

China-U.S. Relations in the New Global Context:



Improving Multilateral Cooperation Among Today's Leading States

Policy Report

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**CHINA-U.S. RELATIONS IN THE NEW GLOBAL CONTEXT:
IMPROVING MULTILATERAL COOPERATION
AMONG TODAY'S LEADING STATES**

POLICY REPORT

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**ABOUT THE GSIS
CHINA-U.S. RELATIONS IN THE NEW GLOBAL CONTEXT PROJECT**

Overview and Acknowledgements

Beginning in December 2003, the Center for China-United States Cooperation at the University of Denver's Graduate School of International Studies conducted a series of dialogues among policy intellectuals and officials principally from China and the United States, but also from Japan, Russia, Brazil, Mexico, India, Germany, France, and the UK. The Dialogues explored the questions of whether there was an exigent need and, in terms of the national interests objectively considered, a basis for active partnership among the United States, China, and other leading states for addressing the great national and human security issues of the 21st Century.

The dialogues proceeded from a fundamental premise: that China and the United States must work together with other leading states in a structured, institutionalized global partnership intended to address the critical transnational issues of the 21st century including traditional threats such as: weapons of mass destruction, new national security threats emanating from domestic politicized violence, non-traditional threats such as infectious diseases, and in addition, to realize opportunities such as economic growth and prosperity and collaborative stewardship of the world's common resources and shared environment.

Dialogue sessions were held in Vail, Colorado (2003), Beijing (2004, in partnership with the School of International Relations of Peking University), Berlin (2005, in partnership with the Stiftung Wissenschaft und Politik), and a policy-oriented symposium held Washington, DC (2005, in partnership with the Friedrich Ebert Stiftung).

This report summarizes the principal findings and recommendations from the dialogue series. The views presented in this summary report are those of the project staff; all of the dialogues were held on a not-for-attribution basis.

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**CHINA–U.S. COOPERATION IN NEW GLOBAL CONTEXT:
IMPROVING MULTILATERAL COOPERATION AMONG TODAY’S LEADING STATES,
PRINCIPAL FINDINGS AND RECOMMENDATIONS**

Tom Farer, Timothy Sisk, and Suisheng Zhao

Can China, the U.S., and other world powers work together in an institutionalized partnership to seize the most significant opportunities and address the most daunting challenges of the 21st century? In the answer to this question lies key insight into the future of international relations in the decades ahead.

Traditional balance-of-power theory gives rise to terms such “China Rising” to describe a possible clash between the United States as the “status quo” power, and China, as a country whose power is growing as a consequence of its phenomenal economic success since the reforms initiated by former Premier Deng Xiaoping in 1979. It is increasingly clear that traditional approaches to international relations are inadequate in explaining the complex nature of relations among great powers today. China, the U.S., and other major states in the international system face a number of common threats that cannot be dealt with unilaterally; yet active partnership in facing these common threats is not sufficiently forthcoming. As China and the U.S. have become more economically interdependent in recent years through greatly increased flows of trade and investment, their national interests—especially in a stable global economic order—have dramatically converged. Similarly, after the 9/11 attacks on the United States, interests in the arena of traditional national security concerns have seemed to merge. Additionally, China and the U.S. have new-found common interests in overcoming problems stemming from global integration such as combating infectious diseases like SARS (Sudden Acute Respiratory Syndrome), and the avian flu, or in stemming the pollution of the oceans and the atmosphere.

I. PROJECT PREMISES AND APPROACH

The final years of the 20th century featured a confluence of interests among today’s most influential states. Initially, this confluence of interests was the result of the rapidly growing interconnectedness of trade and global finance. China, relatively marginalized from the international system for many years following the 1948 revolution, was by 2003 the world’s largest single recipient of foreign direct investment (\$53 billion in that year). Much of the investment originated in the European Union and the United States as well as in Taiwan, whose economies are increasingly tied not only through unprecedented levels of trade but also in international monetary relations, resulting in overall international stability. China needs continued foreign direct investment, and the health of western economies has become intrinsic to a prosperous China with its productive power and staggeringly large, burgeoning domestic market. So, too, China’s foreign reserve holdings and its exchange rate policies deeply affect all other states in the international system.

U.S. officials have emphasized the need for China to become a more “responsible stakeholder” in the international system. Deputy Secretary of State Robert Zoellick has remarked that:

China has a responsibility to strengthen the international system... The United States welcomes a confident, peaceful, and prosperous China, one that appreciates that its growth and development depends on constructive connections with the rest of the world. Indeed, we hope to intensify work with a China that not only adjusts to the international rules developed over the last century, but also joins us and others to address the changes of the new century.¹

In 2003, the Center for China-U.S. Cooperation at the University of Denver's Graduate School of International Studies held the first of three in a series of dialogues on the overall theme of "China-U.S. Relations in the New Global Context." The participants were asked to step back and consider the extent to which the United States, the world's largest economy and the most globally committed political power, and China, the world's most aspirant global power, could cooperate in the new context of interdependence.

The first dialogue, held in Vail, Colorado in December 2003, considered the nature of national interests in the 21st century and how states define and pursue national interests today. The perspectives of other states were also included, particularly the views of leading European states and of regionally powerful states with global roles in other regions—states such as Mexico and Brazil. The Vail symposium's 30 specialist participants considered how, in the pursuit of national interests, states view the present international architecture and the alternatives to the present processes and structures of cooperative responses to common problems and opportunities. In particular, participants considered a specific proposal for a "condominium" system in which cooperative responses to global problems would become far more institutionalized and—either as supplement or replacement to the United Nations—more efficient. (See the paper on page 21 in this publication by Tom Farer.)

In October of 2004, the GSIS Center co-hosted, with the University of Peking, the Beijing Symposium to evaluate "China-U.S. Relations in the Asia-Pacific Context." This event focused on: regional cooperation in relation to security challenges, such as Taiwan and the North Korean nuclear question; hot spots, such as the ethnic and terrorist political violence in southeast Asia; regional trade relations and financial flows, and the impact of such flows on the global economy; intra-regional structures for cooperation, such as ASEAN (Association of Southeast Asian Nations); and also on the relations between East Asian states and South Asian states. Like the Vail meeting, the October 2004 symposium involved senior analysts, diplomats, and scholars from a variety of states so that the U.S.-China relationship can be seen in the context of a variety of perspectives.

The third dialogue in the series, the October 2005 Berlin Symposium, evaluated the much-neglected triangular relationships among the E.U., the U.S., and China. In this event, participants explored how the E.U. and the U.S. converge and diverge in their relations with China, and also on the Chinese perspective on relations among Western States. The event, like the earlier meetings in the series, principally considered security and economic development issues in order to evaluate the current nature of international cooperation—its processes, structures, strengths, and weaknesses—along with the present international system, alternative institutions for handling security crises, and ways to maximize cooperation in the economic sphere.

Finally, in Washington D.C. in December of 2005, a number of expert participants considered the policy implications stemming from China's burgeoning new role in international affairs. At this symposium, participants provided a policy-focused response to the findings and recommendations emerging from the prior dialogue sessions. The event also served to disseminate the findings of the project to a wider audience (some 65 people attended the event). Participants evaluated the apparent disconnection between a weak multilateral system and the need for greater cooperation among leading states over common security threats, and the need for greater cooperation to seize mutually beneficial opportunities. It occurred at a time in which senior Chinese and U.S. officials were meeting in their second round of the so-called "Senior Dialogue" talks on tensions and mutual interests, such as cooperation on nuclear weapons proliferations (especially Iran and North Korea), trade and financial imbalances, energy security, and the risks of pandemic diseases. The Senior Dialogue talks were led by Chinese

Executive Vice Foreign Minister, Dai Bingguo, and U.S. Deputy Secretary of State, Robert B. Zoellick. The GSIS Washington event was attended by 70 participants and the remarks were covered widely in the Chinese press.

During the course of the GSIS-organized dialogues, project participants in each meeting were asked to consider these premises.

1. The great 21st Century challenges to human and national security are not being, and cannot be adequately addressed, by the present mélange of bi-lateral relationships and multilateral institutions that are sometimes referred to collectively as “global governance.”
2. The United Nations in its present form, together with regional organizations in their present forms, cannot serve as the operational core of an adequate system of global governance.
3. Institutionalization means the creation of multi-nationally integrated elite threat identification planning and operations staffs, and the close networking of senior officials.
4. Possibly for the first time in human history, the objective interests of all leading states, or at least of their regimes, overwhelmingly support cooperation over competition.
5. By making the case for institutionalization and illuminating its elements thus giving it credibility as a structural goal, policy intellectuals can influence the trajectory of cumulative ad hoc and incremental responses to immediate challenges faced by the regimes in leading states.

CHINA-U.S. RELATIONS IN THE NEW GLOBAL CONTEXT: OVERVIEW OF THE DIALOGUE SERIES

- I. “China and the United States: Bilateral Relations and Multilateral Cooperation in the New Global Context” *Vail, Colorado, November 13-15, 2003*
- II. “China-U.S. Relations in the Asia-Pacific Context” *Beijing, China, October 21-24, 2004*
- III. “Global Cooperation in Asia and Beyond” *European Venue, November 16-18, 2005*
- IV. “Weak Multilateral Cooperation and Strong Transnational Security Threats: Prospects for Effective Global Governance” *Washington, DC, December 7, 2005*

The Center for China-U.S. Cooperation dialogues involved a total of some 100 specialists, experts, and policymakers from the U.S., China, the European Union states (Germany, France, and the United Kingdom especially), Australia, Brazil, Japan, Mexico, Russia, and Turkey. The response of dialogue participants not only illuminated the controversial character of these premises, but also illuminated the concerns, orientations, and diverse views of policy centers in the key countries. They produced, in other words, a snapshot of how policy elites in different parts of the world perceive and understand current challenges to security and existing institutional arrangements, and they imply both obstacles to, and opportunities for, enhancing the capacity for multilateral responses to the great challenges of the 21st Century.

II. DEFINING NATIONAL INTERESTS

How does each state elite define its group and its national interests and envision the main threats thereto? Does the definition and the vision focus on threats arising primarily from bilateral relations, or is there equal or greater emphasis on threats arising from the phenomenon of globalization, i.e. accelerating economic interdependence and movement of people, germs, goods and services, and ideas across borders?

Relations among consequential states, particularly China and the U.S., evolved dramatically in the last three years, with earlier signs of confrontation now replaced with a newfound—and arguably enduring—set of mutual interests.² The countries' national interests have converged on a need to minimize their differences in order to ensure that trade and investment ties are not endangered, to repress transnational terrorism, and to consolidate a more beneficial relationship. The Taiwan issue remains a key point of divergence in perceptions of U.S. and Chinese views of national interests.

The United States

U.S. elites and the public view their national interest with a new anxiety; the physical security of the country is seen as paramount, and the Bush Administration has adopted policies that strongly subordinate multilateral agreement to a unilateral choice of strategies and tactics. This position is in sharp contrast with the direction of elite thinking in China, which now stresses more multilateral approaches to peace and security in part as a counter to, or inhibitor of, U.S. action.

- The “urgent clarity” in defining and pursuing the national interests includes, first and foremost, the protection of U.S. territory and citizens from terrorist attacks like those of 9/11 and—in the view of the Bush Administration—preemptive measures to preclude threats from afar and the rise of alternative powers that could challenge U.S. “hegemony.” America must be willing to use force around the world in protecting these interests, according to this view.³
- Some analysts in the U.S. suggest that the burden of global superpower status must be carried, because the alternative to such global power would not be a “balance of power,” but rather a chaotic world system that would generate conflict and war. This new posture is seen in U.S. efforts to create a national missile defense (a move that generates anxiety in China and Russia, and to some degree in Europe) and in trade policies that strongly protect vulnerable sectors of the U.S. economy (such as agriculture). Other concerns include migration, loss of jobs, and fears that weapons of mass destruction would be used against the country by desperate terrorists from abroad. The U.S. national interest must be seen in the broader framework of threats emanating from an uncertain world in which many enemies face a sole superpower.
- Opposition leaders associated with the Democratic Party in the U.S. have formulated a “Progressive Internationalist Response” to the present administration’s policies—especially the doctrine of preemptive defense. This alternative view argues that the U.S. should avoid “imperial overstretch” and should act more multilaterally to foster the spread of democracy and the advancement of economic development. In the view of these critics, the “offensive realism” of the present leaders is primitive and dangerous.
- In the U.S., views of the national interest are generally guided by pragmatism with regard China – U.S. relations. Analysts interpret that the source of the pragmatism toward a “rising” China stems from

the thinking within the Bush Administration that, while not sympathetic to rising Chinese economic and global power, the U.S. is reluctant to take on China at the moment because of its unwillingness to provoke another major crisis and also to its need to have China's cooperation in managing the potentially dangerous dispute over North Korea's nuclear program.

China

Continued economic growth is essential to the legitimacy of the present regime, which has shed dogmatic communist programs while retaining the rhetoric of socialist values. China's national interest is increasingly driven by the need for domestic, regional, and global stability as key conditions of its unprecedented economic expansion. Long gone are the days when notions of Socialist internationalism defined the Chinese national interest. China is the largest single country recipient of foreign direct investment (FDI) in 2003—\$52 billion according to the United Nations Conference on Trade and Development (UNCTAD) 2003 World Investment Report. China's growing interdependence in the world economy has been a consequence of its liberalizing policies that favor export-led growth.

In order to sustain inflows of FDI and assure access to world markets for China-produced goods, China's national interest is best served both by international peace and security and a stable and growing global economy. It remains staunchly opposed to the U.S.-led invasion of Iraq, but has not allowed the issue to undermine cooperation on issues closest to its own interests.⁴

- China's national interest must be seen in the context of the rapid economic, social, and political changes the country has experienced since the Deng Xiaoping-led reforms of 1979. Its perceptions of national interest and its position on global issues have changed accordingly. For example, despite a conflict with India in the 1960s, tensions with the Soviets after the Sino-Soviet split, and occasional saber-rattling with the U.S. over Taiwan, China finds itself in a position today of being more secure than it has been since the 1840s. Although some analysts in China believe that national security threats remain acute (citing U.S. troops in Afghanistan and Korea), the dominant view is one of relative security from foreign threats. However, China's interests continue to be driven by a strong and abiding desire to restore control of territories lost during the age of Western and Japanese imperialism, to include Taiwan. With the resolution of Chinese sovereignty in Hong Kong and Macao, there is heightened concern that the Taiwan issue not be lost as forces for independence in Taiwan gain political power.
- The Chinese governing elite also see both China's interests and their interests being served by gradual political reform to broaden popular participation. The introduction of village-level elections and their spread to neighborhood electoral competition in some cities is an indicator of the apparently-felt need to strengthen domestic legitimacy for the regime through popular participation and consultation.
- China continues to feel that it has not gained the international status and dignity its strengths and achievements merit. Indeed, there is a perception among the Chinese people and ruling elite that China is considered a second-class citizen in the world vis-à-vis the U.S. and Europe. Chinese rulers feel a strong interest in rectifying these perceptions around the world by reaffirming sovereignty and also by exhibiting strength in global arenas.
- Some see tensions among China's immediate, medium, and long-term interests. In the immediate sense, the government seeks to minimize the aspects of globalization it perceives as deleterious:

job loss vulnerabilities, the spread of liberal ideas, and the undermining of national sovereignty. Over the long term, however, China must fully embrace globalization and act multilaterally to pursue its interests. China's principal challenges are to convince other states of its peaceful intentions as it rises to become a new global power, and that it will work cooperatively to shape the global order and not to challenge it.

- China has recently shown a more multilateralist approach through cooperative efforts to achieve regional security, counter transnational terrorism, contribute to humanitarian relief and peace operations, and to pursue a generally collaborative approach to addressing transnational problems such as migration and pollution.
- China's security is no longer limited in the elite's mind to traditional political and military concerns as they increasingly see new "soft" security threats such as the spread of infectious diseases. The SARS epidemic in the Spring of 2003 dramatically changed China's perception of the imperatives for international cooperation in managing global health crises. This new approach is also seen in initial responses to concerns about the spread of avian flu. Eradicating poverty, managing urbanization, addressing public health crises such as avian flu and HIV/AIDS, and achieving environmentally sustainable economic growth must remain at the core of new definitions of Chinese national interests.

Other Leading States

Broader concepts of national interest in the other leading states have also emerged. These new perspectives strengthen the impetus for greater cooperation among states to manage common problems that can't be addressed effectively by states acting alone.

- Japan continues to struggle to define its national interest into the 21st century. Within Japan, competing visions of national interest have been seen in recent debates on trade and participation in international peace and security operations. Various domestic constituencies in Japan, such as agriculture and manufacturing interests, often advocate different approaches to international cooperation and to free trade arrangements. Likewise, in peace operations Japan supported the first Gulf War (1991), but it has been more reluctant to become involved in Iraq in 2003.
- The national interests of European states have also dramatically changed with the expansion of the European Union, the impending accession of ten new states, and the longer-term issues of an additional ten aspirant states. To speak of a single European national interest seems unattainable at this juncture, while, at the same time, all of the states in the region under the E.U. umbrella agree that the stabilization of Russia and its long-term democratization is an undeniable collective-interest question. Even as the E.U. faces any number of internal difficulties in defining a common identity, it will also face external problems—such as Euro-Med and Euro-Africa migration—which eventually affect all member states. Europe is increasingly aware of its combined economic power in comparison with the U.S., and is troubled by several aspects of the U.S.-E.U. relationship such as NATO's post-Cold War role, global environmental policy, and approaches to dealing with international terrorism.
- Brazil is an illustrative, middle-power country that has played a critical, even pivotal role, in the management of a number of issues of international cooperation such as international environmental degradation. From a closed, elitist country, Brazil has evolved into a vibrant democracy that

aspires to play a role in enhancing multilateral cooperation. It sees itself on par with countries such as China, India, Russia, and South Africa as regional leaders and important global actors. Today, Brazil has a primary interest in poverty alleviation and in global economic expansion in ways that help resolve, rather than exacerbate, current social tensions. In international forums, Brazil has adopted a human security perspective, advocating collective responses to global security crises through the United Nations Security Council (on which it has played an active role). Importantly, it has won recent battles against global powers by thwarting U.S. and E.U. positions on agricultural trade in preparatory conferences of the Doha round of multilateral trade negotiations.

III. CHINA, THE U.S., AND THE ASIA-PACIFIC REGION

At present, there are many analysis and national officials who continue to describe Chinese and U.S. relations in the critical Asia-Pacific region as still mostly competitive. The U.S. has played the role of a regionally dominant power since the end of World War II (which today sees itself in decline) while China is “rising” in power and prestige. This scenario is a common one of great-power competition. And, as the U.S. seeks to maintain its influence, the rise of a new hegemonic power—if China overtakes the U.S. in terms of economic and military influence in the region—exacerbates not only present tensions, such as tensions over Taiwan, but also results in increasing conflict as the two reach parity. Such competition is presently reflected in military strategy, with increasing U.S. defense spending—at least some of which is China-focused—and with China acting to become more militarily formidable and allied with other regional states. Focus points are the question of Taiwan’s disputed sovereignty, arms sales to Taiwan, strategic competition on the Korean peninsula and in naval capabilities. China’s acquisition, and in-progress refit, of a Soviet-era aircraft carrier is indicative of possible future military match-ups on the high seas. Advocates of this perspective have strong evidence for their claims; the principal defense strategies of the two states in the region are directed against one another.

Will the U.S. and China find themselves as superpower enemies, as did the U.S. and Soviets during the Cold War, or is the relationship more manageable—particularly if tensions over Taiwan subside? Most participants at the Beijing symposium, where this topic was discussed, see the potential for U.S.-China relations becoming more manageable and less dangerous. While Chinese military power is focused primarily on Taiwan and its continental security, the U.S. maintains considerable naval advantage in the region preventing the likelihood of China’s risking direct military conflict. Economic power is more important in the 21st century, it would appear, thus giving China an edge as it is projected to become the world’s largest economy by 2025. At the same time, the rise of China as an economic power need not threaten U.S. security interests.

Some Chinese participants saw the U.S. as a power that is “distracted” at the global level by its intervention in Iraq to the detriment of a sorely needed focus on important Asia-Pacific issues. At the same time, China has regional problems because its rapidly growing commercial ties with countries in the region are not producing allies, but instead are raising political suspicions: Will China act as a benign, rising power in the region, or will its economic clout bring unwanted political pressure? While many states in the region do not like U.S. hegemony, they are concerned that disengagement, or an eclipse of U.S. power, may result in tense relations with China in a variety of areas such as access to the region’s

Power relationships of emerging symmetry are the underlying drivers of the ad hoc, or involuntary, cooperation that does occur between the two states on tough issues such as keeping Taiwan from escalating to a military encounter, or resolving the Korean nuclear issue through the present Six-Party negotiation process.

natural resources. At the same time, some people in the region see the U.S. as acting inappropriately. Even though the U.S. has enormous military and economic clout, it is obsessed with its insecurity—especially after 9/11—and this leads to irrational behavior in the region.

Likewise, some people see a China with growing military capacity, such as the construction of a major aircraft carrier fleet, as a cause for fear of a military menace from the world's most populous state. For example, a recent defense “white paper” in Japan has emphasized threats from China, and Indonesian officials are also said to be concerned about China's deployment of a military capacity near its shores. China's historical role as a regional power leads its neighbors to react to a “rise” with strong suspicions about the potential for the abuse of such power.

Economic interaction is both cooperative and competitive. In the China–U.S. case, interaction has produced the kind of predicted interdependency that mitigates the escalation of conflict to military confrontation. Indeed, economic interests among these states and other pivotal states have significantly converged in several areas. Among these interests are co-dependency on the free flow of global energy supplies—especially oil—from the producing regions (not least of which is the Middle East) to the consuming countries of the U.S., China, Japan, and Korea. But others do not view China's growing energy demand as indicative of “interdependency.” This is, in part, because the increasing access through Central Asia allows China direct import from the giant Caspian Sea reserves. For the time being, however, energy demand does lead to some common interests in the stability of Saudi Arabia, peaceful relations with Iran, and the safety of key sea lanes such as the Straits of Malacca.

Other areas of interdependency are threats posed to the security of both the U.S. and China from radical Islamist movements, either directly (in the case of the U.S.) or in Middle East regional instabilities that interrupt the flow of oil or result in staggering price increases (in the case of China). Some participants see the fight against Islamist radicals as a strong driver of security cooperation among the two states, whereas others see the Islamist threat as a “constructed” reality that belies the true interests of states which is keeping the Middle East oil flowing. These mutual interests are also seen in the common aims of preventing nuclear proliferation and managing problems such as the tense India-Pakistan relationship.

For these reasons, some participants argued that war among the major powers is almost “inconceivable.” Competition may be inevitable between a rising China and a diminished U.S., but the co-dependency of each state on the other for prosperity suggests a more peaceful environment in which such competition will occur. One Chinese participant observed that China has benefited well from the present international system of free trade and financial flows, and that part of China's rise is a result of its openness and economic reform that serve to bring China into an acceptance of the present “Bretton Woods” international system rather than a rejection of the present international order. Another suggested that the relationship with the U.S. is conflictual, but competition is bounded to acceptable limits; much like sport, competitiveness need not mean conflict, per se, but can in some ways be seen as a healthy form of cooperation. The principal limit on such

The Chinese approach to regional competition appears to be primarily economic. China appears to realize that military conquest and empire-building are not viable approaches to strategic competition. Instead, strategic competition is best pursued through economic strength and the regional influence that wealth brings to China. There are limits to viewing regional relations in power-politics terms, suggesting that China's role should be viewed not only in terms of traditional power-political terms but also in light of new transnational interdependencies as well.

Most observers agree that the events of 9/11 — which changed U.S. security concerns—have eased tensions between China and the U.S., which were heading for a possible collision course.

cooperation, in the view of most Chinese participants, is the dispute over the future of Taiwan. Would China forego economic development to defend its core sovereignty and national security goal—the re-integration of Taiwan with the mainland?

A Chinese participant described the strategic dilemma that the Taiwan conflict poses to Beijing: while economic development is essential to the legitimacy of the present government, it has staked its national security strategy and its legitimacy on the inseparability of Taiwan as an integral part of China. Even if the use of military force to achieve national interests is limited in the international system today—particularly between two nuclear armed states such as China and the U.S.—it is premature to say that war is obsolete.

IV. DISPUTES: TAIWAN, NORTH KOREA, AND INTERNAL CONFLICTS

Regional competition and cooperation are most sharply seen in the context of three issues: the Taiwan dispute, the efforts to manage nuclear proliferation in the Democratic Republic of Korea (North Korea), and in the common U.S. and Chinese interest in managing internal conflicts in the region that could undermine the overall stability of other pivotal regional states such as Indonesia or the Philippines.

Taiwan

Taiwan remains the principal bone of contention in regional relations. In a well-worn position, China views Taiwan as an integral part of its territory and is willing—at least rhetorically—to defend its territorial integrity through force if the secessionist/independence forces in Taiwan formally declare independence. At the same time, some in the region (notably some Japanese and U.S. participants) see the Chinese position as untenable; through democratic processes, the Taiwanese have a right to exercise their self-determination in accordance with Article 1.2 of the United Nations Charter. These points were raised on the Taiwan question.

- From the Chinese perspective, Taiwan is the core issue in the Sino-American relationship. From the U.S. perspective, it is only one agenda item. The U.S. has a much more extensive agenda of which Taiwan is but a single part. Indeed, the U.S. is concerned that China uses the Taiwan issue in international bodies to draw other states into the problem both unnecessarily and counterproductively.
- Mutual mistrust and misperception generate recurrent acrimony from the strong and persistent Chinese objections to U.S. arms sales to Taiwan; although official U.S. policy is not to support Taiwanese independence, China is concerned that actions such as arms sales and recognition of Taiwanese separatist leaders speak louder than policy words.
- The deep fissures in Taiwan's society on the independence question frustrate resolution of the dispute suggesting that it will not be resolved soon. China may be exacerbating the problem by not offering a positive vision of what a re-integrated Taiwan could expect from Beijing. And, the slow erosion of autonomy in Hong Kong has not created an example that reunification-minded Taiwanese can use to build a credible case for a negotiated solution. These internal dynamics make

Taiwan's continued efforts to gain international legitimacy as a sovereign state—for example, seeking observer status at the World Health Organization—fuels China's insecurity over the province's future. China is concerned about a slippery slope of recognition, where observer status in one international organization leads to broader recognition of Taiwan's sovereignty in other forums.

the most potentially, mutually beneficial solution to the problem—de facto independence for Taiwan coupled with legal sovereignty restored to Beijing—more difficult to realize.

- With the U.S. engaged militarily in Iraq, and with the ongoing tensions over North Korean and Iran, the likelihood of the U.S. seeking a military confrontation over Taiwan is low; at the same time, the U.S. is willing to risk Beijing's ire over arms sales in order to preserve a military status quo on the issue. The possibility of inadvertent or unintended escalation remains a serious one. Some participants suggested that confidence and security-building measures are needed to keep military lines of communication open and peaceful intentions clear.
- China faces a dilemma that will continue to keep Taiwan an unsettled issue. With Taiwan's President Chen Shui-bian taking gradual, interim steps toward independence, the authorities in Beijing—knowing that a full-scale invasion of Taiwan isn't likely to be successful given U.S. and Taiwanese military capacities—must use saber-rattling as a form of deterrence. But such a deterrence strategy is inherently limited, and it requires China to show somehow that its threats of military force to enforce its territorial claims are credible. This approach lies behind China's adoption in March of 2005 of an anti-secession law that couples rhetoric of "peaceful re-unification" and "cross-strait cooperation" with threats of military action, increased deployment of weapons systems opposite Taiwan, increased war-making capacity, and warnings to Taiwanese leaders to forego efforts to break free.

North Korea

The North Korea nuclear weapons issue presents a different, yet equally complicated, facet of China-U.S. relations in the broader Asia-Pacific context. China's stewardship of the Six-Party talks on the question of North Korea's nuclear capacity leaves the U.S. grateful but frustrated; Washington is grateful that China is engaged in keeping the conflict from escalating but frustrated because of recent evidence that North Korea continues to develop—and perhaps already has manufactured—a nuclear device.

Much discussion revolved around the rationality of the North Korean regime when it comes to linking non-proliferation—which both China and the U.S. apparently desire—with tangible economic incentives and security guarantees. Many Chinese participants, and some other participants as well, felt that the U.S. unwillingness to provide security guarantees to the Pyongyang leadership has prevented progress in the talks toward resolution of the problem. At the same time, other participants find the North Korean leadership—particularly president Kim Jong Il—essentially paranoid. Both U.S. actions to topple the regime (which has been characterized by President George W. Bush as part of the "axis of evil" and Chinese style political reforms could lead to the rapid collapse of the present government.

Some participants suggested that an intermediate-horizon view of the North Korea problem is salutary. That is, presently the stand-off appears tense and intractable, leading to an inevitable set of new tensions between Washington and Beijing on containment strategies (such as new sanctions or a blockade). However, political change is occurring in North Korea and rash action now, rather than allowing for the changes in the North to run their course, may invoke a worse outcome than if the U.S. and China continue to engage the Pyongyang elite in talks and limit the externalities—such as the possible selling of technology to other "rogue" states such as Iran or to terrorists.

Finally, participants considered whether it was useful (or not) to consider linking the Taiwan and North

Korea issues more explicitly in China-U.S. relations. China wants progress on keeping Taiwan in the fold, the U.S. wants to rein in and reverse North Korea's lust for the bomb; could the two states find linking these issues mutually beneficial? In such a situation the U.S. would more strongly persuade Taiwan to be satisfied with de facto, but not legal, independence while the Chinese upped their leverage vis-à-vis the North Korean regime.

Regional Internal Conflicts

Despite an aggressive competition for influence throughout Southeast Asia between China and the U.S., it is apparent that both states have a mutual interest in the dampening of regional insecurity in places such as Indonesia, and in global contexts such as Iraq or Sudan.⁵ That is, while the U.S. has long maintained an interest in preventing internal conflicts from generating failed states and their concomitant externalities—refugee flows, havens for terrorist groups, restrained global trade, or humanitarian catastrophes—China has not traditionally shown much concern other than to voice misgivings about the possibility of humanitarian intervention. Times may be changing as China's economic needs give it increasing interests in failed—or troubled—state situations such as Sudan, where China's pursuit over access to oil resources from the country influences its behavior in multilateral arenas, where the international community seeks to intervene to prevent humanitarian catastrophes emanating from armed conflict.⁶ Eventually, China supported efforts in the United Nations Security Council to deploy a robust peacekeeping force to stop crimes against humanity in the Darfur conflict.

China's position on cooperation in regional and international internal conflict management may be changing. For example, in East Timor (now Timor Leste), China initially opposed Australian military intervention in 2002 to quell regional instability and conflict spillovers (e.g., refugees), but later changed its position and supported a UN transitional administration in the troubled region. Indeed, China provided United Nations Civilian Police for the UNMAET (United Nations Mission in East Timor) peace operation. Regionally, China has acted mostly to protect the interests of Chinese overseas communities in countries such as Singapore, Malaysia, and Indonesia.

China's position on Iraq has allowed the U.S. and alliance forces there to gain a United Nations Security Council resolution (1564 of 2004) that legitimized their presence in the country through 2005 and backs the U.S. interim government transition plan.

V. COOPERATION: THE POLITICAL ECONOMY OF INTERDEPENDENCY

That the Chinese and U.S. economies have become deeply interdependent in recent years is now a recognized fact; in 2004, bilateral trade topped an estimated \$150 billion. What is at issue is whether such interdependency may, over time, generate more cooperative relations and coordinated action or whether the close ties may breed conflict in the event of new economic hard times. The Chinese development model of a gradual transition to a market economy with continued state control of banking, export-led growth, reliance on foreign direct investment (FDI), and pegging of the RMB (the Renminbi, the externally exchangeable version of the Yuan) to the U.S. Dollar's value raises a number of questions concerning both the implications for U.S.-China, and broader, global relations.

According to participants at the Beijing Symposium who study the details of China-U.S economic ties,

both China's external strategy for continued robust growth, and its internal dimensions are fundamentally contradictory. The internal contradictions revolve around a weak, state-run banking system that suffers from ill-considered lending, corruption, and political influences. There is a need to privatize the banking system and float the exchange rate in order to bring equilibrium to capital markets. At the same time, such moves could be destabilizing both for China and the U.S. because they could precipitate capital flight in China and lead to downward pressures on the dollar. There are concerns that too-fast action on international monetary relations could lead to a global currency crisis for the U.S. Additionally, China would be adversely affected by floating the RMB because it would quickly devalue the large dollar reserve holdings.

Externally, the Chinese economic strategy poses perils for both countries as well. Reliance on multi-national corporations for 55% of export earnings, coupled with FDI inflows of more than \$50 billion annually in recent years, was fine when China was an emerging manufacturer in the mid-1980s through the 1990s. Today, however, China is reliant on U.S. demand and if there were to be a stalled recovery in the U.S. the implications for the Chinese economy would be enormous. It has become difficult, in the words of one participant, to persuade Chinese leaders that the model isn't sustainable over time; China's economy is propped up by U.S. consumers whose demand for goods is based on high levels of personal indebtedness which depend, in part, on relatively low interest rates which Chinese support of the dollar help to sustain.

China and the U.S. both need to better manage their economic interdependencies together—especially the present trade imbalance. One area of critical, immediate, concern is the coordination of exchange rate evaluation so as to better deal with the inevitable revaluation of the RMB. Another area of mutual concern is the fostering of internal Chinese demand so that the economy is less reliant on the export sector for growth. One key to rising demand in China is higher wages; yet, higher wages may make China less competitive in international trade. There appear to be no easy answers to the problems and, at present, most observers simply hope that a recession in the U.S. will not reverberate in the Chinese economy and lead to drastic, mutually injurious, actions on the economic policy front. This is particularly important, in part, because China has also begun to invest in the United States; in 2004, for example, a Chinese company bought a critical share in a U.S. coal mine (China now consumes some 31% of world coal production), producing jobs and saving a mine that, the year before, had been closed due to a lack of global competitiveness.

Urgently needed is further U.S.-China negotiation on a coherent formula for economic cooperation. Some Chinese participants, however, see limits to such cooperation stemming from political tensions in the region: poor relations on Taiwan, lingering tensions with Japan, and suspicions that U.S. technology export controls mean that the trust necessary to coordinate economic policies is absent. Indeed, in this view, economic relations are simply an extension of the political competition that characterizes regional relations. Other participants sharply disagreed, stating that U.S. leaders, beginning in the mid-1970s, have taken clear and conscious decisions not to inhibit Chinese economic development; indeed, many U.S. leaders see China's economic rise as a precursor to its development as a democratic state.

The question of economic interdependence is more complicated than a characterization of the relationship in bilateral U.S.-China terms reveals. Indeed, the third cog in the global economic

The present trade deficit between the U.S. and China is a problem for both countries; the large U.S. deficit means that China is essentially bankrolling the trade deficit in financial terms through its massive trade surplus and its Dollar foreign reserve holdings. China is now the second largest purchaser of U.S. debt, behind only Japan.

wheel is the European Union. For this reason, many participants felt that it is important that the U.S. and China, together with the E.U., take a more collaborative role in World Trade Organization negotiations and in the work of the International Monetary Fund to stabilize global capital markets.

VI. PERSPECTIVES ON THE PRESENT INTERNATIONAL SYSTEM

How do Chinese, U.S., and other governing elites view their present roles in the international system, and to what roles and status within that system do they aspire? Do the leading countries see themselves primarily in a defensive posture in the system, reacting to the risks and challenges of multilateral action, or do these states envision themselves taking a lead in defining, influencing, and implementing collective solutions to today's transnational problems?

Despite the fact that the United States helped construct the present international order, particularly the United Nations and the Bretton Woods institutions, U.S. leaders today do not uniformly view international standards and norms as universally helpful in pursuing the national interest. When international norms jibe well with U.S. policy preferences, they are affirmed and invoked. However, the U.S. has opposed a number of new international standards and norms that are widely accepted by other leading states. Examples are the Kyoto Protocols on climate change and the International Criminal Court's ability to prosecute and adjudicate allegations of crimes of war or crimes against humanity. In two recent instances, the Kosovo and Iraq conflicts, U.S. administrations (both under Clinton and Bush) have employed the military abroad—for humanitarian intervention in the former case, in response to alleged Iraqi weapons of mass destruction threats in the latter—without the explicit or unambiguous authorization of the United Nations Security Council.⁷

- There are deep internal divisions on foreign policy within the United States, and these divisions result in the ambivalence of Americans—especially in the U.S. Congress—toward collective action through organizations such as the U.N. At the same time, the U.S. has retreated from efforts to negotiate new international norms in recent years and has taken a wary view of most treaty-making processes in which it is involved. Although this eschewal of international norms and organizations is marked, it does not mean that the U.S. is isolationist, but rather that the perception of the national interest among currently dominant conservatives demands the capacity and willingness to act unilaterally, or in small ad hoc coalitions, as necessary.
- American leaders and analysts continue to wrestle with perhaps the key post-Cold War foreign policy question: How, and to what ends, should the U.S. use its formidable military capacity and its unrivaled economic influence in the world economy? Some advocate U.S. control of the international order; detractors of this approach argue that this perspective leads the U.S. to an unyielding “with us or against us” approach to alliance making after 9/11. Advocates of greater global engagement see the present moment as a golden one in which the U.S. has the opportunity—much as it did after World War II—to engage in cooperative diplomatic efforts to reshape and redefine the international system. Rather than retreating, after 9/11 and Iraq, from reliance on the UN and other collective security institutions such as NATO, the U.S. should use its present power to reshape and empower these institutions (particularly the Security Council) to be more effective in the long run.

Chinese analysts stress reliance on multilateral institutions in pursuit of China's interest, even as the country continues to guard its sovereignty jealously and to generally and consistently oppose attention to its internal affairs. Chinese participants acknowledged, however, that no country, including China, is truly satisfied with the current international system. In this context, China is unsure of Security Council reform but foresees further development of regional, rather than global, organizations.

- China's behavior in the Security Council indicates that it prefers to reach agreements within the Council through consultative processes and to avoid public infighting among the five Permanent Members. China especially seeks to avoid confrontations with the U.S. over allegations of global hegemony and great-power rivalry as such.
- Chinese leaders see considerable actual, and potential, benefit from regionalism and further regional economic integration. This approach is reflected in recent advances made in economic integration with Southeast Asia, and, in particular, in efforts to negotiate a free trade agreement, protocols on development cooperation, and more structured—some say, essential—cooperation among China, Japan, and South Korea.
- Other analysts view China's swing toward multilateralism with deep suspicion. In this view, China's turn to the UN and advocacy of more muscular regional institutions is viewed as a backdoor way to constrain the U.S. and to counter its hegemonic tendencies.

VII. EVALUATING ASEAN AND OTHER REGIONAL FORUMS

Regional cooperation is a strong element of the U.S.-China relationship. Despite the advent of the Association of South-East Asian Nations (ASEAN) Regional Forum—featuring participation by serving as the only regional entity directly dealing with political and economic security issues—questions are rightly raised as to whether the Asia-Pacific region is under-institutionalized in terms of regional cooperation. Additionally, mechanisms such as ASEAN +3 (ASEAN states plus China, Korea, and Japan) do allow for some further cooperation on regional security concerns. While the ASEAN Regional Forum (ARF) creates opportunities for China, Japan, the U.S., and Korea to engage in dialogue on regional security issues, it is not equivalent in purpose to other regional organizations such as the Organization for Security and Cooperation in Europe (OSCE) or the Organization of American States (OAS), or the African Union in terms of a truly functioning regional regime. Likewise, on the economic front, the Asia-Pacific Economic Forum has proven useful, but inadequate, in terms of a standing institution capable of addressing the wide range of issues for economic cooperation.

The dearth of Asian regional organizations—particularly in Northeast Asia—is a legacy of history. The failure of China and Japan to overcome issues of war guilt from the Japanese occupation of China during World War II—an issue that generated tense moments among the participants—has hindered progress in creating institutions capable of realizing a common future. The issue is complex and sensitive: China feels that Japan has never adequately apologized for war-time atrocities; Japan feels that its apologies have never been fully accepted by China, and is now suffering “apology fatigue.” Consequently, Japanese political leaders are feeling pressures from conservatives domestically to stop trying to appease China's “excessive sense of victimization” and allow Japan to pursue its national interests unapologetically.

Laments about the lack of regional cooperation may be overcome by events in recent years. The realities of economic globalization and the proliferation of formal and informal channels for discussion of security may have eclipsed the need for a regional entity and replaced them with global forums (such as the WTO in the economic sphere) and regional mechanisms such as the Six Party talks. Participants generally concurred that the future of regional cooperation rests on the future of the China–Japan relationship.

VIII. THE E.U.-U.S.-CHINA RELATIONSHIP

European states appear to share a deeper commitment than China and, especially, the U.S. to multilateral approaches. The perspective from Europe is one of the need to “pool” power by today’s leading states rather than a “balancing” of power that would view the world in terms of three new “poles” in the international system: China, Europe, and the U.S. The smaller countries of Europe are especially committed to collective solutions because it gives them voice and influence. Larger countries either jealously guard what one participant called “lost power” (e.g., France and the U.K.) or pursue ambitions as “aspiring powers” (e.g., Germany). Likewise, there is an interest in institutional change in the international system, for instance, Germany’s pursuit of a permanent seat on a reformed United Nations Security Council.

- European states also view the international system and its institutions as a way to pursue broader concepts of security to include human security, human development, and social welfare. European states, and public sentiment there, may also appear to have a moralistic tone to their policy choices. Underlying this sentiment is latent anti-Americanism that reflects resentment about the use (some would say abuse) of U.S. power.
- Policy-makers and the public in European countries dislike U.S. military “hegemony” in the international system but do not see a ready alternative. On the economic front, however, the rise in the Euro’s value and the recovery of European economies has created a new sense of clout on the E.U. side of the Trans-Atlantic relationship.

The idea of a triangular China–U.S.–Europe partnership on global issues stems from a common appreciation that there are certain issues on which these three entities are poised to cooperate beneficially:

- Regional stability, especially in areas where nuclear proliferation concerns have generated significant international security threats such as tensions over Iran, Iraq, and North Korea;
- Peaceful management and settlement of the Taiwan dispute;
- Counter-terrorism, particularly in Central Asia;
- Emergent transnational challenges such as global health, energy security, trade and communications enhancement; and
- Smoothing socio-economic transition in China (strong U.S.–E.U. interest in this to maintain regional and global security, including environmental, rule of law, etc.)

Evaluating Energy Competition

One of the most compelling areas for potential cooperation is in the search for 21st century energy security, especially as reserves of oil and gas dwindle and concerns about climate change create imperatives for dramatic change in the world's consumption of energy resources. These concerns raise questions about the implications of China's search for energy security on the global stage. China was a net exporter of energy in 1993 and now is the second largest oil importer (as of 2003, see the essay by Suisheng Zhao on page 33 in this publication). This trend is predicted to continue for decades. The Chinese government has taken domestic and international initiatives:

- Intensively reorganizing the energy sector since the 1990s and establishing ministerial coordination and a market mechanism—Leading Group under Wen Jiabao and three vice premiers to oversee energy development and security.
- Stepping up exploration within China and increasing efforts for energy efficiency—the price of gas has risen dramatically in the last two years.
- Creating 90-day strategic petroleum reserve along the coast—planned to be completed in 2009.
- Actively encouraging Chinese companies to seek resources on the world stage—the 1995-2000 Five Year Plan did not talk about international energy resources, but the 10th Plan for 2001-5 called for an international resources search. The 11th Five Year Plan is under review and will presumably call for a global search.
- Encouraging Chinese companies to become MNCs on the ExxonMobil model, i.e., expanding overseas production and profit generation.
- Increasing efforts to strengthen political ties with energy producing states. Zoelleck noted that the Chinese government thinks it can somehow “lock up” oil resources in the world. This is especially true in the Middle East and involved intensification of overall trade as well as investment in oil fields and pipelines. In the Iran case, China has opposed bringing Iran's nuclear program before the UNSC.
- Avoiding over-dependency on Middle East oil and the U.S. military dominance in the region—China has intensified its search for oil in other regions, including Africa and Latin America, which now account for 28.7% of China's total oil imports. Sudan is a good example of this; China began courting Sudan in the mid 1990s. Also as example, was a \$300 million, ten-year oil deal with Libya in 2004. In addition, Zeng Qinghong made a three-nation tour of Latin America in 2005, signing oil and gas agreements, including one with Venezuela.

The E.U. and U.S. versus China: A Values Difference?

Some observers note that the glue which has held the E.U.-U.S. relationship together for so many years is a fundamental value consensus on democracy, human rights, liberal economics, and a common destiny; some suggest that this value consensus does not extend to China and the ideological perspective of Chinese elites. There is a concern about the authoritarian nature of Chinese governance in both domestic and international affairs that may undermine the U.S. efforts to promote democracy and human rights. China's behavior in Sudan and Iran, for example, has been widely criticized in

Washington and in European capitals alike. In this view, Chinese elites behave both domestically and internationally in contradiction with the fundamentally liberal values of the West. Some participants argued China cannot be a responsible member of the system and also be free rider—it needs to buy into all the values of the United Nations that reflect the Western value consensus as well, to include global norms of human rights, democracy, and religious freedom.

IX. EVALUATING ALTERNATIVES: FINDINGS AND RECOMMENDATIONS

What is the range of alternative forms of partnership, in particular the condominium concept, to facilitate more collaborative responses to common interests? In general, Chinese participants and, indeed, some area specialists from the United States seemed uncomfortable revisiting the present international architecture. Ongoing and serious crises, such as Taiwan and North Korea and their management through extant institutions and processes, take analytical priority over thoughts of alternative global architectures. At the same time, these participants were pressed to consider how the solutions to these and other crises could be better handled given a more appropriately designed set of international institutions.

The premise was presented that the present international system cannot address the stifling economic and social problems that present themselves today, such as unstable demographic structures in many countries that have produced large cohorts of angry youth, or massive global migration that states acting alone seem virtually unable to control. These and other pressures—of energy supply, environmental sustainability, and global health threats—call for a strengthened capacity by the world's most influential states to handle them efficiently and, hence, collectively. The assertion that the present international system is not functionally equipped to handle 21st century issues was articulated by one participant as a “self-evident proposition.” As Abraham Lowenthal suggested at the Vail meeting, “hyperpower hegemony is dangerous—both for other countries and for the hegemon itself.”⁸

- **The Condominium System.** Participants considered the creation of an institutionalized, or de facto, “condominium” system in which a number of states would act in a new concert to manage pressing 21st century transnational issues.⁹ A condominium system would have all members taking collective responsibility in decision-making. Regional states, for example, might or might not assume the main burden of implementing decisions taken by leading powers in their relative spheres of influence. China would be one such regional power, working as a partner in global governance with other countries including the United States. The condominium system could have a more formal structure—such as a reformed or expanded “G-7” approach—or it could be less formal but generally known in its operation. In such a system, the U.S. would relinquish, to a certain extent, its freedom to act while other countries would agree to take on more responsibility for managing transnational problems and to join in proactive measures.
- **A Concert of Partners.** There was broad agreement that the notion of “partnership” of leading countries in managing transnational issues is a useful and practical rubric under which to consider relations among leading states such as China and the U.S. However, many participants felt that it was not wise to further proliferate international institutions and create new entities, but rather the focus should be on reforming and strengthening the existing mechanisms. The condominium idea was criticized as being far too ambitious and impractical, given that there is yet to emerge a new common normative framework or consensus of values to unite states. Present economic and

security interests are simply not enough glue to hold such a union together. Finally, there was concern about the reaction of those states or peoples who felt excluded from global governance. Participants consistently returned to the imperative of reforming the Security Council and, in one participant's words, "a rededication by the member states of the UN to honor commitments they entered formally and solemnly when joining the UN."

- **De Facto Partnership.** Does a de facto partnership already exist? The principles of strategic partnership can already be seen in the present handling of the North Korean nuclear question, several participants suggested. Washington and Beijing appear to be working together to manage the dispute over the North's energy and weapons plans and a multilateral approach seems, at this time, to be successful in handling the crisis. The mechanisms developed to handle the nuclear non-proliferation crisis will set a healthy precedent, should the need arise, for multilateral mechanisms to cope with a rapid and potentially chaotic reunification of North and South Korea. As evident in the present negotiations over the North Korean nuclear question, it is possible to conceive of an E.U.-U.S.-China partnership as the critical cornerstone of a more effective international system.
- **Strengthening Regional Institutions in East Asia.** Critical attention needs to be paid to strengthening regional institutions in East Asia. The architecture of regional cooperation needs to be reconsidered, and perhaps consolidated, into more streamlined and functional entities. It was noted that East Asia and the Pacific states lack an effective cooperative security organization or other arrangement such as is found in Europe and the Americas. Some participants viewed the development of an East Asia regional organization—in which China would be a formidable, if not decisive, power—as a counterbalance to centralization of power under international organizations such as the UN or under U.S. hegemony. Other participants viewed regional organizations as, at best, supplementary to the UN, which will continue to have principal responsibility for regional peace and security. One specific proposal offered at the Vail dialogue was the establishment of a new East Asian multilateral security organization, perhaps along the model of the Organization for Security and Cooperation in Europe (OSCE).
- **The E.U.-U.S.-China Nexus.** There should be further development of the processes and institutions to coordinate E.U., U.S., and Chinese common interests. Regular means of communication and coordination among the European Union, U.S. and China are essential to realize common economic interests in global stability and to coordinate on a whole host of security issues, from Taiwan, to terror, to transnational crime. In China's relations with these two important actors, processes for policy coordination and institutions for cooperative management of common issues are weak or underdeveloped. One alternative is to establish a series of functional working committees on pressing issues common to these global powers—for example, on trade, northeast Asian regional security, or matters before the UN Security Council.
- **Managing China's Rise: Into the G-8?** Several participants argued that China should consider joining in the G-8 process of global economic and political coordination. In this way, China can play a more active role in establishing and negotiating the international agenda, and can more effectively communicate its views to the European Union, the U.S., and other pivotal states such as Russia. China's opportunity to play a mediator's role between the developing countries of the world and the advanced market economies would be welcomed if China were able to pull off a mutually beneficial outcome to the standoff on global trade rules that has characterized the failed Doha round of negotiations.

- **Reform of the Security Council.** There are serious deficiencies in the design and functioning of the UN Security Council. Created in 1945, the Council's structure is out of synch with present realities. Reform of the UN Security Council remains an eventual necessity to make stronger and more effective collective solutions to the most pressing problems of war, weapons proliferation, terrorism, and violent internal conflicts, that generate humanitarian catastrophes.¹⁰ An expanded Security Council would allow for more burden sharing, greater leverage for collective action, and more legitimacy for the Council's findings and mandates. Additionally, the inability of the UN to quickly muster a mobile force when it is called upon to respond to security challenges hampers the effectiveness of collective action. Few participants felt, however, that reform of the Council was practical in the near future.

TOWARD AN EFFECTIVE INTERNATIONAL LEGAL ORDER: FROM CO-EXISTENCE TO CONCERT?

TOM FARER

From its birth in the minds of European elites roughly four centuries ago until the latter part of the Twentieth Century, international law was seen to facilitate, as it expressed the terms of, coexistence among politically organized communities recognizing no superior authority.¹¹ It arose gradually out of the defeat of Hapsburg imperial ambitions and of the associated Papal claims to govern the spiritual and moral lives of all the peoples in Christendom. In a process analogous to the alluvial development of order among the indigenous inhabitants of remote villages without formal political institutions, the leaders of European communities—enjoying *de facto* independence from one another yet living in close connection and sharing similar cultures, histories and values, so they did not see each other as different species—inevitably developed shared understandings about the nature of their relationship and the proper way of dealing with cases where sovereign rights overlapped or where the locus or indicia of sovereignty were uncertain.

In general, rulers were to live like property owners, free to do pretty much what they willed with their respective estates. The United Nations Charter carried the logic of equal rights and duties further by prohibiting the exercise of force to deprive states of territory and the autonomous decision-making and law enforcement activities which are coterminous with the idea of a sovereign state (Farer 1969).

I. THE CURRENT STATE OF INTERNATIONAL LEGAL ORDER

Throughout the Cold War, the Charter prohibition dominated discourse about the obligations of states. Yet, during the approximately four and one-half decades that elapsed between the founding of the United Nations and the manifest end of that war, the United States, using either regular forces or proxies, invaded Guatemala, Cuba, the Dominican Republic, Grenada and Panama, while the Soviet Union did the same to Hungary, Czechoslovakia and Afghanistan. In addition, both ignored the ostensible sovereign rights of other states by employing a range of illicit means less flamboyant than invasion to manipulate their internal politics (Schlesinger and Kinzer 1999; Kinzer 2003). When it came to disregarding Charter constraints on intervention generally, and the use of force in particular, obviously the superpowers were not alone. France, for instance, made and unmade governments in West Africa at its discretion.

Some of these *prima facie* delinquencies were condemned by most academic international lawyers and also by huge majorities in the General Assembly of the United Nations and/or a regional treaty organization (Farer 1990; Farer 1993), seemingly determined to maintain, with marginal if any exceptions, the position that the only legitimate uses of force under the Charter are for self-defense against and actual or imminent armed attack or are authorized by the Security Council.¹² Insofar as old-fashioned plundering aggression is concerned, the decisive response to Iraq's invasion of Kuwait in 1991 evidenced the continuing strength of collective support for the integrity of borders in the wake of the Cold War. But while, in its authorization of Desert Storm, the United Nations appeared to reaffirm the long-recognized prerogatives of sovereignty, it has to some degree attenuated them by authorizing intervention in countries primarily to protect their populations from murder and misery whether

resulting from the collapse of public authority (Somalia and Haiti 2), or its abuse combined with awful civil conflict (Sierra Leone and Liberia), or its abuse after putschists seize public authority (Haiti 1), or a murderous civil conflict aggravated by foreign intervention (Bosnia). Last year's unauthorized invasion of Iraq, coming not long after NATO's humanitarian intervention in Serbia over the issue of Kosovo, and seen in light of the multiple delinquencies of the superpowers during the Cold War, and of France's multiple interventions in the supposedly independent states of West Africa, have led some commentators to conclude that international law has lost, at least temporarily, its capacity to serve as a central guidance mechanism for international relations.¹³ That remains to be seen. Arguably, it is simply failing, to a much greater than traditional extent, to guide American foreign policy.

An authoritative legal system certainly is more than an archipelago of functional regimes. However effectively a blend of rules and principles, sometimes embedded in formal bureaucratic institutions, may as an observable matter stabilize behavior and expectations concerning a wide array of subject areas as diverse as the uses of the seas and the protection of the chicken-breasted sloth,¹⁴ they will not constitute a legal order unless they are seen as instances of a general system of authority that applies reasonably effectively to all states and addresses the existential concerns of human communities which include, but are not limited to, the question of who may use force under what circumstances. The system must also have a broadly accepted rule for identifying which other rules are legal in character in the sense of commanding a respect superior to all other societal norms, what H.L.A. Hart (1961) called "the rule of recognition."

Consent by state authorities, whether manifest in a formal text or in consistent practice, has been the international system's rule of recognition. I see no evidence of dramatic change in this respect, but rather a gradual or gradually more open move toward what might be called law-making and interpreting by a "sufficient consensus." Nowhere is this more evident than in the area of human rights. Twenty-five years ago, when their human rights behavior was challenged, a significant number of countries—including such powerful ones as the People's Republic of China—would still noisily invoke an alleged sovereign immunity to external appreciation of internal practices. Today such a defense is rarely, if ever, made.¹⁵ Governments stopped invoking the sovereignty defense when it ceased to resonate with their peers. In effect, they conceded that the norm of sovereignty had thinned out despite their objections.

I do not want to overstate this point. The ramparts of old-fashioned sovereignty are still strongly manned. Only within the past year, a cross-section of U.N. members balked at endorsing an idea, championed by Canada and other proponents of humanitarian intervention, that sovereignty was conditional on a state meeting its obligations to protect the security of its peoples.¹⁶ The tension between the previously dominant value of state security and the growing demand to emphasize human security (with state security as a contingent means to that end)¹⁷ remains high and divides not only affluent democratic states from many at best semi-democratic, less-developed ones, but also elites within many states, including the democratic ones. In the failure of the United States to secure even a bare majority of Security Council votes for its proposed essay in regime change in Iraq, a country with a monstrous regime, one could read the continued cling of governing elites to the deflating prerogatives of state sovereignty.

II. THE RETREAT OF AMERICAN INTERNATIONALISM

If, as the neo-conservative writer Robert Kagan (2003) affirms, Europeans (the Germans above all) now personify belief in the law-guided resolution of interstate disputes by peaceful means, while Americans

recognize force as the inevitable arbiter, then we are witnesses to something close to a reversal of historical roles. At the 1898 Hague Conference, convened at the instance of the Russian Czar to promote world peace, the chief U.S. representative spoke of war as “an anachronism, like duelling or slavery, something that international society has simply outgrown,” and proposed agreement on compulsory arbitration in the event that interstate disputes could not be resolved by diplomacy (Maguire 2000, p. 49). Although the U.S. recognized an exception for those “differences” that were “of a character compelling or justifying war,” the German delegation rejected its proposal, arguing that “treaties to limit arms and provide for ‘neutral’ arbitration of disputes negated (Germany’s) most important strategic advantage: the ability to mobilize and strike more quickly and effectively than any other nation.” (Maguire 2000, p. 48) In any event, the Germans argued, war, both in its ends and its means, is a prerogative of sovereignty not subject to judgment by third parties, a view not radically at odds with the raging hostility of American conservatives to the prospect of American war making being audited by the new International Criminal Court.¹⁸ Indeed, insofar as ends are concerned, it echoes in the views of certain quite respectable contemporary scholars (e.g. Yoo 2003; cf. Wedgwood 2003; also Zelikow 2003, p. 17).

Of course, the difference between law-drenched American rhetoric and the German *raison d’etat* softened when elites of the two states looked beyond relations between what the American lawyer-statesman Joseph Choate referred to as the “great nations of the world” (Maguire 2000, p. 69) to relations with what the American historian John Fiske¹⁹ called “the barbarous races” (Maguire 2000, p. 50). In a similar vein, the influential turn-of-the-20th century German intellectual, Heinrich von Treitschke, called international law mere “phrases, if its standards are also applied to barbaric peoples.” He wrote, “To punish a Negro tribe, villages must be burned, and without setting examples of that kind, nothing can be achieved. If the German Reich in such cases applied international law, it would not be humanity or justice but shameful weakness.” (Maguire 2000, p. 50)

I do not want to overstate the parallel between German insistence on the prerogatives of sovereignty (and the consequent legitimacy of force as an instrument of statecraft) and the claims of the Rightists who now govern the United States. To begin with, von Treitschke rejected the idea of legal limits on the means as well as the ends of war. In stark contrast, as it has prosecuted the wars, first against Afghanistan and then Iraq, the Bush administration has for the most part celebrated its strict adherence to the laws of war, going so far as to proclaim a new historical era in which technology makes it possible to target evil rulers rather than the societies they subjugate. Moreover, the administration has, in part, attempted to ground its recourse to force on interpretations of widely recognized legal and ethical rules rather than claims about the unreviewable prerogatives of sovereignty (Taft and Buchwald 2003).

Invoking the Charter-recognized right of self defense against an armed attack in the case of a *de facto* government (Afghanistan’s Taliban) that provides safe haven to a well-organized terrorist organization that had struck repeatedly at American targets, killed more Americans than died at Pearl Harbor (when the Japanese attack precipitated U.S. entry into World War II), and threatens continuing assaults, is not a dubious stretch of the applicable norm. After all, the NATO states, including the smaller European countries that are normally among the strongest supporters of the Charter and the rule of law in international affairs, recognized the 9/11 terrorist attacks on New York and Washington as acts of war,²⁰ as did the Security Council itself when it adopted a resolution recognizing the applicability of the right of self defense under the circumstances created by the attack.²¹

Iraq was a stretch, but, Bush administration defenders have argued, no greater than the one made by NATO when it bombed Serbia into submission over Kosovo, an action deemed technically illegal but

nevertheless “legitimate” by the Independent International Commission on Kosovo composed of the sort of cosmopolitan progressives committed to the minimization of force in international affairs and the reinforcement of international institutions and law.²² In the Kosovo case, recourse to force was considered and finally approved by a multilateral organization of democracies (NATO) responding to the threatened commission of a crime against humanity (mass ethnic cleansing), about to be committed by a regime recently complicit in other such crimes and also of the crime of aggression (against Bosnia). In Iraq, the U.S.—backed by one Permanent Member of the Security Council and a mixed bag of thirty or so other states—acted to enforce Security Council resolutions under Chapter VII following repeated findings by the Security Council²³ of material breach of the 1991 cease fire agreement by the government of Saddam Hussein, a recidivist aggressor (Kuwait 1991, following Iran 1982). Moreover, in the preceding decade the Council had either acquiesced in, or endorsed more limited military actions against Iraq by the U.S. and the United Kingdom for violations of the conditions of the 1991 cease fire and also for the defense of the Kurdish and Shiite populations from a renewal of gross human rights violations, bordering in the former case on genocide (Taft and Buchwald 2003).

But Iraq looks like a merely modest stretch only when considered in isolation from the acts and claims that have marked American foreign policy since the advent of the Bush Administration in January 2001. When seen, however, against the backdrop of the National Security Strategy issued by the White House in 2002²⁴ and other statements from the Bush Administration,²⁵ Iraq looks a good deal more like a revolutionary challenge to the Charter system—and not just to its unprecedented restraint on recourse to force—for the Charter and the United Nations itself are only parts of a larger design implicit in the initial surge of international institution building following World War II.

What drove the architects of the United Nations, the international financial institutions, and the General Agreement on Tariffs and Trade (GATT) was a belief that the balance-of-power system marked by the commitment of national elites to the ceaseless competitive accumulation and exploitation of power is too dangerous to be endured and incompatible with the growing demand for welfare rather than warfare states.²⁶ An international free-trading system, facilitated by stable currencies (the IMF agreement) and the most-favored-nation rule (the GATT), would make natural resources available to all countries, thereby removing one of the classical incentives to aggression and fostering interdependence. These political and economic institutions were the first elements of a management system for the global society and economy that would hopefully replace the global war system which from 1914-45 achieved slaughter on a planetary scale. Outside the Communist Bloc, the envisioned trading system and its associated financial order gathered pace and then was propelled forward by seismic changes in information, communications, and transportation technologies, so that sixty years after World War II, we actually have the inter-connected world dimly imagined by the architects of 1945. We have what is called loosely “globalization,” but it has occurred largely through private actors and without a proportional development of public management institutions, above all in the arena of political/military affairs, where the Cold War largely paralyzed the Security Council and limited cooperation to avoiding catastrophic conflict between the superpowers.

The collapse of Soviet power in 1991 coincided roughly with a resurgence of economic and psychological buoyancy in the United States to produce an international environment with some similarities to the one prevailing in 1945, but with differences the potential effects of which were not immediately clear. Similarity consisted in the widely-sensed dawning, at least in Western polities, of a new epoch filled with vast potential for co-operation among leading states to ameliorate the human condition.²⁷

The first difference was the absolutely unrivaled nature of American military power. The Soviet equilibrators were gone with no state or coalition of states on the horizon to replace it. For the first time in human history, one country could deliver militarily decisive conventional force to any corner of the globe within weeks, if not days, of a decision to do so. Both celebrants and critics of American pre-eminence began referring to the now ubiquitous “Unipolar World” (e.g. Krauthammer 1990). A second difference was the reality of an interdependence and integration probably beyond the imaginings of the architects of the post World War II institutions. This was not just a matter of transnational trade and investment flows, but of transnationally integrated production and service networks and of the vulnerable communication and energy systems that made such integration viable.

A third difference between the conditions prevailing in 1945 and 1991 was the cumulative effect of market integration and the revolution in transportation and communications on traditional culture and political awareness in the global periphery, together with an extraordinary acceleration in population growth. Demographic bloating has filled the countryside with redundant people; the communications and transportation revolution has given them the incentive and the means to try their luck in cities, far from traditional sources of moral authority and the anchoring rhythms of rural family life, where they have formed pools of socially combustible materials particularly in the misgoverned societies of Africa and West Asia—pools which, given the openness of borders and the ease of movement, are washing over the frontier between the West and the rest. From these pools, leaders driven not by poverty, but rather by the challenge of consumerist, libertarian culture to their sense of identity and authority, and impelled by a sense of humiliation for the political/military weakness of their societies in the face of Western cultural and military power, can draw recruits for guerrilla war against the United States, its allies, and its collaborators.

Given these salient features of the post-Cold War world, in 1991 one might reasonably have looked to American leaders for a burst of institutional and normative creativity similar to the one they had exhibited after World War II. For on the one hand, the United States enjoyed far greater relative military power and economic and cultural reach than it had sixty years earlier and, on the other hand, it faced a set of interrelated threats to its long-term national security and the welfare of its people that could be analogized to the threat that Soviet power and Marxist ideology had posed. But these threats lacked something at that point, namely a name, a face, and an address that could fit them into the manichaeian template of American popular culture.

In the years following the Soviet Union's dissolution, Washington did emit a few rhetorical hints of new ambitions for the international order usually in terms of a commitment to the planetary spread of free markets and liberal democracy (Lake 1994). And a handful of deeds, like the interventions, however reluctant, in Somalia, Haiti and the Balkans could be construed as a germinating American commitment to institutionalized multilateral oversight of conditions in national societies in order to assure some minimum level of security for their inhabitants.

But other signs pointed in a very different direction for American foreign policy. A paper produced by Pentagon planners during the senior Bush's presidency and leaked to the press (Tyler 1992) advocated the indefinite preservation of American strategic dominance, albeit, interesting enough, by avoiding exploitation of that dominance in ways other states would find threatening. The unilateralist tone of the Pentagon paper had a bi-partisan echo in an address made in the early years of the Clinton administration by its then United Nations Ambassador Madeleine Albright. In it she declared that the Clinton administration would use international organizations only to the extent they served to facilitate

achievement of U.S. interests, and would not hesitate to pursue U.S. goals unilaterally (Lippman 1993). Since the future Secretary of State invoked as exemplary instances of unilateral action the Reagan era invasion of the tiny Caribbean island of Grenada and Bush senior's invasion of Panama—military adventures widely seen as illegal under international law—Albright appeared to be announcing U.S. independence of the global order's core norms, as well as from its core institution: the United Nations.

Yet the Clinton administration's actual policies included attempts to secure Congressional appropriation of funds needed to pay U.S. budgetary arrears at the United Nations, support for international environmental treaties, and—at the very end of its mandate—signing the Statute of the International Criminal Court, the symbol-rich target of right-wing spleen. So, despite sounding occasionally like his right-wing critics, Clinton's policies were not out of line with the general movement—or at least the abstract preference—of American foreign policy during the 20th century in favor of the progressive expansion of international law to the end of regulating statecraft and even the internal behavior of states to the extent it shocks the conscience of the U.S. electorate. Nevertheless, to anyone anticipating a leap forward rather than a slight increment in the reach of international institutions and law, Clinton's policies had to be disappointing.

Among other reasons for his caution was the disappearance in the foreign policy arena of a certain discipline imposed by the high stakes of Soviet-American competition in the Cold War. With those stakes off the table, the arena of foreign policy became completely accessible to antagonists in the cultural wars that had been burning brightly in America since the Vietnam era. In that arena, the sort of unashamed definers of national interest in brutally competitive terms who echoed the contempt of the turn-of-the-century German elite for the arbitrament of law in international relations could coalition with right-wing religious groups sympathetic to manichean imagery and, opportunistically, with libertarians hostile to public regulation and management whether national or international (but also dubious about overseas adventures) and ethnic diasporas anxious to employ American power to defeat adversaries of their overseas kin, rather than to manage international conflict in accordance with general behavioral norms (Farer, forthcoming, 2004). As I have suggested, one of the bonds among these groups was hostility to the constraints on national discretion that international institutions, usually encapsulated as the United Nations, and international law were seen to impose. And for reasons too complex to summarize here²⁸ and, for that matter, not entirely clear,²⁹ during the two decades before the Clinton presidency, they had increasingly influenced the tone and imagery of political discourse.

The disputed presidential election of 2000 brought these disparate antagonists of the international-law-and-institution-building project to the centre of world power. Out went Clinton's mild incrementalism. In came a ferocious assault on the International Criminal Court, followed quickly by rejection of the proposed enforcement protocol to the Biological Weapons Convention, abortion of efforts to increase the transparency of the global financial system in order to reduce its complicity in official corruption, tax evasion and money laundering (O'Neill 2001), and repudiation (without tender of alternatives) of proposed restrictions on activities contributing to global warming (i.e. the Kyoto Protocol), to name the best known moves.

These and other acts and omissions, however inimical to the vision animating the founders of the UN Charter system, did not yet challenge the system itself. That challenge awaited the precipitating event of the 9/11 terrorist attack and the ensuing declaration of a right and a readiness to wage preventive (misleadingly labeled “pre-emptive”) war against any state whose actions or attitudes are deemed by

the government of the United States to constitute a threat, whether or not imminent, to the nation's security. Even with respect to states—as distinguished from shadowy terrorist organizations with no fixed address or sunk capital—the Administration proposed to eliminate rather than deter—to wage wars of choice against states that *could* become threats.³⁰ Such an expansion of the right of self defense is simply incompatible with the Charter system.

As a kind of corollary of its preventive war doctrine, the Bush administration announced its intention of restarting nuclear weapons development³¹ in order to create very low yield warheads that could notionally be used against buried command posts and laboratories (Hulse 2003a). In this way it assaulted another pillar of the system of order that evolved under the umbrella of the Charter, namely the implicit doctrine that, except possibly to avert nation-threatening strategic defeat, nuclear weapons would be used only to deter a nuclear attack or as a way of mitigating the consequences of one and of retaliating. Simultaneously, it violated at least the spirit of the nuclear non-proliferation treaty in which non-nuclear states relinquished the right to acquire such weapons in return for a promise of the nuclear powers to reduce their nuclear weapon stockpiles and work toward nuclear disarmament (Weinberg 2003). Hence the subtext of its declaration was an intention to rely on the threatened application of American power rather than a multilateral regime to limit the proliferation of nuclear weapons.

Unilateral enforcement of a selective non-proliferation regime challenged not just the Charter but the entire four-century old system of state sovereignty with its corollary of equal legal rights. For what is more central to the idea of sovereignty than discretion to determine how best to defend the sovereign state's political independence and territorial integrity? It is one thing for states to relinquish by treaty the right to choose weapon systems most likely to deter attack. What is left of sovereignty if a single state, acting unilaterally, can deny to others the one weapon which might deter it from imposing its will on any and every issue?

III. THE PROSPECT FOR INTERNATIONAL LEGAL ORDER IN LIGHT OF IRAQ

The escalating costs of the Iraq occupation, and the refusal of certain important states to contemplate helping bear them without the Security Council's assuming a prominent role in overseeing the political transition in that country, has to be a learning experience, however unwelcome. One lesson is that most of the world, the developed as well as developing, clings to the essential elements of the system of order provided by the Charter's substantive and procedural rules. Above all, there remains powerful support for the presumptive invalidity of any armed intervention by one state in another without Security Council authorization or, at least in Africa, without authorization by a regional organization.

The Bush Administration has given no indication that it is unsympathetic to this broad consensus in favor of restraints on unilateral recourse to force, so long as the rules do not apply to it. That is hardly surprising. From the parochial perspective of a Unipower, the happiest normative world is one in which it alone or it and whatever other country it anoints, are uniquely licensed to use force for purposes other than self defense against an actual or imminent attack. Most other countries, however, seem indisposed to license exceptions for the countries that deem themselves exceptional. So we are, for the moment, at an impasse.

Normative dissonance in the core security realm coexists, of course, with the diurnal invocation of allegedly authoritative rules and principles in the various parts of the archipelago of transnational

regimes. Governments process asylum and extradition requests, enforce fishing regulations in zones defined by the Law of the Sea Treaty, try in some measure to protect endangered species, comply in varying degrees with the rules of the World Trade Organization, and so on. The dynamics of transnational social life generate expectations, and the power of reciprocity enforces a fair measure of respect for norms, just as convenience, and efficiency, and inertia foster a degree of support for the institutions in which many of them are embedded, elaborated, and executed. But in the absence of any collective experience of being part of an integrated system of order reflecting and protecting the deepest values of its subjects, respect for expectations, I propose and fear, rests only on immediate calculations of utility, and that is precarious ground on which to stand in hard times or when faced with issues that cut across the grain of important domestic interest groups.

A generalized reduction in the authority (and hence pull toward compliance) of international law and multilateral institutions is only one of the possible costs stemming from the present reluctance of the United States to accept normative restraints on its own choices concerning the ends and means of statecraft. More immediately important is its potential impact on the norms and processes for limiting the use of force and on the efforts to strengthen restraints on the further development and deployment of weapons of mass destruction. But the gravest probable side effects stemming from the Bush administration's hostility to the international-law-and-institution-building project are what the economists call "opportunity costs."

The states with the collective capacity to act are not addressing effectively either the misery scattered in wide swathes around the globe or the not wholly unrelated sources of both nihilistic and instrumental violence that are ravaging human and eroding the foundations of national security. The diffusion and stunning enhancement of technological knowledge and its products, along with the population explosion, urbanization, increased environmental pressures, wrenching challenges to traditional belief systems and identities, and unprecedented levels of political, economic, social, and cultural inter-penetration will continue to generate or intensify pathologies, including searing inequalities in life chances, that will not heal themselves. With varying degrees of co-operation and success, national elites confront certain symptoms—like transnational terror networks, or genocidal conflicts, or starvation, that catch the eye in some wretched place by vastly exceeding the quotidian tragedy of death from malnutrition—but at most, poke desultorily at their roots.

Going to the roots requires levels of resources, human and material, that no one state or even the NATO states together can deploy.³² Only a concert that includes the most important non-Western states could gather the requisite aura of legitimacy and irresistible power. In a sense, the concert would be a multilateral hegemonic project, but the hegemon in this case would be constituted by elites governing, in most, but not all cases, democratically a majority of the world's peoples though only a small number of its notional states.

At the time of its adoption, the UN Charter purported, but actually failed, to embody great-power commitment to global governance at least in the key area of peace and security, because the two superpowers were already girding for a traditional great power grapple and lesser states were clinging to their empires. While the Cold War's end seemed to offer a new opportunity for replacing the traditional competitive state system with an historically unprecedented co-operative one, neither the Unipower nor important regional actors like China, Russia, and France were psychologically disposed to transform—as distinguished from very incrementally adjusting—a structure marked by limited co-operation often negotiated bi-laterally one issue at a time. NATO's inability to secure

Security Council sanction for intervention in Kosovo underscored the limits. And shortly thereafter, when the current American administration replaced Clinton's, the United States began withdrawing even from the incipient order-building project that had lumbered glacially forward during the Cold War and accelerated very modestly in its immediate aftermath when the "like-minded" medium and small states, led by Canada and Norway,³³ tried to improve human security through an International Criminal Court, the Conventions on Child Soldiering and Landmines, and other initiatives rejected by American conservatives.

The terrorist attack of 9/11 left no ground for complacency about the conditions of the global status quo. But instead of animating a renewed search for a co-operative order, it initially empowered U.S. advocates of a violent, imperial project to reconstruct a recalcitrant world—the American Prometheus unbound.³⁴ Now, however, following the shambolic execution of their first step to that end, amidst a rising tide of popular hostility even among the polities of traditional allies (never mind those of hitherto moderate Islamic societies like Indonesia and Malaysia), the advocates of an imposed new order have lost the initiative (see Pew Research Center 2002).

That loss could be temporary, however, awaiting only a new act of catastrophic terrorism. For the warriors of the right, unlike many of their scattered opponents, recognize the volatile and dangerous conditions in which we live and offer a transformational vision. An anarchical system of sovereign states is compatible with American and, indeed, human security, they argue, only when all its constituents are capitalist democracies.³⁵ Hence the American superpower, with the aid of the willing, must shatter the Westphalian frame and impose an inegalitarian order, constraining the sovereignty of states deemed dangerous or feckless, while fostering over time—by whatever means prove efficient in given cases—the reshaping of authoritarian nations in the image of democratic capitalism.

Iconic invocations of the United Nations as an alternative means of order cannot compete with this proactive project. As presently constituted, the institution, despite its brilliant Secretary-General, does not measure up either to the immediate, or to the deeper threats to order, sketched above. Invoking it amounts to nothing more than an affirmation of sluggish incrementalism in the face of catastrophic risks. Calls for institutional reform, particularly of the Security Council, also have little political traction particularly within the unipower, at least in part because the envisioned reforms by themselves (adding members and possibly limiting the veto) appear to be and are largely formal responses to a substantive challenge. Conservatives make a persuasive case for the proposition that, in the world as it has become, a system of order guided and inspired primarily by the negative virtue of mutual tolerance is a ship with many captains—a few even homicidal—pulling on the wheel as the iceberg nears.

The multilateral alternative to the unilateralist project must match the latter's visionary response to the present and prospective danger. In order to match, it too would have to move beyond Westphalian anarchy, but the departure would be far less abrupt and the break more narrow. From the beginning, after all, there were hierarchical elements in the Charter system coinciding with its purification of the Westphalian paradigm. How else can one describe the Charter's allocation of enforcement powers to a Security Council of only fifteen members, five of them permanent and endowed with veto power and, as originally conceived, power to direct UN military operations through the medium of officers drawn from their respective armed forces?³⁶ Moreover, since the Charter did not provide for World Court review of Security Council decisions, arguably it accorded to the Security Council unlimited authority to determine not only the nature and duration of enforcement measures, but also the existence of the jurisdictional conditions—"a threat to the peace"—requisite for applying them.

Over the past decade or so, the Council has authorized the use of coercion, economic sanctions, and force in pursuance of ends going well beyond the prevention, limitation, or termination of inter-state conflicts and the full-scale civil wars spilling dangerously across borders that were the focus of concern at the time of the Charter's adoption. In doing so, it built on a precedent from the 1970s when it had found the white racist de facto government of Southern Rhodesia (now Zimbabwe) to be a threat to the peace even though at the time it was facing little internal resistance and so did not need to pursue its dissidents across neighboring frontiers (McDougal and Reisman 1968).

The nub of the matter, then, is that a system of global governance characterized by close co-operation among today's leading states within the framework of the Security Council—for instance to force the termination of a suspected WMD development program, or to resolve an incipient ethnic conflict, or remove a government committing gross violations of human rights, or to assume stewardship over a state foundering in the hands of kleptocrats—would not be entirely alien to the Charter paradigm, although it would be a great leap beyond the status quo. Only such a leap, however, is likely to reach the accumulating challenges of our era. With the exception of Rhodesia (a residual case of decolonization), and the first intervention in Haiti (where in effect the UN was endorsing a regional organization's judgment about who constituted a country's legitimate government (Malone 1998), the Council has concerned itself with the internal conditions of states only in instances of humanitarian crisis-famine, genocide, or mass slaughter—and even then, only erratically. But it has never authorized intervention to deal with the chronic violators of human rights; regimes that survive through such regular applications of torture, arbitrary detention, and exemplary assassination that they come to seem normal, much less regimes like the Angolan that torture and maim their citizens indirectly by stealing the national patrimony rather than producing public goods or, like the Libyan one, appropriate much of the patrimony to support a dictator's fantasies.

As far as one can tell, no proposal for threatening the delinquents in any such case with ejection and the transitional placement of their battered polities under United Nations trusteeships, possibly coupled with positive incentives to the miscreants for pre-emptive reform, has ever been contemplated, much less put on the agenda. And for that there have been at least three reasons. One was the previous lack of American interest in the reconstruction of awful but not utterly failed states. Another was the certain opposition within the Council both from one or more of the Permanent Members and of representatives from the developing world, filled as parts of it are with regimes of the sort just described. A third was the absence of a mandate or a mechanism for developing comprehensive plans for the correction of those state structures that guarantee the perpetuation of mass poverty, joblessness, functional illiteracy, chronic illness, and accumulating alienation from the new global order. At least with respect to the Middle East, the first of those reasons no longer prevails, possibly pending the outcome and ultimate cost to the United States of intervention in Iraq. The second and third, the latter being largely determined by the former, remain bars to action.

A multilateral project liable to compete politically with the unilateral one that dominates the present Presidential Administration in the United States must include a strategy for inducing their removal. The only conceivable means to that end would be an historic compromise between the American Unipower and the next stratum of consequential states. The former would rejoin the great architectural project—begun with American support after World War II—to construct a normative and institutional system sufficient for the tasks of global governance. Rejoining requires that the United States surrender its claim of entitlement to exceptional status and its disinclination to reconcile its preferred means and goals with those of other states. The latter would have to embrace the idea that the primary purpose

of governance must be positive action by all means necessary to protect the common good, whether in the face of immediate, or of merely developing threats, to peace and security, and the relevant security would be declared that of human beings, not merely of “states” which has been a euphemism for any elite in control of a determinate national territory. Such a compact between the hegemon and the next tier of consequential states would carry the seed of a real legal order encompassing and vitalizing the current archipelago of regimes. The historical conditions in which the elites of potential concert members find themselves give them a breadth of common interests without historical parallel, and yet they continue to rely primarily on the antiquated instrument of bilateral diplomacy to coordinate cooperation, where they are inclined to cooperate, and to avoid or mitigate conflict.

The move to collaboration can be accomplished within the framework of the United Nations and without reform of the Security Council. If there can be a Group of Eight self-tasked primarily with coordinating action in the economic realm, there can be a Group of Ten, Twelve or Fifteen, for that matter, accepting wider responsibilities, meeting regularly at the Ministerial and even more frequently at the higher bureaucratic levels to coordinate policy. It could be supported either by an independent secretariat or one custom-built within the UN, in either event drawing on national and international institutions for intelligence to assist it in identifying and prioritizing issues and developing operational plans for coordinated action using all the instruments of statecraft. Once approved by the relevant governments, where the execution of plans required armed intervention, they would be brought formally to the Security Council for authorization. Since in the first instance, the concert would certainly include all of the Permanent Members plus India, Japan, Germany, Brazil, and possibly such emerging market states as South Africa, Turkey, Indonesia, and Mexico, one could reasonably anticipate approval even from an unreformed Council.

The concert would be open to additional members sharing its commitments (and able to contribute substantially) to extending the benefits of a globally integrated economy, mitigating the painful incidents of growth and planetary integration, limiting the spread of weapons of mass destruction, battling transnational terrorist groups and commercial mafias, and deterring illicit force, and crimes against humanity. Based on those constitutive principles, a group of such diversity, size, and power should be able to endow decisions of the Security Council reflecting the group’s previously negotiated consensus with greater legitimacy than those decisions enjoy today, in part because the concert’s backing would induce the expectation of effective enforcement.

Legitimacy, of course, is a matter of degree. The world confronts a clash not of civilizations but of cultures: the humanist on the one hand, and the chauvinist/chiliast, on the other—a clash that is internal to each historic civilization. The concert and its purposes are expressions and instruments of the humanist project. They are concerned with spreading to all peoples the good things of this world and they call for co-operation and tolerance across national, religious, and ethnic lines. Thus they are implicitly hostile to the world views of nationalist fanatics and religious extremists all over the world, not least in the United States.

IV. CONCLUSION

Movement toward such a concert of leading states may have to await disasters more awful than 9/11, or it may be driven by the steady accumulation of costs to order and welfare evidencing ever more vividly the insufficiency of the present patchwork of contested norms and uncoordinated, generally weak institutions. Or it may not occur at all. Whatever its insufficiencies, the present order of things,

like any established allocation of power and authority and wealth, has about it an aura of inevitability and is encrusted with accumulations of interest furiously resistant to change. The easiest response to traumas large and small is supposing that doing more of the same but with greater energy and larger resources will pre-empt new ones.

Like the man with a hammer seeing all problems as nails, the U.S. with its hypertrophied military power (Kennedy 2003) is inclined to see problems as amenable to military solutions, a tendency aggravated by the remarkably effective ideological assault within the country on the idea of public authority as an instrument for addressing inequalities of wealth and power and also by the appeal to significant electoral groups of manichaeian and apocalyptic templates for identifying threats and prescribing responses (Didion 2003).

Washington nevertheless remains the more plausible source of any initiative to fashion an effective concert. Such an initiative could begin with a deceptively modest call for regular consultation among the states in question assisted by a planning secretariat consisting of seconded experts and a directorate of senior officials, one from each state with direct access to their respective heads of government. In theory, of course, a group of Washington's potential partners could shape such a proposal, thereby strengthening the hand of American multilateralists. But given their heterogeneity, their habit of dealing with the United States bi-laterally, and their individual political and social preoccupations (as well as the sensitivity of most non-European national elites to measures and precedents tending to shrink their own sovereign prerogatives), as a group they are unlikely instigators of new architectural proposals. And proposals emanating only from the Europeans may lack the heft needed to engage American interest.

"Old ideas," John Dewey wrote almost a century ago, "give way slowly; for they are more than abstract logical forms and categories. They are habits, predispositions, deeply ingrained attitudes of aversion and preference." (Thomas Tripp 1970, p. 441) The realist assumption that co-operation among powerful states can never be more than a matter of temporary expedience, a mere tactic in the immutable struggle for power, is an old idea lodged in the consciousness of most governing elites. Yet in the face of the present grave threats to the security and affluence of the powerful, some once confirmed realists are beginning to move toward the constructivist view that identities and interests are plastic. Once the personification of the realist optic in public affairs, former Secretary of State Henry Kissinger (1999) advocates U.S. engagement with China, rejecting the call for restraint on economic intercourse in order to slow China's growth (Mearsheimer 2001: pp. 401-402). A legal order based on a concert of leading states is possible, if the constructivist intuition gains similar converts.

CHINA'S SEARCH FOR ENERGY SECURITY IN THE GLOBAL STAGE AND ITS RELATIONS WITH ASIA-PACIFIC COUNTRIES

SUISHENG ZHAO

China shifted from a net petroleum exporter to a net importing country in 1993. Its dependence on overseas energy supplies has increased steadily since then. According to Chinese official figures, the rate of China's reliance upon imported petroleum (percentage of petroleum import vs. petroleum consumption) increased from 6.71% in 1993 to 29.63% in 2002. In 2003, China's oil import increased 30% over 2002 and reached 80 million tons of oil, equal to nearly 30% of its total oil demand, overtaking Japan to become the second-largest oil importer and consumer in the world, accounting for 12.1% of the global energy consumption, second only after the United States' 24%. The trend of reliance on energy imports is projected to continue. China's oil import will account for 61% of the country's estimated demand by 2010 and 77% by 2020.

China's rising oil import is a result of a rapid energy demand increase as economic growth has produced hungry basic industries that devour electricity and fuels a mushrooming middle class that embraces automobiles, air travel, and modern apartment buildings and consumes growing quantities of heating oil and gasoline. China's whole modernization strategy has been based on access to abundant supplies of energy to support voracious energy-gobbling industries such as steel, construction, cement, and manufacturing. Analysts expect some 56 million cars, minivans, and sport-utility vehicles to be rolling on China's highways by 2010, more than twice the number today. By 2020, the country's demand for oil will nearly double, to 11 million barrels a day, natural gas consumption will more than triple, to 3.6 trillion cubic feet annually, and coal use will grow by 76%, to 2.4 billion tons a year.

I. CHINA'S DEPENDENCE ON FOREIGN OIL AND SEARCH FOR ENERGY SECURITY

China's domestic oil production meets about two-thirds of the country's crude oil needs today. The gap between domestic supply and demand has been increasing. Chinese government estimates that it will need 600 million tons of crude oil a year by 2020, more than triple its expected output. China's pursuit of a stable energy supply from both domestic and foreign resources, thus, is all about maintaining the nation's strong economic growth, which has become a linchpin to social stability and ultimately the regime legitimacy of the Chinese Communist Party (CCP) as well as the foundation for China's rising power aspirations. That is why Zheng Bijian, a senior aide to Chinese President Hu Jintao, listed the shortage of resources, especially energy, as the first of three fundamental challenges to China's rise in the 21st century in his speech at 2005 Boao Forum.

The Chinese government has taken many initiatives to cope with the nation's energy shortage. In the domestic front, the government has implemented an intensive reorganization of the energy sector since the 1990s. While China established a Ministry of Energy in 1988, it was reorganized into the ministry-level corporations to run the highly centralized petroleum and nuclear industries in 1990. The most important ministry-level oil corporations are the China National Petroleum Corporation (CNPC), which was assigned responsibilities mostly in China's north and west, and the China Petroleum and Chemical Corporation (Sinopec) in the south. CNPC has more than two-thirds of China's crude oil production capacity, while Sinopec controls more than half of China's refining capacity.

Moreover, Sinopec is the primary importing company for crude oil. Other ministry-level corporations include the China National Offshore Oil Corporation (CNOOC), which handles offshore exploration and production, China National Star Petroleum (CNSP), China National Nuclear Industry Corporation, and China National Energy Investment Corporation. Below the ministry-level corporations are energy sub-ministries and affiliated national corporations, which run the less centralized electric power and coal industries. As China's demand for energy has promoted concerns of its vulnerability to any threat to energy supplies, a leading group headed by Premier Wen Jiabao was established by the State Council to oversee the energy development and security as well as international co-operation within the energy sector in May of 2005. The group members include Vice-Premiers Huang Ju and Zeng Peiyan and 13 top leaders from the country's major ministries and administrations.

In addition, Beijing has stepped up exploration activities within its own borders and made a strategy to improve energy efficiency, promote energy conservation, develop alternative fuels, and encourage investment into energy-friendly technologies such as hydrogen-powered fuel cells and coal gasification. In response to the skyrocketing oil price in the international market, the Chinese government has raised the domestic retail price of gasoline several times since August 2004 and imposed steep taxes on cars and sport utility vehicles with gas-guzzling engines in late 2005. The Chinese government has begun building a 90 day strategic reserve of crude oil, based on U.S. and European models, which would protect China's industries and military against sudden disruption of oil supplies. This strategic reserve, located in Zhejiang province, near the East China Sea, south of Shanghai, is expected to be ready by 2009.

In the meantime, the Chinese government has actively sought energy resources on the world stage as China's future political stability depends more and more on continued economic growth fueled by readily available, affordable energy supplies from foreign sources. While China's ninth five-year plan from 1995-2000 called for, among other things, improving energy efficiency by 5% annually, in part by acquiring modern technology, the tenth five-year plan from 2001-2005 added a call for seeking international sources of oil and gas. As one indicator of this new strategic move, CNPC, in the late 1990s, began to transform into a multinational company with the goal to emulate the ExxonMobil model, with overseas production accounting for 60-70% of profits. Its international subsidiary flagships are CNPC International (CNPCI) and China National Oil and Gas Exploration Development Corporation (CNODC). Since 2003, the company has signed more than 20 contracts to explore or purchase production facilities in 12 countries, including Peru, Tunisia, Azerbaijan, and Mauritania. In 2004, the company's production of natural gas at overseas facilities nearly doubled from the previous year and its overseas oil production climbed by one-fifth.

Soon after taking over offices in 2002, President Hu Jintao and Premier Wen Jiabao decided that securing reliable supplies of petroleum and other scarce resources was not only crucial to sustained economic development, but also integral to China's national security. As a result, the Chinese search for energy security has played a more and more important role in shaping China's foreign relations. China has intensified its efforts to invest in and deepen political relationships with energy producing countries around the world.

In particular, China has become an active player in the Middle East where Beijing used to consider it a remote area to China's strategic interests. As the Middle East holds roughly two-thirds of the world's oil and has accounted for the majority of China's oil imports, China has made a great effort to forge ties with all oil-rich Middle East Countries, making deals in transportation and technology, showcasing its consumer goods and shoring up agreements to meet its enormous energy needs. According to the

National Bureau of Statistics in China, trade volume between China and the six countries of the Gulf Cooperation Council—the United Arab Emirates, Saudi Arabia, Bahrain, Kuwait, Qatar, and Oman—reached \$20 billion in 2004, up from \$16.9 billion in 2003. China and the Gulf Cooperation Council countries began talks to try to strike a free trade agreement in the summer of 2004.

The surge in trade and other economic interactions have come largely through China's selling military equipment and technology and investing in industries and energy infrastructure in the gulf nations pairing up to get oil and natural gas to China. In one of the biggest deals of a busy year between China and the gulf, the Sinopec signed an agreement in March of 2004 with Saudi Aramco to spend \$300 million to develop natural gas resources in Saudi Arabia near the Ghawar field. In addition to Saudi Arabia, Iran is the largest Middle East oil supplier to China. In March 2004, the SINOPEC signed a \$100 million deal with Iran to import 10 million tons of liquefied natural gas over a 25-year period in exchange for Chinese investment in Iran's oil and gas exploration, petrochemical, and pipeline infrastructure. The total deal, worth \$70 billion, makes China the number one importer of Iranian energy. Growing Sino-Iranian relations are undermining U.S. sanctions against Iran as China has opposed bringing the controversy over Iran's uranium enrichment program before the UN Security Council and has even threatened to veto any resolution that is brought against Iran. The Bush administration has sanctioned Chinese companies many times for violating U.S. or international controls on the transfer of weapons technology to Iran and other states.

As a result of its heavy dependency on Middle East Oil and America's military and political dominance in the region, after the Iraq War in 2003, China embarked on a path to ensure energy security by diversifying supply beyond Middle Eastern sources. Before the war, China's view of the global energy map focused mostly on the Middle East. Iraq was regarded as one well-supplied country. To develop some of Iraq's more promising reserves, Beijing advocated lifting the United Nations sanctions that prevented investment in Iraq's oil patch and limited sales of its production. China had been waiting for the end of sanctions to begin work on the Al-Ahdab field in central Iraq, under a \$1.3 billion contract signed in 1997 by its largest state-owned firm, China National Petroleum Corp. The field's production potential was estimated at 90,000 barrels a day. China was also pursuing rights to a far bigger prize—the Halfayah field, which could produce 300,000 barrels a day. Together, those two fields might have delivered quantities equivalent to 13 percent of China's current domestic production. When the United States went to war in Iraq in 2003, the war not only wiped out China's stakes in Iraq but also reshaped China's basic conception of the geopolitics of oil. To avoid the zero-sum contest for Middle Eastern energy supplies with the world's only superpower, Beijing had to lessen dependence on Middle East supplies and intensify its search for new stocks in other parts of the world, including Africa, Latin America, and neighboring Asian countries.

This new strategy encourages Chinese state-owned oil corporations to secure investment agreements involving energy exploration, pipelines, and refinery facilities with all states around the world that produce oil, gas, and other resources. China has successfully expanded its relations with many oil rich countries in Africa, which supplied 28.7% of China's total crude oil imports in 2004. In some cases of expanding relations with African countries, China has come to challenge U.S. interests. It started oil investments in Sudan, a country accused by the U.S. of genocide in its Western region of Darfur, in the mid-1990s. Sudanese oil began pumping in 1999 and has become China's first successful overseas effort to produce significant output. Sudanese output now accounts for the majority of CNPC production. China also signed a \$300 million, 10 million barrel crude purchase agreement with Libya, another country that has been under U.S. sanction, in 2004.

A relatively newcomer to Latin America, China has moved quickly to become an important trade partner with many countries in the region. Chinese Vice-President Zheng Qinghong made a historical tour of three Latin American countries and signed multi-billion agreements for investment in oil, gas and other projects in January of 2005. One of the major outcomes of this tour was a series of oil exploration and purchase agreements with Venezuela under anti-American president Hugo Chavez, who has made no secret of his concern about his country's dependence on oil exports to the U.S. building his popularity at home by tapping anti-American sentiment. The fifth largest oil producer, Venezuela, has shipped more than 60% of its crude oil to the U.S. and provided the U.S. with 13-15% of its oil imports in recent years. The Sino-Venezuelan agreements committed CNPC, which already separates two Venezuelan oil fields, to spend over \$400 million in developing Venezuelan oil and gas reserves, and thus it may divert oil from the U.S. to China.

China's energy diversification strategy is welcome by some developing countries as it has not only allowed them to exploit as yet untapped resources, but also allowed them to gain leverage to negotiate better deals with other oil-importing countries. However, this strategy has stepped on the toes of the United States, the world's largest energy consumer, and raised concerns among some in the United States that China is not only potentially challenging the United States' historic dominance in Africa, Latin America, and Asia but also undermining Western efforts to promote transparency and human rights in these developing countries, damaging U.S. interests and values. It is particularly a concern of the U.S., as China has pursued deals with countries that are off-limits to Western companies because of sanctions, security concerns, or the threat of bad publicity. Some observers have worried that China's active quest to secure energy supplies in Africa and Latin America may have fueled an energy cold war. In this case, it is not totally a surprise to see that when CNOOC put together an 18.5-billion-dollar takeover bid for the California firm, Unocal Corp., in early 2005, the fierce opposition in U.S. Congress prompted CNOOC to abandon the bid. However, from a Chinese perspective, implementation of the diversification strategy has born fruit as China's Middle East oil imports were reduced from 50.9% of total imports in 2004 to 45% in 2005.

II. CHINA'S PERIPHERY POLICY AND ENERGY SEARCH IN CENTRAL ASIA

Other than Africa and Latin America, China's energy resource diversification strategy has also put a mark on its relations with the nations of the Asia-Pacific region, where China has for centuries engaged in competition for leadership and now has joined a new competition to access energy resources close to home. If oil supplies are secured in this region, it may certainly limit China's dependence on cross-ocean oil shipping. China often calls its Asia-Pacific neighbors "periphery countries" (zhoubian guojia). After China launched market-oriented economic reform and opened up to the outside world in the early 1980s, reform-minded Chinese leaders have made a deliberate effort to devise an integrated regional policy, known as "zhoubian zhengce" (periphery policy) or "mulin zhengce" (good neighboring policy).

Although energy supply was almost a non-issue when China's good-neighboring policy took shape in the 1980s, Siberia's energy resource has become one of the major priorities for China in bilateral ties with Russia. In particular, the search for energy resources has greatly deepened China's relations with the Central Asian states, particularly Kazakhstan. Central Asia was relatively remote to Chinese foreign policy during the Soviet occupation. After the end of the Cold War, China demonstrated growing interest in the energy resource-rich expanses of the Caspian Basin, which may determine whether or not

China's economy continues to grow or stalls from lack of fuel and ethnic friction. Securing its relations with these Central Asian countries, therefore, is crucially important to ensure not only China's border area stability but also energy supply, or as a Wall Street Journal report indicated, to "buttress the twin pillars of its future economic growth: political stability and plentiful energy."

To maintain good relations with Russia and the Central Asian states, Chinese president Jiang Zemin initiated a "Treaty of Enhancing Military Mutual Trust in the Border Areas," which was signed by China, Russia, Kazakhstan, Tajikistan, and Kyrgyzstan in Shanghai in April 1996. This group was then known as the "Shanghai Five." The Shanghai Five was originally designed as a talking shop on minor issues of borders and territory among China and its Central Asian neighbors. Yet in a few short years, the group began to address political and military questions, and shared problems like organized crime. The five countries signed a "Treaty of Mutual Reduction of Military Forces in the Border Areas" in April of 1997. At its June, 2001 meeting in Beijing, the Shanghai Five accepted a new member, Uzbekistan, and agreed to meet under a new name, the Shanghai Cooperation Organization (SCO), which Chinese president Jiang called the "Shanghai Pact." Since the September 11th attack in the U.S., the SCO has increasingly focused on security issues. These six countries agreed on political, military, and intelligence cooperation for the purpose of "cracking down on terrorism, separatism, extremism" and to maintain "regional security." It announced in November 2002 that an anti-terrorism center was established in Bishkek, Kyrgyzstan, with a secretariat in Beijing.

While China's initial consideration was border area security, the important issue on the agenda for China's relations with the Central Asian states quickly became energy security as these countries, particularly Kazakhstan, could be an excellent source for China's energy supplies. Oil from the Caspian has traditionally been exported to Russia, or more recently to Western markets via the Black Sea. Some Central Asian countries are now looking for new markets for expanding production. The vast and growing energy market in China is attractive. Beijing has, therefore, been cultivating economic ties with Central Asia countries. A *Beijing Review* article told these countries that, "The large oil market in China is no doubt a big magnet to Central Asian countries that are placing priority in energy industry development." Beijing certainly took note that energy cooperation, for the first time, became one of the hotly discussed issues at the 2004 SCO summit held in Tashkent, Uzbekistan. In July of 2005, Chinese President Hu Jintao visited Kazakhstan and signed agreements aimed at developing a "strategic partnership with the Central Asian republic."

Kazakhstan's economy has grown strongly in recent years, to a great extent, due to foreign investment in oil and gas production around the Caspian Sea. China, largely through the China National Petroleum Company (CNPC), has invested heavily in several oil and gas fields in Kazakhstan. CNPC owns 85.42% of Aktobemunaigas Corporation (now CNPC Aktobe), 100% of the Bars exploration and development block formerly owned by Nimir Petroleum Bars Holding BV of Great Britain, and 50% of the North Buzachi oil and gas field located in northwest Kazakhstan, also formerly of Nimir and Chevron Texaco. In the summer of 2005, CNPC outbid the Indian state-owned company Oil and Natural Gas in reaching a deal to acquire PetroKazakhstan for \$4.18 billion. The transaction has been the biggest overseas Chinese acquisition so far, Lenovo's purchase of IBM's personal computer unit for \$1.25 billion, completed in May 2005, was the second. The acquisition of PetroKazakhstan was feted in China as a major victory at a time the country was still smarting from the failed attempt by the China National Offshore Oil Corp Ltd. (CNOOC) to bid for Unocal Corp.

As it was reported, "PetroKazakhstan's acceptance of the CNPC bid is a consolation prize for China's oil industry after another state-controlled Chinese company, CNOOC, withdrew an \$18.5 billion offer for

Unocal on Aug. 2 after encountering strong opposition in the U.S. Congress.” PetroKazakhstan, based in Calgary, Canada, but managed from Windsor, England, is Kazakhstan’s second biggest foreign-owned energy venture and has been operating there for eight years. It is a considerably smaller company than Unocal, and without Unocal’s extensive natural gas reserves or Unocal’s reputation for high technology. But its main asset lies in its full ownership of one field, Kumkol South, and half-ownership of two smaller ones, Kumkol North and Germunaigaz, locked in the heart of Central Asia, and the company’s ability to operate in Kazakhstan. CNPC’s interest in PetroKazakhstan will help solidify its position in Kazakhstan, primarily because the target company is one of the top operators in the country. It was also reported that CNOOC Corp., after dropping its bid for U.S.-based Unocal Corp, signed a memorandum in Beijing on August 31, 2005 to cooperate with CNPC and Kazakhstan’s state-owned oil and gas company KazMunaiGaz on jointly exploring oil and gas in the northern Caspian Sea.

Making these acquisitions and investments in oil fields, China has launched a major construction project to build a 3,000 km pipeline across the plains of central Kazakhstan for exporting oil to China’s western province of Xinjiang through a landmark agreement signed in 1997. When the original agreement was signed, the 3,000-kilometer pipeline made little commercial sense. Instead, the deal was part of Beijing’s strategic efforts to partner with Central Asian nations to protect against potential pro-independent uprisings along the Xinjiang boarder and to counter growing U.S. presence in the region. That is why after seven years only the first 400 kilometers of the pipeline were completed. China began to push for the construction of the second session in recent years. The CNPC and Kazakstan’s KazMunaiGaz in May 2004 signed an agreement that the two companies will jointly invest in the construction of the second section of the trans-border trunk line, a 1,240-kilometer-long pipeline from Atasu in northwestern Kazakstan to the border of China’s Xinjiang. The recent push to complete the second section of the project demonstrates Beijing’s latest yearning to lock in new energy supplies and diversify away from Middle Eastern oil. The pipeline’s initial capacity is expected to hit 10 million tons of crude oil a year after its completion in 2005. When completed, the three-section trunk line of a total 3,000 kilometers would be able to deliver up to 20 million tons of Caspian Sea crude to western China annually. Before the signing ceremony, President Hu Jintao told the visiting President of Kazakstan, Nursultan Nazarbayev, “Focusing on the construction of Sino-Kazakh oil pipeline, the two nations should seek new breakthroughs in their co-operation of energy sources.” Indeed, these agreements indicate the Chinese determination in accruing oil and gas fields in Central Asia.

III. ENERGY SECURITY AND CONFLICTS WITH MARITIME ASIAN NEIGHBORS

Although securing the need for energy has encouraged China to engage with many neighboring countries on good terms, latent in the new strive for energy is a rise of conflicting, rather than common, interests with some countries that either have disputes over potentially resource-rich territories or are competitors for energy resources. China has not hesitated to flex its well-oiled muscles against competitors in the region. China’s thirst for foreign energy to power its economic emergence, therefore, has sparked concerns of many Asia-Pacific countries.

China’s neighbors that have border disputes over potentially energy-rich maritime areas have been particularly nervous. Other than sovereignty principles, maritime energy resources have become an increasingly difficult factor in settling these territorial disputes. China’s unquenchable thirst for petroleum has flared up in its dispute with some of Southeast Asian nations over their claims to the Spratly Islands in the South China Sea and have complicated Beijing’s effort to peacefully settle the

territorial dispute with Japan over the group of supposedly oil-rich islands claimed by China as the Diaoyus, and by Japan as the Senkakus.

It is in China's vital interest to secure its position in the South China Sea, particularly the narrow Malacca Strait, as 80% of China's oil imports flow through the 630 mile-long strait, which is just 1.5 miles wide at its narrowest point. Beijing draws a maritime boundary running from Taiwan southwestward virtually along the coasts of the Philippines and East Malaysia and Brunei and then northward more or less along the coast of Vietnam. The Philippines, Malaysia, Brunei, and Vietnam have disputed this claim. While Beijing has showed a certain degree of flexibility by suggesting "shelving the disputes and working for joint development" (*gezhi zhengyi, gongtong kaifa*), China's maritime neighbors have been very assertive in contesting Beijing's sovereignty claims.

China's position has been criticized and even ridiculed by other claimants in the South China Sea. A particular source of tension derives from the volatile relations between China and Vietnam. Although Beijing and Hanoi reached an agreement in defining their disputed 1,300-kilometer land border after Chinese Premier Zhu Rongji visited Vietnam in December 1999, no resolution was found over the two large islands groups—the Paracels (or Xisha and Zhongshao), which China has occupied since 1974 and over which it had military clashes with Vietnam in 1988 and 1992. Vietnam occupies most of the Spratlys to which China claims sovereignty. In early 2004 Vietnam announced that it would start commercial flights and tours of the disputed Spratlys and PetroVietnam would welcome international bids for drilling and exploration activities in the disputed waters. Beijing protested that Hanoi's actions "impinged upon China's territorial sovereignty."

The Chinese foreign ministry has also decried efforts by some other Southeast Asian countries to invite multinationals to explore oil and gas in the Spratlys. On October 26, 2004, a partnership of Malaysia's Petronas Carigali Overseas, American Technology Inc., Singapore Petroleum Co., and Petrovietnam's Petroleum Investment and Development Co. announced it had discovered oil at its offshore Yen Tu oilfield, 43 miles off Haiphong, with a preliminary estimate of reserves at 181 million barrels. On the same day, Chinese Foreign Ministry spokesman Zhang Qiyue noted that "China is seriously concerned and strongly dissatisfied."

Although exercising sovereignty over the disputed territories is crucially important for Beijing's leaders, it is certainly an extremely difficult decision for them to squander China's military resources and their political capital to seize these barren flyspecks. That is why China signed the "Code of Conduct in the South China Sea" with the Association of South East Asian Nations (ASEAN), committing all signatories to peaceful resolutions of outstanding issues. As one observer indicated, "While predicting future Chinese actions is difficult, it would seem that China is willing to modify its historic claims in return for increased access to indigenous energy reserves." China also signed with ASEAN the Treaty of Amity of Friendship and Cooperation in 2003 and the 2002 "Declaration on the Conduct of Parties in the South China Sea." However, tensions remain. In violation of the 2002 agreement, five states have permanent military garrisons on the atolls in addition to surveillance facilities under the guise of "bird watching" towers, weather huts, and tourist facilities. The fact that Taiwan is not a signatory to any of these agreements is also a cause for concern.

The dispute between China and Japan over the Diaoyu/Senkaku Islands has been a recurring issue since 1970 when the U.S. decided to hand the disputed islands over to Japan along with the islands of Okinawa. Because neither Japan nor China made a convincing case for sovereignty over the islands,

the two governments essentially agreed to put off the issue. However, the energy imperative has gradually changed Beijing's strategy regarding the Daoyu islands. Both China and Japan are net oil importers, with Japan importing as much as 80% of its oil needs and China catching up quickly. The relations between the two countries have been troubled by political and military confrontation in addition to energy competition. China has opposed a Japanese permanent seat on the United Nations Security Council and protested a Japanese history textbook that is perceived as whitewashing Japanese WWII atrocities in China and Japanese Prime Minister Junichiro Koizumi's annual visits to the Yasukuni Shrine that honors Japan's war dead, including war criminals. Japan has talked about cutting its overseas development assistance to China in the presence of China's improving standard of living, high growth levels and confrontational relations with Japan. These tensions can only be further enflamed by both countries' quests for energy security. In response to rising China-Japan tensions over issues that include the struggle for scarce oil and other natural resources and the voracious quest for energy by Japan's rapidly growing neighbor, The Center for Safety and Security Research (CSSR), a research institute under Japan's Education, Science and Technology Ministry, released a report in June 2005, which suggests two crisis scenarios in which China's actions regarding energy would impact Japan. The first scenario assumes that if China reinforces its procurement of energy without taking cost-efficiency into consideration, the world will be plunged into a situation in which each country competes for oil by ignoring international market mechanisms. As a result, political tension between the two countries over resources in the East China Sea will mount. The second scenario assumes that if China succeeds in concluding free trade agreements with Southeast Asian countries, their reliance on China will increase, leading to the isolation of Japan. Both scenarios portray shocking futures for Japan.

As a result, there has been a mounting tension between Japan and China over Beijing's development of an offshore gas field, the Chunxiao project, Northeast of Taiwan in the East China Sea. The dispute has been fueled by reports of vast supplies of oil and gas in the region. Japan regards the median line as its border, while China claims jurisdiction over the entire continental shelf. In 2003, China began drilling in the Chunxiao gas field after the Japanese rejected a Chinese proposal to develop the field jointly. Although the field lies largely on the Chinese side of the median line, Japan claims that China may be siphoning energy resources within its maritime border extending from the southern island of Okinawa. Japan wants its share of the bounty. Japanese Foreign Minister Yoriko Kawaguchi raised the issue with her Chinese counterpart, Li Zhaoxing, in June 2004. In response, Li proposed that Japan and China consider jointly developing the project and putting their differences aside. However, the Japanese side worried about Beijing's proposal for joint development because "China has formally incorporated the disputed Senkaku islands near Okinawa into its territory under its territorial sea law. China has also been operating research vessels within Japan's EEZ without notifying the Japanese government in advance."

A Chinese exploration group has started drilling there, and plans are drawn up for a pipeline to spirit the stuff back to the mainland. As a countermeasure, the Japanese government planned to begin procedures to grant private developers the right to test-drill on the Japanese side of the median line. To add to the sensitivity of the competition, a Chinese nuclear-powered submarine incurred into Japanese waters off the Okinawa islands on November 10, 2005. The intrusion was followed by a two-day chase across the East China Sea. While China offered a swift apology for the incursion, this was soon followed by the intrusion of a Chinese research vessel into Japanese waters near the island of Okinotori. The vessel was believed to have been surveying the seabed for oil and gas drilling purposes. This was the 34th maritime research exercise by Chinese vessels within Japan's EEZ in 2004, up from eight in 2003, with China not giving prior notification in 21 of the 34 cases. In a muscular display of its

rising military and economic might, China deployed a fleet of five warships on September 9, 2005, near the Chunxiao gas field. It was believed to be the first time that Chinese warships were seen in that area. In light of these developments, it is not totally out of line that a Japanese newspaper article calls the East China Sea “the sea of conflict.”

In addition to the territorial disputes, China and Japan have been locked in a diplomatic battle over access to energy resources closer to home, the big oil fields in Siberia. Japan has desperately lobbied Moscow for a 2,300-mile pipeline from Siberia to coastal Japan. But China sees Russian oil as vital for its own energy security and has pushed for a 1,400-mile pipeline south to Daqing. The rivalry became so intense that Japan offered to finance the \$5 billion pipeline, invest \$7 billion in development of Siberian oil fields and throw in an additional \$2 billion for Russian social projects. Chinese Prime Minister Wen Jiabao also pledged to invest about \$12 billion in the Russian energy sector during his Moscow talks in September 2004.

The construction of the pipeline experienced several ups-and-downs. Although Beijing sought a shorter route, Japan won the bid in 2004 because a security-obsessed China insisted on having full control of the end of the pipeline, and thus Russian oil supplies, within its borders. This Chinese solution would give the Russians zero flexibility in selling their oil to other customers. However, with the sometimes tense relations between Japan and Russia over Koizumi’s sail around the disputed Northern Territories/ Southern Kurils in September 2004 and Japan and Russia not having signed a formal peace treaty ending the hostilities of World War II, Russian Industry and Energy Minister Viktor Khristenko signed on April 26, 2005 a decree “On Determination of the Stages of the Construction of the Eastern Siberia-Pacific Ocean Pipeline System,” which succeeded in satisfying both China and Japan as the oil will reach both countries through the pipeline. According to construction schedule, the first branch of the oil-pipeline starting in Tayshet, Irkutsk region, and ending in Skovorodino, Amur region, near the Chinese border will be pumping 20 million tons per year in 2008. The pipeline is designed primarily for oil supplies to China. However, the next article of the decree says that once the oil-pipeline’s first branch to Skovorodino is launched, the first starting complex of the oil terminal in the Perevoznaya bay, Primorye region, of the same capacity (up to 30 million tons) will be placed in operation. It means that the oil will go where the Russian authorities would turn it to, either from Skovorodino to China or to Japan.

IV. CONCLUSION

Perceiving its energy vulnerabilities and desiring to ensure energy security by diversifying supply beyond Middle Eastern sources, China has made great efforts to deepen political relationships with all energy producing nations and has been aggressively investing in oil fields and pipelines around the whole world.

Although China has hoped that its increasing involvement in global energy markets can be seen as an opportunity to enhance cooperation rather than threat, China’s search for energy security in the world stage has become a matter of great concern to Western and Asian leaders as China has vied for energy resources in some of the most unstable parts of the world and often ignored the promotion of transparency, good governance, and responsible behavior with its partner nations. In this case, China’s growing presence on the international energy market has not only brought it into confrontation with the world’s largest energy consumer, the U.S., but also with many of its neighboring countries, especially those with border disputes over maritime territories where there may be rich natural

resources. Fueled by the lack of a coherent multilateral approach to energy security in Asia and by China's already tense relations with neighboring states, the competition for energy resources may become the spark for regional and international instability.

This development has become an alarming evidence of China's threat theory, which argues that China is an obstacle to peace, or an anti-status quo nation that has been rising not only to consume the world's increasingly scarce resources, or flood consumer markets and take jobs, but also to challenge the international systems and global good governance. China's quest for energy resource to fuel its rapid economic growth, therefore, has posed serious challenges to the Western powers as well as its Asian neighbors.

This challenge cannot be limited to the economic sphere and has spilled over into the political and military spheres. As oil prices continue to rise and China imports an increasing amount of its energy needs, China's search for energy resources is likely to intensify with significant impacts on the stability and security in the Asia-Pacific region. China's quest for energy to fuel its domestic economic growth, however, is not inherently a detrimental development for other countries. Beijing's policy of boosting oil imports from Central Asian countries and the initiative of Shanghai Cooperation Organization have so far helped China's improvement of relations with its neighbors in Central Asia. Focusing on economic development and establishing and maintaining a peaceful security environment in its periphery, China's relations with most of its Asian neighbors have improved in the recent decades thanks to the pragmatic periphery policy. Most Asian leaders stopped talking about a China threat and many of these economies are increasingly interdependent with China's. This development seems to give support to China's claim of pursuing a "peaceful rise" policy that envisions a manageable China which could be shaped into a global status quo player with an interest in ensuring global stability and economic growth.

The bottom line is that China's claim to pursuing a "peaceful ascendancy" policy and putting aside areas of disagreement in favor of creating a stable environment for economic development is limited to areas where China's vital strategic interests are not threatened. It is not by coincidence that China has made progress in resolving its border disputes with Russia, while failing to make progress on territorial disputes with Japan, given that the latter involve access to potential oil and gas resources. China's relations with these neighbors could become testy, if not tempestuous, should Beijing's energy imperative translate into aggressive tactics in border disputes.

TABLE 1
BALANCE OF CHINA'S ENERGY PRODUCTION AND CONSUMPTION

Year	Energy Production (10,000 ton coal equivalents)	Energy Consumption (10,000 ton coal equivalents)	Balance (10,000 ton coal equivalents)
1990	103,922	98,703	5,219
1992	107,256	109,170	-1,914
1995	129,034	131,176	-2,142
2000	106,988	130,297	-23,309
2001	120,900	134,914	-14,014
2002	139,000	148,000	-9,000
2003	160,300	167,800	-7,500

Sources: China State Statistic Bureau: China Statistics Year Book, various years.

TABLE 2
COMPOSITION OF CHINA'S ENERGY PRODUCTION AND CONSUMPTION

Year	Energy Total (10,000 ton coal equivalents)	Energy Composition (100%)				
		Coal (%)	Petroleum (%)	Gas (%)	Hydroelectric (%)	Nuclear (%)
Production						
1995	129,034	75.63	16.68	1.86	5.47	0.37
2000	106,988	66.70	21.79	3.39	7.55	0.57
2001	120,900	67.45	20.11	3.44	8.47	0.53
2002	139,000	71.69	17.35	3.16	7.11	0.69
2003	160,300	74.63	15.22	2.84	6.26	1.04
Consumption						
1995	131,176	74.97	17.49	1.82	5.36	0.36
2000	130,297	66.73	24.05	2.71	6.06	0.45
2001	134,914	65.03	24.20	2.98	7.33	0.46
2002	148,000	66.31	23.48	2.94	6.63	0.64
2003	167,800	68.37	21.82	2.75	6.06	1.01

Sources: Wang Jiacheng, "Zhongguo Nenyuan Fazhan Xinshi he Zhanlu Fangzheng" (China's Energy Development Situation and Strategy), Luntan Tongxun (China Reform Forum Newsletter), no. 3, 2004, p. 27.

TABLE 3
CHINA'S PETROLEUM NET IMPORTS

Year	Petroleum Production (10,000 tons)	Petroleum Consumption (10,000 tons)	Balance (10,000 tons)	Petroleum Net Imports (10,000 tons)
1990	13,831	11,486	2,345	2,355 (Net Import)
1991	14,099	12,384	1,716	1,455 (Net Import)
1992	14,210	13,354	856	565 (Net Import)
1993	14,524	14,721	-197	988
1994	14,608	14,956	-348	290
1995	15,005	16,065	-1,060	1,005
1996	15,733	17,438	-1,703	1,395
1997	16,074	19,692	-3,618	3,384
1998	16,100	19,818	-3,718	2,913
1999	16,000	21,073	-5,073	4,381
2000	16,300	22,439	-6,139	6,974
2001	16,500	22,948	-6,448	6,487
2002	16,700	24,242	-7,542	7,183
2003	17,000	25,200	-8,200	10,000

Sources: China State Statistic Bureau: China Statistics Year Book, various years.

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NOTES

1. Robert B. Zoellick, "Whither China: From Membership to Responsibility," in *NBR Analysis* (National Bureau of Asian Research) 16 (4): December 2005, p. 7.
2. For an articulation of this argument, see Michael Swaine, "Reverse Course? The Fragile Turnaround in U.S.-China Relations," Carnegie Endowment for International Peace Policy Brief #22, February 2003. See also Daniel Altman, "China: Partner, Rival, or Both?" *The New York Times*, March 2, 2003.
3. This view is found in the article by Sebastian Mallaby, "The Reluctant Imperialist: Terrorism, Failed States, and the Case for American Empire," *Foreign Affairs* March/April 2002, pp. 2-7.
4. See Shi Yinhong, "The Fifteen Years of China's Diplomacy and Strategy toward the United States: The Process of Evolution, Fundamental Experiences, and Remaining Problems," paper prepared for the Vail Dialogue and available at the Center for China-U.S. Relations website, www.du.edu/gsis/china.
5. On the new Chinese assertiveness in Southeast Asia, see Jane Perlez, "Across Asia, Beijing's Star is in Ascendance," *The New York Times*, August 28, 2004 and John Henderson and Benjamin Reilly, "Dragon in Paradise: China's Rising Star in Oceania," *The National Interest* (Summer 2003): pp. 94-104.
6. For further on the new sense of cooperation on global security threats, see Banning Garrett and Jonathan Adams, "U.S.-China Cooperation on the Problem of Failing States and Transnational Threats," a United States Institute of Peace Special Report, September 2004.
7. For analysis of these decision and their implications for international law, see Tom Farer, "The Prospects for International Law and Order in the Wake of Iraq," *The American Journal of International Law*, Vol. 97, No. 3 (July 2003): 621-628.
8. Abraham F. Lowenthal, "Reconciling Divergent Interests in a Turbulent World," Remarks prepared for the Vail 2003 Symposium.
9. For an evaluation of this idea as applied to the international legal order, see Tom Farer, "Toward an Effective International Legal Order: From Coexistence to Concert?"
10. For an evaluation of proposals for Security Council reform, see Peter Wallensteen and Patrik Johannsson, "The New Security Council: UN Decision-Making in Perspective," forthcoming from the International Peace Academy, 2004.
11. Despite its overall utility, the word "coexistence" may be a bit misleading in that particularly the larger participants in the construction of international law did not concede to the smaller ones a right to persist and the large ones did not for several centuries eschew forceful appropriation of a part of each other's territory and people. Coexistence did not, for instance, prevent Poland from being thrice partitioned by its more powerful neighbors—Russia, Prussia and Austria—between 1764 and 1795. Still, while one state might occasionally seize the territory and peoples of another, until it did, it had no recognized right to be concerned with the ways in which its neighbor organized its society and economy, legitimized its rule, or coerced its population. Those were matters to be determined at the discretion of the various kings and oligarchs. One could therefore say, as others have, that initially the system's only common—or shall we say constitutional—value was tolerance of diversity.
12. For a more detailed analysis of the practice of states in construing Charter restraints on the use of force, see Farer (1990; 1993, 2002a; 2002b; 2003). See also Joyner (1984).
13. Michael Glennon (1999; 2001) sees the exhaustion of the Charter system of collective security. Though disagreeing with Glennon's analysis and conclusions at almost every point, Thomas Franck (1999) seems to end with the conclusion that international law is temporarily overborne by the violent reassertion of *raison d'état* and sees no early prospect for its revival.

14. In Steven Krasner's crisp formulation (1983, p. 2), regimes are "implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations.
15. I was able to witness this type of state behavior first-hand by virtue of my membership on (and for two terms, presidency of) the Inter-American Commission on Human Rights of the OAS (1976-83).
16. A report—"The Responsibility to Protect" (available online at <http://www.dfait-maeci.gc.ca/iciss-ciise/pdf/Commission-Report.pdf>) was commissioned by the International Commission on Intervention and State Sovereignty established by Canadian Foreign Minister Lloyd Axworthy after Kofi Annan gave a controversial speech to the UN General Assembly on sovereignty and intervention in 1999. Despite the claim by the Secretary General that the UN Security Council had "favorably received" the Report, the concrete results of the meeting appear mixed. There is very little appetite in the Council to commit to principles that would force its hand.: MacFarlane, Welsh and Theilking (2002).
17. As the Human Security Program of the Canadian Department of Foreign Affairs and International Trade defines it, "Human Security is a people-centered approach to foreign policy which recognizes that lasting stability cannot be achieved until people are protected from violent threats to their rights, safety or lives." See http://www.humansecurity.gc.ca/psh_brief-en.asp.
18. The Clinton administration opposed inclusion of crimes against peace (i.e. the illegal recourse to force) among the offences subject to the Court's jurisdiction (see Human Rights Watch 1998) Conservatives (e.g. Bolton (1999), opposed the Court as such insofar as it would sit in judgment on any Americans even if charged with genocide or other crimes against humanity.
19. Coiner of the term "manifest destiny."
20. Statement of the North Atlantic Council, 12 September 2001 (Press Release (2001) 124; at <http://www.nato.int/docu/pr/2001/p01-124e.htm>.
21. In Resolution 1368 (12 September 2001), and especially Resolution 1373 (28 September 2001).
22. The Commission was also endorsed by UN Secretary General Kofi Annan. Full text of the report can be found at <http://www.reliefweb.int/library/documents/thekosovoreport.htm>.
23. An overview of the relevant Security Council Resolutions-and of the overall "case" the US was making-can be found in the text of the draft resolution offered up by the US, Spain and the UK on 7 March 2003 (<http://www.casi.org.uk/info/undocs/scres/2003/20030307draft.pdf>).
24. Available online at <http://www.whitehouse.gov/nsc/nss.html>.
25. For example, Bush's commencement speech delivered at West Point Academy in June 2002, online at <http://www.whitehouse.gov/news/releases/2002/06/20020601-3.html>.
26. According to George and Sabelli (1994, p. 22), "again and again, the *Proceedings* of Bretton Woods stress the ruling obsession of these leaders of a war-torn world: never to revert to the 'competitive currency depreciations, imposition of exchange restrictions, import quotas and other devices that had all but stifled trade' and plunged the planet headlong into its most devastating conflict ever." On John Maynard Keynes' influence on the creation of especially the IBRD, see Skidelsky (2002).
27. See, for instance, then President George H. W. Bush's 1991 reference to a new world order in his State of the Union Address to the U.S. Congress: http://www.presidency.ucsb.edu/site/docs/doc_sou.php?admin=41&doc=3.
28. They are developed in Farer (forthcoming, 2004).
29. In a recent review of books on the Bush administration, the liberal economist, Paul Krugman (2003) writes of the right-wing's success in setting the tone and parameters of public discourse and, after trying to explain its success, ends by admitting to a certain puzzlement.

30. See Section V of the White House National Security Strategy, online at <http://www.whitehouse.gov/nsc/nss5.html>.
31. The U.S. House of Representatives refused to fund the initiative. See Hulse 2003b.
32. To convey a sense of the gap between needs and proposed responses to them, I note that the United States proposes to spend up to \$150 million for schools in Indonesia that would offer the children of poor Muslims an alternative to those run by Islamic radicals that prepare students more for jihad than successful participation in the global economy. One hundred and fifty million dollars is slightly less than the annual budget of the public schools of my home town (Littleton, Colorado), population 40,000. Indonesia's population is 207 million. Pakistan, where the malign effect of radical madrasas is better known, has a population of 153 million.
33. These have formed "the Human Security Network," which grew out of a bilateral agreement—the Lysøen Declaration and Partnership Agenda—between Norway and Canada. Other states include Austria, Greece, Ireland, Jordan, Mali, the Netherlands, Slovenia, Switzerland, Thailand and (as an observer) South Africa.
34. A leading exponent of this view is Charles Krauthammer (e.g. 2001 and 2003). For a more nuanced view, see Mallaby (2002). For a skeptical view, see Kurth (2002).
35. Even some thinkers hitherto associated with the political center or even the center-left in their overall ideological disposition—Ignatieff (2003) is one example, New York Times columnist Thomas Friedman another—are attracted by the perceived opportunity to realize the so-called "democratic peace" (see Doyle [1983]) through the medium of an American Imperium. In his post-9/11 columns (a collection of which was recently published; see Friedman 2003), Friedman, although critical of many details of implementation, argues that the goals of the Bush administration are boldly idealistic and just and in the American and human interest.
36. Charter of the United Nations (59 Stat. 1031, T.S. 993, 3 Bevans 1153), Chapter VII, Article 47.

REFERENCES

- Barringer, Felicity, "Little Chance of Pakistani Troops in Iraq," *New York Times*, 22 September 2003, sec. A, p. 3.
- Bolton, John R. "The Global Prosecutors." *Foreign Affairs* 78, (January/February 1999): 157-164.
- Bumiller, Elisabeth. "In a Democracy, the President is Also Salesman in Chief," *New York Times*, 28 September 2003, 4.1.
- Didion, Joan. "Mr. Bush & the Divine," *New York Review of Books*, 6 November 2003, online at <http://www.nybooks.com/articles/16749>.
- Doyle, M. "Kant, Liberal Legacies, and Foreign Affairs." *Philosophy and Public Affairs* 12 (Summer 1983): 205-235.
- Eisenhower, Dwight D. *Mandate for Change, The White House Years 1953-1956*. Garden City, NY: Doubleday and Co., 1963.
- Farer, Tom. "Law and War." in C.E. Black and R.A. Falk (Eds.), *The Future of the International Legal Order*. Princeton: Princeton University Press, 1969.
- Farer, Tom. "Panama: Beyond the Charter Frame." *American Journal of International Law* 84 (1990): 503-515.
- Farer, Tom. "A Paradigm of Legitimate Intervention." in L.F. Damrosch (Ed.), *Enforcing Restraint: Collective Intervention in Internal Conflicts*, New York: Council on Foreign Relations, 1993.
- Farer, Tom. "Humanitarian Intervention Before and After 9/11: Legality and Legitimacy." in J.L. Holzgrefe and R.O. Keohane (Eds.), *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*. Cambridge: Cambridge University Press, 2002.
- Farer, Tom. "Beyond the Charter Frame: Unilateralism or Condominium?" *American Journal of International Law* 96 (2002): 359-364.
- Farer, Tom. "The Prospect for International Law and Order in the Wake of Iraq." *American Journal of International Law* 97 (2003): 621-628.
- Farer, Tom. "The Interplay of Domestic Policy, Human Rights & U.S. Foreign Policy." in T.G. Weiss, M.E. Crahan, and J. Boering (Eds.), *Terrorism and the UN: Before and After September 11*, London: Routledge, 2004, forthcoming).
- Friedman, Thomas. *Longitudes and Attitudes*. New York: Anchor, 2003.
- Franck, Thomas M. "Break It, Don't Fake It." *Foreign Affairs* 78 (July/August 1999): 116-118.
- George, Susan and Fabrizio Sabelli. *Faith and Credit: The World Bank's Secular Empire*. Boulder, CO: Westview Press, 1994.
- Glennon, Michael J. "The New Interventionism." *Foreign Affairs* 78 (May/June 1999): 2-7.
- Glennon, Michael J. *Limits of Law, Prerogatives of Power: Interventionism after Kosovo*. New York: Palgrave, 2001.
- Halberstam, David. *War in a Time of Peace: Bush, Clinton and the Generals*. New York: Scribner, 2001.
- Hart, H.L.A. *The Concept of Law*. Oxford: Clarendon Press, 1961.
- Hulse, Carl, "House Retreats from Bush's Nuclear Plan," *New York Times*, 15 July 2003, sec. A, p. 18.
- Hulse, Carl, "House Trims Bush Plan for Research on Weapons," *New York Times*, 19 July 2003, sec. A, p. 9.
- Human Rights Watch "Human Rights Watch Condemns United States' Threat to Sabotage International Criminal Court," Press Release, 9 July 1998, online at <http://www.hrw.org/press98/july/icc-us09.htm>.
- Human Rights Watch. "Background Paper on Geneva Conventions and Persons Held by U.S. Forces," 29 January 2002, online at <http://hrw.org/backgrounder/usa/pow-bck.htm>.
- Ignatieff, Michael, "The Burden," *New York Times Magazine*, 5 January 2003, 22-27, 50-53.
- Joyner, Christopher. "Reflections on the Lawfulness of Invasion." *American Journal of International Law* 78 (1984): 131-144.
- Kagan, Robert. *Of Paradise and Power: America and Europe in the New World Order*. New York: Knopf, 2003.
- Kennedy, Paul, "The Perils of Empire; This Looks Like America's Moment. History Should Give Us Pause," *Washington Post*, 20 April 2003, sec. B, p. 1.
- Kinzer, Stephen. *All the Shah's Men: An American Coup and the Roots of Middle East Terror*. Hoboken, NJ: John Wiley & Sons, 2003.
- Kissinger, Henry, "Single-Issue Diplomacy Won't Work," *Washington Post*, 27 April 1999, sec. A, p. 17.

- Krasner, Stephen D. (1983) "Structural Causes and Regime Consequences: Regimes as Intervening Variables," in S. Krasner (Ed.), *International Regimes* (Ithaca: Cornell University Press) 1-21.
- Krauthammer, Charles. "The Unipolar Moment" *Foreign Affairs* 70 (January/February 1990): 23-33.
- Krauthammer, Charles. "The Real New World Order: The American Empire and the Islamic Challenge." *The Weekly Standard* 12 (November 2001): 25.
- Krauthammer, Charles. "A New Policy," *Townhall.com*, 8 June 2003, online at <http://www.townhall.com/columnists/charleskrauthammer/ck20010608.shtml>.
- Krugman, Paul. "Strictly Business." *New York Review of Books* 20 (November 2003): 4-5.
- Kurth, James. "Confronting the Unipolar Moment: The American Empire and Islamic Terrorism." *Current History*, (December 2002): 403-408.
- Lake, Anthony. "Confronting Backlash States." *Foreign Affairs* 73 (March/April 1994): 45-55.
- Lawyers Committee for Human Rights. *Civil Liberties in the U.S. after 9/11*, (Series of Three Reports) 2001-2003 online at http://www.lchr.org/us_law/us_law.htm.
- Lippman, Thomas W., "Clinton Struggles to Define World Vision," *Chicago Sun Times*, 30 September 1993, p. 30.
- MacFarlane, S. Neil, Jennifer Welsh, and Carolin Thielking. "The Responsibility to Protect: Assessing the Report of the International Commission on Intervention and State Sovereignty." *International Journal* 57 (2002): 489-502.
- Maguire, Peter H. *Law and War: An American Story*. New York: Columbia University Press, 2000.
- Mallaby, Sebastian. "The Reluctant Imperialist: Terrorism, Failed States, and the Case for American Empire." *Foreign Affairs* 81 (March/April 2002): 2-7.
- Malone, David M. *Decision-making in the UN Security Council: The Case of Haiti, 1990-1997*. New York: Oxford University Press, 1998.
- McDougal, M.S., and W.M. Reisman. "Rhodesia and the United Nations: The Lawfulness of International Concern." *American Journal of International Law* 62 (1968): 1-19.
- Mearsheimer, John J. *The Tragedy of Great Power Politics*. New York: W.W. Norton, 2001.
- O'Neill, Paul. "Confronting OECD's Notions on Taxation," *U.S. Department of State Website* <http://usinfo.state.gov/topical/econ/group8/summit01/www01051001.html>, originally published in *The Washington Times*, 10 May 2001.
- Pew Research Center for the People and the Press. "What the World Thinks in 2002" (Washington, DC), 2002 available online at <http://people-press.org/reports/pdf/165.pdf>.
- Schlesinger, Stephen C., and Stephen Kinzer. *Bitter Fruit: The Story of the American Coup in Guatemala*. Cambridge, MA: Harvard University Press, 1999.
- Skidelsky, R. *John Maynard Keynes: Fighting for Freedom, 1937-1946*. New York: Penguin, 2002.
- Taft IV, William H., and Todd F. Buchwald. "Preemption, Iraq, and International Law." *American Journal of International Law* 97 (2003): 5-10.
- Thomas Tripp, Rhoda. *International Thesaurus of Quotations*. New York: Penguin, 1970.
- Tyler, Patrick E., "U.S. strategy plan calls for insuring no rivals develop," *New York Times*, 8 March 1992, sec. A, p. 1.
- United Nations. "Dominican Republic (DOMREP) Background," undated, online at http://www.un.org/Depts/dpko/dpko/co_mission/domrepbackgr.html.
- Wedgwood, Ruth. "The Fall of Saddam Hussein: Security Council Mandates and Preemptive Self-Defense." *American Journal of International Law* 74 (2003): 24-34.
- Weinberg, Steven. "What Price Glory," *New York Review of Books*, 6 November 2003, online at <http://www.nybooks.com/articles/16733>.
- Yoo, John. "International Law and the War in Iraq." *American Journal of International Law* 97 (2003): 11-23.
- Zelikow, Philip. "The Transformation of National Security: Five Redefinitions." *National Interest* 71 (2003): 17-28.



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