

“Two Years Later: The Ongoing Detentions of Nobel Peace Prize Laureate

Liu Xiaobo and His Wife Liu Xia”

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I want to thank Chairman Smith and Cochairman Brown for inviting me to testify today. I would like to take this opportunity to address briefly three issues: The dangerous instability of China’s political system and its immense human costs; the importance of a peaceful democratic transition as the best way of ensuring stability; and finally, the recognition that Liu Xiaobo and Charter 08 are part of a broad popular movement within China which represents the best hope for democratic transition.

The recent scandals around Chongqing Party Secretary Bo Xilai and his failed bid for power in the Party leadership transition provide a valuable glimpse into the way the Chinese government operates. We see how brutal struggles unconstrained by formalized rules and due process are still the norm for the Party, from top to bottom. And this vulnerability of the Party echoes throughout the political system. The Chinese state is brittle and unstable, and many inside China worry the country is headed for a social explosion. According to the well-known Chinese scholar Yu Jianrong, for example, the government sees the “expression of people’s legitimate interests” as a threat to the social order. Land rights for peasants, food safety for children, wages for workers, residency rights for rural migrants in the urban area, and minority rights for Tibetans or Uyghurs – all are undermined by government repression. The law, meanwhile, provides little refuge. What modest gains the legal system had made have seen a back-slide. The blind activist Chen Guangcheng, whose brave escape from the security apparatus early this year highlights the level of repression, calls the Chinese system “lawless.”

Lured by extraordinary profiteering opportunities, the Party bureaucracy has become increasingly predatory. Consequently, the number of collective protests has been rising steadily: from 9,700 in 1993, to 90,000 in 2006, to 180,000 in 2010, to over 200,000 in 2011, an average of about 500 a day. As the government ramps up its security budget to “maintain stability,” human costs mount.

In Tibet, government controls are so tight that comparisons have been made to a war zone. To protest their lack of religious and political freedom, 95 Tibetans, 82 men and 13 women, have self-immolated since 2009. Constant repression of Uyghur culture and a lack of opportunity because of open discrimination of Uyghurs have resulted in deep resentment and hardening ethnic tension. A level of government control unlike anywhere else in China has become the norm in Xinjiang, with forced disappearances of Uyghurs after the June 2009 unrest and long

prison terms for Uyghur journalists and bloggers providing a narrative at odds with the official one.

Across China, demolitions and land appropriations deprive many of hard-earned property and livelihood. Chinese economist Wu Jinglian estimates that the government has deprived farmers of \$500 billion in property value during the drive for development. News and photos of people self-immolating in protest have become a staple of social media. Increasing desperation and the inability of the current system to provide long-term guarantees of rights and liberties lead to more protests, and the vicious cycle spirals downward.

Even under these bleak conditions, a social movement has arisen in which ordinary people seek to use the law on behalf of China's people. It takes corrupt officials, police and the government to court for malfeasance and injustice. It organizes peaceful demonstrations to educate other citizens and rallies support for their cause. It posts messages about rights violations on the Internet when the press turns them away. Individuals associated with the movement either run as independent candidates or work as campaign volunteers in sham local elections, trying to lend the process legitimacy. They call the secret police on behalf of human rights defenders, and show up at police stations and black jails for advocacy and rescue. Chen Guangcheng's moral resistance and ultimate escape were the focus of such a human rights campaign – one of the largest since the founding of the People's Republic. And their voices are growing. Tens of millions of Internet users “gather and gawk” online at stories of corruption and human rights violations to show support for their fellow citizens and create pressure for more accountability.

Again, the human costs are high. These human rights defenders receive no help from establishment intellectuals or lawyers from their localities. The courts either refuse to take their cases or put on mock trials. They are defenseless against police violence. They are often illegally detained, tortured and sentenced to labor camp without anyone hearing about it. Human rights lawyers and public intellectuals join them, at considerable risk to themselves, to address China's lawlessness.

The writings of Nobel Peace laureate Liu Xiaobo and Charter 08 should be seen in this context. Liu has tirelessly pushed for political change by asking the state to live up to its own laws and obligations. The Charter calls for gradual political reforms: rule of law, the separation of powers, and a multi-party system. Its signatories, a diverse body comprising both prominent figures within the system and ordinary people at the grassroots, are united behind its common vision of a democratic China. It is part and parcel of the broad bottom-up movement for popular constitutionalism and gradual change. As we have seen in the success stories of South Korea and Taiwan, such social movements are among the best guarantors of peaceful transition to a robust democracy.

To date, the Chinese government has chosen a path different from the one envisioned by civil society. To keep widespread dissatisfaction at bay, the government encourages nationalism and stokes popular anger in order to bolster its legitimacy. In September, the government encouraged a wave of anti-Japanese demonstrations, which turned violent in many places. It correctly gauges that nationalism serves as a powerful instrument in impeding public demand for democratic change. Simultaneously, the party's proactive repression has kept civil society

fragmented, fragile, beset by doubt, and still largely unable to mount meaningful monitoring of the government's performance and adherence to both domestic and international obligations.

Such a strategy however, may open China up to great danger, with grave implications for the entire world. The instability of the current system may eventually end in large-scale and bloody repression or, equally disastrously, in violent upheaval. China may decide to step up an aggressive stance abroad to consolidate support and distract criticism by fomenting nationalist antagonism. By so doing, it could inadvertently provoke conflict. Given China's geopolitical significance and the vital role it plays in the international economic order, all these outcomes would create disruptions that travel far beyond the region. Most importantly, the human costs for the Chinese people would be unthinkable.

We have reason to believe, then, that civil society's fight to open up the political system to the Chinese people represents the only desirable alternative to the status quo. The movement can help bridge the vast ideological, income, and social divisions splintering China through political liberalization, the protection of basic rights, and the pursuit of social justice. Congress and the Administration, as well as the American public, have a golden opportunity to act in a bipartisan manner in calling for Liu Xiaobo's release, not only as a matter of justice and human rights, but also to enable him to take part in civic debate on the fraught challenge of democratic transformation of China.

Let us hope that the new Chinese leadership will recognize this historic opportunity. In doing so, they would avert the profound crisis facing their country, and open up prospects of a free China, whose power and prosperity would be strengthened through democracy.