
**Protecting Sovereignty, Accepting Intervention:
The Dilemma of Chinese Foreign Relations
in the 1990s**

by Allen Carlson



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FOREWORD

Should outside forces (individual states, ad hoc coalitions of states or international organizations) be permitted or encouraged to intervene in interstate conflicts or intrastate humanitarian crises? What is the level of actual or potential human suffering that should determine when such action is called for? What are the limits of the rights of sovereign states? If intervention is called for, who should intervene, and what should be the nature of the intervention? What body, if any, should rule on such matters? These questions have been debated in recent years with increasing frequency, as the international community has considered crises in Somalia, Bosnia, Haiti, Rwanda, Kosovo, and East Timor.

As this report goes to press, these questions are being debated with great urgency in the context of President George W. Bush's address to the United Nations on September 12, 2002, when he challenged that body to take action on Iraq: "We cannot stand by and do nothing while dangers gather."

It is appropriate that this debate take place in the United Nations, where it has been encouraged by U.N. Secretary-General Kofi Annan in a series of articles and speeches, highlighted by his September 20, 1999, opening address to the General Assembly: "State sovereignty, in its most basic sense, is being redefined . . . At the same time individual sovereignty – by which I mean the fundamental freedom of each individual, enshrined in the charter of the United Nations and subsequent international treaties – has been enhanced . . ." Annan suggested that this redefinition is the result of several factors, among them the forces of globalization; greater international cooperation; states now being perceived as instruments serving their peoples, and not the other way around; and the growth of the concept of individual rights.

China lost no time in responding. In a speech to the United Nations two days later, Foreign Minister Tang Jiaxuan said, "Sovereign equality, mutual respect for State sovereignty and non-interference in the internal affairs of others are the basic principles governing international relations today... if the

notion of ‘might is right’ should prevail, a new gunboat policy would wreak havoc...”¹

China and the United States have tended to have little understanding of, or sympathy toward, the other’s views on state sovereignty and international intervention. In China there is a widespread perception that the driving force behind American interventions is its desire to impose its will and extend its influence. Many Americans, on the other hand, view China as insensitive to the sufferings of those in other countries and concerned only about ensuring that no precedents are set that might permit what it perceives to be outside interference in its own internal affairs. Neither view captures the complexity of the evolving debate in both countries on these issues.

To explore that complexity, the National Committee on United States – China Relations, with the invaluable support of colleagues in the People’s Republic of China, held a series of workshops, panel programs and meetings in Beijing, Shanghai and Nanjing between January 4 and 16, 2002. The project was timed to coincide with the publication of the report “The Responsibility to Protect,” written by the International Commission on Intervention and State Sovereignty (ICISS), an independent commission funded by the Canadian government. The report, presented to Secretary-General Annan on December 18, 2001, was an integral part of many of the discussions.²

Papers written by the American participants in conjunction with the workshops can be found on the National Committee’s website.³ These papers, and those prepared for the Beijing workshop by the Chinese participants, will be published in a bilingual volume by the China Reform Forum, the sponsor of the Beijing workshop.

¹Tang Jiaxuan, Speech delivered at the United Nations General Assembly, Fifty-fourth session, 8th meeting, September 22, 1999.

² For information about ICISS and a copy of the report go to <http://www.ciise-iciss.gc.ca/menu-e.asp>; for a copy of the report in Chinese go to <http://www.ciise-iciss.gc.ca/pdfs/Chinese-report.pdf>.

³ Refer to www.ncuscr.org – under the Articles and Speeches section.

We are most fortunate that Dr. Allen Carlson, an assistant professor specializing in China's foreign policy in Cornell University's Government Department, was able to participate in this project. Dr. Carlson, whose research focuses on China's attitudes toward sovereignty, was an invaluable contributor to the workshops in China. This monograph draws upon the workshops' discussions and papers, as well as Dr. Carlson's own research. For this, and for his valued counsel to the National Committee and to his fellow delegation members, we are in his debt.

Joining Professor Carlson on the delegation were National Committee Vice President Jan Berris and four people with very different backgrounds (legal, public policy, military and media) and with quite different perspectives on the issues of state sovereignty and international intervention:

William L. Nash – Major General, U.S. Army, (Ret.)
Senior Fellow and Director, Center for Preventive Action
Council on Foreign Relations

General Nash is one of the few Americans to have led a civilian as well as a military peacekeeping operation – the former in Kosovo and the latter in Bosnia-Herzegovina. He headed the delegation.

Adam Garfinkle – Editor, *The National Interest*

Dr. Garfinkle is a lecturer in foreign policy at the Johns Hopkins School of Advanced International Studies and most recently was a member of the U.S. Commission on National Security in the 21st Century.

Sean D. Murphy – Associate Professor of Law,
George Washington University Law School

An international lawyer and law professor, Professor Murphy is a former legal counselor at the U.S. Embassy in The Hague and has argued several cases before the International Court of Justice. He has represented the U.S. government before several other international tribunals.

Thomas Weiss – Presidential Professor, The Graduate Center of The City University of New York; Director, The Ralph Bunche Institute for International Studies, CUNY

Professor Weiss was co-director of research for the International Commission on Intervention and State Sovereignty and editor of “The Responsibility to Protect.”

The varied experiences and perspectives of the American participants stimulated lively discussions both with the Chinese and with each other. The National Committee is most grateful to each of them. Participants on the Chinese side were senior representatives from China’s leading think tanks and universities; we are very appreciative of their time and participation as well. Name lists of Chinese participants as well as agendas for the two workshops can be found in Appendices A-D.

Three organizations in China served as hosts for the Americans: the China Reform Forum in Beijing, the Shanghai Institute for International Strategic Studies, and the Hopkins-Nanjing Center for Chinese and American Studies. The National Committee thanks all three for their energetic and effective efforts to ensure the success of the individual workshops and the overall programs in their cities. The Committee also thanks the Bureau of Educational and Cultural Affairs of the U.S. Department of State for its generous funding of the project, and the Ford Foundation for its supplemental financial support.

Readers of this report will discover that while there was greater unanimity among the Chinese workshop participants than among the American participants, there were indeed many differences among the Chinese, belying the perception that Chinese views on these subjects are static and monolithic. The project underscores, therefore, the value of creating opportunities for Americans and Chinese to discuss contentious issues such as sovereignty and humanitarian intervention.

John L. Holden, President

Jan Berris, Vice President

PROTECTING SOVEREIGNTY ACCEPTING INTERVENTION: THE DILEMMA OF CHINESE FOREIGN RELATIONS IN THE 1990S

Preface

Sovereignty is one of the basic organizing principles of the contemporary international system. In a general sense, it is “the recognition of a state’s right to exercise final authority over its own affairs,” and, as such, creates a division between the internal affairs of each state and the concerns of the broader international system.¹ In contrast, intervention involves the projection of force by an outside actor, or actors, into the affairs of a sovereign state. Since the start of the Westphalian era in the late 1600s, the violation of sovereign rights through intervention has been a relatively common event. Stronger states have frequently interfered in the affairs of their weaker peers. However, over the last decade a relatively new interventionary trend has emerged – multilateral intervention that has “as its purpose (or at least as one of its principle purposes) the relieving of grave human suffering.”² In response to this development, the international community has been left with the challenge of determining just what the relationship is, and will be, between the established norm of state sovereignty and the “new” norm of humanitarian intervention.

In the opening months of 1999, the divisive nature of such a task was vividly demonstrated by the controversy swirling around the NATO operation in Kosovo. On the one hand, the NATO states appeared to be advocating the erosion of state sovereignty and an expansion of the scope of humanitarian intervention. On the other hand, the People’s Republic of China (PRC) seemed to be promoting a narrow and absolutist position on sovereignty and attempting to prevent the rise of a more

¹ This definition of sovereignty draws directly upon the provisional one proposed by Thomas Biersteker and Cynthia Weber in “The Social Construction of State Sovereignty,” Biersteker and Weber, eds., *State Sovereignty as a Social Construct* (Cambridge: Cambridge University Press, 1996), p. 2.

² Stephen Garrett, *Doing Good and Doing Well: An Examination of Humanitarian Intervention* (Westport, CT: Praeger, 1999), p. 3.

expansive interpretation of the international community's right to intervene. Indeed, many western observers saw the intransigence of the PRC position as indicative of China's reluctance to become a more integrated member of international society and a harbinger of future tensions between China and the rest of the international community.

Although this conclusion has gained a great deal of currency in some policy and academic circles in the United States and carries obvious political implications, it has not been supported by comprehensive empirical investigation into the main characteristics of the Chinese stance. Few systemic attempts have been made to describe and analyze the current PRC position, let alone examine patterns of change and continuity in the Chinese approach to sovereignty and intervention over the last decade.³

To begin to rectify this situation, two meetings were held in January 2002: the "Preventive Diplomacy and State Sovereignty Conference" (Shanghai) and the "International Intervention and State Sovereignty Workshop" (Beijing). On one level these meetings were designed to simply foster an exchange of views on sovereignty's status in international politics and the scope of the international community's right to intervene. However, the meetings were also intended to delve into the following pressing questions: How extensive are the differences between Chinese and American scholars on these issues? What principles and practices characterized the Chinese position on sovereignty and intervention during the 1990s and after the start of the NATO air campaign against Yugoslavia in 1999? What factors have been most important in influencing the development

³ For partial exceptions to this oversight, please see M. Taylor Fravel "China's Attitude Toward UN Peacekeeping Operations," *Asian Survey* 36 (1996): 1102-1122; Jin-Dong Yuan, "Multilateral Intervention and State Sovereignty: Chinese Views on UN Peacekeeping Operations," *Political Science* 49 (1998): 275-295; and Bates Gill and James Reilly, "Sovereignty, Intervention and Peacekeeping: The View from Beijing," *Survival* 42 (2000): 41-59. Please also see Allen Carlson, "Constructing a New Great Wall: Chinese Foreign Policy and the Norm of State Sovereignty," Ph.D. Dissertation, Yale University, Political Science Department, 2000.

of the Chinese position? What policy measures could be taken to encourage higher levels of Chinese participation in future humanitarian operations?

This report attempts to answer these questions through a presentation of Chinese views expressed during the two meetings. It also places current Chinese and American attitudes within a broad survey of the debates about sovereignty and intervention that unfolded in China and the West during the 1990s. And finally, it is supplemented with material gathered by the author in his interviews and discussions on the topic.

Introduction

Through the 1990s, China's official position on sovereignty and multilateral intervention was framed by an evolving set of guidelines that was quite distinct from the norms emerging in the West about responding to humanitarian crises. First, all UN humanitarian operations should be conducted in a manner that respects state sovereignty and the principle of non-intervention. Second, the Security Council alone should authorize intervention, and actions carried out by regional organizations, or even worse, unilaterally, are of questionable legal status and legitimacy. Third, before any action is implemented, some form of invitation from all involved parties within the target region must be extended. Finally, in any operation, force should only be applied after all other avenues of dispute resolution are exhausted.⁴

These principles would seem to place strict restraints on Chinese involvement in many humanitarian interventions, yet prior to Kosovo the Chinese consistently compromised on these principles in order to allow various "western"- sponsored UN

⁴ See Gill and Reilly, Yuan, and Fravel for a discussion of these principles. A Sino-American relations expert in Beijing also recently emphasized these points during a private interview (Tsinghua University, Beijing, December 26, 2001).

operations to be implemented.⁵ In other words, during this period, although Beijing consistently promoted a relatively static interpretation of state sovereignty, Chinese leaders also committed to a series of multilateral peacekeeping operations that gradually modified China's stance on humanitarian intervention and, by extension, sovereignty's role in international politics. Furthermore, in China the internal debate about sovereignty and intervention gradually expanded to encompass a plurality of views.

Such trends created an impression that a convergence between Chinese and western approaches to intervention was possible. However, repeated shifts in perspectives and practice, especially as a result of international events in 1999, have made it difficult to describe concisely the nature of these changing approaches. In 1999 the gap between the two sides once again widened. The ferocity of the Chinese response to the U.S.-led air campaign in Kosovo seemed to signal a decisive break with the West and an abrupt end to the pattern of change that had previously emerged in China. Yet, Chinese policy on East Timor later in 1999, and the re-opening of discussions on sovereignty and intervention in China during the following years, soon revealed that Kosovo had not entirely eclipsed the limited flexibility and pragmatism that characterized the evolving PRC stance through the spring of 1999. Indeed, the heterogeneity of Chinese approaches to sovereignty and intervention has expanded in the post-Kosovo era. This shift toward more plurality was clearly evident during the Shanghai and Beijing meetings. While the Chinese and Americans expressed substantially differing views during the meetings, such disagreements did not amount to a fundamental divide between the two sides.

⁵ Samuel Kim has identified the relationship between principle and behavior as one of the key issues in Chinese foreign policy studies. See Samuel Kim, "Chinese Foreign Policy in Theory and Practice," in Kim, ed., *China and the World*, Fourth Edition, (Boulder, CO: Westview Press, 1998), p. 10. This report grapples with this enigmatic issue as it relates to the intervention-sovereignty dynamic, and emphasizes that both Chinese ideals and practice changed over the course of the last decade. Pre-existing norms guided Chinese responses to intervention, but such principles were neither sacred nor immune to change.

These developments are the product of Chinese foreign policy elites' rational calculation of the relative costs and benefits of allowing for a redefinition of the balance between state sovereignty and humanitarian intervention in the international arena. However, it was also evident at the meetings that the shadow of the historical loss of sovereignty continues to be a source of deep unease in China: the potential erosion of sovereignty that repeated multilateral operations may cause makes Chinese leaders particularly leery of an expanded norm of humanitarian intervention. Yet, such reticence has been mitigated during the last few years by two factors. First, extended Chinese involvement in limited UN operations has had a transformative effect on the way some Chinese foreign policy elites interpret the legitimacy of humanitarian intervention and the limits placed on it by conventional definitions of state sovereignty. Second, the growing interest in Beijing in portraying China as a responsible member of the international community (as opposed to a revisionist, rogue outsider) has pushed the Chinese to make more compromises on the sovereignty-intervention nexus.

These observations are substantiated on the following pages through a discussion of the international community's actions and the official Chinese response to them, as well as a discussion of the changing terms of the discourse on sovereignty and intervention in the West and China. This report traces the rise of multilateral intervention through the late 1990s and the reluctant Chinese support of such a development. It then concentrates on the contrast between China's position on the two most recent major cases of multilateral humanitarian intervention – Kosovo and East Timor, placing particular emphasis upon the Chinese views expressed during the Shanghai and Beijing meetings. Finally, it explains the general patterns that emerged in the Chinese position over the last decade, and suggests policy options that could be supported by the international community to promote future Chinese participation in preventing humanitarian crisis around the globe.

Historical Background

Policies: A More Active United Nations, An Acquiescent China

During the 1980s, the issue of United Nations-led peacekeeping activities was not a particularly prominent one in international politics. However, over the course of the last decade, the United Nations began to play an increasingly active role in intervening in the affairs of some of its member states. At a basic level this trend consisted of a simple rise in the number of UN peacekeeping operations created by the Security Council. For example, two-thirds of the 54 peacekeeping operations established since 1948 have come into being since 1991 (with 15 current operations in place in January of 2002). In addition, despite annual fluctuations, the total number of peacekeeping personnel rose in a dramatic fashion, peaking in 1993 with over 80,000 military and civilian personnel deployed. Furthermore, the peacekeeping budget mushroomed, reaching three billion U.S. dollars in 1995.⁶ At the same time, UN-authorized interventions moved beyond the limited confines of conventional peacekeeping operations. In short, the Security Council, under an expansive interpretation of Chapter VII of the UN Charter, authorized a wider set of more extensive peace enforcement and peacemaking operations.⁷

Against this backdrop, through the early 1980s the PRC was one of the world's most vocal critics of multilateral intervention and any infringement on third world sovereignty. Interestingly, China maintained this position even as it justified its own involvement in the internal affairs of many developing countries. Following the development of Deng Xiaoping's independent foreign policy line in 1982, China's fiery criticism of most international interventions dissipated and support for wars

⁶ For these and other statistics on UN peacekeeping operations see www.un.org/Depts/dpko/dpko/pub/pko.htm.

⁷ For a complete list of such Security Council resolutions see Appendix Two in Simon Chesterman, *Just War or Just Peace? Humanitarian Intervention and International Law* (New York: Oxford University Press, 2001).

of liberation virtually disappeared; yet Beijing's stance on sovereignty and intervention remained quite static, albeit largely unspecified, through most of the 1980s. However, during the following decade as momentum began to build for the more activist United Nations agenda described above, the Chinese were pushed into developing more concrete policy decisions and rhetorical explanations for their position. In the process, between 1990 and 1998, the Chinese government reluctantly began to accept the development of the interventionist trend.

The first move in this direction came during the prelude to the Gulf War in 1990. At that time, the Chinese supported the initial UN Security Council resolution (660) condemning Iraq and demanding an Iraqi withdrawal from Kuwait. In light of the unity of international support for retaliation against Iraq and the strong leadership role that America played in putting together an international coalition to carry out such an operation, Chinese leaders calculated that they had few options available to them apart from going along. However, China then abstained on the key resolution (678) authorizing the use of all means necessary to force Iraq out of Kuwait. Beijing also abstained on the resolutions (687, 688) that created a no-fly zone over Iraq and a mechanism for monitoring Iraqi weapons production. Such tepid support of the Gulf operation was fueled by underlying misgivings over creating new precedence for the erosion of sovereignty's role in international politics. During the following years, this pattern of initial support for UN measures followed by abstaining from votes on more intrusive operations became the main characteristic of China's stance on intervention. However, China did commit a very limited number of personnel to supporting roles in select operations.⁸ For example, in 1992 Beijing sent 10 military observers to the UN mission in Mozambique (ONUMOZ) to assist with the monitoring of a cease-fire between warring factions. That same year, China contributed 400 engineering troops and 27 military observers to

⁸ See Gill and Reilly for further discussion of the deployment of Chinese observers.

the UN operation in Cambodia (UNTAC).⁹ In neither case did China see a direct threat to the principle of sovereignty or any of China's contested sovereignty claims, so increasing the level of support for such operations did not appear to have any great cost while offering potential gains.

Although these deployments indicate a subtle shift in the Chinese stance on intervention, they took place within the context of the expression of increasingly high levels of PRC skepticism about the direction in which UN peacekeeping was headed. Thus, while China initially supported the 1992 resolution establishing the United Nations Protection Force (UNPROFOR) in the former Yugoslavia, it actively opposed the expansion of UNPROFOR's mandate during the ensuing period, especially the 1992 resolution that authorized the use of "all necessary means" for the provision of humanitarian aid in Bosnia. Yet, rather than utilizing its veto power in the Security Council, China simply abstained on the dozens of resolutions on the deteriorating situation in Bosnia and Yugoslavia proposed during the following years. Clearly, the intrusive nature of the Balkan operations was a cause for concern in Beijing, even though China refrained from actively attempting to derail multilateral activities in the turbulent region.

Throughout the rest of the decade, China used the same general strategy to express its reservations about a series of international interventions. For example, the Chinese first supported the initial resolutions on Somalia approved by the Security Council in 1991 and 1992. However, once the operation became bogged down in Mogadishu the following year, Beijing's criticism of the intrusive nature of the mission became more prominent, and China abstained on each of the subsequent resolutions designed to provide multilateral forces in Somalia with a broader mandate. In addition, Beijing was critical of even the limited UN actions proposed to deal with the 1993-1994 humanitarian crisis in Rwanda. Thus, China abstained on the

⁹ However, when the Security Council moved to place more pressure on the Cambodians through the enactment of economic sanctions, Beijing showed its opposition through abstaining on the resolution (792) proposed by other Security Council members.

main resolution (929) on Rwanda that was passed in 1994. It also voiced opposition to the UN-authorized, U.S.-led operation in Haiti the same year. Indeed, in explaining his country's abstention on Resolution 940, the Chinese ambassador warned that the actions in Haiti stood to create a dangerous new precedent in international politics, one that violated basic UN principles and the norms of international law.

In sum, through the late 1990s, the official Chinese position on multilateral intervention was one of cautious acceptance and incremental change. The PRC continued to oppose the expansion of the international community's right to intervene in most internal crises, but its opposition was mostly muted, and to a limited degree China participated in those operations deemed to be legitimate by Beijing. Furthermore, in the mid-1990s the initial enthusiasm within the international community for humanitarian intervention that had been so prevalent during the early post-Cold War period had been worn down by the series of less than successful missions undertaken in the name of preventing human rights disasters and promoting democracy (e.g. Somalia, Haiti). In its place a new caution emerged in the West in regards to multilateral intervention. This trend, coupled with the steps toward moderation that Beijing took, suggested that a convergence between Chinese and western approaches to intervention was already well underway.

Discourse: The Opening of Debate in China

As the United Nations began to play a more active role within the international arena in the early 1990s, western students of international relations were starting to pay increasing attention to the issues of sovereignty and intervention. Those focusing on sovereignty were impressed with the apparent acceleration of patterns of globalization, economic integration, and the rise of new international norms. Indeed, a heated debate over these trends emerged between those who contended that sovereignty's role within the contemporary international system was being transformed and others who argued that the "change"

thesis was vastly overstated.¹⁰ The discourse on intervention, to a certain extent, was divided along similar lines. However, whereas those who were preoccupied with sovereignty tended to trade in abstractions and generalizations, discussions of intervention were consistently framed in terms of empirical cases and international legal precedents. At the center of these exchanges was the question of whether a new norm of humanitarian intervention had emerged.

In the mid-1990s, a small group of western scholars attempted to make a new contribution to these debates by advancing the notion that sovereignty should simply be seen as one potential variable within international politics.¹¹ Their innovative arguments convinced most students of the field that sovereignty's role in international politics varies over time and across regions. However, consensus on sovereignty's variability by no means resulted in agreement over how to measure and conceptualize that variability. Indeed, disagreements over concepts, benchmarks and causal factors, rather than the transformationalist/skeptic divide, quickly came to take center stage in the "new sovereignty" debate.

By the end of the decade, these developments meant that the dialogue about sovereignty was more open and less dichotomous than in previous years. In addition, while there was

¹⁰ For examples of the transformationalist thesis see Kenichi Ohmae, *The End of the Nation State: The Rise of Regional Economies* (New York: Free Press, 1995); Martin Albrow, *The Global Age* (Cambridge: Blackwell, 1996); Joseph Camilleri and Jim Falk, *The End of Sovereignty* (Aldershot: Edward Alger, 1992). For an early example of the skeptical thesis see Stephen Krasner, "Sovereignty: An Institutional Perspective," *Comparative Political Studies* 21 (1988).

¹¹ See Samuel Barkin and Bruce Cronin, "The State and the Nation: Changing Norms and Rules of Sovereignty," *International Organization* (Winter 1994): 107-130; Thomas Biersteker and Cynthia Weber, *State Sovereignty as Social Construct* (New York: Cambridge University Press, 1996); Stephen Krasner, "Compromising Westphalia," *International Organization* (Winter 1995/96): 115-151; and Janice Thomson, "State Sovereignty in International Relations: Bridging the Gap Between Theory and Empirical Research," *International Studies Quarterly* 39 (1995): 213-233.

general agreement that intervention (multilateral and humanitarian) had become an increasingly frequent phenomenon during the 1990s, few agreed about the causes and results of this trend, the precedence that had been created, or what should be expected in the future. Thus, in contrast with the 1980s, when sovereignty and intervention were essentially ignored by international relations and international law scholars alike, by the end of the 1990s, both issues had become areas of fierce debate.

Chinese scholars and officials were largely cut off from the early rounds of the “new sovereignty” debate at the start of the last decade. Indeed, during this period, Chinese discussion of sovereignty and intervention consisted of little more than a repeated emphasis upon the sanctity of the former and the degree to which the latter violated the principle of non-interference in internal affairs. However, by the mid-1990s, international relations scholars in China were beginning to develop a more comprehensive approach to sovereignty. Indeed, mirroring developments in the West, sovereignty emerged as a hot topic in Chinese foreign policy circles. Chinese leaders referred to the term with increasing frequency,¹² and a growing number of articles dedicated to the issue of sovereignty were published in academic journals.¹³

During the early 1990s, the majority of Chinese scholars unflinchingly promoted a static understanding of sovereignty and expressed skepticism and dismay over the ideas promoted by “some in the West” that other international norms were “higher” than sovereignty, or that sovereignty was “out of date.” In addition, those in the West advocating change, or the expansion of the international community’s right to intervene, were denigrated as doing so not because of genuine humanitarian

¹² My dissertation empirically tracks this rise through a detailed content analysis of leadership statements in the 1980s and 1990s. Please see Carlson, “Constructing a New Great Wall.”

¹³ Such a trend has been particularly pronounced within the pages of *Shijie Jingji yu Zhengzhi* [World Economics and Politics], but can also be seen in publications such as *Guoji Wenti Yanjiu* [International Relations Studies], *Ouzhou* [Europe], and *Guoji Luntan* [International Relations Forum].

concerns, but rather out of a desire to promote western national interests.

However, starting from the mid-1990s, a more flexible type of analysis also began to appear within the Chinese discourse. In general those contributing to this approach agreed on three main issues. First, analysts argued that the role of sovereignty was changing in international politics. Second, while maintaining that sovereignty was still the main principle of international politics, they also suggested that China should pay attention to other increasingly important norms, such as environmental protection, economic integration, and human rights. Third, with only few exceptions, analysts were concerned with how Chinese should respond to the change going on around them, and whether or not it could be manipulated to strengthen China's position in international politics.

In 1997 and 1998 an extensive set of interviews conducted in Beijing and Shanghai revealed that this more flexible understanding of sovereignty had been broadly accepted within the Chinese foreign policy community.¹⁴ Indeed, of the 109 individuals interviewed, well over half (58) accepted that at least a limited change had taken place in the practice of sovereignty in the post-Cold War period.¹⁵

The emergence of this trend within Chinese analysis suggests that the gap between the international discourse on sovereignty and intervention and the Chinese discussion of similar issues had narrowed by the late 1990s. In other words, echoing the shifts that had taken place in the policy arena, the dialogue in both China and the West was moving in the direction of limited convergence.

¹⁴ Interviewees were all members of the "Chinese foreign policy elite." This elite includes representatives from each of the major foreign policy, international law, and military think tanks in Beijing and Shanghai, and scholars from each of the top universities. The interviews were conducted by the author.

¹⁵ Thirty-four interviewees rejected the possibility of change and staunchly defended a static interpretation of sovereignty. Seventeen interviewees did not comment on this issue.

Current Issues and Concerns

New Policies: Chinese Opposition in Kosovo, Support in East Timor

In the early stages of the Kosovo conflict, Beijing maintained the same position of reluctant acquiescence that it had advanced in response to previous humanitarian crises. Thus, in March of 1998 when the earliest of the major Security Council resolutions (1160) on Kosovo was proposed, the Chinese delegation voiced its opposition to the motion but opted to abstain on the final vote rather than use its veto power. However, during the ensuing months, Chinese restraint began to unravel as the United States and its European allies became more involved in Kosovo.

At first, official Chinese opposition was largely framed in terms of criticizing the leading role that the six-power Contact Group (France, Germany, Italy, Russia, Great Britain and the United States) and the Organization for Security and Cooperation in Europe (OSCE) were playing in managing the conflict. Chinese dissatisfaction, however, quickly became more pointed through a series of critical statements in the Security Council and other UN forums. In addition, the PRC repeatedly threatened to utilize its veto power in the Security Council to oppose the expansion of international intervention in Yugoslavia.¹⁶ Once the air war began, Chinese opposition became even more pronounced. Indeed, on the second day of the campaign, Beijing, as part of a distinct minority in the Security Council (joined only by

¹⁶ Partially as a result of this stance (a position that was also maintained by the Russians), the strongest resolution (1199) passed by the Security Council on Kosovo only authorized the need to take urgent steps to bring about Serbian compliance with UN demands. More specifically, the resolution simply stated that the Security Council would “consider further action” if the Serbs did not comply. Such wording was quite a bit less powerful than that found in previous Security Council resolutions authorizing the use of force under the Chapter VII provisions of the UN charter. Subsequently, when NATO moved forward with its military operation against President Milosevic’s government, it did so without a clear UN mandate for such actions.

Russia and Namibia), voiced its support for a failed draft resolution calling for an immediate cessation of the bombing.

The contentious Chinese stance turned into indignant outrage in May following the unintentional (although within China almost universally viewed as deliberate) NATO bombing of the PRC Embassy in Belgrade. This shift was vividly highlighted by the large-scale popular protests against the bombing that engulfed the U.S. Embassy and Consulates in China. It was rooted in the extensive reservations that Beijing had already expressed about peace enforcement in the Balkans and exaggerated misgivings about the precedence that had been created for interference in China's own internal disputes over "minority nationalities" (in Xinjiang, Tibet, and even Taiwan).

For many in the West, the embassy demonstrations created an enduring image of a Chinese nation that was at odds with the rest of the international community on the issues of sovereignty and humanitarian intervention.¹⁷ However, in a move that has been widely overlooked, only months after these anti-U.S., anti-NATO protests paralyzed relations between China and the NATO states (especially the United States), Beijing played a quiet and supportive role in facilitating the implementation of humanitarian intervention in East Timor.

As a result of Australian efforts and the involvement of other members of the international community, in September and October the Security Council passed two major resolutions (1264, 1272) on the situation in East Timor. The first authorized the deployment of an Australian-led international force (INTERFET) to East Timor; the second called for the establishment of a UN peacekeeping force there (UNTAET). China actively supported both resolutions and issued a number of

¹⁷ For a sample of critical media coverage conveying this point please see Mortimer Zucherman, "What Does China Want"? *U.S. News and World Report*, June 7, 1999, p. 2; Jasper Becker, "The Heart of Chinese Sovereignty," *South China Morning Post*, June 12, 1999, p. 17; James Srodes, "Anti-Americans of the World Unite," *The Spectator*, July 10, 1999, p. 16-17; and "Going to Ground," *The New Republic*, April 19, 1999, p. 7.

official statements outlining the potentially positive contribution that international involvement could make toward the resolution of the crisis. In addition, China substantiated its support by deploying a small number of civilian police to the UNTAET mission on September 9, 1999.¹⁸

The timing of Chinese involvement in the East Timor crisis was remarkable in that China voiced its support for international involvement even before it had reached agreement with the United States on reparations for the embassy bombing in Belgrade. This policy was also exceptional because the international response to the situation in East Timor did not entirely conform to the existing principled stance that Beijing had previously promoted. For example, the Indonesian “request” for international assistance was less than enthusiastic and widely seen as the product of fairly intense pressure from the very same western powers of which China had been so critical during the height of the Kosovo campaign. In addition, while the intervention in East Timor was much more of a UN operation than Kosovo, it was also obvious that Australia played a central, if not unilateral, role in managing the international response.

The decision to intervene may have been influenced by several factors: 1) China was looking for ways out of the diplomatic isolation brought about by its opposition to Kosovo. 2) The East Timor operation could be framed in such a way that it did not conflict with China’s principled stance. For example, it was multi-lateral, it was invited (albeit, some could argue, under pressure) and China could say all of this was related to decolonization. 3) There was fairly strong international and regional support for the move.

In sum, during the East Timor crisis China consistently worked to cooperate with the rest of the international community on the issue of humanitarian intervention and did so in a manner

¹⁸ As of August 2002, there are 64 civilian policemen in East Timor, according to information supplied by the mission of the People’s Republic of China to the UN. Also see Gill and Reilly for a somewhat more detailed discussion of China’s involvement in the East Timor operation.

that suggested an increasing degree of flexibility in both Chinese policies and principles. However, as there has been no major multilateral intervention since East Timor, the depth of this new flexibility is still unclear.

New Discourse: Changing Attitudes and Terminology

In the aftermath of Kosovo, western scholars began redoubling their efforts to come to terms with the normative, theoretical and policy implications of humanitarian intervention. In this latest round of debate, the celebratory declarations of fundamental change (and the reaction against such claims) that dominated discussions of sovereignty and intervention in the immediate post-Cold War period are largely disappearing. In their place are a set of more nuanced contestations over the rate and direction (integrative vs. disintegrative) of structural transformation, and arguments over the specifics of intervention (when, why, how to intervene). While the debate on both sets of complex issues is more theoretically sophisticated and empirically informed, it is also now more fractured and divided than it was just a few years ago.

Within China, however, the immediate post-Kosovo period has seen little indication of such subtle deliberations and differences of opinion. On the contrary, the Chinese discourse was initially dominated by a singular surge of fiercely critical analysis that sharply questioned the legitimacy of the western concept of humanitarian intervention and staunchly defended the principle of state sovereignty.

The sweeping nature of this critical turn in the Chinese commentary was evident in the nearly universal characterization of the NATO operations in Kosovo as a form of “*ganshe*” [interference].¹⁹ This normatively charged term remained a

¹⁹ This term, “*ganshe*” [interference], in contrast with the more neutral *ganyu* [intervention], is so laden with negative connotations that it precludes consideration of any relative merits of the action being described. Its widespread use at this juncture was indicative of the fact that there was no room within the Chinese discourse for the expression of a less critical stance. Indeed, as one informant noted, during the Kosovo campaign, and especially after the embassy

common point of departure for much analysis of sovereignty and intervention during the following years. For example, in a recent edited volume based on a workshop held on intervention in Beijing in August of 2000, five of the seventeen papers contributed by Chinese authors contained the term “*ganshe*” in their titles.²⁰ In addition, a series of articles published from 1999 to 2001 in *World Economics and Politics* also placed an emphasis on the intrusive and disruptive nature of *xin ganshe zhuyi* [the new ideology of interference] in international politics. Not surprisingly the content of each of these papers was sharply critical of the NATO campaign and the dangerous precedent it might create in international politics. For example, in his draft paper for the Beijing workshop, Zhu Ankang, the former ambassador to Yugoslavia, observed that the Kosovo war “was not a successful precedent for safeguarding humanitarianism, but rather a terrible humanitarian catastrophe, a dangerous experiment on a wrong strategy, a political failure leaving endless troubles in the future.”²¹

The shift in terminology from the more neutral term *ganyu* to *ganshe* (see footnote 19) was accompanied by a new Chinese concentration upon what was now seen as an obvious link between the rise of interventionism and the promotion of American hegemony. Thus, Fan Guoxiang, director of the China Society for Human Rights Studies and former Chinese Ambassador and Permanent Representative to the UN in Geneva, cautioned, “In recent years, some politicians and scholars in big western nations have put forward ‘human rights over sovereignty,’ [thus] deliberately misinterpreting, confusing and emptying out the basic concepts of human rights and sovereignty to suit the requirements of hegemony.”²²

bombing, the only way to express a dissenting view on the operation was to simply be silent. (Confidential source, January 8, 2002)

²⁰ The workshop was funded by the Ford Foundation and hosted by the Chinese Institute of International Studies. See Yang Cheng, ed., *Xin Tiaozhan: Guoji Guanxi zhong de ‘Rendaozhuyi Ganyu’* [A New Challenge: Humanitarian Intervention in International Relations] (Zhongguo Qingnian Chubanshe: Beijing, 2001).

²¹ Zhu Ankang, “Humanitarianism or Something Else,” draft paper presented at CIIS conference, August 21-22, 2000.

²² Fan Guoxiang, “Renquan, Zhuquan, Baquan” [Human Rights,

As resistant to change as such an assertion appears to be, it is important to point out that within the highly critical analysis outlined above, virtually no scholar questioned the basic premise that underlay the rise of multilateral intervention during the 1990s. Even the most trenchant Chinese analysts accepted that the United Nations occasionally has a right, indeed an obligation, to intervene in the affairs of some of its member states. In other words, the Chinese most strenuously objected to the looseness with which some in the West referred to humanitarian crises, the selective way in which the term was appropriated by western governments, and the application of the concept – not the concept of intervention itself.

This subtle qualification of PRC opposition to “humanitarian intervention” is often overlooked in the analysis of Chinese views, yet its persistence is significant, especially at the height of the contraction in the Chinese debate post-Kosovo. (I.e., there was less room in journals and less time at conferences devoted to humanitarian intervention and the possible flexibility of sovereignty.) It left a slight opening in the Chinese discourse for more expansive interpretations of both sovereignty and intervention. Indeed, even as the defensive line of analysis occupied center stage, muted indications of a more open Chinese stance began to re-emerge, especially when the sovereignty issue was discussed in isolation from the more politically charged question of intervention. For example, during an internal workshop on sovereignty held in Hangzhou in the summer of 2001, debate centered on the extent to which sovereignty was changing, rather than whether or not any change was taking place at all.²³

Sovereignty, Hegemony], in *Xin Tiaozhan*, p. 1. Also see Li Shaojun, “*Ganshe Zhuyi Xiangguan Lilun Wenti*” [Interventionism and Related Theoretical Issues] *World Economics and Politics* 10 (1999): 19-28; and Zhang Chun and Pan Yaling, “*Youguan Rendaozhuyi Ganshe de Sikao*” [Reflections on Humanitarian Intervention] *World Economics and Politics* 7 (2000): 71-75.

²³ The workshop was sponsored by Fudan University and led by one of its top international relations scholars. While the workshop was not particularly large, many of the major figures within China’s academic foreign policy community were present. (Confidential interview and e-mail contact, January 2002)

This more malleable stance on sovereignty also found its way into the major Chinese foreign policy journals in 2000 and 2001. In a *World Economics and Politics* article published early in 2000, Yang Hongshan first emphasized the illegitimacy of the debate on *ganshe zhuquan lun* [the theory of interfering in sovereignty]. However, Yang followed such criticism with a skeptical appraisal of the theory of absolute sovereignty and ended his analysis with a tentative acceptance of the limitations on sovereignty that have emerged in the contemporary era.²⁴ In addition, interviews conducted in China prior to the 2002 Shanghai and Beijing meetings provided further indication of an expansion of the Chinese discourse. Virtually all those interviewed concurred that change was taking place in sovereignty's role in international politics. Indeed, many of those re-interviewed openly admitted that more change had taken place (in the direction of opening and transgression) than they had originally expected.

In sum, between 1999 and 2002 a shift took place in the way Chinese academics and policy-makers discussed sovereignty and humanitarian intervention. While the defensiveness and skepticism produced by Kosovo remained a prevalent theme, the discourse itself was not monolithic. The Shanghai and Beijing meetings that the National Committee on United States-China Relations co-sponsored with the China Reform Forum and the Shanghai Institute of International Studies on sovereignty and intervention were held within the context of this re-orientation of Chinese policies and discourses.

Conversations at the Shanghai and Beijing Meetings

The Shanghai and Beijing meetings were notable for the diversity of participants on the Chinese side. The Shanghai Institute of International Studies (SIIS) involved its top analysts and extended invitations to scholars from universities and research institutes throughout Shanghai. Those attending specialized not only in international relations, but also

²⁴ Yang Hongshan, “*Ganshezhuoyilun, Jueduizhuoyilun, yu Xianzhi Zhuquanlun*” [Interventionism, Absolute Sovereignty and Limited Sovereignty], *World Economics and Politics* 5 (2000).

international law, Sino-American relations, and European studies. In Beijing the China Reform Forum invited an even broader array of participants. The Forum's own scholars were well represented at the meetings; in addition, academics from the Chinese Institute of International Studies, Chinese Institute of International Relations, the Central Party School, the Chinese Academy of Social Sciences, and various universities in Beijing were also in attendance, along with a number of observers from the Ministry of Foreign Affairs. As in Shanghai, the area of expertise of these participants was primarily in the fields of international relations and international law, with a number of specialists in U.S.-China relations also participating. (See Appendices B and D for name lists.)

Such an impressive array of participants produced a fascinating series of exchanges and discussions between the Chinese and Americans at both meetings, as well as in other conversations throughout the two-week program in China. In the course of such conversations it became clear that the American and Chinese views on sovereignty and intervention were sharply divided on a number of important issues. While these differences appeared to unify the Chinese stance (and confirm the American preconceptions about China's position), further analysis proved the uniformity of the Chinese perspective to be exaggerated. In fact, there were significant differences among the Chinese participants themselves over various aspects of the sovereignty and intervention issues. These differences, while subtle and often overshadowed by the more obvious similarities that united the Chinese side, revealed a greater level of plurality among the Chinese than has commonly been acknowledged by both Chinese analysts and students of Chinese foreign relations.

Unifying Factors in the Chinese Position: Coming to Terms with a Changing World

The most prominent unifying factor in the Chinese position was the framing role played by the living historical memory of China's "century of humiliation." Whereas the American analysis was primarily limited to the relative success

and failure of multilateral interventions over the last two decades, China's "loss of sovereignty and independence" between 1839 and 1949 was the underlying reference point for much of the Chinese discourse.

A senior legal scholar in Beijing explicitly referred to this gap, arguing that the East, especially China, had been the victim of "past aggression," and that this experience was markedly different than that of the West. He claimed it was essential to take such a tortured past into account when considering the stance Asian countries take on intervention. The moderator of the Shanghai conference emphasized that the past loss of Chinese sovereignty and the recent vintage of sovereignty in most developing countries has created a divide between the understanding of sovereignty and intervention in the two regions. Another participant observed, "We haven't had sovereignty for a long time, and you already are saying it is out of date. We are talking in two different ways."

The majority of Chinese participants concurred that when such historical memories converge with more contemporary strategic considerations about Chinese "national unity," hypersensitivity to any possible affront to Chinese sovereignty becomes even more pronounced. Thus, Xia Liping's draft paper for the Shanghai meetings cautioned against the linkage of the unresolved Taiwan Strait conflict with a consideration of intervention and the right to self-determination;²⁵ Guo Xuetang's paper also emphasized the non-negotiable nature of Taiwan for China and Chechnya for the Russians;²⁶ and in Beijing, Chu Shulong's paper referred extensively to Chinese concerns over Tibet, Xinjiang and Taiwan.²⁷

²⁵ Xia Liping, "Preventive Diplomacy and Asia-Pacific Security," draft paper presented at the Preventive Diplomacy and State Sovereignty Workshop, Shanghai, January 8, 2002.

²⁶ Guo Xuetang, "Presentation for Conference on 'Preventive Diplomacy and State Sovereignty,' Shanghai, January 8, 2002.

²⁷ Chu Shulong, "China, Asia and Issues of Sovereignty and Intervention," paper presented at the International Intervention and State Sovereignty Conference, Beijing, January 14-15, 2002.

Beyond such historically conditioned sensitivities, the Chinese participants were also united in drawing upon the post-Kosovo anxiety over the rapid rise of U.S. power during the post-Cold War years and its connection to the expansion of interventionist activities during this period. While the American side also emphasized the role of American national interest and *realpolitik* incentives, their skepticism about the underlying motivation for intervention was much less pronounced than that found on the Chinese side.

For many of the Chinese participants, American hegemony and intervention are intimately entwined, and humanitarian concerns are often seen as little more than rhetorical cover for the expansion of U.S. influence. For example, in Beijing a senior Chinese legal scholar critically observed that there is a direct link between American hegemony and the promotion of international intervention and humanitarian intervention. A human rights expert added that over the last few years “a few countries have interfered in other states under the pretext of defending human rights.” An observer from the Chinese Institute of Contemporary International Relations argued that changes in the role of sovereignty in international politics have occurred because of a changing perception of what is in the West’s best interest and “benefit.” Even more directly, a paper presented in Beijing by Chen Xiaoxia argued, “Historically, actions of intervention have been taken exclusively by the strong nations against the weak.” Chen warned that in the post-September 11 world, “We must heighten our vigilance against attempts to legitimize all ‘international interferences’ and ‘humanitarian intervention’ under the pretext of counter-terrorism.”²⁸

Within this context, it should come as no surprise that most of the Chinese participants pushed to preserve the place of sovereignty within international relations. In a general sense, the Chinese side viewed sovereignty as an obstacle to the expansion

²⁸ See Chen Xiaoxia, “Interference vs. International Intervention: Changes and Consistencies of International Law,” paper presented at the International Intervention and State Sovereignty Conference, January 14-15, 2002.

of hegemonic power and a tool that weak countries are able to utilize to promote equality within the international arena.

In Beijing, the first Chinese speaker highlighted such a sentiment through emphasizing the five principles of peaceful co-existence in his opening remarks. It was further underscored in Chen's cautious analysis of the relationship between international intervention and international law. In addition, one Chinese discussant argues that the task confronting the international community is to strengthen (not weaken) sovereignty in response to various emergent challenges to its role within the international arena. Even in the relatively more open stance presented in Zhang Li's paper, sovereignty was seen as a basic public good within the international arena, one susceptible to change, but always central to the provision of order.²⁹

In Shanghai, Guo Xuetang's paper echoed this claim by arguing that intervention must always fully respect the principle of sovereign equality (even as more questions have arisen about the supremacy of sovereignty).³⁰ Another paper writer, Lu Gang, argued that while the need for the international community to intervene in certain cases has become more pronounced, there are no universally accepted norms to guide the decision to intervene, and thus sovereignty must continue to serve as the basis for the international system.³¹

Despite such widespread doubts about intervention and nearly universal support for the positive role that sovereignty plays in international politics, the Chinese in both meetings all tended to agree that sovereignty is not an absolute right. On the contrary, over the past decade new challenges to sovereignty have emerged (such as economic globalization) that have profound implications for sovereignty's role in international politics. Furthermore, while adamantly defending the

²⁹ Zhang Li, "A Few Issues Concerning International Intervention," paper presented at the International Intervention and State Sovereignty Conference, January 14-15, 2002.

³⁰ Guo Xuetang, conference paper.

³¹ Lu Gang, "Preventive Diplomacy and State Sovereignty," paper presented at the Preventive Diplomacy and State Sovereignty Workshop, Shanghai, January 8, 2002.

irreproachable status of China's sovereign rights over Taiwan and its various autonomous regions, the Chinese participants also agreed that the PRC has become more flexible in regard to sovereignty-related issues since the 1980s. Finally, no Chinese participant objected to the existence of international human rights standards or to the necessity of international involvement to secure human rights when they are under extreme threat. In short, it was agreed that in cases of obviously failed states, and when confronted with humanitarian disasters, the international community has the right to intervene, and China is generally supportive of such actions.

In these final points of concurrence, the Chinese position most closely resembled that of the Americans. It was in the elaboration upon such a general position that significant differences within the Chinese stance became apparent.

Divergence in the Chinese Position: Contrasting Assessments of Change

The Chinese participants in the two meetings expressed notably differing views on specific aspects of sovereignty and intervention. The most fundamental of these differences centered on how to conceptualize sovereignty.

The conventional narrative on sovereignty, presented during the Chinese side's opening remarks in Beijing, emphasized that sovereignty is a basic right that guarantees the "highest independence of the state." Within this vein of reasoning, one of the Chinese paper writers found that sovereignty "indicates the independence of a key actor from other key actors and its susceptibility to restraints."³² However, during the course of the two-day meeting, various other conceptualizations of the norm were also proposed by the Chinese. For example, a younger international relations scholar contended that sovereignty is a relative right, one that a country can willingly transfer in order to gain greater benefits. A more senior scholar claimed that it is

³² Qin Xiaocheng, conference paper, paper presented at the International Intervention and State Sovereignty Conference, January 14-15, 2002.

best to think of sovereignty as having different characteristics within central and peripheral regions of the international economy. Others placed an emphasis upon the utility of distinguishing between the principle of sovereignty and its practice. Furthermore, one discussant argued that it is essential to look beyond “sovereign territoriality” to examine the broader connotations of the concept.

In Shanghai there were fewer disagreements over how to conceptualize sovereignty, as it appeared that virtually all participants generally accepted a more “open” or flexible understanding of the norm. For example, one European politics specialist expressed “doubt” about the accuracy of categorizing sovereignty as a source of ultimate power. Instead, he contended that sovereignty has always been associated with an additional set of rules governing appropriate behavior. If such rules are not observed within a given state, he added, then the international community has the right to intervene. An international relations scholar argued that it was mistaken to view sovereignty as a sacred right providing the state with supreme authority; rather, sovereignty should be more accurately understood as a conditional right that has evolved over time.

Building upon such basic disagreements over concepts, the Chinese also proposed differing assessments of the degree to which change in sovereignty’s role has taken place within the broader international arena. One group of Chinese participants admitted that very limited changes in sovereignty’s role in international politics had taken place over the last decade. However, they also contended that such a development is insignificant in light of the continuing importance of states within the international system, and the fact that any change that has occurred has been entirely due to the decisions of sovereign actors themselves. Those supporting this position also maintained that China’s accession to the World Trade Organization, acceptance of human rights norms, and participation in various international regulatory regimes – while constituting major turning points in the manner in which China interacts with the rest of the world – have not significantly infringed upon Chinese sovereignty. Although these scholars acknowledged that such activities limit

Chinese policy options, they maintained that since Beijing retains the right to withdraw from any organization or activity that harms PRC interests, Chinese sovereignty is by and large unaffected.

As dominating as this cautious line of analysis was on the Chinese side, some argues that larger patterns of change have emerged within international politics. They also contended that such trends have already had a profound impact on the meaning of sovereignty and have eroded the principle of non-intervention within international politics.

A young scholar in Beijing noted that, in general, participation in the WTO requires a transfer of some sovereign rights, while membership in other international organizations and regimes has a tendency to soften, restrict, or limit sovereignty. Another scholar developed this idea in his conference paper when he wrote, “Globalization requires a softening of sovereignty and willingness to accept different levels of intervention to promote global regimes which benefit everybody.”³³

The Shanghai meeting moderator, SIIS President Yu Xintian, began her comments by noting that heated debate has emerged in recent years in the West over the extent to which state sovereignty has eroded, and that such debate challenges traditional theories of international relations. Lu Gang added, “The increasing speed of globalization, modern means of communication, the quick development of information technologies, the power of the media and public opinion have all challenged the traditional concept of state sovereignty.”³⁴ Guo Xuetang argued that while sovereignty has not been “outmoded,” it is possible that “limited sovereignty can be negotiated in non-military fields”;³⁵ another scholar noted that sovereignty is a relatively flexible principle within international politics.

³³ Chu Shulong, conference paper.

³⁴ Lu Gang, conference paper.

³⁵ Guo Xuetang, conference paper.

Beyond these general observations, many of those acknowledging significant change also contended that the series of compromises China has recently made in order to become a more integrated member of the international economic and political system have already had a direct and significant impact on the practice of Chinese sovereignty. Thus, Chu Shulong observed, “Because of requirements of economic development and integration into the international community and the process of globalization, China had to give up some of its sovereign rights in order to benefit from joining international institutions and regimes.”³⁶

Against this backdrop of contrasting assessments of sovereignty, significant differences on various aspects of international intervention were also expressed. More conservative scholars consistently argued that it is only in the case of extreme humanitarian disaster that the international community should get involved in any country’s internal affairs. Furthermore, in line with China’s official policies, intervention should only take place at the behest of each of the involved parties, under the auspices of the UN (preferably authorized by a Security Council resolution), and only after all local means of resolution and peaceful negotiations prove to be ineffective. In other words, intervention is a step to be taken by the international community only in periods of extreme need and only when all other options have been exhausted.

There is the added concern that international intervention is not effective. Chen Xiaoxia’s paper claims, “Facts have demonstrated that intervention, even intentional intervention exercised in accordance with the UN Charter seldom ends in success. Non-interference should be the principle of international law and the limitation on state sovereignty.”³⁷ Within such a critical context these Chinese skeptics grudgingly accepted the merits of international intervention in Cambodia and East Timor and objected to the lack of international involvement in Rwanda, but tended to place the excesses of Kosovo and the failure of Somalia and other operations at the core of their

³⁶ Chu Shulong, conference paper.

³⁷ Chen Xiaoxia, conference paper.

observations. In addition, in discussing the limited merits of “successful” operations, analysts were quick to add that such interventions did not in any way constitute the emergence of new norms within the international system or precedence within the field of international law. On the contrary, such episodes are best viewed through a case-by-case analysis, one anchored by the United Nations Charter and its prohibition against interference in member states’ affairs.

In sharp contrast, other scholars suggested that the trend toward interventionary politics over the last decade is both more pronounced and more influential in the international system than the more cautious Chinese analysts were suggesting. Some Chinese participants acknowledged that the conditions under which intervention is considered legitimate within the international system have grown significantly broader and more inclusive since the end of the Cold War. Thus, in Beijing, Zhang Li’s paper on international intervention began with the observation that such a phenomenon poses a thorny problem for the international system, one that involves “challenges to and breakthroughs of the concept of state sovereignty.”³⁸ In Shanghai, Guo Xuetong added, “The constraint of state sovereignty on humanitarian and other international involvements in internal affairs has been lessening, but still remains a significant force.”³⁹ While a senior Europeanist concluded that when states fail “some intervention should be carried out, and [in such a case] there is some conflict between such a policy and the concept of state sovereignty. But if [we] see intervention in terms of states that have already violated the basic rules [of the international system], then this is not really a case of violation of sovereignty.”

Although expressing numerous reservations about such a trend, these more flexible analysts also tended to acknowledge that the mechanism for intervention became more diverse during the 1990s. They also hinted that while UN leadership in any operation is highly preferable, it is not always an essential attribute of a legitimate and acceptable case of intervention. The

³⁸ Zhang Li, conference paper.

³⁹ Guo Xuetang, conference paper.

extent of such questioning of the orthodox Chinese position on intervention (and the persistence of reservations about interventionary operations within international politics) was given clear voice in another scholar's paper. He asked those at the meeting to consider what he sees as one of the core dilemmas in contemporary international politics. It is obvious, he writes, that at times it may be necessary to go beyond state sovereignty in order to handle certain humanitarian crises. However, such an exception to the norm of noninterference may simply provide strong states with rhetorical cover for running a country according to their own models and may lead to disorder rather than order.

Some of those acknowledging change also took note of the increasing flexibility of the policies of China and other developing countries in an attempt to accommodate and contribute to emerging trends within the international system. Chu Shulong's thoughtful contribution to the Beijing meetings represented the fullest consideration of such issues. He noted that, in a general sense, China's position is "in the period of transition because [of] the change in the world and China itself." He added, "The returning to international community weakens the traditional concept of national sovereignty and foreign intervention," and concluded that acceptance of such developments "is the global trend that nobody can resist."⁴⁰

Patterns in the Chinese Approach to Sovereignty and Intervention

The above review of Chinese policy and discourse reveals that China has become a reluctant participant in the international trend toward questioning the sanctity of state sovereignty and expanding the international community's right to intervene. In addition, over the course of the last three years, the PRC has been a more active and willing actor in defining the direction of multilateral intervention within the international arena. Having identified these patterns, it is possible to isolate the factors that have motivated this change and those that have played the most important role in prohibiting change as well as to

⁴⁰ Chu Shulong, conference paper.

turn our attention to considering policy measures that might encourage Chinese participation in future multilateral interventions.

Causes: Power Concerns and Normative Considerations

It is clear that Chinese calculations unfold within an acute awareness of the uneven distribution of power in the international system. While many elites express dismay and resentment over the degree of American hegemony in the international arena, they also accept the reality of U.S. power within the post-Cold War era and realize that on many issues China simply does not possess the resources to challenge U.S. leadership. Therefore, they have been willing to acquiesce to strong American initiatives in support of intervention, thereby blunting the edge of Chinese opposition to intervention through a process of abstention and non-involvement rather than actively opposing all humanitarian operations.

However, when those in Beijing view intervention as directly undermining the principle of noninterference and, more importantly, contributing to the rise of self-determination and separatist movements, the Chinese have taken a more active role in opposing multilateral operations. Indeed, in such cases, the PRC has been willing to risk the alienation and rebuke that comes from standing against the U.S.-led “international society.” Obviously, such strong stances are motivated by concerns about the implications that new interventionary precedents would have for Chinese domestic politics, especially Beijing’s handling of “separatist movements” within its own territory.

In addition to these two main considerations, the Chinese calculus on intervention has been complicated by four additional factors; one of these places limits upon the flexibility of China’s stance, while the other three appear to be pushing the Chinese in the direction of change.

First, China’s previous traumatic introduction to the international system continues to have a constraining influence upon the way in which contemporary elites view sovereignty and

intervention. As the meetings in Beijing and Shanghai made clear, hypersensitivity to past infringements upon the country's sovereign rights retains a prominent position within the worldview of Chinese elites and places sharp limits upon the scope of China's commitment to multilateral intervention and the norm of humanitarian intervention.

Second, during the 1990s, concerns about portraying China as a responsible, rising power, rather than a dissatisfied and irresponsible one, pushed the government in the direction of accepting limited cases of intervention as a symbol of the PRC's benign intent within the international arena. As the Chinese economy and military continued to grow during the course of the decade, and as tensions over Taiwan's status and the location of the PRC's territorial boundaries in the South China Sea escalated, Chinese elites increasingly found themselves in a position of responding to the charge that the PRC was becoming a threat to the stability of the international system. The core of the Chinese attempt to defuse such an accusation involved a concentrated effort to portray the PRC as a responsible, status quo state.

Others have commented on how such concerns helped to shape the nature of China's response to the Asian financial crisis in 1997,⁴¹ and I have recently discussed its relevance to patterns of Chinese participation in the international human rights regime.⁴² However, as has been noted, another facet of this project involved cooperating with the international community on humanitarian intervention. Frequently, such cooperation presented Beijing with a relatively low-cost way in which to demonstrate reasonableness in its handling of foreign policy issues. In other words, an interest in playing the role of "good citizen" on the international stage has led the Chinese to

⁴¹ See Hongying Wang, "The Asian Financial Crisis and Financial Reforms in China," *Pacific Review* 12(4): 537-556; Barry Naughton, "China: Domestic Restructuring and a New Role in Asia," in *The Politics of the Asian Crisis*, edited by T.J. Pempel (Ithaca, NY: Cornell University Press), pp. 203-224.

⁴² *Ibid.*

acquiesce to a series of interventions about which many in Beijing have real reservations.

Third, the broadening discourse within the Chinese foreign policy community during the late 1990s, and again in recent years, suggests that many Chinese elites have now come to accept the general legitimacy of multilateral intervention to resolve particularly prominent humanitarian crises. While more analysis of this trend is still needed, preliminary research indicates that a process of norm diffusion has led to an initial, and at this stage still conditional, transformation of the individual sensibilities of many Chinese analysts. While still concerned about how such change may facilitate the expansion of U.S. power, some Chinese elites seem to share a desire to use the UN framework to rectify cases of human suffering.

Fourth, while adamantly insisting that no new precedent for intervention was created during the 1990s, Beijing's consistent policy of acquiescing to *most* interventions appears to have created a new standard for Chinese policy. In other words, rather than working from a position of outright opposition to intervention (as was the case through the late 1980s), the baseline for Chinese decision-making has become vocal opposition and quiet acceptance, at times accompanied by positive contributions to favored operations. Such a move should in no way be equated with a major transformation of the Chinese position nor as creating a barrier to future opposition to what those in Beijing consider to be particularly aggressive acts of intervention. However, it has had the effect of making the PRC more likely to go along with interventionary policies that have broad support within the rest of the international system.

In short, change in the Chinese stance was motivated by an acceptance on the part of many foreign policy elites of the increasing vitality of humanitarian norms within international society, coupled with a concentrated effort to present a reasonable, responsible image of China within the international arena. Resistance to such a development stemmed largely from unease about the extent to which talk of humanitarian intervention may dovetail with an expansion of U.S. power and an

underlying concern about the implications of such a development for national unity and regime legitimacy within China.

Based on the trends presented within this report, historical influences seem to be becoming less important in framing Chinese attitudes, but their persistence was still evidenced during the Beijing and Shanghai meetings. In addition, it is also apparent that the outstanding territorial and jurisdictional disputes facing the Chinese leadership can still trump those factors pushing the Chinese in the direction of more cooperative behavior.

Policy Recommendations

While this report claims that there is greater evidence of Chinese acceptance of multilateral intervention than has conventionally been acknowledged, it also argues that there are deeply embedded misgivings in China about this development. Working within the premise that it is desirable to increase the level of Chinese cooperation in responding to future episodes of humanitarian crises, there appear to be four main measures that can be taken to ease Chinese misgivings and increase the country's levels of participation in future multilateral operations.

First, a major source of Chinese apprehension about intervention stems from the cavalier manner in which the concept is used by some western politicians and an understandable sense of confusion over just what the emerging norms about intervention are. Therefore, it is essential for western policy-makers and scholars to acknowledge more extensively the vagueness and inconsistency of existing norms of humanitarian intervention. Following from this, they need to work to reach a more clearly defined set of standards for both the conditions under which the international community has the right to intervene to resolve humanitarian crises and the general mandate within which such operations are to be carried out. Reaching specific agreements about such broad issues is obviously a difficult task, but movement in the direction of broad consensus would be of great value for both the West and China.

Second, the exchanges that took place during the Beijing and Shanghai meetings demonstrated that there is room for dialogue between Americans and Chinese. Indeed, discussants on both sides expressed surprise at the points of common ground that were discovered during open sessions and private conversations. In light of the positive nature of such findings, increasing the number of exchanges and dialogue between Chinese and American scholars, and also Europeans and representatives from the “developing world,” represents a concrete step that could improve cooperation.

Third, space should be created within future multilateral and humanitarian operations for the incremental expansion of Chinese participation. Those seeking to more actively involve China should highlight the steps that the Chinese can take to make a positive contribution to resolving such situations. Indeed, the delegation leader Bill Nash suggested, Chinese experience in a number of areas could be built upon to enhance the success of future cases of humanitarian intervention and preventive diplomacy. General Nash took specific note of the potentially positive role to be played in multilateral operations by China’s expertise in stimulating and administering a changing economic system, implementing broader developmental policies, and working to combat official corruption. His comments were well received by the Chinese and should be further explored in both multilateral and bilateral settings.

Finally, and most controversially, consideration should be given to whether there is a practical way to provide China with assurances that the international resolution of humanitarian crises in other parts of the globe will not undermine its position on Taiwan. Clearly, many on the Chinese side are reluctant to accept the legitimacy of humanitarian intervention and multilateral operations because they view any such operations as stepping-stones toward an international resolution of the cross-strait conflict. Leaving the relative merits of such a claim for others to consider, it is obvious that the provision of such assurances would directly encourage greater levels of Chinese support for future humanitarian operations.

The question thus becomes whether the gains of such a move would be offset by 1) a weakening of Taipei's position vis-à-vis Beijing, and 2) the loss of a potential policy option if conflict between Beijing and Taipei escalates to new levels. Furthermore, would such an assurance seriously undermine the fragile humanitarian norms that have emerged over the last few years and lead to challenges from other states about the illegitimacy of intervention within their own territory?

None of these policy suggestions offer simple solutions for ensuring Chinese participation, and all would require a degree of cooperation and compromise on the part of the international community and China that may far exceed the potential of both. Nonetheless, such recommendations point the way toward higher levels of cooperation and contact, and may be able to move the discussion of intervention beyond the current China vs. the West (U.S.) framework into the more productive realm of ongoing dialogue and exchange.

Conclusion

In China, as in the West, there is a new interest in sovereignty and intervention, leading to concentrated efforts to increase the level of understanding of what sovereignty is and how it is changing. Rather than developing an artificial argument about which approach to the norm, either in the West or in China, is correct, I would like to conclude this essay by emphasizing a general point of concurrence between those in China and in the West: sovereignty will indeed not disappear any time soon. However, in both regions, scholars and officials seem to agree that the norm is in the process of being defined and redefined. In other words, new uncertainties have arisen regarding the system of sovereign states in general and, more specifically, over the legitimate scope of interventionary behavior within the international arena.

Just as in America, Chinese leaders and scholars are struggling to come to terms with the implications of such change. If the arguments made within this report are sound, we can expect that the Chinese will continue to engage the international community in dialogue over the issue of multilateral and human-

itarian intervention. However, as power variables shift and the historical memory of China's past humiliations continues to be emphasized in the official media and education system, numerous obstacles to Chinese participation will have to be overcome.

In the aftermath of the September 11 attacks, which raised important questions about two of the foundations of the sovereign state system (i.e., territoriality and the state's monopoly over the use of force), it is even more important to examine the way in which policies and discussions about them are evolving. Both Chinese and American voices will play an important role in the new patterns that emerge. Therefore, it is imperative for both sides to continue to develop the process of exchange and dialogue that was begun during January's conferences.

Appendix A

INTERNATIONAL INTERVENTION AND
STATE SOVEREIGNTY CONFERENCE
China Reform Forum
National Committee on United States-China Relations
Beijing, China
January 14-15, 2002

Agenda

Monday, January 14

- 9:00 Opening Remarks and Introduction
 Li Junru, Ding Kuisong, Jan Berris
- 9:20 Session One:
 General Evaluation of International Intervention
 Presenter: Thomas Weiss
 Responsibility to Protect
 Moderator: Ding Kuisong
 Discussant: Liu Nanlai
- 10:45 Session Two:
 Latest Developments of IR Theories on State Sovereignty
 Presenters: Allen Carlson and Zhang Li
 *The Evolution of IR Theories on International
 Intervention and Sovereignty*
 Moderator: Jan Berris
 Discussant: Adam Garfinkle
- 2:30 Session Three:
 The Law on International Interference
 Presenter: Cheng Xiaoxia
 Changes and Consistencies in International Law
 Presenter: Sean Murphy
 *Recent Evolution in International Law Vis-a-vis
 International Intervention and Soveriegnty*
 Moderator: Liu Nanlai
 Discussant: Wu Miaofa

Tuesday, January 15

- 9:00 Session Four:
 Case Studies
 Presenters: William L. Nash and Chu Shulong
 *Comparative Case Studies: Bosnia and
 Kosovo*
 Moderator: Ding Kuisong
 Discussant: Thomas Weiss
- 1:00 Session Five:
 State Sovereignty in the Age of Globalization
 Moderator: William Nash
 Discussants: Qin Xiaocheng
 Adam Garfinkle
 Yu Xiaoqiu
- 4:00 Concluding Remarks
 Jan Berris
 Lin Rong

Appendix B

INTERNATIONAL INTERVENTION AND
STATE SOVEREIGNTY CONFERENCE
China Reform Forum
National Committee on United States-China Relations
Beijing, China
January 14-15, 2002

Chinese Participant List

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Appendix C

PREVENTATIVE DIPLOMACY AND
STATE SOVEREIGNTY SEMINAR
Shanghai Institute for International Studies
National Committee on United States-China Relations
Shanghai, China
January 8, 2002

Agenda

- 9:00 Opening Remarks
 Chair: Yang Jiemian
 Remarks: Yu Xintian
 William Nash
- 9:15 Session One: Preventative Diplomacy
 Chair: Yu Xintian
 Presentations: Adam Garfinkle
 Xia Liping
 Discussants: Thomas Weiss
 Zhang Zuqian
 Discussion
- 11:15 Session Two: Sovereignty and Intervention
 Chair: Thomas Weiss
 Presentations: Allen Carlson
 Ren Xiao
 Sean Murphy
 Guo Xuetang
- 1:30 Sovereignty and Intervention (continued)
 Presentations: Thomas Weiss
 Zhou Hongjun
 William Nash
 Lu Gang
 Adam Garfinkle
 Discussion
- 3:30 Concluding Remarks: William Nash
 Yu Xintian

Appendix D

PREVENTATIVE DIPLOMACY AND
STATE SOVEREIGNTY SEMINAR
Shanghai Institute for International Studies
National Committee on United States-China Relations
Shanghai, China
January 8, 2002

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