

Statement
The Honorable Doug Bereuter
Co-Chairman
February 7, 2002

Chairman Baucus, Senator Hagel, Congressman Levin, Under Secretary Aldonas, fellow Commissioners, distinguished panelists, ladies and gentlemen:

I consider it a privilege to join Senator Baucus in convening this first formal hearing of the Congressional-Executive Commission on the People's Republic of China. I am particularly pleased to recognize the presence of my colleague and fellow Commissioner, the distinguished gentleman from Michigan, Sandy Levin, who deserves great credit for being the leading intellectual godfather of this Commission and who has worked tirelessly with me and others to see it come into being. I look forward to our continued association in guiding the work of the Commission over the coming years.

As Senator Baucus has noted, this Commission was created by the China Relations Act of 2000 to create a forum for continuing congressional involvement in monitoring China's human rights practices and the development of the rule of law there. The Commission's mandate reflects continuing concerns, in both Houses of Congress and among Members of both political parties, not only about individual instances of human rights abuses in China but also about the need for encouraging systemic changes in China to end such practices. Undoubtedly all on the Commission share the goal of encouraging positive changes in Chinese Government policy and practice that will help those who have been punished unjustly for seeking to exercise basic human rights, prevent future abuses, or bring China's human rights practices into conformity with international standards. There are differences in the international community, and undoubtedly in Congress, as to the best methods for achieving this goal, but I believe there is broad consensus in Congress and America on the importance of the goal itself.

In this context, I think that the Commission should concentrate primarily on systemic changes to China's human rights practices and legal regime, and not attempt to duplicate the important advocacy work on individual cases already being done by individual Members of Congress, human rights NGOs, and concerned members of the public. Of course, the registry of victims of human rights abuses that our mandate requires will provide an important resource for such advocacy, so the Commission will have a crucial role in this work.

In my view, the human rights and rule of law parts of this Commission's mandate are intimately related. Virtually everyone in China, the United States, and elsewhere, who is concerned with human rights practices in China believes that progress in legal reform will necessarily result in greater compliance with the basic human rights enshrined in such international covenants as the Universal Declaration of Human Rights. Many also believe that such reforms will improve not only government transparency, but also the development of the essential institutions of democratic governance. The development of an open, transparent, and predictable legal system throughout China should also be beneficial over time in other ways, such as providing ordinary Chinese citizens with the legal means to check the arbitrary exercise of official power, as well as helping to ensure China's full implementation of its commitments under the World Trade Organization protocol of accession.

Before we hear from our outstanding panel, I would offer some thoughts on four aspects of our Commission's work that I think will be of continuing importance to us. These aspects are:

1. The Commission as a forum for a balanced, constructive focus on human rights issues in China;
2. The Commission as a catalyst for US efforts to support the development of the Rule of Law in China;
3. The Commission's development of a registry of victims of human rights abuses; and
4. The Commission as a resource for Senators, Members of the House and their respective staffs, U.S. China specialists, and the general public.

With respect to the Commission's mandate on human rights, I believe it will be vital for us to undertake a comprehensive, objective look at the current state of Chinese Government compliance or non-compliance with international human rights norms. Following the sensible requirements of our legislative mandate, Commission staff should receive information and perspectives from human rights, labor, and religious freedom NGOs in the United States and elsewhere. We should also build on the work of relevant U.S. government agencies (including those who are represented by our five Commissioners from Executive Branch), and from sources in China, Hong Kong, and elsewhere. This undertaking is a big job, but one made considerably easier by the important work of many people in the U.S. Government, U.S. universities and think tanks, and U.S. and international human rights NGOs. With this factual framework in place, we can then assess whether to recommend specific action by Congress or the Administration in our annual report.

Second, I believe it is important that the Commission act as a catalyst for encouraging and supporting U.S. and multinational programs to build legal institutions in China. I hope that the Chinese Government will accept and welcome U.S. initiatives to help train judges and lawyers, inculcate a culture of transparency in the legislative and regulatory process, and to improve Chinese efforts to extend legal services to ordinary Chinese people, focusing particularly on the poor, women, and people in rural areas.

Since the Chinese leadership embarked on the "reform and opening up" policy in the late 1970s, a number of Americans -among whom two of our panelists are the most distinguished- have participated in successful legal exchange and legal cooperation initiatives with counterparts in China. But the U.S. Government has never had its own directly-funded program to complement these private efforts, and I believe the time has come for us to take a hard look at such a program. The Commission should determine in which areas additional U.S. public investment in rule of law programs in China might add value to existing private efforts or might permit new initiatives in areas previously untouched by U.S. efforts. The overall goal should be to produce significant long-term results on the ground in China without wastefully duplicating previous or existing initiatives. An understanding by the Commission, Congress, and our Government of the rule of law programs that other countries currently have with China will be an important part of this effort to avoid duplication and maximize the effectiveness of any U.S. rule of law program.

Although many in the United States are interested in commercial rule of law programs, particularly as they relate to building capacity for WTO implementation and compliance, any U.S.-funded rule of law program should focus more broadly on civil, criminal, and administrative law reform. We should also welcome, encourage, and support initiatives to improve the transparency of the legislative and regulatory processes in China.

Third, I believe that the establishment and maintenance of a useful, factually accurate, up-to-date registry of prisoners of conscience and other victims of human rights abuses will be a vital part of the Commission's work. Successful achievement of this task will be a complex and difficult undertaking, but my hope is that over time this registry will be a useful resource for Members of Congress and staff, researchers, the press, and the general public. Fortunately, individuals and organizations with experience in collecting, storing, and using such information have offered to cooperate with the Commission. In addition, I think that recent advances in information technology will help Commission staff in meeting this important aspect of our mandate.

Fourth and finally, as we progress in staffing the Commission and gathering information on the specific issues in the mandate, I hope that the Commission would earn the confidence of Members of Congress and their staffs as a resource for timely, objective information about China generally. Naturally, our focus and expertise will be principally with respect to the specific areas of human rights and the rule of law, but we expect to staff the Commission with qualified staff possessing broad experience in China. I hope that the Commission could assist Members of Congress and staff who plan to travel to China to prepare for their visits, particularly in becoming familiar with human rights and rule of law issues. The registry should provide the type of information that would permit Members of Congress to raise and discuss the cases of specific individuals during official meetings in China.

Mr. Chairman, we have a distinguished panel this afternoon to share their views with us, and I would like to express my appreciation for their appearance and testimony. Each has dedicated a significant part of his professional life to one or more of the issues in our mandate, and I know we will hear lively, informative, and thoughtful presentations. Thank you, Mr. Chairman.