

Report by Bhim B. Subba, Research Associate, ICS

“Perspectives on Coordinating Trade and Human Rights Performance”

Speakers:

Prof. Pitman B. Potter, Professor of Law, UBC Law Faculty, HSBC Chair in Asian Research, UBC Institute of Asian Research, University of British Columbia.

Prof. Sarah Biddulph, Associate Director (China) of the Asian Law Centre University of Melbourne, Victoria.

Date: Monday, 12 December 2011 from **2:30** pm-4:30pm

Venue: ICS Seminar Room, 29 Rajpur Road, Delhi 110054 (near Civil Lines Metro Station)

Prof. Pitman B. Potter, dwelled on the challenges today China faces is the dilemma between balancing economic and social development. The rapid economic growth has led to challenges of labour problems and social inequalities thereby denying the stake holders their basic human rights.

In the sphere of trade basic human rights are not incorporated and government ministries and departments in China do not follow these guidelines in framing trade policies. Occurrences of real and apparent conflicts between the law and practice on economic and social development were noticed in many of the cases. Besides, there has been a sharp dichotomy at the conceptual level between efficiency and justice in coordinating the performance of the Chinese political economy. These trends were vitiated by access and influence at the bureaucratic and political level.

Countries like Canada, China, Japan, India and Indonesia were taken as the areas of research in looking into these dyadic relationships between economic growth and its challenges especially the human rights and social problems.

The focus of the study highlighted by the speaker included;

- Possibilities for coordinated compliance with international trade and human rights standards.
- Focus on dyads of trade/human rights; efficiency/justice, economic/social development.
- From conflict to coordination.
- Academic and policy focus.

Prof. Sarah Biddulph highlighted the above issues by arguing that China is facing these problems despite its fast economic growth. The issues of corporate social responsibility (CSR)

and corporate governance, housing rights and subsidies, health rights and intellectual property rights, labour rights, transparency, access to justice and rule of law were today increasingly debated in China.

The guidelines of the International Labour Organization (ILO) were also explored in dealing with the human and labour rights in China today in much greater way than before with increasing middle class, despite its passive participation in decision-making process. The need for coordinated compliance between institutional capacity and selective adaption of interpretation and implementation of rules to local environment is regarded as an alternative conflict to trade and performance of human rights. Thus with the Party in reform and further liberalization of the Chinese economy the urgency of institutional reforms, judiciary and substantive law relating to property and contracts is much needed than before

In conclusion, both the speakers urged that development has to be consistent with human rights performance and sustainability giving due to collective bargaining by the stake holders i.e. labour. Though these may be challenging to the party, but can be helpful legitimizing its rule in the long run.