

H. CON. RES. 28, EXPRESSING THE SENSE OF CONGRESS
THAT THE UNITED STATES SHOULD INTRODUCE AND
MAKE ALL EFFORTS NECESSARY TO PASS A RESOLU-
TION CRITICIZING THE PEOPLE'S REPUBLIC OF CHINA
FOR ITS HUMAN RIGHTS ABUSES IN CHINA AND TIBET
AT THE ANNUAL MEETING OF THE UNITED NATIONS
COMMISSION ON HUMAN RIGHTS

MARKUP
BEFORE THE
SUBCOMMITTEE ON
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

MARCH 2, 1999

Serial No. 106-18

Printed for the use of the Committee on International Relations



U.S. GOVERNMENT PRINTING OFFICE

56-755 CC

WASHINGTON : 1999

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-058537-6

H461-75

COMMITTEE ON INTERNATIONAL RELATIONS

BENJAMIN A. GILMAN, New York, *Chairman*

WILLIAM F. GOODLING, Pennsylvania	SAM GEJDENSON, Connecticut
JAMES A. LEACH, Iowa	TOM LANTOS, California
HENRY J. HYDE, Illinois	HOWARD L. BERMAN, California
DOUG BEREUTER, Nebraska	GARY L. ACKERMAN, New York
CHRISTOPHER H. SMITH, New Jersey	ENI F.H. FALEOMAVAEGA, American Samoa
DAN BURTON, Indiana	MATTHEW G. MARTINEZ, California
ELTON GALLEGLY, California	DONALD M. PAYNE, New Jersey
ILEANA ROS-LEHTINEN, Florida	ROBERT MENENDEZ, New Jersey
CASS BALLENGER, North Carolina	SHERROD BROWN, Ohio
DANA ROHRABACHER, California	CYNTHIA A. MCKINNEY, Georgia
DONALD A. MANZULLO, Illinois	ALCEE L. HASTINGS, Florida
EDWARD R. ROYCE, California	PAT DANNER, Missouri
PETER T. KING, New York	EARL F. HILLIARD, Alabama
STEVE CHABOT, Ohio	BRAD SHERMAN, California
MARSHALL "MARK" SANFORD, South Carolina	ROBERT WEXLER, Florida
MATT SALMON, Arizona	STEVEN R. ROTHMAN, New Jersey
AMO HOUGHTON, New York	JIM DAVIS, Florida
TOM CAMPBELL, California	EARL POMEROY, North Dakota
JOHN M. McHUGH, New York	WILLIAM D. DELAHUNT, Massachusetts
KEVIN BRADY, Texas	GREGORY W. MEEKS, New York
RICHARD BURR, North Carolina	BARBARA LEE, California
PAUL E. GILLMOR, Ohio	JOSEPH CROWLEY, New York
GEORGE P. RADANOVICH, California	JOSEPH M. HOEFFEL, Pennsylvania
JOHN COOKSEY, Louisiana	
THOMAS G. TANCREDO, Colorado	

RICHARD J. GARON, *Chief of Staff*

KATHLEEN BERTELSEN MOAZED, *Democratic Chief of Staff*

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

CHRISTOPHER H. SMITH, New Jersey, *Chairman*

WILLIAM F. GOODLING, Pennsylvania	CYNTHIA A. MCKINNEY, Georgia
HENRY J. HYDE, Illinois	ENI F.H. FALEOMAVAEGA, American Samoa
DAN BURTON, Indiana	EARL F. HILLIARD, Alabama
CASS BALLENGER, North Carolina	BRAD SHERMAN, California
PETER T. KING, New York	WILLIAM D. DELAHUNT, Massachusetts
MATT SALMON, Arizona	GREGORY W. MEEKS, New York
THOMAS G. TANCREDO, Colorado	

GROVER JOSEPH REES, *Subcommittee Staff Director*

GEORGE COLVIN, *Pearson Fellow for Ranking Member*

DOUGLAS C. ANDERSON, *Counsel*

CATHERINE A. DUBOIS, *Staff Associate*

CONTENTS

APPENDIX

	Page
H. Con. Res. 28	5
Amendment to H. Con. Res. 28 offered by Hon. Christopher H. Smith, a Representative in Congress from New Jersey and Chairman, Subcommittee on International Operations and Human Rights	9
Statement of Hon. Christopher H. Smith	10

**H. CON. RES. 28, EXPRESSING THE SENSE OF
CONGRESS THAT THE UNITED STATES
SHOULD INTRODUCE AND MAKE ALL EF-
FORTS NECESSARY TO PASS A RESOLUTION
CRITICIZING THE PEOPLE'S REPUBLIC OF
CHINA FOR ITS HUMAN RIGHTS ABUSES IN
CHINA AND TIBET AT THE ANNUAL MEET-
ING OF THE UNITED NATIONS COMMISSION
ON HUMAN RIGHTS**

TUESDAY, MARCH 2, 1999

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND
HUMAN RIGHTS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 1:53 p.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the Subcommittee) presiding.

Mr. SMITH. [presiding.] The Subcommittee will come to order. The first order of business, pursuant to notice, will be H. Con. Res. 28 regarding China and the U.N. Human Rights Commission.

We will now consider H. Con. Res. 28 expressing the sense of the Congress that the United States should introduce a resolution in the United Nations U.N. Human Rights Commission critical of China, and the Chair lays the resolution before the Committee. The clerk will report the title of the resolution.

The CLERK. "H. Con. Res 28, expressing the sense of Congress that the United States should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights."

Mr. SMITH. Without objection, the clerk will read the preamble and operative language of the resolution for amendment.

The CLERK. "Concurrent resolution."

Mr. SMITH. Without objection, the resolution is considered as having been read and is open to amendment at any point.

[H. Con. Res. 28 appears in the appendix.]

Mr. SMITH. I do have an amendment at the desk, and I would ask that the Members consider it.

The CLERK. The amendment is on page 3, in the first 'whereas' clause, insert after 'arrests': "the secret trial and sentencing of former Middlebury College Fulbright Scholar and Tibetan ethnomusicologist Ngawang Choephel to 18 years in prison on espionage charges,"

Mr. SMITH. Without objection, this amendment was introduced on February 10, 1999, referred by the Chairman to this Subcommittee as well as to the Subcommittee on Asia and the Pacific. It is scheduled to be taken up by the Full Committee this coming Thursday.

Let me just make a couple of points. I am very proud to be an original co-sponsor of H. Con. Res. 28, which urges the United States to sponsor a resolution on human rights violations by the Government of China at the U.N. Human Rights Commission in Geneva, and to work vigorously for such a resolution.

On January 8, the International Relations Committee held a hearing on the deplorable state of human rights in China today. Each of our witnesses was a prisoner of conscience, who had recently managed to get out of China. All of them called on the United States to become far more forceful in responding to human rights violations in China than we had been in recent years.

The following week we heard from human rights organizations who agreed that our policy of constructive engagement had been failure. For example, Amnesty International issued a report card on human rights in China, which offered a list of concrete benchmarks. According to Amnesty, the benchmarks were "essentially all goals established by the President himself at the time of his trip to Beijing last year." And yet, out of seven benchmarks, the Amnesty report card found "no improvement" or "total failure" on all seven. And they were: release of Tiananmen Square prisoners and other prisoners of conscience according to their report card, total failure.

Review of all counter-revolutionary prison terms—total failure.

Allow religious freedom—continued strong repression.

Prevent coercive family planning and harvesting of organs—no improvement.

Fully implement pledges on human rights treaties—in October, Amnesty found some improvement because China had signed but not ratified the covenant on civil and political rights. But today, in light of the December crackdown, Amnesty testifies that "China appears to be treating its signing as little more than a fig leaf for further repression."

And then two others: review of the system of reeducation through labor—total failure.

End police and prison brutality—again, total failure.

The resolution today urges the Administration to do the very least it can do about this egregious situation. Indeed, in 1994, when President Clinton delinked human rights from the most favored nation status for China, an annual resolution at Geneva was the centerpiece of what he promised to do in the event that the egregious human rights record continued.

As of today, the Administration has not yet decided whether to offer such a resolution, even though the Human Rights Commission session begins on March 22, and even though the PRC can be ex-

pected to wage a vigorous campaign using foreign aid, trade concessions, and, yes, economic sanctions to buy its way out of the consequences of its bad conduct.

Perhaps this resolution will give the Administration a wake up call to do the right thing.

[The prepared statement of Mr. Smith appears in the appendix.]

Mr. SMITH. Do any other Members have anything they would like to add? The gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, I move to adopt the amendment.

Mr. SMITH. The gentleman moves to adopt the amendment.

All those in favor, say aye.

Opposed say no.

The ayes appear to have, the ayes have it.

Would any of the other Members of the Subcommittee like to comment on the resolution?

The question is on the motion from the gentleman——

Mr. TANCREDO. Mr. Chairman, I move that the Subcommittee report the resolution as amended favorably to the Full Committee.

Mr. SMITH. The question is on the motion as proffered.

All those in favor, say aye.

Opposed, no.

The ayes appear to have it, and the resolution is agreed to. Before opening up our Subcommittee hearing, we will wait a couple of minutes until our witness arrives.

[Whereupon, at 1:58 p.m., the Subcommittee proceeded to other business.]

Handwritten text at the top left corner, possibly a page number or date.

APPENDIX

IV

106TH CONGRESS
1ST SESSION

H. CON. RES. 28

Expressing the sense of the Congress that the United States should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1999

Mr. GILMAN (for himself, Mr. GEPHARDT, Mr. GEJDENSON, Mr. COX, Mr. SMITH of New Jersey, Ms. PELOSI, Mr. ROHRABACHER, Mr. LANTOS, Mr. PORTER, Mr. BURTON of Indiana, Mr. SALMON, Mr. CHABOT, and Mr. TANCREDO) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing the sense of the Congress that the United States should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights.

Whereas the Government of the People's Republic of China has signed two important United Nations human rights treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights;

Whereas the Government of the People's Republic of China recognizes the United Nations Universal Declaration of Human Rights, which calls for the protection of the rights of freedom of association, press, assembly, religion, and other fundamental rights and freedoms;

Whereas the Government of the People's Republic of China demonstrates a pattern of continuous, serious, and widespread violations of internationally recognized human rights standards, including violations of the rights described in the preceding clause and the following:

(1) restricting nongovernmental political and social organizations;

(2) cracking down on film directors, computer software developers, artists, and the press, including threats of life prison terms;

(3) sentencing poet and writer, Ma Zhe, to seven years in prison on charges of subversion for publishing an independent literary journal;

(4) sentencing three pro-democracy activists, Xu Wenli, Wang Youcai, and Qing Yongmin, to long prison sentences in December 1998 for trying to organize an alternative political party committed to democracy and respect for human rights;

(5) sentencing Zhang Shanguang to prison for ten years for giving Radio Free Asia information about farmer protests in Hunan province;

(6) putting on trial businessman Lin Hai for providing e-mail addresses to a pro-democracy Internet magazine based in the United States;

(7) arresting, harassing, and torturing members of the religious community who worship outside of official Chinese churches;

(8) refusing the United Nations High Commissioner on Human Rights access to the Panchen Lama, Gendun Choekyi Nyima;

(9) continuing to engage in coercive family planning practices, including forced abortion and forced sterilization; and

(10) operating a system of prisons and other detention centers in which gross human rights violations, including torture, slave labor, and the commercial harvesting of human organs from executed prisoners, continue to occur;

Whereas repression in Tibet has increased steadily, resulting in heightened control on religious activity, a denunciation campaign against the Dalai Lama unprecedented since the Cultural Revolution, an increase in political arrests, and suppression of peaceful protests, and the Government of the People's Republic of China refuses direct dialogue with the Dalai Lama or his representatives on a negotiated solution for Tibet;

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing

international support for improved human rights performance;

Whereas during his July 1998 visit to the People's Republic of China, President Clinton correctly affirmed the necessity of addressing human rights in United States-China relations; and

Whereas the United States did not sponsor a resolution on China's human rights record at the 1998 session of the United Nations Commission on Human Rights: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of the Congress that the
3 United States—

4 (1) should introduce and make all efforts necessary
5 to pass a resolution criticizing the People's
6 Republic of China for its human rights abuses in
7 China and Tibet at the annual meeting of the
8 United Nations Commission on Human Rights; and

9 (2) should immediately contact other govern-
10 ments to urge them to cosponsor and support such
11 a resolution.

○

**Amendment offered by M _____
to H. Con. Res. 28**

On page 3, in the first "Whereas" clause, insert after "arrests,":

the secret trial and sentencing of former Middlebury College
Fulbright Scholar and Tibetan ethnomusicologist Ngawang Choephel
to 18 years in prison on espionage charges,

Statement of Representative Chris Smith

I am proud to be an original co-sponsor of H. Con. Res. 28, which urges the United States to sponsor a resolution on human rights violations by the government of China at the U.N. Human Rights Commission in Geneva, and to work vigorously for such a resolution.

On January 8th the International Relations Committee held a hearing on the deplorable state of human rights in China today. Each of our witnesses was a prisoner of conscience who had recently managed to get out of China. All of them called for the United States to become far more forceful in responding to human rights violations in China than we have been in recent years. The following week we heard from human rights organizations, who agreed that our policy of "constructive engagement" has been a failure.

For instance, Amnesty International issued a "report card" on human rights in China, which offered a list of concrete benchmarks. According to Amnesty, the benchmarks were "essentially all goals established by the President himself,"

at the time of his trip to Beijing last year. And yet, out of seven benchmarks, the Amnesty report card finds "no improvement" or "total failure" on all seven:

- Release of Tiananmen Square prisoners and other prisoners of conscience: Total Failure.
- Review all "counter-revolutionary" prison terms: Total Failure.
- Allow Religious Freedom: "Continued strong repression."
- Prevent Coercive Family Planning and Harvesting of Organs: No Improvement.
- Fully Implement Pledges on Human Rights Treaties: in October Amnesty found "some improvement" because China had signed, but not ratified, the Covenant on Civil and Political Rights --- but today, in light of the December crackdown, Amnesty testifies that "China appears to be treating its signing as little more than a fig leaf for further repression."
- Review the System of "Re-education through Labor" --- Total Failure.
- End Police and Prison Brutality --- Total Failure.

The resolution today urges the Administration to do the very least it can do about this egregious situation. Indeed, in 1994 when President Clinton "de-

linked" human rights from Most Favored Nation status for China, an annual resolution at Geneva was the centerpiece of what he promised to do in the event that egregious human rights violations continued. As of today, the Administration has not yet decided whether to offer a resolution --- even though the Human Rights Commission session begins on March 22, and even though the PRC can be expected to wage a vigorous campaign --- using foreign aid, trade concessions, and, yes, economic sanctions --- to buy its way out of the consequences of its bad conduct. Perhaps this resolution will give the Administration the wake-up call it needs to do the right thing in Geneva.



ISBN 0-16-058537-6



9 780160 585371