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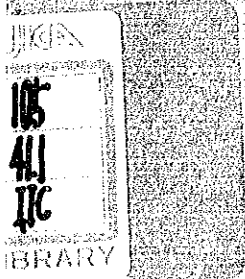
「中国の民主化と人権問題」

—開発援助事業におけるインプリケーション—

平成5年4月

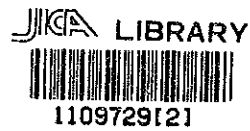
国際協力事業団
国際協力総合研修所

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「中国の民主化と人権問題」

—開発援助事業におけるインプリケーション—



平成5年4月

国際協力事業団
国際協力総合研修所



— 「国総研セミナー」とは…… —

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国総研セミナー

テーマ：「中国の民主化と人権問題
－開発援助事業におけるインプリケーション」

日 時：平成5年4月22日 15:30～17:30

場 所：国際協力総合研修所 2階 大会議室

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「中国の民主化と人権問題－開発援助事業におけるインプリケーション」

(セミナー概要)

中国政治研究者であるコロンビア大学東アジア研究所所長、アンドリュー・ネイサン教授と人権NGO『アジアウォッチ』のワシントン支部長、マイク・ジェンドライゼック氏を招いて、天安門事件後の中国の政治状況と人権問題の現状、及び『ヒューマンライツウォッチ』の一機関である『アジアウォッチ』の人権にかかる調査、モニタリング活動について、講演が行われた。

中国は天安門事件後、年率12%という高い経済成長率を達成しているが、政治的には反政府グループの逮捕、亡命などがあり、強圧的な保守派グループに対する人心離れが進んでいる。また、経済の地方分権化や高い潜在的失業率などの要因も、中央政府のコントロールを実質的に不安定なものにしてきている。中国の将来展望としては、より市民の間で信望のある、経済改革派が民主派などの支援のもとに優勢になると予想される。

『アジアウォッチ』は、世界人権宣言(1948)等に基づいて、アジア各国の人権状況に関する情報を収集、評価し、発表している。人権侵害を行っている政府に対し国際的な圧力をかけるとともに、当該政府との対話や米国政府に対する人権擁護促進のための働きかけを通じ、各国の人権状況を改善していくことを目的として活動している。中国に関しては、アメリカ議会、政府、その他独自のチャンネルを通じ、天安門事件以降の人権状況に憂慮を示してきたが、こうした中国の政治・経済両面での移行期に、人権問題についても国際的圧力をかけていくことは、中国の民主化、そして人権状況改善を平和的に押し進めるのに資するものと、講演者は考えている。

開発援助事業との関わりにおいて、ネイサン教授は、援助界でもUNDPのHuman Development Reportに人権の要素が盛り込まれるなど、開発における人権の重要性が認識されてはきているものの、具体的な取り組みはまだ遅れていると指

摘。プロジェクト立案時における人権の視点を入れたフィージビリティスタディーや、個々のプロジェクトが人権の状況にどのようなインパクトを与えたかというようなプロジェクト評価の導入などが提案された。

質疑応答では、主に次の三点が討議された。

まず、現在アメリカが考慮している、中国に対する最恵国待遇供与とそのコンディショナリティーについてである。民主主義やその制度の確立には長期的視野が不可欠だが、欧米諸国の対応は、往々にして、近視眼的な対応に感じられることが多いとして、クリントン政権下で出されるコンディショナリティーについての疑問が投げかけられた。講演者は、まず、制度としての民主主義の確立と人権擁護を区別して討議する必要性を説き、民主主義制度が確立する前においても、言論の自由や拷問の禁止等基本的人権は、中国の法律上の文言どおりに保障される必要があるとした。その上で、クリントン政権は、公式、非公式チャンネルを通じて、長期的に中国の人権状況が全般的に改善されるよう圧力をかけるとともに、具体的には、天安門事件での逮捕者に関する事実の解明や国際赤十字等人権団体による中国の拘置所や刑務所の視察、宗教の自由の保障等をコンディショナリティーとして、中国政府に要求していく可能性があるとし唆した。

第二は、ある国の人権状況が改善されるため、欧米や日本がどのような外交政策や支援を行うべきなのかについてである。例えば、人権侵害が甚だしい国に対して、貿易封鎖や援助停止など制裁措置を取るべきであるか、または、貿易や経済援助が長期的には、当該国の人権状況の改善や民主化の促進を押し進めるものとして、継続され、この分野でより効果を上げるよう利用されるべきであるか等。この点に関して、講演者はこの両者をうまく使い分ける必要性、つまり、「あめとむち」の両方を効果的に使うことを強調した。さらに、この両者を具体的状況の中で効果的に使い分けていくための判断の基準として、各国の人権の保障度や侵害度を測る尺度を開発する重要性が強調された。

第三に、民主化の促進は、外からの圧力や支援以上に、中国自身の取り組みによるところが大きいが、中国国内の民主化を進めていく大きな要素は何かについ

て討議された。この点に関し、講演者は中国の経済改革派と中流階級の特徴を示しつつある中国の一般庶民を重要な要素として挙げた。経済改革派は毛沢東以降の政治、社会、経済システムが、非効率で、またさまざまな限界を呈しているとし、例えば、選挙の導入等、民主化を部分的に進めることにより、競争原理による効率化を図り、また既存の体制を少し開放することで、現システムの停滞性を少しでも打開できると見ている。また中国の農村人口も、教育と収入という面では中流階級的な性格が強くなってきており、自分たちの利益を明確に把握し、それを要求するようになってきている。こうした面では、この二者は、中国の民主化を促進する重要な要素であるといえることができるであろう。しかし、ネイサン教授は、こうした動きがすぐに中国の一党独裁体制を変えるものではない、という見解を付け加えた。

以上の他にも、情報収集の際のローカルNGOの活用、人権の保障度を図っていく尺度の開発に際し、どのような点が留意されなければならないのか、さらに、人権問題だけを切り離して考えるのではなく、経済、社会、文化等を含めた包括的アプローチの必要性等も討議された。

Thursday, 22nd April, 1993

SEMINAR ON CHINA'S DEMOCRACY AND HUMAN RIGHTS

Guest Speakers:
Professor Andrew Nathan
Mr. Mike Jendrzeczyk

MODERATOR: Ladies and gentlemen, thank you for waiting. Thank you for coming to the International Seminar of the Institute for International Cooperation of JICA.

Today's theme will be on China's democracy and human rights, and especially, the implications on development assistance activities.

It is a great pleasure to introduce two guest speakers we have today, Professor Andrew Nathan of Columbia University and Mr. Mike Jendrzeczyk of Asia Watch.

And Professor Nathan is Director of East Asian Institute of Columbia University, and he is a well known political scientist and is known for his numerous books and articles on cultural and political situations in China and some other countries. And his recent books cover China's democracy and China's crisis which follows the pro-democracy movement in China. And aside from the academic activities, Professor Nathan has been a member of National Committee of U.S.-China Relations since 1987, and he is a member, Board of Advisors for Asian Consumer Right and Democracy in China from 1991. And he is currently a Consultant of Asia Watch.

And Mr. Mike Jendrzeczyk has been holding the position of Washington Director of Asia Watch. This is an affiliation of Human Rights Watch, that is an American non-government organization which mainly monitors human rights situation throughout the world with a wide coverage of activities. More information about Asia Watch and Human Rights Watch will be found in the brochures and the copies at your hand.

And today, Professor Nathan and Mr. Jendrzeczyk will talk about the political situation in China, and especially Professor Nathan will talk about the conceptual definition of democracy of human rights issues. And then, Mr. Jendrzeczyk will follow by informing us the activities of Asia Watch especially on the gathering and

analyzing information concerning human rights and how they use those information in terms of political advocacy and their political implications, for the U.S foreign policy.

Then I would like to ask Professor Nathan and Mr. Jendrzyczyk to make their presentation.

NATHAN: Thank you.

It's a great privilege to be here, because I know that you are involved in very important work, and I am told that a number of you have served in China. How many people have served in China, by the way, if I may? Anybody else? Aha. So that I am speaking to some China experts. I have to watch my words. And all of you are engaged in extremely important work whereby Japan's influence and example will be extended throughout the world. So, I think both Mike and I treasure this opportunity to meet with you, and I hope we will be able to meet with you again.

We have divided our program up into three parts, a little bit different from what the moderator said. We made some spontaneous adjustments of our own. I will begin by talking in my role as a political scientist in China, a student of Chinese affairs, I would like to share with you my own sense of how things are going in China now. It's a very macro picture of what kind of changes taking place. And I hope that those three of you who have served in China will contribute your views. The view that I am presenting, I think, is one that quite a few American observers of China share. But it is my own view.

Then, Mike will talk about the work of Asia Watch, and how that fits into the American political process. And then, he and I both would like to say some things about the methodology of evaluating human rights, because when we arrived here we learned from your Directors Hashimoto and Kasai that this Institution is trying to shape standards to evaluate human rights conditions in keeping with the ODA guidelines. So, that's a great opportunity for us to put forward some very rough ideas, and hope to hear your ideas so that we can get some sense of where you are going, participate in that discussion.

Our time, of course, is very limited. So I just return to my main topic, what's happening in China, and try to give you an outline view, and maybe it will raise

some other questions.

In 1989 when the Tiananmen incident occurred, many observers of China and many Chinese people expected that Communist government, the Deng Xiaoping - Li Peng Government to collapse. But it has been three years, and that Government has not collapsed. So, we have to ask ourselves what is maintaining the government. In fact, from some points of view, it looks very stable, even more stable than it was before.

It seems that two obvious factors play a role, and one factor that's not so obvious. Economic growth is very important in stabilizing the regime, and those who served there recently will have seen that the economy is growing very fast, 12 percent a year. There is a consumer craze; people are busy working double jobs, and then using their income to buy more goods including Western and Japanese brand name products;—Sony and Panasonic, and so forth, McDonald's and all these things.

The second factor that has stabilized the regime is the use of the police power to exert control to carry out a police state to arrest and exile those activists who stand out in trying to change the regime.

There is a third factor which is more subtle, and I suppose only those of you who served in China would have a feeling for this factor, but it has to do with the mentality of the population.

In a certain way, the shootings in Tiananmen had a different effect in China from the effect they would have in a country like Japan. The Government in Japan is an elected government, and if this government, or in the United States, the government got out and shot and killed a thousand people, which is the estimate of Amnesty International, in the capital city, that would show that the government's legitimacy was bankrupt. But the Chinese Government came to power through the barrel of a gun, as Chairman Mao said, came to power by seizing power by force. It was never elected. So, by shooting people, the Government, instead of ruining its legitimacy, sort of restored legitimacy in the sense that ordinary people understood that the Government still has the will to hold on to power and still willing to use force to hold on to power.

We also discovered through survey research that some colleagues and I have

been able to do in Mainland China that much of the population in China is not quite concerned with the government in Beijing. There is an old saying in Chinese that Heaven is high, and the Emperor is far away. Maybe even in traditional Japan you had a similar statement. And in China, because China was a totalitarian society, and is still a post-totalitarian society, the Government is very intensively organized from the top down to the province down to the county or the city down to the unit level, the so-called "dan-wei". I don't know what you say in Japanese, "tan' i" ? or, "shokuba".

So, to most Chinese people, when you ask them about the government, they don't think about Deng Xiaoping. They think about the Party Secretary in their unit, who has control over many aspects of their lives. And we've found in our survey research that most Chinese people feel that when it comes to issues that concern them directly, they have a pretty good link with their unit leader, and they can influence how the policy is applied to them. It's a kind of Chinese form of democracy. They can't influence the policy, but they can influence the implementation of the policy and their daily life through their connection with the unit leader.

And that means that the alienation that they feel, and distrust that they feel toward the whole system, which they do feel, is moderated by their sense that, at least as far as I am concerned, I can always find some way to work with my unit to modify the impact of the policy. So, that is something that blunts the edge of opposition to the government.

So, those I think are the three stabilizing forces that explain how the regime survived after 1989. But there are also long-term factors which convince me and many American China specialists that the regime is in the midst of a transition any way and that it won't survive very long.

The major factor is the legitimacy crisis that was revealed by the Tiananmen events. Despite what I said about peoples being able to find a way through the unit to survive, the central government authorities, the communist party authorities are very very unpopular. And the prevalent feeling even among ordinary workers and peasants is that this is an old fashioned government; it's out of date that in the outside world democracy is the wave of the future; communism has collapsed in the Soviet Union; Taiwan has democracy. Wealthy countries are countries that are,

and modern countries are those that are moving toward democracy, and that the communists only began to deliver economic growth to us when they took their hands off of the local economy and allowed us to develop our own activity.

In Beijing, and after all;— of course Beijing is only one place in China, but in terms of the political future of China, it's a critical place, because whatever happens there may determine the survival of the central government. And that's where the Tiananmen shootings took place. In Beijing, many many people, including government workers and party workers have hidden away photographs of the June 4th shootings and the events, and documents and relics and bullets, because they think that after Deng dies, they are going to bring these things out as evidence for the reconsideration of that incident. So, the government is very unpopular.

Secondly, the social control of the police system that I mentioned, although it has succeeded in arresting quite a number of people, is inefficient, not like in the Mao period where, as soon as anybody put up a war poster or wrote a letter to somebody else, they would be secretly arrested. I have met dissidents now who were arrested by the police in local areas because the central government ordered that they be arrested, and the police treated them very carefully. The police are afraid that in a few more years, this person whom we arrested will be considered a hero and will be considered to have made a mistake. So they treat these people very carefully, some of them, and let them out as soon as they can. I met a young man in New York, who had been arrested by the police in Hunan, and they quickly let him out and they allowed him to do anything he wanted to do. And he told me a long story, which I don't have time to tell you now.

So, people in China are not really;— or there are many people in China who are willing to take risks to oppose the government because they realize that the government's repression is not that strong any more.

Another problem, and I think it's particularly relevant to your work, is the problems in the economy. And there are two key problems in the economy. One is the inflation, the lack of control over investment. The central government lacks macroeconomic instruments to control the rate of investment because of the decentralization. And as you know, the inflation rate is over 10 percent in major cities, and it's very hard for the center to control it.

The other problem is the unemployment problem. Over 100 million, maybe, or 150 million rural residents who don't have enough work and who go to the cities, are the sort of "riudong-renkou", what you say "ryudo-jinko", who are travelling around looking for work. And even more important than that are the workers in the state enterprises. According to a friend of mine who is a Chinese economist in the Academy of Social Sciences, he said that one-third of the employees of state enterprises are superfluous, and if the state enterprises are to improve their economic performance, those people have to be transferred to some other work or let go in some way. But of course, there aren't enough jobs outside the state sector for them. So, this is an extremely sensitive political problem for the government to control.

Because of these issues, we think that the control by the government is superficially stable but fundamentally unstable; and that when Deng Xiaoping passes away, an opportunity will open up for these instabilities to not necessarily break out in violence but to bring pressure to bear on the governing circles. We know that the Chinese regime is very disunited. There is serious factionalism in the regime, that has been clear for a long long time, but it was particularly clear in May of 1989 when Zhao Ziyang, the Party Secretary, took a very different line from the line of Li Peng, the Prime Minister, and from Deng Xiaoping.

And we expect that after Deng dies, this factional struggle will break out, and the reformers and the hardliners will be struggling for power. And whether the transition takes place in a peaceful way or in a more violent way will depend largely on the nature of this power struggle and how fast the reformers are able to consolidate their control.

I say how fast they can consolidate their control, because the reform faction is by far the strongest, the stronger of the two factions in the leadership. It has much depth in the party and the bureaucracy. And it's the only one of the two factions which is popular among the people. So, I believe that the hardliners cannot hold power for very long, if they hold power at all.

We hope that this transition will be more peaceful. That's certainly very much in the interests of Japan that the transition in China, if it's going to be a transition, should take place in a peaceful manner so that it doesn't disturb the growth of the

economy or disturb social peace in China. We have had many people here tell us that if there is disorder in China, it would be very damaging to the interests of Japan, and maybe create refugees and create other problems for Japan.

And there is some reason to be optimistic that the transition will be peaceful. When I mention this relative strength of the reform faction in the leadership and the fact that the reform faction—that the unpopularity of the party is concentrated on the hardliners, while the reformers have a fairly good image among the population, so that if the reformers can come to power fairly smoothly, they would get what we call a “honeymoon period” with the population, that is, there would be new hope, just like when Mao died and Deng came to power, there was hope that Deng would lead China in a better direction, which he did, and so, Deng enjoyed about ten years where he had widespread support among the public and among the bureaucracy. That could happen again.

And we believe that the reform faction is quite willing to make wide-ranging political changes based on things that Zhao Ziyang said when he was in power, based on things that people who have come to the United States who used to work with Zhao have told us Zhao was thinking about, and based on what Hu Yaobang was thinking about, even though Hu Yaobang is now dead, but many people who worked with him are still around: It would seem that the reformers have wanted to democratize the system, not in an American style of democracy, but to hold more elections to open up the press, to allow more independence to the trade union. These were some of the programs that Zhao favored in 1986–1987.

But because of the opposition of the hardliners, those programs were not carried out. So, if reformers who think like Zhao, not necessarily himself but people who think that way, come to power, that’s probably the direction that they will go.

And I believe that both the democratic opposition, the so-called “dissidents”, as well as the general population, would support a leadership that went in that direction even though that leadership came from inside the Chinese communist party and represented the reform faction.

So, what I am saying is: The opinion of the dissidents and the public is not necessarily to overthrow the communist party with a violent revolution, but to

welcome the reform group inside the communist party, whether they call themselves "Communists" or change their name, to carry out a top-down reform that's in the direction of democracy.

Now, we in the United States;— there is some misunderstanding, I think, in Japan, about the position both of the American Government and of human rights groups like Asia Watch. Toward China's transition, some people here think that we favor destabilizing the Chinese regime, and that because we are ten thousand miles away, we don't care if China is chaotic, and the way that it would affect Japan doesn't bother us.

Actually, that's not the way that we think about it. Our thinking is that, to bring up the human rights issue with China now would help to promote a more peaceful transition in China when the transition takes place, that to encourage the government even now to begin to modify some of its human right abuses, even now to improve the way that the courts operate, even now to release political prisoners, even now to allow trade union organization, that these kinds of what we call "rapprochement", you know, between the government and the people are opening, would help in the transition period for these peaceful or constructive forces that I have talked about to operate.

For example, some of those political prisoners who are in jail now, Ren Wand-ing and others;—actually, they are the most peaceful evolution-oriented people among the dissidents, and are able to understand the program of the reform faction. So, they should not be in jail. They should be out of jail helping the regime to make the transition. That's what we think would be more constructive.

Now, I am going to stop there, and after Mike talks, I would come back again to say something on a different topic.

JENDRZEJCZYK: Thank you. Again, it's a great honor and privilege to be here, and we very much look forward to the discussion following our presentation.

First I want to say a brief background word about the work of Asia Watch. I realize that non-governmental organizations in Japan play a somewhat different role than they do in the United States.

In the United states, it's not uncommon for NGOs like ourselves to provide information to policy-makers, to develop data bases that are used in policy develop-

ment, as well as to be involved in policy analysis and the development of actual policy proposals and the promotion of those proposals in terms of advocacy work.

And NGOs in the field of human rights, I think, have played a very important role not only in providing the kind of information that helps our government pursue its own policies to enhance human rights, but also to educate the American people and build a popular base of support for continued emphasis on human rights as an element of U.S. foreign policy, which of course has roots that go far far back away before World War II.

In regard to how Asia Watch fits in to this picture and how the work we do enables our government to implement its own human rights laws, I would like to just quickly run through both a series of methodological steps as well as a present brief synopsis of the relevant American laws that condition aid on human rights.

First of all, our work and our objectives are rooted in the international obligations of all governments to uphold basic human rights standards. These standards are codified in the Universal Declaration of Human Rights adopted unanimously in 1949, as well as in a wide variety of human rights conventions that many governments have ratified and to some extent implemented.

Our own government, I am sorry to say, has not always been among the leaders in ratifying these important human rights conventions. Just this past year, in 1992, for example, the United States finally ratified the International Covenant for Civil and Political Rights, one of the most important conventions, signed by President Carter in 1977 but only ratified last year. This has great relevance in the United States, because it means that annually our government will have to submit a report to the United Nations UN Committee on its compliance with the human rights standards laid out in this convention. And I should emphasize that Helsinki Watch, the organization affiliated with Asia Watch, that covers the monitoring of the Helsinki Accords, has done reports and investigations on human rights problems in the United States, which is an issue we also devote resources towards.

In terms of how we develop the information, to measure how governments are living up to these standards and obligations, we engage in a variety of activities using research staff that are based both on our Headquarters in New York and Washington, as well as in field offices we have around the world. The only such

office, unfortunately, we have in Asia now is in Hong Kong, which opened two years ago specifically to monitor human rights in China and Tibet. But we also have offices in Moscow and Belgrade and in Latin and Central America, London and elsewhere.

We gather information from a wide variety of sources, for example, other nongovernmental organizations. And there are human rights related organizations in virtually every part of the world, a few exceptions among them being North Korea, China, and a number of other countries where they are simply unable to operate. These nongovernmental organizations that monitor human rights trends in their own countries are the single-most important source of information for us.

However, we recognize that there might be some inherent bias that needs to be accounted for that sometimes organizations working within their own country cannot be as objective as they should be in evaluating information. So, we don't rely on those sources alone. We talk to journalists. We talk to government officials. Even in China, we have had Police, Public Security Bureau and others, provide information to us indirectly through various channels. Lawyers form a very important source of information in many countries, since obviously they are involved in the judicial system and in the criminal justice systems.

Often, information—we not only obtain information through our own investigations, and I should say, every year we send missions all over the world to collect information. Information is also delivered to us. For example, in the case of China, in the case of Inner Mongolia, a businessman who had travelled into Mongolia handed a package to one of our Board Members, a lawyer, who was travelling in Beijing, and only when the package was opened in New York did we discover that they were very important documents describing the human rights situation in Inner Mongolia that someone had smuggled out via this businessman, totally arrived unanticipated, providing us with new information that nobody outside of China had. And since then, we have been able to develop other information.

So, I am trying to give you some examples that while our work tends to be systematic and planned, often some of the most valuable information is totally spontaneous and unplanned.

Then we analyze our information and present it to the governments concerned.

It is very important for us not only to develop the data and publish it, but also to engage in dialogue with the governments concerned. Sometimes that dialogue occurs before a report is issued, sometimes it occurs after a report is issued. In a recent report we issued on India discussing the problems in Kashmir. We provided the report to the government in advance and requested their comments. And when we issued our findings to the international media, we included the government's comments on our findings, which we thought was an important contribution to the public debate and dialogue, while we also engaged in discussions with Indian Government officials in Delhi as well as in Washington D.C.

However, a third and very important element in our work, once the information is developed and put on a public record, is to use the international media and the embarrassment factor to encourage and compel governments to respond, since often their first reaction is to deny that these abuses are taking place to reiterate their government's endorsement and wholehearted support for these principles, guidelines and conventions that they have ratified.

But confronted with solid information and evidence, and the embarrassment factor of having to respond to questions in the international media, often this is the only way to create an opening whereby a government will indirectly or directly acknowledge that human rights problems exist, and most importantly, take the kind of steps that we and others might recommend to try to solve those problems.

And I want to stress this point, because our objective in providing this information to policy-makers and the media is to have an effect. We always develop, along with our information, recommendations for concrete changes in government policies, practices and laws, to prevent the kinds of violations and abuses that we have documented. And of course, the dialogue with government officials usually focusses, once we get passed the initial denial stage, usually focusses on the concrete question of how these recommendations might or might not be implemented.

Now, that's just a very rough kind of schematic picture of how we operate. But I want to stress this last point because, I think sometimes there is a misunderstanding outside the United States that the United States is trying to somehow impose its will or its values on other regions or other cultures. In fact, the work of organizations like our own is aimed at simply urging governments to uphold their own laws

to apply international standards they themselves have agreed to. And we try to do this in what we hope would be the most effective means possible. Often, that includes a combination of private dialogue, quiet initiatives, and some level of public diplomacy. And of course, the strategic mix of which combination of subtle pressure and hard pressure is the key to unlocking these very serious problems and hopefully bringing about their solution.

I should add that our job in Washington D.C. entails an extensive and ongoing dialogue with our State Department, which relies heavily on information that we provide. In cases like China, Vietnam, other countries where our Government does not have an Embassy that can collect information openly without risking and endangering citizens in that country, they are even more reliant on NGOs like ourselves to provide information.

Then, of course, our Government assimilates and assesses along with information obtained from other sources. They often provide information to us. I am often called by the State Department and told we received information from our Counselor at our Embassy in China, for example. Could you help us follow-up on this information? Can you tell us anything more? Can you give us contacts that might help ascertain the voracity of this information? So, this exchange goes on regularly.

At another level, of course, we are involved very much, especially in a country like China, in policy-making directly. We testify before congressional committees and present both our information and analysis and our recommendations for U.S. policy. We provide our information to the World Bank, which, as you know, now has as a principle of development the concept of good governance; encouraging the rule of law and transparency is an essential ingredient in sustainable development. So there is increasing interest in the World Bank we find at many levels in sharing and acquiring information about human rights problems. Women in development, of course, is a major priority in the World Bank, and I notice it is also an element in the ODA programme in Japan. We have a women's rights project, and we investigate women's rights issues, and provide this information as well.

The other arena that we are active in, aside from the United States Government, is the United Nations and all the variety of the United States forums. Up until this year, we were unable to gain consultative status at the U.N., because a

number of governments, especially in the Middle East, where we have been extremely critical, for example, Syria and Libya, have opposed our gaining consultative status at the U.N. But ironically enough, governments that we heavily criticized in the 1970's, such as Argentina and the Soviet Union, are now among our most ardent supporters at the U.N. saying this organization is responsible and helped to expose terrible problems in our country at a time of great difficulty. And we think they should be allowed U.N. status. So, we are now being recommended for consultative status, which will probably be granted this summer.

In the meantime, we are active in the various UN bodies. We testify before various committees in a non-consultative capacity. Our information is circulated in Geneva at the time of the annual Human Rights Commission, and so forth.

I would like to now turn to the elements in the U.S. law that govern human rights and aid. And I will try to go over them very briefly assuming that you know some of the basic history. And then I will go into some aspects of how these laws are actually applied in a bit more detail.

It was in the 1970's that human rights provisions were codified and formalized in the U.S. law, and in 1978, a provision of the U.S. Foreign Assistance Act, 502-B is how it's identified, became law. And the origins behind the debate around the institution of this law was a concern at that point focussed in Latin America, on countries like Chile that had terrible human rights problems, that the United States in its economic assistance did not contribute to the support of governments engaged in repressive practices, and that the United States not be perceived by the people in those countries as being indifferent to these repressive practices in its aid programme.

This 502-B provision, then, required the State Department, when presenting its annual foreign aid request, to document the human rights and assess the human rights situation in a given country. And a specific provision of this law forbids the United States from giving aid to governments that are identified as (quote) "gross human rights violators", and the law has a very specific definition of what a gross human rights violator is.

This law has triggered on an annual basis the production of a report about one thousand pages thick, and you have on the desk there the China Chapter of the

most recent edition of this report. This report is prepared by our State Department every year with information assembled by our Embassies and Consulates and from NGOs like Asia Watch and Amnesty International and other sources. It is then published and presented to the Congress in January or February, just prior to the budget aid process. And this information, then, is integrated into the process of considering the foreign aid budget.

Now, I must say that there are many many problems with the implementation of this law. There also have been problems historically with the way the information is presented in the report. It has often not been complete. It has often not been objective. It is sometimes skewed, for example, away from criticizing a close American ally like Israel that has serious human rights problems, and playing up or over-emphasizing or exaggerating human rights problems in other countries like Cuba, where the United States has very difficult relations.

However, in general, the information and the analysis have become increasingly well respected. Foreign governments and embassies pay very close attention when this report is published. And we know that there are, in fact, direct and indirect responses that are made by those governments to the information made in this report.

China complained most vociferously this past year within the State Department's report on China. The conclusion was that China's regime remains very repressive and far short of international standards and norms. That's a direct quote from the State Department report, which then described in detail;— and I will say a bit more in a minute, what specific categories are covered in this report, but spelled out in detail what human rights developments have taken place in China over the last year to support this conclusion.

There are two other provisions in our Human Rights Foreign Aid Law that are important. The other is Section 701 of the Financial Institutions Act. This requires the United States to take into consideration human rights when it votes for loans at the World Bank, the Asian Development Bank, the African Development Bank, and other multilateral lending institutions. The United States is urged again to take into account human rights, and if a country is designated as a (quote) "law's violator", it must vote against such loans.

Now, the problem we have, the most important problem we have, in this provision and in 502-B is that our Government has been very hesitant in designating any country as being a gross human rights violator. So, the Congress, therefore, because of the reluctance to name any country this way, has found other mechanisms and other ways to use the information and the statutory requirements of this law to condition foreign aid on certain human rights improvements to require certification, that is, to suspend aid for countries, say, like El Salvador, for a certain period of time, and the aid can then only be restored if certain conditions have been met, that the President must certify to the Congress. In other words, Congress, aside from the formal statutory provisions in these laws, has other informal ways, found ways to respond to individual human rights problems by attaching conditions on particular aid to particular countries. And this has had an enormous impact. And I can give you many examples in countries in various regions of the world.

China, of course, receives no bilateral assistance from the United States since Tiananmen, but does receive extremely extensive loans through the World Bank and the Asian Development Bank. As I understand, last year China received two and a half (2.5) billion dollars from the World Bank, more than any other country in the world, and that's both soft ODA loans and other such loans.

Our country has cast a few token abstentions and some no-votes. There is another provision in our law that says that basic human needs loans that provide for basic humanitarian assistance should be exempt from the provision of the United States having to vote against any multilateral aid to a human rights violator.

So, our Government has, in a very nuanced and very contradictory way, in some cases, voted for and against certain BHN and non-BHN loans to China, sending, we believe, a very confused signal not only to China but also to the World Bank. And we can discuss this more in the question and answer period later, if you would like.

I want to briefly just tick off the main categories that are covered in the annual human rights country report, as it's called. In fact, let me give you the exact title. It's called Country Reports on Human Rights Practices for, in this case, 1992. And for each country, initially it was only countries that received U.S. assistance. Now it

is every country in the world. The following main six categories are assessed:

One: Respect for human rights and the integrity of the person. And this covers five areas;—political and extrajudicial killings, disappearances, torture, cruel and inhuman treatment and punishment, arbitrary arrest and denial of fair public trial.

The second category covers a range of issues under the heading “Respect for Civil Liberties”;—freedom of speech in the press, freedom of peaceful assembly and association, freedom of religion, freedom of movement, travel and immigration.

The third category is respect for political rights, the right of citizens to change their own governments.

The fourth category: Government’s attitudes towards international and non-governmental investigations of alleged human rights violations. This includes the question of whether the UN or nongovernmental organizations are allowed access to conduct human rights investigations.

There are two other categories: Discrimination based on race, sex, religion, language or social status, and worker rights.

But anyway, you get the idea that these are all universal standards. They are very well defined both in International Human Rights Law and can be assessed and analyzed in the case of each country.

Now, the U.S. policy towards China is very much rooted in this kind of assessment. I think there is a misunderstanding that the Chinese Government has to some extent encouraged that the United States is trying to impose an overthrow of the Chinese system, a change in the political control of the Communist Party, and so forth and so on, when, in fact, the provisions of the U.S. policy dealing with human rights are actually trying to encourage the Chinese Government simply to respect these fundamental rights and freedoms, which are contained not only in international law but in many cases in China’s own law and constitutions.

In the current debate around U.S. policy towards China, because the United States does not give aid, much of the debate has focussed on our trade relationship. China, as you know, enjoys an 18.2 billion dollar trade surplus with the United States. And since its economic liberalization programme seems to be increasingly

dependent on trade and investment from countries like the United States, this means that in the last few years since Tiananmen the annual decision about giving MFN or most favored nation trading status to China has been the kind of lightning rod for debate over China policy.

The unfortunate consequence of this debate is that there has been no consensus on human rights policy. Democrats and Republicans have differed; the White House and the Congress have been divided. China, to some extent, I think, has benefited from this division. But at the same time, the annual debate in itself has generated concessions from China. And Professor Nathan will describe these a bit more later.

With the new Clinton Administration, we have the possibility of a consensus, again, between the Democrats and the Republicans, the White House and the Congress. And this, I think, poses real challenges and opportunities for the Chinese Government as well as for Japan in its own ODA programme to China. And this is something we would like to discuss in the question and answer period. Since it looks likely that the Clinton Administration will attach some clear human rights provisions to most favored nation trading status when it is extended in June; again, this will create tension in the relationship, but I think can also be a form of pressure for improvement in human rights.

I think maybe I will stop at this point, and we should turn to the discussion. How are we doing time-wise?

NATHAN: Good.

JENDRZEJCZYK: Great. But you want;—Professor Nathan wants to add some points.

NATHAN: Yeah, I do.

I was excited when I learned that you are trying to develop standards to measure the human rights situations so that this can be built into the ODA process. And although I don't have an answer to that question, I have some thoughts that I want to share.

First set of thoughts has to do with the fact that this type of evaluation is extremely complex. Sometimes, the right performance of a country will go up with regard to one right and down with regard to some other right. I am going to get my

mind confused.

For example, in China, the measure on the UN development index in terms of education, life expectancy and so forth, is improving, but their performance with regard to labor organization or prison—treatment of prisoners is either to stay in the same or going down. So, it's not a picture that all goes in one direction.

There is the difference between secular trends and cyclical trends, that is to say that, in the broad way the situation may have a secular trend of improvement over a period of time, but it may go down and go up and go down, as with the crack-down in Tiananmen. It's a set back.

There is, in China, particularly, there is tremendous regional variation. The human rights picture is much much better in Guangdong or Shanghai, for example, than it is in—probably even in Beijing where political rights are more restricted, not to mention a place like Tibet.

There are some rights in a country like China that people enjoy in an uninstitutionalized manner, that is, in effect, they have a freedom of speech, but that is not established in the law. It's just something which is allowed by neglect on the part of the government.

And of course, there is the question of cultural variations in understanding or priority of human rights. And it seems to me in that regard the best answer is to fall back on the international norms, the universal declaration, which is the same. It's a universal declaration, so it doesn't raise the cultural variation.

For example, there is a great cultural variation with regard to such an issue as capital punishment. And that's a place where the United States is more backward than Japan. The United States carries out more executions than Japan, and China carries out much more executions than the United States. And some countries don't have capital punishment. Some countries do have it. But if you look at the universal declaration of human rights, that constitutes the universal standard which, certainly most of the countries that we deal with;— I know Burma supports it, I know China supports it, the United States supports it, Japan supports it. So, that would solve the cultural problem.

So, that was;— oh, one final point about the difficulty of evaluating is that any time you employ a quantitative standard, and you say that last year they deprived,

say, one thousand people were deprived of some right, and this year, nine hundred and ninety-nine people are deprived of the right. It would be a mistake;— well, it's an improvement, but it would be a mistake to say that the situation is not serious any more, or that after you go down to a level of two hundred and fifty, it's no longer a serious problem.

So, I think when Mike said that the United States has difficulty applying the standard of gross violation, that's because every violation of human rights is a serious violation, in the United States or any place else. So, we don't want to say that something is not serious because it has improved.

Okay. So, that's one set of comments I wanted to offer.

A second set of comments I wanted to offer is that there are a number of projects for evaluating human rights, which may be of reference value to you. Mike mentioned the State Department human rights report. And then, there is the Amnesty International annual report. There is the Asia Watch report, which we are circulating here. There is the report from an organization called Freedom House in the United States. Do you know that organization? They have an annual report. And then, of course, there is the UN Development Programme Human Rights Index, which was being developed, as you know, and has not been implemented. But that's a more quantitative approach.

Usually, these efforts combine quantitative and qualitative data, depending on what's available, and of course, the State Department report, which is probably one of the best ones. What they do is they look at, sort of, like a historian would look at what were the events which took place with regard to a particular type of right, let's say, disappearances they will tell, you know, what disappearances they learned about. But the UNDP method of quantifying is also useful, so that a mixed approach is probably the most successful and only one which can really be used in this field.

The final point I would like to offer is that with regard to ODA work, it may be helpful to think about a project based evaluation, in other words, instead of evaluating entire China, which is such a big country, if you would evaluate, say, an impact statement or human rights impact statement or human rights feasibility study, with regard to a particular project, that's, if it's a road project in Shandong

Province, then you would ask yourself: In these counties where this road is in Shandong Province, maybe five or six counties, what is the human rights situation there, and how would that human rights situation impact on the feasibility of this road project from a point of view of;— obviously you can build a road any place, even in a prison camp, so, that's feasible;— but to look upon the human rights environment as part of the feasibility of the project in view of the ODA Guidelines, is it feasible for ODA and for Japan to have a presence in this particular county and to cooperate there? And what will be the impact of this road project in the trend of human rights in that county? And ask the local government to participate in that study, that is, in the States, whenever we build a house or we build anything, you have to have an environmental impact statement. I don't know if you have it in Japan. And the person who is building the project has to fill out a form.

So, you may develop a form and give it to the county government, and say, well, how many — you know, freedom of this or freedom of that, do you have in this particular county according to the universal declaration of human rights, and let the reporting obligation maybe be on them or be cooperative investigation between your project team and that local government.

JENDRZEJCZYK: I would like to just add a couple of very brief comments, and then, we would like to move to the discussion.

One is that I should mention:— The foreign assistance legislation, I mentioned, that now governs human rights is probably going to be amended again this year. The House, Foreign Affairs Committee, the main sponsor, has said it is going to make amendments. And we have had discussions with them and others in the NGO community in Washington, as well as members of Congress, about ways in which it might be altered to make it more effective, so that these standards can be applied in a more even-handed and meaningful way.

Secondly, related to another criteria of the ODA Charter, having to do with arms transfers, as you know, the United Nations is setting up an arms registry in New York to monitor arms transfers, which we think will be an invaluable tool for both governments and nongovernmental organizations.

We as a nongovernmental organization recently received a grant from a major U.S. foundation to monitor the transfer of conventional arms to major human

rights abusing governments. And we have just begun to hire research staff. And obviously, China is going to be a key target of our research;—both exports and imports to and from China.

I can't describe the project in too much more detail on that, since the grant has just arrived recently, and we have just begun to hire staff in New York and Washington. But this is the kind of information we think is crucial to supplement existing information, since American foreign aid is not only conditioned on human rights but also American security assistance also is required to take into account human rights factors. And of course, conventional arms transfers to human rights abusing governments often results in direct or indirect support for the commitment of human rights violations. So, it's a very important but very new dimension to this kind of activity.

Finally, just looking through the material that your Office provided us on JICA and its work, and also looking at the ODA Charter that has been formally adopted in the last year, it seems as if human rights fits naturally into various elements of the way in which the Charter is to be implemented. And we realize that the implementation is just being now developed, and that many of these matters have yet to be really discussed. But we just wanted to throw out a few kind of suggestions that maybe we can discuss.

One is: We understand that in the decisions to give ODA, there was a policy dialogue that goes on between Japan and the recipient governments. Obviously, there are ways to both indirectly and directly, and in general terms and in very specific terms, raise human rights in the course of that dialogue; not just at the beginning, but throughout the process of giving and implementing and monitoring ODA.

Secondly, we noted there is reference to cooperation with NGOs, such as labor organizations, businesses and others. Obviously, in a country like China, you will find very few such organizations, if any, that are not government controlled. But in many countries that receive ODA, there are organizations that do human rights work, and they include labor unions and lawyers groups as well as human rights groups;—farmers' associations, women's organizations. They can be, I think, a very important source for information to you. And you may know that the World Bank

now, in giving their loans, deliberately sets out to also consult with NGOs about the impact of those loans. I notice women in development is a category in ODA. And obviously, that has relevance.

And there is another very important element, and that is, giving information to the public, giving more information to the public about ODA. This kind of transparency, I think, is very important for the United States, other governments, and the general public, to be able to understand how the ODA Charter is being implemented. And the human rights is, in fact, a concern, even if quiet diplomacy is often employed to implement that concern.

Anyway, these are questions and just ideas that we thought might be useful to discuss. Thank you very very much, and I am sorry we took up so much time in our presentations.

Thank you.

MODERATOR: Then, I think we have twenty minutes left for discussion.

JENDRZEJCZYK: Okay. We talk too much. That's a bad habit Americans have! — (LAUGHTER) —

[QUESTION AND ANSWER SESSION]

Question 1 : Mr. Jendrzeczyk mentioned that President Clinton may attach some conditions, human rights conditions, on extending the MFN status. I would like to know if you have any idea on what will be the conditions, the contents of the conditions.

I ask this because I understand very well what Professor Nathan mentioned that it's not the case that the United States is not concerned about instability in China. I do understand that. And as far as I know about the activities of Asia Watch, I highly appreciate what you are doing. But the view, I think, shared amongst many people is that some people in the U.S. are so impatient with the democratization process in certain countries, including China, that they would like to see democracy as they see perfect to be realized in a very short period of time. And I think that is what is worrying some people; many people here in Japan as well.

And it might not be a good comparison, but I think of economic conditionalities that institutions like the IMF and the World Bank impose on certain countries when they give aid. And they do not realize that certain institutions which are needed to make those conditionalities work are, in fact, lacking in those countries. I think you would agree that democracy cannot be built in one day. There are certain institutions and conditions, certain ideas, certain values, which have to be established first.

That's why I am asking about the conditions that President Clinton may attach on extending the MFN status.

JENDRZEJCZYK: I tried to emphasize, and maybe I didn't stress this enough, that I think you have to distinguish between human rights that are internationally recognized and democracy. Democracy is a system; it's a political system with many important dimensions. But respect for fundamental human rights is something that is basic, and that can be and should be protected under any system. And I think in the debate about human rights in China, the two ideas have become confused that

advocating and then to torture, and the possibility of expressing freely, peacefully, political views, is not, therefore, calling for the overthrow of the Communist Party, or even for peaceful revolution.

It is simply saying that the Chinese people, in this case, should not be tortured, which is against their own laws, that they should be allowed to peacefully express views, and not be punished for expressing those views if they are not orthodox. So, whether or not the result of allowing these greater freedoms and greater respect for these basic rights leads to democratization is another issue entirely. But I think you can make the argument that whether or not you favor such a democratization, there is a reason to favor respect for human rights on humanitarian grounds, and as Professor Nathan has said, in order to promote greater stability.

The kinds of conditions that I think Congress and the Administration are likely to impose will have to do with things like accounting for post-Tiananmen prisoners, taking steps to and torture by allowing, for example, international humanitarian organizations such as the Red Cross an access to Chinese jails and prisons, lifting some legal restrictions perhaps on religious belief, which is now tightly controlled by the State. And this pertains to Buddhists as well as to Catholics and Protestants.

I think what you get is a mix of very concrete specific conditions and some other more general conditions where the Chinese Government will have to have made some (quote) "significant progress" towards improving the human rights situation over the next year, with a lot of flexibility for the President to determine whether or not progress has been made.

And I think what is likely to occur is that there will be private and public signals that will accompany these conditions. In other words, some things may not be spelled out very clearly in a certification statement by the President, for example, but maybe communicated quietly to Beijing in other ways. And frankly, we understand such signals already being sent and have been sent to China, that yes, human rights conditions will be attached, and you know, there should be some preparations on your side to begin to negotiate and accommodate to these conditions.

And I also wanted to say briefly that I think our experience has been that China understands how these things work. We have had, as you know, trade dis-

putes with China on very tough questions like market access and copyrights, intellectual copyrights. When the United States threatened trade sanctions, published even products to be given higher tariffs, China complained very loudly, called the United States very nasty names, but then, privately behind closed doors, was willing to the compromise to negotiate and make substantial changes, or at least, make a commitment to such changes.

So, I think the notion that such pressure doesn't work or can be counterproductive, in fact, is not upheld by the evidence; at least, in our most recent experience.

Question 2 : The question to Professor Nathan relates to his mentioning Zhao Ziyang and Hu Yaobang having the ideas to promote democracy in China. What do you think were the motivations behind the ideas? Because, what the foreign countries can do to promote the pace of democratization is one thing, but I think in the end, there has to be internal motivations and internal forces that would promote true democracy in China.

And you have mentioned certain factors which indicated that the regime was in transition. But what do you think are really the socioeconomic factors which are emerging now, which are forcing the pace of democratization in China?

NATHAN: Well, it's complicated.

There really are a lot of forces in China that are pushing in that direction, for example, the one that pops into mind is the legal profession, you know, because the Chinese have passed thousands of laws now, and they have got a lot of lawyers, and as soon as you have lawyers, the lawyers start to be influenced by international ideas of law and to want, for example, a presumption of innocence and to point out that crimes of counter-revolution don't make any sense; they are too vague, and so forth. So, that's one example.

But with regard to your specific question of what Zhao Ziyang and Hu Yaobang had in mind, it seems to me, basically they saw that the post-Mao system was not functioning very well, that the population was alienated, and that the intellectuals were not involved, and that the party machinery did not work well, and that information doesn't come up the system very accurately, and that their own efforts to carry out reform were blocked by the bureaucracy in some ways.

And they felt that opening up the system in certain ways would actually help them to stabilize the system and run it more efficiently.

So, that's a rather vague answer, but for example, to have competitive elections for unit leaders can only serve the interests of the people on top, because it means that you weed out those unit leaders who are not able to get votes from the people. And it gives you a signal who is good, who is bad, who has good relations, and so forth and so on. And so, they would be in favor of that, or to allow the trade unions more autonomy. If you are going to go to the trouble of setting up this vast trade union, you spend probably millions and millions of dollars on trade union organization that doesn't do anything. It's a waste of money. So, you should pick good people to run the trade union and let them represent the interests of the workers, that will make the enterprise more efficient.

That was the line of thinking behind the reforms that they had in mind, in my opinion.

Question 3 : You don't think that they were ready to give up one party rule?

NATHAN: No, I don't think they were.

Question 4 : Thank you for your informative talks.

I am skeptical for the near future of China in terms of democratization. Mr. Nathan referred to the so-called reformists and the contrast between reformists and hardliners. But I think there is no absolute reformist.

When we look back on the Tiananmen Square the First, which happened in 1976, Deng Xiaoping was a reformist at the time. And he was overthrown by Gang of Four. But actually, Deng Xiaoping, when he got power, he became the dictator. The more I study the situation in China, the more I become pessimistic. Because, such as Mao Zedong said, rural area will surround the cities. In the Second Tiananmen Square Incident, the rural area didn't move at all for democratization. Only small, so-called progressive students or intellectuals were against the government. For instance, a typical person, Hu Qili was overthrown at the time. But actually, he came back again. Does he work for democratization in China? I am skeptical.

So, both of you presented a very interesting way how to democratize that country. I think to utilize ODA is a good way. I quite agree with you.

NATHAN: Because it's the Chinese people who are going to democratize Chi-

na. Not the people of Japan or the people of the United States. That's not our job.

Question 5 : How do you evaluate so-called the power of reformists and the future role, especially after Deng Xiaoping?

I want to have your comment.

NATHAN: My impression is: I agree with what you said;—the students were isolated in the Second Tiananmen Incident. In fact, they wanted to be isolated, and they kept the workers out of the movement. But basically, China is changing in very fundamental ways now. The peasants—many peasants have become extremely prosperous, unlike 1979. And they move around the country looking for work or engaged in buying and selling or construction work; as you know, peasants from Sichuan and peasants from Hunan traveling to Tianjin or travelling to Shanghai to work in construction teams.

The peasants are not thinking about some idealistic, you know, supreme court, and division of power, and you know, some new constitution. But what the peasants are thinking about is the price of grain; what does the government pay for grain; is it a fair price; are they allowed to go and look for work where they need to find work; and their own interests. And whenever the Government does something which affects the interests of the peasants, then the peasants have a very strong opinion.

For example, when the Government refused to buy grain a couple of years ago because they didn't have enough space, or when the government gave them these "bai-tiao" ;— not money for grain but these tickets that they owed money, then the peasants had opinions.

In some of our survey work, I mentioned that we have done surveys, the ordinary people and the rural residents have a lot of political information. They all watch television. And they know a lot about politics. So, what I am trying to say is that we may see in some outward way that China looks the same, but in some inward ways, it's changing in a fundamental way. It's really going over a threshold into a modern society, where people are educated, people are aware, and people have their own interests and they know what their own interests are.

So, at the deepest level, that's what I am looking at as the trend. And in the cities, you now have the rise of the middle class.

I think you probably are all aware that the per capita income of China supposed to be about 400 dollars, but that the Australians argue that, because the price of housing is so cheap and the price of food is so cheap that the real per capita income of the Chinese is something like 3 or 4,000 dollars. So, they have reached a middle class society in a large part of the country. Maybe 300 - 400 million Chinese are basically middle class in education and income. So, that's the most important factor, I think, for the trend.

I don't quite understand this note. So, you've understood—

JENDRZEJCZYK: Well, we didn't want to leave you with the impression that the American Government and NGO approach to promoting human rights in China is only negative, that it all involves sanctions, that it all involves pressure. It also involves encouraging the kind of developments Professor Nathan has described. It involves promoting more contact.

We have had delegations from the Beijing Academy of Social Sciences visit us, and we have had dialogues and exchanges. They are now eager to talk about human rights. We think more such exchanges are needed. There are projects funded by the Ford Foundations and other major foundations to help train Chinese lawyers and judges in basic principles of human rights law pertaining to the functioning of the Chinese judicial system.

Now, these are very small incremental steps that will hopefully lead to, over the long run, an encouragement of more fundamental reforms in the way the Chinese legal system is now carried out.

But the point I want to emphasize is that in the media, and I think in public perceptions, there is often the image that the United States is banging on the Beijing Government to try to force change, when, in fact, as Professor Nathan has described, change is happening within China, even since Tiananmen. And the idea is to try to create more space for change to take place, including trying to ease some of the very basic restrictions on fundamental freedoms that were put in place after Tiananmen, that have now become formalized and institutionalized, though cracks are beginning to appear here and there, like on the cultural side and a bit in the press.

So, I mean, we try to be, as a non-governmental organization, very realistic

that any influence from the outside is marginal, but very important, both for the Chinese people and for the encouragement of these trends, as well as to send signals to those on various sides of this struggle within the government. And we imagine that your ODA programme and your approach to China will also have a very subtle, nuanced, kind of sophisticated mix based on much the same kind of analysis.

And I wanted to say this especially because the MFN debate has tended to focus so much attention on the pressure in the sanctions, which are, we believe, important, but they must be accompanied by many many other kinds of initiatives. And Japan, of course, can play a role on both sides.

Do you want to add anything?

Question 6 : I had a chance to read some newsletters published by Asia Watch and I was really impressed to know that you have made very detailed investigations on the human rights situation in China. And I think it's very important to know how the situation of human rights is now in China and how it is changing. And so, in order to do this, we have to do some research, and we have to learn how you collect information, how to analyze it.

But I think the democracy or human rights issue is a comprehensive issue. Maybe we can figure out how many people are in prison without trials, or how many people were violated their human rights or something like that. But maybe if we make some evaluation, we have to do this in a comprehensive way. And as Professor Nathan mentioned, it is a complex issue, and it's very hard to make the comprehensive evaluation.

And my personal feeling; If you pick out the figures of human rights violation, it may excessively stimulate China into a defensive reaction. And if you indicate the positive side of those investigations or policy recommendation, it will be a very good measure. I hope we can give some rewards for the country which has made some improvements in human rights. But for the negative side, I think it's very hard to set up a criterion or to make a decision whether or not to give aid—ODA.

And I would like to make another comment: What Japan's ODA has been focussing on was infrastructure building, or economic management skills training,

and so on, which will promote further economic reform in China. And I think it will be facilitating to give more space in China for further development of democracy, democratization. So, rather than giving sanctions or giving negative analysis on human rights issues, it seems to be more appropriate to give assistance in a facilitating manner and to give some rewards for the improvement, if any.

Can I have your views on them ?

JENDRZEJCZYK: Can I just make a brief comment? Very briefly.

With regard to another country, Vietnam, which, as you know, is about to receive ODA and has received some ODA, and I think in our country we are moving towards normalization. We, for the first time, went to Vietnam a few weeks ago for talks with the government about human rights questions, and we've found them very open and willing to discuss them, and came back convinced that Vietnam, like China, but in some ways moving much much more quickly, is on the verge of a real transformation.

Certainly on the economic side, this is well under way. But on the political side, when it comes to basic human rights, freedom of expression, freedom of association, the press, really just freedom, there are many serious problems.

There is a real opportunity now to encourage Vietnam to bring about the kind of reforms in their criminal code and their legal system, which is something they told us they have just started to do, and remove some of these repressive elements as part of their "doi moi" policy, that will include not only economic openness but also openness on the political side.

And I think now your government is in a very key position to be able to encourage that process with, I agree with you, combination of, as we say, carrots and sticks, things you give and things you withhold.

Another example is Sri Lanka, which has had many serious human rights problems. And there has been investigations by the United Nations and discussions every year annually at the World Bank convened donor consortium meetings, at which the Japanese Government representative has expressed concern about the human rights situation. Over the last few years, there has been a gradual improvement of human rights in Sri Lanka, a better climate for investment and for development. Because there are these expressions of concern, some governments have

withheld aid, others have given aid as a way of encouraging these reforms, and you see now gradually the combination of these different approaches resulting in some real improvements.

So, that's a kind of indirect way of saying I agree with what you are saying, that you do need this combination of approaches. Thank you.

NATHAN: You had made some comments at a sort of philosophical level there, and I wanted to respond that at that level. Infrastructure generally has a favorable impact on human rights, but that impact is sometimes at a tremendous lag in time; —twenty years, thirty years. Or, in certain instances, an infrastructure project may even have a negative impact on human rights in a particular place, for example, the three gorgeous projects.

So, it does seem to me that the human rights dimension needs to be looked at separately, and one cannot assume that always it's going to automatically be provided by infrastructure.

The other point you made that it's hard to make human rights what we call a go, no-go decision, in other words, the human rights are not good enough; you want to do the project. I agree with you on that. But there is another difficulty there is that you don't want to get stuck in a situation where every project that you invest in will go forward without any change as long as the government in that place is not as bad as, say, Saddam Hussein. Everybody who is a little bit better than Saddam Hussein is okay. That would be a mistake. Because the Chinese Government is still a very very serious human rights violator, even though it's much better than Mao.

So, you have to find a way of doing what you said to, indeed, emphasize positive and facilitation, without getting trapped in the situation where you cannot differentiate between, say, China versus Taiwan versus South Korea versus somebody else, because there are important differences. So, it's still important to make these measurements.

At Columbia, we have something called the Center for the Study of Human Rights, which has existed for about ten years, and which engages in studies and has visiting scholars. And I would like to invite your Institute to send somebody to come and be in my Institute, the East Asian Institute, together with the Center for

the Study of Human Rights as a visiting fellow of some kind, and we can also arrange for access to Asia Watch, and to carry out academic exchange with us on this very very interesting question of how do we evaluate human rights. You can come for a short time or for half a year or for a year.

So, if you are interested in that, please let me know, and we can negotiate about the details, provided of course that Columbia meets your human rights criteria, so that you can be involved.

JENDRZEJCZYK: Can we just thank you very much for this interesting discussion, and offer any assistance we can as you develop these very important criteria for your ODA programme? And certainly we will continue to send all of our reports that you are interested in receiving to your office.

Thank you very much for having us here today.

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