# AT Chinese Democracy

**Chinese democracy is impossible and no impact**

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Non-democratic China can peacefully co-exist with US

Generally, Western societies view the political system in China as directly contradicting the core values of the West and see no fundamental way for the two sides to co-exist, because they assume that a democratic government would inevitably runs in conflict with a non-democratic one.

However, this is a misconception. A democratic government does not necessarily make peace with another democratic one. For example, there are many conflicts between the US and other democracies. On the other hand, a democracy could make friends with a non-democracy, such as the US and Saudi Arabia. So there is no reason why US could not co-exist with China, non-democratic as it may be for the time being.

To be sure, different nations have different national interests; and every nation puts its national interests as top priority. Conflicts of interest between different nations are very normal. Benign economic and cultural competition between different nations is healthy.

China is no longer a typical communist country; and China today is more open than 30 years ago. The CCP is willing to tolerate different opinions to some extent. Although it is proper to criticize China for its human-rights violations, the West should not ignore the substantial progress China has made since 1978.

**Rule of law is impossible and has a long timeframe**

**China Daily Mail 6/26** (2012, Chankaiyee, “Rule of law in China a long way away,” <http://chinadailymail.com/2012/06/26/rule-of-law-a-long-way-away>, mat)

In China, two well-known sayings make despotic officials very happy. One is “the heaven is high and the emperor, far away”; therefore even if the central government is good and has formulated good laws, regulations, rules, codes, policies, etc., a despotic official may still do whatever he wants. China is too large and the central government is too far away to be aware of their malpractices; while the God who always upholds justice, is too high away to meddle. What about an official’s colleagues and superiors? Will his malpractices be exposed by them? He can rest at ease as there is another saying: “Officials shield one another.” That is why even the officials in Beijing quite near the central authority can still safely grab land from common people. SCMP gives a report entitled “Demolition leaves family scattered, defenceless” on how helpless common people are when their land has been grabbed by the government. It describes how Huang Gongdao, 63, and his relatives had their home demolished without fair compensation and their possessions robbed by the government during the forced demolition because Huang was detained for 15 days for his resistance against forced demolition. SCMP says, in order to protect citizens’ rights to their land, “a State Council regulation on home acquisition and compensation which took effect in January last year, states that no home should be demolished before a compensation package is in place. It has largely failed to stop forced demolitions, however, because of the difficulty in holding municipal-level officials accountable. Few homeowners fighting such demolitions can win a court order in their favour because the courts often side with government demolishers and developers.” China has made great efforts to formulate a complete system of laws and establish a legal profession, but rule of law is still a long way away. The greatest problem is the implementation of law. Without a strong independent legal profession, rule of law is impossible. Chinese courts are not independent from the government but are in fact parts of the government. Lawyers are persecuted if they dare to serve their client in a way that displeases the government. Hu Jintao and Wen Jiabao advocate “putting the people first”, but most officials want to put the government first. A Shanghai comedian said with great humour said, “My flesh creeps when I hear the word ‘civil servants’ used for officials. What servants? Do servants ride in limousines while the people, their masters, have to ride on buses? Do servants live in luxurious houses while their masters live in simple public housing?” When will officials cease to be despots? Despotic officials will be punished if there really is democracy and rule of law. Of course, rule of law should be achieved first, because without rule of law, democracy is impossible. China should make long-term efforts to establish rule of law. Lawyers and judges should strive to achieve independence and parents and schools should educate children with love in a democratic way, instead of Tiger Mom’s or Wolf Dad’s autocratic or despotic way. There is the Chinese saying, “It takes 10 years to grow a tree while it takes 100 years to foster people.” The establishment of rule of law and democracy in China is a very complicated task. China has to make efforts to accomplish transformation gradually for a few decades. Great patience is indispensable in the process as turning people with a long tradition of despotism and autocracy into the people who cherish the ideal of rule of law and democracy is a very long process.

Transition is inevitable

Democracy Digest 7 [September 2007. “Chinese Democracy: Too Much of "a Good Thing"?” http://www.demdigest.net/issues/sept07.html]

Party leaders realize that China's citizens will eventually aspire to dignity, participation and self-expression, says Gilly. "All democratic transitions depend on the loss in belief in dictatorship inside the ruling party itself," he argues, a process "now well under way" within the CCP.

"Democracy is a Good Thing", wrote party theorist Yu Keping earlier this year while an article in the party-backed Yanhuang Chunqiu journal asserted that "only constitutional democracy can fundamentally solve the ruling party's problems of corruption and graft." Yet a healthy degree of skepticism is justifiable so long as the party continues its monopoly on power and repressive rule.

One reason why the CCP has stressed "political order and technocratic governance rather than popular participation and regime transformation," says Dali Yang, is that China remains one of the world's most unequal societies, according to World Bank data. While the party's third generation of leaders opened up political space in the late 1990s, notes Merle Goldman, the fourth generation has "arrested defense lawyers, freelance intellectuals, editors, journalists and cyber-dissidents… [and] reinforced the authoritarian party-state."

Gilley, a proponent of actively promoting democracy in China, believes a majority of the party will accept democratization when its Yeltsin moment arrives and that "a reformed CCP could enjoy electoral success in a democratic China." But the country's transition will not be determined by the party elite alone. The process will be negotiated and contested by diverse interests, notes Yang. China's leaders will need to "learn to lead and even to accommodate an increasingly educated and well-informed populace, with its rising expectations in matters of liberty, political participation, and democratic governance."

Public pressure- not external influence- is key to democracy

Gilley 7 [Bruce Gilley, January 2007. Assistant professor of political studies at Queen's University in Canada, and former contributing editor at the Far Eastern Economic Review. “Is China Stuck?” Journal of Democracy, 18.1, Project Muse]

Yet what if the CCP is actually quite responsive? What if it is in tune with popular demands, and finds ways to move and adapt as those demands change? In other words, what if the party stays or goes *because* of [End Page 173] popular pressures? Pei himself recognizes this possibility. He cites "rising public dissatisfaction" (p.14) as one thing that would prod the regime to change. "A democratic opening may emerge in the end, but not as a regime-initiated strategy undertaken at its own choosing, but more likely as the result of a sudden crisis" (p. 44). Perhaps the word crisis is being used in two different senses here. One crisis and another can, after all, vary in urgency: There are crises and there are *crises.* The crisis of which Pei speaks seems to be of the more benign sort, a mere shift in public preferences that prods the regime to change. Such a crisis will not require democracy to rise upon the ashes of a razed public square, but rather will stir the regime to recognize that its time has come, and to do the right thing by going fairly gentle into that good night. If so, then the prospects for a relatively smooth democratic transition in China are bright and no collapse is likely.

South China Sea conflict escalates

Brata 12 (Arya, is a legal and policy analyst in the Cabinet Secretariat of Indonesia, July 28, 2012, “Open war in the South China Sea”, <http://www.thejakartapost.com/news/2012/07/28/open-war-south-china-sea.html>///TS)

Will the South China Sea territorial and jurisdictional disputes trigger an open war in the region? If we think that wars are the last resort to settling disputes between sovereign states, the answer will be no doubt yes. History shows that countries go to war if the peaceful means of dispute settlement over territorial claims fail. Thus, designing an effective, peaceful mechanism of conflict resolution is most important. However, the South China Sea case is so complex and difficult, involving overlapping territorial and jurisdictional maritime claims among six sovereign states: China, Taiwan, the Philippines, Vietnam, Malaysia and Brunei. Perhaps it is one of the most complicated and challenging maritime disputes ever. So far, there have been no effective peaceful settlements to overcome the differences and claims among the countries. The dispute settlement mechanisms are weak, as has been evident in the latest incidents in the South China Sea. Though this may look alarmist, in the future such mechanisms will not be able to avoid potential open wars involving the disputing states and those that have economic and geopolitical interest in the region, such as the US and Australia. Further wars on a larger scale may destabilize the region. The Battle of the Paracel Islands between the naval forces of the People’s Republic of China (PRC) and the Republic of Vietnam (South Vietnam) on Jan. 19, 1974 is one example. The two countries have been fighting for the Paracel Islands, a tiny, uninhabited archipelago located in the South China Sea, roughly 200 miles from the nearest Asian mainland coast, leaving many killed on both sides. The most recent incident in the South China dispute, between China and the Philippines, sends a clear message to the claimant states that a more effective and durable dispute settlement procedure is urgently needed. The confrontation occurred in April 2012, when two Chinese surveillance vessels prevented the Philippine warship Gregorio del Pilar from capturing a group of Chinese fishermen in the Scarborough Shoal. The incident turned more complex when on April 14, 2012, the US and the Philippines held their joint annual exercise in Palawan, the Philippines. By establishing a US military base in Darwin and given Washington’s “backing” for the claimant states, especially the Philippines, against the PRC, the US and Australia have deepened their involvement directly or indirectly in the conflict, making the region more vulnerable to war. Since the Battle of the Paracel Islands in 1974, at least seven incidents or confrontations have taken place between the PRC and other claimant nations. Moreover, the recent failure of the foreign ministerial meeting of ASEAN to release a joint communiqué, the first such failure in 45 years, indicates that the group’s member states are not united in approaching this dispute. If ASEAN cannot manage this dispute more carefully, it will face the risk of compromising its centrality, unity and peaceful principles stipulated in its Charter. The greatest potential danger of such a compromise will be the failure to establish the ASEAN Community in 2015. Therefore, an effective peaceful and durable means of settling the disputes in the South China Sea must be designed. Before creating such a settlement mechanism we first must comprehend the root causes of the failure in resolving such disputes. The most important of these is there is no automatic, independent and compulsory dispute settlement mechanism adjudicating the claims between sovereign states. Like the adversary procedure of the International Court of Justice, recourse to tribunal to settle disputes in the South China Sea, and therefore its binding decisions, as stipulated in Part XV Articles 279 – 296 of the United Nations Convention of the Law of the Sea (UNCLOS) 1982, must be agreed by the parties to the disputes. The Declaration on the Conduct of the Parties in the South China Sea (DOC), which was signed by the governments of ASEAN and the PRC on Nov. 4, 2002 in Phnom Penh, and its guidelines adopted in Bali in 2011, do give hope to peacefully managing the disputes in the region. However, this document is merely political with no binding legal force. It only embodies the signatories’ political commitment to promoting peace, stability and peaceful resolution in the South China Sea. The conflict in the South China Sea is actually a battle for fishing resources, crude oil and natural gas, especially those beneath the Spratly Islands. It is also a fight for strategic control over the core position in the region. In some cases, for example the Gulf War, such a battle triggered open military confrontation. Therefore, without a strong, effective and permanent dispute settlement mechanism with a binding legal force, we can only manage, not settle, the disputes in the South China Sea. For this purpose, it is the time for the UN to reform the jurisdictional powers of the International Court of Justice and amend the dispute settlement provisions of the UNCLOS 1982.