Panel Two: Asia: Market-Driven Reform or Repression?

Mr. **Clad**. I think we'll give another minute, and then we might start if that's all right. The moderator of the previous session has an announcement he'd like to make.

Mr. **Wise**. Yeah, I'm making this on behalf of the commission that we will hold tomorrows session at the Lehrman Auditorium at the Heritage Foundation which is at 214 Massachusetts Avenue, NE. For those of you who don't know exactly where it is, it's three blocks from Union Station. So it's quite close to subways and that sort of thing. We're just using the premises, which they very kindly said we could. They are not sponsors or anything of our seminar, so we wouldn't want any confusion on that. Thank you very much.

Mr. **Clad**. Thanks very much. Unless there's any objection, I think we'll start. Clearly this is a sign of my devotion to the OSCE process to leave about 20 angry students over at Georgetown which, whatever else it does, prides itself on being a teaching institution. I won't say there was a near riot at my departure, but having promised them grades on their final exams, I'm going to have to scamper back there pretty close to time at the end.

It's my pleasure to moderate this session of this gathering. I'm not going to waste time repeating the bio information which you already have in front of you. We have a distinguished group of people on this panel. I'd invite you to listen to them in turn. John Kamm, do you want to start? Or should we go in Mr. Kumars direction?

Mr. **Kamm**. Is Congressman Lightfoot going to be introduced or how——

Mr. **Clad**. I think it would probably be very wise. I'm not able to do so.

Mr. **Lightfoot**. OK, thank you, Dr. Clad. We appreciate your participation. Having a son in college, why, I can commiserate with you as to their worrying about their grades at this time.

I'm very delighted the commission is holding this 2-day seminar. I'm honored to be asked to introduce the Asia panel. As you know, our interests in Asia are threefold: trade, security, advancement of human rights and democracy.

Many years ago, almost 30 now, I spent a couple years as a police officer down in the city of Tulsa, Oklahoma. One of the first calls that I was asked to take was a domestic disturbance. Here I was a bright new policeman in a bright new shiny uniform and going to singlehandedly wipe the streets of Tulsa of all crime and corruption. I walk into this house, and this man is flailing on a woman with a piece of pipe. So I jump on him to try to take him down. The next thing I know, she's all over me hammering on me with the piece of pipe, tears up my shirt and so on. Eventually, we got the thing quieted down.

Following that, Sergeant Carter, who had been there a number of years, had me get in the car with him, and his first question was, "Well, did you learn anything?" I said, "Yes, I think I did." And he says, "You know, regardless in a domestic disturbance how much the two parties might dislike each other, they dislike an outsider even worse." Usually, the outsider is the one that's in the worst position.

I think as we look at many situations around the world today, that trait of human nature is something we have to keep in mind, that sometimes exerting an outside influence has to be done in a very careful and judicious manner. In that vein I perceive that there's a need for an international forum outside our formal bilateral relations in which Asian nations can discuss issues like trade, security, and human rights in the context of not necessarily creating a perception that any one nation is being singled out in the process. I think it's important that we do that.

As evidenced by our annual MFN renewal debate here on the Hill, Asian policy issues have become polarized. Frankly, I would also like to see an organization established here on Capitol Hill where members of the House and Senate who share the same goals on Asian but place different emphasis on each of our Asian interests could come together and work toward some of those common goals.

Fortunately, I think we have some successful models in place. The Organization on Security and Cooperation in Europe. I realize you cannot push analogies too far, but I believe there's merit in such structures for Asia. Toward that end, at my request, this year's foreign aid bill carries a directive to the administration to examine the feasibility of such an approach in Asia. The State Department appropriation also tasks the CSCE to look at this question, and with the end of cold war, perhaps, we may even want to consider expanding the mission of the current CSCE to include Asia.

Absent a formal structure, like OSCE, perhaps such a commission could monitor compliance of APEC members with regard to things such as the Universal Declaration on Human Eights, the Missile Technology Control Regime, and trade agreements such as the GATT agreement.

So, as you can see, I'm very excited of the possibilities being discussed here today and tomorrow. I think we have an excellent panel to examine these issues.

Our moderator, as you just met, is Dr. James Clad, Professor of Asian Studies at Georgetown University's School of Foreign Service. Our panelists include Mr. T. Kumar, who is the Asian-Pacific government program officer for Amnesty International; Dr. Stanley Weeks on my far left, who has more than 25 years experience in international policy and security issues, especially in the Pacific region; and finally, John Kamm. Let me say a couple words about John because I know him better than the other panel members here. He's the kind of person who gets things done and represents the kind of positive things that can happen when American business takes an active role in human rights in China.

I first met John following a trip when six members of the House went to Beijing to meet with Premier Li Peng following Tiannamen Square incident. In that trip, we stopped in Shanghai, visited with then the mayor, Zhu Rongji, who now has moved on to better things in Beijing, and on the way out in Hong Kong had an opportunity to visit with John. We struck up a friendship. We had many common interests, particularly in how to resolve the human rights issue, and, quite frankly, the thought process behind the language that's in our foreign operations bill has John's fingerprints all over it because it was basically his idea from a paper that we took and turned into the report language. We also have a bill that we will offer that we'd like to get passed as well.

However, I think that John brings an interesting insight, a different perspective to China relations then we normally see, and some, I think, outstanding ideas on how to resolve the human rights issue through the business community. So, with that, it's a great pleasure to be with you. Dr. Clad, as the referee, we'll turn it over to you.

Mr. **Clad**. Thank you, Congressman, very much. Perhaps the best thing to do after all is to follow the program and invite Mr. Kumar to initiate the discussion on the state of play—human rights and the NGO.

Mr. **Kumar**. Thank you very much, Dr. Clad. It's an honor to be here. Non-governmental oganizations play a very important role in protecting and promoting human rights. That's true around the world, but there are different issues non-governmental organizations face. There are limitations in different regions. Today I'm here to discuss with you

how non-governmental organizations are effective and what problems they are facing in Asia, compared to Europe because this is part of OSCE.

First, I'd like to analyze what region we are talking about, Asia. I would like to divide Asia into four subregions because in practice that's what Asia is all about.

First, South Asia: The dominant player is India. The culture is Hindu culture. Though there are Muslims, the Hindu culture plays and extremely dominant role.

Then, Southeast Asia: There Buddhism plays a very prominent role even though Indonesia is the largest Islamic country in the world.

East Asia, which is China: Of course, China dominates East Asia.

The fourth region is Australia and New Zealand, which are European in nature. Though they are part of the region, the issues Australia and New Zealand face and the way NGOs are organized in those two countries are far different from other parts of Asia. So these are the four regions.

Economically, East Asia is the dynamic region, if I wouldn't mind, I would say in the world. APEC is a typical example of that statement. Political the systems in these regions are also different. South Asia, of course, in most aspects I would say a small democracy, even though the definition of democracy may vary. Southeast Asia is next. East Asia, of course, China, democracy is unheard of. In Australia and New Zealand, of course, you'll find democracy at its peak.

There is also a distinct difference between Europe and Asia. The distinct difference is Europe was never a colony of any other country, but Asia in general was a colony from the Eastern powers for more than 450 years. So when we analyze the NGO activities, we have to bear in mind that these countries were properties of the Western countries for more than 450 years. Only for the last 50 years for most of the countries are independent. Still you find countries who are not free. The prime example, very painful experience, is what you heard and saw on the TV what happened in Tahiti, French Polynesia, when the French blew up the atomic bomb.

That, my good friends, revived the painful memory in Asia of the past colonialism. So these are the realities I'm going to touch today. Given the complexities and the interesting mix of culture, politics, past experience, what types of human rights abuses are taking place in these countries, there is no doubt the most human right abuses are from Asia. China for that matter is playing the leading role. Vietnam is challenging China in that role. North Korea does not even allow any international monitors to visit.

Indonesia. East Timor, there is ample evidence that every element of human right is being abused. Kashmir in India. Again, go on and on. The Karachi situation. There are endless examples I can talk.

So how are non-governmental organizations challenging and what are they doing? When we analyze NGOs, there are three different NGOs I'd like to touch on. The first NGOs are the regional NGOs; like Gandhian movement in India, it encompasses almost all the South Asian countries. Then national NGOs. There are numerous national NGOs. There are international NGOs who have branches there—for example, Amnesty International.

How effective are these NGOs fighting against these abuses? Again, I'd like to divide the abuses into two distinct areas.

One is abuse done due to cultural reasons. There's a blend of cultural abuse in Asia. Dowry deaths are not a secret to international committees. How are NGOs fighting? How

will the country then say that NGOs are really fighting very hard against these cultural human right abuses in Asia? The caste system NGOs have been fighting really hard in Asia. Nevertheless, when it comes to the political abuses, like detention without trial, torture, executions, disappearances, then the National NGOs and the regional NGOs have a problem dealing with that. One of the main reason they have problems dealing with that is if they raise their voice beyond the political limit, they themselves become abused, they themselves become disappeared, they become political prisoners themselves.

In this context, I will say international human rights organizations should play a very dominant role in protecting human rights from political abuses. Amnesty International, as you all know, has been playing a major role in identifying torture, disappearances, et cetera, to challenge human rights abuses in Asian countries.

Again, there are other sides to international organizations working in Asia. The main obstacle to the international human rights in Asia is twofold. No. 1 is the governments and others. Some nongovernmental organizations themselves argue that this is a Western concept. "We don't want human rights they way the West is telling us what human rights are all about. We had enough of Western bossing around us. They messed up our cultures. They ruined our lands. Why should we?" That is a very powerful statement that can touch the core of the sentiment of the Asian people. That is anger. Then the other side is the new phenomenon of Asian value of human rights. You'll find new pundits popping up in Asia defining a new concept by saying, "This is what our value is; we don't want others to tell us what human rights abuse is all about." These are the many obstacles for NGOs working in Asia, in the field of human rights.

The biggest challenge for us, for the human rights community, international as well as local human rights communities, is to take up this challenge and to deal with this head on and identify whether there is any truth behind it or if it's a pure tactic to abuse human rights of their own citizens. That is our major challenge.

So our challenge is to identify the obstacles that are still there, especially the Asian value of human rights which is very strong. Many former political prisoners are in the forefront in advocating that. Former political prisoners who are used by these governments are saying, "Yes we are for Asian value of human rights."

How do we achieve this limbo situation of NGOs working for human rights? My humble opinion is that international organizations should have a strong local preference in the regions. That is the best way of dealing with that Asian value of human rights. Also challenge that human rights is not a Western value, but a human value. Thank you very much.

Mr. **Clad**. Thank you, Dr. Kumar.

Dr. Weeks, why don't we hear from you?

Mr. **Weeks**. Thank you very much, Professor Clad. I appreciate the opportunity to contribute to this very interesting and topical seminar. For the last 5 years, I've been closely involved in consulting for U.S. officials on the evolving Asia-Pacific structures, particularly security structures. However, 10 years ago, I was the State Department officer for the Stockholm CDE conference and subsequently in the Joint Staff of the Pentagon, worked the early CFE negotiations in '88, '89. Also, more recently, I've been a member of the U.S. delegation to the multilateral negotiations in the Middle East peace process and observed the operational basket of that process in the area of primarily maritime security and confidence building measures.

You can understand, then, when I commend the organizers of this conference for trying to extract lessons of relevance to other regions from the Helsinki process. I've been asked to address whether the existing structures in the Asia-Pacific region are sufficient, and I will primarily focus on the political security and, to the lesser extent, economic aspects, leaving my distinguished panel colleagues to address the human rights and business perspectives.

The short answer to the question I was asked is that I believe that existing political security and economic structures in the Asia-Pacific are not enough, but I also believe there has been real progress in the last 5 years in developing both security and economic processes—and I use that term deliberately as opposed to structures—that are almost inclusive and regionwide.

In the security area, the ASEAN Regional Forum, ARF, now brings together yearly the foreign ministers from 18 different Asia-Pacific regional nations—the ASEAN nations, now seven with the addition of Viet Nam this summer, their seven dialog partners, and other regional states, notably not including Taiwan and North Korea. The ASEAN Regional Forum is an outgrowth of ASEAN, which of course is a Southeast Asia Subregional Political and Economic Cooperation group that's been in existence since 1967 and which only in 1991 agreed to formally address regional security issues as well as the political and economic issues.

The ASEAN Regional Forum, the regionwide meeting after and together with the ASEAN annual meeting, first took place in 1994. The second meeting of the ARF took place this year, consisting of a brief (one day) but frank security discussions of senior officials at the foreign minister's level supplemented by—and I think this is significant when we start looking to building structures over a longer term in addition to just a process—a recent decision in the second ARF last summer to set up working groups to meet between the annual ministerial meeting.

Those working groups in the first year will focus on confidence building measures, especially basics like standard defense policy white papers—as well as certain noncontroversial cooperate activities such as peacekeeping, training, and search and rescue.

Also, I would highlight the traditional importance of non-governmental (or perhaps a better word is "unofficial," because often officials come in an unofficial capacity) but what the Asians usually term the "track two" activities in the Asia Pacific. These were incidentally recognized at the second ARF meeting this summer and encouraged to continue. In fact, there's an organization called the Council for Security Cooperation in the Asia Pacific (CSCAP) that is essentially, or hopes to be the track two arm of ARF, discussing and preparing issues for the subsequent formal intergovernmental address in the ARF and the ARF working groups.

The 1995 ARF meeting this year, the second ARF meeting, laid out a three-phase vision for ARF as a region-wide security process: first, today to establish confidence building measures in the region; second, today and in the near future to concentrate on preventive diplomacy; and third, eventually aspiring to a more structured conflict resolution capability in the process.

We should think of the ASEAN Regional Forum as a region-wide start on developing a process for regional security dialog which would supplement traditional bilateral alliances in this post-cold war era. Some of my own observations regarding this include the following. First, the subregional mechanisms, particularly ASEAN that this process grew

out of, but also the South Pacific Forum, have been the precursors and are much more important in this vast and varied Asia-Pacific region. I would not disagree with Mr. Kumar—indeed there's probably a fourth region sometimes, although we're reluctant to take it on at this point, and that is the South Asian region which adds yet another dimension. But certainly the Northeast Asia or East Asia, Southeast Asia and the South-Pacific area are the other three. So our thinking is very much the same on those.

One of the greatest needs though, given the importance of subregional mechanisms now, and I think into the future, is to fill what is an existing gap in Northeast Asia. There is no security dialog process like ASEAN or the South Pacific Forum or political economic dialog process in Northeast Asia that encompasses that critical area where the five great powers meet and which has the problems of the Korean peninsula in it. There are informal efforts underway, but even those have been rather halting when it comes to getting North Korean involvement. But that's a problem that's being worked on, and I think it's a gap that has to be filled eventually in the subregional aspects.

Secondly, I would say that ARF is a process. It's not a formal structure or an organization. There's some discussion, but it doesn't yet have a secretariat or anything. Asians, partly because of the post colonial experience that Mr. Kumar referred to earlier, are particularly distrustful and resistant to the formal structures or architectures. I'll have a little more to say about that in a minute. Interestingly enough though, decisions are (as in OSCE) by consensus, and that has a number of implications, for example, not least of which is the People's Republic of China has been a problem when it comes to including Taiwan in the security side of things—that is, in the ASEAN Regional Forum, the ARF. Interestingly enough, they allow Taiwan as a province, customs region, to be included in APEC, the economic organization I'll talk about in just a minute. Nevertheless, whenever it comes to security issues, the Chinese problem on including Taiwan is even more difficult. That's true even on the track two level where we've had some arguments over that in CSCAP and had to try and find some way to bridge that gap.

The third point I would emphasize is that there are in the Asia-Pacific region many unresolved territorial disputes, notably in the South China Sea but even more with the divided nations in the Korean peninsula and across the Taiwan Straits. That has some serious implications in terms of what can be done. I think one implication is that bilateral and subregional processes will be essential to resolving such conflicts in the region, perhaps more useful as being more focused than a regionwide process.

Fourth, I think it would be unrealistic to expect any consensus-based embryonic regional process to be able any time soon to resolve some of those disputes or even, perhaps, to come to the point of the original Helsinki document in agreeing to respect existing territorial boundaries when there is no agreement on what those boundaries consist of the in the region. Nevertheless, I do believe that makes the process of dialog in ARF even more important to help prevent such disagreements that remain from taking a violent form.

In summary, I believe Asia-Pacific regional security will be enhanced by the further development of the ASEAN process supplemented by traditional U.S. bilateral security ties and presence, with a strong role for subregional and bilateral relationships.

Let me turn then to the second major area of some existing structures, and structure may be a little more appropriate term than process regarding the economic area. Of course, there are also 18 nations, but some different nations since I mentioned Taiwan as included in this: the 18-nation Asia-Pacific Economic Cooperation, APEC, has devel-

oped since its formal beginning in the late 1980's as an economic consultative forum with even the recent beginnings of a small institutional structure, the secretariat. Since President Clinton hosted the first APEC summit in Seattle in 1993, APEC has also provided the venue following its annual fall ministerial meetings for the first real Asia-Pacific region-wide summit meetings. Again, our meeting today is topical because the next summit meeting is next weekend hosted by this year's rotating APEC chair, Japan, in Osaka.

As with the ASEAN Regional Forum, the formal region-wide economic APEC grew out of an earlier track two informal non-governmental process in Pacific Business Economic Cooperation. It also grew out of informal nongovernmental and private sector initiatives which continue to provide a major impulse to economic cooperation in this region.

Now, despite the handy forum that APEC has recently provided for annual regional summit meetings, a recent report issued just a week ago by Bob Manning and Paul Stern over at the Progressive Policy Institute made several critical observations on APEC.

The first observation they stated was that, since its inception, APEC has widened its membership but not consolidated its purpose or its institutional discipline.

Secondly, they noted their view that for the United States the question is how APEC fits into a global economic strategy. APEC now lacks the clarity and standards—for example, labor and environment standards—of NAFTA and the more comparable political and legal systems and levels of economic development that we have with our friends in the European Union.

The report concluded that APEC has a role to play in a global U.S. trade strategy, along with NAFTA and the European Union. It can be used by the U.S. to apply sort of mutually reenforcing pressure via regional groupings to go beyond current World Trade Organization global standards. But in the Asia-Pacific region, the need is particularly pressing to liberalize Asian markets where the U.S. has major continued large bilateral trade deficits, and key to this will be modest and practical steps with meaningful timetables for trade, investments and other liberalizations. This may be more important, in their view (and I tend to agree) than the long-term APEC summit agreement last year to have free trade among the developed nations by 2010 and the developing Asia-Pacific nations by 2020 that was agreed at last year's APEC summit in Bogor, Indonesia.

Now, notwithstanding these critical observations about APEC, I think APEC has already provided this vast and diverse Asia-Pacific region with a framework for economic and high-level political dialog and hopefully concrete action for trade liberalization, but, unlike in the Helsinki process, APEC Economic Cooperation is not a basket in an overall regional architecture, but a separate framework from the security and human rights issues.

So, having reviewed briefly the growing security and economic frameworks in the Asia-Pacific region, I'd like to conclude with three observations from my own Helsinki and Asia-Pacific experience.

First, I would just note that Asians, for varying reasons, much having to do with the historical, fiercely resist even the hint that European models, particularly OSCE, are applicable to their region. So, although there is considerable relevance, I think, to the Asia-Pacific of some of the OSCE experience, I would note that Westerners need to be very careful in how we convey that relevance to our Asian friends.

Secondly, the Asia-Pacific strategic culture, particularly in Southeast Asia and ASEAN, emphasizes a step-by-step consensus and informal process, rather than formal

legalistic architectures, structures, and institutions. The term that a Japanese friend once used for that was that rather than architects, we're fermentors of wine and process. I think this means for us, in looking to the relevance of OSCE experience, that these structures will have to be minimized, particularly in the early steps of the Asia-Pacific region and to grow naturally—as indeed the Organization for Security Cooperation in Europe did from the Conference for Security Operation in Europe over a 20-year period.

Third, at some point there will need to be some at least informal bridges between the region-wide political economic framework of APEC and the security framework of the ASEAN Regional Forum—but I do not think an all-encompassing political/economic/security framework for the Asia-Pacific region, comprehensive like OSCE, is likely. Indeed, the importance in this vast region of subregional organizations, non-governmental informal "track two" processes, and traditional bilateral alliances and critical relationships—Japan and China come to mind—in this region may eventually make even the overlapping institutional lines of Europe appear less complex to us. Thank you.

Mr. **Clad**. Thank you, Dr. Weeks. That was terrific. After spending many years writing about these issues, I don't think I've heard a more able and succinct summation of the economic collaborative mechanisms out there and some ambiguities of security partnerships as well.

Could I invite John Kamm to talk to us a little bit about those prospects for business driven reform in Asia?

Mr. **Kamm**. Thank you very much. It's a real pleasure to be here with you today and to be sitting on this panel with so many distinguished individuals who are concerned with promoting American values—and international values—in the Far East. It's especially good to be here with my old friend Congressman Lightfoot, who has been so helpful in advancing the idea that Congress should indeed establish some form of mechanism to enhance the monitoring of such issues as trade and security and especially human rights in the Far East.

I have prepared a statement, so I'm in the fortunate position of having a paper I can refer you to. I'm not going to spend time reading it. I've tried to summarize in that statement why I think respecting human rights is good for business as opposed to the other formulation which is so often put forward; namely, that business is good for human rights. I'm not denying that, but I'm trying to make the case that promoting human rights is good for business. I touch on some other matters as well as in the statement—for instance, why I believe that business people are qualified to help in promoting human rights.

I recall reading a story by a former political prisoner in China by the name of Jean Pasqualini, a Eurasian whose father was French and mother Chinese, who was swept up in a political campaign of the 1950's and put away in a Chinese prison. In 1964, France established diplomatic relations with China, and he learned of this while he was in prison. He went to the warden, and he said, "Look my father is French; my mother is Chinese. I am a French citizen. I hold dual nationality. I would like to write to the French embassy and ask their assistance in helping me get out of prison." The warden smiled. He said, "Well, that's fine. I'll be happy to provide you with the paper and with the writing instruments and to make sure that the letter is delivered to the French embassy."

Indeed, Jean Pasqualini wrote the letter. In fact, he wrote several letters. Nothing ever happened because the French official who received them was afraid to raise his

name. I often think back on how much things have changed since then. I can assure you that in China today, if a political prisoner went to the warden and said, "I want to write a letter to a foreign embassy seeking its assistance in helping me out," there's no way that the warden would try to help that prisoner. It's only a few years ago, in fact, that it was considered unalterable truth that the Chinese government would not release prisoners because of pleas, persuasion, or pressure from foreign countries.

In fact, when I started doing my own work in China about 5 years ago, there were two objections in the business community to what I was doing. The first one was, "You're not going to achieve anything. China will not release prisoners because of the pleading of foreigners. It just won't happen." The second reason given was that if, indeed, a business person did something like intervening on behalf of prisoners, then his or her business would be affected very seriously, that the Chinese government would, in fact, take steps to hurt the business.

Well, I can tell you based on my own experience that neither of those things is, in fact, the case. It's been certainly proven to be, and now, to a certain extent, it's quite common or has been common at various points over the last 5 years, that the Chinese government has on numerous occasions released prisoners for various reasons—whether it's MFN or the Olympic games or to get a summit meeting or a high-level visit to Beijing, China has shown itself to be quite adept at releasing prisoners in response to foreign pleas.

The second point concerning whether or not one's business would be affected, I think, again, I can state without question that never have my business dealings been affected because of the work I do on human rights in China. There are ways of doing it so your business will not suffer.

So that leads us to the question: if, in fact, that's the case, then why wouldn't you promote human rights? It's not really the question of why would you do it? It's more why wouldn't you do it.

Getting to the issue of why a business person might actively promote respect for human rights, I have increasingly come to the conclusion that doing so is good for business. I've also come to the conclusion that, unless that case can be made to the business community, you are not going to get business people to do human rights work. That's the great challenge. How do you convince the business community that respect for human rights is good for business?

I've put forward five reasons in my statement. I hope that during the question and answer period there will be some disputation and healthy controversy, so let me run them down really quickly.

First, as someone who has managed factories and run offices overseas, I believe without question that promoting respect for human rights in the workplace is good for the productivity of the workforce and the creativity of the management; bottom line, it is good for enterprise profitability. I have seen it happen time and time again. A safe work place is a better producer than an unsafe work place. A work place that encourages free and critical discussion of ideas is a more productive work place than one that doesn't. Managers who are allowed to have fax machines in their homes, who are allowed to criticize policies of the corporation, who live in that kind of free environment—their enterprises are more profitable enterprises.

The second reason—and this struck me only recently when thinking about the history of the opening of the China market—in every case that I can think of (and I go back to 1972, the Nixon visit, that's when I started doing business with China), where there has been a market opening, the Chinese government acknowledged a human right prior to the opening of the market. So rather than looking at it the other way around, such that business is good for human rights, think of that for a minute.

It was when the Chinese government recognized the right of its citizens to travel that we got the growth of the aircraft industry. It didn't happen the other way around. In a society where a human right is already respected, a company can go out and buy airplanes and say I'm going to set up an airline to Iowa so that Congressman Lightfoot doesn't have to miss all those flights all the time. He can fly directly to Washington from Iowa. Well, if the market can justify that, that's fine. I go out; I buy the airplanes; I set up my airline. If there is a market that justifies it, well, that's fine, I make money. But in China what happened was that there was no right for citizens to travel from point A to point B. When the Chinese government acknowledged that right then you had the growth of the aircraft market. So it was respect for a right that led to the growth of a market.

Respect for rights opens markets. Think about intellectual property protection. Protection of intellectual property is a human right that is specifically referenced in the Universal Declaration. So when business people push for respect for intellectual property rights, they are lobbying for respect of human rights in China. What makes us think that we can distinguish in the Universal Declaration between Article 27—we're going to promote that right, but we're not going to promote rights of free speech and assembly. What makes us think that we're so smart as business people to be able to distinguish between those rights which are good for business and those rights which aren't? All right. So protecting an intellectual property is another example of how respecting human rights is good for business.

Respecting human rights—promoting respect for human rights—opens markets.

Third, respect for human rights goes hand in hand with rule of law. I'll say what I said to Tom Friedman a few months ago in a column he was writing for The New York Times. Today in China, the principle obstacle to successful business is the same arbitrary abuse of power which locks away dissidents. If you are not safe as an investor with your own physical safety—and there have been an increasing number of cases where they have held business people in detention for months and months and months without trial—if you can't feel safe in your own physical security, then what good are guarantees that your investments are safe? So that's another reason. Respect for rule of law goes hand in hand with promotion of human rights.

Another area where promoting respect for human rights is very good for business is in getting China to adhere to international standards. The same struggle that's going on over the WTO in getting China to follow international standards of trade, that same exercise is going on about human rights. The argument that China makes against her acceding to terms of the WTO process is that "We're something special. We're China. We have our own way of doing things." Does this sound familiar? Well, it should, because it's exactly what's being said in the area of human rights. "Yes, there is a Universal Declaration, but there are Chinese values, there are Asian values. Were going to follow our own values. We're not going to follow the universal values." So that same exercise of promoting adherence to international standards upon which success in the negotiations over WTO

accession rests, that same process is the process of getting China to follow international standards of human rights.

Finally I say that, in fact, if you can promote an image as a corporation that respects human rights and promotes human rights then there will be an image benefit. Now, I don't want to make too much of that because, in fact, there's an old saying that no good deed goes unpunished. I'm certainly a big believer in that. In the last few months you have seen real icons of social responsibility taken to task by the press, and that's fine. Nevertheless, I don't think that anyone—any business person—should get involved in human rights because he thinks it will be good for his image. That's not a very smart reason to do it.

Now, we have been very good in keeping to the time. I want to, instead of going over some of these other points, list six questions which I've written down.

The first one I have covered: Why is business good for human rights?

The second question: Why are business people uniquely qualified to do human rights work?

The third question: Why is it that sometimes the plea of a business person—or for that matter some other independent actor—is acted on by the Chinese government and other times the government ignores it? This gets into questions of tactics and strategy.

A fourth question: What can business do? All right. Let's say we accept for a minute that human rights is good for business. Let's accept that business people can be good at human rights work. Well, what then can business people actually do? That's the fourth question.

The fifth question: Now that you have established all that, why is it that business people aren't doing more? You know, if it's true then something must be missing here. Otherwise if human rights are so good for business we'd have all kinds of corporations going out there and promoting human rights in China. Well, why aren't they?

Finally, the sixth question: At the end of the day, why don't you set up something like a CSCE to promote human rights in China? Now I cannot possibly cover all these questions. I just put them out there to give you something to think about. I should ask you which of them you would like me to concentrate on, but rather than do that, I'm going to choose the question of what business people can actually do. Then I'm going to shut up. I'm going to let people ask questions.

I think, first, the answer is obvious. Business people can do a great deal, and we can look at two basic spheres of action: within the workplace and within the greater community, the host country where the investment or the trading is taking place.

Now, as I say in my statement, businesses can enforce codes of conduct. They can write their own codes of conduct and they can enforce them in the workplace. Such codes among other things should ban the purchase of raw materials and products made with child labor and by prisoners, especially in countries where a large segment of the prison population is made up of political prisoners. Later, we can get into how that can be done. I know it's not necessarily an easy thing to do, but it can be done. Nevertheless, that's one thing that businesses can do. Obviously, they can enforce minimum wage rules, maternity leave. They can give workers health insurance, all of the things that are in the Universal Declaration under the "fair and reasonable terms of employment" article. They can encourage free association within the enterprise. I'm not talking about unions because there are no such things as free unions in places like China, so it's nonsense to talk about

establishing a free union in China. Nevertheless, that's not to say that you can't encourage free association among the workers. Companies can do that. They can do very simple things like set up libraries and readings rooms where they can expose workers to publications that they otherwise wouldn't be exposed to. Businesses can establish within chambers of commerce human rights committees. If indeed they feel that as a company it's a bit difficult for them to raise these issues, well, they can get the chamber of commerce to do it.

American companies can and should, to the maximum extent possible, try to protect their own employees from the arbitrary abuse of power by the security forces. There are examples of American companies that have stepped in and intervened in situations where employee rights are being abused. I know of several cases. It can be done. What interests me most though is not the area of workplace issues. There are many leaders you can learn from. Levi Strauss is one. Reebok has got an excellent code. Timberland is another. There are a number of companies that have already traveled that path, and you can learn a great deal from them. It's in the area of acting in the host country that I am most interested.

Companies can do two basic things in host countries to promote respect for human rights. The first one is lobbying. God knows companies have got much experience in lobbying here in Washington, and lobbying foreign governments on human rights is really not that different in terms of the work involved. It involves knocking on doors, sitting in offices, waiting for people who don't necessarily want to see you, and trying to sell them on ideas that they don't necessarily want to be sold on.

What's the message? Well, you can tell the Chinese government that when they arrest somebody and keep them detained for 30 months without trial that this is not good for business. This isnt good for the business environment, and you can tell them that very honestly and forthrightly. You can push for such things as Red Cross access to prisons without being accused of interfering in their internal affairs. Why? Because more than a hundred countries allow it.

I end my statement on this, and I end my verbal presentation on it as well: nevertheless, the one area in which American businesses can do more than any other area to promote respect for human rights in a place like China is in monitoring. There is a great deal of information available out there right now that is not secret information. There is so much information—for instance, on prisoners—that's out there in China.

We have hundreds if not thousands of American joint ventures in the field in China. Every province of China has at least one joint venture. In some cases there are literally hundreds. I would like to see the day come when every one of those joint ventures is in effect a little monitoring station. I'm not suggesting that they collect secret information and that they act like spies, quite to the contrary. The kind of information I'm talking about is publicly available in provincial and municipal newspapers, legal journals, and so forth. The Chinese courts, when they convict people, put up the results of the trial. Now they may only keep the notices up for a very short time, but you can in fact view those court notices and take down the names of political prisoners.

In my own work where I submit to the Chinese government on a regular basis lists of prisoners, I make it a point that for every prisoner list I try to have at least half the prisoners on that list those whose names are unknown in the West, not available in any Western publication. I have obtained those names by going through a careful reading of

on unresolved but rather kind of amicably buried for the time being, border issues in Southeast Asia.

The final point, Mr. Kamm, I felt that the key to his comments really rests on two things: the exemplary approach of what enlightened business or corporation can do in a particular Asian country within their own plant, and I think the bigger step, the bolder step, and I don't necessarily accept his view that it is invariably the case that you can be an advocate for an expanded notion of human rights in these countries without loss to one's own business prospects. I think within the plant I have been very impressed by actually the very high American record in many countries. Indonesia, I think of shoe factories that take heat, you know, from a CBS documentary a couple of years ago on Nike. I mean, the conditions in the Nike plant in West Java are so demonstrably better than those elsewhere that I think the American shoe makers have had a very positive effect in Indonesia labor standards overall. So I feel there is something of a dichotomy there, and I would like to have that addressed.

I will be quiet now. I would like to invite anyone with a question to please step forward to the microphone, and please do us a favor of identifying yourself and if you are affiliated to any organization we would like to hear about that, too. They are racing to the microphone. Would you like to go stand back so we can all hear better?

Questioner. I'm Marjorie Lightman from the International League for Human Rights, in New York. Just recently returned from the conference in Beijing, the women's conference. I would be curious to hear—I have been listening, and I came back from the conference in which the gender segregation of the Asian society was immediately evident, and in addition was the degree of organizing within women's communities and within a gender-segregated situation as the effects of urbanization in the new economics area and even political realities are so rapidly changing women's lives despite the articulations that go on in tradition or in values. On the issue of values, the relativism of universal values is a hard-fought issue in Asia. Speaking again back from this conference that women that I saw certainly do not share its relativism but are quite clear on the need for full political equality, social equality and economic equality. I'm just throwing this out.

Mr. **Clad**. Anyone want to respond to that directly? Dr. Weeks.

Mr. **Weeks**. Well, I wasn't volunteering. I doubt I'm the best person.

Mr. **Clad**. I was just trying to tease you out. [Laughter.]

Mr. **Weeks**. Even 25 years ago as a naval officer visiting Japan for the first time and talking to some of my Japanese naval colleagues, I have always been struck how different the public and private role of the women in Asia are, particularly in some of the Northeast Asian countries. For example, in Japan it is not only not unusual, it is the custom, that the woman keeps the checkbook, keeps the family finances, pays all the bills, in other words just like a naval officer's wife. This was very interesting. It's a situation you wouldn't find even now in many cases here. Yet, the public role of women—and I think the evidence is there in some statistics even in as advanced a country as Japan—when it comes to being able to make a sustained career in business and being seen as having a minimum of glass ceilings has been traditionally much less. I have the impression that this is for many social reasons very much in flux throughout the region, and you are seeing a tendency more toward the more independent, outside the house as well as inside the house, role of women in Asia.

However, I'm less sure of how that plays in the Southeast Asian context. Professor Clad has lived closer to that than I have. I just haven't seen the dynamic working. But I think it's an interesting time for woman's role in Asia. I think you probably measure the progress there over the 20 years here is pretty remarkable.

Mr. **Clad**. You have a comment, Mr. Kumar?

Mr. **Kumar**. Yes. I come from a country where we elected the first female head of state in the whole world in 1960 in Sri Lanka. The prime minister, it was the first woman. Her daughter happened to be the current president. The South Asian region for whatever reason had women as head of states one time or another—Indira Gandhi in India, and others in Pakistan and Bangladesh. But does that prove that women are liberated? No. There is no way we are going to accept that women are treated equally or have the equal access to the power structure or even to the job markets. It's an uphill battle. The main obstacle in Asia is the culture. It's entrenched, 5,000 years of practice. It's there degrading women in one form or another. It's a male-dominated society. We have to accept it. So we fight hard. The fight should be twofold. It should be twofold. The fighting is twofold. One is regional. People should fight from within. The international community has a moral obligation to support those groups fighting and also put pressure to the governments who are in the West to adapt new methods so that women can be liberated in Asian countries. Thank you.

Mr. **Clad**. I have a couple of really quick follow-on points. I just want to respond to that because it's a very interesting point. The first is Mr. Kumar is absolutely right. The fact that Mr. Kaleeda and the fact that Ms. Bhuto, Ms. Bandernike, Indira Gandhi, and all the rest have a great deal more to say about dynastic politics than anything else. I think we are all fairly convinced about that. Although in the senior civil services of the South Asian countries you have a quite high representation of women actually because of the other parts of Asia.

Second point is Dr. Week's point. I don't want to take that too far. Yes, it's true in Thailand and Indonesia and parts of it, particularly in Padung areas, Sumatra, and all the rest of it, women will go along with the public persona and then really be running the businesses behind. But I don't think that actually gets us too far down the road. I think your strongest point in some ways is this question about acceptance of relativist values. Here I think looking at human rights in general—I would be interested in your own comments to this—it's not so much that in Asia there's, to my view, a reluctance to accept that these are universal rights because you talk to people away from the microphone or you talk to someone who has been involved in a struggle like this, I mean after all, the hurt and the pain and the quanta of distress are the same and the way they articulate it is universal. But there is a much higher fear of disorder in Asia and the problem is that that enters the continuum. When people posit a choice between liberty and order, the instincts, I think, tend to point more toward the choice of order. I think it's one reason why soft authoritarian regimes as they are described in Singapore and Malaysia and other places I think have a long tether.

Yes, sir, you had a question.

Mr. **Lightfoot**. Let me ask you a quick follow up on that just as a point of discussion. The downfall of the Soviet Union and other things we see happening around the world—how much do you feel that the so-called information age has had to play in all of that and will play in with human rights in China as well as the gender gap in China as the women in China through modern technology, I mean we have access to things we didn't

the Chinese press, making visits to Chinese bookstores, and the occasional passing by of a Chinese court and studying the court notices there.

So it is in monitoring human rights that I think businesses can do the most in Asian countries to promote respect and encourage advances in human rights. It is precisely with respect to that type of exercise that a commission like the CSCE can do a lot of good in training American business people on monitoring techniques just as they have done so successfully in Eastern Europe. I will stop there. Thank you again for inviting me here today.

Mr. **Clad**. Thank you, John Kamm. Also another example of compressed, good expository style. It is a very spirited exposition of the argument that the business community can make a difference. Again, in my long years as a correspondent writing about the business community, I agree with you that I would come into instances of some quite impressive actions taken behind the scenes. I think something that you perhaps neglected to say is that long-term resident business people know their way around far better than perhaps a newly arriving NGO representative has a very good notion of how to make a point without making people lose faith as well.

Mr. **Kamm**. That's right. In fact, I skipped that part of my statement. That would fall under the question of why are business people uniquely qualified to do this kind of work. The very first reason is that they have local knowledge and, most important, they enjoy trust. Remember, when the officials of these governments see a business person coming in the door they don't see an enemy. They see someone with whom they think they share common interests. If they see a human rights activist coming in the door, a member of Congress or a journalist, the defenses go right up. But if a business person goes in there, there's trust. It's up to the business person to figure out how to use that trust.

Mr. **Clad**. I wonder if in the remaining time, I would like to invite Congressman Lightfoot if he has some questions to get them out first. A prerogative if not of the moderating chair then at least sitting up here with the rest of us, I have a few notions I would like to throw it. But then pretty quickly I want to get your input out there and invite you to ask questions as well.

Mr. **Lightfoot**. Well, doctor, I would only add from listening to the three gentlemen here that obviously the language that we are pursuing and the route we're trying to pursue here legislatively is to put in place a mechanism by which we can take the pluses of everything that's been said here plus some other things and put it together in a coherent fashion. The problem we face here on the Hill, obviously, there is a diversified group of people who are interested in human rights, but their approach to how we achieve them are 180 degrees out of phase with each other. There is the one mind set that thinks that we can force China or any other country into improving its human rights by withholding trade, by punishing them in some way.

The other school of thought is just the exact opposite: that in countries such as China the fact that their economy is growing will some day lead to the political changes that have to take place in order for the human rights issue to clear itself up. Going back to the story I told about being a policeman, an outside influence—you can't force people to do that. They have to make up their own mind if they are going to make the changes. I think with what we have seen, particularly in southern China, it's almost like trying to put toothpaste back in the tube. If people in Beijing decide they are going back and

repress that society as they have in the past, and a lot of that is because of the economic freedoms they have enjoyed.

I think one thing that struck me was that in Guan Zhou is what, sixteen thousand Avon ladies? It's an incredible thing which would be the last product you think would sell there, you know, off the top of your mind. But those people are expressing a human right to buy cosmetics and do what they want to do. They couldn't do that in their old society. So I think government has a role to play in it, but we have to get over the idea here that we can do it alone. I think that's one problem in this town is that too often we think government has got all the answers. We probably have most of the questions and very few answers, but it has to be a commingling of all of that. That's one reason I'm pushing very hard to come up with something similar to what's in Europe in Asia because I think it can be done.

Mr. **Clad**. Thank you, Congressman.

What I would like to do before we begin to draw on the cumulative wisdom of people who are attending this seminar today is draw a little bit on my 27 years away outside this country. I left as a kid from California and came back 4 years ago, most of that time in Asia. So I wonder, if I can, perhaps just to get things stirred and moving here, talk a little bit about each presentation in turn. Not that I am expecting an answer, point-by-point rebuttal of each discussant, but perhaps just to get conversation moving. Mr. Kumar, I think, very ably broke down the areas of Asia that worked to their own cultural temperament. I think though that he may have been just a little bit too dismissive, if that's not too strong a word, of the debate between the Asian and Western values. I mean, this does have a real currency out there and is not merely a cynical device designed to expand Singaporian diplomacy and enable their close relations with China to be further affirmed.

I think there is something in this debate, and having been out there as a foreign service officer and a correspondent, I do think that the Western temperament brings values that are too formally and rigidly defined. Dr. Weeks, as I said, gave a very able exposition of the various collaborative structures that are out there. I think the key points from his comments were that if they are not multi-issue directed, there is not one facet, as he said, similar to the CSCE process before. Asia tends to be very cautious, very informal, and I think he made the point very ably that Asian diplomacy relies on ambiguity. In other words, the absence of ambiguity, which I think is an absolute concomitant of the CSCE process in Europe, was something that, in fact, Asians find, temperamentally and also because of diplomatic practice, very difficult to stomach.

So, in fact, it is the creation of ambiguity which creates security in some cases as well. Youll see this even in South Asia where, for example, the Indian Navy began a tremendous expansion in the 1980's. They never produced even a four-page white paper on what all the naval expansion was about, preferring to leave people to draw their own conclusions. I think that really points to the limits of the ARF process as well. I think you said it very ably, Dr. Weeks, that bilateral—and to some extent—subregional, processes are going to be the way in which individual front-burner security issues are dealt with. I think even subregional is a bit of a stretch sometimes. It's a place in which there are very major front-burner issues. The Taiwan Strait is one; the Korean Peninsula is another. In a lesser but very significant way, the unresolved territorial issues in the South China Sea and perhaps even issues of political succession which will impact immediately

have 20 years ago communications-wise. As they see how things are in other parts of the world and then a desire for that sets in and they eventually, through their own social structure, bring that into the political arena, the information age to me is probably going to have as much a role in this as what any—and with all due respect to the State Department—our diplomatic corps does.

Mr. **Clad**. Yes, Congressman, I agree, but up to a point. I don't want to keep these people waiting to ask questions. But I will very quickly respond. I remember in Karachi Airport a sudden hush falling across the entire concourse. Everyone turned around and looked at the screen, and it was CNN. I thought, Who has been killed, what's happened now, what plane do I have to catch? In fact it was an American woman talking to her doctor about very intimate things. In fact, it wasn't even the intimate things. It was the fact that she was talking to her doctor and saying, Well, these are health problems, these are women's issues. It had this absolutely mesmeric effect, quieting effect on the crowd, and I was struck then by how prevalent these images are.

I remember going to Kashmir and people said when the insurrection broke out there, well, you know what's been going on recently. I scratched my head and tried to be a good Asianist, you know, regional scholar thing, something in Afghanistan? They said no, you fool. It's the fall of the Ceausescu dictatorship in Romania. Indian television had been carrying these pictures like idiots and the screen all around and, of course, it had a very galvanizing effect. With that said, I think that those pictures played both ways. They suggest disorder, and they also play into the hands of people saying, "Do we want to be part of this vast, detribalized Western-led agenda?" Many people don't find that very comforting.

Yes, sir?

Questioner. I'm David Little from the U.S. Institute of Peace. I have a question for Mr. Kumar and Mr. Kamm. Mr. Kumar, do you of your experience agree with the proposition that human rights is good for business? I recognize that AI is not in the business of treating economic rights. Nevertheless, I suppose you have some general observations which might be pertinent.

To Mr. Kamm, I have read a number of human rights reports recently which really assert the opposite from your proposal; namely, that in certain areas in China and elsewhere there is a positive correlation between disregard of workers' rights and low wages and relative economic success and achievement. Are these reports utterly mistaken? Is there no basis in fact for them? Is the picture somewhat mixed or what?

Mr. **Kumar**. Yes. We strongly support what Mr. Kamm discussed here. I was so impressed by the presentation that I already started taking notes. For your information, he and Amnesty International have been working for a long time together. I am so happy that we have someone like him in the business community who is taking this as a priority. We wish to find more people like him coming out and doing it. Thank you very much.

Mr. **Kamm**. Let me address that as a business person first because as a business person who has been in Asia, working in Asia for more than 20 years, we are often accused as Americans of taking a short-term view of business in a particular country. I would say that companies that abuse and exploit their workers and collaborate with repressive security apparati and perhaps gain something are taking a very short-term view.

The moment that another factory enters that area that has a reputation for respecting its people, then those workers to the extent that they can will flock to that factory. In business you can find in almost every sphere of activity a short-term and a long-term approach. If I have a chemical factory it costs money for me to shut my factory down to maintain it. If I'm in competition with another fellow down the street who never shuts his factory down, at the end of say 6 months, he'll say, "Well, you just shut your factory down last month and I kept rolling right along. Look at my profits. I have got more money that you do right now. I have made more profits in the last 6 months. You were foolish to shut your factory down." But I guarantee you after a year or so of operating like that something is going to happen to that person's factory that's going to shut it down for a long time, perhaps an explosion or a strike or the government's going to come in and find phenol in the water run-off.

So it's the contrast between the short-term view and the long-term view. Yes, I agree that there are probably people who think that concentration camps were very efficient in the sense that they didn't pay the workers anything and they got a product out of it. But I don't think anyone out there would believe over the long term that that's a solution to profitability in investing. Finally let me just say, when I look at the different human rights groups—and I work with many around the world and have good relations, I think, with about a dozen of them—I have always been very impressed with the way Amnesty has approached the question of economics and human rights. I think we'll be doing even more work in the future on this question.

I do believe if we could somehow make the case, if we could somehow convince the business community that promoting human rights is good for business, we would do so much more good in this world than promoting business for human rights. Our big problem right now is that too often I think the business lobbies have made the point that business is an unqualified good for human rights. That has led business people to the conclusion that, you know, as long as I do business, as long as I'm in the country and I'm operating or I'm trading, that in and of itself is good. I'm not saying that it's bad. But I think what we need to do is approach it from the other side, and ask that basic question: Are human rights good for business? That's what we have to answer, I think, to the business community's satisfaction.

Mr. **Clad**. Very quickly to put this in perspective, you know, you don't have to go very far in industrial history to see examples even in the late eighteenth century, certainly during the nineteenth century, where enlightened industrialists would make sure that the conditions were tolerable and then some. They would describe it as a strict labor efficiency question. I think, for example, if you look at Southeast Asia where strike activity has been most prevalent you'll find it. For example, in Jakarta you always hear that the Koreans have this dreadful labor management representation; Japanese far better. It's not by accident that the Koreans are most strike-hit. Overseas Chinese management in some places, particularly Taiwanese, has also elicited strike action as well in some of the other places.

I think there's another aspect, too, and perhaps it feeds into your point is that skills upgrading means you simply can't treat, for example, middle ranking Singaporean engineers in the way that you can, let's say, the first generation of people who come into a factory. They're finding this in the industrialization now of Southeast Asia: you reach a particular point where you want to retain skill levels, and that sort of carries with it almost in a lockstep the need to respect people better, and not to assume that you can

truck in a replacement, because you've trained somebody and you don't want to lose him and so on.

I'm sorry. I'm rambling on. This gentleman's been waiting patiently for his question.

Questioner. My name is Michael Lund. I'm with Creative Associates. For the last month or so, I was with the U.S. Institute of Peace up until then, working on preventive diplomacy.

You talked about human rights and economics. I'd like to turn a question in the direction of security issues, but I'll pick up on Mr. Kumar's challenge at the end. He said that the challenge is, in effect, discerning whether the Asian way is valid or not, and I suppose you'd put it in terms of gets results through other means, perhaps, and ask Mr. Weeks a couple of related questions.

First, about the dialog approach that the ARF has used: I don't say this in a challenging way. I'm just interested in what anecdotes and information you have. Can you cite examples or instances in which, perhaps, the dialog approach has had results that are real important in terms of the very serious security issues that Mr. Gladstone mentioned, as against alternative approaches externally imposed, and so on?

If you can, what do you think is the reason those results are obtained? Is it that there's a certain regional pride that they want to demonstrate to the rest of the world that they can do this on their own? Is it because of the fact there are bilateral alternatives in the background that, if they didn't do it, somebody else in another way might impose pressure, so therefore, those pressures from the U.S. and other countries are necessary to the workability of the regional approach?

Is there a kind of collective pressure that's put on the big boys, like China, by the very fact that there's a lot of other people around the table and it's becoming a more visible thing?

So I'm just interested in your reflections on how it might work.

Then I was interested in your point about how bilateral and subregional mechanisms may be actually necessary to actually get good agreements in force specific things. It's just the utility of smaller entities as against wider regional entities and the various roles that they may play. The regional organizations may promulgate sort of general standards and so on, but the particular forums may hammer out the specific agreements, but both of them are necessary for different—for different things, so I'm just wondering about your reflections on some of those questions.

Mr. **Weeks**. Thank you. Let me take up the first point as to some concrete examples of the value of the dialog approach. There has been a dialog sponsored by the Indonesians, with the assistance of Canada, of course, on the South China Sea-Spratley Islands issues, looking at trying to build bridges in less controversial areas like development of resources and other aspects of those regions, scientific research, those sorts of things.

That's been going on about 4 years. It's had some value, but, more important, I think, to tie it into the structures we've talked about today or the developing processes, this year, I mentioned that the ARF was a brief, 1-day meeting, but frank. It really was. Surprisingly, although they touched on it last year, even more surprisingly in the first ARF, but this year there was quite a discussion in the ARF with the PRC and other regional countries on the South China Sea issues, both freedom of navigation and the security aspects of possible conflicts over the Spratleys—and bear in mind that just a few months earlier, you'd had the Chinese-Philippine tiff over Mischief Reef.

So I think that's one good example of areas. Now, did it resolve the problem? No, but in a way, the Chinese commitment to abide by the law-of-the sea provisions, which they have not made before, was a real step forward in terms of looking at some ways to deal with this, just as the dialog looking at noncontroversial areas of the South China Sea-Spratleys and just talking about it once or twice a year sponsored by the Indonesians I think has done some good.

Again, small steps. The real key in this region is no grand architectures, but small steps.

That brings me to the other part of your question, which I thought was very much to the point, which is why they got together on this. Your first point is absolutely correct. Part of it is regional pride. They ought to be able to look at this in ARF, because if ARF cannot deal with or at least discuss—it's really at the dialog stage; it's not negotiating solutions—but if they can't even admit to real problems existing, then that doesn't speak very well for its promise.

This, frankly, is a bit of a problem. The Chinese would rather not discuss the South China Sea in a multilateral context. Like most great powers, they prefer to deal bilaterally, because their weight carries more. But they did agree to that. They were less agreeing to discussing China-Taiwan issues, but in both cases, even on the sensitive sovereignty area, I think the ability of the organization to deal with it at least on a dialog level reflected some regional pride.

I don't think there's much fear of external intervention. The U.S. security role there is seen as really fairly integral to sort of balancing and, to use a perhaps overworked phrase, to being an honest broker in preventing some of the traditional animosities in the region from resurfacing, and most people value that. On a good day, even the Chinese would tell you that.

Given the current lack of U.S. post-cold war appetite for interventionism, perhaps a bigger fear in the South China Sea area was that U.S. policy was getting too ambiguous, and it was not clear we would respond until we made the May, 1995, statement earlier this year on freedom of navigation principles and committed on that. Some of the other smaller Southeast Asian nations feared that the United States would, in fact, not intervene. So it was almost a reverse fear; if we don't solve this ourselves, nobody else is going to come in and help us on it.

I've addressed, I think, the collective pressure question you had.

I think one aspect we need to be very careful about in the Asia Pacific region, and Mr. Kumar alluded to it earlier, is we're dealing with countries which are basically 50 years old, if that. They are very sensitive about their national sovereignty, and formal pressure tactics tend to be counterproductive many times in dealing with these.

My only comment on your second question about bilateral and subregional roles is that I absolutely agree with you. I think they're very complementary. I think the focus can be better in dealing with the details of problems on a bilateral basis. To give you a concrete example, subsequent to the ASEAN regional forum, there were Philippine-Chinese discussions over the Mischief Reef problem, which led to some more specific agreements.

To give you an example of subregional things, perhaps the most useful pressure on Chinese security aspirations and misunderstanding in the region has been a new series

that's begun within the last year of ASEAN and China negotiations at the foreign ministers level to discuss those things.

So I think those all fit. I do think that having an overarching venue like ARF, where everyone in the region can look at problems—because, let's face it, problems with Northeast Asia, if there's a Korean conflict again, can very much affect the situation regionwide. Likewise in the South China Sea. Japan draws 80 percent of its oil comes through there, so Northeast Asia is very much affected by Southeast Asia.

So you do need some regionwide way of linking these. I've rambled on too long, but I hope that answered your question.

Mr. **Clad**. Once you give the moderator a little bit of power, he wants to jump in at any moment. I can't resist coming in with a few things after that.

I think you're on the right track, but I think you might be a little bit overgenerous to the process. I mean, after all, it's like having an elephant in a small front parlor—the problems in the South China Sea, the Chinese attitudes. It isn't just another claimant state in the South China Sea. China's claims through a territorial law that took everyone by surprise are very comprehensive. They relate to the sea bed, to what's on the surface, to what's flying over it, and to really the literal, the contiguity of the entire South China Sea. No other claimant state wants that much.

I think also the Djakarta talks, in a way, despite the appearance of getting somewhere, I mean, many people have said, "Well, what does the Chinese acceptance of the law of the sea actually mean? Is there any remedial language in the LOS conventions that really points toward solving it?" I mean, I'm being a little disputatious here just to encourage you to say a bit more, but, I mean, let's also remember that this country, the United States, was not all that thrilled with Evans, the foreign minister of Australia, coming out with the notion that there should be not a CSCE, but a CSCA, and I think it wasn't so long ago we sat very firmly on that idea, saying that we preferred—well, we didn't say it, but the motivation was that we really preferred—to work the traditional Washington, you know, center of the wheel, hub of the wheel, and then following a spoke out to a particular bilateral relationship. We didn't want these security issues pooled, as it were, into a multilateral forum where some of our own leverage might be dissipated.

So I tend to regard these, even the ARF, I regard it as a very reluctant emergence of pretty much an issue-directed, you know, issue-driven multilateralism really to give the ASEAN grouping some leverage vis-a-vis the Chinese in the South China Sea. I don't see this as having any enduring institutional potential. How's that?

Mr. **Kamm**. I don't want to jump in, but I would just make one point here. You will recall, and I'm sure Congressman Lightfoot will recall, though I don't believe he had yet graced this fine institution with his presence, that back in 1976, when Congress put forward the idea of a Commission of Security and Cooperation in Europe, there was tremendous opposition from the State Department. They didn't want any part of it. You know, these were the areas—human rights and trade, et cetera—that are best left to the experts. Don't let Congress get involved in this.

I'm just wondering whether, in fact, the opposition which I do recall being voiced to that concept was coming not perhaps from Congress, but from Foggy Bottom and members of the executive branch that don't, in fact, want to see a commission established.

I can say in my own work that, although there've been plenty of State Department officers who've been helpful in the field, I don't think the position of the State Department

on a commission like the CSCE for Asia would necessarily be supportive at this point. I hope that through friendly persuasion, they can come around to recognizing the value.

When I say "value," again, I'm speaking as a businessman. I have always been impressed by the value for money which the CSCE has given. I was shocked a few years ago when I looked at their budget and discovered that it was something on the order of a million dollars a year for the entire commission in the budget. That's astonishing. Now, I don't know what it is today, but I'm sure it's less than $2 million a year for the budget of the commission. That's great value for money when you look at the record of what the CSCE has achieved.

So I would just jump in on that and say that it's not necessarily the position of the entire U.S. Government.

Mr. **Clad**. Oh, I didn't mean to suggest it was. I was just being provocative.

Mr. **Kamm**. OK.

Mr. **Weeks**. Responding to your earlier provocation, Professor Clad——

Mr. **Clad**. I know. That's a classroom technique here.

Mr. **Weeks**. No, you make a good point. I am perhaps over-optimistic, if not overgenerous, but without boring everyone to death about law of the sea, some terms of which (e.g., EEZ boundaries) are still to be negotiated even by countries that sign the treaty—*the reason China is saying, "We agree to abide by law of the sea provisions" is* that many of their claims were historical claims of types that are no longer recognized. "We claim all of South China Sea because the Ming Dynasty had ships all the way through the Straits of Malacca" type of claims.

There are almost no provisions, however you interpret them most generously, in the law of the sea convention that would enable the Chinese to essentially draw baselines and take in that whole area of sovereignty they were originally claiming in the South China Sea, which is why many of us, when we saw that statement by the Chinese after the ASEAN regional forum said, "Has anybody in Beijing read the law of the sea provisions?"

Mr. **Clad**. Has anybody moved to change the jurisdictional law?

Mr. **Weeks**. Because, you know, if they really go under the law of the sea, then the area of dispute is really much narrower, you know, as to whether you have this 12-mile area around this island or baselines around three islands close together, but it's not the whole, "We have a historic claim to the whole area."

Mr. **Clad**. But isn't this another example as to what's not a sweet-and-sour diplomacy? *The foreign minister says a whole lot of things. They'll move to repeal the jurisdictional* law, which remains in place. This sounds very callous and cynical, but many people expect after the election of '96 in this country for Beijing to go out and teach the Philippines a lesson of one kind or another. Now, it may not be very brutal, but they expect Beijing to make the point.

It's just that sometimes—perhaps particularly because we're Americans—we like structures and sometimes we let form suggest to us that there's more substance than there really is.

Mr. **Weeks**. On the other hand, the substance of whatever informal structure there is in ASEAN, and I mentioned the ministerial meeting they had with the Chinese after Mischief Reef and the subsequent one after this summer that they're doing now, the Chinese really learned in Mischief Reef that throwing their weight around—which they certainly can do any time they want; no structure's going to stop them—causes a real price

for them, particularly in their relations with a group that's generally as tight as ASEAN. Remember, this was happening even at a time when the Philippines and Singapore had one of the worst spats that there's been in ASEAN over the death penalty for the maid there.

Let me just address briefly your second point, because I think it's an important one, and I was alluding to it when I referred to the fact that great powers generally prefer not to engage in multilateral things when they can do things bilaterally.

It's true that in the 1990-1991 period that Secretary of State Baker fiercely resisted Gareth Evans's proposal for a Conference on Security and Cooperation in Asia. You know, adopting the terminology, as I suggested in my earlier presentation, of Europe for Asia, was probably the first mistake of Evans's proposal, showing that they're not quite fully Asians yet, as they claim, in Australia. But from the U.S. viewpoint, I think there was a logic behind it that people should appreciate, and that was the simple fact that until the Soviet Union was no more in December of '91, the U.S. still was very concerned about anything that might be seen as weakening the ties, the traditional web, of bilateral alliances. Now, the current view is with the Soviet Union gone—because the Soviets' whole Asia policy for 25 years had been directed to trying to multilateralize it—so they didn't see this as something coming from within the needs of a region in the post-cold war period; they saw it as something that still could be unfavorable.

After that, even in the last months of Secretary Baker and the Bush administration, the U.S. began to admit that multilateralism might be useful in supplementing U.S. power and presence in Asia with a growing Asian role more reflective of the economic and political and, I think, military state of development out there, and that policy is made explicit in the "New Pacific Community," a policy advocated by Winston Lord and President Clinton; and even more explicit in the U.S. national security strategy for the Asia Pacific put out by the Office of the Secretary of Defense in February of this year.

So there's a thread that runs there, and we have, indeed, progressed in the U.S., but I think there's a certain logic to that progression that needs to be remembered.

Mr. **Clad**. Sir, I hope this doesn't seem like too much inside baseball.

Are there other questions out there? I know the light's falling. Yes, ma'am?

Questioner. My name is Kathleen Walsh. I'm from the Stimson Center here in Washington.

Mr. **Clad**. Could you just repeat that?

Questioner. Kathleen Walsh is my name, and I work on the CBM/China project there. So let me ask the typical China question about the discussion, sort of short-term view and appropriate long-term discussion we're having here, but there seems to be a tendency in the U.S. and elsewhere to wait and see, or a hesitancy to push China right now, and even the Chinese are saying, you know, "Look, we're going through all these changes—economics first, politics later, don't push us. We're going as fast as we can on human rights, on security, and all of that, and wait, you know, until we can get it together." And then others here are saying, "Well, we can't push them now, because they're going through this very delicate transition" or that they may have already gone through that and the cards have already fallen.

My question is your thoughts on whether we should be pushing China in a gentle, engaging way right now to get to the younger generation, to push them now that they are reforming, they are changing, they're open to new ideas, that this would actually be

the ideal time to be pushing them on these issues in a constructive way and not wait to see what happens and not take the containment view and saying, "Well, it'll probably end for the worst and therefore we have to prepare that." And I'm just curious on your views on that.

Mr. **Clad**. Any takers?

Mr. **Kamm**. Actually, I think that's a very good question. By the way you phrased it, I suspect I'm going to say pretty much what you already agree. I do think that, in fact, we should be keeping up a steady pressure on the Chinese about human rights, and it can be done so that it isn't confrontational.

In any event, though, what disturbs me the most right now is even if you could make the case—I'm not saying that I agree—but even if you can make the case that now is not the right moment to push them too hard because of the succession struggle, you should certainly be laying the groundwork and doing the kind of work that's necessary to promote your agenda about human rights, which is an international agenda, when the time is right.

I'll make a very specific point here. We do not have a comprehensive political prisoner list right now that we could hand to the Chinese government if, indeed, the bilateral dialog on human rights began again. We don't. And I have been pushing for months. In fact, in February in "The New York Times" there was an article in which I said that I'd been told by a senior official of the U.S. embassy in Beijing that we were getting out of the "prisoner list business," that we weren't going to be submitting prisoner lists again. That caused a storm, and people in the State Department said, "No, no, no, that's not so. In fact, we do regularly submit," et cetera, et cetera.

Well, has anyone heard of the submission of a political prisoner list to China recently? It just isn't going on. Yet we have at our disposal now the means to put together, with the assistance of NGOs like Amnesty and with State Department people in the field and, hopefully, through other means that I've been suggesting, we could put together a very good prisoner list.

Say you take the position that we shouldn't be pressing the Chinese right now. To a certain extent, the Chinese have promoted that view not only because of the succession, but because of the handling of the Li Teng-hui visa. They've stamped their feet and shouted and made so much noise about that and how unhappy they are that, in effect, they have gotten away with Americans backing down in these other areas because we don't want to push them. They're very upset, et cetera. They're very good at playing that.

But even if you take that position and say, "All right, maybe now isn't the time to push them really hard on human rights," there is no justification at all for not doing the homework to make sure that you are ready for when the dialog begins, and we're not doing the homework, right now, that we should be doing.

The assumption is that we will not resume the bilateral human rights dialog with China. That's my personal opinion, but I think that's the assumption that is governing the State Department.

Mr. **Clad**. Yeah, I'd like to say something, but you can carry on.

Mr. **Weeks**. Go ahead.

Mr. **Clad**. After you, please.

Mr. **Weeks**. To come at this from a little wider point, it seems that there's usually a pusher and a pushee, and looking around now, I'm really struck by the fact that, with

the exception possibly of Helmut Kohl in Germany, both in the East and the West and especially in major Asian countries, not just China with the succession, but Japan and others, we have probably the weakest leadership everywhere, except possibly Germany, since the 1920's. Every country.

Which goes really to the heart of what I think John's saying, that it is one thing to calibrate whether or not to push, but if the pushing country is weak and we can identify where the needs are and is unable to carry that through, then nothing much is probably going to be done. That's going to be put in the political too-hard basket, it's on the fringe, it's, you know, it's for a time when we can focus on that instead of political survival in Washington and Tokyo and London, wherever.

Now, that suggests to me that the type of thing that Congressman Lightfoot and others were talking about and one thing John was referring to in getting our act together to be prepared to know and to move perhaps in unofficial ways to push these countries is going to be even more important right now, when you don't have the strong political footing in many countries to do this on an official level. This is a time when it seems to me both the traditional nongovernmental type of things and other quasi-official, track two type of things become more important.

Mr. **Clad**. Yes?

Questioner. Can I just throw out a question? I read in "The Times" that China—[off mike]—on the Dalai Lama in Tibet. Now, as the director of a human rights organization, I know we've been working with the Tibetan people for the past year, and the homework is done, but State Department is certainly not going to be behind this when we start letting—[off mike]——

Mr. **Weeks**. I couldn't agree more. In fact, in my statement, I allude to something.

MR. You'll have to repeat the question.

Mr. **Clad**. Oh, I'm sorry. For the recording.

MR. : [Off mike]—on the record.

Mr. **Clad**. It's a good question, and, yes——

Questioner. I'm Audrey Latin of the International League for Human Rights. It's the issue of the Dalai Lama in Tibet and China's statement that it would not recognize the succession that the religious community had agreed upon.

Mr. **Weeks**. Now, this is to the Pachin Lama?

Questioner. Right.

Mr. **Kamm**. A couple of years ago, I made a suggestion, and it's one of those suggestions that's like throwing a rock into the water and the ripples go away. I've never received a good answer for it. Why don't we push for the establishment of an official presence of some sort in Lhasa, specifically a consulate?

Now, of course, if you believe that we don't have any commercial interests in Tibet, and what would they do, well, obviously, if there's any area in China where we should be monitoring the human rights situation, it's Tibet. Now, I understand the sensitivities here in the sense that it's often the Tibetan community that says, well, if there's a consulate there, you are, in effect, recognizing Chinese sovereignty over Tibet.

Well, I think that's a moot question. First, it is the policy of the United States as of today that Tibet is a part of China, and that is the policy of the United States. Second, even if you were to take the other view that Tibet should be an independent country—

I'm not advocating it, but if you took that view—, look at Eastern Europe today. There are numerous examples of countries today in which there are embassies where there used to be consulates. There is nothing that having a consulate in a country precludes in the area of moving eventually toward full diplomatic relations, if that's what is called for.

I don't understand why we don't press to establish a consulate in Lhasa. The Chinese government position is that Tibet is a part of China. One could say, "Well, indeed, that's why we're asking to have a consulate. We're not asking for an embassy. It's a consulate." Why don't we have a consulate in Lhasa? I don't understand that.

Mr. **Clad**. Oh, yes, you do. You know——

Mr. **Kamm**. Well, OK, I do understand it, and I'll say it again. It's because human rights is so far down the totem pole right now in terms of our agenda overseas that it's the question that nobody wants to ask even within the State Department, because even if you take the view that, OK, these other things like trade and security are more important and that human rights is important but it's not No. 1, you still have a situation in Tibet today that cries out for monitoring of the situation and effective representation at political levels. I agree with the questioner, though. We're not doing anything about that.

Mr. **Clad**. I'd like to come back to the question asked a moment ago about containing China. One reason that the debate over how China is to be approached, what are the policies toward China, and U.S. policies in Asia vis-a-vis China is confusing is because, of course, we've just emerged from an era in which containment really dominated the debate for so many years, so everyone says, "My God, it's just a transplanted global cold war to a very big region," but the sort of whole mindset continues.

I don't know what another good word is, but I think that it's a very important thing to be aware of the growth of Chinese power. I had the privilege of working in a ring of countries proximate to China, and their feeling is rather than erratic movements in China's policy, they see continuity. They see a hegemon pushing at them, not roughly barging in, not a territorial aggrandizer, but a country that means to be treated as a regional hegemon and to basically ensure that the tributary mentality is the appropriate mentality on its perimeter.

I don't think that's a good thing for the United States. I was dismayed that it took so long for us to come out with the May statement, and it took a lot of hard work, by the way, from people who mainly aren't even in the administration to do that. That stiffened the ASEAN spine, and I think that's what led to the frank exchange that you described in Brunei in July.

I think containment—you find a better word, and I'll be happy to sign on—but I think that within that particular approach, I'd like to see less list preparation, because it means why do we always come around talking just about China in events when it's U.S.-Asian event, you know, but rather isn't it a good idea to insist that the Chinese—and everyone else, for that matter, who wants to take it seriously—realize that we take it seriously. That's what matters a great deal more than lists. It matters that there's continuity, consistency, and a back-room approach in which the people who make decisions in these countries know that the people over here are watching it and it's on the agenda item. It doesn't have to be No. 1. It shouldn't be number 30, but that it's in there and that we follow.

And I'm puzzled by this argument that we either care about human rights or that we sort of throw it away. I think it should be part of a comprehensive policy toward

China, and I think it should enliven our policy toward other Asian countries, but I really think that the further away it is from microphones, the better it is. That's my own view. Sorry.

You had a follow-up. And could you ask it in the microphone? This may have to be the last question, particularly if people on the panel wish to make any concluding remarks.

Questioner. I'm taken with the argument that a more democratic society or a society that respects basic human rights, whether it's a microsociety in a factory or a larger society is, in the end, more productive and better for business. If we extend that argument to our Asian policy, it seems to me that, despite our current differential rates of investment in India and China, that, given the two strong potential imperial powers in that area, India by far wins the endorsement of having an active civic society and a civil set of institutions that have legal jurisdiction and responsibility. Using your argument, by extension, is certainly the better business for America. Just an observation.

Mr. **Kamm**. Yes, and, in fact, you will often find that businesspeople say that indeed, we should be doing more in India, but we have a real problem. That has been that the Indian government has not allowed foreign companies in.

Mr. **Clad**. I'd like to hear from Mr. Kumar, too——

Mr. **Kamm**. Now it is changing somewhat, although the recent experience of the Enron plant—I'm not totally conversant there—but that has obviously dampened enthusiasm again.

But your point about the legal system is a valid one. Time and time again you hear companies who are familiar with China and India say that, when it comes to a legal system that respects rule of law, that has a foundation in common law, certainly India should be the preferred place to do business. But, again, we've had a government in India that for many years has in effect banned foreign investment, and that's——

Mr. **Kumar**. May I also touch on that?

Mr. **Clad**. Yes.

Mr. **Kumar**. China is growing very fast in terms of economic liberalization. India is very careful. There are different reasons for that. The one important reason every one of you knew is that you knew what happened when—what is it?

Questioner. Bhopal.

Mr. **Kumar**. The Bhopal incident. That had enormous impact in the public psyche, that when you have outside companies coming in, they just abuse us, and here thousands of people were injured. In fact, a couple of people died. Nothing happened, even to this day. Still, they have problems dealing with that. So because of one or two businesses abusing it, the whole business community gets punished. That's one reason.

Mr. **Clad**. We're in our last 5 minutes. Are there any concluding observations that any of the discussants would like to make up here? Congressman, is there something that you're brooding about?

Mr. **Lightfoot**. No, I'd just say that something was brought up in the discussion talking about pre- 1976 and the formation of the Helsinki Commission. In the questioning last year to Secretary Christopher during one of our hearings, that we have almost a parallel track that we're on in response to a question I asked him about the potential of putting together a commission to look at the human rights issues. His response was—I'll quote him very quickly—"I think our thinking's in the same direction. I'm not sure about the

feasibility of a human rights commission. I doubt the possibility of the creation of a bilateral human rights commission."

And he went on to say later, "Although I can't be enthusiastic about your particular suggestion because of the unfeasibility, I want you to know we have the same aim and are going in the same direction."

I suspect that you could probably find some quotes quite similar to that in the mid- and early 1970's, so perhaps we're going to have to pursue this outside the political spectrum.

Mr. **Clad**. Good. Well, unless there are any others—yes, sir.

Mr. **Weeks**. Yeah, just to repeat a couple of things, the Congress has supported a new Asia Pacific Center for Security Studies out at the U.S. Pacific Command in Honolulu, and I had the honor of putting together their first annual conference here a couple of months ago, and one of the Dean of Asian scholars, probably the Dean, Robert Scalapino, gave a very good paper there, which pointed out that we're in a foot race between the vast amount of change that's going on in the Asia Pacific region—political change from hard authoritarianism to soft authoritarianism and in some cases like Korea and Taiwan from soft authoritarianism to democracy; political and social change, really, and, of course, then there's the generational change of leadership going on; cultural change with the information age; the fast changes brought by really rapid economic change, but with all the implications of a hundred million plus internal immigrants in China, for example, as well as disparities between countries in the region.

The point is that nowhere in the world, perhaps, are the changes coming as fast as they are—political, social, economic, and, of course, security change overhangs it because of the objective change at the end of the cold war.

So the way I see the challenge of the processes in this region, whatever they may be and whatever lessons they may learn from OSCE, the real challenge for them is going to be to win this foot race with the pace of change, because there are many scenarios where internally from the cultural and economic changes and imbalances and externally from aspiring regional power rivalries, where things could go very seriously off the rails very quickly, and I think to return to the other area of human rights, all of that has some implications for that.

So I think that's one way of looking at the challenge we've talked about here.

Mr. **Clad**. Very useful.

Congressman, thank you for joining us here today here. Thank you, all discussants, as well. It's been a pleasure. I came along, I won't say reluctantly, but I thought it was one more thing to do, and I've learned an enormous amount. It's got me thinking again, and I hope it's been useful for the audience as well.

Please join with me in thanking the discussants for their contribution today. [Applause]

[Whereupon at 5:00 p.m., the Commission adjourned.]