

Launch Conference for the *Journal of Asian Public Policy*

29–30 March 2010

"Governing the Asian Giants: The Search for Good Governance and Sustainable Development in China and India"



Launch Conference for the Journal of Asian Public Policy

"Governing the Asian Giants:

The Search for Good Governance and Sustainable Development in China and India"

29 - 30 March 2010

Venue: The Hong Kong Institute of Education

Co- organized by

Contemporary China Strategic Research Theme and Faculty of Social Sciences,

The University of Hong Kong

Centre for Governance and Citizenship, The Hong Kong Institute of Education

Centre for Development and the Environment, University of Oslo

Supported by

Human Rights and Extreme Poverty Project (HUREP), University of Oslo

Lee Hysan Foundation (Hong Kong)

Norwegian Centre for Human Rights (NCHR), University of Oslo

Routledge (Taylor & Francis Group, London)

Monday 29th March 2010

8:30 Coach Departs from Royal Park Hotel

09.00 – 09.15 **Registration** *Location: Outside Council Chamber*

09.15 – 09.45 **Welcoming and Opening Remarks** *Location: Council Chamber*

Welcoming Remarks: **Professor Ka Ho MOK**
Centre for Governance and Citizenship,
The Hong Kong Institute of Education,
Hong Kong

Dr Dan BANIK
Centre for Development and the Environment (SUM), and
the Human Rights and Extreme Poverty Project (HUREP),
University of Oslo,
Norway

Professor Ian HOLLIDAY
Faculty of Social Sciences,
The University of Hong Kong,
Hong Kong

Opening Remarks: **Mr L. D. RALTE**
Consul General of India in Hong Kong

Mr Tommy FLAKK
Second Secretary, Royal Norwegian Embassy in Beijing

Mr Jian Jun JI
Division Chief, Education Science and Technology Department,
Liaison Office of the Central People’s Government in the HKSAR

Chair: **Dr Gregory FAIRBROTHER**
Department of Social Sciences,
The Hong Kong Institute of Education,
Hong Kong

29th March **Plenary Session I** *Location: Council Chamber*
09.45 – 11.05

Dr Santosh K. MEHROTRA
Institute of Applied Manpower Research,
Planning Commission,
Government of India,
India
Malnutrition in India: Why still a Problem?

Professor Rupert MACLEAN
Centre for Lifelong Learning Research and Development,
Department of International Education and Lifelong Learning,
The Hong Kong Institute of Education,
Hong Kong
Education, Poverty Alleviation and Skills Development for Employability in Support of Sustainable Development in Asia

Chair: Professor Tai Lok LUI
Faculty of Social Sciences,
The University of Hong Kong,
Hong Kong

11.05 – 11.20 **Break for Coffee / Tea** *Location: Outside Council Chamber*

29th March Parallel Session I

11.20 – 12.20

Governing the Asian Giants: Good Governance and Public Policy
Session on *The Search for Good Governance in Asia*

Location: Council Chamber

Chair: Professor MOK Ka Ho

Professor Anthony B. L. CHEUNG

President,

The Hong Kong Institute of Education,

Hong Kong

The Search for Good Governance in Asia: Trends and Challenges

Professor M. RAMESH

Department of Social Work and Social Administration,

The University of Hong Kong, Hong Kong, and

Dr Xun WU

Lee Kuan Yew School of Public Policy,

National University of Singapore, Singapore

Industrial Clustering and Growth Patterns in China and India:

The Role of Government Innovation

Session on *Human Rights and Extreme Poverty Project (HUREP) – Rights, Empowerment and Extreme Poverty*

Location: Conference Room

Introduction by HUREP core team:

Professor Bård Anders ANDREASSEN

Norwegian Centre for Human Rights,

Faculty of Law, and

Dr Dan BANIK

Centre for Development and the Environment,

University of Oslo,

Norway

Professor Bård Anders ANDREASSEN

Norwegian Centre for Human Rights,

Faculty of Law,

University of Oslo,

Norway

Human Rights, Power and Poverty Reduction

12.20 – 13.40

Lunch

Location: Chinese Restaurant

29th March Parallel Session II

13.40 – 15.00

Governing the Asian Giants: Good Governance and Public Policy
Session on *Managing Urban Development and Policy Responses*

Location: Council Chamber

Chair: Professor M. RAMESH

Professor Ka Ho MOK
Centre for Governance and Citizenship,
The Hong Kong Institute of Education, and
Dr Yu Cheung WONG and Miss Yu GUO
Department of Social Work and Social Administration,
The University of Hong Kong, Hong Kong
Decentralization and Marketization of Education in China:
Challenges for Migrant Children and Social Harmony

Professor Jandhyala B. G. TILAK
Department of Educational Finance,
National University of Educational Planning and Administration,
India
Empowerment of the Poor in India: The Right to Education

Professor Xin GU
School of Government,
Peking University,
China
China's Healthcare Insurance Reforms:
Towards Universal Coverage, Adequate Security, and Smart Payment

Session on *Human Rights and Extreme Poverty Project*
(HUREP) – *Rights, Empowerment and Extreme Poverty*

Location: Conference Room

Dr Yanhai WAN and Ms Linda ARNADE
Beijing AIZHIXING Health Institute,
China
Community-Based Approaches to Addressing Human Rights and
Poverty Eradication among Three Marginalized Groups in
Beijing China

Dr Huawen LIU
Department of Research Administration and Foreign Affairs,
Institute of Law,
Center for Human Rights Studies,
Chinese Academy of Social Sciences,
China
Respect for Citizens' Right to Health:
The Medical Care System Reform in Shenmu County

Dr Anna Maria C. LUNDBERG and Dr Zhou YONG
Norwegian Centre for Human Rights,
Faculty of Law,
University of Oslo,
Norway
Institutional Constraints on Rights-based Development in China:
A Case Study on Poverty Eradication and
Minority Way of Life in the Last Hunters Community

15.00 – 15.10 Break Between Sessions

29th March Parallel Session III

15.10 – 16.10

**Governing the Asian Giants: Good Governance and Public Policy
Session on *Managing Urban Development and Policy Responses***

Location: Council Chamber

Chair: Professor Rupert MACLEAN

**Professor Joe Cho Bun LEUNG
Department of Social Work and Social Administration,
The University of Hong Kong,
Hong Kong**

Social Assistance for the Urban Poor in China

**Professor Krishna P. BHATTACHARJEE
Centre for Human Settlements International (Habitat),
India**

*Sustainable Development and Good Governance in India:
Strategies for Effective Implementation of Policies on Urbanisation,
Land, Housing and Socio- Economic Development*

**Session on *Human Rights and Extreme Poverty Project
(HUREP) – Rights, Empowerment and Extreme Poverty***

Location: Conference Room

**Dr Wanhong ZHANG
Public Interest and Development Law Institute,
Wuhan University,
China**

*Lost and Found in Transition:
Legal Aid to Migrant Workers in Contemporary China*

**Dr Kaiming LIU
The Institute of Contemporary Observation,
China**

*Export-Led Growth and Wage Inequality:
Migrant Workers and China’s Economic Miracle*

16.10 – 16.25 Break for Coffee / Tea

Location: Outside Council Chamber

29th March **Plenary Session II** *Location: Council Chamber*

16.25 – 17.45

Professor X Jinping GUAN

Department of Social Work and Social Policy,

Nankai University,

China

Major Strategies for Poverty Alleviation in China: Successes and Problems

Dr V. Anil KUMAR

Centre for Political Institutions, Governance and Development,

Institute for Social and Economic Change,

India

Going to the Roots: Governance Problems in Poverty Alleviation Programmes in India

Chair: Professor Joe Cho Bun LEUNG
Department of Social Work and Social Administration,
The University of Hong Kong,
Hong Kong

17.45 *Close for the day*

18.00 *Coach Departs for Conference Dinner*

19.00 *The Conference Dinner will be at The Royal Park Hotel*

Tuesday 30th March 2010

8:30 *Coach Departs from Royal Park Hotel*

09.00 – 09.45 **Plenary Session III** *Location: Council Chamber*

Professor Amitabh KUNDU

Centre for the Study of Regional Development,

Jawaharlal Nehru University,

India

Inequality, Poverty and Urbanisation in the Context of Globalisation and Strategy of ‘Inclusive Growth’ in India

Chair: Professor Bård Anders ANDREASSEN
Norwegian Centre for Human Rights (NCHR) and
the Human Rights and Extreme Poverty Project (HUREP)
University of Oslo,
Norway

30th March

Parallel Session III

09.45–11.05

Governing the Asian Giants: Sustainable Development Challenges
Session on
Social Development and Poverty Alleviation in Urban Areas

Location: Council Chamber

Chair: Professor Graeme LANG

Dr Maggie LAU
Department of Social Sciences,
The Hong Kong Institute of Education, and
Dr Cheris CHAN

Department of Sociology,
The University of Hong Kong, Hong Kong
Social Protection for New Urban Poor in China:
A Paradigm Shift in Achieving Social Inclusion?

Professor Satyajit SINGH
School of Development Studies,
Ambedkar University,
India

Poverty, Social Development and Rural Drinking Water Reforms

Professor King Lun NGOK
School of Government,
Sun Yat- Sen University, China,
and Dr Chak Kwan CHAN
Nottingham Trent University, UK
Can China Tackle the Challenges of Social Development?

Session on *Human Rights and Extreme Poverty Project*
(HUREP) – Rights, Empowerment and Extreme Poverty

Location: Conference Room

Miss Karen KONG
Faculty of Law,
The University of Hong Kong,
Hong Kong

The Right to Food and Social Inequality: Indian perspectives

Ms Menaka GURUSWAMY
Supreme Court of India,
India

Poverty and Access to Justice through the Court System in India

11.05 – 11.25

Break for Coffee / Tea

Location: Outside Council Chamber

30th March

Parallel Session IV

11.25 – 12.45

Governing the Asian Giants: Sustainable Development Challenges
Session on *Managing the Environment and Policy Responses*

Location: Council Chamber

Chair: Professor John BURNS

Professor Paul G . HARRIS
Department of Social Sciences,
The Hong Kong Institute of Education,
Hong Kong

Managing Environmental Problems: A Global Perspective

Professor Graeme LANG
Department of Asian and International Studies,
City University of Hong Kong,
Hong Kong

Sustainability Issues for China’s Cities:

The Implications of Peak Oil for Food Security, and for Urban Policy

Session on *Human Rights and Extreme Poverty Project*
(HUREP) – *Rights, Empowerment and Extreme Poverty*

Location: Conference Room

Ms Yu BAI
Zhicheng Public Interest Law,
China

On Eradication of Poverty by Protection of Children and Migrant Workers

Professor Xiaoyi WANG
Institute of Sociology,
Center for Rural Environmental Social Studies,
Chinese Academy of Social Sciences,
China

Poverty Under Drought:

A Farming - Pastoral Village in North China

12.45 – 14.00 Lunch

Location: Chinese Restaurant

30th March Parallel Session V

14.00 – 15:20

**Governing the Asian Giants: Good Governance and Public Policy Session on
Session on
International Politics and Environmental Diplomacy in Asia**

Location: Council Chamber

Chair: Professor Paul G. HARRIS

**Dr James D. SEYMOUR
Weatherhead East Asian Institute,
Columbia University,
United States**

*Trouble Brewing Across the Himalayas:
The Uneasy Sino- Indian Relationship*

**Ms Babita BHATT
Department of Asian and International Studies,
City University of Hong Kong,
Hong Kong**
Rising India: Opportunity and Challenges

**Dr Simon SHEN
Department of Social Sciences,
The Hong Kong Institute of Education,
Hong Kong**
*“Ideologised Energy Diplomacy” in Central Asia:
A Comparative Analysis of the Policies of the US, Russia and China*

Session on *Human Rights and Extreme Poverty Project (HUREP) – Rights, Empowerment and Extreme Poverty*

Location: Conference Room

HUREP Session Concluding Remarks and the Way Ahead

15.20 – 15.40 **Break for Coffee / Tea**

Location: Outside Council Chamber

| | | |
|-------------------|--|----------------------------------|
| 30th March | Plenary Session III | <i>Location: Council Chamber</i> |
| 15.40 – 16.25 | <p>Professor John BURNS Department of Politics and Public Administration, The University of Hong Kong, Hong Kong <i>Regime Type and Policy Coordination in Three Chinese Cities: Beijing, Hong Kong, and Taipei</i></p> <p><i>Chair:</i> Professor Ka Ho MOK Centre for Governance and Citizenship, The Hong Kong Institute of Education, Hong Kong</p> | |
| 16.25 – 17.00 | Closing Remarks | <i>Location: Council Chamber</i> |
| | <p><i>Chair:</i> Dr Dan BANIK Centre for Development and the Environment, University of Oslo, Norway</p> | |
| 17.00 | Close for the day | |
| 17.30 | Coach Departs for Dinner | |
| 17.45 | Dinner at a local restaurant near Tai Po Campus | |
| 20.00 | Coach Departs for Royal Park Hotel | |

**Abstracts on
Governing the Asian Giants Sessions
(By Surname in Alphabetical Order)**

Ms Babita BHATT

**Department of Asian and International Studies,
City University of Hong Kong, Hong Kong**
Rising India: Opportunity and Challenges

China and India are being widely recognized as rising powers in the 21st century. With its track record of double digit growth in the last two decades, China is already global economic power. India with a 7% annual growth in last decade is steadily catching up with China as an emerging economic power. Despite fundamental differences in their political systems, both countries have followed open market economy-oriented reforms. China started its economic reforms in 1978 and India in 1991. These economic reforms have miraculously transformed China and India as rapidly growing economies that are eager to play a major role at Global level. In this paper I will focus on the “rise of India” and its increasing role in Asia region.

The rise of India has been remarkable and unique because it is based on the democracy and rule of law. Democracy ensures that economic reforms have human face and economic growth takes care of the poor and disadvantaged sector of the society. India has been relatively successful in peaceful and democratic transfer of political and economic power among different social classes.

In addition to democracy India has actively pursued a market growth strategy. Compared to East Asia, India’s growth strategy has relied relatively more on domestic markets, consumptions rather than investment, and decentralized entrepreneurial rather than a state-led development (Asher 2007). After the economic reforms that were initiated in 1991, India is focusing more on its external sectors and engaging with trading partners through PTAs (preferential Trading Agreements). In recent years, the Asian economies are emerging as major trading partners of India.

India is also attempting to diversify its manufacturing base and modernize its agricultural and plantation sectors. The objective is to create a more balanced and resilient economy, and to increase India’s share in the world economy. However, many challenges lie ahead. India was ranked 49th in the Global Competitiveness Index (GCI) in 2009. India scored well in indicators relating to innovation and business sophistication (28th) however, it seriously underperforms on health and primary education (101st), macroeconomic stability (96th) and infrastructure (76th). Improving the level of efficiency in delivery of governance services, attracting more investment in infrastructure, and enhancing the quality of health and educational services are some of the pressing challenges that a democratic government in India face; and managing an emergent market economy with a vibrant democracy creates a unique situation for Indi

Professor Krishna P. BHATTACHARJEE
Centre for Human Settlements International (Habitat), India
*Sustainable Development and Good Governance in India:
Strategies for Effective Implementation of Policies on
Urbanisation, Land, Housing and Socio-economic Development*

India is the largest democracy in the world. India became a republic on 26th January 1950 and has held General elections to the parliament since 1952; it is one of the few countries in the world with such records. India has struggled since its independence, fighting, poverty, war on its borders and growing population, and yet the country has definitely progressed, but much more needs to be done for the welfare of people.

India's population is about 1.4 Billion, the 2nd largest in the world. About 33% of its population does not have access to adequate basic amenities, education, shelter, water and sanitation (as per Agenda-21). The Paper discusses the need for change in policies and effective implementation of the said policies.

The UN HABITAT in its world urbanization report has predicted that by 2050, about 50% of the world's population will be living in cities. About 25% of India's population lives in urban areas at present. India will add 25% more population in next four decades in urban areas; majority of the population will move to existing cities and the rest to new urban areas. Are Indian cities ready for more huge influx of population in the cities and urban areas? Most of the cities are not ready. The burning issues related to urbanization will be discussed in this paper.

In order to provide employment opportunities to millions of unemployed youth, educated, skilled and Un-skilled, the government has to establish energy efficient industries, non-polluting light manufacturing units in order to provide employment and reduce Carbon emission and prepare for Sustainable Development.

Land will be required to establish new industries and Technology Park. At present land is acquired in an unplanned manner and encroaches on fertile agricultural land; farmers' protest against acquisition of agricultural land is growing and has resulted in clashes across the country. Consequently, development of new industries and manufacturing units has slowed down. My paper will discuss the deficiencies of existing Land Acquisition Act and lack of government's initiatives to revise the said Act.

Large scale housing development is not taking place on account of non-availability of land and high cost of housing finance. In urban areas cost of land is very high as there is excessive demand on available land. Since there is no policy to make available land with infrastructure or Land banks, high price make housing not affordable for the middle and low-income families. Only the higher middle income and high income have access to housing in the open market. The Urban land Ceiling Act has failed to serve people. Rental housing stock is not increasing because of low return on investment.

In rural settlements about 50% of households do not have access to sanitation and potable water; hence access to these amenities and electricity is most urgent. The paper looks into the difficult problems of rural housing and discusses government's policy on rural housing for and what are the change in policy required in order to make accessible adequate shelter and basic services.

During 1976- 77, India's GDP was in the range of 8 to 9% and its industrial production and exports were on the higher side. However, from report available from across the country and

from interiors indicate that there are areas where socio-economic development is lacking far below the main stream standard. There may be lack of proper policy for making food and basic amenities available to the interior regions as well as to the farthest corners of the country. The paper will look into these issues and as well development of income generation activities.

Good governance and rule of law are essential for democracy to function and to make the government responsive to people's needs and essential requirements. In Indian democracy, people must be actively involved in developmental activities and highlight those policies which do not serve the interest of the maximum number of people but only serves the privileged minority. The budget for 2010-11, presented at the Indian parliament has been criticized by economists as pro-rich and anti-poor budge. Heated discussions are held in the parliament to find alternative policies. Such constructive criticism is essential for development of policies suited to maximum number of people. This is a sign of healthy democracy and India believes that truth shall prevail. 'Satya Bhave Joyete'.

Good governance is very essential in a democracy and people has to remain alert to ensure that money allocated for development projects is utilized properly, and corruption must be eliminated at all cost; corruption is like cancer in a society and once it finds its way into the society, it is difficult to weed it out. People must ensure transparency in all transactions and seek information whenever it doubts any dealing.

Sustainable development covers a very big area and the subject embraces social, economical and environmental sustainability among others. In layman's term it can summarized as 'development without destruction'. This paper will discuss that because of destruction of earth's natural resources and generating excessive green house gases, beyond the carrying capacity of the environment, climate change is taking place. The paper will also discuss the long and hard task ahead for India to reduce carbon emission as per discussions at the Copenhagen climate summit.

Professor John BURNS
Department of Politics and Public Administration,
The University of Hong Kong, Hong Kong
Regime Type and Policy Coordination in Three Chinese Cities:
Beijing, Hong Kong, and Taipei

The paper examines the impact of regime type on policy coordination outcomes and processes in three Chinese cities: Beijing, Hong Kong, and Taipei. I examine food safety, the management of infectious disease, and resource management policy. The paper is based on archival research and in-depth interviews carried out in the three cities. The paper argues that regimes do make a difference.

Professor Anthony B. L. CHEUNG
President,
The Hong Kong Institute of Education, Hong Kong
The Search of Good Governance in Asia: Trends and Challenges

“Good governance” has become a popular literature. The ‘good governance’ goals have been advocated by mainly regional and international organizations for less developed nations, sometimes modeled on Western pro-market instruments and democratic institutions, and sometimes with greater emphasis on equity and development. However, “good governance”

remains a fluid notion. It is easy to prescribe some essential features and ingredients of governance or good governance, but it is more problematic to decide how and whether such good governance can be realized. This is a bit like the “perfect competition” model in market economics. In the real world, just as a perfectly-competitive economy is hardly found, “good governance” may more be an illusion than an achievable reality, unless one adopts a “satisficing” approach as in the Bounded Rationality debate. Even then, there remains the contention as to whether a more incremental and thus less idealistic objective in governance would be a better guide to governance efforts.

The conventional wisdom under the neoliberal agenda has it that improved governance is conducive to economic growth, a goal much treasured by Asian and other developing countries, with the corollary that economically more affluent nations are in turn better able to afford the costs associated with a competent bureaucracy and better entrenched institutions of good governance, thereby inducing a virtuous circle. However, such causal relationship is more ambivalent on the ground. Firstly, when the institutions of the state are “captured” by vested interests (as is the case in some Asian countries), those entrenched elites could benefit from a worsening status quo of mis-governance and could successfully resist demands for change even as income rises. Secondly, economic growth can sometimes be achieved despite the lack of what neoliberals define as elements of good or democratic governance – some would point to China and Singapore as, leading to the suggestion of the possibility of “growth without governance”¹.

The post-Cold War enthusiasm for a singular route towards good governance grounded in neoliberalism has come to its demise partly because of the diverse experience of reforms across the globe contrary to the one-size-fits-all prescription, and partly because the recent global financial crisis emanating from the most advanced economies in the United States and Europe has exposed the intellectual and practical vulnerabilities of any singular global “good governance” model or reform agenda. The tide of opinion is fast changing, calling for more critical reflections. Some critics of the “Washington Consensus” now champion an alternative “Beijing Consensus” based on the Chinese path of pragmatic developmentalism. More commentators have come around to accepting that “*good government means different things in different countries*”². The rise of Asia and the rapid social and economic growth of some emerging Asia nations have cast further doubt on any deterministic “good governance” model based on Western growth experience. It is time to explore governance in terms of “effective government” that can deliver social and economic results, as well as political and policy stability.

Asia is a huge land mass with long and diverse histories and traditions, civilizations and cultures, and social, political, administrative and economic systems. Asian national situations cannot be casually lumped together into a consistent regional pattern. In Asia there exist developed economies in East Asia and Southeast Asia – represented by Japan, South Korea, Taiwan, Hong Kong and Singapore, as well as developing ones, though China and India have become the fastest-growth economies of the world in the new 21st century. Within Asia, different countries or sub-regions have different domestic political, social and economic conditions, and face different challenges to their governance. Problems faced by difference subgroups of Asian countries range from an overextended and over-centralized state, to weak administration and rigid regulation, and cronyism. The answers to these problems go beyond streamlining administration and management reforms, and would demand the forging of state

¹ Kaufmann, D. and Kraay, A. (2002) “Growth Without Governance”, *Economia*, Fall Issue. Kaufmann, D. and Kraay, A. (2003) “Governance and Growth: Causality with way? – Evidence for the World, in brief”, February, <http://www.uoit.ca/sas/governanceAndCorr/GovGrowth.pdf>.

² Andrews, M. (2010) “Good Government Means Different Things in Different Countries”, *Governance*, Vol. 23, No. 1, pp. 7-35.

capabilities and proper state-market and state-society relations.

This presentation examines the “good governance” notion in general and the dilemmas of governance and paradoxes of governance reforms in Asia in particular.

Professor Xin GU

**School of Government,
Peking University, China**

China's Healthcare Insurance Reforms:

Towards Universal Coverage, Adequate Security, and Smart Payment

In spring 2009, the Chinese government made public an official proposal for a new round of comprehensive health reforms. Healthcare insurance reforms serve as one of four pillars of the proposal. Expanding coverage rates, upgrading security levels, and improving payment modes are, among others, main goals of healthcare insurance reforms. By the end of 2008, the coverage rate of three social health insurance programs reached 70 percent of the population, and the goal is set to raise coverage rate up to 90 percent by 2011. A major challenge for China's healthcare reforms is to raise up the financing level and improve the benefit structure of existing healthcare insurance programs. While the financing level of these programs and its share of China's total health expenditure have increased considerably over the past years, it still accounted less than 40 percent of total health expenditure in 2008. At the same time, a widespread problem is that public healthcare insurance funds in many localities have accumulated large amount of balance. As a result, enrollees have not enjoyed adequate healthcare security they deserve. Another important issue is payment reforms. Currently, traditional fee-for-service payment is still dominant in many localities, and the new reform proposal proposes to replace its domination with combinations of multiple new payment modes, such as capitation, global budget, DRGs, per diem payments, performance-based payment, and so on.

Professor Xinping GUAN

**Department of Social Work and Social Policy,
Nankai University, China**

Major Strategies for Poverty Alleviation in China: Successes and Problems

China has got a great success in poverty alleviation in the last three decades. The total number of people in absolute poverty has been reduced from 250 million in 1978 to about 30 millions in 2008. The successes in poverty alleviation is not got by any single programme, but through a wide variety of comprehensive economic and social processes and several important programmes, including agricultural and non-agricultural development in rural areas, rapid industrialization in urban areas and large scale labourer migration from rural to urban areas, the three-decade Anti-Poverty & development Programme in poverty regions, and the social assistance programmes in both urban and rural areas, etc.

This paper will summarize how China got such an anti-poverty achievement and China's experiences in poverty alleviation in the last three decades. It will also analyze the problems and shortcomings in the anti-poverty programmes in the last three decades and the current difficult issues. Finally, the paper will analyze the new economic and social background for the next decade, the new politic goals and ideologies in anti-poverty actions, and identify the key tasks for the future development of anti-poverty programmes. For China, according the author, poverty alleviation will still be a big issue in its economic and social development in the next decades, but China's anti-poverty programmes in the future should change its main

focus from anti-absolute-poverty to anti-relative-poverty, the various programmes should be more integrated, and more social approaches should be applied.

Professor Paul G. HARRIS

Department of Social Sciences,

The Hong Kong Institute of Education, Hong Kong

Managing Environmental Problems: A Global Perspective

China is now the largest national source of greenhouse gas (GHG) pollution causing climate change. These emissions must be limited and eventually reduced if the most catastrophic consequences of climate change are to be avoided. Thus managing this global problem will require China's participation. However, the Chinese government rejects internationally binding limits on its GHG emissions for two very strong ethical reasons: (1) The developed countries polluted the atmosphere as they became wealthy; therefore they should substantially reduce their emissions before expecting China to do so. (2) China is a developing country with millions of poor people; therefore it should be allowed to raise living standards before being required to limit GHG pollution. This presentation seeks to interrogate this perspective by (1) examining it in light of China's current and anticipated economic circumstances; (2) disaggregating the Chinese state from its population to reveal the capacities and obligations of China's growing wealthy classes; and (3) investigating an alternative, global perspective that moves beyond simplistic preoccupation with the state. The principal aim is to relate an ethically acceptable way to reconcile the prevailing conception of international climate justice with the practical implications of climate change resulting from conceiving of justice too narrowly. China can maintain its ethical opposition to binding GHG limitations for the Chinese state as a whole while also being able to justify mandatory regulation of polluting behaviors of affluent people living in China. Implementing such regulation would enable China to contribute to managing this global problem without undermining its longstanding and legitimate demands for international justice.

Dr V. Anil KUMAR

Centre for Political Institutions, Governance and Development,

Institute for Social and Economic Change, India

Going to the Roots:

Governance Problems in Poverty Alleviation Programmes in India

India and China are two large Asian giants that are about to claim Asian Century in the coming period. Both have opened up economies. Both are scoring record levels of growth rates and foreign direct investments. But both also, despite differential historical trajectories, have large agrarian populations living in the rural areas. In such context this paper addresses the question of comparing India and China and their recent rapid growth with relation to poverty alleviation and governance problems in rural areas.

The comparison of India and China vis-à-vis their poverty alleviation programmes can be done in two ways: either by taking a macro perspective and discussing the policy frameworks adopted, or, by taking micro-approach through studying specific case studies. This paper takes the former approach and argues that to-date the most fruitful comparison of such macro approach was provided by Professors Amartya Sen and Jean Dreze(1995;1997;2001). Amartya Sen and Jean Dreze have compared India and China and said that there are mutual learnings that can help both the giants in their further development. The first prominent learning was about the preparedness for liberalization; China achieved basic development indicators far ahead of India when China liberalized and opened up its economy in 1978.

India on the other hand opened up the economy and liberalized much later, circa 1991; but what India lacked in comparison was the adequate preparedness for opening up the economy. While both India and China have recorded excellent growth rates ever since the liberalization, the points of departure for that liberalization matter much not only for economic growth in both the countries, but also for broader participation in the growth process, therewith the distributional effects and over all well being.

In addition, for India, the biggest challenge is that it has to maintain its economic growth while maintaining its world's largest democracy. That means governance is all the more complex. Poverty alleviation programmes in India therefore are implemented in the context of a spectacular overall growth, albeit somewhat imbalanced, and, a complex democracy, wherein both interest groups and popular pressures make difference to governance process in general and poverty alleviation policies in particular. As suggested in the beginning, this paper does not discuss any one particular case of poverty alleviation programme; rather discusses the challenges that Indian governments face in implementing the poverty alleviation programmes in the above sketched context. Sen and Dreze have done pioneering analysis of comparative development; what needs to be done now is paying attention to, and complementing the contemporary grassroots governance issues, to make such analysis even richer and more useful for development policies. In sum, better literacy, education, health and better human development indicators not only lead to better economic participation, they also lead to better governance processes and governance outcomes. Three major poverty alleviation programmes in India a) targeted public food distribution system, b) national rural employment guarantee programme c) national rural health mission—all three will benefit immensely if the above mentioned governance processes take place. This paper discusses these problems from the above said perspective.

Professor Amitabh KUNDU

**Centre for the Study of Regional Development,
Jawaharlal Nehru University, India**

*Inequality, Poverty and Urbanisation in the Context of Globalisation and
Strategy of 'Inclusive Growth' in India*

The paper analyses the trends and pattern of economic inequality in India in terms of per capita income and consumption expenditure across regions, focusing on the period since the early nineties but having a larger perspective since Independence. Regional inequality is assessed also across the metro cities, other urban centres and rural areas, taking states as the units of observation. The trends in poverty and its increased concentration in certain regions and socio-economic groups have been examined in the context of the programme of structural reform and globalization in the country. The recent methodological debate on measurement of poverty has been reviewed with reference to the growing magnitude of rural urban disparity which was not captured due to the assumptions underlying the construction of poverty lines. The dynamics of urbanization has been discussed in the context of the proposition that the country is experiencing hyper urbanization and would be the epi-centre of rapid urban growth in future years. The focus here is on the economic base and demographic growth in small and medium towns that are getting marginalized due to the policy perspective emphasizing "efficiency through spatial agglomeration", advocated by Breton Wood institutions. The paper also analyses the developmental implications of the slowing down of the rate of urbanisation in sharp contrast with the projections made by UN agencies. An overview of the migration pattern is attempted to examine if the problems of regional and rural/urban/metropolitan disparity can be mitigated or tackled through migration of labour from less developed to more developed regions.

Professor Graeme LANG
Department of Asian and International Studies,
City University of Hong Kong, Hong Kong
Sustainability Issues for China's Cities:
the Implications of Peak Oil for Food Security, and for Urban Policy

Urban food supply will be a key issue for cities in the coming decades. The globalized and mechanized food-production-and-distribution system is not sustainable beyond the end of cheap energy from fossil fuels, in the post-‘peak oil’ period, and cities which depend on this system of production and distribution for their food supply will increasingly have to turn to their own hinterlands for most types of food. In some smaller cities in North America and Europe, we can already see the beginnings of these processes of adaptation. Many of China’s cities are actually better placed to deal with such conditions in the near future than comparably-sized cities in developed countries, because their immediate hinterlands provided most of their food supply until the late 20th century, as a result of late industrialization and political factors. But China’s cities vary greatly in their ability to rely on locally sustainable food production. Poorer inland cities such as Chengdu will fare much better, in terms of food supplies from their immediate rural hinterlands, than wealthy, export-dependent cities such as Shenzhen. At the same time, the rising middle-classes in China’s cities and the rapid increases in car ownership, and the resulting local decisions to add more highways and extend housing into the suburbs, are putting increasing pressure on previously agricultural suburban districts. It is very important to contain such pressures and preserve the ability of these cities to feed themselves. The paper will illustrate using studies of local food supplies in five cities in China, and draw some conclusions about both national and municipal policy in China.

Dr Maggie LAU
Department of Social Sciences,
The Hong Kong Institute of Education, and
Dr Cheris CHAN
Department of Sociology,
The University of Hong Kong, Hong Kong
Social Protection for New Urban Poor in China – A Paradigm Shift in Achieving Social Inclusion?

The deepening of the market-oriented reforms in the 1990s has adversely affected a balance between economic development and social equality in China. It demonstrates the inadequacy of the ‘old’ social protection schemes to cope with the new political economic environment. There is a mounting concern over how to achieve a fair and competitive society, so as to maintain the social cohesion in transitional China. This paper aims to discuss changes in welfare provisions in different paradigmatic phases of policy development in China, including the so-called “catching up development,” “economic growth (GDPism) development” and “people-centered development.” Building our theoretical framework on existing literature on poverty and social exclusion, this paper examines how the economic restructuring, the evolution of household registration system (the *hukou* system) and the transformation of welfare provisions are accompanied by new urban poverty in China. The discussion will focus on two specific policy areas, namely the Minimum Living Security System (*Dibao*) and healthcare insurance. We assess the extent to which these social protection measures achieve social inclusion in urban China.

Professor Joe Cho Bun LEUNG
Department of Social Work and Social Administration,
The University of Hong Kong, Hong Kong
Social Assistance for the Urban Poor in China

The phenomenal success of China's market-oriented economic reforms has been accompanied by a wide array of social problems. Economic reforms in state-owned enterprises have rendered the traditional work unit-based social security system increasingly inadequate and inefficient. Facing the formidable challenges of ageing population, rapid urbanization, pluralistic employment, mounting unemployment and the inadequacy of the contributory social insurance programmes in both coverage and income protection, the Chinese government has pledged to gradually establish a pluralistic social protection system comprising social insurance, social assistance, social welfare and charity work, covering urban and rural residents. For two decades, the Chinese government has been trying to develop a more pluralistic, independent, effective and affordable social security system which will be compatible with both a thriving market economy and a flagging socialist political structure. Social security reform centres on the establishment of partially funded systems in retirement, unemployment and medical insurance that move away from the current pay-as-you-go systems, and the development of a basic social assistance programme covering all urban and rural residents.

The achievement of China in reducing absolute poverty in the rural areas has been well recognized internationally. Yet studies on urban poverty have been largely neglected. The restructuring and downsizing of the loss-making State-owned Enterprises in the mid-1990s led to the layoffs of millions of urban workers. These layoffs are usually older workers, female, low-skilled and poorly educated. Their opportunity in getting formal jobs is dim. Against this background, the Chinese Government has put greater emphasis on the development and institutionalization of the means-tested social assistance programme since the early 2000s. This programme has grown dramatically in recent years in terms of expenditures and the number of recipients. In moving towards a socialist market economy, the programme acts as a 'safety net' for the urban poverty-stricken residents and a 'shock absorber' mitigating social tensions resulting from market-oriented reforms.

With around 22 million recipients in cities, China has the largest social assistance programme in the world. The evolution of the programme was incremental, taking into the consideration of the uneven regional development and the capacity of the local governments to finance the programme. This presentation presents urban poverty situation, the background and the development of the social assistance programme, including the design, implementation and recipient profile. The shortcomings and achievements of the programme are appraised.

To construct a harmonious society, the Chinese government envisaged that the pluralistic social protection system will include an improved retirement insurance system with individual saving accounts; the institutionalization of the social assistance programme in the cities and the extension of the programme to the rural areas; the reform of the health insurance system to provide basic care to those not covered by the employment-based health care insurance and the institutionalization of the rural cooperative health insurance programme; the development of social insurance programmes catering for the rural migrants working in cities. Equally important, social assistance protection should be extended to include rural migrants working in cities as well.

Professor Rupert MACLEAN

**Centre for Lifelong Learning Research and Development,
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Education, Poverty Alleviation and Skills Development for Employability in Support of Sustainable Development in Asia

All countries want development, since this implies an improvement of the existing situation, and all want development that is sustainable, and therefore long term. But how to achieve this in the vast and diverse Asia region, which contains some of the richest and poorest countries on earth, and which is a region that faces some of the greatest education problems on the planet involving as it does high levels of illiteracy, huge school drop-out rates, and great inequalities along gender, socio-economic and racial lines? Many of these problems are particularly difficult to address when it comes to vast, complex economies and societies like China and India, each with populations in excess of 1 Billion, and represent a daunting (although as evidence demonstrates not insurmountable) task for these countries.

Improving the quality, relevance and reach of education, both formal and non-formal, is of central importance if sustainable economic and social development, and the United Nations Millennium Development Goals, are to be achieved in China, India, and throughout Asia. This requires both governments and partners in civil society to make strident efforts to achieve high quality education, lifelong learning and skills development for sustainable livelihoods, for all, which reaches all sections of the population regardless of gender, ethnicity, race, socio-economic status or geographical location. It also requires good governance to maximize the internal and external efficiencies of education and schooling, and so ensure that limited financial and human resources are being put to the best, most efficient use.

The importance of education as a key contributor to achieving sustainable development has been recognized by the world community with 2005 to 2014 being declared the United Nations Decade of Education for Sustainable Development.

Of particular importance is enhancing skills development for employability since there is abundant evidence to demonstrate that if education is the key to sustainable development, then skills development for employability is the master-key to such development, which opens the doors to greater equity, justice, fairness and reduced marginalization for population groups in Asia.

Dr Santosh K. MEHROTRA

**Institute of Applied Manpower Research,
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Malnutrition in India: Why still a Problem?

South Asia has the worst child malnutrition rates in the world, and India is no different, with nearly half the 0-4 year olds afflicted. These rates are worse than in Sub-Saharan Africa, even though the infant mortality rates are lower in South Asia (and India) than in Africa. The paper examines how such high malnutrition still survive in such a fast growing economy. It examines both the structural reasons, but also the policy and programme failures that explain this situation. It also briefly examines the actions needed to correct the situation.

Professor Ka Ho MOK
Centre for Governance and Citizenship,
The Hong Kong Institute of Education, and
Dr Yu Cheung WONG and Miss Yu GUO
Department of Social Work and Social Administration,
The University of Hong Kong, Hong Kong

*Decentralization and Marketization of Education in China:
Challenges for Migrant Children and Social Harmony*

The education problem of migrant children has become a pressing and sensitive issue after China has engaged in economic reforms since the late 1970s. The increase in migrant workers from rural areas working and living in urban China has raised the issues of equal treatments of different ‘citizenships’ in urban and rural areas because of the duality system introduced since the foundation of the People’s Republic of China in controlling population flows from rural to urban areas. The growth of peasant workers in Chinese major cities has challenged the conventional household registration system (also known as *hukou* system). The most recent National People’s Congress just convened in March 2010 in Beijing also touched upon the issues related to reforming household registration system, which has been found as a major source for social inequality in China. Part of the problems related to social inequality resulted from the *hukou* system is children coming from peasant workers’ families would have difficulty in getting into local schools in urban China for education. It is against this context that there has been a strong voice from the migrant workers’ community for the eradication of educational inequality between migrant worker children and locally born children in urban areas. What has intensified the educational inequality is closely related to the policy of decentralization (both in administration and financing) adopted in running education in the past three decades. At the same time, the privatization and marketization of education has inevitably resulted in creating a ‘new mountain’ (heavy financial burden) currently experienced by the Chinese citizens in the mainland. This paper sets against this wider policy context to examine critical issues confronting peasant worker children’s education, with particular reference to examine the most recent policies and strategies adopted by the governments in China mainland in dealing with the growing educational demands from migrant worker children and the policy implications for promoting social harmony in China.

Professor King Lun NGOK
School of Government,
Sun Yat-Sen University, China, and
Dr Chak Kwan CHAN
Nottingham Trent University, UK

Can China Tackle the Challenges of Social Development?

The Chinese government has encountered enormous challenges on its social development since its economic reform in 1978. Firstly, the wealth gap between the rich and the poor has been widened that directly threatens China’s social stability. Secondly, a large number of migrant workers have always been discriminated, excluded from accessing basic urban services and various types of insurance schemes. Thirdly, many Chinese workers are being exploited by companies that not only pay them below legal wages but also fail to provide them with a safety and healthy work environment. It should be stressed that central government has issued many administrative orders, urging local authorities to provide public services for migrant workers and also passed labour laws to protect the rights of workers. However, the existing administrative and legal deficiencies, including local authorities’ resistance on implementing central government’s policies, the suppression of workers’ rights over forming independent trade unions and taking industrial actions, and the judiciary’s little

power for monitoring the activities of government officials, have constrained China's social development amidst its rapid economic growth.

Professor M. RAMESH

Department of Social Work and Social Administration,

The University of Hong Kong, Hong Kong, and

Dr Xun WU

Lee Kuan Yew School of Public Policy,

National University of Singapore, Singapore

Industrial Clustering and Growth Patterns in China and India:

The Role of Government Innovation

While industrial clustering has been a critical factor in fostering economic growth in both China and India, the dynamics of the formation and expansion of industrial clusters differ markedly between the two countries, and such differences may partly explain their different growth records and patterns. This paper examines the role of innovation in sub-national levels of government in the formation and expansion of industrial clusters in China and India. Our findings suggest that local government innovations play a more critical role in the expansion of industrial clusters than their formation, and that local governments in China have been more successful in adopting innovative interventions for promoting industrial clusters. More critically, we argue that differences in innovations at the sub-national level may be more important than national-level economic and political institutions in determining the two countries' different overall economic performance.

Dr James D. SEYMOUR

Weatherhead East Asian Institute,

Columbia University, United States

Trouble Brewing Across the Himalayas: The Uneasy Sino-Indian Relationship

In some respects, China and India have been enjoying cordial relations. The two Asian giants view themselves as having much in common. Both have made it their basic policy that one state should not interfere in other states' internal affairs (broadly defined). Both consider themselves developing nations, and at Copenhagen in December they cooperated with each other to block mandatory climate control action.

But on a host of issues, China and India have been unable to cooperate, and lately deep tensions have been manifest. The issues fall into four general categories: (1) Territorial claims along their shared international border; (2) Environmental issues (glacier monitoring, endangered species, and so forth); (3) The Tibet issue, and the Dalai Lama's presence in India; and (4) China's warm relations with India's enemy Pakistan. There are also secondary irritations, such as trade imbalances, issues relating to Chinese workers in India, and intelligence gathering.

The media in the two countries, especially in India's uncontrolled press, have been vitriolic and sometimes jingoistic, giving rise to fears that there might be a military confrontation between the two nuclear powers.

Dr Simon SHEN
Department of Social Sciences,
The Hong Kong Institute of Education, Hong Kong

“Ideologised Energy Diplomacy” in Central Asia: A Comparative Analysis of the Policies of the US, Russia and China

At the turn of the twenty-first century, the five Central Asian nations of Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan and Turkmenistan have emerged as some of the new energy reserve centres of the world. To facilitate their encroachment on resources in the region, world powers found it expedient to provide ideological justification for their growing energy interests. The US advocates liberal democracy and “human rights above sovereignty”. Russia has offered its help to Central Asian nations to transplant its own definition of “sovereign democracy” to them. China stands somewhere in between by adopting the role of a non-interventionist “responsible state”. However, these ideologies almost always remain subsidiary to interests if ideologies and interests are in conflict. This paper aims at remapping what it calls “ideologised energy diplomacy” in an attempt to assess the progress the three powers have made.

Professor Satyajit SINGH
School of Development Studies,
Ambedkar University, India

Poverty, Social Development and Rural Drinking Water Reforms

In contrast to this predominant western thinking on development and governance that has significantly influenced Asian policies and programs on poverty and social development, two Asian leaders Mahatma Gandhi and Mao Zedong, had focused on a largely Asian rural setting and in their own way had emphasized the need for integration, participation and democratization. Both Gandhi and Mao had emphasized the need for self-reliance, self-sufficiency, self-government and social ownership of the means of production. The significant point of departure was with the use of mechanized production and to some extent on the institutions of self-government. While Gandhi underlined the need for panchayats and the village economy working as oceanic circles, Mao underlined the need for collective farming and the establishment of communes to oversee production and social organization. In India, Gandhi’s ideal of a village republic could not be implemented in its essence, while in China, Mao managed the abolition of private property in agriculture. The history of rural Indo-China tells us that policies with similar emphasis, but different institutional arrangements lead to dissimilar social and developmental outcomes. The design of institutions for social development thus has a significant bearing on the outcomes. This paper reviews select cases of reforms in the rural water sector from India and other regions in Asia and underlines the importance of institutional design in shaping outcomes related to social development and poverty alleviation.

It should be noted that acute poverty coupled with poor delivery of basic services has constrained development in rural areas. The provision of adequate and safe drinking water supply is a basic service that directly translates to health benefits to help the poor sustain their livelihood. This paper looks at the case of drinking water supply and its role in poverty alleviation. Rural development programs over the last few decades have not been able to achieve much due to the centralized decision making of the government and lack of focus on community participation and local capacity. India, as elsewhere in the world, is discovering that community participation can play a pivotal role in assisting public institutions to help alleviate poverty and catalyze development. The local government provides an institutional framework to facilitate community participation for better local governance, provision of basic services and efficient targeting of the subsidies to the poor. It is for this reason that

developing countries are reforming their centralized institutions and putting greater attention to create an enabling framework for decentralization. While the transition from a paradigm that is based on centralization to one that emphasizes decentralization has been fairly smooth, there is a lot more that needs to be done to craft and sustain decentralized institutions to help alleviate poverty. As centralization and decentralization are not definitive concepts, but defining features, there are bound to be different pathways to decentralization. These different pathways create different institutional arrangements that are situated in the specific ideological construct of the time and place of its creation. The diverse institutional designs of decentralization have dissimilar outcomes in the common quest of poverty alleviation. This paper presents this evidence and calls for due attention of policy makers to address the concern of institutional design for better governance for sustainable development of rural water supply.

Professor Jandhyala B. G. TILAK
Department of Educational Finance,
National University of Educational Planning and Administration, India
Empowerment of the Poor in India: The Right to Education

Though the Constitution of India has promised free and compulsory education for all children of the age group 6-14, even after nearly 60 years after the Constitution came into force, elementary education is neither free, nor compulsory nor it is universal. A sizeable number of children who are expected to be in schools are outside the schools. Some of them might have never seen a school. Realising that the Directive Principle of the Constitution of India, could not effectively direct the Government to do so, an amendment was made to the Constitution of India in 2002, making elementary education a fundamental right of every child in the country. The Amendment to the Constitution has promised, “The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.” (Article 21A). To determine the manner in which the fundamental right to education will be provided, an Act was passed by the Parliament in December 2009. The Amendment and the Act are hailed as ones that really empower the people, to force government to provide good quality elementary education to all. The paper proposes to critically examine the various provisions in the Act: how does the Act empower the poor in getting free good quality public education.

**Abstracts on
Human Rights and Extreme Poverty Project (HUREP) Sessions
(By Surname in Alphabetical Order)**

Professor Bård Anders ANDREASSEN
Norwegian Centre for Human Rights,
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Human Rights, Power and Poverty Reduction

Human rights literature has not been much concerned with power analysis. This is surprising because human rights as claims made by individuals and groups address situations of power: Rights, whatsoever, these are defined as citizenship rights or human rights are claims made on state institutions in which state power is embedded. In addition, the so called human rights based approach to development requires that the basic agents of development, the citizens, are “empowered” in and by development policies, programs and processes. In spite of this terminology, power has rarely been addressed explicitly as a substantial variable in development or development planning in general, or more particularly in rights-based poverty reduction work. In this paper, I posit that power is a complex phenomenon, and not just power exercised by agents and institutions of the state. Power takes different forms (Stephen Lukes suggest it may be visible, hidden or invisible) and operates at various levels (at global, national and local) and in different societal spaces. The main task of this paper is to present a theoretical framework for studying power and human rights in efforts to combat poverty and suggest a model for how such frameworks can be analytically structured. Illustrations will be drawn from empirical material collected over the last months in an African context, but it is assumed that they may have comparative analytical value for studies of other localities and countries.

Mr Yu BAI
Zhicheng Public Interest Law, China
On Eradication of Poverty by Protection of Children and Migrant Workers

This paper introduces and discusses the experiences of Beijing Zhicheng law firm --- originally State-owned in Fengtai district of Beijing, which has been doing a lot of work for the poor during the past decade. It is also the facilitator for series of legal aid agencies for children and migrant workers including Beijing teen-agers’ legal aid and research center as well as Beijing Zhicheng migrant workers’ legal aid and research center. In the past decade, led by Mr. Tong Lihua, this public good team provides not only more than 40,000 legal advice to as much as 0.1 million poor children and migrant workers for free, but also deals with around 4000 legal aid cases during which the team claims back salaries up to ¥39.34 million. Meanwhile, the team holds more than 300 legal literacy training with 10 million people trained face to face, preventing accidents and infringe before they occur. Zhicheng team of public good also promoted their pattern to the nationwide. With the support of the China National Lawyer’s Association, they have established 28 provincial professional association committees of children protection and have created a network which consisted of over 8000 volunteer lawyers, which plays an active role in promoting the protection of children involved the legal profession. In the field of migrant workers’ protection, Zhicheng team of public good has promoted to establish 16 migrant workers legal aid agencies outside of Beijing city which have provided 30,000 legal advice for free to 90,000 migrant workers, and claimed back 70 million of wages and compensation for work-related injuries by the end of October 2009. In addition to providing free legal service, Zhicheng team of public good has done related researches positively and wrote over 50 books, also involved in the amendment and

legislation for laws, rules and regulations , for example 《Protection of minors act(draft)》 , 《Labor Disputes Arbitration Act regulation》 , 《social insurance law》 , 《Rangers relief measures of protection of minors》 , 《Work Injury Insurance Regulations》 ,and 《Beijing Regulations on Protection of Minors》 . This paper will share will share Zhicheng Team’s experiences on poverty eradication by protection of children and migrant workers and give some suggestions for future action.

Ms Menaka GURUSWAMY

Supreme Court of India, India

Poverty and Access to Justice through the Court System in India

Recently the Indian State introduced the Gram Nyayalayas or Village Courts Act, 2008, which apparently through legal informalism seeks to improve access to ‘justice’ in India. The Indian justice system is undeniably characterized by delay, and staggering backlogs of pending cases. Therefore the Government feels that by introducing these village courts, these problems would be overcome.

However the authors argue, that such informal mechanisms with diminished basic procedural safe-guarants, expand the power of the State. This includes its ability to take away basic rights from the impoverished, that accrue to all citizens under any legal system: of right to appeal, rights against self-incrimination. Further this creates two formal universes of due process and justice. One for the poor, and the other for those who can afford the existing legal hierarchies of courts. While doing so the State disguises this abridgment of basic rights, as being the only viable way to ensure quick disposal of cases, in a system that is back logged and rampant with delays. Instead of attempting to address the maladministration and weaknesses of the system, the State opts to by pass the legal system for those that it can maneuver out of the constitutional scheme.

The authors use income, domicile or residential location, and literacy rates to show how in fact the disadvantaged especially those who are least educated, and live in areas which have high insurgent or naxal activity access the court systems the least. And it is in fact the state that contributed most to the problem of backlog of cases, and therefore the introduction of streamlined courts to service those contribute the least to the backlog remedies little and only aggravates injustice for those who would benefit most by just outcomes.

Miss Karen KONG

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The Right to Food and Social Inequality: Indian perspectives

This paper argues that the main argument of this paper is that, social stratification blocks the equal and free distribution of economic and social resources and the means to the access to food. This social stratification is caused by inequality and discrimination, e.g. gender, caste, and inequality of civil, cultural, economic, political and social rights. Such social cause is not fully addressed by the current formulation of the right to food that merely facilitates the access to resources, piecemeal identification of vulnerable groups, and merely focuses on the economic side of the problem - hunger is a social problem. The right to food should serve to break the wall of inequality through: mainstreaming equality in its formulation, drawing international human rights obligations that promote gender and race equality, and reconceptualizing equality using the notions of participation and empowerment of the disadvantaged. This serves to balance the power between advantaged and disadvantaged

groups and to remove the social inequality. Only through this comprehensive formulation of right to food can food security be progressively realized.

Dr Huawen LIU
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Center for Human Rights Studies,
Chinese Academy of Social Sciences, China
Respect for Citizens' Right to Health:
The Medical Care System Reform in Shenmu County

Against the background of international financial crisis, governments at different levels in China have attached great importance to people's livelihood and adopted policies aiming to expand domestic demand and safeguard the security of people's livelihood. Chinese citizens are expecting these kinds of initiatives. With a population of 378,000, Shenmu County, Shaanxi Province has launched a "Medical Care System Free for Everyone", which is quite an unusual practice.

Abundant in coal resources, Shenmu County ranks No. 1 among the counties in Shaanxi Province in terms of comprehensive economic power and No. 92 among the counties in China. Starting from March 1st this year, Shenmu County has adopted the "Medical Care System Free for Everyone". Under the system, about 95% of the residents in the county are covered by the urban and rural cooperative medical insurance and the basic medical insurance, with the practice of outpatient medical cards and inpatient medical reimbursement. In China, this is a surprising and doubtful move, as China is a developing country with a large population and an urban-rural dual structure, which has greatly influenced the work and life of urban and rural residents for years. This paper asks: Is the aggressive reform in Shenmu County just a dream which cannot be realized? What kind of social development has this unprecedented practice revealed to us?

Dr Kaiming LIU
The Institute of Contemporary Observation, China
Export- Led Growth and Wage Inequality:
Migrant Workers and China's Economic Miracle

Migrant workers and wage inequality are the key issues to understand China's current situation and its development. The research paper tries to answer these questions through study the China's economic powerhouses—the Pearl River Delta ("PRD" for short) and the Yangzi River Delta ("YRD" for short), and the positive economic sector—export-oriented industry, to explore the relationship from China's economic growth to migrant workers and wage inequality. It argues the key factors in determining wage inequality, as well as these factors how to cause social inequality and polarization of the rich and poor. It also discusses the possible solutions to empower migrant workers and to eliminate wage inequality.

Summarizing the China's economic development from 1992 to 2008, we can see clearly, export-oriented industry is the key power to drive China's growth. There are more than 80 million labour forces currently employed by the sector directly, including 60 million peasant workers (amongst 50 million migrant workers). In 1980s, although the working conditions were extreme poor, most peasant workers' (migrant workers) wages were higher or equal to the urban employees of state-and-collective-owned economic sectors. Until 1992, the gap

between peasant workers (migrant workers) and other labour groups was not distinctly. After 1992, due to China's government quicken the transformation of marketization and implemented export-led priority policy, the issue of wage inequality emerged quickly. The wage of urban employees who under the system's shelter grows rapidly, but the wage of peasant workers (migrant workers) who experience political and social discrimination grows very slowly. The gap is enlarged every year affiliated to the economic development. Such as the average annual wage of export-oriented industrial workers in PRD and YRD was about 43.11% of the wage of China's total urban employee in 2008, only 37.82% of the wage of urban employee in the two deltas. These data shew worker's wage inequality is worsening and the gap of the rich and poor is widening increasingly during the process of economic growth.

There are complex factors in determining wage inequality in China, but the key factors are to weaken the citizen's human rights using state power, and to depress worker's wage and welfare through discrimination system of social exclusion. In the political regime, fragmental and non-shell's migrant workers become capitalist's cheap "tools of making money". Under the double pressure of stern government and greed capital, migrant workers have not bargaining power and not way of resistance. Therefore, more than 200 million workers shift from rural countryside although there are the opportunity to participate the higher income's non-agricultural economic sector, although they pay out excessive working hours than other groups, their labour payment still chronically, even continue to slip down, as well as excluded to the state social security and public service system. These factors let worker's wage is continuously reduced, it also enlarge the gap between peasant and other social groups year after year.

From the above we can see, the key issue which brings on wage inequality is not that export-led growth strategy, but is a series of system's disadvantage political and economic policy to press the capacity of workers' self-protection and self-development. So that the key approach of promoting wage equality and alleviating poverty is to empower workers and to eliminate discrimination. For reaching the goal, China has to change the development path that seeks temporary economic growth at cheap labour and the expense of environment, to reform current political and social system appropriately.

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*Institutional Constrains on Rights- based Development in China:
A Case Study on Poverty Eradication and Minority Way of Life
in the Last Hunters' Community*

Although about 100 million minority nationalities are "minority" (8.4% of the whole population) in China, almost 50% poverty population in China are these minority groups. While poverty eradication has been increasingly achieved in other parts of China, the remaining extreme poverty areas are mostly inhabited by these minorities. The poverty areas are the *majority* among minority autonomous areas in the country. The State calls these areas as the "main battlefields of eradicating poverty war" and the "hard bones" to bite off. While tasting some kind of sweetness of governmental aiding projects for alleviating poverty, the sourness of giving up their distinctive way of life and cultural identity makes these minorities suffering from the unsustainable development and constrained cultural freedom.

Oroqen people were called as the 'magic hunters in forest' in the Great Xing'an Mountains in North-east China. In 1996, the Oroqen Autonomous government adopted a decision to

prohibit all hunting activities of the area. This hunting ban was described as “the 3rd historical leap” in the “social progress” of Oroqen community during the past half-century. The direct reason for hunting-prohibition was the sharp decrease of wild animals in the area and the poverty life of Oroqen hunters. Based on the government’s investigation, which found that the Oroqen hunters could no longer live on hunting exclusively, the whole Oroqen hunter community in Oroqen Autonomous Banner (OAB) - the only autonomous area of these people - was forced to hand over their hunting guns and to learn farming for their future survival.

The researchers have been doing field work studies in OAB several times since 2001. By tracing the background and implementing policy/law of the hunting ban in the last hunters autonomous area, the Oroqen case reveals some major tensions between the State purposes/measures and the search of sustainable development, rights-based development and the good governance in China.

The Oroqen case is not the unique situation. It has been an on-going process in the minority communities since 1950s to transfer the “backward” nomadic way of life of Tibetans, Mongols, Kazak, Tajik, Kirgiz, Yuugur and Ewenki (reindeer herding people) into a “modern” sedentary way of life for the claimed reasons of social progress, environmental protection and poverty eradication. This research aims to search the institutional constraints on promoting the rights-based development and good governance (esp. autonomy and effective participation) in the Chinese social context by observing the tensions among all stakeholders in the process of poverty eradication and Oroqen hunters’ way of life in OAB.

Dr Yanhai WAN

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Community-Based Approaches to Addressing Human Rights and Poverty Eradication among three Marginalized Groups in Beijing, China

The Beijing AIZHIXING Health Institute works to address human rights and poverty among marginalized groups in China. This paper will focus on three groups, female sex workers (FSW), lesbians/gays/transgenders (LGBT), and the Uyghur minority group, and our corresponding “drop-in” centers. The goal of these “drop-in” centers is to provide a safe space for female sex workers, LGBT, and Uyghur people to realize their legal rights. We will feature case-studies from individual female sex workers, LGBT, and Uyghur persons on how AIZHIXING’s community-based centers and programs have helped them access knowledge on their legal rights and how they can apply these human rights principles to their daily lives. Through a variety of written surveys and oral interviews, AIZHIXING has been able to assess the lack of human rights among these populations and the related advocacy work that needs to be done. Preliminary findings have shown that our centers have allowed for these populations to receive, previously unmet, legal, medical, and educational services. Through education and trainings, members of these community groups have also become peer leaders. Preliminary conclusions suggest that a community-based approach has increased the legal rights knowledge of FSW, LGBT, and Uyghur people in Beijing, China.

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Poverty Under Drought: A Farming- Pastoral Village in North China

Continuing drought, which was thought as one result of Climate change, has made more extremely poverty, though general absolute poverty was reducing in China. This paper will explain how and why the continuing drought caused serious poverty in a farming-pastoral village in North China. The village was located in Keerqin sandy land of North China, where villagers relied on mixture of farming and herding to maintain their livelihood. Drought caused land degradation, which reduced the output of farmland as well as pasture and increased the cost of production.

Not only the natural factors contributed to poverty aggravation, recentralized eco-conservation policies and reform in education and health care also contributed to poverty aggravation. The recentralized eco-conservation policies reduced villagers' income by putting limitation on villagers farming and herding. The adaptation of market in education and health care increased the expenditure of villagers' livelihood and which compelled villagers to increase income by exploiting natural resource. Drought, eco-conservation policies and the domination of market in local society deprived the right of poor villagers on use of natural resource.

This paper will examine two related issues to poverty in the village: The rural reform, which privatized the natural resource to household to give incentive to users, destroyed the protection of community to households and exposed the poor to the external threaten; off-farm employment was a way to alleviate the negative impact of the threaten to small farmers, but the poor could not be benefited from off-farm employment.

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Environmental Rights and Poverty

The paper is about an environmental activist's life in Zhejiang, before the environmental pollution happened and after she becomes an activist. Before the pollution, her village and her family were enjoying a quiet happy life, and this was changed in 1990s when the pollution began to be serious. Since 2000, the couple became activists. As fishers, they captured fish in the morning and sold them before noon. Their life was changed after they became activists, there were less fish in the river, and they had to spend more time and money on petition. Their life was changed, but they were lucky enough, as in their family, at least no one were affected with cancer caused by the pollution. In those families affected by cancer, income was reducing and money spent on medical treatment was rising sharply, leading them into the edge of bankrupt.

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Lost and Found in Transition: Legal Aid to Migrant Workers in Contemporary China

Starting with a case, the paper discusses the lost of rural migrant workers' rights during the market transition in China, and reviews the change of legal aid policy for this disadvantaged group. After that, it provides several suggestions for the future development of legal aid to migrant workers.

The social structure and institutional system has changed a lot since the "Reform and Opening Up" in 1978 and "Establishment of Market Economic System" in 1992. As a result, the rights of Chinese people, especially peasants and migrant workers, have also been deeply influenced. The analysis of these changes is based on the "Social Transformation Theory" and followed by understanding the transition of social stratification and legal orders during this rapid reform, which constitute the social and institutional background of the right transition of migrant workers.

On one hand, the reform of distribution system within the economic growth does not and will not improve the right situation of peasants and migrant workers who are doomed to be poor and weak due to the dichotomic separation of identity mobility and institutional discrimination/city bias between city and rural area, the lost of social security system, the impractical legislation, and the independent judiciary. On the other hand, the supremacy of GDP in development goals and the regional protectionism in governance, the lack of check and supervision on administrative power and the flourishing of corruption, etc., make the dual economic and institutional exploitation on migrant workers even worse. The whole situation is incompatible for any legal aid to migrant workers.

Chinese government has recognized these problems and tried to establish a broad inclusive legal aid system from emphasis in policies to institutionalize through norms, from increase quantity of legal aid cases to enhancement of financial support. In fact, this system encourages the participation of diverse legal aid providers including majorly four types: university-based legal aid groups, grass-root NGOs and self-assistant organizations, social lawyers and law firms, and governmental legal aid institutions. The advantage of this system is that it can mobilize limited resources of legal aid in all fields in spite of the undeveloped eco-social level, and provide legal aid as much as possible. However, this comprehensive system is still very loose and inefficient due to the various goals, different approaches, and lack of communication and cooperation among providers, which also means room for future improvement and integration.

From the perspective of civil society, legal aid NGOs explore first, then governments learn lessons, take suggestions, and progressively develop a new legal aid system; at last these two sectors coexist, complement and promote each other. This paved the real approach of legal aid development in China, which is also a typical mixture of bottom-up and top-down development. Thus, the legal empowerment within China civil society should consider this reality and incorporate kinds of structural and developmental legal aid scheme to promote the evolution of this mixed pattern.

Meanwhile, it is necessary to integrate all the diverse legal aid resources through both institutional economic analysis and structural mediation especially by university-based legal clinics to make all providers be well positioned, play a role according to their merits, and cooperate efficiently.

At last, it argues that the efficiency-oriented resource integration and economic incentives could not explain all plural motivations for diverse legal aid providers. There are also essential pursuits of lawyers for self-fulfillment, respect of moral principles of liberty, equality, and justice, and sublimation of humanitarianism feelings besides/beyond utility satisfaction and utilitarianism calculation as legal aid is not simply based on charity or mechanical production and selling of legal service.