**Title:**

China and International Normative Order: Selective Compliance with International Norms

**Abstract:**

It is widely believed that the current world order is undergoing fundamental changes. One of the main alleged challenges comes from non-Western states, most notably China. As China continues to rise, in what ways is it challenging the U.S.-led international order? This question has generated a plethora of scholarly books, articles, and reports that examine how an increasingly powerful China is engaging with the world, and what this means for the global order. In particular, China's role in global governance has begun to occupy the centre stage of International Relations literature.

This dissertation examines China's engagement with international normative order by investigating why China selectively complies with international norms. Utilizing three international norms as case studies: nuclear non-proliferation in the case of UNSC Resolutions on the DPRK, Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC) in climate change mitigation, and international adjudication in the South China Sea dispute, I show that China's compliance with international norms is not straightforward but differs from norm to norm. Rather, we see varying degrees of compliance: from full (CBDR-RC), partial (nuclear non-proliferation), through to non-compliance (international adjudication). By building on critical constructivism that treats norms as flexible and socially constructed, I not only challenge the binary distinction between norm takers and norm makers that continues to recur in norms diffusion and socialization literature, I also illustrate our understanding of what constitute norms compliant behaviour is inter-subjective and may differ due to norm ambiguity. Normative clarity might seem to be a virtue, but it is rarely achieved in practice. Instead I argue that norms are left ambiguous to generate inter-subjectivity amongst different actors. But it is this very form of ambiguity that leads to inter-subjective disagreement over a norm's specific elements, thereby triggering various forms of contestation. The case studies draw attention to China's broad acceptance of the validity of international norms in principle, but it engages in applicatory contestation that 'challenge' the norm's applicability or the type of situation to which the norms apply, because of its divergent normative interpretations and understandings. In light of this, to access China's own interpretation of ambiguous norms and what it considers to be compliant behaviour, I examine how norms are constructed and represented at the state level. These representations, I suggest, are informed by the identity narratives that conceptualize China's state identity discourses.

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# China and International Normative Order: Selective Compliance with International Norms

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## Abstract

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## List of Acronyms

| | |
|---|---|
| ADP | Ad Hoc Working Group on the Durban Platform for Enhanced Action |
| AIIB | Asian Infrastructure Investment Bank |
| AOSIS | Alliance of Small Island States |
| BRI | Belt and Road Initiative |
| CBDR-RC | Common but Differentiated Responsibility and Respective Capabilities |
| CCP | Chinese Communist Party |
| CD | Conference on Disarmament |
| COP | Conference of the Parties |
| DPRK | The Democratic People's Republic of Korea |
| ENDC | Eighteen Nation Committee on Disarmament |
| EEZ | Exclusive Economic Zone |
| GHG | Greenhouse Emission |
| ICA | International Consultation and Analysis |
| ICJ | International Court of Justice |
| INDC | Intended Nationally Determined Contributions |
| IR | International Relations |
| IL | International Law |
| ILD | International Liaison Department |
| IAEA | International Atomic Energy Agency |
| JCOPA | Joint Comprehensive Plan of Action |
| LMDCs | Like-Minded-Group of Developing Countries |
| LDC | Least Developed Countries |
| FOP | Freedom of Navigation |
| FYP | Five Year Plan |
| MFA | Ministry of Foreign Affairs |
| MOFCOM | Ministry of Commerce |
| MRV | Measurement, Reporting, and Verification |
| NDC | Nationally Determined Contributions |
| NDRC | National Development and Reform Commission |
| NPT | Treaty on the Non-Proliferation of Nuclear Weapons |
| NWS | Nuclear Weapon States |
| NNWS | Non-nuclear Weapons States |
| NSG | Nuclear Supplier Group |
| PCIJ | Permanent Court of International Justice |
| PLA | People's Liberation Army |
| PRC | People's Republic of China |
| PTBT | Partial Test Ban Treaty |
| ROC | Republic China |
| SCF | Standing Committee on Finance |
| SIDS | Small Island Developing States |
| SOEs | State-Owned Enterprises |
| SPT | Six-Party Talk |
| UNCHE | United Nations Conference on the Human Environment |

| | |
|---|---|
| UNFCCC | United Nations Framework Convention on Climate Change |
| UNGA | United Nations General Assembly |
| UNSC | United Nations Security Council |
| UNCLOS | United Nations Conventions on the Law of the Sea |
| U.S. | United States |
| WMD | Weapons of Mass Destruction |
| WTO | World Trade Organization |
| WTODSM | World Trade Organization Dispute Settlement Mechanism |

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# Part I – Research Design

# Chapter 1 – Introduction

China is the world's second leading power, and its economy is ready to overtake that of the U.S. around 2025 (Shambaugh, 2013: 4). Over the past decades, China watchers have observed how the world has impacted China. However, in the past few years, the tables have turned as much of the discussions in international politics has centred on China's political developments both at home and abroad.

Since the advent of Xi Jinping's leadership in late 2012, China's international behaviour has become even more 'outward looking', with many suggesting China's foreign policy has now departed from Deng Xiaoping's dictum of "keep a low profile and bide your time" (*taoguang yanghui,* 韬光养晦) to a more proactive or even more assertive stance in international affairs (see e.g. Poh & Li, 2017; Zheng, 2014). From the establishment of the Belt and Road Initiative (BRI) to the opening of its first overseas military base in Djibouti, China's increasingly active engagement in international politics under Xi Jinping is indeed becoming a defining moment of international relations (IR) in the twenty-first century.

Today, it is hardly disputable that China is rising as a new great power. Less certain, however, is what China's rise may bring to the world, including the international normative order. Seeing China becoming more capable of pursuing its national interests while shifting the power balance in the twenty-first century, this in turn begs a range of new scholarship questions: what does China really want? What are the implications of China's growing engagement with the world? Will a rising China behave 'responsibly' by complying with

the norms and rules set out by the West? Or will it defy such 'universal standard' and thereby challenge or even establish a new international normative order? The possible ramifications have prompted different and even conflicting arguments among commentators and policymakers.

For Barry Buzan, the rhetoric of peaceful rise represents "an indigenous and original idea deeply embedded in China's reform and opening up, and effectively constituting the core concept of a grand strategy" (Buzan, 2014: 384). But the underlying question is whether peaceful rise is "just a transitional strategy, to be abandoned now that China is strong or is it a long-term strategy?" (Buzan, 2014: 401). In speaking to this question, Buzan claims that China's emergence as a great power would be characterized by "cold peaceful rise", one that is "high in confrontations, alienating neighbours, and reinforcing the U.S. position in the Western Pacific and Indian Oceans (Buzan, 2014: 419)". In another words, the likelihood of China conforming to the current liberal international order is rather slim. Instead, China will seek to reshape it to its advantage but without provoking any conflicts that would jeopardize regional stability and its economic development.

How would China go about achieving its objectives? For those who perceive China's rise will not be peaceful, they tend to befit the realist assumptions of IR that see a rising power in China and an unrivalled hegemon in the U.S. locked in a Thucydides Trap where war between the two countries becomes inevitable, unless both sides are able and willing to make compromises (Allison, 2017: 25). According to Mearsheimer, China's growing national interests is directly at odds with the West, and a powerful China will eventually seek to dominate the Asia-Pacific the way the U.S. has dominated the Western hemisphere

(Mearsheimer, 2014: 27). In trying to push the U.S out of the Asia-Pacific, regional tensions will rise and will eventually lead to full-scale military confrontations. To be sure, such a perception also partly stems from China's domestic debates on how to represent China to the world. Shih writes that by drawing on idealism and realism as the sources of China's foreign policy strategies, Chinese scholars have essentially barred themselves from projecting a non-confrontational image of China's rise (Shih, 2005: 757).

Meanwhile, liberal institutionalists claim that a rising China, while reaping the benefits of international institutions, is peaceful in part because the existing international order encourages membership of other non-Western great powers and is also capable of accommodating their presence (Ikenberry, 2008). While liberal institutionalists agree that unipolarity will eventually end, they see the international liberal order continues to exist by pointing to the bilateral and multilateral measures that mitigate insecurity, uncertainty, and mistrust among states, and thereby ameliorating some of the worst feared scenarios (Liff & Ikenberry, 2014). Unlike the realist school, liberal institutionalists do not believe China's rise will lead to confrontation with the declining hegemon (U.S.). Rather, they argue that a strong open and rule-based international order can facilitate China's integration through which Beijing can also benefit in. When speaking at a Chatham House event, Ikenberry doubled down on this argument, reiterating that 'it is not the global power transition triggering a fundamental struggle over international liberal order…. Put it differently, the struggle today is over authority, who sits at the table, who decides over rights and privileges in the global political hierarchy" (Ikenberry, 2014). Xia shares a similar view in which he argues the more China is integrated into the current international order, the more likely it will act responsibly in the international community (Xia, 2001: 17). Additionally, Tang

posits that in the long run, the U.S. and the West will remain the most influential actors in the existing international order. Though the key differences being that the future international order will be "an enterprise with overlapping regional, sub-regional, and global governance, contested by multiple actors and ideas", where non-Western countries, including China will able to actively participate in formulating the rules (Tang, 2018: 41-42).

The constructivist scholars, by highlighting ideational factors such as Chinese culture and ideas, especially Confucianism, have also engaged with the discussions on the question whether China's rise is inherently peaceful and benevolent. For instance, prominent IR scholar David Kang asserts "East Asian regional relations have historically been hierarchic, more peaceful, and more stable than those in the West" (Kang, 2003: 66). Similarly, sinologist David Shambaugh suggests "China does not have a significant history of coercive statecraft … while the tribute system may have been hegemonic, but it was not based on coercion" (Shambaugh, 2009: 95). Also, by undertaking a "horizontal" approach to investigate how China's power is manifested and how its influence 'spread' across international affairs, Shambaugh has criticized some of the dominant literature on China's rise for only portraying the country's ascent "in a vertical fashion in its asymmetry encounter with the U.S." (Shambaugh, 2013: 5). Although China's footprint has indeed expanded across various continents, it is not comprehensive enough and varies significantly in different dimensions. Thus, he concludes China lacks true global power and can only be considered a partial power. As a rebuttal to the simplistic realist arguments on China's rise, Foot sought to focus on the "complexity of Chinese perspectives … that underlies Chinese behaviour" when examining Chinese leadership's conception of global order, how they

impact China's bilateral relationship with the U.S., and its perspective on an "alternative, fairer world order" (Foot, 2006: 90).

This is not, by any means, an exhaustive review of the current literature on China's rise. Instead, the main objective here is to briefly present an overview of some of the most influential approaches in the study of China's rise as a leeway to identify some of the fundamental issues, which I argue, are currently limiting the research parameters of China's international behaviour.

First, a majority of ongoing discussions within the West are primarily focused on validating if and how China's rise threatens the current international order. In doing so, they tend to polarize China's rise within the revisionist versus status quo continuum which assumes China's integration or lack of only occurs within the existing U.S.-led liberal international order. Breslin has recently pointed out, "the idea that China is, can, or wants to be either a wholly status quo or wholly revisionist power seems somewhat problematic" (2018: 60). Although China is uncomfortable with certain aspects of the current international order, such as norms on sovereignty and intervention, there are many other areas *within* the current framework it seeks to revise and assume more power. As the word revisionism is now associated with "fundamental and revolutionary change" rather than its original meaning in "revise", Breslin suggests, it is more appropriate to describe these efforts as part of China's "selective reformist agenda" (2018: 60).

Second, the subsequent result of framing scholarly debates in terms of how the U.S. and the West should react and respond to China's rise is that, it effectively restricts the scope

of policy options to either engagement or deterrence. It is undeniable that the U.S is and remains to be the most dominant country for years to come. While Washington continues to dictate the rules and norms of international relations, scholars, for a while, have indicated the world is moving away from U.S. hegemony towards a "decentralized globalism" (Buzan, 2011) or one of "multi-world order" (Flockhart, 2016). Furthermore, as Acharya has identified, mainstream IR theories tend to privilege the process of socialization in normative order-building by predominantly concentrating on how global norms (championed by the West) are been diffused to non-Western countries to change their (bad) local culture and behaviours (2009). In other words, through the process of socialization, hegemony is manifested through promotion of liberal rules and norms in non-Western areas.

Third, when situating the analyses within Western-centric idea, discussions on the implications of China's rise are, as a result, narrowly confined to whether China's rise will challenge U.S. power and the liberal international order. Likewise, while critiquing pigeonholing American approach to the analysis of China's soft power strategy, Kivimäki reveals a set of fundamental issues in the dominant reading of China as only a partial power, and that it has been 'unsuccessful' in attracting the world to its values and culture. First of all, given today's different political environment, Kivimäki posits that China does not need to replicate the ways in which U.S soft power has attracted alliances during the Cold War. Instead, there is a strong need to go beyond the Cold War mentality and the use of American yardsticks to access China's policies (2014: 423). Second, issues arise when interpretation of global governance is deeply rooted in the neo-liberal institutionalist way of perceiving it. According to this interpretation, all the power goes to the one setting the agenda and defining the parameters of being cooperative and responsible (Kivimäki, 2014: 444).

Instead, non-Western countries like China need to follow their own path of development that suits its own national preferences and circumstances. In line with this logic, I hence assert that there is much more to a rising China than just a potential threat to the U.S hegemony and the liberal international order. We should instead focus on *how* China has actually participated in the international order, more specifically in the international normative order.

Deng Xiaoping's landmark reforms in the late 1970s not only built a modern China that has gradually accepted and engaged with international norms of regional integration, multilateralism, and globalization, but also profoundly shifted the international affairs of the 21st century. It is widely acknowledged that China needs a stable international environment and public goods that contribute to the continuation of its rise, but this continued engagement also requires China, to some extent, comply with primarily Western liberal norms. While there is a growing number of academic debates centring around whether China is a norm-maker or a norm-taker, or both as its power increases, China's engagement with the international normative order, however, presents a paradox: despite China's greater acceptance of norms embedded in international agreements and treaties – contrary to conventional constructivist accounts of norm socialization that assume a linear linkage between norm recognition and norm compliance – China's compliance with international norms has varied. Insofar, empirical works on China's normative behaviour do not allow for any conclusions to be drawn with regards to the relationship between a rising power and the international normative order, especially when it comes to a rising China's approach the issue of compliance with norms (Jones, 2019: 9). In particular, mainstream literature on China's rise does not adequately address the questions with

regards to China's own understanding of international norms which come to define its justification of its international actions, as well as the resistance of socialization into international norms (Jones, 2019: 9-10).

Indeed, China's selective compliance following norm recognition underscores a gap in IR literature and norms research, which forms the basis of this project. If China is willing to accept international norms, why does it selectively comply with them in practice? The question is especially pertinent in an era when there are clear disagreements over whether a particular norm is deemed legitimate, when the complexity of issues related to the international order pose significant challenges, and when emerging powers begin to shift the balance of power in global politics. It is then useful to examine the cases and contexts where China's compliance has been strong, partial, and absent.

Against this background, this dissertation scrutinizes China engagement with international norms in three specific areas of non-proliferation, climate change mitigation, and third-party dispute settlement by asking why China, as a key member of international organizations, selectively complies with international norms. To do so, I build on critical norms research by exploring how norms are interpreted at the state level, and how these particular readings inform China's own normative understandings and shape what it considers to be compliant and appropriate behaviour. I have selected three case studies, namely the norm of non-proliferation, the norm of Common but Differentiated Responsibilities and Respective Capabilities (CDRC-RC), and the norm of international adjudication, to demonstrate that China's compliance with norms cannot be straightforwardly identified and differs from norm to norm. We see instead a variety of

compliance behaviour in terms of how China *complies* with the norm of CBDR-RC in climate change mitigation, how it *partially* complies with the norm of nuclear non-proliferation in the case of UNSC resolution on the DPRK, and how it acts in *non-compliance* towards the norm of international adjudication in the South China Sea dispute albeit China's willingness to resort to international adjudication in matters related to the economy. More importantly, I also aim to show, through these three case studies, that China is not necessarily contesting the *validity* of the three norms, but instead it is engaged in *applicatory contestation* when it comes to the *applicability* or the type of situation to which the norms apply and how they need to be applied.

In this introductory chapter, I first identify the empirical puzzle and the primary research question. Second, I outline the main arguments of this dissertation. Third, I specify my ontological and epistemological commitments, the logic of case selection, and methods used in this research. Lastly, I conclude with an outline of the dissertation structure.

## 1.1. The Research Puzzle and Scope

Despite rich literature on China's international engagement, discussions that account for its non-material components remain limited. In this dissertation, I examine China's normative-turn as an understudied dimension in its foreign policy analysis. I hold that analyses of China's foreign policy behaviour are incomplete without looking at how it has resisted to, reformed, and complied with international norms. For this reason, China's norm compliance matters; it matters not only because norms are the building blocks of the rule-based international order that proscribes and prescribes appropriate state behaviour, but also because a dynamic reading of China's normative behaviours offers a comprehensive

study on how norms are presented, interpreted, and contested at the state level, thereby shaping what China considers to be its own understanding of compliant behaviour.

On the one hand, state compliance with international norms, first originated in International Law (IL) (Chan, 2006: 5), has been a long concern in IR (see e.g.: Chan, 2006; Chayes & Chayes, 1993; Checkel, 2001; Guzman, 2002; Kent, 2009; Raustiala & Slaughter, 2002). But the case of China's compliance with international norms is an area that has received relatively little academic attention. Apart from a number of researches that focus on issues such as human rights and arms control, few scholars have attempted a complete study of China's compliance with international norms. The exceptions to this phenomenon are the works of Gerald Chan (2006), Alastair Ian Johnston (2008), Ann Kent (2009), Chan *et al* (2011), and Rosemary Foot and Andrew Walter (2011). Kent's book on beyond compliance is one of the first to look at the role of international organizations and treaties in shaping China's growing compliance and participation. Utilizing a number of theories on compliance, cooperation, socialization, and organization, Kent has not only identified a spectrum of China's compliance behaviour, she also sought to go beyond compliance and measure the extent in which China has cooperated with international institutions. She claims that the measure of cooperation provides a better indicator to the level of internalization given that states might comply with norms but they may not necessarily cooperate with them (Kent, 2009: 3-5). Similarly, Johnston uses the idea of socialization and three major microprocesses in mimicking, social influence, and persuasion to study China's changing behaviours in international institutions. Herein, dissatisfied with definition of socialization as the internalization of global norms, Johnston's approach instead looks at pro-social behaviour that converge with group values and norms. As the

first comprehensive research on China's compliance with global affairs, Chan supplied a wealth of information by elaborating on the impact of cultural norms and China's own worldviews in shaping its perception towards its obligations and responsibilities in international organizations. In other words, compliance is contingent upon China's own interpretation of responsibility in global affairs. The book by Chan *et al,* offers valuable analysis on China's engagement with global governance in eight major issues. The authors argue that China's participation varies across different issues, depending on the country's national interests and whether China can accumulate the knowledge and skills in dealing with issues which it lacked experience. More significantly, by unpacking China's perspective of global governance, Chan *et al* neatly explained why China has been reluctant to assume a greater role in international community, namely because, China's own conception of sovereignty, domestic challenges, and the inequality within existing international order. Last but not least, Foot and Walter make a substantive contribution to the norms socialization literature in arguing that compliance with norms go beyond the question of norm's legitimacy, and is affected by "distributive fairness" (Foot & Walter, 2011: 297). Put it differently, while a norm's legitimacy matters, state's compliance is however closely related to material costs and the questions of who and when to bear these costs. Additionally, they have accurately identified that norms are contested since they "may vary in terms of specificity, and differ in the extent to which they are binding upon political actors" (Foot & Walter, 2011: 7). As they have recognized how domestic factors operate in tandem with the norms in determining behavioural outcomes, Foot and Walter have also in the process acknowledged the question of "whose expectations", given that international norms are often propagated by the dominant states to restrain others while exempting themselves from such constrains (Foot & Walter, 2011: 7).

Although the books mentioned above have equally contributed with many useful insights and stimulating thoughts for why and how China complies with international norms, but they are limited by three common deficiencies: 1) they all assume norms are stable and thus, compliance with the norms can be easily evaluated within this clearly defined normative structure; 2) they tend to portray the process of norm diffusion as a top-down linear process to which Western-dominated norms are diffused from the international to the state and local level, resulting in a binary outcome in compliance or rejection; 3) these scholarly works further perpetuate the dichotomous distinction of norm-taker and norm-maker. As critical studies recall, norm diffusion literature has long equated norm-taker with the global South and norm-maker with the global North, effectively depriving the agency of actors in the global South to act as a norm-maker at the global level (Zimmermann *et al*, 2017)

Theoretically, the question of why states comply with international norms has given risen to two mainstream approaches, one rationalist, and the other conventional constructivist. Rationalist approach is confined to cost/benefit calculation, a spectre of coercive measures, and material incentives as the main driving forces of states compliance. Norm compliance occurs when states agree that material benefits outweigh the costs of non-compliance after engaging in a self-interested calculation or when coercive measures such as sanctions are applied to induce compliant behaviour. Meanwhile, in contract to the rationalist approach, the conventional constructivist arguments lie in the socializing effects of international norms, effectively establishing a linkage between socialization and compliance. Consequently, compliance occurs once a state has been successfully socialized into

adopting the values and norms of a system and thereby "switching from following the logic of consequence to the logic of appropriateness" (Johnston, 2008: 21). Nonetheless, as the next chapter will argue in more details, whilst those two theories offer important insights as to why states comply, neither of these explanations corresponds with the actual behaviour. For instance, rationalist scholars are unable to explain why states comply with norms that are not in their interests or why states do not comply when it is in their interests to do so. For conventional constructivists, on the other hand, they often assume compliance is automatic once norms are internalized. Both schools are not wrong in their understanding of compliance, but they are arguably incomplete.

This dissertation, therefore, proposes a more comprehensive analysis of China's compliance by examining a phenomenon that has been largely neglected by conventional constructivists: 1) that norms are inherently ambiguous which has not been part of how researchers study compliance; and 2) non-Western actors like China are also capable norm-makers. If norms are said to be ambiguous, we should expect a set of divergent but equally valid understandings of the norms. As a result, what counts as compliance becomes an inter-subjective process. This then necessitates researchers to explore how norms are represented and interpreted domestically. In line with critical norms research, the main objective of this dissertation is to study how norms and compliance are discursively constructed by shifting our attention to the state level.

### 1.1.1. The Research Questions

The research puzzle briefly outlined both the theoretical and empirical limitations in norms research and literature on China's norms compliance. This dissertation problematizes norm-compliant behaviour and addresses the following questions:

- *Why does China selectively comply with international norms?*
  - *Contestation can erupt while actors claim to subscribe to the overall norm and contest specific normative components. Which specific components is China contesting?*
  - *In the case of norm contestation, what informs China's own interpretation and understanding of the norm?*

The first and primary research question is concerned with selectivity in China's norms compliance. In order to answer this question, this dissertation sets out a pair of guiding sub-questions. The first sub-question explores which normative components China is contesting, whether it is the validity, meaning, or the applicability of the norm. The second sub-question tries to grasp what informs China's interpretation and how those specific readings of norms shape what China considers to be salient and compliant behaviour.

These questions start from the premise that China has indeed demonstrated willingness to play a greater role in global governance, but at the same time, it is rejecting or only partially complying with some of the key norms that come to symbolize the basis of the rule-based order. This then raises the question of whether China's selective compliance can be viewed as part of China's quest to (re)shape the international normative order towards a system that is more closely aligned with its normative preferences. On the other hand, it maybe

also argued that China has been socialized into international institutions whereby it accepts a basic reading of international norms, but how Beijing complies is very much in line with its own normative interpretations. When paraphrasing Qin Yaqing, William Callahan reiterates that "the heart of China's foreign policy is not a realist dilemma, but a critical constructivist' identity dilemma: who is China, and how does it see the world" (2016: 227). By exploring these questions, this dissertation employs a critical constructivist approach to shed light on China's selective compliance by uncovering the complex and multi-faceted nature of its normative understandings. In doing so, it aims to develop a more comprehensive and convincing account of what shapes China's international engagement.

### 1.1.2. The Arguments and Contributions

The diffusion of power from the West to the East has important implications for the global normative structure: whilst most states including China subscribe to certain shared international norms, they often interpret them in considerably different ways. Correspondingly, this dissertation advances three following main arguments.

First, I argue that states hold divergent views on the meanings of norms because of ambiguity. Most international norms, even if there are firmly embedded in international treaties, are inherently ambiguous. Norm precision might seem to be a virtue in theory, but it is rarely achieved in practice despite repeated efforts to foster clarity (Chayes & Chayes, 1993: 198). According to Wiener, precise norm language does not necessarily mitigate prevailing contestation over the meaning of norms. Rather, it is preciously this imprecise language that lead to general agreement between actors (Wiener, 2004: 199). Because of this, the meaning of norms is often left ambiguous in order to settle disagreements that

appear in negotiations and to facilitate the ability of a norm to be interpreted in various ways (Widmaier & Glanville, 2015: 368). Thus, ambiguity represents a key characteristic of norms, but has not yet been fully included into the analysis by norm contestation scholarship (Bode & Karlsrud, 2018: 3). If norms are said to be ambiguous, this will then require taking a different perspective on compliance. Moving beyond the rejection/acceptance dichotomy that sees states response in a binary way, compliance should be treated as an "inter-subjective social fact" (Nunez-Mietz, 2016: 219). In other words, to access what actors like China, view as compliance, we have to scrutinize what considers to be compliant behaviour according to the actors.

Second and related, this dissertation claims that inter-subjective (dis)agreement is a crucial mechanism driving norms compliance. The idea of an inter-subjective agreement captures a shared understanding of a norm, at least certain elements of it given that norms cannot exist without a minimal inter-subjective agreement on its overall purpose (Finnemore & Sikkink, 1998; Widemaier & Glanville, 2015). In general, inter-subjective agreement is understood as a monolithic concept through which actors demonstrate a shared conception of what is considered to be appropriate behaviour, and it is a concept that "exists uniformly across the various elements of a norm" (Jose, 2018: 14). However, a norm consists of various different components, such as the normative parameters which suggest the scenarios norms apply to, and the normative prescriptions associated with what the norms proscribe and prescribe. Thus, if a norm is said to be ambiguous, actors may reach an inter-subjective agreement on the norm's overall objective, but they might diverge over the normative applicability. If we accept norms are ambiguous, each norm then contains

multiple but equally valid meanings which enable actors to revert to their own interpretations and understandings when determining the specific normative parameters.

Third, I maintain that to access China's interpretation of ambiguous norms and what it perceives to be salient and compliant behaviours, we need to consider China's state identity, but more importantly, the *narratives* that conceptualize China's state identity. Norms compliance and identity are mutually constitutive after all. As Finnemore and Sikkinik indicate, "norms are a standard of appropriate behaviour within a given identity" (1998: 891). State identity, understood as the perception of a state's role and status defined by the political elites, has long been a key concept in the study of foreign policy. As will be explored in chapter 3, my arguments begin with the notion that a Chinese interpretation of norms is composed around the *narratives* that give meanings to the state identity. Narratives, in this dissertation, are understood as a "particular way of talking about and understanding an aspect of the world" (Jørgensen & Philips, 2002: 1), as to covey a particular story or an event to the audience in a coherent way. Thus, narratives construct "the character in the plot of the story" (Ezzy, 1998: 245), through which one is able make sense of the social reality and thereby, generate "specific interpretations, shape possible responses, and limit potential other representations" (Bode, 2015: 47). In other words, narratives tell a particular story which in the process develop specific interpretations of the events. Then, it is through these specific interpretations that certain actions are made possible. Borrowing Bode's basic elements of narratives, a plot and characters are consciously configured to construct a specific story while the interpretive theme represents the critical aspect of narration in defining the standard of behaviour that permits certain types of action (Bode, 2015: 49). By applying this framework to the analysis of China's

compliance with international norms, I seek to demonstrate how narratives generate a specific normative interpretation which in turn shapes China's norms-related behaviour in the form of full, partial, and non-compliance. Furthermore, I contend that China's state identity is multifaceted and are conceptualized by several overlapping and contradictory narratives (see Chapter 3). As I will show in the empirical chapters, these narratives can either complement or contradict each other, producing varieties of compliance.

Thus, delving into the topic of China's norms compliance proves to be valuable for both IR and norms research. In the process, this dissertation makes substantial contributions to the existing literature on China's engagement with global governance by looking not so much at the material components of advancing its national interests, but by bringing identity narratives into the analysis of China's interpretation of norms. Second, it enriches current debates on China's state identity by stressing the role of narratives in conceptualizing state identity. By unpacking the contents of China's state identity, this dissertation not only paints a more complete picture of the values and idea that generate the parameters and motivations behind Chinese compliance with international norms, but also illustrates how China's state identity is shaped by a number of co-existing narratives. Third, this dissertation makes a theoretical contribution to norms research. By making a two-part argument that builds on critical norm research, I argue that norms are inherently ambiguous and allow for coexisting meanings. Consequently, compliance is contingent upon a state's own interpretation and understanding of a norm. Hence, when compliance 'diverges' from the normative provisions, it does not necessarily mean that states are contesting the norm, but can be read as a manifestation of its own normative understanding. Fourth, by recognizing that non-Western actors like China are indeed also active participants in the

norm-making process, it challenges the distinction that equates norm-makers with the Global North and norm-takers with the Global South.

To sum up, the primary objective of this research is to draw attention to the discursive construction of China's own interpretations of norms via its state identity, which in turn shape its normative behaviour and preferences. Since this research centres on interpretation, it does not seek to establish causal links in order to answer why states comply with norms, nor does it intend to measure the degree of compliance. Moreover, it does not discredit existing literature but rather endeavours to supplement existing rationalist and conventional constructivist account, by adding a new dimension to the understanding of why states comply or do not comply with international norms.

## 1.2. Research Methodology

As mentioned above, this dissertation aims to explain why China selectively complies with international norms. Epistemologically, this research adheres to an interpretivist approach. It might appear from the outset that this research asks a *why* question, but I suggest that in order to answer *why* China selectively complies with norms, we need to know *how* norms are interpreted. Hence, this dissertation is committed to answer the "how-possible" questions. According to Doty, "… how questions examine how meanings are produced and attached to various social subjects and objects, thus constituting particular interpretive dispositions that create certain possibilities and preclude others" (1993: 4). In this section, I first detail the methodology that guides this research, followed by an outline of methods that I utilize to gather and analyze the empirical data. As Haugevik puts it concisely, "methodologies are distinctively different from methods… methodology might be

understood as our position on how and in what ways knowledge is acquired while methods refer to various research techniques employed in analyzing empirical data" (2018: 54). Accordingly, I intend to first clarify the ontological and epistemological boundaries of this dissertation before detailing the tools used.

In order to explain what constitute norms compliance, one needs to identify the meanings actors attach to norms, and the identity(ies) that inform who the actors are, as well as their corresponding interests. And since this research probes a *how* question that focuses on the relational processes between agency and the structure, it is, thus, situated at the crossroads of critical constructivism and post-structuralism. Instead of observing the world as self-evident, social constructivism views it as a social construct established and maintained through social interaction. In this view, the social world should not be treated as an objective truth but socially constructed when actors interpret the environment, events, and practices, thereby giving precise meanings to these social and material facts (Burr, 1995: 3). This dissertation adopts a constructivist ontology to facilitate my attempt to present an interpretation of China's norm compliance by considering the role of narratives in shaping China's state identity vis-à-vis its understanding of specific normative elements.

This, then, invites the question of how to study the ways in which meanings and values are attached to the social world around us. In response to this inquiry, post-structuralist scholars draw on discourse and discursive representation to highlight the mutually constitutive relationship between agency and structure (Dunn & Neumann, 2016; Doty, 1993; Hansen, 2006). By investigating the structure of a particular discourse, scholars understand "how particular reality becomes known and is acted upon" (Dunn & Neumann, 2016: 3). In the

foreign policy realm, for instance, "foreign polices relies upon representation of identity, but it is also through the formulation of foreign policy that identities are produced and reproduced" (Hansen, 2006: 1).

### 1.2.1. Key Concepts

In this sub-section, I define the key concepts in this dissertation: norms, state identity, discourse, and narratives.

#### (I) Norms

With scholarship on norms now spanning the entire field of international relations, ranging from international security to international political economy and global governance, it is clear that norms matter in world politics. As we speak of the implications of China's rise, it is necessary to question how it has engaged with the international norms that come to define the liberal international order. What makes norms significant in IR is their impact on guiding behaviour by providing motivations for actions, as well as the interaction among states given that it is through norms that actors gain understanding of actions, interests, and identities (Bjorkdahl, 2010). Within a conventional constructivist emphasis on the role of non-material factors in international politics, norms are said to shape state interests and identity by defining appropriate behaviour for specific actors in specific situations (Finnemore & Sikkink 1998: 891; March & Olsen, 1998: 948). This, thus, enables actors to make reasoned decisions. Additionally, norms do not only regulate and constitute state behaviour (Bjordahl, 2002; Finnemore & Sikkink, 1998; Katzenstein, 1996; Legro, 1997), but they also rank states in a hierarchical social order (Towns, 2012). Towns asserts that in

defining what is appropriate and 'normal' behaviour, norms inexplicitly rank those states whose behaviour 'deviates' from the normatively expected standards.

Despite the general agreement that norms matter in international politics, a central problem lies within the conceptualization of norms as to what constitutes norms and how norms work. This issue has been a key point of contestation between the two main camps in norms scholarship: norms are said to be either "stable social facts outside agency or flexible and socially constructed through interaction" (Wiener, 2007: 47). I will explicate on these two approaches further in chapter 2.

In this dissertation, norms are considered to be socially constructed facts that assume a "dual quality", in the sense that they are "both structuring and socially constructed" (Wiener, 2008: 49). Norms are, therefore, viewed as an "enabling process" that permits certain behaviour which could not otherwise be undertaken (Bjorkdahl, 2010:15-16), while at the same time their meanings evolve through interaction and are therefore "contested by default" (Wiener, 2007: 6). It is within this background that I aim to establish the relationship between international norms and international laws. A useful way of distinguishing the two is that norms can be unwritten or not institutionalized, but instead are accepted the principles of conducts. In other words, norms are general principles that express some obligations that are fundamental to the state (Armstrong, 1993: 201). As for international law, it contains a written and formalized definition, sometimes in an international convention, that protects the faculty of an individual and obligates the strict sense to be complied with (Armstrong, 1993: 201).

### (II) Inter-subjective Agreement

According to Jose, one way to produce norms compliant behaviour is through inter-subjective agreement (2018: 24). Actors comply with norms for a number of reasons, among them being that "norms define what and who they are, what they want, and how they view international politics" (Thomas, 2001: 17). Compliance is therefore seen not only in terms of narrowly defined incentives, but also in terms of "shared normative understandings that provide matrices of meaning for national and supranational cultures" (Jose, 2018: 25). As mentioned in previous section, inter-subjective agreement captures an essential element of norms through which it highlights the notion that actors "accept similar conceptions of what the logic of appropriateness requires in a given situation" (Jose, 2018: 25). Inter-subjective agreement of a norm's purpose allows newly emerged norms to reach the stage of norm cascade (Finnemore & Sikkink, 1998). That is, actor agree that the norm belong to the global normative structure and that it should continue to exist as long as there is a basic level of inter-subjective agreement. However, as I will show in chapter 2, when inter-subjective disagreement erupts, actors may be engaged in various types of contestation over either specific elements while maintaining agreement on the overall purpose of the norm or the validity of a norm.

### (III) State Identity

By placing identity at the centre of IR research, constructivists suggest identity is key to understand state action in international politics (Kang, 2007: 4). A proliferation of identity-based scholarship confirms Smith's assertion that identity and its formation are among the "most normatively significant and behavioural consequential aspect of politics (2004: 302). According to Wendt, identity is a social construct where "states are pre-social relative to

other states in the same way that human body is pre-social" (Wendt, 1999: 198). Put it differently, states are social actors that produce a social reality through interaction with others. Identities inform actors about who they are and what their interests are, thereby guiding their action. In IR, states are interpreted through the lens of what states are about, what values and ideas states stand for, and how states view themselves (Herrmann & Shannon, 2001: 632).

To offer some conceptual clarity, I briefly highlight the distinction between national identity and state identity. A "nation" can be defined as a group of individuals that share historical memories, common language, purposes, and legal rights that are markedly distinct from others (Kim & Dittmer, 1993: 241; Telhami & Barnett, 2002: 8). Hence, national identity can be regarded as "the relationship between nation and the state that obtains when the people of that nation identify with the state" (Kim & Dittmer, 1993: 13). Yet, a "state" refers to an internationally recognized political entity that represents the centre of collective actions (Kim & Dittmer, 1993: 243). State identity consists of a set of features conceived by the political elites that are meaningful for the international community to determine the state's foreign policy orientation (Ashizawa, 2008: 575-576).

In this dissertation, state identity symbolizes what the state is about and how it is viewed by the outside world. It is through state identity, I argue, that we capture a state's foreign policy given that state identity "generates a specific value which helps to determine a state's preferences for a particular foreign policy option" (Ashizawa, 2008: 571). It should also be noted that a state identity is formed and modified over time which requires political elites to "construct such an identity through practice under inherent domestic constraints and in

the context of the changing power structure of dynamic international relations (Matsumura, 2008: 57). For instance, China during the Maoist era was a backward peripheral agrarian society, but later became an economic superpower with an increasing global reach.

In sum, state identity connotes a unique conception conceived by the policymakers in terms of what their country is, what it represents, and what status it should enjoy in the international system, which then act as a source of state's behaviour (Ashizawa, 2008: 576; Matsumura, 2008: 57). The assumption is that state identity operates in the same way as the identity of an individual shape their actions. To be sure, this particular approach to identity, like any other approaches to ideational factors, contains some methodological challenges that need to be clarified. Namely, how do we observe an identity constructed by the political elites? And how do we confirm a concept or narrative expressed by political elites can be considered a state identity? These questions will be answered in the following methods section in section 1.2.3.

#### (IV) Discourse and Narratives

In this sub-section, I first provide an overview of the two concepts given that many scholars have studied these concepts fruitfully. I would like to then clarify how I define the relationship between the two and how I intend to operationalize narratives. The concepts of discourse and narratives are often used interchangeably and without a clear delineation (see e.g. Ferdinand, 2016; Loh, 2019). For this reason, it is useful to clearly distinguish the two concepts.

As post-structuralists would argue, “it is not that nothing exists outside the discourse, but that in order to exist for us, phenomena have to be grasped through discourse” (Dunn & Neumann, 2016: 9). Discourse has indeed been used and defined in many ways that “it sometimes comes to mean everything and nothing” (Gustafsson, 2011: 40). For some, discourse is portrayed as a “tool” that guides a particular way of thinking, speaking, and acting toward a topic (Hall, 2001). Burr interprets discourse “as a kind of frame of reference, a conceptual backcloth against which our utterances can be interpreted” (Burr, 2003: 66). Discourses formulate certain topic in different ways, hence constructing different versions of knowledge that shape our view of the world that differs from each other (Burr, 2003).

From this perspective, “language is ontologically significant” given that it is only through language that objects, entities, and states acquire meanings and become endowed with a particular identity (Hansen, 2006: 16). Language, thus, reinforces certain representations that help to constitute the very social world it operates in. According to Pate, “meanings are the sediment of language… there is no ‘true meaning’ but meaning always remain in flux due to interpretation and reinterpretation of the real world” (Pate, 2018: 54). In studying the construction of national interests, Welds and Saco assert similarly that “it is language or system of representation that has developed socially in order to make and circulate a coherent set of meanings. As such, discourses do not function as explanatory causes in the conventional sense. Rather, they are sets of rules for ordering and relating discursive elements in a such way that particular meanings are constitute” (Welds & Saco, 1996: 373).

On the other hand, others have claimed it is through narratives that one's own distinctive history is manifested. It is also through narratives that we create our identities and make sense of the world (Sommers, 1994: 606). Narratives are instead understood as "texts with a clear consequential order that connect events in a meaningful way for a definite audience and thus offer insights about the world and/or people's experience of it" (Hinchmann & Hinchmann, 2001: xvi). In narratives, events are endowed with a specific meaning that connect to the past, present and future (Hinchmann & Hinchmann, 2001: xiv). In other words, certain events are interpreted through a particular lens since meaning does not simply exist within those events themselves. Accordingly, narratives are often an important and unappreciated ways of understanding a state's action in the world. Hence, when explaining state's behaviour, narratives are in essence the discursive element that guides what we should/should not do as a group on the basis of who we are/not (Abdelal *et al*, 2009: 22). Ringmar also makes a point that "narratives we construct about our state will specify who we are and what role we play in the world; how our national interests are to be defined, or which foreign policy to pursue" (1996: 455).

In this dissertation, I treat *discourse* as "structures of signification" (Milliken, 1999: 229) around which states seek to construct the social meaning through *narratives or storytelling* (Bode, 2015: 46). This way, narratives are able to capture the construction of (identity) discourse at the micro-level given that "the exercise of narration involves linking real world events … and presenting a particular presentation of political events" (Bode, 2015: 46-47). Discourse is treated here as an abstract notion. Narratives, on the other hand, substantiate a discourse, thereby tell specific stories that make abstract discourse more concrete by connecting the past, present, and future. In a similar vein, Mayer evinces how states have

regularly and systematically used narratives to attain its objectives. To do so, states apply "the representation of the past in order to frame and legitimate foreign policy, naturalize a certain image or role of a country" (Mayer, 2018: 1222). In essence, narratives are seen as "a form of configuration device by which actors make sense of the world and order it in a specific way" (Loh, 2019: 11).

### 1.2.2. Case Selection

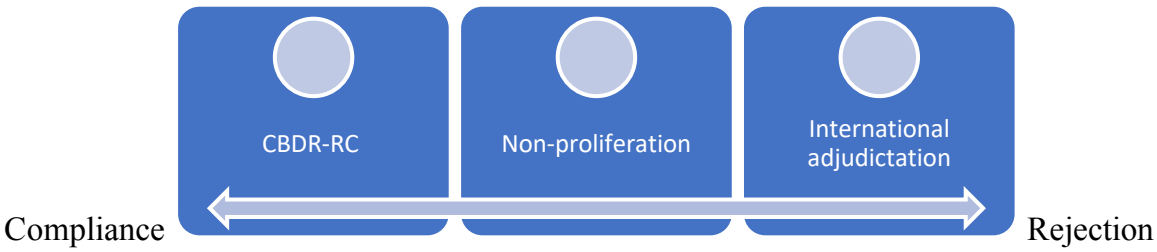
Given that the main objective of this research is to explain China's selective compliance, a comparative design is deemed most adequate where cases are selected based on same starting point where China has recognized the validity of all three norms, but different outcomes as China has complied with them differently. Accordingly, this dissertation deals with three key norms: non-proliferation norm, the norm of common but differentiated responsibilities and respective capabilities (CBDR-RC) in climate change, and the norm of international adjudication (see figure 1).

First of all, China's compliance with the CBDR-RC norm is reflected in the active participation in the negotiation processes that led to the adaptation of the United Nations Convention on Climate Change (UNFCCC), Kyoto Protocol, and the Paris Agreement in 2015. Interestingly enough, despite being the second largest economy and the biggest emitter of greenhouse gases (GHGs), China routinely insists on being treated as a developing country by strictly ascribing to the binary differentiation of CBDR-RC's provision on climate responsibilities. Hence, this case study aims to understand why China has complied with the CBDR-RC norm in climate change mitigation notwithstanding the fact that China is now the world second largest economy.

Second of all, China's non-compliance with the international adjudication norm, with the exception of economic matters, highlights a striking future of China's international engagement under examination. I argue that China's rejection of the South China Sea arbitration ruling is in part of an attempt to challenge the jurisdiction and the applicability of international adjudication norm. In the process, I illustrate that China has utilized international law to legitimate Beijing's own preference in settling disputes related to territorial sovereignty and integrity.

Finally, China's compliance with the nuclear non-proliferation norm is chosen as the third case study. While both China and the West have begun to share increasingly similar goals with regard to nuclear non-proliferation over time, they diverge considerably on how this goal can be achieved. Ultimately, the success of the non-proliferation regime depends heavily on the United Nations Security Council (UNSC) and the legally binding nature of the UNSC resolutions (ElBaradei, 2006). I aim to demonstrate this through China's engagement with the nuclear non-proliferation norm in the form of United Nations (UN) sanctions against the Democratic People's Republic of Korea (DPRK, commonly known as North Korea). From a norm development stand point, what is interesting in this situation is that China helps to draft the UNSC resolutions on the DPRK but, at the same time chooses to only partially comply with them.

Figure 1




### 1.2.3. Applying Discourse Analysis

In this dissertation, I apply discourse analysis to observe the construction of China's state identity discourse(s). I do so in three steps: first, I identify three key Chinese state identity discourses. Second, I attempt to pinpoint the narratives have informed China's state identity discourses. Third, I apply discourse analysis to key documents and statements that are vital in underpinning the narratives that conceptualize state identity discourses.

To be sure, Chinese politics poses some unique challenges for researchers. As William Callahan points out, "official Chinese discourses are often very vague, repetitious, and unwieldy. Although it is easy to dismiss official slogan as propaganda, they are crucial in organizing thought and action in Chinese politics … it is imperative to actively interpret Chinese foreign policy documents by paying close attention to how existing official slogans are employed, how new ones emerge, and how the usage of both old and new slogans change over time" (Callahan, 2016: 228). Accordingly, I will map out the corresponding narratives by paying close attention to their continuities and changes.

Given the focus of this research, one unavoidable question when studying the discursive construction of Chinese state identity is, whose narratives we should trace? More specifically, who are the domestic elites that we refer to when examining the narratives that

give meaning to state identity discourses? Following Hoo's approach of studying China's global power identity discourse, there are said to be two levels of analysis (2018: xxiv). First, political elites within the foreign policy decision-making circle, and second, Chinese intellectuals working within state-affiliated institutions and universities. Although Chinese intellectuals do not represent the state per se, their works and opinions are becoming increasingly influential in their own right. At an ad hoc basis, intellectuals contribute to the shaping of outcomes of foreign policy when invited to provide expert inputs to the Chinese government and when their publications offer policy ideas. Writings such as journals, policy papers, and books constitute one of the valuable sources that officials and policy-makers draw on. A prominent example of this is the current Politburo standing committee member Wang Huning in charge of ideology, propaganda, and party organization. For the past 15 years, the academic-turned-politician was entrusted with a significant role when devising former presidents Jiang Zemin's "Theory of Three Represents" and Hu Jintao's initiative to promote a "Harmonious Society" and "Scientific Development (Lo, 2017; Page, 2013). This clearly illustrates a pattern of interchange amongst individuals within the scholarly and bureaucratic spheres. Former government officials are often appointed to management positions within think tanks and universities whilst occasionally academics are assigned a government position to execute policy implementation.

### 1.2.4. Research Data

An essential element of discourse analytical framework is the selection of relevant texts (Neumann, 2008). Because of the focus of this dissertation on China's approach towards nuclear non-proliferation on the Korean Peninsula, climate change, and international adjudication in the South China Sea dispute, the sources I have gathered belong to the realm

of official foreign and domestic policy discourse. As described by Hansen, it is through discourse which a state's action is legitimized and thus, "under any circumstances crucial for understanding political and social relations within and beyond state boundaries" (Hansen, 2006: 59-60). For this reason, I focus on China's political elites with official authority to sanction the policies pursued as well as those individuals with central roles in executing these policies. More specifically, I have identified the texts produced by these actors, including speeches, articles, and books. These texts are then selected based on three key criteria: namely, "they are widely read, they have the formal authority to define a political position, and they are characterized by the clear articulation of policies" (Hansen, 2006: 85). Given the primary role of identity narratives in this dissertation, I have selected official speeches and statements issued by the Chinese political elites who are essential in shedding light on the construction of China's identity narratives which I argue are key to the understanding of China's own normative interpretation and what constitute norms compliance. Moreover, other sources include official statements, documents from various international organizations, such as the UNFCCC, the UNSC, and the IAEA. Based on this model, the text corpus of this dissertation includes primary sources, most of which are government White Papers, official statements, speeches made by leading Chinese politicians and diplomats, reports attributable to the Chinese political elites. These sources are gathered from the official websites of Chinese governmental institutions such as the Ministry of Foreign Affairs (MFA), Ministry of Commerce (MOFCOM), State Council Information Office, and various state media outlets including Xinhua, China Daily, and Global Times. Secondly, I have also consulted secondary sources entailing reports and publications from international and Chinese think tanks. They include Chatham House, the Brookings Institution, the Chinese Academy of Social Sciences, and the National Institute

for South China Sea studies, to name a few. Finally, I have conducted elite interviews in person or over the phone, with researchers, academics, and foreign policy analysts over a period of three years. The interviewees are selected based on their expertise either in China-DPRK relations, the issue of nuclear non-proliferation, China's role in climate change mitigation, and the South China Sea dispute from a legal perspective. In this dissertation, I rely on 15 interviews conducted in China and the UK. They have provided invaluable insights into China's perception towards international norms and both material and ideational factors shaping Beijing's compliance.

Throughout my conversations with the interviewees, I maintained the structure of a semi-structured interview where I asked a number of pre-determined but open-ended questions. This format allows the interviewees to speak freely about the topic while maintaining focus. All interviews I conducted contained three sets of questions: a first set was designed to obtain a preliminary overview of the interviewee's thoughts on China's compliance with the norm in question. The second and third set of questions were specifically centred around the issue of why China has or has not complied with norms as I sought to gather factual information and different perspectives depending on the interviewees. Finally, all interviews are anonymized in order to protect confidentiality.

### 1.3. Dissertation Overview

This remainder of this dissertation is divided into two main part that are respectively dedicated primarily to theory and analysis. Chapter 2 and chapter 3 outline central theoretical components of this dissertation. Chapter 2 lays out the framework for examining compliance by highlighting the contested and ambiguous nature of norms. The focus here

is on the ambiguity of norms, which then necessitates taking a different perspective on compliance by examining how norms and compliance are interpreted at the state level. This then leads to chapter 3 in which I follow the logic that identity narratives shape China's understanding of norms and what it perceives to be compliant behaviour. In this chapter, I unpack the dimensions and contents of Chinese state identity discourses by focusing on the narratives that substantiate and giving meanings to the identity discourses and making them more concrete.

The second part features the empirical analysis located in chapter 4, 5, and 6. In each chapter, I examine how narratives inform China's interpretation of the norms. Chapter 4 focuses on China's interpretation of the non-proliferation norm and how this has translated to partial compliance with UNSC resolutions on the DPRK. Chapter 5 is dedicated to exploring China's full compliance with CBDR-RC norm in climate change mitigation. Chapter 6 will discuss China's overwhelming rejection of international adjudication in the South China Sea dispute. Lastly, chapter 7 concludes this dissertation with a summary of my contributions to norms research and studies on China's international engagement, as well as new avenues available for future research agenda on China and norms.

# Chapter 2 – Theoretical Framework (I): Norms and Compliance

Inspired to answer why state's comply with international norms, rationalist and conventional constructivist scholars have tabled various compelling responses in the past decades. But, as I will elaborate in greater details, both schools are incomplete when analysing the variations in state's compliance with international norms. To account for the selective nature of China's compliance, this research focuses on China's own normative interpretations and understandings. In adopting a norm contestation framework, this chapter captures an aspect that has not be adequately addressed by the rationalist and conventional constructivist literature. These approaches have overwhelmingly focused on instances where states have subscribed to a norm but failed to comply due to material incentives or lack of internalization. Rather than simply trying to explain state's behaviour, critical constructivist scholars instead focus on how states interpret their normative obligations by pointing to the ambiguity of norms which implicates that different actors may interpret normative obligations differently. Accordingly, inter-subjective (dis)agreement is fluid and shaped by the state's own interpretation of a norm's validity and applicability on a case-by-case basis.

As the first leg of a two-part theoretical framework, this chapter provides a detailed discussion on how critical norms research can help explore and explain why states, at times, deviate from 'normatively expected' behaviours. To do so, I first outline different approaches to the study of norms and compliance in section 2.1 and 2.2. Then, I precede to the theoretical framework of this research which is premised on the argument that

conventional constructivist approaches to norms cannot explain scenarios where compliance is not consistent with the logic of appropriateness or when norm violation occurs when it is in the actor's interests to comply. As the foundation of this chapter, I continue with detailed discussions on critical norms research by engaging with two important concepts that have received limited scholarly attention: ambiguity and inter-subjectivity. Finally, this chapter concludes by setting the scene for part two of the theoretical framework that delves into the state level to examine the construction of China's state identity discourses.

## 2.1. Conventional and Critical Constructivist Approach to Norms and Compliance: A Literature Review

Almost three decades ago, Louis Henkins proclaimed that "almost all nations observe almost all principles of international law and almost all of their obligations almost all of the time" (1979: 47). Since then, this observation has gained ground in much of the scholarly debates as both theorists of IL and IR began to inquire about the causal question: if all actors actually do observe international laws and international norms, why do they obey it and why, at times, do they disobey it? In IR, similar questions emerged when the ideational turn in the 1980s and 1990s "brought norms back as a central theoretical concern in the field" (Finnemore & Sikkink, 1998: 887). In the next two sub-sections, I offer an overview of existing scholarship on norms and compliance, differentiating between discussions originating in the rationalist and the conventional constructivist approach.

### 2.1.1. What are Norms?

The growing prominence of norms has been largely credited to the emergence of constructivism in IR, an approach, that sought to investigate norms' independent explanatory role in influencing state behaviour (see e.g.: Checkel, 2001; Katzenstein, 1996; Raustiala & Slaughter, 2002). Moreover, what makes norms relevant and significant in IR is their strategic impact on foreign policy decisions, as well as the interaction amongst states: it is through norms that actors gain conceptual understandings of actions, interests, and identities (Checkel, 1999; Bjorkdahl, 2002; Finnemore & Sikkink, 1998; Katzenstein, 1996). Norms do indeed come in a variety of forms and types. Some encompass of principles and rules associated with domestic politics such as, human rights, democracy, suffrage, the prohibition again slavery, while others include norms that govern inter-state relations, like CBDR-RC, international adjudication, as well as restrictions on the proliferation of weapons of mass destruction. Although this list of examples is small, their variety suggests the extent of norms' role in domestic and international politics.

Whichever the types of norms, they are grouped into three functions that are deemed crucial to the normative discussions. A shared assumption amongst most scholars is that norms are "a standard of behaviour for actors within a given identity" (Katzenstein, 1996: 5; Finnemore & Sikkink, 1998: 891). First. norms are *regulative* in the sense that, when effective, norms standardize states' behaviours by asserting detailed guidelines that identify the most appropriate, normal, and effective means to achieve their specific goals. Through the process of prescribing standards of appropriateness, norms do not only operate like regulators that validate certain behaviour while disvaluing others, most norms also specify the situations under which a certain behaviour is allowed or not (Shannon, 2000: 295). Second, norms also possess *constitutive* effects. Constitutive norms, on the other hand,

generate meaning for new interests, new actors, or new categories of action (Bjorkdahl, 2002: 16; Jepperson *et al*, 1996: 52; Finnemore & Sikkink, 1998: 891). At times, constitutive norms "define the identity of an actor, thus having constitutive effects that specify what actions will cause relevant others to recognize a particular identity" (Jepperson *et al*, 1996: 4). From this perspective, norms and interests are mutually constitutive, considering that norms are interconnected with identity and interests (Katzenstein, 1996; Finnemore & Sikkink, 1998). Yet, by focusing entirely on the homogenizing element of norms, Ann Towns argues that conventional approaches to norm studies neglect the ranking dynamic of norms (2012, 2017). The main assumption is that whilst standardizing behaviours, norms also *generate social hierarchies* by ranking states as superior or inferior to one another. It is through the process of normative ordering that "social pressure is exerted and states are prodded into action" (Towns & Rumelili, 2017: 758). Given that norms produce a sense of comparative judgement, states tend to react when being compared as superior or inferior to other states by means of norms (Towns & Rumelili, 2017: 757). For instance, states that adhere to norms are normally ranked higher in the hierarchical order. In order to maintain this standing, states are motivated to develop new policies that help to serve this purpose. Incidentally, their rank, which is viewed as superior, helps to encourage others to emulate (Towns, 2012: 204). For states residing in the lower rank, there is a higher penchant to engage and change their behaviours in an attempt to rise up in this hierarchical order. By connecting norms with social hierarchy, this conceptual rethinking offers a better understanding of normative hierarchies in policy diffusion by explaining why certain less developed states are advocating change by embracing new behaviours (Towns & Rumelili, 2017: 758).

This research is primarily concerned with the constitutive elements of norms, informing how an actor *should* behave. In this instance, norm deviation occurs not because disagreements emerge over the norms' validity, but rather due to divergence over what constitute appropriate behaviour in a given situation, whose normative expectations are valid, and how to achieve them. As an example, while states may subscribe to a basic understanding of the nuclear non-proliferation norm, they may diverge considerably over *how* to obtain this objective as ambiguity in the norm's parameters and prescriptions contribute to a lack of inter-subjective agreement on the norm's applicability, triggering applicatory contestation. Nonetheless, not all norms achieve their anticipated outcome since norm compliance and adaptation remain depended on their domestic reception and local contexts.

### 2.1.2. Differences in the Conceptualization of Norms

Despite the widely shared agreement that norms matter in international politics, a central problem with the conceptualization of norms is related to their quality and how norms matter. This issue is indeed at the heart of contention amongst different strands of constructivist norm scholars. The conceptual discussion on norms' quality can be categorized into two main camps: conventional and critical constructivist approach. While both strands of constructivism share the same assumption that norms frame actors' identity, interests, and actions, epistemologically they diverge on inter-subjectivity in terms of how meaning is constructed and where it comes from (Klotz, 2001: 600-601). Principally, conventional constructivism is theoretically premised on a positivist epistemology that seeks to establish a linkage between norms and state behaviour, and as a result, they conceptualize norm as stable while assuming that normative meanings and actors' identities

are fixed (e.g.: Checkel, 2001, 2005; Finnemore & Sikkink, 1998; Risse et al, 1999, 2013). In assuming a causal relationship between norm acceptance and compliance, this perspective, however, is unable to account for potential changes in normative meanings and to explain why the level of internalization may vary between states.

Conversely, the critical constructivist approach treats norms as flexible and socially constructed through the "interactive process of strategic social construction" (Wiener, 2004: 194). Here, it is the inter-subjective meaning of a norm that plays a central role in (re)constructing states' interests vis-à-vis their normative behaviours. Rather than labelling norms as fixed and stable, critical scholars place a greater emphasis on the interaction between norms and local context, suggesting that local actors are actively and creatively engaging with normative interpretation in a "glocalized normative order" (Zimmerman, 2017: 5). Norms studies, as a result, have gradually acknowledged that norms entail a "dual quality" of structuring practices (regulative and constitutive) and a constructed quality acquired through social interaction (Wiener 2007: 48).

## 2.2. To Comply or Not to Comply

Why do states comply with international norms? Tasked with this question, first-generation norm scholarship has introduced two competing answers to this research puzzle: rationalists explanation of norm-related behaviour based on the logic of consequences, and the conventional constructivist approach converges on the logic of appropriateness. For rationalists, norm-related behaviour is rooted in cost/benefit calculation, material incentives, and sometimes coercion as a form of punishment exercised by powerful states to induce compliance (Chayes & Chayes, 1993; Hurd, 1999; Simmons 1998). In stressing

these three notable factors, actors exercise a logic of consequence when "human actors choose among alternatives by evaluating their likely consequences for personal or collective objectives, conscious that other actors are doing likewise" (March & Olsen, 1998: 349). Henceforth, non-compliance with international norms occur intentionally in the pursue of material interests.

Though, the rationalist approach has come under scrutiny by the first-generation constructivist scholars that have given preferences to norm's independent explanatory power. Notably, constructivist approach departs from the rationalist perspective by pointing to the norm's *prescriptive* effect on state behaviour. Presented as a stable social fact in this case, norms are able to (re)constitute both actors' identity and interests by sanctioning or prohibiting certain behaviour within a social environment (Katzenstein, 1996: 21). By associating a certain identity with particular actions, the logic of appropriateness suggests that "state actions involve evoking an identity or role, and matching the obligations of that identity or role to a specific situation. The pursuit of purpose is associated with identities more than with interests, and with the selection of rules more than with individual rational expectations" (March & Olsen, 1998: 951). As Hurd puts it, "when an actor believes a rule is legitimate, compliance is no later motivated by the simple fear of retribution, or by a calculation of self-interest, but instead by an internal sense of moral obligation: control is legitimate to the extent that it is approve or regarded as right" (Hurd, 1999: 387).

In a nutshell, whether they are in the form of legal standards like treaties or informal shared expectations, norms, according to the conventional constructivists, are "a standard of

appropriate behaviours for actors with a given identity" (Finnemore & Sikkink, 1999: 251), meaning that norms shape the choices actors make via a sense of "oughtness". As a reference point for actors whom seek to obtain their objectives in global politics, this sense of "oughtness" determines the range of appropriate behaviour should they choose to engage. Accordingly, international norms prescribe meaning to actions and shape interests by informing actors a set of legitimate and appropriate conducts (Contessi, 2010: 325; Katzenstein 1996: 21; Wiener 2004: 189).

### 2.2.1. Norm Socialization

Analysing norms from the systemic level, the initial wave of constructivist scholars, which I refer to here as the conventional constructivist norms scholars, sought to illustrate how international norms are diffused to the state level, and hence substantially change states' interests and identities. By treating norms as stable and unambiguous, the core assumption of conventional constructivism is that compliance is viewed as a top-down linear process. (Finnemore & Sikkink 1998; Checkel, 1999). Compliance, according to this view, is expected once a norm has been internalized and the success of socialization is reflected in whether the domestic practices of the target state conforms to the international norm (Risse *et al*, 2013: 10).

The *norm socialization* model of norms diffusion largely focuses on the process of persuading the targeted state to re-align their behaviour with the normative obligations either for strategic purposes or because they have an interest in belonging to the club (Zimmermann, 2017: 23). Socialization, according to Checkel, is the "process of inducting actors into the norms and rules of a given community" (2005: 804), serves as the main

function to account for the spread of international norms. The very notion of an international community presupposes that members are bound by common rules and institutions, reflecting the socialization aspect in regards to the legitimacy of actors and their actions. By highlighting the role of norm entrepreneurs and international institutions, norm socialization scholars are mainly interested in the ways in which states are socialized into the international community (see e.g: Autesserre, 2009; Checkel, 1997; Finnemore & Sikkink, 1998; Klotz, 1995; Risse et al, 1999). While seeking to provide an analysis of norms from the systemic level, these scholars are aspired to illustrate how the targeted state has been socialized into accepting the diffused norm's obligations, therefore harmonizing the state's identity, interests, and calculations to induce norm compliance. They argue that, it is through the three-stage norm's "life cycle" a newly emerged norms are internalized and acknowledged by the state (Finnemore & Sikkink, 1998: 895). During the first stage of norm emergence, norm entrepreneurs are seen as the driving force behind new norms, and once new norms are accepted by the "critical mass" of states, a tipping point is reached and a "norm cascade" begins. During the stage of norm cascades, a different dynamic begins: a large number of states start to adopt international norms without any forms of domestic pressures. Consequently, norm breakers are said to have been socialized to become norm followers once their identity and interests are (re)shaped to align with the norm's contents and obligations (Finnemore & Sikkink, 1998: 902). As the socialization process continues, norms finally assume a "taken-for-granted quality" as more states acknowledge their validity (Finnemore & Sikkink, 1998: 895). Similarly, the "spiral model", advanced by Risse, Ropp, and Sikkink (1999), is preoccupied with the analysis of causal mechanisms that facilitate norms internalization. The authors utilize this five-phrase causal model to capture the varying degrees of norms internalization at the domestic level.

First, the processes of norms diffusion are carried out by transnational advocacy network through "moral persuasion" which comes in the form of lobbying and shaming (Risse *et al*, 1999: 23). Faced with mounting criticisms, the expected response from norm-violating states will be to rebuff all accusations by denying the legitimacy of international norms, but this will gradually disappear over time when the targeted state enters a period of concessions. At this stage, norm-violating states take international norms and transnational advocacy network more seriously as they become "trapped in their own rhetoric" (Risse *et al*, 1999: 27). Finally, socialization is complete when norms are internalized through policy implementation.

In norm socialization, diffusion outcomes are accessed according to the extent of both institutional and ideational changes such as identity and interests. Researchers, as a result, are mostly concerned with how local institutions, preferences, and norms are being "replaced" when norms are internalized. Here, the outcomes are presented in a linear field between rejection and full adaptation. In this linear model, norm compliance is expected when internalization is successful, and the identity and interests of the targeted state are aligned with the novel normative obligations. In other words, the perceived end point of norm diffusion contains changes at the state level where actors adjust their actions to 'normatively expected' behaviours because they believe it is the right thing to do (Finnemore & Sikkink, 1998: 905; Checkel, 2005: 804).

In cases where norms diffusion is incomplete, norm socialization scholars have pointed to possible domestic impediments that might interrupt the chances of successful norms diffusion/internalization (Checkel, 1999; Cortel & Davis, 2000; Risse et al, 2002). In line

with rationalist reasoning, adverse domestic conditions such as different types of political system, capacity, and the lack of domestic opportunities such organizational ethos and administrative procedures, are said to have a deep impact on the results of norms diffusion (Risse, *et al*, 2002). Additionally, much of the literature in this field have embraced a cultural argument which stresses on "normative fit" or "cultural match" between an international norm and local contexts (see e.g.: Checkel, 1999; Cortell & Davis, 2000). A normative fit is defined as "a situation where the prescriptions embodied in an international norm are convergent with domestic norms, as reflected in discourse, legal system and bureaucratic agencies" (Checkel, 1999: 97). In manging domestic constrains, researchers like Sikkink and Risse suggest that external actors may reframe the norms that are promoted in a way that echoes the local culture and normative structure (Borzel & Risse, 2013; Risse et al, 1999). For instance, Keck and Sikkink's work on transnational advocacy network has accentuated the need to link international norms to a specific interpretation that resonates well with both international and domestic audiences (1998, 2-3).

Moving beyond the simplistic binary outcomes of rejection and full adaptation, norm diffusion scholars have also begun to explain the persistence of a "compliance gap" or "decoupling" in recent years (see e.g.: Bakalova, 2017; Dai, 2013; Goodman & Jink, 2008; Hafner-Burton et al, 2008; Risse et al, 2013). This scenario highlights the disconnect between a state's formal commitment to an international norm on the one hand and the actual implementation on the other. This phenomenon addresses several theoretical limitations found in the linear norm socialization model discussed above. As Zwingel points out, a top-down approach "neglects important dynamics of norm adaptation and rejection and ignores that international norms are themselves of evolutionary character"

(2012: 115). When doing so, the norm socialization approach effectively establishes a connection that ultimately conceptualizes international norms as the *cause* that generate *effects* at the domestic level.

More specifically, the presence of a "compliance gap" has challenged the view that norm compliance follows after norm recognition in a linear fashion. This limitation partially stems from the core assumption that norms are stable and fixed (Wiener 2008; Sandholtz & Stiles 2009). Conceptualizing norms as a one-way street not only "freezes the content of the norm being studied" (Bloomfield, 2016: 313), but also leaves very little room to engage in complex processes such as norm interpretation. In a similar vein, Wiener (2014) suggests that treating norms as a stable independent variable assumes that the agent itself remains *unchanged* following successful norm diffusion. This then has led to criticisms for being unable to unlock the interaction between norm promoters and local actors (Zimmermann, 2017: 3).

An additional issue is related to the role of norm entrepreneurs in the study of norm socialization. The term norm entrepreneur refers to a specific actor that actively promotes new international norms (Finnemore & Sikkink, 2007: 895). Bloomfield argues that "conceptually privileging norm entrepreneurs has meant that the norm dynamics literature has been marred by case selection bias" (Bloomfield 2016: 310). While critiquing conventional constructivist approach to norm diffusion, Betcy Jose also highlights such bias where "norms that are perceived to be good and widely accepted in the West are analysed as global norms … meanwhile the history of their emergence and change as well as their contestation remain hidden" (2018: 30).

The implications of this are indeed four-fold: first, it marginalizes non-Western norms by disregarding the contestation between diffused norms and local norms that may already exist in local contexts (Engelkamp et al, 2014: 40). second, as we consider liberal norms to be universal, any deviations from the "international prescriptions" are thus deemed a violation and illegitimate (Acharya, 2004: 292). Implicitly, this perspective sets up a "dichotomy between good global or universal norms and bad regional or local norms" (Acharya, 2004: 292; Engelkamp *et al*, 2014: 40-41); third, a selection bias to study successful cases of norm diffusion was identified by Bloomfield (2016: 313) and Wunderlich (2013: 270); finally perhaps most significant of all, is the notion that the norm socialization model is a unidirectional development where local agents are prescribed with the sole role of norm-taker since much of the scholarship examines how international norms emerge in the West and are then diffused to the rest of the international community. By equating norm entrepreneurs with the global North and norm-takers with the global South, it effectively deprives non-Western actors of their agency with regards to norms and normativity (Acharya, 2004). For instance, when investigating China's relationship with the World Bank, Chin contributes to our understanding of China's desire to become a norm-maker in emphasizing the "two-way socialization" through which China is "no longer learning the established process and internalizing the rules of the Bank, but also looking to advance alternative norms and rules within" (2012: 227). Similarly, in stressing the normative preferences of emerging economies like China, as well as their agency in shaping international norms, Pu concludes that the unidirectional socialization process which exclusively concentrates on how non-Western countries are learning and internalizing Western liberal norms is incomplete and biased. To redress this disparity, he suggests to

portray the socialization process as a two-way process in which emerging economies are labelled as both norm-taker and norm-maker equally capable of (re)shaping the international norms (Pu, 2012).

### 2.2.2. Critical Norms Research: Norm Contestation and Localization

In contrary to the norm socialization model that theorizes norms as fixed and stable when addressing the extent to which norms constitute identity and interests, the critical constructivist approach tends to encapsulate the dynamics of norms, envisioning them as fluid and prone to repeated contestation (see e.g.: Sandholtz & Stiles, 2009; Krook & True: 2012; Wiener, 2004, 2007, 2014). By challenging the prevailing model, research on norm contestation and localization has illustrated the dual quality of norms as "both structuring and socially constructed" (Wiener 2007b: 49), directing its research agenda towards the contested nature of normative structures (Sandholtz, 2008: 105), as well as the contested meaning of norms (Wiener, 2007a: 6). Dubbed as "critical constructivist research on norms" (Wiener & Puetter, 2009), this approach made explaining variations in compliance possible since it posits that norms stem from "the interactive process of strategic social construction" (Wiener, 2004: 194). Therefore, norms need to first be substantiated by local actors before being translated into concrete actions.

In this perspective, research on norm contestation is predominately interested in the changes and contestation of norms at the international level. Meanwhile, localization scholars scrutinize how norms are reinterpreted regionally, domestically, and locally. Scholars in both areas contend that unlike ways they are captured in norm socialization models, norms are instead flexible and subjective to reconstruction through social

interaction (Wiener, 2007a: 6). Linked to their enabling effect, critical scholars do not see norms as causal or static. Rather, it is the inter-subjective meaning and salience of a norm that plays a central role in (re)constructing states' interests vis-à-vis their normative behaviours (Hoffman, 2004). In this case, local actors are conceptualized as "proactive rather than reactive" (Wiener, 2014: 3).

In researching norm contestation, the works of Antje Wiener (2004, 2007, 2014) have been particularly instrumental in generating the research agenda of this field. According to Wiener, the dual quality of norms is construed as a reciprocally constitutive process where norms shape material power which shape interests and identities, while the meaning of norms is in constant flux and evolves through interaction in context. Therefore, norms are "contested by default." (Wiener 2007: 6). In her seminal work "A Theory of Contestation", Wiener defines contestation as "a range of social practices, which discursively express disapproval of norms … and the way contestation is displayed in practice depends on the respective environment where contestation takes place" (Wiener, 2014: 1).

Grounded in the conceptions of norms as fluid and unfixed, critical scholars like Wiener aim to demonstrate the interactive aspect of norm dynamics where norms are part of a "constant process of negotiating and re-negotiation" (Wunderlich, 2013: 25; Zwingel, 2012: 12). In principle, normative meanings are often agreed when norms are made ambiguous in order to garner wider acceptance. However, in practice, meanings are contested by different regional, state, and local actors. That is, "while norms might be considered valid and just under conditions of interaction in one cultural context, that perception cannot be generalized … hence, normative validity cannot be assumed as stable in different political

arenas" (Wienerb, 2007: 55). Pointing to the "normative baggage" as the main trigger of contestation, Wiener argues that even if actors are able to agree to a specific interpretation of a norm, contestation and reinterpretation will still occur in a different context given that individuals from various backgrounds will turn to their individually held "normative baggage" for the task of normative interpretation (Wiener, 2014: 41).

While acknowledging Wiener's works on norm contestation, Zimmermann has questioned the vague definition of contestation by raising several follow-up questions on what is actually being contested, the validity or the application of a norm, and how contestation impacts on a norm's stability and robustness. (Zimmermann, 2017: 40; Deitelhoff & Zimmermann, 2013, 2018). In response, Deitelhoff and Zimmermann identified two types of contestation: one that relates to the application of norms and another that questions the norm's validity (Deitelhoff & Zimmermann, 2013: 5). Applicatory contestation centres on the issue whether a norm can be applied in a given situation and what constitute appropriate actions (Deitelhoff & Zimmermann, 2013: 5). Thus, when engaged in applicatory contestation, states are expected to accept a basic reading of a norm but they disagree over the norms' parameters and prescriptions. Justificatory contestation, on the other hand, challenges a norm's legitimacy by probing whether actors should accept the norm at all (Deitelhoff & Zimmermann, 2013: 5). Despite Deitelhoff and Zimmerman's sharp differentiation of various discursive differentiation, the current literature on norm contestation has been criticized for lacking a systemic analysis of non-discursive forms of contestation. By building on Deitelhoff and Zimmermann's applicatory and justificatory distinction, Stimmer and Wisken advance a study that focus on behavioural contestation which complements the current norm contestation research that only broadly involve

debates over the norm's meaning, validity, and applicability (2019: 518). They claim that the current research agenda on norm contestation is too narrowly focused on discursive debates, without scrutinizing non-verbal contestation, researchers might "miss the point that actions can be louder than words" (Stimmer & Wisken, 2019: 520). Contrary to discursive contestation, the emphasis of behavioural contestation is on the implementation process and different forms of intervention that may obstruct or influence norm implementation. (Stimmer & Wisken, 2019: 521-522). When undergoing behavioural contestation, state implement the norm according to its own interpretation while "reaping the reputational benefits of apparent norm compliance" (Stimmer & Wisken, 2019: 528).

When answering the question of "why some transnational ideas and norms find greater acceptance in particular locale than in others?", Amitav Acharya highlights the agency of norm-takers. He illustrates, through the process of *localization*, the ways in which local actors "build congruence between transnational norms and local beliefs and practices" (Acharya, 2004: 241). The emphasis here is on the local actors who undergo complex processes that include grafting and framing to reconstruct international norms according to the local normative order. In this process, localization scholars not only indicate that local normative understanding may predate the norms being diffused, but they also demonstrate that local actors are purposefully linking existing local norms with the international norm (grafting), or alternatively, they may reframe or even eradicate any specific normative elements that might not seem to resonate well with local conditions (framing). In addition, Acharya points to four factors that may increase the likelihood of localization: first, whether an international norm helps strengthen the local authority and legitimacy; second, the robustness of local normative order (if there are pre-existing local norms, the probability

of norms acceptance and localization reduces); third, if there are existing powerful local actors that can safeguard local norms; and finally, whether there is a strong sense of identity that can facilitate localization (Acharya, 2004: 248-249).

In the ensuing norm localization research, through the analysis of norm re-interpretation and resistance in regional and local contexts, localization scholars have illustrated that the process of norm creation is indeed a bottom-up process that is characterized by contestation and feedback (see e.g.: Acharya, 2009, Allison-Reumann, 2017; Groß, 2015; Job & Shesterinina, 2013; Negron-Gonzales, 2014; Prantl & Nakano, 2011; Zwingel, 2012). These scholars, using various different case studies, have accounted for the implementation of international norms across regional and domestic levels, how local (non-Western) actors advance local interpretations and therefore change the meaning of norms (see e.g.: Allison-Reumann, 2017; Job & Shesterinina, 2013; Prantl & Nakano, 2011), and the ways in which local actors strategically select certain distinctive elements of international norms that help inform local meanings and ideas attached to international norms (Groß, 2015).

To sum up, norms localization explains diffusion exclusively in terms of local factors that shape the outcomes of the processes. This perspective moves beyond the top-down approach adopted by socialization scholars that view diffusion in a strict full adaptation/rejection dichotomy. Instead, localization scholars converge on how local actors reconstruct and reinterpret international norms according to "local filters" such as local ideas, principles, and briefs in ensuring a better fit with existing local norms.

## 2.3. Theoretical Framework

The aim of this research is to make sense of China's selective compliance, and on the basis of this analysis, I illustrate how norms and compliance, both treated as inter-subjective social constructs, are discursively constructed at the state level. In this section, I set out the theoretical framework for this analysis but before doing so, I first reiterate my main arguments. First, in order to gain a clearer insight on why China selectively complies with norms, I maintain that it is necessary to shift our focus to the ways in which international norms are discursively represented in the state context. Second, I argue that China's divergent interpretations of norms and compliance are shaped by the narratives that conceptualize China's state identity discourse, which I will expand on in chapter 3. Third, building on critical norms research, I posit that norms are inherently ambiguous and hence contains multiple but equally valid meanings. This explains that despite a supposedly shared understanding of a norm, actors interpret and apply them very differently within a highly diverse context. What appears to be a departure from the 'normatively expected' behaviour is actually directly linked to the lack of inter-subjective agreement on what constitutes complaint behaviours.

### 2.3.1. Ambiguity, Inter-subjective Agreement, and Compliance

As we continue to witness the greater transition of power in the recent decade, it is widely acknowledged that the global power and the arrival of new actors suggest that "the values underpinning existing order are not shared by all" (Flockhart, 2016: 3). With the rise of China and the revival of Russian power, much attention has been directed towards the challenges and uncertainties brought on by this power shift towards the East. However, what is certain is that the unipolar world has come to an end and the international system has become multipolar. This transition towards a more pluralistic system has important

implications for the global normative order: the decline of Western dominance coupled with the rise of non-Western power will undoubtedly intensify the contestation of international norms, both discursively and behaviourally. That is, there will be even less certainty that all actors share the same understanding of an international norm and implement it according to 'universal' expectations. By consequence, discussions over normative meanings and interpretations will likely to take place at the heart of global governance for years to come.

The fact that the world is composed of various discourses that represent different and competing ways of naturalizing certain realities, it means that any representation can be a point of potential contestation. This then leads to the core conceptual proposition of critical constructivism in denaturalizing the taken for granted by going beyond the state's point of view to "examine those structures of meaning and social practices that are the conditions of possibility for the agent's self-understanding in the first place" (Weldes et al, 1999: 19-20). In other words, critical scholars seek to reveal how practices and identities that are usually taken for granted as exogenously are instead products of social construction by human agency. As has been indicated, norm compliance has long been a concern in IR. Whilst different forms of constructivist norms research have put forward various persuasive explanations to account for dynamic processes such as norms emergence, diffusion, contestation, and localization, what these analyses failed to take sufficient account of is that norms are inherently ambiguous and the strong relationship between ambiguity, inter-subjective (dis)agreement, and compliance. Henceforth, this dissertation aims to denaturalize the naturalized social construct of Western norms in the thinking of

normatively-expected behaviour by paying close attention to China's own normative interpretation to show that compliance in an inter-subjective process.

For rationalist theorists, they assume that there is already a pre-existing inter-subjective agreement on the norm's parameters and norm violation is carried out intentionally in the pursuit of material interests. Likewise, norm socialization is also not prepared to explain the implications of ambiguity. This approach largely focuses on the means norm entrepreneurs utilized to achieve socialization and to overcome domestic constrains that hinder this process. Following an exclusively linear top-down socialization process, a targeted state's interests and identity are said to align with diffused normative obligations thereafter. In cases where state behaviour departs from the expectations of norm entrepreneurs, it is mainly attributed to faulty diffusion and internalization.

According to Bode and Karlsrud, even though second-wave constructivists have admitted the existence of ambiguity, it is instead casted as something avoidable which resulting in an increasing number of scholarly works calling for precision in normative meaning to "safeguard against the loopholes and a diversity of meaning" (Bode & Karlsrud, 2018: 464). Contrarily, normative ambiguity is typically the starting point for norm contestation scholars (Bode & Karlsrud, 2018; Jose, 2017; Krook & True, 2012), despite the fact it has not been fully incorporated into the analysis of norms (Bode & Karlsrud, 2018: 460). As Hurd puts it, "ambiguity of norms is an important aspect of world politics that is often overlooked in IR" (2005: 501). If a norm is ambiguous, it will most certainly yield different interpretations of its normative content which will lead to an inter-subjective disagreement over what constitute appropriate behaviour in specific circumstances. So, if there is a lack

of inter-subjective agreement on what is regarded as compliance, then actors will simply revert to their own interpretation and follow what they consider to be compliant behaviour.

Against this backdrop, this research builds on critical norms research by integrating the concept of ambiguity into the analysis of China's norms compliance. In this section, I aim to clarify the impact of ambiguity on inter-subjective agreement and compliance. In other words, how is intersubjectivity and compliance possible under the condition of normative ambiguity? In this dissertation, ambiguity implies "multiple meanings in that the same term or legal provision can mean different things to different people" (Hansen, 2015: 194; see also, Krook & True, 2012; Widmaier & Glanville, 2015). Norm clarity might seem to be a virtue in theory, but it is rarely achieved in practice in spite of continuous efforts to foster norm precision. Normative language, like any other legal language, appears in varying degrees of precision; the more general the language is, the more it is subjected to wider interpretations. Hence, I claim that ambiguity represents a key characteristic of norms, pointing to their flexibility and contested nature, as well as the plurality of possible interpretations (Wiener 2004; Widmaier & Glanville, 2015).

The follow-up question would be then, why does ambiguity continue to exist in norms? Speaking to this question, I offer three plausible explanations. First, ambiguity symbolizes heterogeneity and it is also a key mechanism in forging intersubjectivity. Precise language does not necessarily mitigate prevailing contestation over the meaning of norms. Rather, it is preciously this imprecise language that lead to, at least, inter-subjective agreement over a norm's validity among actors (Wiener, 204: 199). As a result, the meanings of norms are often left ambiguous in order to settle disagreements by allowing divergent interpretations

of norms (Widmaier & Glanville, 2015: 368). Second, in his analysis of U.S. violation of non-intervention in the case of Panama, Shannon showcases that, from a political psychology point of view, when norms conflict with national interests, actors are forced to "perceive a situation in a way that would free them from a norm constrains" (2000: 294). And if norms are ambiguous enough, it allows actors to interpret their behaviour, defined by its own logic of appropriateness, as consistent with normative expectations (Shannon, 2000: 294). In this specific instance, norm ambiguity enables states "to search for a socially acceptable way to violate the norm … and allow violators to offer an interpretation that, at least marginally, fits with the parameters of the norm" (Jose, 2017: 31). Third, from a normative perspective, the existence of norm ambiguity is essentially due to growing cultural diversity amongst various actors and the different values that come with it (Linsenmaier *et al,* 2017: 18). It is this inherently unique pluralistic nature of actors that perpetuates existing ambiguity and uncertainty surrounding the meaning of norms. If all actors shared common preferences, interests, and a cultural identity, then norms would be homogenously interpreted and would therefore cease to be ambiguous.

Recalling the above discussion, if norms are said to be ambiguous and comprised of divergent normative meanings, this, then, necessitates taking a different approach to the study of norms compliance. I build on critical norms research in identifying the limitations of conceptualizing state's normative response in a binary way, as either rejection or acceptance. If norms are inherently ambiguous, we should separate norms from compliance behaviour without assuming an implicit causal linkage between norm recognition and compliance. An apparent deviation from the normative obligations, in this case, may not necessarily be due to lack of socialization or material incentives, but because of actor's

divergent conceptions of what is appropriate and norm-compliant behaviour. If compliance is discursively constructed, then compliance is not simply about behaving according to the normative expectations, it instead should be treated as an "inter-subjective social fact" ((Nunes-Mietz, 2016: 219).

### 2.3.2. Local Context and Critical Constructivism

As the responses to and receptivity of international norms vary across different states and regions, this brings us to the question of how norms are represented and interpreted differently across different contexts. The logic of contestedness grasps this process well as it assumes that "norms might be considered as valid and just under conditions of interaction in one cultural context cannot be assumed as stable in other different political arenas" (Wiener, 2007b: 55). Interpretations that are constructed within a particular domestic context will likely resonate more with actors operating in a similar environment than if they are externally imposed (Jose, 2018: 34). In short, states might revert to its own understanding of the normative parameter and prescriptions. Correspondingly, the logic of contestedness serves as a reference point when informing actors what they perceive to be salient and compliant behaviour in a given context. Together with ambiguous norms, multicultural contexts give rise to multiple interpretations of norms and compliance that lead to discursive (norm's applicability) and behavioural (implementation) contestation even when actors have secured inter-subjective agreement on a norm's validity. In recognizing that actors have agency and that actors actively exercise their agency when interpreting ambiguous norms, critical constructivism is capable of shedding more light on the interactive relationship between local contexts, inter-subjective agreement, and compliance with norms.

Therefore, to access what China regards as compliant behaviour and the understandings it attaches to ambiguous norms, this dissertation advances a critical constructivist approach to examine how compliance and norms are constructed at the state level. I argue that these representations are informed by the narratives that conceptualize China's state identity. Identity shapes an actor's understanding of world politics by privileging certain course of action while de-legitimizes others. It is also identity that informs a particular worldview that guides an actor's behaviour in international relations. Hence, this dissertation asserts that China's compliance behaviour is governed by its own logic of appropriateness. In part two of this theoretical framework (chapter 3), I will examine China's state identity discourses and narratives in greater details.

## 2.4. Conclusion

This chapter argues that a critical constructivist approach to norms research can further deepen our understanding about norms and compliance. I do so by taking a different approach from the rationalist and conventional constructivist perspectives which have largely been limited to the analysis of commitment, compliance, and non-compliance, as a result, devoting little attention to behaviours that do not fit in with these categories. First, I challenge the underlying beliefs that norms are static and do not change once they are internalized. Instead, I treat norms as fluid and their meanings subject to constant change and contestation by various actors. Second, adding to the mix, I show that norms are ambiguous, and that there is a strong connection between ambiguity, inter-subjective (dis)agreement, and norms compliance. Despite a general agreement on a norm's validity, ambiguity generates multiple interpretations of what constitute appropriate and compliant

behaviour. By expanding on critical norm research, this dissertation strengthens our understanding of China's compliance by examining how its own interpretations and understandings of international norms have contributed to its selective compliance with them.

# Chapter 3 – Theoretical Framework (II): Narratives and China's State Identity

In late 2014, China announced the establishment of the Asian Infrastructure Investment Bank (AIIB) which became operational in January 2016. The investment bank, China argues, could help fill a critical gap in financing railways, roads, and other vital infrastructures in the world's fastest growing region (Campanella, 2015). But the U.S. saw the new initiative as a challenge to the international institutions that it helped to create and maintain in the following decades after the Second World War (Hameiri & Jones, 2018: 574). Some in Washington were suspiciously pointing to China's deeper purpose: to build a parallel institution that would give Beijing the leverage to push for its preferred standards, and be free from U.S. dominance, as well as the norms and values espoused by the West (Feigenbaum, 2017). Fast forwarding to 2019, much has happened but for one thing, as illustrated in the 2017 U.S. National Security Strategy (White House, 2017), the unclassified summary of 2018 National Defence Strategy (DOD, 2018), and the recent China speech by Mike Pence (Pence, 2018), the current U.S. administration clearly sees China not just a revisionist power but also a great power rival who is more assertive, confident and willing to push back against the West. The prevailing belief is that China is actively constructing a 'competing' order consisting of alternative institutions, principles, and norms that will undermine or even replace the post-war international system. Similarly, departing from the usual benign approach, the recent European Commission strategy paper has branded China "an economic competitor in search of technological leadership" and a "systemic rival promoting alternative models of governance" (European Commission, 2019: 1).

Nevertheless, such observation misleadingly depicts one-dimensional representation of Chinese foreign policy behaviour. A more complete account of the complexity of China's behaviour in global affairs reveals that there are indeed occasions where Beijing has acted in more cooperative and compromising ways. For instance, following U.S. withdrawal from the Paris Agreement on climate change mitigation in 2018, President Xi Jinping called on China to "become an important participant, contributor, and torchbearer by taking over the driving seat in responding to climate change" (Xi, 2017: 4). Then there is China's constructive and indispensable role in facilitating the historic 2015 Joint Comprehensive Plan of Action (JCOPA) between Iran, P5 plus Germany and the European Union. While a majority of the negotiations occurred behind closed doors, it was self-evident from the beginning that China was a crucial intermediary. One specific example is the way in which Chinese state media outlets have portrayed Beijing's role. In 2016, the China Daily labelled China's involvement as "proactive, just, and objective" (2016). Moreover, in an interview with the *Global Times* in 2015, former Iranian ambassador to China Ali Asghar Khaji, recalled China's significant role in "bridging the gaps between U.S. and Iran, … and advanced talks at difference stages" (2015). Although details of China's actions remain vague, these media reports have helped to demonstrate China's activism in ensuring that a diplomatic agreement is reached.

For Beijing, one could argue, growing international activism on the global stage is in part of its national rejuvenation and restoration that would lead to China's eventual return to the centre of East Asia. Zheng Wang once wrote that "modern historical consciousness in China is powerfully influenced by the 'century of humiliation'" (2014: 35). For the Chinese

Communist Party (CCP) to maintain legitimacy, modern Chinese leaders must not only redress this particular period spanning from the mid-nineteenth century to the mid-twentieth century, but also to restore China's rightful place as a great power. However, does reclaiming China's rightful place necessitate it to challenge the existing norms and values of the international order, or even replace the U.S. as the new world leader? The answers may vary according to each person. As an example, former U.S. official Michel Pillsbury notes that China has a hidden strategy to overtake the U.S. as the new hegemonic power by 2049 and the U.S. has been seduced in helping China to achieve this goal (Pillsbury, 2015). But interestingly, Chinese have traditionally rejected the idea of becoming a superpower, at least at the official level. In the Chinese context, the concept of superpower contains a rather negative connotation which neatly corresponds to hegemony (*baquan* 霸权) (SCIO, 2011; Zheng, 2018). When Deng Xiaoping, the architect of China's economic reform, gave a speech at the United Nations General Assembly in 1974, he declared "China is not a superpower, nor will she ever seek to be one … if one day China should change her colour and turn into a superpower … the people of the world should identify her as social-imperialism, expose it, oppose it, and work together with Chinese people to overthrow it" (Deng, 1974). Forty years onwards, China has surpassed Japan as the world's second largest economy and set up its own development bank for Asia, and yet the political elites continue to stress that China remains a large developing country (Qiu, 2019; *South China Morning Post*, 2019).

A critical question that emerges from this observation is that how can we make sense of China's apparent contradictions about its role and status in the twenty-first century? As the Chinese academic Zhu Feng observes, "Beijing remains an adolescent power, and should

learn how to be a great power rather than unwisely rushing to confrontation. Though some Chinese want the nation to assert itself more forcefully, the huge disparity in power should keep China in place" (Zhu, 2016). Also, in speaking to this question, leading sinologist David Shambaugh notes that China's increasingly diverse and contradictory behaviours are implicated in Beijing's deeply conflicting identities (2011: 7). By identifying seven distinct Chinese perspectives, Shambaugh has aptly illustrated that China's competing discourses have substantially restrained its ability to act coherently. In a similar vein, Wu Xinbo showcases four contradictions under which the so-called "dual-identity syndrome" has created a conundrum in China's foreign policy behaviour (2001: 293). As a great power, China needs to respond when a crisis occurs. But on the other hand, as a developing country that still lags behind the West, China's response is largely confined to words and rhetoric instead of workable proposals that can solve the problems. In light of this, Pak Lee and Lai-Han Chan have further engaged with China's dual national identity. In a study of China's role in global health governance, they sought to explain why China's behaviour and interests are in conflict with the developing world (Lee & Chan, 2014: 298). While scrutinizing China's status signalling and diplomatic repositioning, Pu Xiaoyu demystifies China's contradictory posturing in the global stage by focusing on the duality of China's status as both a developing country and a great power (2019: 10).

When exploring the selectivity in China's norms compliance, this dissertation adopts an identity-based approach for three primary reasons. Firstly, no attempts have been made to provide a comprehensive, case-by-case study of China's varying engagements with the international normative order by drawing on the complexity of China' state identity, especially how *narratives* conceptualize its state identity discourses. Secondly, the study

of China's state identity is fundamentally related to the questions of who I am and what I am going to do. How China is going to act and what role it decides to hold will significantly (re)shape the international normative order in the coming decades. As Pu suggests, while it is clear that the revival of the power of the Chinese nation occupies the top priority of the leadership, but what remains uncertain is China's place in the international system and how it should act therein (2017: 133). Thirdly, the importance of identity in shaping China's normative behaviour is evidently reflected in the much cited Finnemore and Sikkink's definition of norms as "standard(s) of appropriate behaviour for actors within a given identity" (Finnemore and Sikkink 1998: 891).

As the second leg of a two-part theoretical framework, this chapter consists of both the explication of how China's state identity discourses and the narratives that serve as the access point to explain China's selective compliance with international norms, and how China's state identity is built. This chapter proceeds as follows. Section 3.1 elaborates on the study of identity which I then set up my core arguments. In section 3.2 and 3.3, I specify the theoretical and methodological approaches to the study of China's state identity. Section 3.4 identifies the interpretative apparatus for the analysis of normative behaviour by outlining the narratives that give meanings to China's state identity discourses. The conclusion in section 3.5 summaries the two-part theoretical framework and introduce the empirical case studies.

## 3.1. Studying China's State Identity: Critical Constructivism, Discourse, and Narratives

How do Chinese state identities shape Beijing's understandings of international norms? How can we assess what actors, such as China, understand as a compliant behaviour and

the understanding they attach to ambiguous norms? Answers to these questions directly shape an actor's decision on whether to comply with an international norm. I posit that a more complete assessment of China's normative behaviour can be reached by addressing the complexity of China's state identity, especially how narratives configure China's interpretation of and compliance with the international norms.

Over the past 25 years or so, the identity problematique has rapidly moved to the core research agendas of the IR discipline. For many IR scholars, particularly constructivists, identity has become the touchstone for their evolving paradigm. The emergence of identity literature in IR has produced definitional accounts about identity in abundance, resulting in what is known as "definitional anarchy" (Abdelal *et al,* 2006: 695). Across the literature, various types of identity emerged, which include corporate, social, national, collective, and self-identity. This in turn has brought about different definitions based on the focus of specific research projects. For instance, when studying the construction of Russian identity, Ted Hopf (2004: 6) defines identity as "a product of human desire to understand the social world". Meanwhile, Abdelal *et al* (2006: 696) view collective identity as a "social category that varies along two dimensions, the meaning of identity and in-group agreement over this meaning." This conceptual ambiguity invited critics to question the analytical relevance and practicality of identity. Responding to the ubiquity of identity in social sciences, Brubaker and Cooper, for instance warn that "we have surrendered to the word identity … that tends to mean too much, too little, or nothing all" (2000: 1).

However, this should not refrain us from applying identity shrewdly to foreign policy analysis despite the fact that it is inherently ambiguous and contested. Theoretically,

identity can be understood as relationships that change over time and across context. To be sure, it is a relationship that is produced and reproduced (Dittmer & Kim, 1993: 4). Even if it is long-lived, it is not immutable, and is open to change (Klotz & Lynch 2007: 65). Thus, identity should not be treated as static**.** In this dissertation, I treat identity in a way that it is operationalizable. This conceptualization of identity stems from the idea that state behaviour is predominately a function of perception where internal beliefs (re)shape the interpretation of external events, and thereby determining how states should respond accordingly. Since identity is "always-in-the-making" (Towns, 2010: 42), the perception of "who I am" is often modified over time, leading to changes in foreign policy behaviour. Against this backdrop, this research conceives identity as a distinctive perception held by a state about itself within an international context.

Given that identity informs actors who they are and what interests corresponds to this specific identity, it is commonly agreed that identity is constructed in relation to others. Or, put differently, the meaning of who we are is only acquired through comparative evaluation and references to the out-group (see, e.g.: Hagstrom & Gustafsson, 2015; Larson, 2015; Liao, 2013; Suzuki, 2007). To borrow the words of Hill and Wallace, "effective foreign policy rests upon a shared sense of national identity, of a nation-state's 'place in the world, its friends and enemies, its interests, and aspirations." (1996: 8). In the foreign policy realm, identity frames the possible actions that are congruent with "who China is and who is *not"*.

In this dissertation, identity refers to an articulation at the state level and hence does not correspond to national or cultural groups at the societal level. That is to say, this research is *not* analysing identity, which is understood as an individual's self-identification to their

nation understood as a cultural group. The focus is instead on China's *state identity* and how it informs norm-related behaviour such as compliance. Here, I draw on Dittmer and Kim's conception of identity as a structure consisting of ideas from both state and society. At the top of this formation are elements related to the state, such as policies and worldviews of the political elites. Meanwhile, the lower tier entails the collective values and beliefs of the broader society (Dittmer & Kim, 1993: 24-26). I define state identity (*guojia shenfen* 国家身份), as a set of shared state elements such as policies, principles, and worldviews construed by the political elites on 'who China is (not)' and 'what China does'. These two elements are indeed mutually co-constitutive because who China is shapes what China does.

At this juncture, it is necessary to clarify and explicate the relationship between discourse and narratives. In this research, discourse and narrative are not treated as two separate concepts and instead I approach them from a macro-level in the sense that narratives are considered a part of discourse. This implies that meanings of a state identity discourse is constructed through the practice of narrative, which suggests certain meanings, themes, and solutions (Bode, 2015). To put this into perspective, as I contend that China is a state with multiple state identity discourses grounded in several co-existing or even contradictory narratives. What it means to be, for instance, a responsible global stakeholder (state identity discourse), is informed by narratives such as the century of humiliation and national rejuvention which also appear in other state identity discourses as I will show in section 3.4. A narrative, according to Bode and Heo, is "a way of communicating human experience and … how humans make sense of the power" (2017: 132). Through this process, narratives provide stories that are able to connect individuals to the collective and

the collective to the past, present, and future (Sverdrup-Thygeson, 2017: 57). Stories are, thus, fundamental to an identity discourse since they are the access point to the understanding of who we are; and it is also precisely this specific understanding of who we are and what we want help to create a particular course of action. In a similar vein, Ringmar notes that "the narratives we construct about our state will specify who we are and what role we play in the world; how our national interests are to be defined or which foreign policy to pursue" (1996: 455). If power is the primary end of action for realists, narratives are the building blocks that discursively construct identity discourse. It is only through the means of story-telling that identity discourse, interests, and behaviour are rendered meaningful. When it comes to norms compliance, it is the narratives articulated by China's political elites that provide meanings for political actions. In sum, three germane observations can be drawn about narratives: first, they assist actors to clarify what constitute appropriate/inappropriate or relevant/irrelevant behaviours; second, as 'reference points', actors revert to narratives to legitimizing their behaviour; third, narratives generate new conditions for potentially new acceptable behaviour by contesting existing ones.

## 3.2. Overcoming the Limits of Conventional Constructivist Approach: Adopting Critical Constructivism

When the concept of identity was first introduced as an analytical tool, conventional constructivists consider identity the initial point of analysis because "identities define and shape in the first place how actors view their perceived instrumental and material interests and which preferences are regarded as legitimate and appropriate for enacting identities" (Risse *et al*, 1999: 157). In the case of norms compliance, constructivists maintain that

normative behaviour is contingent upon an actor's identity which helps to instruct appropriate action (Finnemore & Sikkink, 1998). Accordingly, norms compliance is expected once a norm is fully internalized domestically (Finnemore & Sikkink, 1998).

While it is indisputable that conventional constructivism has laid the ground work for remarkable progress in the field of identity studies, it nevertheless faces a few limitations: first, conventional constructivism often treats meanings as an object without explicitly elaborating on the role of language (Simmerl, 2011: 5). Doing so not only restricts the content of norms being studied, but also leaves little room for norm interpretation and implementation. Such shortcomings were indeed acknowledged by Checkel, who argues that overlooking the importance of language has led to constructivists uncritically validating the fact that norms and identities are fixed in nature (2007: 66-67). Second, conventional constructivism's linear causal explanation of state behaviour assumes a stable, clearly defined structure where identity shapes interests and state behaviour, fell short of accounting for the possibility of plural and dynamic identities that generate divergent interpretations and behaviours.

In response to some of these limitations, I suggest that critical constructivism can overcome these shortcomings by emphasising on the role of language. In contrast to rationalist-materialist assumptions that language is purely referential and it is simply there to convey an object's meaning as it is, critical constructivists perceive language as a constitutive mechanism on its own (Pate, 2018: 2-3). For critical constructivists, language has "its own constitutive force" since it is through language that we construct a specific meaning of the social world that we operate in (Pate, 2018: 52). Additionally, rather that assuming a stable

identity that in turn generate actions to maximize gains, critical constructivists deem identity open and malleable whereby its very own existence is fundamentally predicated on discursive practices that bring it into being. In the words of Philips and Jøgensen, "for discourse analyst, the purpose of research is not to get behind the discourse … the starting point can never be reached outside discourse so it is discourse itself that has become the object of analysis" (2002: 21).

In the context of this dissertation, I treat China's state identity as a *discourse*. In other words, state identity is viewed as an abstract entity that requires construction in order to be meaningful. As an example, when China is referred to as a 'responsible global stakeholder', it is unclear what this identity discourse entails and how it impacts China's perceptions, interests, and behaviour. Therefore, I argue that by tracking when, how, and why *narratives* are constructed, it is possible to uncover the different perceptions embedded in each of China's multiple identity discourses. In section 3.4 below, I identify the three dominant identity discourses on the global stage and map out the key narratives that inform these discourses.

### 3.3. Discourse Analysis: State Identity Discourse

Discourse analysis can be defined as a method to make inquiry about the construction of social reality and identities. This methodology works with texts such as official statements and speeches that give meanings and "tell a story" about certain events. The primary focus is on speeches and documents related to the political elites since these are the actors

"presumed to be authorized speakers/writers of a dominant discourse" (Milliken, 1999: 233).

When applying discourse studies to IR, Jennifer Milliken has outlined three theoretical commitments which has helped to define my methodological approach: systems of signification, discourse productivity, and the play of practice. The first preposition reads discourses as "systems of signification which construct social realities" by defining different objects (Milliken, 1999: 227). In some ways compatible with constructivism that consider material things as socially constructed by ideas, Doty draws on Shapiro's argument that "language can be seen as a set of signs which are part of a system for generating subjects, objectives, and worlds" (1993: 302).

Milliken's second theoretical assumption focuses on the idea of discourse productivity. Discourses are said to be productive and re-productive in the sense that discourses "operationalize a particular regime of truth while excluding other possible modes of identity and action" (Milliken, 1999: 229). In other words, actors use discourse as a reference point to endorse certain behaviours while delegitimizing other possibilities. Applying this foreign policy analysis means being concerned with how an identity is constructed which makes certain course of action possible.

Her final presupposition on the play of practice is related to the instability of discourse, which require continuous work "to articulate and re-articulate their knowledge and identities in order to fix the regime's truth" (Milliken, 1999: 230). Rather than assuming that a particular subject or social reality possess an already pre-determined and stable

identity, discursive approach would instead conceive them as discursively constructed and reconstructed.

### 3.4. Identifying the Narratives: Constructing China's State Identity Discourses

The expert community has gradually come to a consensus that China's rise will undoubtedly alter certain aspects of the international system. But one key variable that will determine the direction and impact of this change is how China views itself vis-à-vis the world. At present, China is confronted with an identity crisis which has resulted in various foreign policy emphases and orientations. This development is well summoned up in the following phrase: "Major powers are the key, the periphery is the priority, developing nations are the foundation, and multilateral forum is the key stage," (大国是关键、周边是首要、发展中国家是基础、多边是重要舞台) (Shambaugh, 2013: 12). As I suggest that China's state identity is rarely singular but multifaceted, I aim to explicate three identity discourses and their corresponding narratives in greater details. The identity discourses which I will dissect are: a socialist developing country, a responsible global stakeholder, and an emerging great power.

#### 3.4.1. Why Does History Matter?

"For Chinese people, history is our religion", Wang Zheng puts it aptly (2014: 125). The Chinese, according to Wang, are a group who regularly look to the past to define the present and future. Historically, China was always at the centre of East Asian civilization up to the nineteenth century. It is only in the past century that China underwent a protracted search for a new identity when its centrality was ended by internal divisions and semi-colonization

by Western powers and Japan. This stark contrast has become the subject of a core historical interpretation by the national political elites who have vastly contributed to the identity discourse construction. The political salience of history is undeniable. And when studying a country with a history as rich as China, historical contexts inevitably become an essential component of the identity discourse construction. In this process, historical narratives not only enable individuals to connect with the past, but also functions as a political tool utilized by the state to convey a particular story that give meaning to the present via the historical past. For instance, the 'century of national humiliation' becomes the symbol of China's national awakening and rejuvenation which has profoundly shaped the foreign policy agenda of Chinese contemporary leaders (Z. Wang, 2012: 77).

Before I delve into the analysis of the narratives, there are a few additional points that we need to bear in mind. First, the end-goal of China's foreign policy, perhaps even for all of its policy, is to bolster the legitimacy of the CCP vis-à-vis its absolute hold on power (Brady, 2009; Varrall, 2015). This implies that narratives are often constructed, modified, and emphasized to serve the interests of the ruling party at any given time. Nevertheless, this does not mean that narratives do not have their intrinsic values. In fact, the CCP's use of narratives to promulgate messages amongst its populations demonstrates narratives are becoming the parameters under which foreign policy conducts can be explained (Varrall, 2015). Second, I should underline that narratives are not the only variables that shape China's foreign policy behaviour, there are also other various domestic and foreign interest groups that exert considerate influence over China's objectives and the means to achieve them. These interest groups include but are not limited to the People's Liberation Army (PLA), regional and provincial governments, and the State-Owned Enterprises (SOEs). As

for the final point, I allude to the argument that China is a "civilization pretending to be a nation-state" (Pye, 1992: 1162; *China Daily*, 2011). Likewise, Duara has made a similar remark that the development of a Chinese nation-state only occurred in the early twentieth century when China transitioned from dynasty to a nation (Duara, 1993: 1). Even then, China still retains many traditions associated with a civilization, particularly its cultural values. For many, the success story behind China's rise as a global power is spurred by its own developmental path directed by its unique history and long-standing culture. As famously observed by Martin Jacques, "China is a living history" (2009: 345). Prominent Chinese historian Wang Gungwu has also detailed the centrality of history succinctly: "… the Chinese are particularly noted for their use of traditions for the present" (G. Wang, 2002: 4). Meanwhile, China's own influential scholar Yan Xuetong has invested significant resources in "enriching existing international relations theories with insights from ancient Chinese ideas and values such as benevolence, righteous, and rites with equality, and applying these thoughts to contemporary international politics" (Yan, 2009, 2018). Rather than seeing itself in the form of a nation-state, when the Chinese, not just the political elites, use the term "China", it actually often refers to the Chinese civilization, its history, the way of thinking, values, and the distinctive philosophy (Jacques, 2009: 347).

In the following three sub-sections (3.4.2 to 3.4.4), I aim to first pinpoint the key narratives articulated by the Chinese political elites since the founding of the People's Republic of China (PRC). Next, I then examine the narratives in greater details to illustrate their meanings and how they inform identity discourses. Acquired through analysis of official documents and interviews with Chinese analysts, I have compiled a condensed overview of predominant narratives in Table 1 below. To be sure, any attempt to identify China's

identity discourse and associated narratives may be contested. That is, state identity is always subject to differing and sometimes competing approaches to discursively constructing and defining a state. This is particularly the case for Sino-centralism as other scholars portray the stories about China's historical past in a number of different ways. China's "closeness" is depicted under alternating narratives such as Chinese exceptionalism (Callahan, 2012; Ho, 2014), Tianxia (Barabantseva, 2009; Callahan, 2008; Wang, 2014; T.Zhao, 2006), Orientalist (Agnew, 2012), and self-sufficient civilization (Kelly, 2016).

**Table 1: An Overview of Narratives and China's State Identity Discourses**

| Narratives | State Identity Discourse | Brief Description |
|---|---|---|
| **1. Socialism with Chinese Characteristics** | 1. A socialist developing country<br>2. A responsible global stakeholder<br>3. An (re)emerging great power | The key characteristic of China's political system is that the CCP is the ruling party. Henceforth, the regime's stability and legitimacy are paramount. While it is debatable the extent in which China is still "communist", the CCP has profound influence over policy making and the direction of national interests. |
| **2. 'Century of Humiliation'** | 1. A socialist developing country<br>2. Responsible global stakeholder | This narrative defines a darker period of Chinese history that lasted roughly from the first Opium war in 1839 to the victory of the CCP in 1949. During this time, China's control of its territorial shrank and weakened, its imperial system collapsed, and China was unravelled by civil war, foreign invasions, and domestic rebellion. This experience of humiliation has indeed become a defining |

| | | |
|---|---|---|
| | 3. An (re)emerging great power | element that shapes who China is and how it should act. On the other hand, the century of humiliation is a narrative often used as a rhetorical tool by the CCP to not only shape and direct Chinese nationalism, but also block attempts from Western powers to interfere in what China calls domestic affairs and core interests. |
| **3. National Rejuvenation, (*fuxing* 复兴): the grander strategic narrative**<br><br>I. Chinese Dream, (*zhongguo meng* 中国梦）<br><br>II. Discourse Power, (huayu quan 话语权）<br><br>III. China Solution, (*zhonggu fangan* 中国方案）<br><br>IV. Community of Common Destiny for Mankind (*renlei mingyun gongtonti* 人类命运共同体) | 1. A socialist developing country<br><br>2. A responsible global stakeholder<br><br>3. An (re)emerging great power | The grander narrative of national rejuvenation corresponds directly to the 'century of humiliation'. In short, it is a meme that has asserted by virtually every Chinese leader since the Qing dynasty and the message is plainly simple: to be strong again and regain its rightful place in the world.<br><br>It is important to note there are also other narratives coined by each contemporary Chinese leader as a form of fulfilling national rejuvenation. This is particularly the case in the Xi Jinping era. The narrative of *Chinese Dream* follows the path of great rejuvenation while greater d*iscursive power* calls for Beijing to define its responsibility and use *discursive power* to engage with global governance. As a rising power, how China expresses itself will directly impact its relationship with the established powers (K. Zhao, 2016).<br><br>By explicitly opposing a single temple for the global order and offer its own experience as a possibility, Xi Jinping put forward the idea of a *community* |

| | | |
|---|---|---|
| | | *of common* destiny, as part of the *China solution* to put forward its own normative concepts and solutions. |
| **4. A Developing Country** | 1. A socialist developing country<br>2. A responsible global stakeholder<br>3. An emerging great power | In the first decade of the twenty-first century, for the better half of the twentieth century, China is the largest developing country with priorities in economic development and cultivating ties with other developing and emerging countries (Wang, H, 2005: 85) |
| **5. A Responsible Power (*fuzeren de daguo* 负责任的大国)** | 1. A socialist developing country<br>2. A responsible global stakeholder<br>3. An (re)emerging great power | The narrative of being a responsible power took hold in the late-1990s. Some have argued the years of 1997 and 2005 are two important junctures. In a speech before the Russian State Duma in 1997, former President Jiang Zemin referred China as a responsible power in which he suggests, as a global power and permanent member of the UNSC, China has an important responsibility in maintaining peace and security (Larson, 2015). For the year 2005, it marked the start of another proliferation of this narrative, seemingly in response to the responsible stakeholder concept articulated by the U.S. government (Hoo, 2018). Overall, this narrative connotes a proactive engagement in international organizations. |
| | | China's self-identification and self-confidence as a great power did not begun by the 1990s (Hoo, 2018). For many, Beijing's impressive economic developing |

| | | |
|---|---|---|
| **6. A great power** | 1. A socialist developing country<br>2. A responsible global stakeholder<br>3. An (re)emerging great power | in the past three decades has been the primary reason that supports China's rise or to put it more accurately, its re-emergence as a great power.<br><br>Even although China's sense of great power can be traced to the "great central kingdom" (Hoo, 2018: xvi), this chapter only focuses on the great power narrative in the Xi Jinping era. |
| **7. Champion of Plurality** | 1. A socialist developing country<br>2. A responsible global stakeholder<br>3. An (re)emerging great power | This narrative advocates for multilateralism and multipolarity. A pluralist system calls for a balance of power in which no dominant power can exercise overwhelming influence over international politics (Kelly, 2018). |

### 3.4.2. A Socialist Developing Country

Deng Xiaoping, China's previous paramount leader has played a significant role in re-shaping the country's political discourse. This reconstruction of China's state identity was only made possible following Mao's death in 1976 and his own rehabilitation in 1978.

At the Third Plenum of the Eleventh Central Committee of the CCP in December 1978, the pragmatic rhetorics for economic development superceded the slogans of revolutionary language as Deng discarded the importance of class struggle that dominated the Maoist China. Chinese modernization, Deng claimed, should clearly reflect China's unique circumstances, while upholding the socialist ideology (Shen, 1994: 2). This belief was

again reiterated during the opening speech at the twelveth National Congress of the CCP in 1985 where Deng stressed that "in carrying our modernization programme, we must proceed from Chinese realities. Both in revolution and in construction, we should also learn from foreign countries and learn from their experience… but we must integrate the universal truth of Marxim with the concrete realitites of China, blaze a path of our own and build a *socialism with Chinese characteristics*" (Deng, 1985: 3).

On this backgroud, the overall mission of *socialism with Chinese characterstic* is to cultivate a distinct model based on China's unique historical experiences and cultural heritage. During his speech celebrating the 80th anniverisary of the founding of the CCP, former President Jiang Zemin underlined the party's achievements by reiterating that "… we have created the cause of building socialism with Chinese characteristics and started a correct road to the great rejuvenation of the Chinese nation" (*People's Daily*, 2001). While emphasizing the importance and the legacy of the CCP, Jiang also underscored that the *socialist elements* in China's political system must be upheld as a counterweight to growing influence of foreign values and norms. As he denoted, "we must resolutely resist the impact of Western political models such the multi-party system or separation of power among the executive, legislative, and judidical branches" (*People's Daily*, 2001). In the realm of economy, this narrative tells a story of a new emerging era in which China will be prosperous after embracing economic reforms and modernization, and in the process becoming an integral part of the international community. This was concisely captured in Hu Jintao's speech at the seventeenth National Congress of the CCP when "economy" was mentioned 37 times while the word "reform" nearly tripled to 92 (*China Daily*, 2007). However, in the process, Hu also alluded to the fact that China is a still *developing country*

and despite decades of reforms and opening up, China still suffers from complex problems and diffuculities at home.

The second narrative that connects to this identity discourse, perhaps to all Chinese identity discourses, is the *century of humiliation*. This narrative has been widely circulated by the CCP political elites to describe how China's sense of supremacy in the world was ultimately ended by Western incursions, and it is only under the leadership of the CCP that China can redeem itself and defend against any foreign interference in China's internal affairs and sovereignty (see e.g., Callahan, 2012; Cohen, 2003: 166-284; Z. Wang, 2012). This was well illustrated in the following passage from Jiang's speech at the 80$^{th}$ CCP anniversary, "ever since the foundation, the Chinese Communist Party has all long held high the great banner of patriotism and waged an epic struggle for the unity and rejuvenation of the country" *(People's Daily*, 2001). It is important to stress that this narrative was actually first articulated in 1915 to oppose Japan's "Twenty-one Demands", which severely compromised China's sovereignty (Callahan, 2004: 210). It was then used by both the Nationalist and the Communist government to depict China's subjectivitiy (Callahan, 2004: 209).

While the narrative of '*the century of humiliation'* might seem to be purely catered to the domestic audience, but the notion of China's rightful place in the world exercises signficant influence over China's foreign policy. Building a unitary and modern country is indeed a part of *national rejuvention* to regain China's prominent status in the world. And the only path to realize this objective is through socialism with Chinese characteristics. In other words, only the CCP can restore China's prominence. Starting in 1978, Deng enacted the

slogan of "invigorating China" (zhenxing zhonghua, 振兴中华) and it remains to be a popular slogan and mission statement of the CCP (Z. Wang, 2012). The embedded message is fairly obvious: it stresses the need for China to become powerful while improving the standard of living for the Chinese people. For third generation leader Jiang Zemin, "the great rejuvention of Chinese nation" presents two major goals for the CCP: putting an end to national humiliation and rejuvenate the nation. His successor Hu Jingtao carried on Jiang's narrative of rejuvention while fifth generation leader Xi Jinping is continuing this narrative as part of his '*Chinese Dream*', though this narrative carries deeper meanings that go beyond the mere understanding of acheving national revival (Kuhn, 2013).

The fourth narrative that constitutes this identity discourse of a socialist developing state is *the champion of plurality***.** According to David Kelly, the connotations behind this narrative appeal widely to the opponents of superpower domination alias American hegemony, which in turn calls for an international system based on plurality where no one power can exert overwhelming influence in global affairs (Kelly, 2018). In fact, the narrative of champion of plurality consists of both the terms of multilateral *(duobian 多边*) and multipolar (*duoji 多极,)* under which are blended together in pluralism.

To grasp China's understanding of multilateralism, one has to begin with Beijing's historical engagement with multilateral institutions. China's initial formal contact with multilateralism began with the PRC's accession to the United Nations, replacing the Republic of China (ROC) at the UN General Assembly (UNGA) and the Security Council (UNSC) in October 1971. Contrary to Mao's call for independence and self-sufficency, it is argued that this fundamental shift towards multilateralism coincided with Deng's

ambitious open door policy (Singh, 2010: 7291). With economic development and modernization being given top priority, Deng gradually re-oriented China's foreign policy approach towards strenthening external relations with the outside world, especially the advanced West to learn advanced technology, and to accept greater interdependence through participation in multilateral institutions.

In addition, China's increasing engagement with multilaterialism stemmed from Deng's ideology that China should never seek hegemony and impose its own values on other countries (Gao, 2014). This is mirrored in China's understanding of *nominal multilateralism*, which relies on multilateral cooperation between a number of states to manage international issues as opposed to bilateral mechanisms (H.Wang, 2000: 479). Nonetheless, China's definition of *qualitive multilateralism* retains some characterstics distinct from Western understanding: China has consistently underscored the independence of China's foreign policy and the principle of state sovereignty (Wang. H, 2004: 479). One pragmatic reason, as outlined by Shambaugh, is that China sees the benefits in constraining America's influence and as a means to achieve multi-polarity through multilaterialism (2013: 123). From an ideational perspective, this strong adherence to an absolutist understanding of sovereignty, I argue, is a corollary of the "century of humiliation" narrative. China's persistence on an independent foreign policy and rights to manage its own domestic affairs while simultaneously opposing hegemonism and power politics in all forms not only explicate the distinctiveness of a socialist developong state but also the pervasiveness of the century of humiliation narrative in identity discourse construction. In sum, China remains uncomfortable with multilateralism and prefers bilateralism and multipolarity instead (Shambaugh, 2013: 20)

In enunciating China's gradual integration into the world community, the socialist developing country identity discourse has toned down the revolutionary rtheorics as we have withnessed during the Maoist era. Instead,, this identity discourse predominately focuses on how China is becoming more interdependent and how it cautiously opens up to the rest of the world as part of its gradual integration into the international community and global economy.

### 3.4.3. A Responsible Global Stakeholder

The notion of "international responsibility" has become a key topic in China's IR studies over the past decade. During a 2005 keynote speech, Robert Zoellick, then U.S Deputy Secretary of State, urged China to become a "responsible stakeholder" in the international system (Zoellick, 2005). Interestingly, both the U.S and China employ the same language on responsibility, but do they actually mean the same or are they simply talking past each other? To answer this question, I follow the logic put forward by Yeophantong that "how an actor's responsibilities come to be defined often proves to be a subjective process" (2013: 332). Henceforth, I aim to identify the narratives shaping China's responsible power identity discourse in this section.

The U.S. position is rather straightforward as the Americans spoke of the need for China to assume a more proactive and responsible international role by shouldering more responsibility for tackling global issues such as nuclear non-proliferation, climate change, and global economic governance and stability. On the usage of the term "stakeholder", Hoo (2018) suggests the core message here is that "China's responsibility should match its

burgeoning power" and Beijing should use its influence in a "responsible way" (Hoo, 2018: 96). But in China, rigorous domestic debates related to terms such as "international responsibility" and "global power" highlight the divergent interpretations of this specific topic. Accordingly, Chinese understandings can be divided into four groups. First, there are a number of Chinese scholars questioning the appropriateness of China's decade long foreign policy strategy of "keeping a low profile, striving to achieve, and never taking a lead". They are instead much in favour of a bold and assertive foreign policy that is commensurate with China's global power status (X. Yan, 2011). Second, there are sceptics who are suspicious of accepting more global responsibility. The principal argument here is that it encompasses a hidden agenda of leveraging China's growth to strengthen U.S hegemony (X. Yan, 2011); The third school is said to engage with international institutions selectively and pragmatically. As an international law scholar puts it, "China sees the benefits of the idea of forum shopping as it selectively pursues what it needs" (expert interview #14, May 2019); the final group enlists domestic responsibilities as the priority since China is still considered a large *developing country* (Yeophantong, 2013: 349).

In parallel with the domestic discussions regarding China's international responsibility, the emergence of the *harmonious world* narrative, which finds echoes in the *responsible power* narrative, marked a turning point in the leadership's understanding of China's position in the world and its corresponding strategy. Espoused alongside its domestic counterpart of a harmonious society (*hexie shehui* 和谐社会), harmonious world delineates a new direction of China's foreign policy, signalling that China is "going out" (*zou chuqu* 走出去) and moving into a new stage of development strategy (Zheng & Tok, 2007: 9). Articulated by Hu Jintao and furthered outlined in his speech at the 60th anniversary of the UN, a

harmonious world follows the footsteps of previous narratives in setting out the direction of China's national policies. More importantly, Hu's harmonious world is interrelated to the strategic narrative of *national rejuvenation* which succeeded his predecessor Jiang Zemin's "great rejuvenation of the Chinese nation" (Z. Wang, 2013). In addition to the incorporation of Confucian philosophy of *he* (harmony) in highlighting China's idea of the world, what differentiates this narrative from the rest of the Chinese contemporary leaders is that it carries a greater sense of confidence to undertake greater responsibilities in international affairs (Hoo, 2018: 98).

After decades of impressive economic growth, the China that Hu inherited in 2002 was an increasingly problematic one. The country was encountered by raising unemployment, rapid environmental degradation, income disparity, and widespread corruptions. On the foreign policy front, China was confronted with a number of new global challenges, including terrorism and strategic containment. The socioeconomic transformations and tensions had convinced Hu to devise harmonious society, (*hexie shehui* 和谐社会) to provide China's domestic audience with "new development objectives" (Zheng & Tok, 2007: 2). As its foreign policy counterpart, the harmonious world represents a more proactive diplomatic outlook to work *within* the current international organizations like the UN (Shambaugh, 2013: 219-220). In essence, the conception of a harmonious world corresponds partly to the West's calls to shoulder more international responsibilities, and thus connects fittingly with the responsible global stakeholder discourse.

In this section, I have identified the key narratives that inform responsible global stakeholder discourse. While doing so, I have highlighted the *continuity* of China's call for

safeguarding the legitimacy of the CCP. For example, Hu's speeches have repeatedly stressed that the only way for China to modernize and create better lives for its people is through the path of *socialism with Chinese characteristics*. An additional continuity in China's narrative is *national rejuvenation*. Albeit in a different form, the story remains the same in which Hu's *harmonious world* carries on the torch from the previous leaderships to achieve the Sino-centric revival. I also argue that given China's constraints at home and abroad, the articulation of harmonious world not only helped with the legacy-building process of Hu's reign, but also initiated a re-evaluation of China's position in the world which moved China forward to "actively achieve something", (*jiji yousuo zuowei* 积极有所作为), adopted by Xi Jinping.

### 3.4.4. An Emerging Great Power

It was not long ago when Shaun Breslin suggested that China "does not have unappeasable revisionist ambitions" to pursue revolutionary changes or to assume a leadership role in the international system (2013: 630). As Xi declared that "*Socialism with Chinese characteristics* has crossed the threshold and entered a new era" and that China has "stood up, grown rich, and is becoming strong" (Xi, 2017), many China analysts were left scrambling for answers about the implications of Xi's speech on China's foreign policy. Though, one thing is very much clear that under the leadership of Xi Jinping, China intensified its commitment to act as a *responsible power* through which "China will take an active part in reforming and developing the global governance system, and keep contributing Chinese wisdom and strength to global governance" (Xi, 2017). To be sure, China's foreign policy activism under Xi is marked by both increasing participation in *existing* international institutions and creating new ones.

Labelled by Elizabeth Economy as the "Third Revolution" (Economy, 2018: 10), Xi's China is actively re-shaping various aspects of China's domestic and international politics. Domestically, Deng's hallmark of collective leadership was replaced by a highly centralized form of governance under Xi's personal leadership; tightening regulations and restrictions on the flow of information, capital, and ideas both in and out of the country; and deepened the role of the Party in all aspects of Chinese society (Economy, 2018: 10). However, there are still some continuities that can be identified, namely, Xi's endeavour to strengthen and promote the supremacy of the CCP. The inclusion of the "Xi Jinping Though on Socialism with Chinese Characteristics for the New Era" into the country's constitution manifests the CCP's supremacy in China's constitutional order, but also Xi's personal dominance over the Party (Garrick & Bennet, 2018). Furthermore, like his predecessors, Xi's ultimate objective is his *Chinese Dream*, to achieve the great rejuvenation of the Chinese nation**.** For Xi, the Chinese Dream can be realized by fulfilling the two centenary goals: first, transforming China into a "moderately prosperous country" by 2021 at the 100$^{th}$ anniversary of the CCP, and the second centenary goal will turn China into a "global leader in terms of comprehensive national power and international power" by 2049, in time for the 100$^{th}$ anniversary of the founding of the PRC (Xi, 2017). Like his predecessors, Xi's grand message reiterates once again that only the CCP can rejuvenate China and restore it back to its rightful place.

In regards to foreign policy, Xi has been explicit of his vision of an international order as he draws attention to the "irreversible trends" of *multi-polarity* by referring to the fact that "changes in the global governance system and the international order are speeding up" (Xi,

2017: 52). In the past, Chinese leaders from Jiang to Hu have carefully walked the fine line between multi-polarization through foreign policy initiatives such strategic partnerships (*zhanlue huoban guangxi,* 战略伙伴关系) and not being seen as a balancing act at the regional and global level (Y.Zhang, 2008: 152). Nevertheless, Xi's vision of the global governance instead calls to "*lead* the reform of the global governance system with concept of fairness and justice" (Xinhua, 2018); establish a new model of major country relations; and to *build a community of common destiny for mankind* which epitomizes a *China Solution* to address global challenges. It is true that China's engagement with global governance and international organizations can be traced back to both Jiang and Hu, though, it is only under Xi that China begin to advocate and establish new international institutions.

Under Xi Jinping, China's foreign policy behaviour has *accelerated* the progressive change during the Hu Jintao era that saw gradual shift towards international activism. It, instead signalled a clear departure from the overall pro-status quo orientation to a new phase of foreign policy that is much more active. Some examples marking this change from the previous leadership are: a proactive diplomacy of "bring in" (*qingjinlai 请进来*); "going out" (*zouchuqu* 走出去); the introduction of a major country diplomacy with Chinese characteristics. In doing so, the new leadership has decidedly given up Deng's long-time guiding principle of "keeping low profile and biding your time" (*taoguang yanghui* 韬光养晦*)*, and heralds a new era of confident and proactive diplomacy where national interests are viewed "as both an end and a means" (Y.Deng, 2014: 125). Likewise, China's commitment to a peaceful rise "will thus be conditioned by the external accommodation of China's core national interests and reciprocal strategic reassurance by other countries" (J. Zhang, 2015: 18).

Among the major initiatives enacted as a part this strategy, the establishment of the AIIB was hailed by Xi as the stepping stone to "effectively boost investment to support infrastructure development in Asia … and it also means a great deal to the reform of the global economic governance system" (Xi, 2016a). Also, Xi's signature project, the Belt and Road Initiative (BRI) represents China's ambiguous plan to revive the ancient Silk Road via global infrastructure projects in energy, communication, transportation connecting Europe, Africa, and China through land and sea (Xi, 2013b). Despite a growing list of BRI partners who begin to demonstrate resistance and even overt rejection to Chinese investment and opportunities to develop much-needed domestic infrastructure, the underlying objective of this project closely adheres to China's commitment in shouldering greater international responsibility as *a great power*. For Callahan, the BRI illustrates how China "can use connectivity to influence the 'software' of global governance's ideas, norms, and rules" (2016: 233).

The two notable narratives I want to emphasize here are the *China Solution* and to *build a community of common destiny for mankind*. These narratives explicitly underscore China's norm promoting role as Xi advocates for "Chinese wisdom and a Chinese approach to solve problems facing mankind" (Xi, 2017). In hindsight, the primary message here is that while "the narrative of China's rise has emphasized upholding global norms, the China solution threatens radical shift as the West, China suggests, is overdue for replacement as global norm setter" (Kelly, 2017). In emphasizing the need for local solution by the locals who understand their own circumstances, the China Solution is about "sharing China's own experiences in overcoming development problems … though it is by no means a singular

model other countries should necessarily follow" (Brahm, 2018). In many aspects, the China Solution promotes a diversified localization based on respecting different people's cultural heritage, rather than a "one show fits all" model embedded in "monolithic globalization" (Brahm, 2018). What is also remarkable is that under Xi's leadership, the idea of providing a China Solution has moved from a policy narrative to concrete actions. For instance, the idea of building a community of common destiny for mankind was used to define China's relationship with the neighbouring Southeast Asian countries. By stressing on a set of four principles, amity (*qin* 亲), sincerity (*cheng* 诚), mutual benefit (*hui* 惠), and inclusiveness (*rong*, 容), Xi indicates that these concepts would help "turn China's neighbourhood areas into a community of common destiny" (Xinhua, 2013).

### 3.5. Conclusion

By setting the scene for the following empirical analysis of China's selective compliance with international norms, this chapter presents the theoretical and methodological approach to study the role of narratives in shaping China's identity discourse vis-à-vis its norms-related behaviour. Here, I have identified seven dominant narratives that correspond to China's three primary identity discourses (refer to Table 1). These narratives are socialism with Chinese characteristics, century of humiliation, national rejuvenation, a developing country, a responsible power, a great power, and a champion of plurality.

In the process, I have illustrated how these (at times contradictory) narratives not only overlap and co-exist with each other when conceptualizing China's identity discourses, but they are interlinked and complement each other. For instance, the narrative of national rejuvenation along with its subsidiaries like Chinese Dream are articulated to serve the

same purpose of redressing the century of humiliation and restore China's rightful place. Additionally, this chapter has clearly highlighted the relationship between narratives and (identity) discourse. By treating discourse as something abstract, I posit it is through narratives that a discourse acquires specific meaning, thereby informing an actor's perception and how it should act accordingly. Thus, using the three case studies outlined in the introductory chapter, I aim to demonstrate how these overlapping/contradictory narratives shape China's normative interpretations and understandings which in turn produce a varying degree of compliance, from full, partial, to non. In chapter 4, I utilize three narratives in socialism with Chinese characteristics, a responsible power, and a China Solution to explain China's partial compliance with the non-proliferation norm in the case of UNSC resolutions on the DPRK. Chapter 5 examines China's full compliance with the norm of CBDR-RC in climate change mitigation by referring to the narratives of a developing country and a responsible power. The final empirical chapter argues that China's non-compliance with the norm of international adjudication in the South China Sea dispute is articulated through the narratives of the century of humiliation, a great power, and building a community of common destiny for mankind.

# Part II – China and the International Norms

# Chapter 4 – China and the Nuclear Non-Proliferation Norm: The Case of Partial Compliance with UNSC Sanctions on the DPRK

In view of the overall research on China's selective compliance with international norms, the case study of nuclear non-proliferation norm is chosen to illustrate that despite China's verbal condemnation of and endorsement of United Nations (UN) sanctions on the Democratic People's Republic of Korea (DPRK)'s nuclear weapons programme, Beijing's compliance with the UN-led sanctions regime remains partial and selective.

The DPRK's nuclear proliferation issue remains unresolved since Pyongyang withdrew from the Nuclear Non-proliferation Treaty (NPT) in 1993. For more than two decades, the international community has engaged in a variety of approaches to persuade the DRPK to abandon its nuclear ambition. These efforts range from economic incentives to sanctions, negotiations, and potential military options. However, the North Korean regime is determined to become a nuclear weapon state which in the process has conducted six nuclear tests in 2006, 2009, 2013, twice in 2016, and in 2010, while defying ever-strong United Nations Security Council (UNSC) resolutions. As the DPRK's nuclear proliferation issue continues to dominate talks well into the twenty-first century, China, in particular, is increasingly at the centre of this conversation.

The conventional wisdom holds that all roads to Pyongyang go through Beijing first (X.Yang, 2018: 595). China remains to be the DPRK's most important economic partner, accounting for nearly 90 percent of the country's total trade (Berger, 2017: 21). Further, Chinese financial institutions are the main facilitators of North Korean economic activities

with the outside world (Su & Saalman 2017). This evidently shows that China seems to have an overwhelming leverage over Pyongyang but yet, questions continue to persist as to why China is reluctant to 'rein in' the North Korean regime and only partially complies with the UNSC sanctions it has developed and supported in the first place.

In an attempt to answer the questions above, this chapter offers a thorough analysis of China's partial compliance with the UNSC resolutions on the DPRK. In line with the core theoretical preposition that norms are inherently ambiguous and therefore continuously open for plural interpretations, I argue that China's partial compliance with the nuclear non-proliferation norm in the case of UN sanctions derives from the ambiguous nature of the norm itself and China's own interpretations of the normative parameters. First, to illustrate China's evolving perceptions toward the norm of nuclear non-proliferation, I briefly capture this tremendous change through a three-stage periodization that saw China transforming from a political outlier during Maoist China to an active participant in international non-proliferation efforts. However, this shift in Beijing's perception has not translated to a complete compliance with UN-sponsored sanctions to curb Pyongyang's nuclear ambition. China's compliance has been rather complex and varies at times. In an effort to answer why in most cases China has complied with the sanctions loosely but has strictly enforced them in post-2016, at least officially, I find that China is caught in a trap between expectations and its seemingly contradictory narratives. These narratives are reflected in existing discrepancy between the leadership's focus to project a *"China Solution"* to international issues that mirror its own historical experiences, preferences for economic engagement and dialogue, and regional stability, as well as maintaining an image as *a responsible power*, on the one hand, and China's insistence on the *socialist* dimension

in its state identity on the other. Accordingly, this chapter shows that Beijing's compliance tends to oscillate between a responsible power, ideological ties (to a certain extent) between the two communist neighbours , and a great power willing to put forward its own solution to international problems by stressing both regional stability and uninterrupted revival of the Chinese nation.

This chapter will proceed as follows. To address the issue of norm ambiguity, the first section traces the development of nuclear non-proliferation norm. Here, I aim to illustrate the argument put forward by critical norm theorists that global norms often remain contested and malleable even after their formal adaptation. In section 4.2, I provide an overview of existing scholarly works on China's participation in nuclear non-proliferation. The sub-sections examine China's shifting perception toward nuclear non-proliferation. The core tenet of this approach is to shed light on Beijing's evolving understanding of the nuclear non-proliferation norm. Then, section 4.3 explains China's partial compliance using the theoretical framework developed in chapter 3 to illustrate how narratives shape China's compliance behaviour. The conclusion summaries the findings and implications.

## 4.1. The Nuclear Non-Proliferation Norm: Ambiguity and Inter-subjective Agreement

The issue of nuclear proliferation began to draw attention soon after atomic bombs were used in Japan near the end of the Second World War (Rumblee, 2009, 35-36). Witnessing the catastrophic destructiveness, along with the repulsion and fear of consequence from atmospheric nuclear testing had set the tone for the international community, particularly

the U.S. to frame nuclear proliferation as a threat to humanity. Originally, the intellectual root of nuclear non-proliferation lies in the Cold War (Ruhle, 2007: 511). In spite of high tensions between the two superpowers during this period, both the Soviet Union and the U.S. saw a coordinated process to contain the spread of nuclear weapons would be beneficial to their common interest in preventing the emergence of new nuclear powers beyond themselves, China, France, and the UK (Joyner, 2011a: 36-37).

Central to this initiative are a number of legally binding international treaties aspired to prohibit the spread of nuclear weapons and for countries to gradually disarm. Among them is the landmark Treaty on the Non-Proliferation of Nuclear Weapons (NPT) that entered into force in 1970. As the cornerstone of the global non-proliferation regime, one of the key objectives of this multilateral treaty is to ban the spread of nuclear weapons and its technology beyond the five NPT-recognized nuclear weapon state (NWS) (UN Office for Disarmament Affairs, 2018). Meanwhile, the other two main pillars of the NPT, article IV on peaceful use of nuclear energy and article VI on disarmament, have respectively acknowledged all parties' right to develop nuclear energy for peaceful propose, as well as undertaking effective measures to disarm (United Nations Office for Disarmament Affairs, 2018).

To address the construction of norms, calls from IR scholars for greater norm precision are well documented over the years. The influential norm cycle model put forward by Finnemore and Sikkink emphasized the need for legal clarification by pinpointing the exact definition of the norm and what constitute a violation (Finnemore & Sikkink, 1998: 907). Nevertheless, striving for norm clarity is rarely achieved in practice despite efforts to foster

norm precision. Stemming from the cultural diversity amongst various actors, ambiguity is in fact an indispensable element of norms formation. This pluralistic nature of actors not only perpetuates existing ambiguity surrounding norms, but also help to generate *inter-subjective agreement* and *flexibility* in the compliance of norms (Widmaier & Glanville, 2015: 369). In contrast, there is also a close connection between ambiguity and the *lack of* inter-subjective agreement. As normative ambiguity gives rise to multiple interpretations, they tend to trigger a continued process of contestation since norms are socially constructed as much as they shape an actor's behaviour (Wiener, 2007: 49). In other words, conflict emerges when an actor put forward a different understanding of the norm and acts according to a specific interpretation of a specific situation (Deitelhoff & Zimmermann, 2013). This discursive controversy then spurs inter-subjective disagreement and applicatory contestation on what considers to be appropriate and compliant behaviour. Complementing these claims, in a historical analysis of NPT's negotiations during the 1960s, Khalessi uncovered a coordinated negotiation strategy under Lyndon Johnson's administration to deliberately insert ambiguous language in Article I and Article II in order to preserve NATO's nuclear-sharing agreement with Europe (Khalessi, 2016: 424). During this negotiation process, ambiguity was knowingly used as a strategic tool to establish inter-subjective agreement between parties and to preserve key national interests over contentious issues. Further, Krause specifies that ambiguity has deprived article VI of any operational values since the language on disarmament is so vague that it is open to any possible interpretations (Krause, 2007: 489).

While seeking to establish a delicate balance between different group of parties, the NPT represents a combination of worldviews and interests from the NWS, the non-nuclear

weapons states (NNWS), industrialized countries with civilian nuclear sectors, and developing countries (Muller & Wunderlich, 2018: 343). Yet, the discrepancy between the NWS and NNWS regarding its rights and responsibilities under the NPT has resulted in fundamental differences in the understanding of the regime's norms and its functions, thereby creating diverging perspectives on the NPT. Consequently, what is now known as the regime's three interrelated pillars only gained inter-subjective agreement once a complex bargain was struck between the different camps (Goldschmidt, 1980; Muller & Wunderlich, 2018). When depicting the negotiation process at the Eighteen Nation Committee on Disarmament (ENDC), Krause reveals the negotiation process prior to the signing of NPT was extremely complex and long. The NWS, for instance, maintained that the primary objective of NPT is non-proliferation and that disarmament along with peaceful uses are only of secondary importance (Krause, 2007; Muller &Wunderlich, 2018). China, much like the other nuclear weapon states, was engaging in a nuclear modernization programme (expert interview #7, March 2017). Though in its case, there are suggestions that by deploying new platforms, such as submarine-launched ballistic missiles, intermediate-range ballistic missiles, MIRV'd systems, hypersonic glide vehicles, not only is China compelled to expand its nuclear weapons arsenal, but also to change its posture on de-commissioning nuclear warheads, minimum deterrence and some have even suggested no first use (expert interview #7, March 2017). Indications in China's nuclear arsenal expansion, nuclear force modernization, and nuclear posture change all indicate reasons why China, much like other NWS, could be criticized for not meeting its NPT obligations outlined in Article VI. Given parallel efforts by Russia and the United States on nuclear modernization, and expansion of nuclear arsenals in countries like Pakistan and India, it is unlikely that China will change its own course. It will continue to modernize and expand its arsenal and deployment options to enhance survivability (expert interview #7, March 2017). On the other hand, the Non-Aligned

bloc, small but influential, aspired for strong commitment from the NWS to disarm (Krause, 2007: 490). This group included states such as India, Brazil, and Argentina.

This brief overview of NPT illustrates that whilst party states maintain an unwavering commitment to the norms of nuclear non-proliferation, disarmament, and peaceful use of nuclear technology, the levels of commitment and the perspectives of the normative provisions vary significantly between states. That is to say, too much hinges on the subjective interpretation of the NPT and the meaning of a NPT-based nuclear non-proliferation regime (Ruhle, 2007: 511). As an example, the NWS, especially the U.S., have consistently used their role as the permanent members of the UNSC to justify their privileged status within the NPT, as well as legal interpretations that prioritize non-proliferation as the "core" of the treaty (Joyner, 2011a: 45). Meanwhile, the NNWS have stressed the need for equality by calling for elimination of power differences symbolized by the NPT status and to even-handedly approach the three core principles of NPT as a whole rather than giving preference to one pillar over the other (Muller and Wunderlich, 2018: 344; Joyner, 2011a: 79). Developing countries, who are in clear favour of the NPT's stated objectives, have hoped to gain the "alienable rights" to use nuclear energy without constraints, in exchange for their pledge not to acquire nuclear weapons and commitments from the nuclear powers to disarm and never threaten or use nuclear weapons again them (Goldschmidt, 1980: 73).

Additionally, the NPT, which lays out the norms and rules that oversee the management of nuclear technology, does not contain a "clear, internationally accepted definition of what activities or technologies constitute a nuclear weapons program" (Dalton et al, 2017: 1).

This definitional ambiguity, according to a group of nuclear experts, blurs the legitimate boundaries between components, facilities, and nuclear materials used in nuclear weapons programme and the peaceful development of nuclear energy (Dalton *et al*, 2017: 2). As suggested by IL scholar David Jonas (2014), the NPT suffers from ambiguity in several areas that poses significant implications in the policy domain. Referring to the specific term of "manufacture" in Article II of the NPT, Jonas highlights some of the immediate consequences of ambiguity in the NPT as he questions the scope of permitted use of nuclear technology under the treaty (Jonas, 2014: 279). If the term manufacture was interpreted narrowly, it refers to the "actual construction of the nuclear weapons from its component parts", whereas under a broader interpretation, one could conclude a country's intention to build a nuclear weapon from its early "concept, capability building, design, research and experimentation" (Jonas, 2014: 266-267). This was indeed the case in Iran's nuclear dispute. The crisis over what Western countries saw as Iran's pursuit of nuclear weapons surfaced partly because of the gaps in the NPT (T. Zhao, 2015). The ambiguity surrounding dual-use technologies such as uranium enrichment, centrifuge production, and research and development which could be applied to both civilian nuclear energy and nuclear weapons programme, has not be adequately addressed by the NPT (T. Zhao, 2015; Joyner, 2011a). On the one hand, article II of the NPT bars the manufacture and acquisition of nuclear weapons. Yet, on the other hand, article IV of the treaty also recognizes the inalienable rights for "all parties to develop, research, production and use of nuclear energy of peace purposes without discrimination and in conformity with article I and II of the treaty" (UN Office for Disarmament Affairs, 2018). This issue has many implications on the contemporary nuclear non-proliferation regime. When rules are vague and subject to different interpretations, it is not surprising that consensus on how to address issues related

to nuclear proliferation become difficult to reach. For instance, by employing a narrow interpretation of manufacture that focuses on *actus reus* rather than the intent, Joyner maintains that Iran has not breached the NPT because there is no evidence that Iran is actually building a bomb or any of the components (Joyner, 2011b). Conversely, the U.S government has favoured a broad understanding, hinting that facts and intents that suggest the objective of certain activities is to acquire a nuclear weapon would constitute a violation of the NPT (Jonas, 2014: 274).

Consequently, as ambiguity allows for multiple plausible interpretations and applications, these divergent perspectives and understandings of the NPT's ambiguous provisions translate into contestation and different assessment of compliance. Contestation amongst different actors and groups is what drives norm emergence, change, and decay (Sandholtz, 2008: 101-103). Different actors entail different sets of objectives in regimes such as the NPT. Hence, during the process of contestation, actors aim to achieve their goals by normally contesting the normative meaning and move it in the direction of their preferred normative interpretation.

## 4.2. China's Evolving Perception Towards the Norm of Nuclear Non-Proliferation: Existing Literature

Literature on China's engagement with nuclear non-proliferation is now plentiful. As many scholars have rightly pointed out that while China's perception has undergone a gradual but substantial evolution since the beginning of its nuclear era in the 1950s, their arguments on why changes have occurred vary considerably. According to some scholars, external

variables were important drivers that helped to induce changes in China's nuclear policy (Medeiros, 2007: I. Kim, 2019). For Medeiros, U.S. pressure in the 1980s effectively pushed China to engage the nuclear non-proliferation regime, abandon its proliferation of nuclear technologies, and set up domestic export control regime (Medeiros, 2007: 20). As China's economy becomes increasingly intertwined with the global market, its reliance on the stability of the international system also increases. This then gives the U.S. greater bargaining power to push for greater compliance with the nuclear non-proliferation norm (H. Zhang, 2015: 293). Likewise, Kim illustrate that Beijing's increasing compliance with UN sanctions on the DPRK since early 2018 is due to Trump administration's maximum pressure (I. Kim, 2019: 21). In a separate seminal work, Medeiros alludes to the fact that priorities on China's economic development, together with defending hard-won sovereignty and restoring international status are the major goals driving much of China's foreign policy behaviour (Medeiros, 2009: 13). As a result, Beijing has shunned from enforcing UN sanctions in ways that might jeopardize these objectives. Additionally, others have referred to the role of international treaties and multilateral institutions in socializing China to accept and internalize the norms and acceptable behaviour. Ann Kent demonstrates that international institutions are not solely a forum for states to promote their goals, but also a "source of duties and obligations" (Kent, 2007: 21). In other words, pressure derived from international institutions compel states to comply with the norms, rules, and principles once states become a party to a specific institution. In regards to the changes in China's position on arms control, Alastair Johnston holds that China's perception continues to evolve because international norms and acceptable behaviour are been incrementally internalized through three microprocesses of socialization: mimicking, social influence, and persuasion (Johnston, 2008: 24). Meanwhile, constructivists have

highlighted the constraining effects of nuclear norms on state China's behaviour (Tannenwald, 1999; Rumblee, 2009), as well as how China's gradual acceptance is a result of shifts in China's identity (Lee, 2013; Zhou, 2003). Similarly, scholars in China's arms control committee have also undertaken rigorous debates on the motivations behind nuclear proliferation. These debates can be divided into two main groups. The first set of ideas center around the perception that states pursue nuclear weapons simply for self-defence. Shen Dingli writes that given the anarchic international system, some countries have optioned for nuclear weapons to defend their sovereignty and security (2008b). Sun Xiangli posits that possession of nuclear weapons are closely associated with a country's survival and security (2007). The second group explains the pursuit nuclear weapons is rooted in a country's international status. For some, nuclear weapons symbolize great power status (Guo, 2016). The five NWS also happen to be the five permanent members sitting at the world's most powerful table in the UNSC. As Guo Xiaoping points out, India's nuclear weapons program is considered emblematic of great power status-seeking when Delhi detonated its first nuclear bomb in May 1974, a decade after China's nuclear test (2016).

Over the past decades, China's position on nuclear non-proliferation has moved from one that is highly suspicious of the regime to a strong advocate of global efforts to prevent the spread of nuclear weapons. There is indeed a growing number of scholarly works that sought to capture this evolution (see e.g.: Davis, 1995; Horsburgh, 2015; Lieggi, 2010; H. Wu, 2017; Yuan, 2002; Yuan et al, 2002; H. Zhang, 2015; M. Zhu, 1997). This overall change can be broadly categorized into three phrases: complete rejection of nuclear non-proliferation, greater acceptance and gradual integration in the 1980s and 1990s, and an active participant from the 2000s and onwards.

### 4.2.1. A Complete Rejection of Nuclear Non-Proliferation

Initially, China was neither keen on joining international organizations, nor is it enthusiastically in favour of multilateralism (Wu, 2016: 118). From the early 1950s until the late 1970s, Beijing's early attitude towards nuclear matters was largely shaped by ideological and pragmatic concerns (Babiarz, 2015: 427). During this period, Maoist China was predominantly a revisionist power that sought to contest and break some of the initial non-proliferation mechanisms established by the U.S. and the Soviet Union (Y. Zhang, 1998: 4). In that, China's attitude towards nuclear non-proliferation conforms to a revolutionary state in three ways. First, China's own nuclearization was aimed to break the nuclear monopoly (*helongduan* 核垄断) between the two superpowers (Horsburgh, 2015: 48). Second, China ostensibly opposed any non-proliferation agreement that would prevent it from acquiring a nuclear arsenal since it viewed nuclear weapons' development as a legal right of any sovereign country (H. Zhang, 2015: 289). Lastly, following its first nuclear test, China declared that it stands with the Third World and was willing to proliferate nuclear weapons to socialist countries and peace-loving non-aligned countries (Horsburgh, 2015: 51; Zhu, 1997: 63).

During this period, the Chinese elites repeatedly emphasized national rights to nuclear developments in order to curb aggressive expansionist activities by both the U.S. and the Soviet Union (M. Zhu, 1997: 40). China was a vehement opponent of the nuclear initiatives such as the Partial Test Ban Treaty (PTBT) and the NPT. Beijing dubbed them "nuclear blackmailing" and an emerging anti-China alliance to coerce and contain Beijing's nuclear ambitions (expert interview #1, May 2018). In fact, by principally projecting itself as a

revolutionary state that did not share a basic understanding of the nuclear non-proliferation norm, China maintained a rather overly simplistic view that nuclear proliferation would increase deterrence amongst socialist countries (Young, 1966: 141), and the only path towards nuclear disarmament is to promote "socialist proliferation", a term used by nuclear expert Nichola Horsburgh (2015: 52). In line with this logic, China understood nuclear proliferation as a positive contribution to international peace and stability (expert interview #3, January 2017). Nevertheless, despite China's continued rejection of nuclear non-proliferation, China did little to actually transfer nuclear technology to socialist and "peace-loving" non-aligned countries and the idea of a socialist proliferation was eventually abandoned, at least rhetorically, in the late 1960 in order to preserve its privileged status as a nuclear power (Horsburgh, 2015: 75).

### 4.2.2. Partial Integration: A More Proactive but Cautious Accommodator

As China begins to open up and modernize in the late 1970s, Beijing's approach to nuclear non-proliferation has, to a certain extent, been (re)shaped by its re-engagement with the international community that brought about institutional, social, and ideational changes. On its participation in nuclear non-proliferation, China joined the Conference on Disarmament (CD) in 1980, the International Atomic Energy Agency (IAEA) in 1984, the NPT in 1992, and the Nuclear Supplier Group (NSG) in 2004 (Horsburgh, 2015: 85). This widespread exchange of views, particularly with the West, has prompted China to reorganize some its domestic institutions according to international norms, regimes, and standards. One area that witnessed considerable change is the export control of nuclear-related technologies.

This transformation in China's nuclear policy can be traced to three main determinants. First, according to Johnston (2008), institutions are key in socializing, persuading, and internalizing new ideas as a way to influence China's foreign policy making and behaviours. By 2003, China had become a member of 298 international organizations and 2659 transnational organizations (Wang & Roseau, 2009: 22). Second, China was very much isolated following the Tiananmen incident and was under persistent pressure to improve bilateral relations with the U.S. (expert interview #4, June 2018). Third, changes in China's policy towards nuclear non-proliferation was also attributed to the Deng's reform and open-door policy that looks to proactively engage with international affairs.

As China gradually exposed to Western thinking on arms control and non-proliferation during the period of reform and opening up, the Chinese government began to appreciate the inherent risks of nuclear proliferation related to nuclear safety, a reliable control system, and the consequences of potential nuclear war (expert interview #4, June 2018). At the same time, it is also not difficult for the Chinese elites to realize that in fact, China is already a legitimate nuclear power adored by other members of the UNSC (expert interview #4, June 2018). As a recognized NWS under the NPT, this status is beneficial and therefore illogical to reject it. The NPT not only recognizes China as a legitimate nuclear power, it also prevents additional countries from becoming nuclear. Therefore, when it comes to nuclear non-proliferation, China has more in common with other P-5 countries, than with developing countries who are not nuclearized (expert interview #4, June 2018).

Up until the early 2000s, China's proliferation of Weapons of Mass Destruction (WMDs) and missiles technology to Pakistan and Iran was indeed well-documented. Some suggest

that China's proliferation was due to a practically non-existing export restrictions of sensitive materials (Lieggi, 2010: 42), while others have pointed to China's narrow interpretation of its NPT commitments with regards to transferring nuclear materials to its partners in the developing world (Paul, 2003: 31), domestic interest groups that oppose policy that might undermine their economic interests (Christensen, 2011: 62), and geostrategic and commercial interests (Yuan, 2002: 218), as well as to secure economic interests for state development and modernization (Shin, 2018: 289). It is true that China's overall nuclear non-proliferation position has changed, but from Beijing's perspective, export control regimes "impede the social and development of all countries, the developing countries in particular by blocking the legitimate trade in items intended for peaceful uses" (Lieggi, 2010: 42).

### 4.2.3. A Responsible Global Stakeholder?

Nevertheless, this started to change in 2002 following a set of initiatives that brought China's export control system more in line with the norms of international supplier regime (Lieggi, 2010; Srivastava, 2005). First, in August and October 2002, Beijing issued a set of comprehensive export control regulations on sensitive materials related to WMD (Yuan *et al,* 2002: 153). For instance, with regards to the proliferation of missile technology, the August 2002 declaration harmonized China's domestic legislations with those of Missile Technology Control Regime (MTCR) under which the revised list is identical to the annex of MTCR (Srivastava, 2005). Second, the central government published one of the most complete documents it has published thus far with regards to non-proliferation. Promulgated in 2003, this White Paper contains a thorough and detailed explanation of China's stance on non-proliferation, the non-proliferation export control in place, and

China's active participation and implementation in the international non-proliferation efforts (SCIO, 2003). In other positive signs, China's legislation started to regularly update official regulations and have strengthened its outreach program to raise compliance awareness in domestic enterprises (Lieggi, 2010: 45). When a new restricted item is added to the control list, China would follow up by issuing an updated domestic export control regulation that includes prohibited item. This way, China ensures that its domestic regulation is in line with., for instance, the UNSC Resolutions (expert interview #3, January 2017).

During this particular period, China was striving to become a responsible power that engages with the international community and adhered to the rules and norms governing the international system. The Chinese leadership under both Jiang Zemin and Hu Jintao were also pressed to assuage the prevailing notion of a "China threat" and sought to re-iterate China's continuing commitment to a "peaceful rise" (Shin, 2018: 288). In line with a responsible power narrative, China has upheld a foreign policy strategy of "peaceful development" which suggests a counter-image to the neo-realist account of a "China threat". In other words, China's self-obligation to act as a responsible power inflicts certain limits on its foreign policy behaviour. Most notably, if China seeks to mitigate any suspicions in the West, it will need to show that it is committed to play by the established rules of the game and contribute willingly to global peace and stability (Noesselt, 2014: 1313; Jun, 2017: 214). For instance, in observing China's response to the DPRK's nuclear proliferation, China had been generally cooperative. Beijing publicly declared its opposition to the DPRK's nuclear programme, participated in the four-party talks between 1997 and 1999, and supported IAEA's decision to refer the DPRK's violation to the UNSC.

More significantly, China's decision to host the Six-Party Talk (SPT) from 2003 to 2009 was seen as a clear departure from its passive diplomacy which symbolizes an active form of engagement with the non-proliferation pillar of the NPT (Medeiros & Favel, 2003: 22; Horsburgh: 2015: 133). Even when the SPT was discontinued following the DPRK's second nuclear test in May 2009, China has continuously encouraged relevant parties to resolve the nuclear issue within the SPT framework, even when it has lost much of the momentum (Jun, 2017: 217). These actions and more represented strong efforts from China to uphold the norm of nuclear non-proliferation.

As Chinese engagement in the international system deepens, the current Xi-Li administration has also sought to support a "more inclusive framework of global order", as China's role shifts from "learning and benefiting" to "reforming and contributing" (Xinhua News, 2015). When the DPRK conducted the third nuclear test in February 2013 which coincided with the once-a-decade power transition in China, Beijing responded with a much tougher stance, at least on the official level (Duchatel & Schell, 2013; Su & Saalman, 2017). In addition to throwing its weight behind UNSC Resolution 2094, Chinese State Councillor and Foreign Minister Wang Yi warned against trouble-making on China's doorstep while President Xi'statement at the 2013 Bo'ao forum condemned North Korean action as "selfish gains" (Perelez & Sang-Hu, 2013). Soon after in March 2013, the Chinese Ministry of Foreign Affairs began to describe the Sino-DPRK bilateral relations as a "normal state-to-state relations with a deep tradition of friendship" rather than a "special relations" based on the historical past (USIP Report, 2019: 2). This formulation encapsulate China's wish to promote a "new normal" with the DPRK under Xi Jinping. (Cathcart & Green, 2017). In comparsion with a normal state-to-state relation, the bilateral relations

between Communist countries are uniquely coordinated by the International Liasion Department (ILD) that has tradtionally played a key role in China's relations with countries characterized by party-to-party relations, like the one with the DPRK (Gill, 2012: 6). In China, the ILD is the main faciliator of the bilateral relations while the Ministry of Foreign Affairs (MFA) implements China's policy towards the DPRK (Kleine-Ahlbrandt, 2011). Although the ILD remains still an important interloctor in the bilateral relations – Chinese ambassdors to Pyongyang are the linkage – the institution no longer possesses an institutional monopoly on the bilateral relations (Cathcart & Green, 2017: 131). One other notable observation is associated with the new assertive rhetorical vis-à-vis the DPRK. The phrase *siwu jidan,* 肆无忌惮*,* meaning unscrupulous, has been deployed at times in Chinese commentaries when discussing the DPRK's provocative actions (Xiao, 2015: 67).

### 4.3. Explaining China's Partial Compliance: Overlapping and Contrasting Narratives

While China's thinking on the nuclear non-proliferation norm shifted has incremenally towards greater acceptance, it began to accept a basic reading of the nuclear non-proliferation norm shared by the U.S., in the sense that spreading nuclear weapons is unacceptable. Its compliance with the norm though is still inter-subjectively negotiated and shaped by the co-existing and contrasting narratives.

Once referred to as close as the teeth and lips, Sino-DPRK relations has become ever more contentious. A historical analysis of the bilateral relationship reveals that China and the DPRK are nothing but short of being "trusted allies bound in blood and belief" (Chung & Choi, 2013: 244). While DPRK's deep-rooted distrusts of China lingers on, the number of

Chinese scholars that find the DPRK a strategic liability is also rapidly expanding. Illustratively, Shen Zhihua, a prominent historian of the Korean War, referred the alliance with the DPRK as "inherently contradictory" and urged China to be more active in supporting a peaceful reunification (Z. Shen, 2017). Additionally, military commentator Zhao Chu, called the central government in Beijing to reset its DPRK policy and to consider its interests as better served by a South-led unified Korea (C. Zhao, 2017). The debate over the nuclear issue remain heated, but the focus has shifted towards those in favour of applying more pressure. When renowned Chinese scholar Yan Xuetong (2017) argued in the *Huanqiu Shibo* (*Global Times*) that China should simply accept a nuclear DPRK, he was sharply rebutted by Korea expert Cao Shigong (2017) who spelled out the increasing risks of regional instability. Academic reflections not only offer important insights on possible directions and means for China to recalibrate the complex bilateral relationship, but also hint at ongoing debates amongst Chinese political elites about its strategy on the DPRK. Though, to be sure, if China wanted to control North Korean nuclear proliferation like the way it controls the internet, it clearly is capable of doing so. It could shut down bilateral trade with the DPRK and investigate all cases of sanction violations if it wanted to (expert interview #5, March 2019). Therefore, non-compliance in certain areas, is without doubt, not related to the lack of capacity to implement and monitor the implementation process, but rather, it finds echoes in China's own interpretation of the non-proliferation norm, triggering *behavioural contestation* which occurs when different normative understandings became apparent in the divergent ways of implementing the norms.

### 4.3.1. China and the UN Sanction Regime

The DPRK is regarded by most experts the primary threat to the nuclear non-proliferation regime. Since the first North Korean nuclear test in October 2006, sanctions authorized by the UNSC have remained a key part of the tools utilized by the international community to curb North Korean efforts to advance its nuclear weapons programme. They, especially after the fourth nuclear test in 2016, have evolved substantially to become some of the most complex and stringent sanctions regime ever created. However, the effectiveness of such sanction regime has come under greater scrutiny since they have yet to alter the country's calculus and behaviours since the first imposition in 2006. On the contrary, Pyongyang has accelerated the research and development of its nuclear weapons programme and stepped up both nuclear and ballistic missiles testing given that sanctions have not generated substantive policy changes because they lack strength but most importantly, cooperation from China, the DPRK's largest trading partner (Berger, 2017: 2).

In the context of curtaining the DPRK's nuclear ambitions, China has played and continues to play a significant role in helping to design the UNSC sanctions. Although both China and the U.S. share a common objective in a nuclear free Korean Peninsula, the two countries diverge considerably on the question of *how* this objective is to be achieved. In other words, China is not necessarily contesting the validity of UN sanctions that enforce the nuclear non-proliferation norm, but is instead engaged in a *behavioural contestation* by acting according to its own interpretation. What the U.S. wants is straightforward: a "complete, verifiable, and irreversible dismantlement" of North Korean nuclear weapons programme while sanctions regime is the means to directly coerce the North Korean political elites to scrap the nuclear arsenal (Crisis Group report, 2018). For China, sanctions are however not the proper means. On the contrary, China never agreed to the logic of

sanctions given its own experiences on the receiving end (D. Shen, 2008a: 97). It instead follows a strategy based on diplomacy, economic engagement, and moderate economic sanctions (Kong, 2018: 76). The way forward is to bring relevant parties "back to the channel of a negotiation-based resolution" (MFA, 2016). Consequently, despite having voted in favour of increasingly complex and stringent North Korean sanctions, Beijing's mixed record of compliance has been criticized given its implementation on the ground seem to diverge from these provisions outlined in the UNSC resolutions. Before moving onto the analysis of why China has complied with UN sanctions only half-heartedly, I make few observations in terms of the dynamics of UNSC resolutions and China's pattern of behaviour.

First, what is curious in the DPRK situation is that China helps to draft the sanction regime that it chooses not to implement. It is important to point out that the dynamics in terms of the resolutions is very much a bilateral conversation between China and the U.S., about what actually go into the resolution after a North Korean provocation, at least at the initial stage (expert interview #5, March 2019). Hence, nothing makes into the resolution without endorsement from the Chinese delegation. Second, in terms of the patterns of China's behaviour, there was not a lot of political space created by China to put more expansive provisions into the UNSC resolutions between the times of its inception in 2006 and 2016. As a result, even when the DPRK was missile testing and conducted nuclear tests in, 2006, 2009 and 2013, what China allowed through that political opportunity for negotiation is not very much. This is most apparent with regards to the list of designed parties pursuant to the UNSC resolutions. Up to 2013, there were only 20 entities and 12 individuals on a UN blacklist in comparison with the UN sanction list for Iran which contained 43 individuals

and 78 entities (Berger, 2015). The set of designations on the DPRK allowed through the UNSC are remarkedly small, and they are small because it is political (expert interview #6, January 2019). For most part, China generally draws the boundary to only include items that could directly connect to nuclear proliferation, luxury goods, and dual use, and this position has been kept extremely rigid despite the DPRK's continuous provocations (expert interview #6, January 2019).

Nevertheless, 2016 was the tipping point on the pressure side of policy towards the DPRK. With China's agreement, the sanctions evolved to become the most complex regime ever designed (UNSC, 2016). In the process, China relaxed few key stances it had been quite rigid for some time. Foremost, China used to reject the presumption that any money generated by the North Korean regime could be diverted internally to the nuclear weapons programme. This is indeed a key argument the U.S. has presented and wanted to include in the UNSC resolutions, but did not gain much traction because China simply did not agree with this understanding. Beijing maintains that it would be nearly impossible to verify given the opacity of the North Korean regime, and that the central planning system means money can be moved around. For example, money for coal trade can be re-directed to the nuclear weapons programme (expert interview #6, January 2017). However, in response to the fourth nuclear test and the subsequent rocket launch a month later, China allowed this argument to be made as a justification for new sectoral sanctions in 2016. In addition, China agreed to restrict North Korean imports of energy products such as coal, iron, and iron ore which it traditionally resisted (UNSC, S/RES 2321, 2016). China's previous reluctance stems from its own interpretation that energy products are the critical backbone of a legitimate economy as much as the illegitimate economy and thus, prohibiting fuel imports

would not sufficiently distinguish between people's livelihood and targeting the nuclear weapons programme (expert interview #6, January 2019). Lastly, the third change involves a much more expansive sanction list that now includes non-North Korean facilitators along with the North Korean individuals and entities directly involved in the nuclear programme (expert interview #5, March 2019)

In 2017, four fresh rounds of UNSC resolutions were adapted to further strengthen the sanction regime following a series of missile testing and a nuclear test. Throughout that year, not only did China vote in favour of all four UNSC resolution, Beijing also undertook few tangible measures to comply with the UNSC resolutions. For instance, China ordered to suspend all coal imports from the DPRK in the early 2017 as part of its effort to comply with the UN resolution (Choe, 2017). In addition, China's Ministry of Commerce (MOFCOM) declared restrictions on a list of exports, including commodities such as iron and steel, as well as crude oil (MOFCOM, 2018).

On the flip side, while China's acqiescence to the North Korean sanctions in post-2016 years might suggest Beijing is participating more vigorously within the normative framework, international observers are however still questioning China's real intentions. If China is said to be a responsible power capable of assuming a responsible role and greater responsbility in the international community, then why Beijing has only symbolically sided with the international community in sanctioning the DPRK while at the same time strictly enforce certain sanctions in other cases? According to an observation made by a government official, China was visibly complying with post-2016 North Korean sanctions on a selective basis (expert interview #6, January 2019). In terms of UNSC provisions on

coal importation and port visitation, there is a clear implementation from the Chinese side. But on the issues of North Korean labourers and joint ventures, for instance, it might seem from the outset that Chinese officials were shutting down some of the North Korean businesses and North Korean workers were then shuttled across the border back to the DPRK. But once international headlines began to praise China's contribution in 'complying' with the UN sanctions, the North Korean workers are then shuttled back to China. This is a classic North Korean evasion tactic in which China has ensured to take action on the implementation front but the follow-up in bringing these decisions and implementations to life does not seem to happen (expert interview #6, January 2019). The follow up question would be why this variation? In the next section, I aim to employe the framework outlined in chapter 3 to explain China's partial compliance with the UNSC resolutions on the DPRK.

### 4.3.2. Compliance and Competing Narratives

Although China accepts a basic reading of the nuclear non-proliferation norm shared by the U.S., in the sense that spreading nuclear weapons is unacceptable, what constitutes a compliant behaviour is shaped by several overlapping yet competing narratives that inform its state identity discourses. To explain China's partial compliance with North Korean sanctions, I posit that first, due to its genuine distaste for sanctions, China has primarily used them to *signal* its dissatisfaction towards the North Korean regime rather than coercing the country to change its behaviour. Second and related, China is inclined to comply with the *texts* of the resolutions rather than the *spirit* of the sanction regime. Third, China is increasingly caught in a conundrum as the leadership seeks to balance between emphasizing the 'socialist' element of socialism with Chinese characteristics, projecting

the self-depiction of a responsible power, and protecting the status quo of its periphery that deemed critical for China's economic development and national rejuvenation. Since this dissertation postulates that China's state identity discourse is composed of various overlapping and contrasting narratives, its partly contradictory or irrational behaviour when managing the DPRK's nuclear issue suggests a persisting conflict rooted in the overlaps of narratives that require continuity in foreign policy behaviour and 'new' narratives resulted from China's rise which call for new adaptation and reconfiguration of its foreign policy. This is especially the case during the Xi administration.

To begin, a more fundamental issue when it comes to compliance is that states have different interpretation of the North Korean nuclear issue. By consistently identifying itself as a socialist country, the CCP has effectively generated a strategy that not only distances itself from the developmental path of a full-fledged liberal democracy, but also prevents the country from undertaking any actions that could potentially bring the collapse of another socialist regime or policies that might come to undermine the legitimacy of the CCP. It is well-established that in fact China has long advocated the Kim's regime to adopt the Chinese model of reforms and economic modernization. Additionally, China's own experiences in successfully delivering its own nuclear weapons, without succumbing to comprehensive pressure from both the U.S. and the Soviet Union, have helped to reinforce its beliefs that sanctions do not have the magical power to force countries in making fundamental concessions on national security issues (expert interview #1, May 2018). Equally significant, China shares with Pyongyang's point of view that nuclear weapons are for self-defence and means to address its security concerns (Jun, 2017: 214). Rather, Beijing views the U.S. as the biggest regional strategic challenge, not the DPRK's nuclear

proliferation. As a Chinese analyst in Beijing puts it, with the DPRK acquiring a basic nuclear deterrence, it now feels much safer. This makes it much more capable of pivoting towards economic development, much more capable of introducing radical merits of economic reforms, much more capable of gradually opening up and integrate with the international economic system without fearing about regime security, and more capable of thinking about a long-term process of strategic transition from an isolated to a more normal open country. If that is the case, it represents an important long-term objective for China. Because of this nuclear deterrence, the DPRK is now able to start a long-term transition to become a more normal country and for China, this is a much more important objective to achieve than denuclearization (expert interview #1, May 2018).

Furthermore, despite the general differences between the two countries, China still sees the DPRK as a trustworthy entity because of its shared socialist political ideology (expert interview #3, January 2017). When conflict of interests arises with a common adversary like Japan and the U.S., both countries still often refer to their historical links and their common but yet distinct socialist identity to demonstrate solidarity (Noesselt, 2014: 1319). Even when the ideological ties might have weakened over the past decades, the official grouping of the two countries under socialism remains very much intact. Accordingly, historical cooperation and ideological linkage have formed the bases of a Chinese interpretation that fundamentally diverges from those in the West. Most noticeably, China has been exceptionally cautious about the livelihood exemption which ensures sanctions will not affect the lives of ordinary North Koreans (Grossman, 2018). During a regular press conference, Foreign Ministry spokesperson Hong Lei expressed China's firm commitment to strictly implement UNSC resolutions 2270, while stressing sanctions

implementation should not impact the livelihood and humanitarian needs of the ordinary citizens (MFA, 2016). The following quote from a Chinese analyst sums up China's position aptly:

> "If we look at the nature of trade, every item is dual use by nature. There is no way to draw clear line between military and civilian items. For instance, food which is used to feed civilians can also be used to feed soldiers. Same can be said for civilian trucks which can be used to transport troops, even machines that produce industrial products can be used to manufacture military equipment. Basically, there is no way to completely distinguish those items. The American philosophy is we should stop any goods going into the DPRK and in fact, we should prevent the DPRK government from making any legitimate trade because any profit can be used to fund the military and the nuclear weapons programme. Basically, strangle the DPRK's economy" (expert interview #3, January 2017).

Such a response indicates China's principal concern over the ramifications of strict compliance with the sanctions in precipitating potential instability and spark regime collapse. Simultaneously, when China was constantly a part of the international conversation for perceived intransigent non-cooperation in 2016 and 2017, it was indeed exceptionally uncomfortable for a country that is image conscious. China needs to be seen as a responsible power making positive contributions to global peace and security and thus, must at least signal its willingness to do more in counter-proliferation (expert interview #6, January 2019). The narrative of a responsible power helps to explain why China has

cooperated closely with Washington in drafting UNSC resolutions on the DPRK, particularly in agreeing to expansive provisions such as a cap on North Korean imports of energy products, which it had not allowed in the preceding decade. Put it differently, it is true that China's participation in the North Korean sanction regime has become more robust, but it is largely motivated by its intention to demonstrate to the international community that China is acting responsibly. Because of the international responsibilities and obligations attached to a responsible power, it is becoming ever more difficult for China to "blindly side" with the DPRK. Though spiritually, China still genuinely opposes punitive sanctions and is only willing to comply with sanctions that aligns well with its own interpretation informed by the narratives.

Since the advent of the Xi Jinping administration, China's foreign policy strategy has embraced a new "distinctive diplomatic approach befitting its role as a major country" (Zheng & Lye, 2015: 62). That is to say, China has essentially ditched Deng Xiaoping's maxim of "keeping low profile and biding your time" (*taoguang yanhui* 韬光养晦), in pursuit of a proactive and outwardly looking foreign policy that befits the great power narrative. At the Nineteenth National Congress of the CCP, Xi Jinping declared that "no one should expect us to swallow anything that undermine our interests … while China has actively developed global partnership with other countries… deepened relations with its neighbours in accordance with the principles of amity, sincerity, mutual benefit, and inclusiveness" (Xi, 2017). In this context, China has not only emphasized the importance of protecting its core interests, but also intent to seize the opportunity to set the agenda in both regional and international affairs in building "a community of common destiny for mankind". Accordingly, the strategy pursued by the current leadership is to lead (*yindao*

引导) in areas it deems unfair. In utilizing its growing discursive power, China is actively providing a "China Solution" to resolve some of the dire international issues, including counter-proliferation on the Korean Peninsula (expert interview #8, June 2018). This manifests itself in a Chinese leadership that is willing to provide selective forms of global leadership and to push for reforms in global governance. In this regard, China has formulated a China Solution to the North Korean nuclear proliferation issue. Such solution reflects on China's traditional position which is encapsulated by the mantra of three nos, in the order of, no war, no instability, and no nuclear weapons( *bu zhan* 不战， *bu luan* 不乱， *bu he* 不核). Though, according to a leading Chinese scholar on the DPRK, China's order of priorities is not always fixed: "denuclearization is based on the condition and environment. When the DPRK conducts missile and nuclear tests, there will be greater emphasis on stability. It will encourage more on denuclearization when situation is relatively calm on the Korean peninsula (expert interview #2, May 2017). This was evidently the case following the nuclear test in 2013 when denuclearization became the primary objective under which the ordering of the three nos was changed to denuclearization (*jianchi bandao wuhehua* 坚持半岛无核化), maintaining peace and stability (*jianchi weihu bandao heping* 坚持维护半岛和平), and to resolve the issue through dialogues (*jianchi duihua jiejue wenti* 坚持对话解决问题) (Xinhua, 2013).

As such, A China Solution to the nuclear issue entails a "dual-track negotiation" (*shuanggui bingxing* 双轨进行) and "dual suspension" (*shuang zanting* 双暂停) (CIIS, 2017). Immediately following the fourth nuclear test, Chinese Ministry of Foreign Affairs Spokesperson Hua Chunying stressed during a press conference that the UN-led sanctions

cannot resolve the North Korean nuclear issue fundamentally. Instead, China proposes a "dual-track negotiation" to discuss denuclearization and a formal conclusion of the Korean War with a peace agreement (China Daily, 2016). The parallel approach is indeed consistent with China's official position of achieving denuclearization, stability, and peaceful resolution on the Korean Peninsula within the framework of dialogue and negotiation. In line with these positions, Spokesperson Hua Chunying reiterated China' commitment while emphasizing the discourse that sanctions are not the objective but the means to resume negotiations under the SPT framework (MFA, 2016).

Additionally, amid rapid escalation of tensions on the Korean Peninsula following two nuclear tests in 2016 and a first successful intercontinental ballistic missile test in July 2017, Beijing also proposed a China Solution as the first step towards denuclearization of the Korean Peninsula. First suggested by State Councillor and Foreign Minister Wang Yi, the proposal known as "dual suspension" put forwards the idea that the DPRK suspends its missile and nuclear testing in exchange for a halt of U.S.-ROK war game exercise which Pyongyang long viewed as being "aggressive by nature" (MFA, 2017). Behind this new official strategy is China's long-standing foreign policy priorities in maintaining peace and stability in the region (Son, 2017). Additionally, as Fu Ying argues, the "dual suspension" approach would provide a favourable environment for multilateral talks on denuclearization (2017: 23). In the absence of a liberal democracy, the CCP's legitimacy originates from its ability to delivery economic growth and the revival of the Chinese nation. And to do so, China requires stability in the periphery so that it can efficiently devote its resources to economic development. However, a potential conflict in Korea will most likely derail Xi's fulfillment of the Chinese Dream.

In essence, China's approach to the North Korean nuclear issue consists of killing two birds with one stone as it simultaneously pushes for denuclearization and regime stability. The ramification of this incompatible policy is reflected in China's partial compliance with the UNSC resolutions under which Beijing officially endorses a nuclear free Korean Peninsula by agreeing to the text of UNSC resolutions, but utterly against proactive engagement to achieve this goal (X. Yang, 2018: 610).

## 4.4. Conclusion

Through a close analysis of China's compliance with the nuclear non-proliferation norm over time and particular, in the form of UN sanctions on the DPRK, this chapter discovers that China's partial compliance with the UN sanction regime is in fact a result of its multiple overlapping but also contradictory narratives that come to inform China's own interpretation of the non-proliferation norm in the case of UNSC resolution on the DPRK. In turn, this has triggered behavioural contestation in which China has complied with the norm according its own perception of what constitute compliant behaviours. In the process, this chapter has helped to identify that changes in China's approach to the North Korean nuclear issue in the post-2016 period does not represent a shift in China's North Korean strategy but is attributed to the coexistence of several contradictory narratives. Albeit mutually incompatible, this coexistence is visibly displayed in China's stated goals of no nukes, no war, and no instability on the Korean Peninsula.

By presenting itself as a responsible power, China needs to showcase its willingness to adhere to the norms and rules of the international community and to shoulder the

responsibilities affixed with this label, both at home and abroad. Specifically, China's willingness to support an expansive UNSC resolutions following the fourth nuclear test and the swift announcements made by the MOFCOM to implement the provisions, at least rhetorically, conforms to the self-perception of a responsible power. In parallel, by presenting itself as socialist country that shares a common ideology and history with the DPRK, it tends to interprets the UN sanctions in accordance with its own historical experiences that Western countries do not have. This is evident in the Chinese perception that considers the U.S. the bigger strategic threat and that sanctions are ineffective Western tools given that China has never agreed to the very logic behind sanctions when it comes to the DPRK. Finally, the narrative of a great power is the third dimension. In the past few years, Xi Jinping has taken a greater hold on China's policy by promising to deliver China's return to its rightful place. Such ambition is on display through a slew of foreign policy initiatives like the BRI and the AIIB. China's path to fulfilling national revival, however, requires a stable regional environment, and the North Korean issue poses a direct challenge to Beijing's goal as it threatens to throw the region into complete chaos. Hence, despite China's support for new UN sanctions after the DPRK's brinkmanship in 2016 and 2017, Beijing remains focused on denuclearization grounded in preserving the status quo rather than establishing stability through North Korean disarmament. This policy preference is displayed through the approaches of "dual-track negotiation" and "dual suspension", both put forward by Beijing as a China Solution to the North Korean nuclear issue. As such, compliance with the non-proliferation norm in the form of UN resolutions goes beyond one's capacity to implement, it is also shaped ideationally by factors such as political ideology, trustworthiness, and different interpretation of history (expert interview #1, May 2018). These are factors that help to explain China's partial compliance as it looks to

balance between stability, denuclearization, and international responsibilities attached to being a responsible power.

# Chapter 5 – A New Leader in Climate Change Mitigation? China's Compliance with the Norm of Common but Differentiated Responsibilities and Respective Capabilities

The fundamental issue related to climate change is as simple as it is daunting: annual global greenhouse gas (GHG) emissions need to fall by at least 80 percent by 2050 if atmospheric CO2 concentration is to be stabilized (Olabisi et. al, 2009: 1696). Meeting this target would already be a tremendous challenge just for the developed countries to negotiate and reduce their emissions by 5 to 10 percent, let alone that a 80 percent reduction of global GHG emission must occur in the developing world that depends on increasing use of energy and GHG emissions. This matters because in order for the global South to develop in the ways industrialized countries had in the past century, it requires them to 'follow' the same energy-technology development model pursued by the global North which will only accelerate the pace of climate change (Baer, 2009).

Unfortunately, there is simply little environmental space for the developing world to 'follow' the path undertaken by the industrialized nations as main GHG emissions causing climate change have already reached new record highs. Thus far, the main mechanism under which climate change has been addressed internationally is through multilateral treaties, like the 1992 United Nations Framework Convention on Climate Change (UNFCCC), the 1997 Kyoto Protocol to the Convention, and the 2015 Paris Agreement. The UNFCCC was the first step to mitigate the scope of climate change by outlining, among other things, how emission reduction responsibilities are assigned and how finance is distributed. To facilitate this process, the norm of Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC) was construed under the

UNFCCC to guide this endeavour. Generally speaking, all countries have a shared responsibility to tackle climate change under the norm of CBDR-RC, though this responsibility varies and remains a source of deep contestation. Most notably, developing countries have interpreted the norm's specific grounds of differentiation according to the historical contributions to the issue and thus, have insisted on a rigid differentiation of responsibility between developed (Annex I) and developing (non-Annex I) countries. Conversely, the developed countries have conventionally opposed such distinction and underline instead the capability to mitigate, as well as present and future responsibility for climate change (Brunnee & Streck, 2013: 590).

While it can be argued that the 1997 Kyoto Protocol, which operationalized the norm of CBDR-RC norm, was a step towards the right direction in addressing the issue of climate change, it has had limited impact, especially on mitigation efforts because of the overwhelming tensions over how responsibility is shared and distributed. After all, the issue of climate change mitigation is conceived as an issue of burden-sharing. For developed countries led by the U.S., their opposition to the Kyoto Protocol is rooted in the argument that the costs of reducing GHG emissions to a safe level must be symmetrical and allocated equally. Instead, the Kyoto Protocol imposes what they perceive as an unfair burden that exclusively focuses on emission reduction commitments for developed countries, sparing developing countries, most of all China and India, from any legally binding emission targets (Baer, 2009: 395). Developing countries, on the contrary, maintain that the lack of progress stems from the failure of developed countries to fulfil their obligations under the auspices of the CBDR-RC norm. As the initial step towards climate actions, the Kyoto Protocol was clearly not enough to resolve the challenge alone. What is more is that the

ineffectiveness of the Protocol was compounded by the lack of participation from largest GHG emitters, either because they were developing countries (e.g. China and India) or because they simply refused to join (e.g. the U.S.). Consequently, once the attention was shifted towards the question of a new climate regime to succeed the Protocol's first commitment period which ended in 2012, the Parties to the Convention were confronted by the need for more inclusive climate change mitigation efforts.

In December 2015, the conclusion of the Paris Agreement, breathed a degree of optimism into the global climate governance when both developed and developing countries came to a pragmatic compromise (Huang, 2016: 385). As a hybrid of legally binding and non-binding provisions, this new legal instrument features two prominent long-term objectives: to limit the increase in temperature well below two degree Celsius and to reach net-zero emission in the second half of this century. It also contains a number of provisions deemed critical in the fight against climate change, including transfer of technology and finance from developed to developing countries, capacity building, transparency, and mitigation efforts (UNFCCC, 2015).

Unlike the previous approach that established mandatory emission reduction targets for Annex I countries, the Paris Agreement identifies with the primacy of domestic politics in combating climate change by resorting to voluntary pledges to set each country's own domestic mitigation efforts (UNFCCC, 2015: art 4, para 2). Instead of detailing explicit international coordination, the Paris Agreement turns to self-differentiation that obliges each country to submit a Nationally Determined Contributions (NDC) containing individual emission reduction targets (N.Chan, 2016: 293). In view of this, the twenty-first

Conference of the Parties (COP) in Paris ushered in a new era of international climate politics, one that paves the way for a more inclusive and long-lasting international cooperation to address climate change.

Human-induced climate change is indeed one of the most pressing issues in the world, and its gradual move towards high politics also intertwines with the change of the balance of power that has gravitated perceptibly in favour of the emerging economies. Among them, China has been entrusted with a pivotal role in global climate governance. As the world's largest energy consumer and GHG emitter that accounts for nearly 22 percent of all emissions and just below half of all emissions from non-Annex I states (Held *et al*, 2011: 6), China has often been accused of being a 'climate criminal' that jeopardizes the stability of international climate regimes (Kopra, 2012: 2). Following the fifteenth session of the COP that took place in Copenhagen in 2009, China was blamed for intentionally blocking open negotiations and pushing for an 'awful' deal that looked as if the West had failed the developing world once again (Lynas, 2009). Consequently, a growing number of countries over the past years have urged China to take on legally binding emission reduction commitments commensurate with the current level of its economic development. Although the Paris Agreement has marked a giant leap forward towards an operational regime after decades of ineptness, China's role in international climate politics, especially with regards to Beijing's apparently unswerving commitment to the norm of CBDR-RC, warrants a detailed examination.

China's climate policy is complex and 'paradoxical' (see e.g.: G. Chen, 2012; Droge & Wacker, 2014; Hilton & Kerr, 2017; Ong, 2012). At various historical points of the PRC,

the central government has viewed engagement with international organizations as constraining and a direct challenge to two of the state's staunchly guarded principles: national sovereignty and independent foreign policy making (see e.g.:, Hempson-Jones, 2005; Seymour, 1999; Wang, 2005). For years, China held deep suspicions over the scientific certainty of climate change while exhibited a defensive attitude towards the global climate governance (G. Chen, 2012: x). Gradually, thanks to the reform and open-door policy since the late 1970s, China has become an integral part of the international environmental diplomacy and its contribution has well been recognized in three of the world's most critical environmental issues: biodiversity loss, climate change, and ozone depletion (Economy, 1998: 265). Yet, it is imperative to emphasize that despite the international isolation China endured during the Maoist years, it contributed significantly to the United Nations Conference on the Human Environment (UNCHE) of 1972 that helped to create the very norms and institutions that have come to define contemporary international climate governance (Stalley, 2013: 3)

At home, Beijing's growing economic might married with growing capacity of domestic governance have accelerated the enormous investments in ambitious domestic programs to reduce carbon intensity, encourage energy conservation, and increase usage of renewable energies such as wind and solar power. But interestingly enough, China continues to insist on binary differentiation of responsibility under the norm of CBDR-RC. When speaking at the 2009 Copenhagen Summit, former Chinese Premier Wen Jiabao neatly summed up China's position. Wen declared that Common but Differentiated Responsibilities was "the core and bedrock of international cooperation on climate change and it must never be compromised … it is totally unjustified to ask developing countries to undertake emission

reduction targets beyond their due obligations and capabilities in disregard to historical responsibilities, per capita emissions and different levels of development" (Wen, 2009).

In order to explain this seemingly paradoxical climate policy, whereas China as an economic powerhouse has invested immensely in domestic GHG emissions reduction but also has simultaneously emphasized its developing country nature, this chapter explores how China interprets two core tenets of the CBDR-RC norm: *responsibility* and *capability* in climate change mitigation, and how these interpretations have guided its compliance with the norm. To borrow the definitions provided by Tørstad and Saelen, responsibility refers to the question of climate responsibility in "who is responsible for climate change" while climate capability emphasizes on "who has the capacity" to solve the issue, the idea that burden-sharing should be allocated based on a country's financial capabilities, usually measured in GDP (Tørstad and Saelen: 2018: 645). First, this chapter illustrates that China's full compliance with the norm of CBDR-RC is attributable to the fact that the norm itself originates from the global South, which in turn suggests China has been actively inserting its preferences in the negotiation and the institutionalization of the CBDR-RC norm in climate regimes all along. As one scholar puts it, "the structure of the climate convention is one partially influenced by China and the fact that the CBDR-RC is in there is largely because of China and other influential countries. A reason for why you would engage with this is because you have set the rules of the game, then you are more likely to engage with that game" (expert interview #11, March 2019). This, in fact, helps to strengthen my argument that China is also a capable norm-maker, at least in international climate governance, who not only engages with different understanding of the norm domestically, but also by allowing these different understandings to persist at the very point

of formulating the norm through active participation in the negotiation processes. Second, I follow the logic that what has come to be defined as compliant behaviour is shaped by its logic of appropriateness informed by the identity narratives. In other words, China's 'contradictory' climate policy reinforces the argument that China's state identity discourse(s) is defined by several overlapping and conflicting narratives. On the one hand, by emphasizing the narrative that portrays itself as a developing country, China has routinely reminded the global North of its responsibility in climate change mitigation, i.e. through transfer of technology and finance. On the other hand, as China's economy and global reach continues to expand well into the twenty-first century, China has responded as a responsible power to international criticism, through a series of domestic climate change mitigation efforts which correspond to the second part of the CBDR-RC norm, respective capabilities (RC). In a nutshell, although China intends to project itself as a responsible power, it continues to emphasize differential treatment as a "fundamental right" by maintaining that China remains to be the world's largest developing country (Xu, 2019).

This chapter is structured as follows. Section 5.1 traces the development and evolution in the interpretation of the CBDR-DR norm. In the process, I also point out the ambiguous nature of the norm and argue that inter-subjective agreement best emerges when it is initially established with flexible terms that can be gradually adjusted. To this end, I have highlighted the competing interpretations of the CBDR-RC norm between the U.S. and China. Section 5.2 provides an explanation as to why China still insists on differentiated responsibilities while undertaking domestic climate change mitigation efforts. Finally, the conclusion summarizes the findings.

## 5.1 The Current Global Climate Regime: The Norm of CBDR-RC and the Climate Regime

As emphasised in Article 3.1 of the 1992 UNFCCC, to confront climate change, "the Parties should protect the climate system for the benefit of present and future generations of mankind, on the basis of equity and in accordance with their common but differentiated responsibility and respective capability" (UNFCCC, 1992: art 3.1). From this point of view, international climate politics is predominately about how climate responsibility is shared by the international community. Ethical questions on burden-sharing, fairness, and responsibility, as well as capability have all been part of the international conversations to introduce a global response to the issue of climate change. What are the responsibilities? Whose responsibilities? And how to achieve these responsibilities? Underdal and Wei captured three different interpretations on how GHG emission reduction efforts should be disseminated and invoked during climate negotiations: they refer to a country's *responsibility* for causing the issue, *capability* to resolve the issue, and the *right* to benefits concerned (2015: 37). This three-pillar framework is well captured by the norm of CBDR-RC within both the 1992 UNFCCC and the Kyoto Protocol of 1997 that entered force in 2005.

In order to understand how the idea of environmental responsibility took hold, one needs to go back to the early 1970s. The first decennial Earth Summit conference in 1972, also known as the United Nations Conference on the Human Environment (UNCHE) held in Stockholm, marked the beginning of the institutionalization of state environmental responsibility. According to Principle 21 of the Stockholm Declaration, states "have the sovereign rights to exploit their own resources pursuant to their own environmental

policies … but states also have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment or of areas beyond the limits of national jurisdiction" (Declaration of UNCHE, 1972: principle 21). In emphasizing the local and national governments' responsibility to "bear the greatest burden for large-scale environmental policy and action within their jurisdictions", the Stockholm Declaration was the first declaration that allotted environmental responsibilities to the state (Declaration of UNCHE, 1972: principle 7). Furthermore, with regards to the allocation of climate responsibility, the Stockholm Declaration was also the very first text that outlined the rights and responsibilities of developed and developing countries. At the UNCHE, negotiators from the developing world insisted on taking national circumstances into consideration, denoting the historical contributions to climate change, as well as the fact that the level of overall development vary considerably across different countries (Deleuil, 2012: 271). In other words, "whatever environmental protection measures are undertaken need to come as a consequence of the prosperity and the economic development that you achieve as a consequence of that growth" (expert interview #11, March 2019). The 1972 Stockholm Declaration took possession of this idea. In the preamble, the Declaration proclaimed that "developing countries must direct their efforts into development, bearing in mind their priorities and the need to safeguard and improve the environment. For the same purpose, the industrialized countries should make efforts to reduce the gap, in economic development, between themselves and the developing countries" (Declaration of UNCHE, 1972: preamble).

Building on the Stockholm conference, the norm of CBDR-RC was formally institutionalized during the 1992 United Nations Conference on Environment and

Development (UNCED) held in Rio de Janeiro. Grounded in the language of differential treatments, Principle 7 of the Rio Declaration on Environment and Developed stresses that:

> "in view of the different contributions to global environmental degradations, states have common but differentiated responsibilities. The developed countries acknowledge the responsibility they bear in the international pursuit of sustainable development in the view of pressures their societies place on the global environment and of the technologies and financial resources they command" (UNESCO, 1992).

In essence, the Rio Declaration not only explicitly acknowledged the specific needs of the global South, but also evidently exposed the divergent views held by both developed and developing countries and their relative bargaining power in climate change negotiations. The developed world's emphasis was strictly on managing environmental issues, but the developing world was able to leverage their collective influence to successfully shape the framework and nature of the declaration to include provisions on the right to development (principle 3), poverty reduction (principle 5), and the special situation and needs of developing countries (principle 6). At the end, the draft declaration was eventually polished into a text that consists of language accepted to all.

According to Biniaz, in complex and multi-issue negotiations like those on climate change, negotiators have often utilized language-based tools such as 'constructive ambiguity' to sidestep sensitive issues in order to allow different parties to maintain their perspective positions (Biniaz, 2016: 1). Theoretically, negotiators should without any doubt aim for precision when drafting legal documents. But when precision is no longer feasible in

practice, ‘constructive ambiguity’ can be helpful in several ways: first, it empowers each party to follow its own interpretation while avoiding a collapse of talks that could potentially heighten tension (Moore, 2011: 143); second, it increases the probabilities for parties to reach an agreement regardless of the discrepancies between the developed and developing world; and third, constructively ambiguous language serves to postpone the tough political resolutions on otherwise controversial or challenging issues to a later stage (Bodansky et al, 2017: 93-94).

A discernible example of ‘constructive ambiguity’ in practice is the language of the UNFCCC that is based on the CBDR-RC norm. As perhaps the most controversial aspect of the climate regime since its inception, the norm of CBDR-RC has been the source of contestations due to persistent ambiguity surrounding the definition and the scope of the norm, especially the responsibilities it entails (Brunee & Streck, 2013; Deleuil, 2012; Rajamani, 2010). Article 3.1 of the UNFCCC calls for an appropriate and workable international response to protect the climate system, on the basis of “common but differentiated responsibilities and respective capabilities. Accordingly, the developed countries should take the lead in combating climate change and the adverse effects thereof” (UNFCCC, 1992: art 3.1). However, notwithstanding the fact that countries already agree “developed countries should take the lead in combating climate change”, they diverge on whether developed countries should take the lead according to their responsibilities, capabilities or both (Biniaz, 2016: 3). That is, the norm does not detail how developed countries should do so nor does it indicate how responsibilities should change over time. Additionally, by adding the term ‘accordingly’ in the beginning of the sentence, this leaves individual country to interpret the role of developed countries on “whichever aspect of the

previous sentence it deemed appropriate" (Biniaz, 2016: 3). Equally important, Article 3.1 of the UNFCCC did not refer to the CBDR-RC as a legal principle in the narrow sense (Pauw et al, 2014: 5). In other words, even though CBDR-RC was enlisted in the "Principles" section of the Convention, that is not in itself evidence of the norm acquiring the status of customary international law or that there is the necessary *opinio juris* to support it (Deleuil, 2012; Honkonen, 2009). Deleuil adds that in order to be recognized as a customary international law, "there should be evidence of a general practice that accepted as law" (Deleuil, 2012: 275). Although the CBDR-RC has nowadays been frequently applied in treaties negotiations and COP decisions, there is no evidence of it being commonly accepted as law, mainly because of the ambiguity and uncertainties that have characterized the legal nature of CBDR-RC (Pauw et al, 2014: 9). Rather, countries tend to refer to their own interpretations of the norm to substantiate their perspective arguments (Deleuil, 2012: 275). As a result, the legal parameters of the CBDR-RC norm are instead set by the national circumstances that shape the interpretation and the respective country's stance in climate diplomacy.

Moreover, ambiguity in the norm of CBDR-RC has allowed countries to reach an inter-subjective agreement on climate change as an environmental problem and helped to make universality possible, but this does not come without problem. Operating as the linchpin of the global climate regime and the code of conduct, the underling logic of the CBDR-RC is paramount to guide countries in their efforts to establish an international legal framework in climate governance. The centrality of the CBDR-RC norm is widely accepted and comprises part of the normative framework of environmental politics: virtually all major negotiations, decisions, and instruments adopted in this regime have

invoked the norm, both explicitly and implicitly (Brunnee & Streak, 2013; Stalley, 2018). However, developing and developed countries hold starkly contrasting understandings, interpreting it, respectively, as a burden-sharing agreement grounded in the historical and legal *responsibility* to act or simply a logical provision anchored in the *ability* to act (Brunnee & Streak, 2013: 592). This is clearly reflected in the language of UNFCCC.

In line with the polluter-pays logic, responsibility of GHG emissions reduction under the CBDR-RC was largely allocated to developed countries because of their historical contribution to the issue, as well as the relatively low emission per capita in developing nations and their priorities in economic development and poverty reduction (UNFCCC, 1992: preamble). In light of this, all developing countries, including China and India, are exempt from any legally binding emission targets and reduction obligations. Though, as suggested by Brunnee and Steck, developed countries also ensured that the text of UNFCCC was drafted in a manner that was compatible with their own interpretation of the CBDR-RC norm (2013: 292-293). First, by including 'respective capabilities', developed countries not only demonstrated their strong opposition to the reference of historical responsibility, but also underlined that the focus should be on an individual country's *capability* to address climate change rather than the *responsibility*. Namely, emission reduction obligations are not only differentiated by the historical contribution to emissions, but also explicitly the country's current capacity to mitigate. For developed countries, it was important to put responsibilities and capabilities on an equal footing (Deleuil, 2012: 272; Jinnah, 2017: 290). Second, to restrict any arguments that the CBDR-RC entails legal rights and obligations, the principle was then placed in the Preamble while Parties were to be guided by Article 3 of UNFCCC (Brunnee and Steck, 2013: 293). Third, although the

wording in Article 4.7 on financial and technical assistance might seem to suggest that the implementation by developing countries would largely hinge on the financial commitment and technology transfers of developed countries, it, however, "neither establishes the obligations on the part of developed countries, nor places conditions on developing countries on assistance" (Brunnee and Steck, 2013: 293).

Fast-forwarding to 2007, when climate negotiations turned their focus to the next phase of climate policy. It was during this time that the two-tiered system of burden-sharing arrangement began to show signs of weakening. The start of this political evolution corresponds to three key philosophical changes. First and foremost, as GHG emissions in industrialized countries began to peak or even decline in the 2010s, rising GHG emitters like China and India are profoundly re-shaping the global emissions footprint (Falkner, 2019: 272). For some developed countries, it was no longer adequate to place rapidly emerging economies like China and India alongside the rest of non-Annex I countries. These countries, particularly the U.S., posit that contemporary, not historical, emissions should set the bar for responsibility (Jinnah, 2017: 290). Second, due to rising global momentum in the awareness and urgency to take action against climate change, inaction was thus less tolerant than before (expert interview #9, February 2019). Third, and closely related, China's position began to soften as it realized it can no longer "hide" behind the norm of CBDR-RC and not assume any climate responsibility. If China continued to do so, it risked being left behind in the next wave of global infrastructure investment and economic development (expert interview #10, February 2019).

### 5.1.1. Road to Paris and a Universal Voluntary System

The struggle against climate change has been described as a common good that depends on collective action and shared responsibilities (Yu & Zhu, 2015: 57). Actually, it is stable climate that is the common good, and it is a collective action problem because no single country can provide a stable climate unilaterally, nor can any one country be excluded from benefitting from a stable climate, even though they did not participate in collective actions. Thus, the demands for so-called justice or fairness in burden-sharing in climate change mitigation is and remains to be at the heart of climate negotiations (see e.g.: Brunnee & Steck, 2013; Tøtad & Saelen, 2018; Underdal & Wei, 2015).

Yet, the major turning point in the interpretation of the CBDR-RC came at the fifteenth session of COP held in Copenhagen in 2009. Despite the view that COP15 concluded with a disappointing outcome, there were a few positive elements that came out of this summit. First, after nearly two weeks of gridlock between the global North and the global South, led prospectively by the U.S. and China, the summit concluded with a U.S. compromise on accepting voluntary mitigation actions for all developing countries, in exchange for a differentiation between Least Developed Countries (LDCs) and Small Island Developing States (SIDS) on the one hand, and the rest of developing countries on the other. This new three-tiered system of developed countries, developing countries, and LDCs and SIDS propels the CBDR-RC norm towards U.S. preference to separate emerging economies from other developing countries (Jonnah, 2017: 295). This was taken into account in the Copenhagen Accord which maintains:

> "Annex I Parties commit to implement individually or jointly the quantified economy-wide targets for 2020… Non-Annex I Parties to the Convention will implement the mitigation efforts by 31 January 210 … and the Least developed countries and small island developing states may undertake actions voluntarily and on the basis of support" (UNFCCC, 2009: para 4-5).

In tandem, the rift in the G77 and China alliance also weakened the group's position when the Alliance of Small Island States (AOSIS) rejected the traditional position of non-legally binding emission reduction, in favour of the 'Tuvalu Protocol' which called for a new binding agreement that included more ambitious global emission cuts (Guardian, 2009). This proposal effectively pitted AOSIS in direct odds with the powerful developing countries like China and India which fiercely opposed changes to the legally binding Kyoto Protocol. Second, the Copenhagen conference further institutionalized finance for developing countries. Collectively, developed countries agreed to provide $30 billion from 2010 to 2012 to help developing countries in emission reduction, technology development, and capacity-building (UNFCCC, 2009: para 8). This target has indeed been met. According to the first Biennial Assessment and Overview of Climate Finance Flow prepared by the Standing Committee on Finance (SCF), total climate finance from the developed to developing world was $28.755 billion in 2011 and $28.863 in 2012 (UNFCCC, 2014: 2). Third, while Chinese officials have been widely blamed for the lack of process in reaching an agreement in Copenhagen, less attention has been directed towards China's domestic environmental initiatives. It was around 2007 when Beijing rolled out a number of ambitious programs to regulate emissions and increase the use of clean and renewable energies domestically. If successful implemented, these initiatives

would reduce China's carbon emission per unit of economic output and enhance its capability to report its emission every two years, as agreed in the Copenhagen Accord (Lewis, 2010).

Subsequently, the Sixteenth COP in Cancun, Mexico (2010) represented a critical step in restoring some of the faith lost following the breakdown in Copenhagen. At end of the Cancun summit, it became clear to all negotiating Parties that a disastrous collapse of UN climate talks was avoided because of two key developments or rather compromises made by China. As to why China made these concessions, I will elaborate on them in section 5.2.1. First, China was willing to temper its original position on the International Consultations and Analysis (ICA), a system designed to measure the efforts of developing countries in combating climate change (Zhang, 2013). Initially, China strongly opposed the measure, citing lack of majority support from developing countries and concerns over infringements of national sovereignty. In spite of this, both China and the U.S. were able to reach an agreement on the measurement, reporting, and verification (MRV) of mitigation action once Chinese demands were satisfied. These demands are transparency in foreign aid, financial commitments from the global North, and continuation of Kyoto Protocol as the basis for future climate negotiations (Chen & Guerrero, 2011). Second, and most significantly, what we witnessed at the conclusion of COP16 in Mexico was the start of an inversion of the top-down approach to emission reduction targets and responsibilities allocation, a key defining future of the CBDR-RC norm. Instead, the norm was moving towards a bottom-up formula based on voluntary pledges, which required developing countries, particularly emerging economies, to be treated the same as developed countries in climate mitigations responsibilities (Clini, 2017: 184). The rationale behind this change

was to invite and encourage all countries to take part in climate action through voluntary commitments. According to an analyst on China's environmental policies, it is a political wisdom to broaden the participation in climate mitigation given the rising global momentum on climate change, as well as growing awareness and urgency to take actions. It is a political tactic to get more countries involved (expert interview #9, February 2019).

The process to further institutionalize a bottom-up voluntary system was consolidated at the next COP summit held in Durban, South Africa (2011). During COP17, several agreements were reached that paved the way to the eventual success in COP21 held in Paris. First, it was at this conference that the process known as the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) was launched. The ADP was responsible for the negotiation of a new "protocol", "another legal instrument", or "an agreed outcome with legal force" to replace the Kyoto Protocol at the end of its second commitment period in 2020. The agreement would be "under the Convention applicable to all parties" and "shall complete its work as early as possible but no later than 2015" (UNFCCC, 2011: para 2-4). Interestingly, as pointed out by Voigt and Ulfein, the text on the ADP were intentionally drafted with ambiguous language to allow bargaining and different interpretations amongst countries. For that matter, the inclusion of three abstract terms, a protocol, a legal instrument, and an agreed outcome with legal force, is in itself a clear reflection of utilizing constructive ambiguity to avoid failing to reach an agreement, especially since the Durban conference was only one year removed from an imminent collapse of international climate diplomacy (Voigt & Ulfein 2014:183). Second, the Durban conference was dubbed by few as the turning point of climate politics (Clini, 2017; Jinnah, 2017). Unlike the previous COP statements that explicitly referred to the CBDR-

RC, the Durban Platform fell short of making any reference to the regime's fundamental norm. Instead, the mandate ensured the new legal instrument is 'under the Convention' which could be interpreted as an implicit engagement with the Convention's principles, including the norm of CBDR-RC. This understanding was later acknowledged by the works of the ADP which "affirms the need to maintain consistency with the principles and commitment of the Convention, particularly that Parties should protect the climate system in accordance with their common but differentiated responsibilities and respective capabilities" (UNFCCC, 20111: section E preamble).

The real leap towards a post-2020 climate regime occurred at the nineteenth of COP held in Warsaw in 2013, when Parties to the Convention agreed to ground the post-2020 climate agreement according to a bottom-up emission reduction pledges, known as the "Intended Nationally Determined Contributions" (INDC) that called on all countries to submit their own voluntary emission reduction pledges (UNFCCC, 2013: para 2b).

### 5.1.2. The Paris Agreement

Supported by collective international efforts, the Paris Climate Agreement was adopted at the twenty-first COP in 2015. The Paris Agreement epitomizes a new era of global climate governance that strikes a balance between differentiation of responsibilities and ambitious goals to curtain GHG emissions. To a certain extent, the shift in the structure from the Kyoto Protocol to the Paris Agreement partly resulted from the lack of consensus on how to fairly differentiate responsibility and capacity in climate change mitigation. That is, the questions regarding who is contributing to the efforts and by how much constitute the principal barriers in climate change negotiations. It is true that the Paris Agreement is

reinforced by new interpretations that diverges from the conventional language of CBDR-RC which distinguishes between Annex I and non-Annex I countries, but to be sure, pursuant to the Durban Platform, the new Paris Agreement is indeed still an agreement 'under the Convention' that cordially embraces the principles of the Convention, particularly the norm of CBDR-RC (Rajamani, 2016). For instance, the norm of CBDR-RC was prolific as it was explicitly mentioned four times in the Paris Agreement: in the preamble recital (notably as a principle), in Article 2.2 that states the purpose of the agreement, and twice in Article 4 that sets the long-term emission reduction goals and strategies (UNFCCC, 2015: preambular recital, article 2.2, 4.32 & 4.19). Additionally, the Paris Agreement sets a precedent that any reference to the CBDRC-RC would include the phrase "in the light of different national circumstances" (UNFCCC, 2015: art 2.2). This inclusion in part reveals both a compromise made by the industrialized countries, particularly the U.S. given Washington's long-standing opposition to use CBDR-RC as the basis for climate negotiations, as well as to add fresh interpretation in highlighting national capabilities on responsibilities for emissions (Tian & Xiang, 2018: 259).

What is new and unique in the Paris Agreement is a bottom-up architecture which requires the countries themselves, within the framework of Nationally Determined Contributions (NDCs), to define and submit their domestically appropriated GHG emission reduction, mitigation and adaptation measures. Among the criteria for submitting the NDC includes a specification on how "the Party considers that its NDC is fair and ambitious, in light of its national circumstances, and how it contributes towards achieving the objective of the Convention as set out in Article 2" (UNFCCC, 2014: para 15). This exemplifies a new innovative idea in the treaty design, where individual country's commitments are implicitly

obtained through the process of negotiation rather than from the usual explicit articulation of responsibilities set out in a treaty (Chan, 2016: 295).

Nevertheless, while the Paris Agreement refrains from imposing any top-down responsibilities for emissions reduction, the required NDCs continues to distinguish between developed and developing countries. According to Article 4.4 of the Paris Agreement, "developed country Parties should continue taking the lead by undertaking economy-wide absolute emission reduction targets… while developing country Parties should continue enhancing their mitigation efforts, and are encouraged to move over time towards economy-wide emission reduction or limitation targets in light of different national circumstances" (UNFCCC, 2015: art 4.4). In short, by making an implicit reference to the norm of CBDR-RC, the agreement recognizes the fact that developing countries require assistance from the developed countries in implementing climate mitigation plans and that their progress will be slower than those in the global North (UNFCCC, 2015: art 4). This formulation was strongly supported by China, which together with other emerging economies and the Like-Minded-Group of Developing Countries (LMDCs) has always opposed legally binding commitments.

Within this context, it is also novel that the Paris Agreement has placed LDCs and SIDs in a separate grouping from other developing countries, specifying that "they may prepare and communicate strategies, plans, and actions for low greenhouse emissions development reflecting their special circumstances" (UNFCCC, 2015: art 4.5). The significance behind the grouping of different types of NDCs is telling: this design not only preserves a degree of differentiation, it also echoes both U.S.'s and China's preferences. On the one hand, by

acknowledging the American view for increased differentiation amongst developing countries, the Paris Agreement prioritizes the LDCs and SIDs by taking full account of their special needs and circumstances with regards to financial assistance (article 9) and capacity-building (article 11). On the other hand, it has satisfied the China's position on flexibility in emission reduction targets, given that developing countries are only encouraged to move towards economy-wide emission reduction. This essentially excludes developing countries from undertaking any absolute economy-wide reduction. For developing countries like China, to meet absolute GHG reduction targets are widely perceived as an obstruction to their economic growth by reducing economic production (Lewis, 2008: 166). Since the mid-2000s, China has in fact purposely refrained from setting absolute targets by simply laying out intensity-based emission goals that are indexed to the country's economic development and do not hinder growth in the economy (Ong, 2013: 1140).

Apart from varying interpretations of emission reduction responsibilities, the other sticking point in international climate politics is the issue of climate finance. The adaptation of the Paris Agreement has helped to address the aspect of financial distributions. By effectively institutionalizing CBDR-RC related provisions on climate finance, the Paris Agreement not only reaffirms the funding obligations of the developed countries (article 9.1), but also the role of emerging economies in climate finance (article 9.2). The agreement's Article 9.4 indicates that "the provision of scaled-up financial resources should aim to achieve a balance between adaptation and mitigation, taking into account country driven strategies, and the priorities and needs of developing country Parties" (UNFCCC, 2015: art 9.4.). Meanwhile, Article 9.5 suggests "developed countries shall biennially communicate

indicative quantitative and qualitative information related to paragraphs 1 and 3 of this Article, as application, including, as available, projected levels of public financial resources to be provided to developing country Parties … and developed country Parties shall provide transparent and consistent information on support for developing country Parties" (UNFCCC, 2015: art 9.5 & art 9.7). The wordings of article 9 on finance was agreed upon once a balance was achieved between U.S.'s preference (Article 9.4) and China's position regarding financial responsibility (Article 9.5 and Article 9.7) (Jinnah, 2017). Moreover, the Paris Agreement also encouraged "Other Parties" to voluntarily provide financial assistance to developing countries (UNFCCC, 2015: art 9.2). Despite the ambiguous language employed here, it is very much obvious that the "Other Parties" referred to in Article 9.2 are the emerging economies.

Although the Paris Agreement succeeded in moving beyond the outdated dual-track differentiation of developed and developing countries, developing countries like China are still pushing for more pre-2020 actions because the governing period of the Paris Agreement only starts from 2020. Before 2020, it is still under the Kyoto Protocol and thus, the responsibilities during this period are mostly shared or complied with by developed countries (expert interview #9, February 2019).

## 5.2 Explaining China's Position in Global Climate Government: The Significance of Narratives

As illustrated in the section above, international climate governance is predominantly a struggle over the idea of responsibility for and capability in burden-sharing as to who is

responsible for what and how to divide mitigation obligations between countries. Generally speaking, there is a tendency to equate climate responsibility with blame and guilt, in terms of who is causing/caused climate change. In the West, the answer would simply be China since it is now the world's biggest GHG emitter. Meanwhile, China has responded by stressing that climate change is a direct consequence of culminative emissions from the industrialized countries in the West. Each state more or less has its own interpretations of the rules, and this unique form of interpretation shapes how states act in international climate politics.

What is curious about China's climate policy is the 'contradiction' between its increasingly ambitious domestic agenda to address environmental issues and its seemingly inflexible stance with regards to the 'original' differentiations outlined in the norm of CBDR-RC. On the one hand, China has been very straightforward in ensuring all UNFCCC negotiations and agreements are operating under this norm that frees developing countries from binding emission reduction commitments. On the other hand, China's enormous investments in renewable energy at home have placed the country on a path to become the world's renewable energy superpower (Forbes, 2019). A follow up question would be, what explains China's upholding of the binary distinctions in burden sharing outlined in the norm of CBRD-RC, but at the same time makes it undertake a series of domestic emission reduction initiatives? The answer to this question, I argue, is closely linked to the fairness conceptions of responsibility and capability, to how responsibility and capability are interpreted in China. In this section, I aim to shed new light on Chinese interpretation of these two concepts.

There are an increasing number of explanations being put forward to explain the rationale behind China's climate policy. On one level, China wants to play the 'big brother' to many LDCs and the most vulnerable countries but at the same time, it wants to have a role that is equal to major countries without over extending its climate leadership (expert interview #10, February 2019). Alternatively, China's reluctance to accept legally binding emission reduction can be explained by a rationalist account, as simply a function of economic interests: states weight the costs of norm commitment against the potential benefits from reducing environmental damages (Underdal, 1998: 7). Seen from this perspective, China's insistence on non-binding emission targets is reflected in the growth-centric priority emphasized by the Chinese leadership (Ong, 2013: 1140).

Although China may be increasingly aware of the challenges and impacts of climate change, in a country where economic development remains the foremost priority, the ramifications of climate change are unlikely to upset China's concerns over the cost of legally binding emission targets. This is akin to Ong's argument that illustrated the close linkage between climate change mitigation and the CCP's legitimacy. She contends that China's mitigation efforts are not intended to reduce emission, but are instead designed to meet domestic goals such as legitimizing the CCP's monopolistic rule and alleviating the country's growing social woes (Ong, 2013). In the same vein, Lewis enlists competing priorities in the domestic policy circles as the key factors behind China's climate actions (Lewis, 2008). In addition, Kobayashi writes that China's position in climate diplomacy can be explained by domestic factors such as bureaucracy and international ones such as its status in G77 (Kobayashi, 2004). When investigating China's tactics in international climate negotiations, Wu highlights three key approaches China employed to realize its objectives in climate

negotiations. These approaches are first, upholding the unity in the alliance of G77 and China; second, to extract concessions and benefits from developed countries, particularly the U.S.; and third, to encourage the U.S. to re-commit to climate change mitigations (Wu, 2013).

The growing number of scholarly works that have examined China's climate change action through the lens of domestic factors are convincing and point towards their explanatory power. This dissertation does not refute their importance and contributions, but I argue that a narrow focus on domestic interests alone is unable to sufficiently explain the continuities and changes in China's position in climate change mitigations, especially since state interests are not simply out there but instead are a social construct (Finnemore, 1998). Instead, following the framework outlined in chapter 3, I posit that China's 'contradictory' climate policy is rooted in the overlapping and contradictory narratives that helped to inform who China is vis-à-vis clarifying what constitutes responsibility and capability in climate change mitigation.

The narratives scrutinized in this section are: developing country and responsible power. To reiterate, narratives, in this dissertation, are defined as a "particular way of talking about and understanding an aspect of the world" (Jørgensen and Philips, 2002: 1), as to covey a particular story or an event to the audience in a coherent way. Narratives, thus, are considered to be a process "through which human beings make sense of the unfolding lives" (Rigmar, 1996: 451), and therefore are essential to our understanding of events. In this way, an unbreakable linkage is established between events and narratives as they obtain meanings through narratives that inform events (Loh, 2019).

Prior to the analysis of China's interpretation of responsibility and capability, I first pinpoint China's fundamental position in addressing climate change. Whilst acknowledging the common responsibility in climate change mitigation, China insists that the norm of CBRD-RC is the only legitimate and non-negotiable guideline in climate change mitigation. Based on the historical cumulative emissions, Annex-I countries are legally obliged to reduce emissions and to provide financial and technological assistance to developing countries while Non-Annex I countries are exempted from any legally binding commitments, at least until the end of Kyoto Protocol's first commitment period in 2012 (NDRC, 2009). According to Kopra, China's position in the international environmental regime has been remarkedly consistent despite the rapid transformations in the domestic economic and political realms (Kopra, 2016: 24). Since the start of the UNCHE in 1972, Beijing has asserted itself as the leader of the developing world by routinely advocating for the inclusion of equality and fairness in multilateral climate agreements. As an example, in the first week of the 1972 UN conference, China tabled a ten-point alternative declaration that influenced much of the proceedings at UNCHE (Faramelli, 1972: 472-473). Within it, China proclaimed that "the root cause of environmental pollution is capitalism, which has developed into a state of imperialism, monopoly, colonialism …. We resolutely oppose the plundering of resources in the developing countries by the highly developed countries" (Faramelli, 1972: 472). In other words, from China's vantage point, environmental degradation is closely linked to the capitalist form of economic growth under which lack of economic developments and opportunities triggered by exploitations and irresponsible behaviours of the West. As noted in the 2007 National Climate Change Program report, climate change is an issue "involving

both environment and development, but it is ultimately an issue of development" (NDRC, 2007: foreword). For Beijing, the solution to climate change relies on both "mass participation and international cooperation", as well as sustainable development since climate change "arises out of development, and should thus be solved along with development" (SCIO, 2008). This then requires both developed and developing countries to undertake meaningful actions in ways that require the former to find alternative consumption paths that would adequately reduce emission output, whereas the developing countries, with the assistance of the global North, need to incrementally strengthen their capacity to mitigate climate change (Kopra, 2016: 217). In particular, China considers technological innovation as "the basis and support for tackling climate change … and developed countries are obligated to promote international technological cooperation and transfer, and concretely materialize their promises to provide financial and technological support to developing countries" (SCIO, 2008).

### 5.2.1. A Developing Country and the Evolving Interpretation of the CBDR-RC Norm

The discussions on whether China is a developing country, a developed country or an emerging country come in abundance. But officially, China still considers itself a developing country, despite being the second largest economy in the world in terms of aggregate GDP. By identifying itself as a developing country, China frequently not only emphasizes the friendship and the common anti-colonial history it shares with the rest of developing countries (G77), but also sought to aligns its interests in climate politics with those in the developing world. For Krebs and Jackson, any form of successful political

communication is rooted in having a "political community that shares at least some understandings of the boundaries of acceptable discourse" (Krebs and Jackson, 2007: 55). When using the Soviet Union as an example, Krebs and Jackson went on to illustrates how a common rhetoric within a political community is able to shape a political outcome. When the Soviet Union legitimated its leadership in the Communist block by branding itself as the true force for global peace, it sustained that claim through disarmament (Krebs and Jackson, 2007: 56). It is thus important for Chinese policy makers to construct and uphold a narrative that resonates with the rest of developing world, thereby generating a strong basis of "belonging". To a certain extent, China's climate discourse reflects this endeavor. As a fellow developing country and an ally in climate politics, China has not only firmly supported the norm of CBDR-RC and the allocation of responsibility to the industrialized countries, it has also projected an image of 'victimhood' that China is "one of the most vulnerable to the adverse effects of climate change … and climate change possesses a major challenge to the country's sustainable development" (SCIO, 2011: foreword). When speaking at the Beijing High-Level Conference on Climate Change in November 2008, former Premier Wen Jiabao labelled the challenges of climate change as "unprecedented" because "the developed countries encountered their resource and environmental challenges in phases in the course of 200 years of industrialization. But we (China) have to address in a much shorter timeframe the issue of energy conservation and pollution control has taken the developed countries decades to tackle … [therefore], climate change must be tackled in under the framework of sustainable development … and guided by the principle of common but differentiated responsibilities" (Wen, 2008).

Over the past decades, China has progressively assumed a leadership role amongst developing countries and the G77 in particular, to defend the right to develop and poverty reduction. According to China's "White Paper on The Right to Develop", "development is a universal theme … the right to development is an inalienable human right" (SCIO, 2016: preamble). So, if a country has a right to develop, then that country must also have a right to produce carbon emissions (Kopra, 2016: 226). But the question is by how much? According to Shue's seminal contribution on climate justice, the question of what constitutes a fair allocation of emissions of greenhouse gases has given rise to the controversial issue regarding the relationship between responsibilities and rights. For Shue, not all GHG emissions are equally "bad", and they should be distinguished between luxury emissions, and subsistence, or survival emissions (Shue, 1993). More specifically, the rationale behind this distinction is that "subsistence emissions" originated from the global South are simply unavoidable because of their fundamental rights to survive and their legitimate priority needs in economic growth and poverty reduction, as outlined in the 1992 Convention. Therefore, it would be impossible for China, which accounts for more than 18 percent of the world's population, to adopt an economic policy of low-growth for the convenience of the industrialized world that already enjoys much better living conditions (Shue, 1993: 42). Conversely, the affluent North is accountable for "luxury emissions" because few rich nations with small population have generated a vast majority of emissions, while the developing countries with large populations produce less than the developed few (Shue, 1993: 49).

The norm of CBDR-RC is noticeably grounded in Shue's principle of global climate justice which reminds the developed countries' obligations to respond to climate change, while

affirming developing countries' vulnerabilities and their lack of capability to contribute to the mitigation efforts. Most significantly, this principle also serves as the basis on which China's argument on GHG emissions is built. Former Chinese President Hu Jintao shed a light on the Chinese perspective. At the Major Economies Meeting on Energy Security and Climate Change in September 2007, Hu pointed to the subsistence emissions as a possible justification for China's rapidly increasing GHG emissions. He has stressed "China's per capita emission is relatively low… a significant share of China's total emissions fall in the category of subsistence emission necessary to meet people's basic needs… also as a result of changes in international labour and manufacturing relocation, China faces mounting pressure of international transferred emission" (Hu, 2008).

This then leads to the second point, which is just as significant and relevant. As China claims much of its GHG emissions are deemed subsistence emissions, and as a developing country, it is excluded from legally binding commitments or to undertake any absolute economy-wide reduction, this logic was further consolidated by the "offshore emissions" argument. Considering China's growth model is export-oriented, a significant portion of GHG emissions generated in China is due to manufacturing required to satisfy both the Western consumer demands and its own dependence on exports to sustain domestic economic growth. Zhu and Kotz show that China's economic growth in the initial period was, to a large extent, domestically-driven, and it was only from 2001 that exports started to have a prominent role in the economy (Zhu & Kotz, 2011: 10). This gravitation towards export-based economy also coincided with the exponential increase in GHG emissions. According to Guan et al, in the period between 2002 and 2007, while China's export-oriented production grew by 26 percent annually, China's emissions in 2007 accounted for

21 percent of the global GHG emissions, of which half came from export production (Guan *et al*, 2009: 1). For this reason, China has vehemently rejected any criticisms of its GHG emissions by pointing to the Western hypocrisy for criticizing China's GHG emissions while buying products from its manufacturing sector that contributed to the accelerated growth of GHG emissions. Economic development is the priority and therefore, China needs the manufacturing industry for "subsistence and survival" (New York Times, 2009).

Lastly, I show how the narrative of a developing a country has compelled China to make some key compromises in climate negotiations, which in turn facilitated the evolution of the normative interpretation of the CBDR-RC and the adaptation of the Paris Agreement in 2015. First, as noted in the section 5.1.2, China turned away from its previous opposition to international monitoring regime, by placing its mitigation actions under the international verification process. Recognizing the differentiation in measuring, reporting, and verifying (MRV), Article 12 of the UNFCCC and Articles 7 and 8 enshrined in the Kyoto Protocol are indicative of the norm of CBDR-RC, suggesting the requirements for GHG emissions report submission according to the guidelines are only applicable to Annex I countries. Thus, for Bodansky, China's concession on international verification was a decisive moment that steadily dismantled "the firewall" between developed and developing countries (Bodansky, 2010: 240). Second, at the conclusion of the Durban Platform in COP20 in 2011, China, for the first time, agreed to negotiate "a protocol, another legal instrument, or an agreement" that is legally binding for all Parties. Accordingly, this new protocol would also require developing countries to adopt legally binding emissions cuts.

The core rationale behind these compromises, I argue, is for China to maintain the unity of and solidarity with G77 which consists of mostly developing countries. In other words, by proclaiming itself as the world's largest developing country and the leader of the developing world, China has effectively utilized this narrative not only to create a strong basis of "belonging", but also to establish its own interests and to legitimate its foreign policy goals which placed a great emphasis on its relationship with the developing world. This was particularly the case during the climate negotiations when China created the necessary political space which made compromises possible because one of its core foreign policy goals, the alliance's unity, was at stake. However, it is widely recognized that the members of the G77 and China have always held divergent views on how to address climate change. As an example, with regards to mitigation commitments, China, along with other larger developing countries, has consistently opposed any legally commitment, which in contrast was not supported by the SIDs and LDCs. On the issue of the legal status of future agreements, China and other larger developing countries insisted on voluntary pledges rather than a legally binding agreement, contrary to the position favoured by the SIDs and LDCs (Wu, 2013: 793). Furthermore, the cohesion of the G77 and China began to weaken when the Alliance of Small Island States (AOSIS) splintered from the group of G77 and China. This group became one of the most vocal advocates for fair and ambitious action given the existential threat climate change posted to them (King, 2012). During the Durban Platform, the alliance between the AOSIS, the EU, LDCs and other progressive parties were able to, for the first time, bring together developing and developed countries from various blocs to agree to the establishment of the ADP, as well as to climate-policy ambition (Hirsch, 2016: 2). Throughout the negotiations, the 'Durban Alliance' was able to persuade developing countries such as Brazil to support its roadmap for future

negotiations, leaving both China and India isolated (van Schalik, 2012: 16). China changed side quickly and was willing to allow international verification of its domestic mitigations efforts and compromised on legally binding emission reduction obligations in the post-2020 climate agreement, provided they are based on the norm of CBDR-RC (van Schalik, 2012: 16). Consequently, as China constructs itself as the world's largest developing country and leader of the developing world, this narrative has helped to "frame and legitimize foreign policy, naturalize a certain image or role of a country, and stabilize collective identities on national, regional, and global levels" (Mayer, 2018: 1222). It should also not come as a surprise that Xi Jinping claimed that "China will stay as a developing country no matter how it develops, staunchly supports the development of developing countries and be committed to building close partnerships" (Xinhua, 2018).

The need to differentiate itself from the West is abundantly clear, and it is also easy to see the attraction for China to claim to be a developing country. First, the developing country narrative is relevant and needs to be continuously cultivated, if it wishes to continue maintaining friendly relationships with the rest of the developing world. Second, according a UK-based analyst, for pragmatic reasons, China has often leaned on this narrative to gain wiggle room and also to maintain pressure on the global North to uphold mitigation responsibilities in multilateral regimes (expert interview #10, February 2019).

### 5.2.2. A Responsible Power: An Enactment of Climate Responsibility

The debates around China's global responsibility were elevated to a different level when then U.S. Deputy Secretary of the State, Robert Zoellick, introduced the concept of a

responsible stakeholder in 2005, primarily as an attempt to encourage China to shoulder greater international responsibilities. As a responsible stakeholder, Zoellick suggests, "China would be more than just a member, it would work with us to sustain the international system that has enabled its success" (Zoellick, 2005). Some have argued that China has indeed responded to the U.S. call and in the long term, it is becoming a more responsible stakeholder (Gill, 2007). When it comes to climate change mitigation, "responsibility must be demonstrated by action… such responsibility must be acted upon by formulating and implementing ambitious climate policies at the domestic level" (Kopra, 2018: 128). In the past decades, China has experienced unprecedented level of economic growth and industrialization. The price of such an economic miracle has been severe environmental degradation at home. Urgent environmental issues such as hazardous air pollution, are posing a direct challenge to the stability-obsessed Chinese Communist Party. To tackle China's rapidly deteriorating environment, then Hu-Wen administration first coined the concept of "people first", (*yiren weiben* 以人为本) to devote more attention to social injustice, the environment, and poverty reduction (Hu, 2007). A second concept was also put forward at the seventeenth National Congress of the CCP in 2007. The concept of a harmonious society, (*hexie shehui* 和谐社会), underpinned by the Confucian ideal of harmony, was institutionalized and included in the CCP constitution. As the implications of environmental degradation on economic growth and people's well-being are becoming more apparent, the concepts of people-first and harmonious society are conceptualized to not only establish a social contract between the authorities and the people, but also indirectly oblige the Chinese government to act and strengthen environmental protection based on these human-centric incentives, and more importantly, to shoulder more climate responsibility as a responsible power.

In the process, China has also started to regularly issue annual White Paper on China's Policies and Actions for Addressing Climate Change which re-iterate China's constructive role in climate change mitigation and that China has not shunned from its climate responsibilities. Kopra asserts that, by regularly providing material evidence on its climate change mitigation efforts, the Chinese government seeks not only to demonstrate its commitment to implement voluntary climate actions, but also to "reduce the audience's potential doubt about the speaker's argumentation" (Kopra, 2016: 222). Indeed, a fundamental objective of Hu's address at the seventeenth National Party Congress was to showcase China's willingness and capability to "continue to take an active part in multilateral affairs, assume our due international obligations, play a constructive role, and work to make the international order fairer and more equitable" (Hu, 2007).

Until recently, China has vehemently rejected any legally binding emission commitments but, this does not imply no efforts have been made with regards to climate change mitigation at home. On the contrary, domestic resources have been mobilized and climate-related initiatives have in fact increased exponentially to expedite domestic development of renewable energy and relevant emission reduction technologies and policies. Starting with the 10$^{th}$ Five Year Plan (FYP), China began promoting the domestic development of renewable energy, through which it announced billions of yuan investments in national programs such as the State High Tech Development or 863 programs. This was then followed by the introduction of the Renewable Energy Law in 2005 to boost the development and utilization of renewable energies (MOFCOM, 2013: art 1). Then, national targets to reduce major pollutants by 10 percent were made legally binding in the 11$^{th}$ FYP

(NDRC, 2006). By June 2007, the National Climate Change Program made the first major policy announcement by a developing country with regards to climate change (Pan, 2007). The report enlisted several key objectives in the process of mitigating climate change: restructuring the economy, promoting technology, improving energy sufficiency, strengthening laws and regulations, and further improve institutions (NDRC, 2007). In 2008, the Department of Climate Change was established under the National Development and Reform Commission (NDRC), for the purposes of analyzing the socio-economic impact of climate change, coordinating policies, strategies, and plans in climate change mitigations, as well as executing international cooperation in response to climate change (NDRC, 2008).

One additional strong indicator of China's institutionalization of climate responsibility is the country's 12th and 13th FYPs that identified the country's national strategic priorities and intentions within their designated period. These FYPs provides a glimpse into the government's plan to move the country forward. According to a report by the World Resource Institute, what is notable about the 12th FYP (2011-2015) was the significant attention devoted to climate change and environmental issues given that this was the first that climate change was mentioned in a FYP, which contained a paragraph alluding to China's commitment to UN-based climate negotiations and international cooperation (Seighsohn & Hsu, 2011). The main of objective the 12th FYP was to establish a green economy capable of boosting economic growth and environmental protection. By placing the low carbon and clean energy industry at the core, the 12th FYP signaled a radical shift to prioritize the quality of development. In doing so, the Chinese government set up its own nationally binding targets to expand non-fossil fuel sources by 11.4 percent and to reduce

carbon emissions per unit of GDP by 17 percent in order to achieve the 2009 target that pledged a 40 to 45 percent deduction in carbon intensity from 2005 level by 2020 (NPC, 2012: chap 3). The 13th FYP (2016-2020) that directly builds on the 12th FYP, carries a more ambitious agenda to promote clear energy at home but also abroad. Perhaps more interestingly, in addition to laying out domestic commitments, the 13th FYP is clearly set out to meet some of China's international pledges in climates politics (S. Liu, 2016). Liu Shuo from Greenpeace Asia claimed that the FYP's explicit reference to China's NDC submitted under the Paris Agreement suggests China's ambition to not only meet its target to peak its emissions around 2030, but also to become a "global leader in reining in emissions" (S. Liu, 2016). Similarly, a report published by E3G, a climate change think-tank, suggests China's latest FYP is a clear intent to dominate clear technology both at home and abroad (Ng *et al*, 2016). This will be carried out, according to the report, hand-in-hand with its "outward push" supported by new initiatives such as the Belt and Road Initiatives and South-South fund (Ng et. al, 2016: 3-4).

In the space of just few years, China's reputation in global climate governance shifted from a "wrecker" to a key contributor in the diplomatic breakthrough that successfully negotiated the Paris climate agreement. Now, the call for China's leadership has been circulating in the broader discourse since the U.S. withdrawal from the Paris Agreement. For Xi and the fifth generation of leadership, continuing to fulfilling its obligation as a responsible power was key, but also according to Xi, "being a big country means shouldering greater responsibility for regional and global world peace and development" (Xi, 2015b). With a greater emphasis on the *international* dimension of the climate responsibility, China is no longer solely focused on the historical responsibility of developed countries, as Xi Jinping

appealed to all countries to "reject the mentality of zero-sum game and assume more responsibilities for win-win outcome" (Xi, 2015a). In particular, the Paris Agreement's bottom-up approach reflects the Chinese influence in the negotiation processes that prefers voluntary pledges to legal obligations. According to China's first NDC, submitted to the Paris Agreement, the world's largest GHG emitter restated its previously announced objective of peaking its GHG emissions at around 2030 and increase the share of non-fossil fuels in primary energy consumption to 20 percent by 2030 (SCIO, 2015: 4). Further, China's NDC specifies two additional goals in carbon reduction: reduce GHG emissions per unit of GDP by 60 to 65 percent below 2005 levels and increase its forest carbon stock volume by 4.5 billion cubic meters from the 2005 level (SCIO, 2015: 4). Moreover, Xi also proclaimed at the 2014 APEC CEO summit that "Chinese economy is increasingly interconnected and interdependent with the Asia-Pacific and world economies… as its overall national strength grows, China will be both capable and willing to provide more public goods for the Asia-Pacific and the world" (Xi, 2014). As a material artefact of China's growing responsibility in climate change mitigation, the Chinese government allocated a total of RMB 410 billion to facilitate South-South cooperation in climate change between 2011 and 2015 (Dong, 2017: 35). Also, an additional RMB 20 billion was arranged to establish China's South-South Cooperation for Climate Change Fund (H. Liu, 2014).

## 5.3 Conclusion

China's climate policy is indeed not contradictory as it appears. In fact, this seeming 'contradiction' stems from China's interpretation of and compliance with the norm of CBDR-RC that closely reflects its position. China's distaste of legally binding commitments, on the one hand is informed by narrative of the developing country. In line

with the traditional wisdom, China does not foresee any climate responsibility under the norm of CBDR-RC as a developing country. By claiming to be a developing country, China has acted according to this narrative which is manifested through insistence on the binary distinction between Annex I and non-Annex I countries, its leadership within the G77 and China group, the bloc's unity, as well as the developing world's right to develop. Meanwhile, the responsible power narrative has framed China's commitment to act responsibly both at home and abroad, thereby interpreting the CBDR-RC's language on capability to mitigate in accordance with a responsible power narrative. As I have shown in section 5.2.2, China's 13th FYP is closed aligned with its international NDC pledge to peak its emission around 2030.

In the past two decades, China has not only significantly shaped the global negotiating strategy and discourse, but it also successful built a large coalition in support of its positions in climate negotiations. Examining China's compliance with the norm of CBDR-RC, has enabled us to draw some conclusions on its climate diplomacy and the climate regime in general. First, fairness in burden-sharing is the most contentious issue in climate change mitigation. The adaptation of the Paris Agreement is an attempt to not only spur universal participation, but to fairly distribute climate responsibility by progressing towards a bottom-up approach premised on individual country's voluntary emission pledges. However, questions remain as to how to incentivize countries not to free-ride or to how to determine the extent in which a country's NDC is ambitious enough. Second, I have shown that China has been an important norm maker since the start of climate politics. For instance, it has successfully defended the (evolving) interests of developing countries in ensuring the norm of CBDR-RC is and continues to be the foundation for all UN-led climate

negotiations. Doing so has required China itself to make compromises. Thirdly, China's full compliance with the norm of CBDR-RC is shaped by its own interpretation of responsibility and capabilities, informed by the co-existing narratives of developing country and responsible power. As the world's largest developing country, China has consistently rejected any legally binding emission reduction commitments and demanded transfer of technology and finance from the wealthy North, as well as making sure international climate regime does not hinder its development-first policy. At the same time, China has also focused on the phrase "respective capabilities" which has often been dropped. By engaging with the narrative of a responsible power, China's initial efforts to lay the groundwork for GHG reductions point to both capability and its commitment to act as a responsible power by seeking to improve economic development, mitigate environmental degradation, and uphold social stability, as well as poverty reduction, an interpretation that is more closely aligned with the U.S. preferences on climate mitigation efforts.

# Chapter 6 – China's Rejection of International Adjudication in the South China Sea Dispute

How China manages international disputes is a major concern for the international community. Traditionally, China has rejected international adjudication to resolve international disputes and instead, it tends to resort to negotiations and consultations which are essentially closed to many observers. It is arguable that China's admissions to the WTO, which contains a dispute settlement body with compulsory jurisdiction, marks the dawn of a new relationship between China and international dispute adjudication. Indeed, China is an active participant in the WTO dispute mechanism, both as a complainant and as a defendant. However, *the Philippines v. China* case cast a grave shadow on this relationship. In this particular case, China firmly rejects the jurisdiction of the Tribunal and asserts that it neither participates in the proceedings nor enforces the award that ruled in favour of the Philippines. In this chapter, I investigate China's non-compliance with the norm of international adjudication. In doing so, I posit that China is not necessarily contesting the *validity* of international adjudication, but the *applicability* of the norm considering that it is one of the most active participants in international adjudications concerning economic matters (Ku, 2012; Moynihan, 2017). It is important to note that I do not seek to merely present a broad description of the evolution of China's approach to international adjudication in the past decades or to conduct a legalist investigation on how China has dealt with the South China Sea dispute. Rather, I seek to explain why China rejects international adjudication in the South China Sea dispute by examining the *narratives* that help to frame and legitimize its foreign policy, which in turn shape its behaviour in international affairs.

Anthea Roberts once asked, "is international law international?" (Roberts, 2016: 1). This question poses a formidable challenge to the proclaimed universality of international law. In this process, Roberts puts forward three essential arguments pertinent to the analysis of China's interpretation of and (lack of) compliance with the norm of international adjudication in the case of 2016 South China Sea arbitration. First, Roberts holds that there is no homogeneity in terms of how international lawyers approach and understand international law (Roberts, 2016: 5). In other words, international lawyers from different regions often have various backgrounds, influences, and networks, by which these differences, in turn, have profoundly influenced their interpretations of international laws, what are important questions open to debate, and their views on persuasive arguments. Second, the ideal of international law suggests that concepts, resources, and traditions from various parts of the world have equally contributed to constructing the universality of international law. But in reality, given the disproportionate dominance and influence of certain countries' materials and approaches to international law, it has rather subdued much of the claim to universality. This point holds true for the Western hemisphere, more particularly the prevalence of Anglo-American approaches in international law (Roberts, 2016: 9). Third, as the geopolitical power shifts towards multipolarity, this will undoubtedly lead to changes in international law and the ways they are understood. After a relative period of dominance of Western-led international law in the post-Cold War period, the world is giving way to "a competitive world order" that sees power diffuse from West to East and from North to South (Roberts, 2016: 14). In a similar vein, Cai indicates "while international law studies concerning old Great Powers, in particular the U.S., are presently increasing, those relating to the new emerging Great Powers can be counted on

the fingers of one hand" (Cai, 2013: 456). Part of the reason points to the fact that despite its pretensions to universality, international law is much more parochial in practice than most would admit.

While Roberts and Cai have accurately observed that international law appears to be a project dominated by a few developed countries, they have also, in the process, identified a broader issue rooted in the fundamental principle of justice in global governance. For Wiener, the central importance of global justice is reflected in "the equality with regards to agents' opportunities for access to contestation" (Wiener, 2018: 72). In particular, since norms emerge through an interactive process that consists of critical engagement, the centrality of global justice is thus focused on how stakeholders are able to critically engage with norms and how a formal agreement materializes through the process of contestation and dialogue. Ultimately, the normative proposition here is that contestedness is recognized as a precondition for international encounters where "standards and ways of judgement are judged and counter-judged, critiqued and counter-critiqued, from various perspectives, without this being second-tier" (Wiener, 2018: 14). Henceforth, global (in)justice in the current international order is conceived as a product that perpetuates Western values since "they do not treat non-Western others as properly different but rather as behind in a predefined story about modernization and progress" (Nordin, 2016: 1). Far too often, the relationship between non-Western countries and international norms and IL is minimized to the sole issue of compliance which ultimately paints those countries in a simple recipient role. But as power begins to diffuse among the world's political communities, this transition towards a more pluralistic international system has helped to address the ideal of global justice by subsuming multiple, equally valid meanings.

Given China's growing significance as an international actor, it seems paramount to understand China's approach and contribution to global justice. Both at the 2017 World Economic Forum and the recent Nineteenth National Congress of the CCP, President Xi Jinping repeated China's commitment to actively take part in reforming and building global governance with Chinese characteristics. By far the country with most power in the region, China is uniquely placed to advance and enforce its own normative interpretations and preferences. Academic discussions on the implications of China's rise in the international system have grown immensely in recent years. However, one area that has received little attention is China's own normative approach to international adjudication, a vital component of international treaties aimed to settle disputes peacefully. In this chapter, I utilize the 2016 South China Sea arbitration to cast three arguments. First, China's non-compliance with the norm of international adjudication constitutes an exemplary case of its attempt to (re)shape the *applicability* of international adjudication. The South China Sea dispute is a powerful case study, given the fact that China uses the very notion of international law to legitimate its preference for bilateral negotiations and its opposition to international adjudication as a method of dispute settlement in territorial and sovereignty disputes. Further, China's non-participation in international adjudication aligns well with its traditional understanding of sovereignty in international fora, as well as China's ambitious effort to "contribute to the maintenance of and promotion of international rule of law", echoing Xi Jinping's call in using China's discursive power (话语权) to exercise growing capability that is commensurate with its power. In practice, this process involves the construction of a new understanding of international norms through reinterpretation, with the intention to deter the universalization of Western values and ideas, while also

legitimizing CCP's policies and ideologies (Wang, 2014; Hart & Johnson, 2019). Second, I posit that China's attempt to (re)shape the jurisdiction and the applicability of the international adjudication norm can be understood as part of the transition towards a more diverse and pluralistic forms of global governance, one that accepts "a range of different and equally legitimate normative choices by national governments and international institutions and tribunals, but it does so within the context of the existing system" (Burke-White, 2004: 977). Third, I demonstrate that China's behaviour in connection with the South China Sea Arbitral Award is shaped by an amalgamation of several narratives that come to define its (state) identity discourse and behaviour. For instance, although China's foreign policy under Xi Jinping is injected with proactivity in seeking to modify the normative order, China is still profoundly associated with being a developing country. Most significantly, I also show that China's rejection of international adjudication is not without precedent. Like other great powers, China has exhibited a similar trend in their engagement with international adjudication which suggests China has not only closely examined the motivations of these great powers (Ku, 2012: 170), but also underpinned the very notion that China has traditionally perceived itself as a great power (Boon, 2018; Horsburgh, 2015). Since the very moment when the Philippines notified China of its intention to seek an Arbitral Tribunal, China has categorically upheld a position that it "neither accepts nor participates in the arbitration" (MFA, 2014). Instead, China has engaged in a novel form of non-participatory participation in the proceedings (Muller, 2017). Akin to Russia's non-participation in the 2014 *Arctic Sunrise Arbitration* case, China adopted a similar approach that entails participating and communicating in the form of "position papers" (Francks & Benatar, 2018: 183). According to Francks & Benatar, *The Philippines vs. China* case, along with the *Arctic Sunrise Arbitration,* have set a precedent which enables states to

resort to new approaches such as in the form of position papers to influence international legal proceedings without formally participating in them (Francks & Benatar: 2018: 199).

The 2016 South China Sea arbitration ruling has set out detailed explanations concerning maritime legal questions. The technicalities of these legal questions have indeed been analysed extensively by legal scholars. Rather than examining the arbitral award itself, for instance on the intricacies of low-tide elevation or maritime zones, the focus is to use narratives to explain why China was rejecting international adjudication in the South China Sea dispute. This chapter proceeds in four sections. First, I introduce the roots of the South China Sea disputes. Next, in section 6.2, I establish why I consider international adjudication as an international norm, then I move on to discuss China's rejection of international adjudication in the South China Sea dispute under which the subsections consist of in-depth analysis of China's counter-arguments that undermines the admissibility and the jurisdiction of the international tribunal. Finally, section 6.3 examines China's rejection of the international adjudication norm and its attempt to legitimize non-participation in the South China Sea arbitration through engagement with the legal narratives outside the premises of UNCLOS. Section 6.4 summarizes the findings.

## 6.1 Confrontations in the South China Sea

Spanning an area of approximately 3.5 million square kilometres in the Western Pacific Ocean, the South China Sea is surrounded by 12 countries composed of China and Southeast Asian littoral states. The waterway south of China occupies a vital location where shipments of natural resources and raw materials must sail through the Strait of Malacca then the South China Sea before arriving in countries like China and Japan. Strategically,

it provides the Chinese navy with critical sea access for its naval ships based on Hainan island, and a potential chokepoint for more than one third of global shipping (Ott, 2019). The South China Sea is also remarkedly diverse in marine ecology which makes competition over shrinking fish stock another source of conflict. Allegedly rich in natural resources such as hydrocarbons and oil, the South China Sea becomes a crucial source of supply for energy-hungry countries in the region. According to a 2013 report published by the U.S Energy Information Administration, the South China Sea contains an estimated of 11 billion barrels of oil and 500 trillion cubic feet of natural gas (Morton, 2016: 915). As energy demand has increased exponentially in the region, interests to explore these oil and natural gas have also grown. It is highly likely in the coming years that competition in the energy exploration and resource security will accelerate, adding another potential flash point to a growing list of sources of dispute.

Despite the relative calm since the historic ruling against China's territorial claims in 2016, the South China Sea dispute has garnered much of the international attention over the recent years. Understandably, commentaries and discussions that followed have mainly focused on several layers of interlinked disputes in the South China Sea: 1) territorial and sovereignty disputes over conflicting claims of land features; 2) maritime disputes related to overlapping claims to maritime zones which are governed by the 1982 UNCLOS; 3) maritime entitlements such as territorial sea, Exclusive Economic Zone (EEZ), and continental shelf which give coastal states sovereign rights to explore, exploit and manage resources within the 200 nautical miles EEZ; and 4) China's island construction and militarization of coral reefs in the Spratly Islands, referred to as *Nansha qundao* 南沙群岛 in China. As a whole, these accounts point to a dominant view that the regional maritime

landscape is undergoing a rapid transformation because of China's emergence of as a maritime power and its attempt to counterbalance U.S. supremacy in the Western Pacific.

The objective of this section is two-fold. First, I aim to briefly discuss the key disputed claims and their competing interpretations. This, I argue, is attributable to the constructive ambiguity employed to reach inter-subjective agreement that supports several opposing arguments. Second, I draw attention to the phenomenon that in many ways, because of historical reasons and previous government policies, China's positions adapted in relation to the South China Sea dispute have been longstanding and devoid of any flexibility. For some, China's claims to territorial sovereignty and jurisdiction in the maritime domain derives in part from the historical grievances towards the perceived injustice of the San Francisco peace process that underpins the post-Second World War U.S.-led maritime order (Heritage & Lee, 2019; Morton, 2016). According to China's official arguments regarding its territorial claims in the South China Sea, history matters and historical evidence such as discovery, naming, and administration by relevant authority can help to substantiate and define the concept of territory (Wu, 2013: 15). In 1948, a map published by the Kuomintang-led Chinese government entitled "Map Showing the Location of the Various Islands in the South China Sea" displayed a broken U-shaped line comprising nearly all of the South China Sea (Sison III, 2018: 158). This marked the first official map which included the line that substantially influenced and crystallized China's official positions in the South China Sea (Zou, 1999: 33). Despite the ambiguity surrounding the scope and nature of the Nine-Dash Line, China officially claims indispensable sovereignty, sovereign rights, and jurisdiction over the areas within the Nine-Dash Line, including the entirety of all four 'island groups' (*qundao* 群岛) in the South China Sea: the Spratlys

(*Nansha Qundao* 南沙群岛)，Paracels (*Xisha Qundao* 西沙群岛), Pratas (*Dongsha Qundao* 东沙群岛), and *Zhongsha Qundao* 中沙群岛 consisting of the Macclesfield Bank, Scarborough Shoal, and certain reefs and sandbanks (Gao & Jia, 2013: 99). The Chinese government has repeatedly declared the Nine-Dash Line and its claims to relevant rights "have formed over a long course of history and they are solidly grounded in the international law" (MFA, 2014). In that optic, all features that fall within the Nine-Dash Line are said to be capable of generating full maritime entitlement, including an EEZ and continental shelf (Sison III, 2018: 158). Interestingly enough, the mere concept of "historic right" was mentioned in the 1998 Law on the Exclusive Economic Zone and Continental Shelf, which ironically was introduced by China in order to implement UNCLOS (Ma, 2019: 10). Yet, the wording in article 14 of the new law stipulates that UNCLOS rules "shall not affect the *historical rights*" (NPC, 1998: art 14), which is inconsistent with UNCLOS. In fact, the main purpose of UNCLOS is to extinguish any claims to maritime territory that are deemed expansive, as China's claims to historic right appears to be, in order to clarify what is the law of the sea (expert interview #12, May 2019). Thus, China's use of historic argument to exempt itself from the EEZ regime is reflective of its attempts to undermine the jurisdiction of the UNCLOS Tribunal to rule on China's claims. By avoiding the question of sovereignty, the Philippines under the Aquino Administration (2010-2016) in large part requested the Arbitral Tribunal to rule on the legal validity of China's Nine-Dash Line based on the "historic claims", the legal status of the submerged features in the South China Sea, and on China's interference in the exercise of the Philippines' right within its own Exclusive Economic Zone (EEZ).

A second key dispute is attributable to the normative ambiguity in certain provisions of UNCLOS, as well as the pluralistic nature of international system. As I argue that norms are inherently ambiguity and an unescapable condition of global governance, reaching a consensus on uniformly interpreted norms is thus neither possible nor necessary. What we have witnessed instead is a range of different but yet equally legitimate interpretation of the norms, from which states, depending on their preferences, values, and traditions, can choose from. Coupled with the ambiguous nature of international norms, the transformation towards a pluralistic international system also presents an important opportunity for emerging great powers like China, who hitherto operated under the international normative order which are often at odds with their own distinct preferences. By articulating these preferences and trying to introduce them to the global level, the emerging powers can ultimately alter the validity and applicability of the international norms, as well as how they are understood. With this model in mind, I explain how some of the ongoing disputes in the South China Sea can be directly traced to the divergent interpretation and application of UNCLOS provisions. This is particularly the case when it comes to the interpretation of navigational rights and freedom. Both China and the U.S. insist on defending the fundamental principle of international law in the South China Sea, but when it comes to what these principles are and their propose, they invoke diametrically opposing definitions (Langer, 2018: 395). From the U.S. perspective, it is in its national interests and as a fundamental condition for regional and global stability that the norm of freedom of navigation is consistently upheld. Hence, predicated upon UNCLOS's recognition of the right to 'innocent passage' through territorial waters, all states may legitimately conduct activities, including those military in nature in foreign Exclusive Economic Zone (EEZ) without the consent of coastal state involved (Pedrozo, 2010: 9). Similar to the ways in

which international order is structured, the norms and laws of the sea also reflect the power structure of the contemporary era. U.S.' insistence to codify the customary legal norm of freedom of the open sea based on *Mare Liberum* is thus seeking to preserve a maritime order it had created and maintained to serve its national interests (Wirth, 2019: 481). On the contrary, non-Western countries saw the freedom of navigation as the means for the West to maintain maritime supremacy (Langer, 2018: 397). Instead, during the prolonged negotiations (1974-1982) at the Third Conference on the Law of the Sea (UNCLOS III), developing countries sought to safeguard their own national security and interests through the inclusion of EEZ in UNCLOS (Langer, 2018: 398). China's own interpretation of the freedom of navigation aligns with this rationale. To a large extent, China's interpretation of the freedom of the sea is conditioned upon its utmost objective in maintaining security guarantees in the maritime domain, thereby rejects the idea that military activities are permissible in the EEZ without prior authorization (Houck & Anderson, 2014: 447).

While China consents to the general rule under UNCLOS that vessels from all countries are entitled to freedom of navigation in its EEZ, its resistance to military activities in the EEZ is entrenched in China's own reservation about the regime of innocent passage. When quoting An Zhiyan, head of the Chinese delegation at UNCLOS III, prominent international lawyer Zou Keyuan notes that "China agrees in principle to the regime of innocent passage. However, military vessels and merchant ships should be treated differently by setting down different provisions … the coastal states shall decide, in accordance with its own laws and regulations, whether or not the facility of innocent passage through territorial water to the foreign military vessel shall be granted" (Zou, 2008: 72). This position remains unchanged. Moreover, since the Convention employs ambiguous language that neither specifies which

activities are considered marine scientific research, nor explicitly indicates military activities should not be categorized as marine scientific research, different opinions and interpretations of the ambiguous provisions enable both sides to conclude their actions are justified and fully lawful (H. Zhang, 2010: 47).

Third, separate from the divergent understandings on whether military activities can be legally carried out within the EEZ comes the struggle over maritime entitlements. The overlapping maritime disputes in the South China Sea have inevitably stirred up existing geopolitical tensions, escalating Sino-US competitions in the Asia-Pacific region, challenging China's relations with its Southeast Asian counterparts, and most importantly, weakening the regional security that China sees as an indisputable part of its national development. Under UNCLOS, different maritime zones are assigned to different maritime features on the basis of their geographical characteristics, whether they are defined as an island or a rock or low-tide elevation in accordance with Article 121 of the Convention. A rock is said to have entitlements to an EEZ or a continental shelf if it is capable of sustaining "human habitation or economic life on its own" (UNCLOS, 1982: art 121). In the absence thereof, a rock only enjoys 12 nautical miles of territorial sea. Though, there appears to be an emerging commonality unfolding in the interpretation and application of Article 121 amongst the smaller littoral states in Southeast Asia. By implicitly adapting a "minimalist approach", the Southeast Asian states have only considered mainland coasts capable of generating a 200 nautical mile EEZ and continental shelf, thereby neglecting the full effects of any islands in generating an EEZ, for instance in both the Spratly and Paracel archipelagos (Batongbacal, 2019: 250). Conversely, China holds a view that maintains its undisputed sovereignty, jurisdiction, and maritime entitlements within the Nine-Dash Line.

Furthermore, the matter of the maritime boundary is further complicated and contested by the drawing of straight baselines from which these maritime zones are measured. According to UNCLOS, a normal baseline for measuring the territorial sea is "the low-water line along the coast" (UNCLOS, 1982: art 4). But, the Convention also allows archipelagic states to draw "straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago provided that within the such baseline are included the main islands" (UNCLOS, 1982: art 47). With a baseline, a state can then claim a 200-mile EEZ outward from it. As an example, China's 1996 declaration of a straight baseline in the Paracel Islands, also claimed by Vietnam but administered by China, had effectively turned the vast area into archipelagic water, extending Beijing's territorial sea claims and establishing all space within the baseline to be China's internal waters. But such announcement has provoked a strong legal response from claimant states like Vietnam and the Philippines, as well as the U.S. (AMTI, 2019). Citing Part IV of UNCLOS, the U.S. argues that the Convention does not allow China to draw a straight baseline to connect the outermost islands because such right is only granted to archipelago states like the Philippines and Indonesia, whose landmass is constituted wholly by archipelagos (U.S. State Department, 1996). As a South China Sea expert puts it, "China's straight baseline in the Parcels is so incompatible with UNCLOS, which specifies specific ratios, land to water, that ought to exist in order to draw straight baselines around the archipelago, that I'm thinking if China had the ability to start again and never drawn the baselines around the Paracels, they might well have done it in a different way. But it would be politically impossible to revert that since that would appear as a compromise on the sovereignty claim" (expert interview #12, May 2019). Therefore, a prospective

promulgation of Chinese straight baseline in the Spratly Island would not only enclose features that are occupied by other claimant states, it will most likely turn the twelve nautical miles of water surrounding these islands into a theater of dangerous encounters between civilian and military establishments from various relevant claimant states and the U.S.

This then leads to the final and interrelated issue in China's massive land reclamation efforts. China's island-building activities in the past years have introduced a fresh element into the South China Sea dispute. Although other claimant states including the Republic of China (ROC) in Taiwan, Malaysia, Vietnam, and the Philippines have all conducted reclamation before, those activities were undertaken within existing natural islands and never reached the scale of China's activities which dramatically transformed seven of the disputed maritime features in the Spratlys: Johnson South, Gaven, Hughes, Cuarteron, Mischief, Fiery Cross, and Subi Refs (Mirasola, 2015). For instance, in a twenty-month period from early 2014 to August 2015, China managed to add 2400 acres of land, which is 17 times more than all of claimants combined in the past 40 years (Erickson & Bond, 2015). Yet, above all, the underlying question is whether artificial islands are considered islands. The answer, which depends on whom you ask, varies. Under UNCLOS, an island is defined as "a naturally formed area of land, surrounded by water, which is above water at high tide" (UNCLOS, 1982: art 121). Though, given the ambiguity surrounding the Convention's legal definition, an island could be interpreted as "naturally formed" or as a composition of "naturally occurring objects" (Mirasola, 2015). A commentary published by a Chinese academic suggests that international law does not prohibit reclamations on both land and in the sea, and sovereign space can be acquired as long as the state has

sovereignty over the lands, which China claims to have (Z.Shen, 2017). That is to say, because China identifies them as islands in the legal sense, this subsequently generates lawful entitlements not only in terms of sovereignty over the islands, but also a territorial sea, EEZ, and continental shelf. Conversely, according to countries such as the Philippines, the answer is a straightforward "no" since artificially islands are not considered to be 'naturally formed'. Instead, they are merely submerged banks, reefs, and low-tide elevations that do not qualify as islands under the definition of UNCLOS.

## 6.2 The Growth of the Norm of International Adjudication

International adjudication has in fact been part of the legal order since the eighteenth century albeit the circumstances under which they are based on is voluntary rather than compulsory jurisdiction (Cai, 2019: 25). The disputing states, consequently, can decide if a dispute should be adjudicated by a third-party, though this is less likely if the anticipated outcome might not be favourable. By the early twentieth century, international adjudication with compulsory jurisdiction began to emerge, with the first important one being the Permanent Court of International Justice (PCIJ) which, according to Article 36 of the PCIJ statue, had the power to adjudicate four types of legal disputes. These include legal disputes concerning: 1) the interpretation of the treaty; 2) any question of international law; 3) the existence of any fact which, if established, would constitute a breach of an international obligation; 4) the nature or extent of the reparation to be made for the breach of an international obligation (PCIJ, 1920: art 36). Similarly, its successor, the International Court of Justice (ICJ), established as the principal judicial organ of the United Nations, contains an identical clause that outlines the court's jurisdiction concerning legal disputes (ICJ, 1945: art 36). All UN members are automatically parties to the Statue of ICJ upon

ratification of the UN Charters, but of the five permanent members of the UN Security Council, only the United Kingdom has accepted the compulsory jurisdiction of the ICJ, consolidating the argument that powerful countries are rather ambivalent about adjudication in international laws and treaties (ICJ, 2018). For instance, when the ICJ accepted jurisdiction to hear the "Case Concerning Military and Paramilitary Activities in and Against Nicaragua", the U.S. did not just decline to participate in the legal proceedings, it also went as far to withdraw from the Court's compulsory jurisdiction in 1985 (Mulligan, 2018). The Nicaragua case was a clear illustration of such ambivalence. Nevertheless, the same thing could not be said for the less powerful countries. Indeed, it is within this context I arrive at the conclusion that international adjudication is a norm for the following reasons.

Arguably, nearly all countries other than the great powers have welcomed the trend of international adjudication (Cai, 2019: 28). International adjudication is widely accepted among the less powerful countries as the legal means to challenge the powerful countries on a more equal footing (Cai, 2019: 28). Henceforth, the norm reaches a tipping point or norm cascade in the norm's life of cycle after which it becomes widespread (Finnemore & Sikkink, 1998: 892-893). Second, the validity of international adjudication is well recognized given the significant increase in both numbers of international courts with compulsory jurisdiction and the cases that were brought before the international courts. With regards to disputes related to the economy, a total of 573 cases have been referred to the WTO's Dispute Settlement Body (DSB) since it entered force in 1995 (WTO, 2018). Additionally, when analyzing the use of dispute settlement mechanisms of UNCLOS, Churchill shows that between 1994 of 2016, a total of 21 cases involving 34 different countries have been received by UNCLOS dispute settlement bodies (Churchill, 2017: 223-

227). Even though powerful states might tend to reject the applicability of international adjudication in certain cases, there might still be inter-subjective agreement on other elements such as adjudication related to the economy and the idea that international disputes must be resolved peacefully. Third, the contestation over the applicability, not the validity, of international adjudication implies that the norm is socially constructed and socially acceptable given that great powers like the U.S., Russia, and China are constantly (re)interpreting the legal parameters and the type of scenarios to which "a norm applies and how it needs to be applied (Deitelhoff & Zimmermann, 2013: 5). On the one hand, they are major proponents of international adjudication in the economic realm. But on the other hand, they refuse to submit themselves to the jurisdiction of independent judiciary mechanisms in disputes that involve key national interests. In its entirety, the norm of international adjudication reinforces the depoliticization process of international relations, and represents a part of "the movement from force to diplomacy, from diplomacy to law" (Henkin, 1979: 1).

### 6.2.1 Dispute Settlement Mechanisms under UNCLOS

Dispute settlement mechanisms is an integral part of UNCLOS. In particular, the mere fact that Parties to the Convention are obligated to submit disputes to compulsory dispute settlement enshrined in Part XV, represents a striking feature in one of the most complex and sophisticated dispute resolution system ever created to date (Noyes, 1989: 675; Burdeau, 2017: 15). Although there are some limitations to the compulsory jurisdiction of UNCLOS, the establishment of the International Tribunal for the Law of the Sea and Arbitral Tribunals under Part XV of UNCLOS brings both opportunities to the peaceful settlement of maritime disputes through international adjudication, as well as the

development of the law of the sea based on the authoritative interpretation of the provisions of UNCLOS.

The Convention's dispute settlement mechanism is comprised of three key sections: section one on general provisions, section two containing compulsory procedures entailing binding decisions, and section three, which has garnered the most contestation and criticism, elaborates on the limitations and exceptions to the applicability of compulsory procedures. When a dispute arises, Section one on the disputes settlements outlines Parties to the Convention "shall settle any dispute between them concerning the interpretation or application of this Convention by peaceful means" (UNCLOS, 1982: art 279). They include the process of negotiation (article 283) to exchange views and conciliation (article 284). However, if no settlement is reached through the procedures identified in section one, then compulsory dispute settlement procedures is available "at the request of any party to the dispute to the court or tribunal having jurisdiction" (UNCLOS, 1982: art 286). Accordingly, the state then has the freedom to also choose from one of the four possible dispute settlement fora enlisted in Article 287. These are: 1) international Tribunal for the Law of the Sea established in accordance with Annex VI; 2) the International Court of Justice; 3) an arbitral tribunal constituted in accordance with Annex VII; 4) a special arbitral tribunal in accordance with Annex VIII (UNCLOS, 1982: art 287). The Convention also confirms the jurisdiction of any court or tribunal with regards to disputes involving interpretation and application of the UNCLOS provisions (UNCLOS, 1982: art 288). Article 298's section 3, also known as the "safety valve" (Zou & Ye, 2017: 332), is at the centre of a number of cases submitted before the Annex VII arbitral tribunal over the interpretation and application of the Article. One prominent case is the *South China Sea Arbitration*

between the Philippines and China. China rejected admissibility and the jurisdiction of the Arbitral Tribunal in part because of the 2006 Declaration taken pursuant to Article 298. By allowing states to declare that they do not accept certain categories of compulsory disputes settlements namely, those related to sea boundary (article 298a, i), historic bays or titles (article 298a, i), disputes concerning military activities and law enforcement activities (article 298b), and issues related to peace and stability that are dealt by the UNSC (article 298c), the inclusion of Article 298 in UNCLOS reflects the delicate balance between state sovereignty and compulsory dispute settlement procedures (Zou & Ye, 2017: 333).

### 6.2.2. The Philippines v. China: Their Respective Positions

When the Philippines initiated the arbitral proceedings under UNCLOS in January 2013, the question on the admissibility and jurisdiction advanced to the centre of the debate. The Filipino government sought arbitration from the international tribunal on fifteen submissions that can be grouped into three interrelated issues. First, the Philippines requested the Tribunal to rule on China's expansive claims based on 'historic rights' within the Nine-Dash Line, which Beijing has repeatedly invoked to assert its sovereignty, jurisdiction, and maritime rights and entitlements. The second broader issue relates to the question on whether certain maritime features in the South China Sea should be characterized as rock, island, or low-tide elevation, or submerged banks under UNCLOS. Third, the Philippines proclaims China has unlawfully interfered with its rights and freedom granted by UNCLOS, by engaging in illegal exploitation of natural resources within its EEZ while preventing the former from doing the same (PCA, 2015: 1-2). In other words, the *Philippines v. China* deals neither with territorial sovereignty nor with boundary delimitations.

In the Philippines' interpretation, all peaceful means to resolve the disputes were exhausted which fulfilled the requirements to submit the dispute to the Tribunal of UNCLOS under article 286. However, China for its part, rejected the Philippines' request for arbitration and officially announced it would not participate in the arbitral proceedings, citing the consensus reached in the 2002 Association of Southeast Asian nations (ASEAN)-China Declaration on the Conduct of Parties in the South China Sea (DOC). Although not legally binding, China argues that disputes should be resolved through bilateral negotiations between relevant parties under the DOC (MFA, 2014). Based on this, the immediate response from the China's Ministry of Foreign Affairs was encapsulated in the following statement which suggests the submissions made by the Philippines "not only violate the consensus enshrined in the DOC, but are also factually flawed and contain false accusations" (China Daily, 2013).

Whilst relevant parties have different interpretations with regards to the provisions of UNCLOS, these diverging perspectives on the appropriate means to settle disputes can actually turn into a dispute themselves. It became clear that China was unwilling to submit itself to independent third-party dispute mechanisms, at least when it comes to disputes related to its sovereignty, while the Philippines seemed to believe it had more to gain by bringing the case to the tribunal as procedures under UNCLOS become compulsory if "no agreement has been reached by recourse to section 1" (UNCLOS, 1982: art 286). In spite of China's non-appearance in a plain rejection of the tribunal's jurisdiction, the proceedings moved forward according to the provisions of UNCLOS Annex II. Stated in Articles 3c and 3e, if the appointment of a member to the panel is not made within the 30 days of

receipt of the notification, "the President of the International Tribunal for the Law of the Sea shall make necessary appointments" (UNCLOS, 1982: annex II, art 3c & 3e).

In October 2015, the Tribunal issued its Award on Jurisdiction which determined that the Tribunal was "properly constituted in accordance with Annex VII to the Convention and China's non-appearance does not deprive the Tribunal of jurisdiction" (PCA, 2015: 413a-b). Further, Article 9 also specifies that "failure of a party to defend its case shall not constitute a bar to the proceedings" (UNCLOS, 1982: Annex VII, art 9). On the basis of these arguments, the Tribunal refuted China's objections set out in the official 2014 Position Paper with regards to the Tribunal's lack of jurisdiction. The Tribunal also established that the Philippines' submissions does not constitute a request to rule on the territorial sovereignty issue or maritime delimitation (PCA, 2015: 2). Subsequently, debates over whether China should have at least partly engaged with the arbitration emerged amongst individuals familiar with the proceedings. Morton argues, by not partaking in the arbitration process, Beijing ultimately forfeited its right to appoint arbitrators and shape the procedure rules (Morton, 2016: 921). An expert on the South China Sea speculated that, had China participated in the arbitration, Beijing can then nominate at least one judge to the tribunal and settle for a minority judgement which would give them stronger grounds to defend their position. But because China decided not do so, it was unable to oppose or recommend its own verdict on this issue (expert interview #13, November 2018).

From China's view that the Tribunal did not have jurisdiction over the case was based on three distinct arguments which are, to a certain degree, connected to the applicability of

international adjudication in resolving inter-state disputes. China argues that: 1) the dispute is a matter of territorial sovereignty over maritime features in the South China Sea; 2) the 2006 Declaration, made pursuant to Article 298, exempted China from compulsory dispute settlement mechanisms by virtue; 3) the Philippine had relinquished its rights to 'unilaterally' seek dispute settlement under UNCLOS since both countries agreed to settle the dispute through bilateral negotiations and the DOC. The next three subsections will examine these three rationales in greater details.

#### 6.2.2.1. Staunch Defender of Sovereignty

In 2000, the Chinese Ministry of Foreign Affairs circulated a statement on the "historical evidence to support China's sovereignty over Nansha (Spratly) islands" which states that China was "the first to discover, name, conduct economic activities on and exercise jurisdiction on the Nansha islands" (MFA, 2000: para 1). This historical claim was again reiterated in the 2014 Position Paper which alluded to "Chinese activities in the South China Sea dating back 2000 years ago" (MFA, 2014: para 4). In addition to the vast strategic and economic values it entails, the South China Sea takes on enormous significance since it is also closely tied to China's independence and its status as an emerging great power.

As one of the four compulsory dispute settlements included in UNCLOS, arbitration is available only for disputes "concerning the interpretation or application of this convention" (UNCLOS, 2006: art 287.1). Despite the fact that the Philippine was *not* seeking arbitration over the sovereignty of the disputed features and sovereignty dispute is specifically excluded from the scope of UNCLOS dispute settlement mechanism, China's counter-

arguments suggested otherwise. From the Chinese point of view, disputes over territorial sovereignty cannot be submitted to arbitral proceedings because it involves sovereignty rather than the interpretation or application of UNCLOS. For Beijing, the choice of a means to settlement an international dispute is a corollary of state sovereignty.

By again reaffirming its indisputable sovereignty over all archipelagoes in the South China Sea, including "entitlement to internal waters, territorial sea and contiguous zone, exclusive economic zone, and historical rights in the South China Sea", China's 2014 Position Paper asserts that the fundamental question of sovereignty is "beyond the scope of the Convention and does not concern the interpretation or application of the Convention" (MFA, 2014).

#### 6.2.2.2. Exemption from UNCLOS Jurisdiction Under Article 281(1) and 298(1)

The second main argument in this Position Paper points to the '2006 Declaration'. In August 2006, the Chinese government submitted a written declaration under Article 298 of UNCLOS, which holds that a state may declare in writing that "it does not accept any one or more of the procedures provided for in Section 2, Part IV of UNCLOS with respect to one or more disputes: disputes on the interpretation and application of sea boundary delimitations; military activities; and disputes related to the functions of United Nations Security Council" (UNCLOS, Art. 298). When citing Article 281.1 of UNCLOS, China alleged the issue of admissibility that arose from the Philippines' Notification and Statement of Claim was erroneous and vague provided there are several agreements already in place that call for peaceful resolution of the territorial disputes through consultations and

negotiations (Jia, 2014: 117). Article 281 highlights: "if the State Parties which are parties to a dispute concerning the interpretation or application of this Convention have agreed to seek settlement of the dispute by a peaceful means of their own choice…, the mandatory arbitration only applies when … no settlement has been reached by recourse to such means and the agreement between the parties does not exclude any further procedure" (UNCLOS, Art 281.1). Therefore, the Notification and Statement of Claim is inadmissible on the basis that the requirements in Article 281.1 is already satisfied. One of the agreements China referred to is the 2002 non-binding DOC. Paragraph four of the Declaration recommends that "the parties concerned to resolve their territorial and jurisdictional disputes by peaceful means and through friendly consultations and negotiations … in accordance with universally recognized principles of international law, including the 1982 United Nations Convention on the Law of the Sea (DOC, 2002: Para 4). Additionally, Chinese legal circle expressed the view that evidence of existing agreements between China and the Philippines can also be found in joint official statements issued by the two countries (Jia, 2014: 113; MFA, 2014).

#### 6.2.2.3. Insistence on Bilateral Negotiation

Lastly, the third line of argument was mounted against the Philippines' alleged bad faith in launching the arbitration unilaterally. It follows upon China's argument that existing bilateral agreements are in place to deal with territorial disputes through bilateral dialogue and consultation (*duihuaxeshang* 对话协商) (MFA, 2014: 31). Additionally, it is also about been in control of national destiny. Once China engages in a multilateral approach, "there is a sense that you are not in control" (expert interview #13, November 2018). For China, bilateral negotiation has indeed become the conventional method to administer sensitive

issues, namely territorial disputes. On the South China Sea issue, China contends that the issue should be dealt bilaterally, not multilaterally or internationally (SCIO, 2011). Meanwhile, "China always maintains that the parties concerned shall seek proper ways and means of settlement through consultations and negotiations on the basis of respect for historical facts and international law" (MFA, 2014: 92). According to China's interpretation, bilateral diplomacy between Beijing and Manila in fact supersedes UNCLOS dispute settlement regime, therefore rendering international courts and international tribunals inappropriate to handle territorial sovereignty disputes. Following this angle, the Philippines is bounded by previous joint official statements and should consult with China prior to initiating any arbitration procedure.

Taken in sum, China's rejection of the international arbitral proceeding reflects a particular reading of the international adjudication norm. In a language that recalls China's fundamental mistrust of foreign actors whom it suspects of intruding its sovereignty, China's response has framed international adjudication simply too politically sensitive to manage territorial disputes and the only appropriate means to resolve this issue is through bilateral negotiation and dialogue. Equally significant, China's contestation of third-party dispute settlement is more than just a defiance of an indispensable part of the international legal order, it displays an attempt to re-shape the applicability of international adjudication and to a larger extent, the interpretation of the law of the sea that enable states to define their rights and jurisdictions with more fluidity (Kardon, 2018: 37). By setting a high bar for arbitral admissibility, Beijing furthers its preferences by effectively excluding the use of compulsory dispute settlement mechanisms, particularly in disputes related to territory and sovereignty.

## 6.3. Explaining China's Rejection of International Adjudication in the South China Sea Dispute

In July 2016, the five-person tribunal delivered the final verdict which overwhelmingly supported claims made by the Philippines. International observers, at least those outside of China, who have closely followed the dispute almost unanimously portrayed the ruling as a "tremendous win" for the Philippines and a "devasting blow" to China (Bergin; 2016; Pan, 2016; F.Zhang, 2017). The arbitration outcome significantly limited the scope of China's maritime entitlements in the South China Sea when the Tribunal ruled in favour of one of the Philippines' principal submissions: the legality of China's historical claim to South China Sea and the Nine-Dash Line. The Tribunal found that China's South China Sea claims on the basis of historic rights "are contrary to the Convention and without lawful effect" (PCA, 2016: chap V). Just as important, the Tribunal concluded that none of the maritime features in the Philippines' submissions qualified as an island as defined in Article 121(1) UNCLOS, but are considered to be rocks, according to Article 121(3) (PCA, 2016). The Chinese Foreign Ministry immediately declared the arbitration award "null and void and has no binding force. Hence, China neither accepts it or recognizes it" (MFA, 2016).

Most of the Western commentaries that followed have interpreted China's rejection of the arbitration as a challenge to the international law and the rule-based order in the South China Sea (Cheng, 2015; Heath, 2018; Jorgensen, 2018). But despite China's categorical rejection of the Tribunal's ruling, Beijing has gone to great lengths to develop a strategy of "non-participatory participation" to devise a coherent legal position that challenges the

jurisdiction of the Tribunal and the admissibility of the Notification and Statement of Claim presented by the Philippines (Muller, 2015).

As highlighted in the previous section, opinions diverge on how UNCLOS provisions should be interpreted. This was clearly evident in the *Philippines v. China* case with regards to the admissibility and jurisdiction of the international court to adjudicate the territorial disputes between the two countries. This specific case exemplifies the fundamental differences between China and the West over the applicability of international adjudication. We are still left with the question of what is the underlining logic behind China's rejection of international adjudication on the one hand, and Beijing's use of the rule of law to define and describe its claims in the South China Sea on the other hand. For instance, China began employing internationally accepted legal concepts like "islands" in the 2016 White Paper titled "China Adheres to the Position of Settling Through Negotiation the Relevant Disputes Between China and the Philippines in the South China Sea", to defend China's sovereignty over all of the 'islands' in the South China Sea (*nansha zhudao* 南沙诸岛), which encompass internal water, territorial sea, an EEZ, and a continent shelf. This was the first time *nansha zhudao* 南沙诸岛 was used to articulate China's legal position in the South China Sea. In this White Paper, China has however failed to provide a specific definition of 'islands', an ambiguous term used to describe various types of maritime features. In this case, is the term 'islands' defined within the meaning specified in Article 121 of UNCLOS that distinguishes between an island, a rock, and a low-tide elevation? Or is it a loose label which encompasses all maritime features? The answer is simple: it is a legal justification under which China attempts to push for an alternative reading of the UNCLOS that would cast it being compliant (expert interview #12, May 2019).

To gain a comprehensive understanding of China's interpretation of international adjudication, I argue that narratives are the key drivers that inform China's interpretation of international adjudication in the case of South China Sea dispute. An intricate question which most China watchers have encountered and must answer is: what is China? Different scholars have given different answers, at various periods of time, and in different circumstances. Using the theoretical framework set out in Chapter 3, I illustrate how narratives which contain a set of specific meanings, shape China's norms-related behaviour. These narratives are: the century of humiliation, a great power, and building a Community of Common Destiny for Mankind. In particular, I show that these narratives do not necessarily conflict or contradict each other which in part explains the continuity in China's rejection of recourse to international adjudication in sovereignty disputes. For example, under the new-found great power status, President Xi Jinping raised the concept of a Community of Common Destiny for Mankind while he was criticizing universal values at home. Indeed, the concept of Community of Common Destiny is indicative of China's long-term foreign policy vision to transform global governance in ways that are more compatible with China's own governance model. By distinguishing China's leadership from 'hegemonism' associated with the U.S., Xi seeks to define a leadership role that is distinct and offers its own historical experience as an alternative to a 'single template' of global order. But at the same time, China has in fact adapted similar strategies, inter alia, as the U.S. in utilizing the power advantage to limit the legal parameters of international norms, and to contest the specific circumstances under which they can be applied. Thus, I posit that much similar to the emerging of the U.S. in the nineteenth century, by rejecting international norms that diverge considerably from its preferences, China is utilizing the

periphery (*zhoubian* 周边) diplomacy to build a Community of Common Destiny that advance its regional agenda. It is also noteworthy that despite the centrality of this concept in Xi's foreign policy framework, he did not generate the key tenets (Tobin, 2018). Despite of the centrality of building a Community of Common Destiny, it is instead a continuation of, albeit with a global face, previous policies coined by his predecessors from Hu Jintao to Zhou Enlai: Premier Zhou's Five Principles of Peaceful Co-Existence, President Jiang Zemin's call for a "New Security Concept" that is universally applicable, and President Hu Jintao's "Harmonious World" all reflect China's steady opposition to some of the characteristics of a U.S.-led global order.

In parallel, China, as the largest developing country in the world, shares many common interests with the rest of the developing world, particularly their historical experiences of colonialism. Most notably, China's experience during the 'century of humiliation' has been instrumental in shaping its relationship with the international legal and normative order. When activating the memory of the historical past, the century of humiliation narrative provides the Chinese leadership with the resources needed to restore its former glory, a position that is uniquely different from the West (Z. Wang, 2013: 4)

Therefore, all these corresponding narratives, albeit some more salient than others, help to shield a light on the question why China rejects international adjudication in the case of South China Sea dispute. Before I illustrate how narratives shape China's interpretation of international adjudication, I first identify China's overall record in third-party dispute settlement mechanisms.

### 6.3.1. China and International Adjudication: A Broad Overview

It has been established that international adjudication is imperative in relation to the international rule of law and the peaceful resolution of disputes. China's record on this matter appears to be very uneven and varies across different legal areas. It is a well-known practice that China aims to limit its exposure to international courts by shunning any treaty that makes submission to the court's mandatory jurisdiction a prerequisite (Ku, 2012: 157). The one area that China has exhibited willingness to accept third-party adjudication are issues related to the economy and international trade (Lin, 2016: 594; Moynihan, 2017). In a thoroughly conducted 2012 survey of China's membership in international treaties, Julian Ku illustrates that China is only party to nine treaties that require participation in compulsory dispute settlement (Ku, 2012: 162). Among those nine treaties, eight are either related to economy or inherited from the Republic of China era (Ku, 2012: 174-178). The ninth is UNCLOS which China ratified in 1996. As an example, since becoming a member of the World Trade Organization (WTO) in 2001, China has initiated 22 cases of trade disputes while responding to 44 cases, making it one of the participants in the WTO dispute mechanism (WTO, 2019). While China's active engagement with the World Trade Organization Dispute Settlement Mechanism (WTODSM) confirms China's gradual socialization to the norm of international adjudication in the realm of international trade, international adjudication in areas such as territorial sovereignty disputes remains a challenge.

On why China is so averse towards the norm of international adjudication, but has enthusiastically resorted to third-party legal settlement in trade disputes, one international lawyer responded neatly:

> To put it in legal terms, you could argue that this testifies to China's reluctance to engage with the idea of global constitutionalism. This rejection of the idea of global institutionalism or international dimension to the rule of law, stands in sharp context with China's ability and interests in promoting or benefitting from what you call the fragmentation of the international law. We see that international law is becoming increasingly fragmented which does allow in a certain way of process of forum shopping. The fact that you do choose to selectively comply with certain areas of international law, you could also selectively and decide which to engage with certain processes of international adjudication. While rejecting some others, China sees the benefit of this idea of forum shopping and the fragmentation of international law. This also fits with the very idea of rejecting legal universalism (expert interview #14, April 2019).

One other explanatory factor is the pragmatic approach to China's overall national development and foreign policy initiated during the period of reform and opening up. Then paramount leader Deng Xiaoping embarked on a road to economic reform and development, and the only plausible way to achieve this objective is to learn from the West by participating in the global order and the legal system established under the U.S. leadership (deLesile & Goldstein, 2017: 6-7). Thus, China's approach has been pragmatic and selective to take advantage of the international economic order deemed essential for China's economic reform and national rejuvenation, while at the same time oppose other aspects of international law, including international adjudication, which are thought to be incompatible with its own preferences and values (A. Zuo, 2018: 39).

Long rooted in China's cultural norms, bilateral negotiations that result in "win-win" scenarios are the preferable method to settle international disputes. In rejecting the norm of international adjudication as a conduct, China is essentially creating a space of exceptionalism by not only selectively engages with certain processes of international adjudication, but also pursuing negotiations behind closed-doors which allow both parties to save face (expert interview #14, April 2019). On the contrary, international adjudication frequently results in zero-sum scenarios. Unlike bilateral negotiations, international adjudication is said to be lacking the flexibility in providing settlements that deem acceptable to all parties involved (Kreuer, 2016: 275). Moreover, when asked why China insists on bilateral negotiations in the South China Sea dispute, a scholar on this issue area replied ,"it is sufficiently explained by the sheer size difference and power differentiation" (expert interview #12, May 2019), thereby providing another strong evidence that China's rejection of international adjudication is reminiscent of other great powers like the U.S, who disregards the role of international law by simply resorting to their size and economic advantage to attain their objectives.

### 6.3.2. Century of Humiliation: China as a Victim of International Law

"History, especially the interpretation of history, affects every country's contemporary interaction with the outside world, and foreign policy decision-making when leaders draw lessons from past experience or invoke analogical reasoning that compares the country's current circumstances to those it faced before" (Goldstein, 2009: 74). In China, the core tenets of its emphasis on the Five Principles of Co-existence are quintessentially linked to the narrative of 'century of humiliation' (Garver, 2001: 21). For this reason, it becomes

necessary to analyze China's understanding of international adjudication vis-à-vis its historical interaction with the West. During the early years of the People's Republic, China considered international law an extension of imperialism dominated by Western states (Ku, 2012: 160; Moynihan, 2017: 2). Those views bear the weight of a long "century of humiliation" at the hands of the "unequal treaty system", through which international law was viewed as an accomplice to Western aggression in China. Marked by repeated seaborne invasion that resulted in special concessions granting Europeans and Japanese special access to Chinese coastal water, ports, and territories, China's initial contact with the maritime aspect of international law was particularly pernicious. Having in mind the 'century of humiliation', international law was essentially tainted by China's historical memories when it was used as a pretext to justify Western encroachment on China's territory and sovereignty.

As the world's largest developing country, China's fundamental position and attitude towards international adjudication, and international law in general is imbued by its own distinctive worldview, values, and the historical past (Zuo, 2018: 41). Announced in a bilateral treaty in 1954, the Five Principles of Peaceful Co-existence which laid the foundation for China's contemporary conception of sovereignty, has long perceived as the fundamental guiding principles of China's international engagement (Chan, 2014: 882). The five principles are, namely, mutual respect for territorial sovereignty and integrity, mutual non-aggression, non-interference and mutual benefits, and mutual non-aggression (MFA, 2004). In fact, when celebrating the sixtieth year since its conception, Xi Jinping expressed the essential nature of the Five Principles of Peace Co-existence in noting that "the spirit of the Five Principles of Co-existence, instead of being outdated, remains as

relevant as ever; its significant, rather than diminishing, remains as important as ever, and its role, rather than being weakened, has continued to grow" (Xi, 2016b). The concept of sovereignty was indeed completely foreign to the Qing Dynasty under which foreign relations is conducted predominately under a tributary system where the Emperor had the Mandate of Heaven to rule Tianxia or all-under-haven. It was only until 'the century of humiliation' when China first encountered sovereignty when international law was, according to the Chinese perspective, used to violate its sovereign rights. Consequently, two defining characteristics emerged in light of China's experiences in the past two centuries. They are, lack of trust towards 'Western' international law and an uncompromising stance on the absolutist understanding of sovereignty (Y.Zhang, 2008: 161). Whilst gradual integration into the international systems since the late 1970s appears to have mitigated some of China's wariness, such suspicion still flares up at time, and efforts to dismiss the legitimacy of international courts is a common practice (Moynihan, 2017). When defending China's rejection of the South China Sea arbitration verdict, Wu Shicun has condemned "countries that intend to use the award as a pretext to force China to surrender its interests in the South China issue" while maintaining "no body, and no international force, can shake China's determination to its sovereignty" (Wu, 2016).

Practically, China's position during the Third Conference on the Law of the Sea (UNCLOS III), have reflected on these principles during two important occasions. First, China saw the Conference on the Law of the Sea as a rally point to earn the Third World's support against the maritime hegemonism of the two superpowers (Chiu, 1981: 18). Second, supported by many of the developing countries, China maintained that matters related to the breadth of territorial sea should be determined unilaterally and defined under state

sovereignty. The reasoning behind this perspective is keenly associated with China's objection to the three-mile limit proposed by traditional maritime powers like the U.S. and the Soviet Union (Gao, 1991: 204). When quoting a speech made by then head of China's delegation, Chinese scholar Gao Zhiguo implicitly established the linkage between China's negotiation strategy and the Five Principles of Co-existence, by accentuating that "China is a developing socialist country belong to the Third World. Its government will, as always, adhere to its just position of principle, resolutely stand together with other developing countries that cherish independence and sovereignty and oppose hegemonist policies" (Chui, 1991: 18).

### 6.3.3. Emerging Great Power: A Historical Analogy

Beijing has gradually accepted the idea of taking an active role in creating and maintaining regional and global governance in an attempt to consolidate its role in the post-American order. For example, the establishment of the Asian Infrastructure Investment Bank (AIIB) and the Belt and Road Initiative (BRI), the hosting of the 2016 G-20 Summit, the active role during the Joint Comprehensive Plan of Action (JCPOA) negotiation, and efforts to materialize a regional free trade agreement, the Regional Comprehensive Economic Partnership (RCEP), are all evidence of China's growing influential leadership role. At home, nationalistic narratives such as the China Dream (*zhongguo meng* 中国梦) and China Solution (*zhongguo fangan* 中国方案) have signalled Beijing's intention to reclaim its rightful place and the willingness to embrace an even greater role in (re)shaping various aspects of the international order.

China's involvement in and reaction towards international adjudication in the case of South China Sea dispute is a clear indication of how it positions itself in the international normative order. More importantly, much like the ways in which the U.S. defended its territorial sea from the British influence in the nineteenth century, China is seeking to protect its "core interests" in the South China Sea by asserting its preferable interpretation of the international law whilst adopting active measures to (re)shape regional diplomacy in the midst of increasing strategic competition between the two countries. Thus, drawing on historical similarities between China and the U.S. in their perspective 'rising' period, I posit that with precedence well-established, China's opposition simply follows the behavioural trends of all other great powers: 1) a tendency to reject international adjudication when it is unfavourable, and 2) utilizing regionalism to carve out its own sphere of influence and maintain supremacy. On the first point, a number of scholars have pointed to the *Article Sunrise Case* (Franckx, 2018; Zhang & Chang, 2015; Wu, 2016) and the case of *Nicaragua v. United States of America* (Langer, 2018; Paulus, 2004; Page; 2016), as comparisons either to strengthen China's arguments in refusing to accept the jurisdiction of the international tribunal or to contend that international adjudication is only for the less powerful, as great powers rarely recognize the jurisdiction of international courts and tribunals (Allison, 2016). Second, the Monroe Doctrine or Marshal Plan analogies were frequently referenced to illustrate the historical similarities between the nineteenth century U.S. and the contemporary China in actively managing and defining their perspective spheres of influence (Cai, 2013; Lorteau, 2017; Scott, 2016).

According to Shambaugh, China remains a "partial power" at the global level (Shambaugh, 2013). But in Asia, China has already obtained the status of a powerhouse. As a dominant

regional player, it should not be as surprising that its periphery was afforded a new key priority in Beijing's overall foreign policy. The Eighteenth National Party's Congress in 2012 was a 'turning point' in China's periphery diplomacy. It was a critical juncture in which China began to recognize the greater responsibility in not only deepening mutually beneficial cooperation, but also providing more public goods and benefits to the neighbours (Hu, 2012). Diplomatic priorities with the neighbouring countries, as a result, have progressed from being subordinate to those of great powers to one that needs to be actively shaped and managed by Beijing (Li & Li, 2015: 50). China's upgraded efforts correspond to the great power narrative that is increasingly focused on "guidance diplomacy" (*yindao waijiao* 引导外交), through which foreign policy is no longer economy driven, but also concerns with its national image, discursive power, and contributions to public goods and humanity (expert interview #8, June 2018). According to a Chinese scholar in Beijing, "reefs are public goods, which includes lighthouse, ocean rescue missions, and providing security for China and other regional countries. This in fact shows through 'defensive construction' on reefs and land reclamations, China is acting as a responsible stakeholder by delivering public goods and assistance to the region" (expert interview #8, June 2018).

Befitting the narrative of a great power, China has also in the process presented a set of normative principles to shape regional order and guide regional diplomacy. At the Central Conference on Work relating to Peripheral Diplomacy held in 2013, Xi Jinping stressed the growing importance of the periphery to China's overall national development and security. In his remarks, Xi presented a set of four principles to guide China's neighbourhood policy, as well as to settle the South China Sea dispute through a set of new norms. This four-part philosophy will help build a Community of Common Destiny: amity

(*qin* 亲), sincerity (*cheng* 诚*)*, mutual benefit (*hui* 惠), and inclusiveness, (*rong* 容) (Xi, 2013a). These new principles are central to the understanding of China's behaviour in its periphery, particularly its desirable methods to manage the South China Sea dispute, as they both reveal China's evolution towards active foreign policy under Xi Jinping, and the normative implications, if adopted, on proscribing and prescribing new appropriate behaviours in a China-led regional order. For instance, the norm of inclusiveness encourages tolerance and pragmatic cooperation that do not insist on shared values or values to be exported outside of one's own border. This form of pluralism rooted in respect for differences resonates well with China's long-held beliefs in self-determination and sovereignty. An additional example is amity which refers to a relationship based on mutual support and assistance (*shouwanxiangzhu* 守望相助). A case of this amity is China-Pakistan relations, which China has offered billions of development aids to Pakistan in exchange for Pakistan's uniformity with China's position in the South China Sea (Wang & Chen, 2016). Likewise, Cambodia acquiesced with China's stance by hindering the South China Sea dispute been taken up by ASEAN, in return for China's developmental assistance (Smith, 2019: 13).

Nevertheless, there are of course certain boundaries to China's amity and inclusiveness. As Chinese Foreign Minister Wang Yi puts it, in regards to issues related to territory and sovereignty, "China would protect every inch of Chinese soil and will not accept any small countries to kick up a row" (Wang, 2014). Such diplomatic norms of engagement signal a unique take on the regional order that to some degree, resembles the Tribute System centered around the appropriate social hierarchies. As Smith puts it, "China, as a big power, has a responsibility to maintain order while small states have a responsibility to be

compliant" (Smith, 2019: 15). Akin to the ways the U.S. has labelled defiant countries like Iran and North Korea as "rogue states", there certainly is a level of possibility that China uses these norms to 'award' those that accept China's interests and 'punish' the ones who intend to resist (Smith, 2019: 14). Admittedly, this supports the argument that rather than seeing power as being external to international law, power is actually an inherent part of it (Burke-White, 2015: 2). In many ways, this rationale fundamentally refutes much of the discussions that international law constrains power, thereby implicitly affirms the realist proposition that international law is basically a by-product of power. Such a logic can be traced back to its origin in the theory of hegemonic international law, formulated in the 1930s. The main contribution of this theory lies in the assumption that instead of treating international laws as being irrelevant and unimportant, they are in fact a powerful tool used by hegemonic states to impose their preferences on the less powerful ones (Anghie, 2010: 94).

As China's evolves into an active regional constructor, it has amassed comparable constitutive power to reshape the standard of appropriateness, diplomatic practices, and the subjectivity of countries in the region. In the case of South China Sea arbitration, one could argue that China's participation in the form of legal narratives outside the premises of UNCLOS proceedings is, in part, an attempt to exercise discursive power to combat what it sees as an infringement of its territorial sovereignty, by substantiating Beijing's own position on the disputes, as well as to address concerns of other regional states. In essence, it is a delicate balancing act between assuming a regional leadership vis-à-vis its smaller neighbours without provoking a regional backlash or potential intervention from other powers beyond the region. In fact, China's approach to the South China Sea dispute very

much fits in ways how it has engaged with ASEAN in general. For instance, the "dual-track" approach, proposed by Brunei and supported by China, emphasizes consultations with only parties directly involved, speaks to the ASEAN way of diplomacy or the close-door type of diplomacy to solve disputes on the one hand, and China's permanent advocacy of and reference to the legal instrument in the ASEAN Code of Conduct (COC) (expert interview #14, April 2019).

Thus, by implicitly engaging with the South China Sea arbitration in the form of non-participatory participation, China is, in practice, using international law to advance its own interpretation of the applicability of compulsory dispute settlement procedures in order to defend its position. The 2014 Position Paper was illustrative of this. In it, China claims that "by initiating international arbitration, the Philippines is running counter to the common wish and joint efforts of China and ASEAN member … to settle the disputes in the South China Sea through negotiations" (MFA, 2014: Para.56). In other words, the Philippines' action has directly challenged China's call for amity and sincerity in its peripheral relations. Yet, China's legal response shows that, China, to some extent, still reserves a degree of respect for UNCLOS and this Treaty still has some value in terms of constraining China's behaviour (expert interview #13, November 2018).

## 6.4 Conclusion

China's efforts to (re)shape the dynamics of international norm can be seen through its campaign to delegitimize the final verdict of the 2016 South China Sea arbitration. This chapter illustrates that China's non-compliance with the international adjudication is rooted in the narratives of the century of humiliation, a great power, and building a Community

of Common Destiny. These narratives have helped to inform China's behaviour in the international normative order. In view of the ambiguous nature of international norms, I show that despite the contradictions in the narratives, they indeed complement each other, in the case of international adjudication in the South China Sea dispute, to inform China's interpretation of and non-compliance with the norm.

As mentioned previously, the two core tenets of international adjudication are validity and applicability. Yet, even when states accept the validity of international adjudication, they arrive at profoundly different conclusions with regards to the circumstance under which international adjudication is applicable. Additionally, this chapter has established two arguments. First, China's rejection of the applicability of international adjudication stems from the historical encounter with international law during the period of 'century of humiliation'. In large part, China's initial experience with international law is marred by Western exploitation that resulted in territorial loss, unequal treaties, and diplomatic and military domination. As result, China's non-compliance corresponds to an acute sense of vulnerability, suspicion, and mistrust toward 'Western' international law and institutions, especially in areas that involve territorial sovereignty and integrity. Second, like any other great powers, China's rejection is a microcosm of its attempt to advance great power ambitions, establish regional influence, and (re)shape the normative order within its own spheres of influence.

# Chapter 7 – Conclusion

## 7.1 The Research Question and Puzzle

To begin with, this dissertation derived from a need to understand, broadly speaking, how a rising China behaves in global governance; but more specifically, this dissertation has explored how China complies with international norms. For the main part, discussions on China's rise have centred around matters related to its emerging role in global governance, and whether it is a status quo power or a revisionist power seeking to upend the norms governing the U.S.-led international order. Though, analysed through the prism of traditional norms research, the phenomenon of China's engagement in global governance presents a puzzling empirical case due to the inconsistency and gap between its normative commitments in one end and political behaviour on the other. While China has continued to expand the breadth and depth of its participation in international organizations and openly affirmed its commitment to uphold international law and universally recognized principles and norms, its record of compliance is mixed and varies at times.

In this context, this dissertation sought to provide an answer to the following primary research question:

- Why does China selectively comply with international norms?

The primary research question was then broken down into two sub-questions that have guided this dissertation:

- Contestation can erupt when actors claim to subscribe to the overall norm but contest specific normative elements. Which specific normative elements is China contesting?
- In the case of norm contestation, what informs China's own interpretation and understanding of the norm?

In order to answer the primary research question of *why* China selectively complies with international norms, I argue we need to first understand *how* China interprets the norms. Subsequently, I then selected three international norms as case studies to illustrate the selectivity. In Chapters 2 and 3, I set out the theoretical framework to explain why China selectively complies with international norms. The ensuing empirical chapters sought to provide a detailed analysis of how identity narratives shape China's normative interpretations which in turn generate a varying degree of compliance. In Chapter 4, I have shown how China has *partially* complied with the non-proliferation norm in case of UNSC Resolutions on the DPRK. Chapter 5 illustrates China's *full* compliance with the norm of Common but Differentiated Responsibility and Respective Capability (CBDR-RC) in climate change mitigation. Chapter 6 explains China's *non-compliance* with the norm of international adjudication in the South China Sea dispute. Lastly, the objectives of this concluding chapter are to summarize the main arguments, discuss the findings of each empirical chapters, and identify possible future research agendas.

## 7.2 Summary of Arguments and Key Findings

This research was motivated by what I have categorized as two different but interrelated issues in the literatures on norms research and China in global governance. Firstly, while norms research has begun to recognize and appreciate the dynamic nature of norms, much of the ongoing debates still conceptualize norms as fixed and stable. Furthermore, given that international norms and compliance are conceptually linked, literature in norms research tends to share a commonality that still assumes a stable, linearly defined normative structure that makes it easy to evaluate compliance via norm diffusion and state behaviour. Secondly, questions concerning the implications of China's rise are becoming increasingly relevant, especially given Beijing's active engagement in global governance and multilateralism, its participation in (re)shaping existing international institutions, and the constructions of new international institutions with Chinese characteristics.

Initially, when literature on international regimes took shape in the 1980s, a dialogue between the discipline IR and IL also started to emerge. An important aspect of this conversation focused on the issue of compliance. In many ways, compliance literature is "a microcosm of development in both fields, and particularly of the rapprochement between them" (Raustiala & Slaughter, 2002: 538). As China's participation in international organizations expanded rapidly in the past decades, debates on how and the possible drivers of China's engagement started to occupy the centre stage of IR literatures. In general, they tend to view the issue through the broad lenses of two school of competing thoughts: either they argue China has been successfully socialized into complying with the norms, rules, and values of the international order created and maintained by the U.S, or that non-compliance with the norms is due to lack of socialization.

Mainstream approaches to norms research and compliance, while valuable, often miss the wider dimension of the international normative order. By conceptualizing norms as static, mainstream norms scholars not only "freezes the content of the norm being studied" (Bloomfield, 2016: 33), but also leaves little room to analyze the complex processes of interpretation and implementation. Norms diffusion and socialization literatures, originally established to examine the role of norm entrepreneurs in bringing normative change and generating state's compliance with international norms, have recently been criticized for its inability to address three undertheorized issues in norms scholarship: 1) the so-called "compliance gap" between norm recognition and norm compliance; 2) contestation over a norm's validity, meaning, and applicability; 3) the dualistic role of non-Western countries as both a norm-taker and norm-maker.

Bearing in mind these limitations, this dissertation has presented an argument that is both theoretical and empirical. Theoretically, I have argued that critical constructivist approach to norms study provides a more nuanced understanding of China's compliance with international norms, particularly how this approach can helpfully scrutinize China's interpretations of the normative obligations vis-à-vis what China constitutes compliant behaviours. Instead of treating norms as fixed, critical scholars acknowledge the contested nature and the dualistic quality of norms which enable researchers to investigate the differences in normative interpretations and how these divergent interpretations help explain variations in norm-related behaviours. In other words, norms are considered to be both constitutive and constituting. Accordingly, if norms are said to be flexible, then we should not expect a causal relationship between norms recognition and norms compliance, thereby separating normative interpretation from political behaviour such as being

compliant or non-compliant. In doing so, critical norms scholarship goes beyond the acceptance/rejection dichotomy that conceptualizes states' response binarily either as internalized or failed to internalize.

Furthermore, this dissertation has engaged with two interlinked concepts in ambiguity and inter-subjective agreement. The shift in the balance of power of global politics has stimulated plurality and diversity in global governance, which has significantly impacted on the international normative order. While most states subscribe to certain international norms and principles, they tend to interpret them in noticeably different ways. As such, this dissertation has approached the research question by highlighting ambiguity as a fundamental characteristic of international norms. Ambiguity, thus, "underscores the polysemic character of meaning: the potential for a pluralistic of meanings and thus for more than one interpretation" (Jose, 2018: 27; see also, Hansen, 2015; Widmaier & Glanville, 2015). Norm clarity might seem to a virtue, but a uniformly interpreted precise norm is neither achievable nor necessary. Henceforth, ambiguity represents the fluidity, vagueness, and the contested nature of norms.

Moreover, to capture the intrinsic relationship between norm ambiguity and inter-subjective (dis)agreement, I have revealed throughout this dissertation that ambiguity may help to generate inter-subjective agreement on the validity of a norm, but at the same time, triggers multiple but equally valid meanings; it also contributes to the inter-subjective disagreement on, for instance, the applicability of a norm and what considers to be a compliant behaviour. According to Finnemore and Sikkink's norm life-cycle, norms reach a "tipping point" when a norm gains a degree of inter-subjective agreement from a critical

mass of states (Finnemore & Sikkink, 1998). Given that a norm cannot exist without a minimal level of inter-subjective agreement, inter-subjective agreement epitomizes a shared understanding of norms as "standard of appropriate behaviour for actors within a given identity" (Finnemore & Sikkink, 1998: 891). Therefore, when actors behave according to their own interpretations of the ambiguous norms, it will likely to provoke *applicatory* contestation over the norm's parameters and prescriptions, but this does not necessarily lead to challenges to the norm's validity. Additionally, I have shown in this dissertation that *behavioural contestation* occurs when states diverge on how a norm is implemented. This was particularly evident in China's partial compliance with the non-proliferation norm in the case of UNSC resolutions on the DPRK. By fully integrating ambiguity into theorizing norms, it has not only allowed researchers to draw attention to the divergent normative interpretations by various actors, but also enables plausible explanations for why actions occur in one scenario but not replicated in others. The third aspect of my theoretical arguments evolve around normative interpretation.

As I argue that if norms are inherently ambiguous, compliance with the norm, therefore, cannot be straightforwardly identified. Instead, compliance should be treated as an "inter-subjective social fact" (Nunez-Mietz, 2016: 219). To access what China considers to be a compliant behaviour and the understandings it attaches to ambiguous norms, I propose that we have to examine how norms are represented at the state level. More specifically, I claim that we need to consider China's state identities, with a specific focus on the identity narratives, which give meanings to state identities, as the source of conduct. Accordingly, I laid out a framework in chapter 3 that delineates narrative's role in prescribing specific meanings and contents to China's state identity discourses. In the process, I have

highlighted three state identity discourses and their corresponding narratives to show how narratives overlap and sometimes contradict each other, which I assert is the main explanatory factor of selectivity in China's compliance with international norms. In other words, China's state identity is multifaceted because the narratives that give meanings to these identity discourses overlap with each other, and at time contradict each other. To this end, the construction of state identity and foreign policy behaviour is closely linked to the narratives that are formulated by authorized speakers in the Chinese leadership. By drawing our attention to the conception of narratives which traditional IR scholars consider as pre-determined, this dissertation illuminates how stories and facts took on political saliency through the practice of story-telling undertaken by authorized political actors. Thus, by identifying the overlapping and contradictory narratives associated with China's state identity discourses, I have pinpointed the fundamental source on which China draws on when interpreting the norms and determining what it considers to be salient and compliant behaviour.

Empirically, the three case studies have helped to substantiate how critical norms research and the logic of contentedness can shed light on the selectivity in China's compliance with norms: first, I highlighted normative ambiguity therein; second, I illuminated how divergent interpretations of international norms represents an inter-subjective disagreement over the definition of an appropriate and compliant behaviour that is acceptable for all; third, I demonstrated how a lack of a shared understanding directly impacts on China's interpretations of and compliance with the norms. The three case studies employed in this dissertation have uncovered that China has espoused a differing interpretation with regards to the normative parameters and prescriptions which diverge from the "normatively-

expected" understanding. Such inter-subjective disagreement derives from normative ambiguity, which enables China to resort to an interpretation shaped by its own logic of appropriateness. In essence, norms contestation is grounded in the concepts of ambiguity and inter-subjective (dis)agreement through which China's own interpretation and compliance 'deviate' from those considered normatively expected understanding and behaviour.

In addition to supporting my theoretical claims that how China complies with the international norm is fundamentally based on its own interpretations of the normative contents, I have also manifested how narratives, via the three case studies, can either complement or contradict each other when shaping China's interpretation and compliance behaviour. The aim of chapter 4 was to explain China's partial compliance with the non-proliferation norm in the case of UNSC resolutions on the DPRK. Firstly, this case study underlined the existing ambiguity of the non-proliferation norm which enables individual states to determine their own parameters and applicability of the norm. While China along with other members of the international community share a common understanding in preventing the spread of nuclear weapons, but they diverge significantly with regards to how this objective can be achieved. That is to say, like most countries, China has accepted the validity of the non-proliferation norm, but it is engaging in a *behavioural contestation* centred around the implementation of the norm. For instance, China's distaste for sanctions is rooted in own historical experiences in overcoming international pressures to successfully delivery its nuclear weapons programme. Instead, China pursues a strategy of negotiation informed by the narrative of China Solution to achieve the ultimate goal of denuclearization on the Korean Peninsula. Secondly, since the first North Korean atomic

weapons test, sanctions authorized by the UN have been the primary tool to curtail the DPRK's nuclear programme. China is and continues to be a key stakeholder in this effort. Yet, despite China's crucial role in designing the UN sanctions, it has only half-heartedly complied with the very sanction regime it helped to design. To explain China's partial compliance, I utilized three narratives, a socialist country, a responsible power, and the China Solution, to pinpoint China's logic of appropriateness with regards to the applicability of the norm. By claiming to be a socialist country, China has effectively distanced itself from the development model championed by Western liberal democracies, but this has also constrained Beijing from undertaking any punitive actions that might threaten the stability of a socialist ally and the CCP's own legitimacy. Simultaneously, as a responsible power, China needs to act responsibly in maintaining peace and stability on the Korean Peninsula. Consequently, it has compelled Beijing to at least support the text of the UNSC resolutions, although it fundamentally disagrees with the underlying logic of sanctions. In addition, I have argued that China's selective compliance with the UN sanction in the post-2016 period not only illustrates China's growing participation within the normative framework, but is also attributable to the narrative of a responsible power as China needs to be seen as a responsible player making positive contributions to global peace and security. The third narrative that bears significant weight is the narrative of China Solution. "History has not ended, nor can it possibly end", Xi Jinping declared at the ninety-fifth anniversary of the CCP (Xi, 2016b), refuting Francis Fukuyama's influential "The End of History" essay. It was during this speech President Xi made a first reference to the "China Solution". He stressed "the CCP and the Chinese people have every confidence in their ability to provide a Chinese solution to aid the exploration of a better social system and humanity" (Xi, 2016b). I argue that while China acknowledges the importance of

international institutions such as the UN in resolving the North Korean nuclear issue, it has, in parallel, tabled a "China Solution" based on its national interests and preferences, namely, stability, no war, and no nukes, in pushing for denuclearization on the Korean Peninsula. This indeed manifest itself in China's growing self-confidence under which its own experiences and growth have not only worked well in China, but might now also be capable of providing a "China Solution" for some of the global problems. It also signals China's entry to the ranks of global great powers.

Similar dynamics play out in the case study on norm of CBDR-RC in climate change mitigation. In Chapter 5, I continued my study by analyzing China's full compliance with the CBDR-RC norm. This chapter's findings are three-fold. First, I uncovered that China's compliance with the CBDR-RC norm is very much contingent upon its own interpretation of climate responsibility and capability through the narratives of a developing country and a responsible power. Second, I showed that the two seemingly contradictory narratives of acting as a developing country and a responsible power actually complement each other in shaping China's interpretations and the logic of appropriateness. Third, although China has persistently rejected any legally binding emission reduction targets by reverting to the developing country narrative, it has coincidentally initiated a series of domestic schemes to curb GHG emissions which I argued correspond to its capability to address climate change as a responsible power.

In climate change mitigation, the negotiation strategies of the global South and global North in the UNFCCC were clearly delineated by the sharp division over the questions regarding who are responsible for climate change and how climate change mitigation efforts should

be distributed fairly. Additionally, as ambiguity and different meanings have characterized the legal nature of the CBDR-RC norm, I claim that China refers to its own understanding of the norm and appropriateness anchored in its state identity narratives when behaving according to its own interpretation. Furthermore, I establish that since the inception of the climate change negotiations, China has been actively engaged in defending the interests of the global South. Bolstered by its self-conception of a developing country, China effectively aligns its interests in conjunction with the global South. For China, its interpretation of the norm then is very much retrospective in which has exclusively focused on historical responsibility. Correspondingly, climate responsibility falls on the shoulder of developed world while the developing countries are exempted from any legally binding emission reduction targets. Of course, as the world's second largest economy and biggest GHG emitter, one question that has been often raised is whether China is deemed a typical developing country.

Chen Zhimin once warned, "undertaking and demanding international responsibility are both noble causes … but China should not assume responsibilities against its "core interests", its deep-rooted principles, and beyond capabilities" (Chen, 2009: 26). In other words, it is true that Parties to the UNFCCC have a responsibility for climate change mitigation, but such responsibility should not come before national responsibilities and developments, and beyond a country's capabilities. This is indeed one of China's central arguments which suggest responsibilities in climate change mitigation is closely linked to national development. However, since 2008, China has become much more active and engaged in climate change mitigation efforts at home. As a result, domestic environmental protection has received considerable attention than ever before. One plausible explanation

is China's increasing self-confidence as it begins to describe itself as a responsible power. The narrative of a responsible power is reinforced by a series of domestic environmental policies aimed to attain China's goal of peaking its emission by 2030. Although China's rural population remains poor in comparison to the affluent city dwellers, China, as a whole, is getting wealthier and has more capabilities to respond to climate change and to achieve sustainable development at home. On the one hand, China is enacting responsibility in climate change mitigation that parallel its capabilities. Yet on the other hand, China maintains it remains a developing country possessing legitimate developmental rights.

In the final empirical chapter, I examined China's non-compliance with the norm of international adjudication in the South China Sea dispute. A striking future of China's engagement with the normative order is its rejection of the international adjudication norm with the sole exception being in economic matters. Chapter 6 argues that China's interpretation of international adjudication's jurisdiction and applicability in the South China Sea dispute is formulated by the narratives of the century of humiliation, a great power, and building a Community of Common Destiny for Mankind. To quote Wang Zheng, "for Chinese people, history is our religion" (2014: 125). In particular, the darker period of Chinese history, from the dust of the Qing Dynasty to the establishment of the People's Republic in 1949, became an indelible turning point in China's interaction with the West. As Alison Kaufman puts it, "the Chinese have one very broad generalization about their own history: they think in term of up to the Opium War and after the Opium War" (2011: 3). Through the lenses of the Century of Humiliation, Chapter 6 expounds on how this narrative has generated an absolutist understanding of state sovereignty and deep-seated suspicions of Western intentions and institutions, which in turn underpin China's

own interpretation and logic of appropriateness regarding the norm of international adjudication. Simultaneously, as China is increasingly identifying itself as an emerging great power, I utilize the great power narrative to propose that China's conception of international law and its interpretation of international adjudication closely align with those of other great powers. Bearing many similarities to the U.S. during her own rising period, contemporary China has analogously rejected international adjudication's applicability in issues related to its "core interests", while at the same time seeking to carve out its own sphere of influence. In doing so, I found that a basis of China's counter-argument for rejecting international adjudication was U.S. hypocrisy in condemning China's rejection of international adjudication and the South China Sea arbitration ruling. The U.S. has yet to ratify the UNCLOS and it was also at the centre of international attention when Washington not only declined to comply with the ICJ judgement in the *Nicaragua v. United States of America* case, but also repeatedly used its veto power at the UN Security Council to block any related proposals (Cai, 2019: 27). In parallel with the great power narrative, I continue to show how a third narrative, building a Community of Common Destiny for Mankind represents not only a clear departure from the "keep a low profile and bide your time" dictum, but also constitutes a long-term foreign policy strategy. Equally important, I have also identified the normative implications of this narrative for proscribing and prescribing new behaviours that better reflect its own preferences, namely bilateral negotiations as the method for peaceful dispute resolution.

## 7.3 Implications for Norms Research and International Relations

This dissertation has four implications for norms research and IR. First of all, it has invited researchers to re-examine the conception of non-compliance and norms violation. By noting the normative ambiguity that enables divergent but equally valid interpretations of norms, we can better appreciate how norms-related behaviour is viewed. Unlike the era of unipolarity, which has enabled the U.S. along with its allies to act as the "norm enforcers" capable of designating certain action or inaction as violation and non-compliance, the transformation towards a more pluralistic international society, coupled with normative ambiguity, have permitted individual countries, especially non-Western powers like China, to reconceptualize what constitutes norm violation and non-compliance. As this dissertation has found, there is no sole standard of appropriateness given that states behave according to its own normative interpretations. Second, this dissertation's findings have direct implications for the research design of norms scholarship. By highlighting the agency of non-Western actors like China in their interpretations of normative contents, it encourages norm researchers to broaden their approaches when investigating norms-related behaviour. Therefore, norm researchers should not automatically assume any actions that deviate from the 'normatively expected' behaviour constitutes non-compliance or a violation. In other words, actions considered to be a violation might be deemed as norm compliance by other actors. Third, as I have argued that most of the analysis on China's rise tend to primarily focus on whether its ascent to great power status possesses a direct challenge to the international order, but few explores how this plays out outside the binary outcomes of peaceful versus threatening. Instead, by employing critical constructivist approach that emphasizes the role of language, I illustrate that it is possible to capture more aspects of China's foreign policy behaviour by engaging with the construction of state identity discourses, especially how narratives come to define these discourses vis-à-vis

China's normative interpretation. Fourth, while this dissertation evinces how norm contestation, fuelled by normative ambiguity, can help make sense of China's selective compliance by tapping into Beijing's own interpretations of the three international norms enlisted as case studies, its explanatory utility is not confined to only those three cases. The applicability of norm contestation framework is prevalent: not only can it help us to understand how non-Western states interpret and comply with well-entrenched norms, it can also be used as a tool to explain behaviour associated with newly emerging norms in a diverse range of issue areas such as Arctic governance, autonomous weapons systems, and cyber governance. Finally, a plausible way to improve the study of how non-Western countries like China behave in the international normative order, is to draw upon insights from other disciplines have to offer. From one perspective, IR is deemed interdisciplinary which has combined a variety of disciplines throughout its development. Yet, it is not interdisciplinary enough since it has only started absorbing other ideas as of late (Ashworth, 2009). Relevant topics on non-Western countries' engagement with the international normative order is especially a good starting point, not only because of the greater needs to produce more accurately theorized body's work on how non-Western countries conceptualize and behave in the international normative order in the twenty-first century, but also to satisfy the need to understand *how* non-Western countries like China are challenging the international order by identifying the specific elements they are contesting.

## 7.4 Future Research Agenda

The findings in this dissertation have paved enriching avenues to further our research on how norms operate and the ways in which non-Western powers engage in norms

contestation. As previously discussed, a norm contestation framework moves beyond the conceptualization of norms as static and fixed by focusing on norm's dynamism. While this dissertation is devoted to analyze norm contestation centred around the applicability and parameters of norms, this research has in the process also inspired several interrelated questions: 1) whether applicatory contestation can impact on justificatory contestation around a norm's validity; 2) to what extent does applicatory contestation challenge the validity of the norms? 3) does norm contestation weaken or strengthen norm's robustness? Answer to these questions will certainly help to consolidate the ongoing debates surrounding these topics. While there are a growing number of scholarships that have begun to investigate the implications of norm contestation on norm's robustness (see e.g.: Deitelhoff & Zimmermann, 2018; Brunnee & Toope, 2019), few scholars have used actual case studies to illustrate the impact of contestation on the robustness of norms. Moreover, in order to answer the questions above, it will require norm researchers to fully acknowledge the role of non-Western countries. It is true that norm scholarship has expanded over the years to incorporate research and analyses of how non-Western countries are contesting international norms, translating international norms according to its own preferences and values, and promoting local norms, but few comprehensive studies have looked at the emerging countries such as the BRICS. This line of inquiry leads Acharya to conclude that "the relationship between the global and regional norms and the role of regions (especially outside of Europe) as sites of global norms making remains undertheorized (2014: 405). Hence, paying greater attention to how non-Western countries engage with international norms provides the opportunity to include a richer and more comprehensive analysis of how norms operate in the global arena.

As China continues to consolidate its emerging great power status, another potential idea for future research is on whether China can be considered a normative power capable of shaping the new 'normal' in both regional and international institutions. In a way, the narrative of building a community of common destiny is a proof that Beijing is attempting to set and shape the norms in the Asia-Pacific region which China views with great strategic importance. Also, the unprecedented level of China-Africa cooperation is another strong indicator that Beijing is pushing its preferred norms outside of its borders. By calling for an equal partnership that is mutually beneficial, China is gradually gaining the respect and recognition of African countries, which deems to be a prerequisite before being recognized as a normative power. More importantly, much of China's path to becoming a normative power still hinges on whether Western countries will concede certain political space required for China to further its preferred norms at the global level. This remains to be seen as it is also predicated on how strong and resilient the current U.S.-led international order is and the likelihood that China will succeed in challenging this order (Allan et al, 2018).

One other future aspect of norms research I have identified is to examine how China is actively shaping the rules and norms aimed to regulate novel areas such as arctic governance, international legal framework applicable to autonomous weapons system, and cyber governance. As global warming accelerates the melting of Arctic ice sheet, the Arctic region is becoming increasingly important for its untapped resources and the cost-efficient shipping routes. Countries like China and Russia have already begun to explore the possibilities of commercial fishing, scientific research, and cargo transportation (Moynihan, 2018). Though, unlike the highly institutionalized Antarctic which is currently governed by the Antarctic Treaty that contains 54 Signatories, there is still relatively little legal

frameworks that oversee the Arctic region (Secretariat of Antarctic Treaty, 1959). The Arctic Council is only established in 1996 and encompasses eight Arctic states that claim sovereignty in the Arctic Circle. For the Chinese government, this presents an opportunity to play an active role in furthering its preferred rules and norms in an area that is practically unregulated. By tapping into China's foreign policy lexicon, the recently released White Paper on China's Arctic Policy echoes China's keen interests to "work with other countries in building a community with a shared future for mankind in the Arctic region" (SCIO, 2018). Indeed, a similar trend is playing out in the development of legal frameworks to regulate autonomous weapons system, which represents an opening for China to engage in the norm-making efforts (Bode, 2019).

The final area relating to this dissertation that can be further studied, is other non-material factors that have also profoundly shaped China political behaviour, namely, prestige, status, pride, and exceptionalism. They have all inspired a growing corpus of scholarly works. Furthermore, the relationship between the political leadership and China's political behaviour warrants a closer examination (Brown, 2014). This is particularly relevant under Xi Jinping's leadership as much of China's foreign policy since 2013 is merely a reflection of Xi's own worldviews (Swaine, 2015). Although the analysis of Xi's speeches in this dissertation offers some basic clues to Xi's view with regards to China's place in and engagement with the world, questions regarding Xi's personal ideology, his views on China's bilateral relations with the U.S., and his connection to Maoist ideas as a princeling should be detailed in future Chinese international relations studies.

To conclude, by integrating norm contestation framework with the study of China's state identity and narratives into a whole, this dissertation has provided a theoretical framework to explain China's selective compliance with international norms. I then utilized three case studies, which are chosen to show the variety of compliance from full (CBDR-RC), partial (nuclear non-proliferation), and non (international adjudication), to clearly explicate how China's compliance is inter-subjectively shaped by its own normative interpretation.

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## Annex I – List of Interviewees

1. Interview with fellow, Carnegie-Tsinghua Centre for Global Policy, Beijing, China, May 2018
2. Interview with Professor, Renmin University, Beijing, China, May 2017
3. Interview with senior fellow, Carnegie-Tsinghua Centre for Global Policy, Beijing, China, January 2017
4. Skype interview with senior advisor, International Crisis Group, June 2018
5. Interview with director, the Royal United Services Institute, London, UK, March 2019
6. Interview with senior analyst, government official, London, UK, January 2019
7. Phone Interview with senior fellow, Stockholm International Peace Research Institute, March 2017
8. Interview with professor, China Foreign Affairs University, Beijing, China, June 2018
9. Interview with senior policy advisor, independent climate change think-tank, London, UK, February 2019
10. Phone interview with communications officer, independent non-profit organization, February 2019
11. Interview with professor, School of Oriental and African Studies, London, UK, March 2019
12. Interview with fellow, Lancaster University, London, UK, May 2019
13. Interview with associate fellow, Chatham House, November 2018
14. Interview with professor, Queen Mary, University of London, April 2019
15. Interview with associate fellow, Chatham House, April 2019