the other members of the Commission to submit their opening statement for the record. After Congressman Bereuter's remarks, we will turn right to our panel of experts.