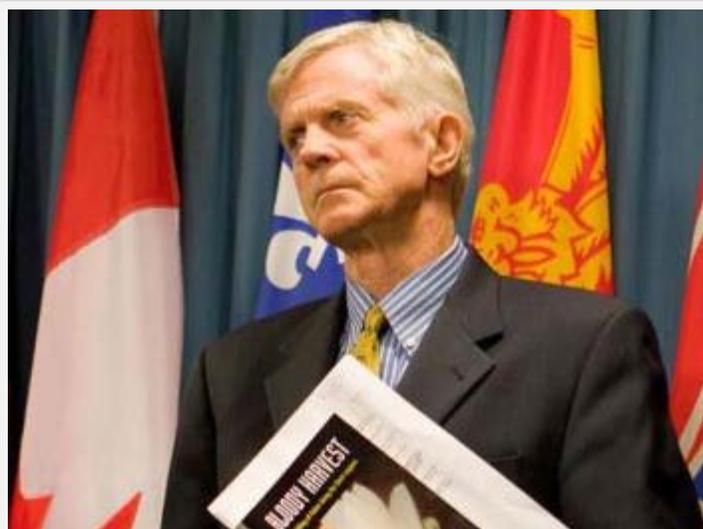


Engaging China Responsibly

By [Hon. David Kilgour, J.D.](#) On November 7, 2011 @ 12:20 am In [Opinion Features](#), [Thinking About China](#) | [No Comments](#)



Hon. David Kilgour, former MP and Secretary of State for Asia-Pacific, on Parliament Hill in November 2009 at the launch of the book he co-authored with international human rights lawyer David Matas documenting evidence to support the conclusion that the Chinese regime is harvesting the organs of imprisoned [Falun Gong](#) practitioners for an illicit organ trade. (Samira Bouaou/The Epoch Times)

For years, my respect for the Chinese people caused me to mute criticism of their governments, rationalizing the position by telling myself that at least the more recent ones were not like that of Mao Tse-tung, under which, for example, an estimated 35-45 million citizens starved to death during his “Great Leap Forward” (1958-62).

When it was noted that the grinding poverty of hundreds of millions of families in the '50s, '60's and '70's is now gone because of the export market economy launched by Deng Xiaoping in 1978, I was one of many friends of China too willing to overlook

the bad governance, environmental nightmares, party-state violence, growing social inequalities, widespread nepotism and corruption, which have generally worsened since Deng's period ended in the 1990s.

The Death of Little Wang Yueyue

In this context, permit me to speak first to the recent death of two-year-old Wang Yueyue after a chilling series of incidents in Guangdong's Foshan market. As much of the world now knows, Yueyue died in hospital after being run over by two hit-and-run drivers. Eighteen persons were filmed walking past her without stopping to help.

Mark Mackinnon, the Beijing bureau chief for the Globe and Mail, has made important points about the tragedy:

“Several of the passersby have since been tracked down by Chinese media and questioned about their behavior... Why didn't they intervene? The word 'fear' keeps coming up. 'I was scared,' a woman named Lin—infamous for walking by Yueyue with her own 5-year-old daughter—said. 'If someone (else) was helping at that time, I would have done the same.'

“Indifference isn't the answer. The Chinese I've met are anything but indifferent... The legal system here is unpredictable and unfair to those without money and political connections. Getting involved can often get you in trouble.

“The most oft-cited case is that of Peng Yu, a Nanjing man who stopped to help a (woman) who fell and broke her hip... Faced with sky-high medical costs, the 65-year-old turned on the 'Good Samaritan' and alleged that he had caused her to fall... (The) court accepted (her) claims, finding it 'at odds with reason' that Peng helped her out of the goodness of his heart. He was ordered to pay \$6,000 towards (her) medical bill. Mr. Peng's case is (well) known, and there are many others like it.

“(When) I was a guest on a BBC World Radio program (discussing) Yueyue's case, (a) caller from the Czech Republic reminded listeners that there was nothing uniquely Chinese about the reaction of the 18 passersby... anyone who had grown up in an authoritarian state could understand what was going through their minds.”

Trials in China a Mere Theater

It is difficult for outsiders to understand that trials in China are mere theaters. Clive Ansley of Canada practiced law in Shanghai for 13 years, handling about 300 cases in their courts, before returning to British Columbia. His article in the March 2007 B.C. trial lawyers' publication, *The Verdict*, explains the reality of what happens:

“There is a current saying amongst Chinese lawyers and judges who truly believe in the Rule of Law, and this saying, familiar throughout all legal circles in China, vividly illustrates the futility of Canadian attempts to 'assist China in improving its legal system' by training judges. It is: 'Those who hear the case do not make the judgment; those who make the judgment have not heard the case.' ... Nothing which has transpired in the 'courtroom' has any impact on the 'judgment.'”

Jerome Cohen, an expert on Chinese law at New York University law school, notes that until the government of China both signs and ratifies the International Covenant on Civil and Political Rights, its people will lack basic freedoms.

Other abuses of the legal system are illustrated by such practices as charging lawyers with “inducing perjury” from clients. Confessions through torture are very common.

The final straw for Clive Ansley came when an edict went from the Supreme Court to China’s judges that said, “When you have a dispute between a Chinese party and a foreign party, you must ensure that your judgment reflects the national interest.” Ansley returned to Canada because he knew this meant that verdicts in favor of foreigners had thus become impossible in virtually all cases.

“Grace” Li, a former district court judge in China, spoke earlier this year at the University of San Diego. Despite her position, she was sent to a labor camp for three years and four months without any species of hearing for being a Falun Gong practitioner.

Li explained: “In China, corruption is common in the judicial system... Through practicing [Falun Dafa](#) ... I was perhaps the only judge that refused bribes and was known as a fair and just judge... In April 2002, I went to Tiananmen Square and I pleaded with the government to stop persecuting Falun Gong practitioners... I was taken to the police station (and) punched ... my nose was bleeding... In order to force me to give up my beliefs, they deprived me of sleep for three days and three nights.”

Li was fired as a judge because she would not sign a statement denouncing Falun Gong. Authorities forced her husband to divorce her. She now lives in California as a refugee.

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Falun Gong

The continuing persecution of Tibetan Buddhists, Christians, Uyghur Muslims and other spiritual groups by China’s party-state violates the Universal Declaration of Human Rights. Consider the experience of Falun Gong, which first became public in 1992 and grew within seven years to 70-100 million by the government’s own estimate. The movement, containing features of

Buddhism and Daoism, combined with a set of gentle exercises, seeks to improve body and character. Its core principles are “truth, compassion and forbearance.” Although not a practitioner, I have been very impressed by the dignity and character of practitioners encountered in more than forty countries since 2006.

After mid-1999, tens of thousands of Falun Gong were sent to forced-labour camps—modeled after ones established by Hitler and later by Stalin—on only a police signature without any form of hearing.

Falun Gong today appears to comprise about two-thirds of the torture victims and half of those in forced labor camps across China. According to research David Matas and I have done, set out in our book *Bloody Harvest*, practitioners have been killed in the thousands since 2001 so that their organs could be trafficked to Chinese and foreign patients. For the period 2000 -2005 alone, Matas and I concluded that for 41,500 transplants the only explanation for sourcing was Falun Gong.

Responsible Engagement with Beijing

Canada’s governments and private sector should examine why they are supporting the violation of so many Canadian values in order to increase exports to China. For years, moreover, this phenomenon has resulted mostly in Canadian jobs being relocated to China and a continuous increase in our bi-lateral trade deficit (currently at approx. \$31 billion). Does the part of our business community so over-invested in China have no sense of responsibility to the job needs of Canadians? Are the rest of us so focused on access to inexpensive consumer goods that we ignore the human and environmental costs paid by Chinese nationals in producing them?

Peter Navarro, a professor at the University of California with a doctorate in economics from Harvard, argues convincingly that consumer markets across the world have been “conquered” by China largely through cheating. For its trading partners, Navarro has proposals intended to ensure that trade becomes fair.

Specifically, all nations should:

- define currency manipulation as an illegal export subsidy and add it to other subsidies when calculating anti-dumping and countervail penalties;
- respect intellectual property; adopt and enforce health, safety and environmental regulations consistent with international norms;

Leslie Gelb, president emeritus of the U.S. Council of Foreign Relations, observed not long ago: “The best thing the U.S. has going for it in Asia is the widespread and growing fear of a dynamic and muscle-flexing China. Almost all Asian nations

– ban the use of forced labor and provide decent wages and working conditions for all;
– adopt “zero-tolerance” for anyone selling or distributing pirated or counterfeit goods; and
– apply strong provisions for protection of the natural environment in all bilateral and multilateral trade agreements in order to reverse the ‘race to the environmental bottom’ in China and elsewhere.

want America as the balancer and protector against an increasingly demanding Beijing. But they don’t want Obama to be too aggressive about it and inflame China.”

The 2010 Report to Congress of the U.S.-China Economic and Security Commission recently noted that the American trade deficit in goods

with China in the first eight months of 2011 was \$173.4 billion, with the total cumulative deficit in goods with China since it joined the WTO in 2001 now being over \$1.76 trillion. The Commission accepts that the value for the yuan is between 20-40 percent lower than what it would otherwise be if it were allowed to respond to market forces. Europe’s trade deficit is similarly large.

The Nobel laureate economist Paul Krugman has predicted that Beijing’s ongoing refusal to let its currency float will cause retaliation in a world struggling with overcapacity. He adds that by displacing the output and jobs of other nations with its own low-wage goods, China is arguably the prime culprit in holding back a robust recovery in global economies.

The Chinese people want the same things as the rest of us, respect for individuals, education, safety and security, good jobs, the rule of law, democratic good governance and a sustainable natural environment. Beijing’s record indicates that its party-state must still be engaged on all issues with great caution despite severe ongoing world economic problems.

If the Party ends its systematic and gross violations of human dignity at home and abroad and takes major steps to treat its trade partners in a transparent and equitable way, the new century can bring harmony for China and the world. The

Chinese people have the qualities and numbers to help make the future better and more peaceful for the entire human family.

This is an edited version of a note presented on Nov. 2, as part of the Forum on China at the Parliament Buildings in Ottawa, Canada.

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David Kilgour is Co-chair of Canadian Friends of a Democratic Iran and a director of the Washington-based Council for a Community of Democracies (CCD). He was a Member of the Canadian Parliament from 1979 to 2006, and also served as Secretary of State (Asia-Pacific) during 2002 and 2003. David Kilgour was nominated for the 2010 Nobel Peace Prize. For further information, see www.david-kilgour.com

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