

U.S. Human Rights Policy Toward China

By Margaret Huang, Robert F. Kennedy Memorial Center for Human Rights

During the 1970s and 1980s, U.S. officials viewed China as an important counterweight to the power and influence of the Soviet Union. The primary U.S. objective—to contain the Soviet threat—took precedence over any concerns about repression or human rights violations in China. Since the fall of the Berlin Wall, however, Washington policymakers have struggled to redefine a strategic framework for the U.S. relationship with China. Under the Clinton administration, there was a lot of talk about the importance of human rights, but many Clinton foreign policy initiatives emphasized opening China's economy to U.S. companies more than enhancing human right protections. With the new Bush administration, there is an opportunity to revise U.S. policy to more effectively address human rights concerns.

Key Points

- For the last several decades, U.S. policy toward the People's Republic of China (PRC) has consistently subordinated human rights concerns to geopolitical or economic interests.
- The human rights situation in China has deteriorated significantly over the last two years.
- Both a new U.S. administration and China's bid to host the 2008 Olympics offer opportunities to influence human rights in China.

Equally important, as China bids to host the 2008 Olympics, Beijing may be more responsive to international pressure to improve its human rights record.

International scrutiny and censure of China's human rights violations is needed now more than ever, as China's human rights record has deteriorated significantly over the last few years. Authorities in China have responded to perceived internal threats with arrests, censorship, and even the incarceration of dissidents

in psychiatric institutions for treatment of "political monomania." Essentially, any group viewed as a threat to the rule of the Chinese Communist Party is subject to harsh treatment. Human rights violations have largely been targeted at four general groups: democracy activists, religious groups, labor and peasant organizers, and members of movements for self-determination.

The repression against democracy advocates has been particularly severe in the last two years. In the summer of 1998, a group of political activists attempted to establish an official opposition party, the China Democracy Party (CDP). After five months of trying to limit the CDP's activities, Chinese authorities initiated the first wave of arrests in November. During 1999, at least 34 members of the CDP were sentenced to prison terms of up to 13 years on charges of attempted subversion, and another four fled into exile.

Repression of religious groups is also on the rise, as the Chinese government has denounced some groups as "Western anti-Chinese forces." Under Chinese law, any collective religious activity by members of religious groups that are not registered with the government is banned. The right to freedom of religious belief is explicitly denied to the sixty million members of the Chinese Communist Party and the three million members of the military. A new anticult provision of the criminal code is being used to impose long prison sentences on leaders of the Falun Gong and Zhong Gong spiritual movements as well as on Protestant church leaders. In fact, since the Chinese government's crackdown on Falun Gong followers began in July 1999, several thousands have been arrested, and at least 77 people have died under suspicious circumstances either in custody or shortly after release.

China's pursuit of membership in the World Trade Organization (WTO) is only the latest step in its efforts to embrace "socialism with Chinese characteristics." But the integration of the Chinese economy into global markets has created new social problems within China. Last year, the Chinese government announced plans to cut 10 million jobs in the state sector; these layoffs add to the existing number of urban unemployed and laid-off workers, estimated at over 25 million. When workers have organized protests against layoffs or against falling wages and poor working conditions, the government has often responded with police actions and violence.

Perhaps some of the worst human rights violations by Chinese authorities have centered on movements for self-determination. In Tibet, the Chinese government has increased its control of religious institutions and issued a ban on the display of photographs of the Dalai Lama. Work teams are sent to monasteries and nunneries to conduct "patriotic reeducation" campaigns, and average prison sentences in Tibet are increasing along with serious abuse inside prisons. The Chinese authorities have failed to respond to international appeals for information on the well-being and whereabouts of the child Panchen Lama, and there has been no progress on the issue of dialogue with the Dalai Lama. In Xinjiang, the northwestern province and home to a majority Muslim population known as the Uighurs, a violent separatist campaign has provoked a severe government crackdown on all political dissidence. In 1999, Amnesty International reported that the Chinese government had sentenced 210 Uighurs to death in the last two years and that political executions and torture had become routine in the region.

Problems with Current U.S. Policy

Over the last decade, both the executive branch and the U.S. Congress have been outspoken about China's human rights problems. The annual State Department Country Reports on Human Rights Practices have documented numerous violations year after year, and on several occasions there has been bipartisan support in Congress to condemn Beijing for its human rights record. Washington has also supported a resolution concerning China's human rights violations at sessions of the UN Commission on Human Rights (UNCHR) in eight of the last nine years. And in the recent U.S. presidential election, both the Democratic and Republican candidates emphasized the need to promote human rights in China.

Unfortunately, U.S. policy initiatives to promote human rights in the PRC have not matched the intensity of the rhetoric. Although the U.S. government has raised human rights concerns in summits and other official meetings, these bilateral overtures have generally failed to evoke a response from Chinese authorities, indicating that the Chinese do not take the U.S. interventions seriously. This perception is understood when contrasting Washington's responses to Beijing's refusal to comply with its obligations under two separate international agreements. In 1996, the Clinton administration announced its intentions to apply economic sanctions against China for failing to protect intellectual property rights (IPR) as obligated under a 1995 agreement. Under this pressure, China backed down and undertook immediate steps to enforce the agreement. But the same U.S. government rejected any linkage between economic sanctions and China's violations of international human rights treaties, which have the same binding force as the IPR agreement.

To strengthen U.S. human rights policy toward China, Washington must demonstrate that it applies the same principles and standards to China as it does to other countries. Beijing has protested that the U.S. singles out the PRC for scrutiny while ignoring violations committed by U.S. allies. Many of China's critics in the U.S. have focused on the Communist Party as the cause of China's human rights violations. This emphasis on ideology instead of international human rights norms reduces U.S. credibility. During the congressional debate over approving China's accession to the WTO, several opponents cited Beijing's human rights violations and its communist leadership as justification for denying China entry into the organization. Yet these

arguments have not been applied to other countries seeking to join the WTO.

U.S. policymakers are at a disadvantage when pressuring China to uphold international human rights law, because the U.S. has failed to ratify many of the same international treaties. China and the U.S. have each ratified one of the two major covenants on human rights. However, China has ratified the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC), neither of which has been ratified by the United States. By failing to accept the human rights obligations under these treaties, Washington risks further charges of hypocrisy when prodding China to improve its human rights record.

Multilateral approaches to addressing China's human rights record are important, because Chinese authorities react seriously to them. For example, for the last several years at the UNCHR, U.S. officials have failed to overcome China's opposition to a resolution on its human rights problems. The Chinese government has undertaken fervent campaigns to avoid a UN censure, asking countries to engage in bilateral dialogues about human rights concerns instead of supporting a UN resolution. PRC officials have even offered development assistance and trade opportunities to countries that support its

position. These efforts, exacerbated by the failure of U.S. officials to effectively solicit cosponsorship of the resolution, demonstrate the Chinese government's determination to avoid international criticism.

Another multilateral approach slighted by Washington is the use of development assistance through the international financial institutions (IFIs) to encourage reform. Under the Foreign Assistance Act, the U.S. government is required to advance international human rights through its voting power in the IFIs. However, China is

the World Bank's biggest client, with loans of \$1.4 billion approved in the year 2000 alone, because the U.S. and its allies have failed to ensure that World Bank loans are conditional upon a country's respect for human rights norms.

Key Problems

- U.S. policymakers frequently resort to rhetoric about the importance of human rights rather than implementing meaningful policy measures.
 - U.S. critics of China's human rights violations often let their ideology undermine a consistent application of international human rights law.
 - Washington has underutilized multilateral approaches in addressing China's human rights problems.
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Toward a New Foreign Policy

There are several key measures that the Bush administration should adopt right away. First, Secretary of State Powell should appoint a strong Assistant Secretary of State for the Bureau of Democracy, Human Rights, and Labor. He should also appoint senior-level advisors with substantial human rights expertise in the other functional and regional bureaus. Increased funding for the human rights bureau and for human rights initiatives would also be a significant sign of commitment by the new administration.

Key Recommendations

- The Bush administration should make an early and strong commitment to human rights as a priority in U.S. foreign policy.
- Washington should establish a consistent human rights policy that is applied equally to all countries regardless of ideological or economic interests.
- The U.S. should pursue multiple approaches to promoting human rights in China, including multilateral efforts and incentives for reform.

Second, the Bush administration should demonstrate its acceptance of international human rights norms by submitting unapproved international human rights treaties to the Senate for ratification, in particular, CEDAW and the CRC. By joining some of its closest allies—including France, United Kingdom, Germany, and Japan—in adopting these agreements, the U.S. would reinforce the message to China and other countries that human rights are universally accepted and applied.

Washington should also establish clear human rights principles to guide all foreign policy. Human rights concerns should be addressed in summit meetings with all countries, including U.S. allies and trading partners. If the threat of economic sanctions is used to pressure one country on its human rights record, then the U.S. should apply the same policy criteria to all other states. Within the IFIs, the U.S. should work with other donor countries to establish explicit human rights criteria for any country seeking development assistance or foreign investment, and these criteria should be uniformly applied.

After fully integrating human rights concerns into foreign policy, Washington should apply these principles to China. The first step in this effort should be to seek cosponsors at the UNCHR for a resolution concerning China's human rights record. Beijing will take a resolution much more seriously if it is viewed as a multilateral response. Another opportunity for a multilateral approach to human rights is the October 2001 meeting of Asia Pacific Economic Cooperation (APEC) members, to be hosted by China. The U.S. should use this high-level meeting to work with other countries, particularly U.S. allies Japan and South Korea, to address human rights concerns across the region.

It is significant to note that serious multilateral pressure on Chinese authorities has already resulted in some progress regarding human rights. For example, China's decision to sign the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1997 and the International Covenant on Civil and Political Rights (ICCPR) in 1998 stemmed from international pressure at the UNCHR. Each year before the UNCHR has convened, China has usually released a few political prisoners or announced new steps being undertaken to meet international obligations. In the most recent case, China ratified the ICESCR this year,

albeit with reservations. PRC officials have also indicated a renewed willingness to discuss future visits to Chinese prisons by the International Red Cross. These overtures are again being offered just before the UNCHR meetings and as China prepares its bid to host the Olympics in 2008. To ensure that these promises are kept, the international community should keep up the pressure and hold China to its commitments.

On the bilateral front, human rights should be consistently addressed as a key concern in all summits and official meetings. The Chinese government has recently offered to renew the bilateral dialogue on human rights. This step should be welcomed as providing an additional forum for discussion, though not substituting for other actions. The U.S. should continue to press the Chinese authorities to meet with the Dalai Lama to discuss Tibet's future.

A new but potentially important mechanism is the Congressional-Executive Commission on the People's Republic of China (CECC), established in October 2000. Created by Congress in the law extending permanent normal trade relations status to China, the CECC has a mandate to monitor China's compliance with international human rights law. Each year, the CECC must issue a report to the president and Congress that includes recommendations for executive or legislative action. To enable the CECC to meet its mandate, the administration and Congress must make this initiative a high priority, and funding for the commission should be substantially increased. The 23 appointed members of the CECC should be senior representatives of their institutions, and they should have credibility with the Chinese government to ensure that both they and the commission staff will be able to visit the country and do firsthand reporting. CECC members should also seek cooperation with similar institutions in other countries.

The CECC offers the opportunity to work constructively with China on human rights concerns. The CECC could recommend or even provide technical assistance or financial support to the Chinese government in the areas of legal reform and human rights implementation. Labor rights is an issue in which the U.S. and China share many concerns, some of which will be exacerbated by China's imminent accession to the WTO. By approaching this issue as equals with lessons to learn from one another, the U.S. could improve overall relations with China as well as advance an important international human rights agenda.

Promoting human rights in China is clearly in the best interest of the United States. Working to enhance the human rights situation in the PRC reflects democratic values and supports those inside China seeking political and social reform. In addition, by encouraging China to uphold its obligations under human rights treaties, the U.S. will likely strengthen China's commitment to implementing other international agreements on issues of trade and security.

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Sources for More Information

Organizations

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Website: <http://www.savetibet.org/>

Publications

Amnesty International, "Annual Report 2000," available at: <http://www.amnesty-usa.org/scripts/exit.cgi?www.amnesty.org/ailib/index.html>.

Nader Hasan, "China's Forgotten Dissenters," *Harvard International Review*, vol. 22, no. 3, Fall 2000.

Murray Hiebert, "Battle Brews in Washington," *Far Eastern Economic Review*, January 25, 2001.

Human Rights in China, "Abusing Rights According to Law," *China Rights Forum*, Winter 1999-2000, available at: <http://www.hrichina.org/publist.html#journal>.

Human Rights Watch, "Human Rights Watch World Report 2001," available at: <http://www.hrw.org/wr2k1/asia/index.html>.

Human Rights Watch, "NIPPED IN THE BUD: The Suppression of the China Democracy Party," available at: <http://www.hrw.org/reports/2000/china/>.

Eduardo Lachica, "Bush Administration Is Determined As It Faces Key Issues Across Asia," *Wall Street Journal*, January 17, 2001.

Tibetan Centre for Human Rights and Democracy, "Annual Report, 2000: Enforcing Loyalty," available at: <http://www.tchrd.org/home.shtml>.

United States Commission on International Religious Freedom, "Country Report—China," available at: <http://uscirf.gov/crptPages/china.php3>.

"The Workers' Movement Eleven Years after Tiananmen," *China Labor Bulletin*, vol. 54, May-June 2000, available at: http://www.china-labour.org.hk/2007e/feature_june4.htm.

World Wide Web

Asian Human Rights Commission
<http://www.ahrchk.net/>

China News Digest
<http://www.cnd.org/>

U.S.-China Business Council—China Trade 1999
<http://www.uschina.org/press/tradetable.html>

The World Bank Group—East Asia and the Pacific
<http://wbln0018.worldbank.org/eap/eap.nsf>

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