Let us know how access to this document benefits you.
Follow this and additional works at: https://scholarworks.umt.edu/baucus_speeches

Recommended Citation
https://scholarworks.umt.edu/baucus_speeches/704

This Speech is brought to you for free and open access by the Archives and Special Collections at ScholarWorks at University of Montana. It has been accepted for inclusion in Max S. Baucus Speeches by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.
Senator * or Department*: **BAUCUS**

Instructions:
Prepare one form for insertion at the beginning of each record series.
Prepare and insert additional forms at points that you want to index.
For example: at the beginning of a new folder, briefing book, topic, project, or date sequence.

Record Type*: **Speeches & Remarks**

MONTH/YEAR of Records*: **October-2000**
(Example: JANUARY-2003)

(1) Subject*: **Rule of Law: Asia Perspectives**
(select subject from controlled vocabulary, if your office has one)

(2) Subject*

DOCUMENT DATE*: **10/22/2000**
(Example: 01/12/1966)

* "required information"
It is a pleasure being here tonight. I only regret that I can't stay for the entire conference.

I would like to begin by thanking George Dennison and the University of Montana for its continuing support of the Mansfield Center. You have provided a good home for the Center and its activities.

I want to thank Phil West for the work he has done in bringing the Mansfield Center to where it is today – a major intellectual force in the relationship between our country and Asia.
I want to recognize Gordon Flake, Executive Director of the Center in Washington, D.C. who has long been dedicated to this project on the rule of law.

I also want to thank Dean Ed Eck of the University of Montana School of Law and David Aronofsky, the father of the international law program, for their contributions.

Joseph Stalin said "You cannot make a revolution with silk gloves...A single death is a tragedy; a million deaths is a statistic."
Mao Zedong said "Every Communist must grasp the truth: Political power grows out of the barrel of a gun."

Adolf Hitler said "By means of shrewd lies, unremittingly repeated, it is possible to make people believe that heaven is hell -- and hell heaven. The greater the lie, the more readily it will be believed."

These men are, arguably, the three most evil individuals who lived in the 20th century. Each was responsible for the deaths of tens of millions of human beings, people just like you and me.
They promoted the rule of the jungle and the cult of the individual. They created social and governing systems that utterly failed. They crushed the human spirit, made a mockery of truth and justice, and swept away the rule of law.

Contrast this with Franklin Delano Roosevelt, who led the war that defeated Naziism and gave Americans a social safety net that helped to bring our nation the level of prosperity and freedom we have today.
Roosevelt said

The only bulwark of continuing liberty is a government strong enough to protect the interests of the people, and a people strong enough and well enough informed to maintain its sovereign control over its government.

Roosevelt understood that the rule of law is the key link in the political and social contract between government and the citizenry.
I am honored to be part of this conference on the Rule of Law. The Mansfield Center is making a significant contribution to an informed public dialogue on this important issue.

Policymakers talk about the rule of law. We include it in legislation we write. It is important that we all add to our understanding of the meaning and implications of this concept, especially outside our own geographical and philosophical borders.
One of the most important votes taken this year in the Congress, and perhaps this decade, was the granting of PNTR, permanent normal trade relations, to China. I am humbled to talk about China with Jerry Cohen sitting here. Jerry is one of this nation's greatest experts on China and the Chinese legal system. But let me discuss for a few moments why I led the fight in the US Congress to grant China PNTR and to incorporate China into the world trading system. I hope this will give some context to your discussions in this conference.
My focus tonight on China is not meant to take away from the importance of the rule of law in other countries in Asia, and in the United States as well. After all, Thomas Jefferson warned Americans over two hundred years ago:

Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate for a moment to prefer the latter.
He was talking about the need to be ever watchful that government not abridge its authority. Jefferson saw a free press as a key watchdog for freedom, liberty, accountability, and the rule of law.

So, let me turn to China. After all, as Zhou Enlai once said, "China is an attractive piece of meat coveted by all...but very tough, and for years no one has been able to bite into it." We finally have a real chance to take that bite. And the world will benefit.
For over two millennia, China was ruled by a series of Imperial Dynasties. After the last Emperor was overthrown in 1912, warlords, dictators, and the Japanese military took over parts of the country at various times. In 1949, the Chinese Communists took control of the entire Chinese mainland, forcing Chiang Kai-shek and his supporters to flee to Taiwan. Three decades of absolute, totalitarian, Communist rule by Mao ensued.
Forgive my over-simplifying, but in 1979, Deng Xiaoping signaled the beginning of the end of Marxist-Leninist-Maoist ideology as the underlying precept of China’s economy, polity, and society. He initiated China’s re-entry into the world economy. A critical turning point a decade later was Deng’s so-called "Southern Journey" in 1992 to Shenzhen, other parts of Guangdong Province, and Shanghai. On that trip, he advocated economic openness, faster growth, and more rapid progress toward a market-based economy.
For the next two decades, we witnessed cycles of progress and retreat in China’s economy and political world. We saw a dramatic opening to foreign products and foreign investment. Yet a continuing government effort to maintain control over telecommunications. We witnessed the massacre of students at Tiananmen Square in 1989 and the continuing harassment of Falun Gong. Yet relatively unfettered access today by many Chinese to the Internet. There have been repeated violations of contract sanctity. Yet there is remarkable growth in the development of domestic stock markets and Chinese companies placing issues on foreign stock exchanges.
This reflects an ongoing struggle in China between the forces of reform and the forces of reaction. I strongly believe that it is a vital interest of the United States to do everything we can to support those who favor reform over totalitarianism. Private enterprise over state-owned enterprises. Global economic engagement over autarky. That means we must do everything we can to incorporate China into the international community. We need to engage China in order to promote responsible behavior internally and externally. Encourage them to play by international rules. Integrate the Chinese economy into the market-driven, middle-class, participatory economies of the West.
Economic reformers never have an easy time. And the forces in China that want to maintain the status quo are strong. But, economic reform, moving to a market economy, transparency, direct foreign investment, listing of companies on overseas markets. Progress in all these areas is of vital importance to the United States as they relate to stability in China. Accountability. And the development of a middle class. China's entry into the WTO will help anchor and sustain these reform efforts and empower reformers.

China will not become a market-driven economy overnight. But it is in our interest that they move in this direction. The WTO is a vital enabler in that
Around the world, we observe that economic growth generally leads to the development of a middle class. As that middle class grows, it makes demands on political leaders for greater participation, accountability, openness, honesty, and enforcement of the legal system.

It takes time. Fifty years ago, the rulers on Taiwan, the Kuomintang, massacred native Taiwanese. Twenty years ago, the Kuomintang still ruled Taiwan under martial law. Yet Taiwan just held its second truly democratic election. And its new President is former dissident Chen Shui-bian.
If we look at Korea, a quarter of a century ago the Korean government tried to murder the dissident Kim Dae Jung. Now, President Kim Dae Jung has begun to transform Korea's economic structure. Traveled to Pyongyang in one of the most remarkable initiatives in modern world history. And brought to Korea the honor of the Nobel Peace Prize. The Philippines in 1986, Thailand in 1990, Indonesia in 1999, also showed us the power of the development of a middle class. There is nothing fundamentally unique about China that makes a similar type of change impossible, or even improbable, over time.
Once China joins the WTO, for perhaps the first time in history, China will be accountable for its behavior to the outside world. The dispute settlement system at the WTO is far from perfect. I have been among its most vociferous critics. But WTO dispute settlement will allow other countries to examine Chinese domestic economic practices. It will force China to explain actions that other members believe violate global rules. And, when a violation is found, it will put pressure on China to change and comply with the internationally accepted rules of the WTO. This type of external scrutiny of China is virtually unprecedented.
It has implications that will, ultimately, go far beyond trade, as China learns about the need to respect the rule of law among nations.

China will not be able to comply overnight, even with the best of intentions. They must modify hundreds of laws and thousands of regulations. They need an enormous amount of training and professional development -- in the judicial system, the customs offices, the agricultural inspection system.
The legislation granting PNTR to China includes a provision to provide training and technical assistance. We will help China develop the rule of law with respect to commercial and labor market standards and democracy-building. We will establish programs to assist China in bringing its laws into compliance with international requirements, including WTO rules and ILO conventions. We will help in developing processes to enforce the rule of law.
China is emerging from one hundred and fifty years of national torpor. How we in America, and how the leadership in China manage this relationship, will set the stage for regional and global politics, security, and economics for decades to come.

We must make a profound choice. Do we bring China into the orbit of the global trading community with its rule of law? Or do we choose to isolate and contain China, creating a 21st century version of the Cold War in Asia?
It is a truism in international relations that rising powers have proven to be the most dangerous -- Germany at the end of the 1800s and the Soviet Union in the 1940s. But this is not 1900 or 1945. The world has become smaller for us because of revolutions in information, transportation, and production. For China and Asia, the world has also come closer.

There are a number of other reasons why I have worked so hard to incorporate China into the World Trading Organization and the world trading system. They may not be directly relevant to the subject of this conference, but, again, I think it will give you a context as you ponder these rule of law issues.
First, our farmers and ranchers, our manufacturers and service providers, our workers. They can take advantage of the countless significant market changes that China will make. As a Senator trying to help our national growth continue, I have a particular concern about the state of America's farm economy. The survival of our agricultural base depends on export growth to survive.

Second, Taiwan will accede to the WTO along with China. The PRC and Taiwan will then participate together in WTO meetings. In technical sessions as well as Ministerial-level meetings. There will be countless opportunities for direct interaction.
Under the WTO's most-favored-nation rule, they will have to provide each other the same benefits they grant to other members. Taiwan's current policy limits direct transportation, communication, and investment with the mainland. It will likely be found to violate WTO rules. Both will be able to use the WTO dispute settlement mechanism against the other. And WTO-induced liberalization, in both Taiwan and the PRC, will increase and deepen ties between them. In trade, investment, technology, transportation, information, communications, and travel.
Third, there are significant differences and frictions between the United States and China in the areas of missile proliferation, regional security, human rights, religious freedom, Tibet, and Taiwan. A growing bilateral trade and economic relationship that benefits both countries will serve as a vital anchor. I don’t think it is possible to over-emphasize this. We have seen countless ups and downs in our bilateral relationship with the PRC over the last three decades. Strong interests will develop on both sides to maintain and grow the economic relationship. That will provide a base on which other sensitive issues can be discussed and solutions sought.
It will take time for our hopes to translate into commercial developments. Increased trade and investment. And full respect for the rule of law. But, our intention should be to incorporate China into the global trading system. To get them to follow the same rules that we all use in international trade. And to make them accountable to an international institution for their trade policies and trade actions.
We also need to bring China into the international rules-based system in non-economic areas. For example, we want them to sign the Missile Technology Control Regime, known as MTCR, and then abide by its provisions. This is vital to avoid a perilous and destabilizing arms race in Asia.

The more China is integrated into the global system, the more responsibly they will act.
One of America’s favorite philosophers, Alfred E. Neuman, (PAUSE) said, "Did you ever notice how people who say (PAUSE) ‘That’s the way the ball bounces’ (PAUSE) are usually the ones who dropped it?" (PAUSE)

Understanding and spreading the rule of law is too important to let the ball drop.

Thank you again for this opportunity to give you my thoughts.