

Can publicity help the plight of overseas Chinese detained on the mainland? Jerome A. Cohen believes it probably can

Out in the open

When Chinese law-enforcement officials detain a visitor, his family faces excruciating decisions. This is especially true when the detainee is either a foreigner who used to be a Chinese citizen or a Chinese residing abroad. If the case involves "state secrets", it is more complex.

The hardest decisions concern publicity. Should the case be made public? When? The wife of Rio Tinto mining company executive Stern Hu, a naturalised Australian detained in China since July – initially on suspicion of stealing "state secrets" – was spared this dilemma. His detention was immediately reported by journalists focused on Sino-Australian iron ore negotiations.

The wife of naturalised American petroleum geologist Feng Xue wasn't so lucky. Until the Associated Press revealed her husband's detention last week, Nan Kang, also a naturalised American, had been agonising for two years over whether to go public. Her instincts told her to handle the problem "the Chinese way", trying to quietly mobilise assistance for her husband's release from the United States government, a Beijing lawyer and whatever connections she could muster. Until recently, her husband's former employer,

Beijing belatedly complied with its obligation to give notice of his detention under the US-PRC Consular Convention, American embassy consuls began to make monthly visits to Xue in accordance with the convention.

Xue saw things differently from his wife. Certain of his innocence and angered by the torture to which his interrogators had subjected him, he showed consular officials cigarette burns on his arms and authorised them to contact the media. Yet the embassy, which has otherwise sought to protect Xue against vague charges enveloped in almost total secrecy, was reluctant to override the understandable concerns of his wife.

In June, however, following a human rights lecture that I gave to embassy personnel, I was asked to discuss the case with his wife. She had

already been advised to go public by Xue's former mentor and co-author, University of Chicago professor David Rowley. My view was similar. Recently, after inconclusive trial hearings, John Kamm, the dynamic American human rights advocate, was informed of the case. Satisfied that Xue had been tortured and convinced that Xue wanted his ordeal made known, Kamm urged the news agency AP to investigate.

Under this accumulating pressure, Kang was becoming distraught. She was reluctant to interfere with China's judicial process, hopeful that US efforts to secure Xue's release before and during US President Barack Obama's visit to China might succeed and yet increasingly disillusioned with quiet diplomacy. AP's Beijing bureau chief, Charles Hutzler, resolved her dilemma by breaking the story after weighing the ethical issues involved.

Xue's fate is still in doubt, and the case has dragged on. The court's repeated dissatisfaction with prosecution evidence



suggests that a not guilty verdict would be appropriate. Yet acquittals are rare in China, since the party/state does not want to "lose face", and officials fear damage suits and administrative sanctions for violating a defendant's rights. Conviction of a lesser offence and sentence to time already served would be one type of Chinese compromise.

Whatever the outcome, it will be difficult to determine the impact of publicity compared to other factors, but Hutzler's inquiries may have stimulated Obama's recent, unexpected mention of the case to President Hu Jintao (胡锦涛).

Xue reportedly believed that publicity in the period before formal arrest might exert the strongest influence. This proved true in the subsequent Rio Tinto case when outcry over the initial "state secrets" accusation led to Stern Hu's formal arrest on a lesser, "commercial secrets", charge.

Yet most Chinese prefer to keep matters private in the earliest stage, hoping that quiet diplomacy might prevent formal

arrest. After arrest, many become persuaded by statistics that show arrest ordinarily leads to indictment, conviction and prison unless public pressure is applied.

Post-arrest publicity helped to release Dickinson College librarian Song Yongyi, a US permanent resident, in 2000, when China needed US Congressional approval to join the World Trade Organisation.

One lesson already seems clear. Consular officials, or a lawyer if one is allowed, should honour a detainee's demand to go public.

It is his decision, not his family's. Indeed, this would relieve his family of a painful burden and be likely to help his case. It would also help educate the world about Chinese justice.

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the US company IHS Energy, ignored its responsibility for the case.

Kang worried that going public might worsen her husband's plight by angering Chinese officials and might even harm the couple's parents, who still live in China. Going public would also mean telling her young children that their father, a respected University of Chicago PhD, was being investigated on criminal charges – "secretly gathering intelligence and state secrets," that is, oil data, and "providing it to a foreign organisation", his employer.

Kang could not discuss her worries with her husband. China prohibits family visits with detained suspects. Fortunately, once

Voices: Environment

Building foundations for an energy-efficient world

Mark Clifford

Killer typhoons in Taiwan and on mainland China. A failed monsoon in India. The UN secretary general in the Arctic pleading for action on climate change as politicians bicker over the costs.

But, instead of letting that debate rage while the planet heats up, policymakers should embrace one of the cheapest ways of cutting the air pollution that lies at the root of the problem: making buildings more efficient.

Surprisingly, buildings account for about one-third of global energy use. Transport, mostly cars, accounts for roughly another third. Factories and mines make up the rest. A lot of attention has gone into making cars and factories more efficient since the first global energy shocks of the 1970s. Yet most buildings are bigger energy hogs than a fleet of SUVs. Given advances in technology in everything from window glass to air conditioners, change can come for no net cost.

The World Business Council for Sustainable Development, which produced a landmark study on the topic, contends that buildings should put back into the system at least as much energy as they take out.

But governments must act. Far-sighted administrations in places as different as Germany and Singapore are mandating green buildings. Policymakers there know that governments have a role in mandating regulations to create a level playing field and helping build industry capacity.

Buildings last for decades, so decisions made today have a long-term impact on energy consumption. Efficient buildings enable countries to consume less energy, which supports

economic development, because money is freed up for other projects, while promoting energy security and environmental sustainability.

Greener buildings are particularly important for Asia, home to the world's most rapid economic growth. Asia's share of global energy consumption has doubled in the past 30 years, and its buildings' share of energy use is growing at similar rates, with China and India alone constructing more than half of the

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world's new floor space. Without well-designed policy measures, improvements in the energy efficiency of buildings and appliances will continue at a relatively slow pace in Asia.

Energy-hungry China builds the equivalent of two to four 500-megawatt power plants every week. No one can ask China to slow its development. But if China can improve its energy efficiency, it will save money and strengthen its energy security.

Before change can come, some old myths need to be demolished. Myth 1: Green buildings cost a lot more to build. Initially, there may be higher costs, usually 3 per cent to 10 per cent, though this figure tends to fall quickly, as everyone from architects to construction workers becomes more familiar with new ways.

Myth 2: The idea that energy-efficiency means sitting in the dark, shivering in the winter and sweating in the summer is nonsense. Repeated studies have shown that well-designed buildings are more comfortable. Green offices have lower employee turnover and fewer sick days.

Myth 3: If energy efficiency worked, everyone would have done it already. This is like the joke about the two economists who ignore a US\$100 bill that they see lying on the street, figuring that if the money were real someone would have picked it up. Building developers often don't want the extra cost or extra hassle of breaking old habits. After all, they either sell the property or pass on the higher utility costs to tenants.

Nothing stands in the way of change except the unwillingness to change old patterns. Governments need to set standards that become progressively tighter over time. Everyone in the building and construction industry needs to be more creative. Tenants need to take the same care with buildings that they do with cars. The net result of a series of small changes would be a dramatic reduction in energy consumption.

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Voices: Mainland

Dollar's rise a precedent for the unstoppable yuan

Barry Eichengreen

China is making a big push to encourage greater international use of the yuan. It has an agreement with Brazil to facilitate use of the two countries' currencies in bilateral trade transactions. It has signed yuan-swap agreements with Argentina, Belarus, Hong Kong, Indonesia, South Korea and Malaysia. Last summer, it expanded yuan settlement agreements between Hong Kong and five mainland cities, and authorised HSBC Holdings to sell yuan bonds in Hong Kong. Then, in September, Beijing issued in Hong Kong about US\$1 billion worth of yuan-denominated bonds.

Such initiatives aim to reduce dependence on the US dollar by encouraging importers, exporters and investors to make more use of the yuan. The ultimate goal is to ensure that China eventually gains the flexibility and financial prerogatives that come with being a reserve-currency country. No one questions that the yuan is on the rise. And no one questions that, one day, the yuan will be an important international currency.

The question is when. Cautious observers warn that making the yuan a true international currency will take time. Making it attractive for international use will require China to build deep and liquid financial markets. This will mean the development of more reliable and transparent clearing and settlement systems. This takes time.

Those markets will have to be open to the rest of the world: China will have to fully open its capital account. This will require putting banks and state-owned enterprises on a fully commercial footing, and

moving to a more flexible exchange rate. Such fundamental changes in the Chinese growth model will not be completed overnight.

But America's own history suggests that the process can be completed more quickly than is sometimes supposed. As late as 1914, the dollar played no international role. No central bank held its foreign reserves in dollars. No one issued foreign bonds in dollars. Instead, they all went to London.

This changed in 1914, with the creation of the Federal Reserve System. One of the Fed's first actions was to encourage the development of a market in trade acceptances, the instrument used to finance imports and exports. As a result of this official support, private investors gained confidence in the new instrument, and the market in trade acceptances became more liquid.

New York surpassed London as a source of trade finance by the mid-1920s. At this point, the Fed could give the market over to private investors. Where private investors led, central banks followed. By the late 1920s, they held more of their reserves in dollars than sterling. The rise of the new international currency had taken barely a decade.

China has targeted 2020 as the date by which Beijing and Shanghai should become leading global financial centres. By implication, that is the date by which they want to see the yuan become a leading international currency.

Can that happen in as little as a decade? Only time will tell. But US history suggests that this schedule, while ambitious, is not impossible.

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Unwanted role

Academics like to make the obvious sound formidable and invent difficult phrases when a few simple words would do. Some time ago, I came across this term – hegemonic stability – which is certainly a mouthful and asked a friend who teaches political science at an Ivy League school in the US what it meant. Well, he asked, did I ever watch Francis Ford Coppola's *Godfather* series? Of course, several times, I replied. Then, he answered, you know everything about that particular theory in international relations.

As I recall our e-mail exchange, it seems that a variant of the theory is a pretty good description of our world today, especially China in relation to the US and the world. But there is a twist to the theory, and my friend explains why.

For good measure, he throws in those Hong Kong-made triad movies, where rival gangs fight and kill each other until someone emerges as the big boss, either through guile, ruthlessness or sheer violence. That's when the movie usually ends because after that, territory is reasonably divided, business is back to normal and everyone gets a piece of the pie; and there is no blood-letting drama when it's business as usual. Well, that's hegemonic stability for you, my friend said.

But he prophetically wondered whether the movies, which always portrayed everyone as harbouring ambitions to be the top dog, actually got it right. "If I were a gangster," he said, "I would like to enjoy all the respect and benefits of being protected without having to take up the burdens of being responsible for enforcing peace and stability in gangland." In short, he'd like to be a free rider – "a made guy" – without the responsibilities and hassles of being the big triad boss. Now he was talking like Martin Scorsese.

My friend, who is all gung-ho American and usually ridicules my anti-American rants in this column, sounded more Chinese than me then. In fact, he spoke like Premier Wen Jiabao (温家宝). While US President Barack Obama was in China last week, Xinhua news agency put out a little-noticed news item quoting Wen.

"China disagrees [with] the suggestion of a 'Group of Two' (G2)," he said. It is still a developing country with a huge population and has a long way to go to modernisation.

China pursues the independent foreign policy of peace and will not align with any country or bloc of countries, Wen added. Global issues should be decided by all nations, rather than one or two countries. "We believe Sino-US co-operation can play a unique role in advancing the establishment of the new international political and economic order, as well as promoting world peace, stability and prosperity," Wen said. He noted

that the bilateral trade volume between China and the US had increased greatly over the past three decades. "This is in the fundamental interests of both countries and their people," Wen said. "We do not pursue [a] trade surplus."

In other words, forget about joint global responsibilities. We are primarily interested in trade matters. Other foreign-policy issues will only warrant our attention if and when they have a recognisable impact on our national interest, not some nebulous global concern. In spirit, these words sounded like the opposite of the joint statement put out at the conclusion of Obama's visit, in which the two nations pledged to work as equals to deal with the world's economic, strategic and other issues. Arguably, the Xinhua item was a more accurate reflection of Chinese intention.

Since the fall of the Berlin Wall, the US has been the undisputed boss of bosses. Now, it is showing signs of weariness. But who can blame Americans? As a mainland editorial puts it, "hopelessly in debt to China and mired in two unwinnable conflicts", it has lost "all strategic focus and moral capital". Anyone in this unenviable position would want to share some global responsibilities with others.

But, the funny thing is that no one – least of all China – is stepping forward to be a co-Godfather. Everyone resents America and the prestige it has long enjoyed, justifiably or not. Yet, when opportunity knocks to reverse that, no one is answering the door.

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Voices: Zimbabwe

Women who refuse to live with the stink of tyranny

Michael Gerson

As Americans count their blessings, it is useful to remember women who count their beatings – in the once-fair country of Zimbabwe, cursed by President Robert Mugabe.

Magodonga Mahlangu and Jenni Williams, leaders of Women of Zimbabwe Arise (Woza), sit at a table at the Robert F. Kennedy Centre for Justice and Human Rights in Washington, quietly recounting acts of democratic courage that should be shouted from rooftops. "We are very ordinary people," says Williams, about a movement of perhaps 75,000 women who have engaged in more than 100 non-violent protests that often end in a hospital or prison.

After visiting the White House this week and receiving the RFK Human Rights Award, Mahlangu and Williams will be greeted in Zimbabwe next month by being put on trial for their activism.

Woza is showing a patriarchal and violent political culture the meaning of peaceful determination. These women demand social justice – food, education, health care – not political power. But, in Zimbabwe, the mere act of protesting against hunger is considered seditious.

In a world of liberal economics and conservative economics, Mugabe's Zimbabwe practises genocidal economics – policies of reckless spending, inflation, business restriction, farm confiscation and corruption that have left a nation in ruins. Unemployment is more than 85 per cent in the formal economy. Nearly half of Zimbabweans are at risk of malnutrition and starvation.

Repressively, this is part of the Mugabe strategy. "Zanu-PF

[Mugabe's ruling party] is not only using violence," Mahlangu says, "it is making everyone dependent on assistance. People spend nine, 10 or 11 hours a day just fighting for survival, gathering wood and food," leaving little energy for resistance.

But despite these challenges, says Mahlangu, "tens of thousands of women get up, sometimes at 3am, to fit in activism". The women of this underground movement do not use mobiles or e-mails, which can be traced and monitored. Resistance spreads by word of mouth. The organisation tries to secure a lawyer for a woman within an hour of her arrest, provides a doctor if she is beaten and looks after her family while she is incarcerated. Women know they are not alone.

These women activists espouse no grand theory of social change. They are simply determined to hold the government accountable at every level. "If your sewage system has failed," says Williams, "go and see your [local official]. You may get arrested. But do you really want to live in that stink?" This is the deepest meaning of democracy, even more than putting an "X" on a ballot – a stubborn refusal to live in the stink.

When I asked her motivations, Mahlangu responded that she was determined to "live truthfully". It echoes the words of another dissident, Vaclav Havel, who said that "a single, seemingly powerless person who dares to cry out the word of truth and to stand behind it with all his person and all his life, ready to pay a high price, has, surprisingly, greater power, though formally disfranchised, than do thousands of anonymous voters".

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