

**U.S. Senator Chuck Hagel**  
**Chairman, Congressional-Executive Commission on China**  
**Opening Statement on**  
**"Human Rights and Rule of Law in China"**  
**September 20, 2006**

The Commission issues a report each year to the Congress and to the President on human rights conditions and the development of the rule of law in China. In connection with today's release of the 2006 Annual Report, the Commission has asked a distinguished group of witnesses to assess the current state of civil rights and criminal defense; freedom of expression; and efforts to adopt democratic institutions of governance, implement legislative reform, and improve the environment for domestic and international civil society groups in China.

The Commission will also hear the perspective of the witnesses on how the United States might best engage with the Chinese government through dialogue on human rights and rule of law issues.

In its 2006 Annual Report, the Commission expresses deep concern that some Chinese government policies designed to address growing social unrest and bolster Communist Party authority are resulting in a period of declining human rights for China's citizens. The Commission identified limited improvements in the Chinese government's human rights practices in 2004, but backward-stepping government decisions in 2005 and 2006 are leading the Commission to reevaluate the Chinese leadership's commitment to additional human rights improvements in the near term. In its 2005 Annual Report, the Commission highlighted increased government restrictions on Chinese citizens who worship in state-controlled venues or write for state-controlled publications. These restrictions remain in place, and in some cases, the government has strengthened their enforcement.

The Commission notes the progress that the Chinese government has made over the past 25 years in beginning to build a political system based on the rule of law and on respect for basic human rights. The twin demands of social stability and continued economic progress have spurred legal reforms that may one day be the leading edge of constraints on the arbitrary exercise of state power. The government's achievements in the economic realm are impressive, none more so than its success in lifting more than 400 million Chinese citizens out of extreme poverty since the early 1980s.

While all of these changes are important, the gap between forward-looking economic freedoms and a backward-looking political system remains significant. There are leaders now within China who comprehend the need for change, and who understand that inflexibility, secretiveness, and a lack of democratic oversight pose the greatest challenges to continued development. These leaders will need to gather considerable reformist courage to overcome obstacles and push for continued change. Such changes will not occur overnight, but rather in ways that Chinese society, culture, infrastructure, and institutions must be prepared for and willing to accept.

To help us better understand human rights conditions and the development of the rule of law in China, we now turn to our witnesses.

Professor Jerome A. Cohen is a Professor of Law at the New York University School of Law; an Adjunct Senior Fellow on Asia at the Council of Foreign Relations; and Of Counsel at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison. Professor Cohen is a leading expert on the Chinese legal system and the international relations of East Asia. As an attorney, he has long represented foreign companies in contract negotiations and dispute resolution in China and other countries in East Asia. As Director of East Asian

Legal Studies at Harvard Law School from 1964 to 1979, Professor Cohen pioneered the study of East Asian legal systems in American legal curricula. He has published numerous books and articles on Chinese law, including *Contract Laws of the People's Republic of China*; *The Criminal Process in the PRC: 1949-1968*; and *The Plight of China's Criminal Defense Lawyers*.

After Professor Cohen, we will hear from Mr. John Kamm. Mr. Kamm is Executive Director of The Dui Hua Foundation; a Member of the Board of Directors for the National Committee on US-China Relations; and Director of Stanford University's Project in Human Rights Diplomacy. Since 1990, Mr. Kamm has been an advocate on behalf of prisoners of conscience in China and has made more than 70 trips to Beijing in an effort to engage the Chinese government in a dialogue on human rights. Mr. Kamm was awarded the Best Global Practices Award by former President Bill Clinton in June 1997. He was also granted the Eleanor Roosevelt Human Rights Award by President George W. Bush in December 2001 and a MacArthur Fellowship in September 2004. Mr. Kamm was the Hong Kong representative of the National Council for US-China Trade from 1976 to 1981 and was president of the American Chamber of Commerce in Hong Kong in 1990.

Dr. Minxin Pei will provide perspectives on democratic governance and development of civil society. Dr. Pei is Senior Associate and Director of the China Program at the Carnegie Endowment for International Peace. Dr. Pei is an expert on China, U.S.-China relations, Taiwan, East Asia, and the development of democratic political systems. Dr. Pei is the author of numerous books and articles on China, including *China's Governance Crisis*; *Rebalancing United States - China Relations*; and *Future Shock: The WTO and Political Change in China*. In his most recent book, *China's Trapped Transition: The Limits of Developmental Autocracy*, Dr. Pei examines the sustainability of the Chinese Communist Party's reform strategy -- pursuing pro-market policies under one-party rule.

Mr. Xiao Qiang will share his expertise on freedom of expression in China. Mr. Xiao is Director of the China Internet Project at the University of California at Berkeley. Mr. Xiao is a recipient of the MacArthur Fellowship and is currently teaching classes on "new media and human rights in China" at the University of California at Berkeley. Mr. Xiao was the Executive Director of Human Rights in China from 1991 to 2002. Mr. Xiao spoke at each meeting of the UN Commission on Human Rights from 1993 to 2001, and has lectured on the promotion of human rights and democracy in China in over 40 countries. Mr. Xiao currently runs the China Digital Times Internet news portal and is a weekly commentator for Radio Free Asia.

We welcome all of our witnesses today and appreciate their time and presentations.