

**Statement of U.S. Representative Sander Levin
Chairman, Congressional-Executive Commission on China
Hearing on "What Will Drive China's Future Legal Development? Reports from
the Field"
June 18, 2008**

Nearly *six* decades ago, in 1949, Mao Zedong spoke near Tiananmen and announced that "the Chinese people have stood up." The world took note.

Nearly *two* decades ago, on June 4, 1989, the Chinese people stood up again at Tiananmen, but China's leaders ordered them to stand *down*. Many defied that order, choosing instead to remain faithful to their aspirations. We all remember how China responded. The world took note.

Less than *one* decade ago, On July 13, 2001, the Chinese people stood at Tiananmen again, this time to celebrate the success of Beijing's bid to host the 2008 Olympic Summer Games. China's leaders made a number of very concrete commitments in connection with Beijing's bid, including commitments to hasten progress in human rights and the rule of law, and they repeatedly promised the world that China would fulfill these commitments in the period leading up to the Olympic Summer Games. The world took note.

The world takes note that China's leaders repeatedly *tell* the world that the Chinese people stand and speak, but at the same time repeatedly *shows* the world that those of its citizens who most vigorously display fidelity to the aspirations of the Chinese people to remain standing and to speak freely are silenced.

This Commission was created by Congress and the President in 2000 to monitor and report on China's compliance with international human rights standards and the development of the rule of law. A hearing held by this Commission in February of this year documented and examined the commitments that China has made in connection with its Olympics bid and its preparations for the 2008 Summer Games.

I draw your attention to this booklet which contains a full transcript of the hearing, as well as full witness statements and other useful resources. Please be sure to take a copy from the table in the back, or download the pdf version from the Commission's web site, <http://chinacommission.hdvdevedit1.house.gov/>. There you will read in detail how China committed to progress on press freedom, on the environment, on basic human rights, on openness in general, and in many other areas. You will see why it is reasonable to say that the record remains highly disappointing.

I should say that the new Regulations on Open Government Information may be one possible exception — I say "possible" because implementation of this new measure, though potentially promising, is still in the very early stages.

Nonetheless it remains unclear at this time what factors will set the course of China's future legal development. And that is why we are doubly privileged to listen today to four people whose commitment to the development of the rule of law in China has been unwavering.

And let me make clear that, by the "rule of law," I mean *true* rule of law, not documents stamped with the word "law" that officials then allow to become so divorced from effective implementation that the distinction between the promulgation of law and the making of propaganda becomes meaningless. For that appears to be exactly what has occurred in many areas of the law in China. It is a growing concern in

no small part because it places the credibility of three decades legal and regulatory reform at ever-increasing risk.

In its last Annual Report, this Commission noted four factors that appeared to be highly influential in determining the course of China's future legal development.

- First, China's leaders' increasing intolerance of citizen activism.
- Second, increasing, and increasingly obvious, manipulation of law for politically expedient purposes.
- Third, a concerted effort to ensure that sensitive disputes do not enter legal channels, thereby insulating the Central government from the backlash of national policy problems.
- Fourth, the growing impact outside of China of its domestic problems of implementation.

Let me also note that the Commission's 2007 Annual Report explicitly noted that "the impact of emergencies" and China's response to emergencies

will both shape and be shaped by China's rule of law reforms. Because their impact on the course of rule of law in China is expected to be large, these developments are covered here in added detail.

That was nearly six months before the Tibetan protests, and eight months before the recent earthquake. Of course the emergencies to which the Report referred were not these (it discussed food safety, product quality and climate change), but the notion that *emergencies* per se would become a major element structuring the course of China's future legal development was a significant observation.

Today I would ask our panelists to tell us from their own first hand experience the factors that we should keep in mind as we evaluate the status of rule of law issues in China and their impact on creating an atmosphere of progress for China's citizens.