

## Think Tank

# The importance of human rights

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**Editor's note:** China Society for Human Rights Studies organized the Third Beijing Forum on Human Rights from Oct 19 to 21, where scholars and experts from home and abroad talked about many aspects of human rights. China Daily brings readers excerpts from some of the papers read by the participants.

### Some basic issues of China

It is significant to note China's human rights enlightenment dating back to the 1970s is not the product of external driving forces as some scholars believe. In essence, the origin and maturity of human rights awareness among the overwhelming majority is the corollary following the transformation from citizen consciousness to civic awareness, thanks to the expansion of market economy. Put another way, the advent of China's human rights enlightenment and construction in itself is an endogenous product instead of the outcome of the oppression and inducement from external pressure.

Subject to external impact in some way or other as it is, it fundamentally derives from the traditional cultural genes and the actuality of national growth, which may well account for the distinct national hallmark and unique development path in China's human rights construction since its enlightenment. As a matter of fact, external interference has primarily carried negative or even deterrent implications for China's human rights development in the past three decades; the arrogance and prejudice of the West has only made China more affirmative in its basic position on the independent path which therefore deviates and even runs counter to the purpose of the external forces ...

When analyzed from an international perspective, this phenomenon is the inevitable outcome of the uncertainty of Western countries about China's intention and direction when they witness China's constantly rising share in the international market, its growing influence in international political and economic affairs and therefore enormous challenges to their traditional dominant status.

The multi-level interactions between the external elements and the continuous enhancement of democracy at home, along with the germination of civic awareness, are bound to make human rights a key subject in China's transnational period ...

In fact, judging from the development in recent years, China is gradually completing its enlightenment and moving on to a phase where stable and rapid human rights development is realized ...

The social tolerance of human rights violation has dropped a lot with the increase of the public's engagement in human rights protection affairs. The changes not only cultivate the social soil for germinating human rights awareness, but also expand the supervisory and binding subjects on human rights violations.

Liu Jie, director of Research Center for Contemporary Chinese Politics of the Shanghai Academy of Social Sciences.

### **Asian contribution to the field**

China has the stature to give full support to a redefinition of human rights or maybe of their authentic interpretation. Take aside the political dispute and stick to the assumptions. Right to live is the basic one. It is immediately linked to economic development. Better conditions of living are essential. No wonder, this is the position of a developing country. Rich countries do not face these kinds of problems. Rightly, their approach is more articulated. Stability is the key word to guarantee development ...

China does not deny the value of human rights and the concept of democracy. Nevertheless, to connect them to stability, it introduces another crucial factor: Time. If the social environment is considered not mature enough, human rights safeguard can be postponed. According to the Chinese position, parliamentary election can be delayed and "true" human rights such as education, material progress, access to consumption and health protection cannot. There is no deadline set for formal democracy, that's why time is of essence. By doing this, China can continue to grow, up to a point when introduction of different models will become both a choice and a necessity. At that time any pressure will cease. So far, the sustainability of the Chinese approach has proved to be resilient.

Romeo Orlandi, vice-president of Osservatorio Asia (Asia Observer) and professor at Bologna University, Italy.

### **Lessons from the past**

By the conclusion of the Second Opium War, and the burning of the Old Summer Palace, Britain had achieved its strategic objectives but its reputation was left in the ashes and charred remains of the Gardens of Perfect Brightness.

As we mark the 150th anniversary of these events and catch a glimpse of drug addiction, human trafficking, theft, arson, violence and humiliation, we might pause to consider how these unhealed and unforgotten events continue to play into the times in which we live now.

As China is exhorted to take its place in the world and consider its development role in Africa, or how it should be a major broker in countries such as Myanmar or the Democratic People's Republic of Korea, we should have regard to how China has traditionally perceived foreign powers, how it has been treated itself and how it now sees its own interests. Because of its own experiences, China will have intrinsic concern about interfering with the sovereignty of other nations and this is not a call for the use of force or arms - rather, it is a call for China to be a powerful force for good; an enlightened force for humanity; a foreign and human rights policy based on the Confucian principle of the cultivation of virtue.

By contrast, the actions of Britain and France, 150 years ago, not only leave a shameful stain on British history, but also have understandably made China wary of seeming to exert influence beyond its own national boundaries.

David Alton, member of the House of Lords of the United Kingdom.

### **Message for Westerners**

China and the Western countries differ in their modernization paths in terms of backgrounds and development stages. The Western developed countries are pioneers and front-runners, leading the world's modernization and human rights cause, controlling the "game rules" of the international political and economic systems, dominating the discourse power in terms of the mode of economic development and human rights.

China is a latecomer to the field, grown out of a poor semi-colonial and semi-feudal society. In terms of modernization and human rights, it is a late starter, and has long been at a disadvantageous position. China is facing an adverse international environment and external pressure, and confronting an

arduous task of modernization of fulfilling in dozens of years what developed countries needed several hundred years to do.

Besides, China is the most populous country, with weak economic foundation, limited per capita resource and a relatively bad natural environment. All these have made the rights of subsistence and development the priority of Chinese people in terms of human rights. They have determined that in China, civil and political rights should develop and go along with the rights of subsistence and development, and the Chinese government shoulders greater responsibilities and plays a larger role than some governments in Western countries in promoting modernization and human rights .

Dong Yunhu, vice-president and secretary-general of China Society for Human Rights Studies.

### **For a sound social construction**

China has a "three-step" development strategy for modernization The first step is solving the problem of providing adequate food and clothing and the second step is solving the problem of building a well-off society ... In the new stage of regarding economic construction as the central work and coordinating economic and social development, people's livelihood covers not only people's existence, but also the issues of people's social welfare, social security and their sustainable development .

Meanwhile, we have noticed that social construction puts forward new requirements for respecting and protecting citizens' orderly political participation.

We should further be aware that since the issue of people's livelihood is related to people's existence and development, we cannot solve problems related to people's livelihood without the development of democratic politics ...

We should not simply focus on people's livelihood but should solve the problems related to people's livelihood by closely linking them with the development of democratic politics.

Li Junru, vice-president of China Society for Human Rights Studies.

### **Environmental rights**

Differing from traditional human rights such as the rights to subsistence, freedom of religious belief, right to vote and human dignity, environmental rights have a strong public attribute and wide objective coverage, and environmental pollution and deterioration seldom influence only individuals.

So, in the environmental rights infringement realm, group litigation is a popular protection form. Since pragmatic protection of environmental rights needs to improve the whole objective situation of the environment, environmental rights protection is far from being a mission that can be undertaken by negative right-infringement litigation and compensation (they are used more to compensate the special damage of environmental rights to specific groups in environmental affairs), and should rely on the active efforts of various countries and regions ...

When environmental rights ascend to the level of human rights, their protection should also be lifted to the level of human rights protection. This requires us to establish corresponding values and development outlook. Especially for the protection of general environmental rights, the basis of outlook and value are necessary ...

Every country is restrained by a series of international treaties and obligations; its activities and capacities are also influenced by international political and economic orders, common technologies and customs and institutional arrangements. Thus, we cannot look at a country's environmental rights protection (record) in isolation.

For instance, one of the reasons of the status quo of environmental pollution in some developing countries is that developed countries transfer their high-pollution industries to developing countries. Another example is that developing countries are facing intellectual property barriers from developed countries in obtaining environmental protection technologies. Intellectual property rights negotiations and cooperation are closely related to the global political and economic orders. Thus, we need to observe the operation of environmental rights protection mechanisms from various layers.

Zhan Zhongle, professor of the Law School of Peking University.

### **Seeking unity in diversity**

In today's world, there is no longer any wisdom in holding on to the misguided notions and policies, which merely seek material progress of societies without regard to or any consideration for their cultures - the very soul of their existence. Multiculturalism is the bedrock of a vibrant and dynamic society, which allows for creativity and innovation, contributing to the richness of the tapestry of values, traditions, beliefs and ways of life of our peoples.

We all owe it a duty to future generations of mankind to develop a framework of action that will advance the course of inter-cultural dialogue and promote multiculturalism. With such a machinery in place, we would be better able to continually analyze ways and strategize policies to promote respect and understanding between peoples and nations across all divides - social, economic and cultural.

Culture is something valuable. It gives people an identity, a feeling of belonging, of tradition and history. Therefore, respect for cultural diversity should indeed be the rule. Anything other than that will be a betrayal of the philosophy of human rights. The only exceptions to this rule are those practices that violate human rights. Culture can only benefit from tolerance, non-discrimination, freedom of religion and other values inherent in human rights. Cultural relativists and others who want to protect culture should therefore embrace rather than dismiss human rights.

Martin Ihoeghian Uhomoibhi, permanent secretary, Ministry of Foreign Affairs of Nigeria, and former president of the United Nations Human Rights Council.