

CHINA AND THE INSTITUTION OF SOVEREIGNTY

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Abstract

In this article, I try to describe the relation between China and the institution of sovereignty through the analysis of its engagement with it. After explaining what institutions are in international society, I describe the evolution of sovereignty's normative core, especially the transition from absolute to conditional sovereignty during the 1990s. It seems like China is a staunch defender of absolute sovereignty in rhetoric by strongly opposing foreign interference in domestic affairs, namely under human rights. However, I show how Chinese behaviour viewed through the lenses of absolute sovereignty is uneven in practice. While complying overall, China shows disrespect for this understanding sometimes, especially when its interests are at stake, which reveals a rather flexible and self-serving approach to sovereignty.

Keywords

China, compliance, foreign policy, institution, sovereignty.

Introduction

It has become a commonplace to consider sovereignty as the cornerstone of Chinese foreign policy (Muller, 2016). In fact, it seems like a key driver of Chinese actions in the international realm is the desire to safeguard from foreign interference in its domestic affairs and to achieve territorial integrity, namely authority over the continental mainland, Taiwan, Diaoyou islands and the South China Sea territories comprised in the nine-dash line (China, 2019).

Most authors are also keen to state that China stands for a rigid or absolute stance on state sovereignty, which enters in direct contradiction with the prevalence of more flexible interpretations of sovereignty since the end of the

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Cold War (Carrai, 2019; Muller, 2016). Notwithstanding, many have argued that this support is merely instrumental so that China can maintain its often-condemned authoritarian regime at home and pursue repressive policies (Mazarr, Heath, & Cevallos, 2018). At the same time, some authors question this apparent commitment to sovereignty in light of an alleged ‘debt-trap diplomacy’ strategy aiming to seize other countries’ national assets under the Belt and Road Initiative (BRI) (Stokes, 2019). Chinese assertive stance and extensive claims on the South China Sea are often mobilized to back up the former claim (Rato, 2020).

That sovereignty is a primary institution of international society is beyond doubt (Buzan, 2004). However, what exactly is the meaning of sovereignty in today’s international society? How does China relate with the current understandings of sovereignty? Does China really respect state sovereignty? These questions will occupy me in this article.

Institutions are not static and their meaning evolves over time. In the first section, I will explain what is an institution and how does it work. In the second section, I will turn specifically to the institution of sovereignty in order to make sense of its previous and current meanings. In the third section, I shall review Chinese official discourse on sovereignty as a ‘core interest’. In the fourth section, I will analyse Chinese international behaviour to assess its congruence with the institution of sovereignty. A few concluding remarks will follow.

Institutions in international society

An institution can be seen as “a relatively stable collection of practices and rules defining appropriate behavior for specific groups of actors in specific situations” (March & Olsen, 1998). Out of this definition, I should highlight some characteristics. First, institutions are durable, so they are likely to last for some time. Second, the durability is, however, relative, since they are not permanent nor fixed – they “undergo a historical pattern of rise, evolution and decline” (Buzan, 2004). One should not reify this element of the international society’s social structure, since it is always subject to transformation or destruction by agency. Nevertheless, institutions tend to be quite durable, in spite of being transformed in the process. A third characteristic is precisely that institutions are not static nor fixed (Barkin, 1998; Buzan, 2004). They comprise several practices, rules and norms that can change over time.

Fourth, these elements postulate appropriate behaviour that coerces actors into conformity. In fact, institutions have an inherently controlling character. They constrain an actor’s behaviour “by setting up predefined patterns of conduct, which channel it in one direction as against the many other directions that would theoretically be possible” (Berger & Luckmann, 1991). This is called primary

social control, posited by the sole existence of the institution. Because sometimes socialization and internalization are poor, actors don't fully comply with institutionally codified conduct. When this is the case, institutions activate sanctions – secondary social control mechanisms – in order to enforce compliance (Berger & Luckmann, 1991). These can be material like direct coercion or, more often, social like ridicule and opprobrium (Johnston, 2001). Moreover, institutions hold not only causal or behavioural effects, but also constitutive effects: they are able to constitute actors' identities and interests (Buzan, 2004). For instance, a state that internalized human rights norms may identify as part of a democratic community of states and one of its interests will be to protect its citizens' human rights (Risse & Sikkink, 1999).

Fifth, institutions include “both formal rules (e.g. constitutions, laws, and international regimes) and informal rules (e.g. norms, taboos, and conventions). Because rules are made of ideas, institutions are essentially embodiments of ideas or codified ideas” (Tang, 2011). With this in mind, a clear line can be drawn between international organizations and international institutions. While the former refers to formal organizations or physical entities with explicit rules and purposes, material resources and capacity for action, the latter refers to durable patterns of rules, norms and practices prescribing roles and appropriate behaviour to social actors, hence purely ideational in substance (Keohane, 1988; Young, 1986). In spite of this difference, in practice international institutions and international organizations are quite connected, since durable ideas about norms, rules and practices can give birth to organizations aiming to follow them. Buzan (2004) calls international organizations ‘secondary institutions’ for this reason – the World Trade Organization (WTO) is an example of a secondary institution that embodies intersubjective understandings comprised in a primary institution (the market).

Sixth, institutions can be disaggregated into smaller ideational elements like practices, rules or norms. I believe the latter is the most significant – this seems to be the opinion of most constructivist scholars, who have spilled a lot of ink on norms. A norm is a shared “standard of appropriate behavior for actors with a given identity” (Finnemore & Sikkink, 1998). These intersubjectively held behavioural expectations pressure actors towards conformity/compliance through primary and secondary social control mechanisms like institutions. Functioning in a similar way, the difference between norms and institutions is that the former are constituents of the latter – we can think of an institution as a set of norms around the same issue or social sector.

This differentiation is of great importance. To capture the dynamic character of institutions, we must observe the evolution and interplay of its constitutive elements, especially norms. One cannot capture the evolution of an institution while considering it as an abstract unitary ‘social fact’. Instead, close attention must be paid to changes within its normative structure and to interactions with

other institutions that can shape its elements. With this in mind, I will now turn to the evolution of the institution of sovereignty.

The institution of sovereignty

Sovereignty has been a major institution of international society for centuries and its meaning has undergone several transformations. Despite these changes, it is possible to attempt a minimal definition of sovereignty that covers all of them. In this sense, sovereignty would be the externally recognised right to a state's final authority over its affairs (Barkin, 1998). This notion should be interpreted as juridical sovereignty because it hinges on recognition by international society, thus dismissing empirical sovereignty considerations (whether if a state exerts *de facto* sovereignty) (Buzan, 2017).

As I said before, the norms that constitute the institution of sovereignty change over time. Barkin (1998) notes how sovereignty was never an absolute right that allowed a state to do whatever it wanted. The recognition of a sovereign state by international society was always dependent on some features or institutions the state should have that were believed to be the legitimate source of sovereignty (Barkin, 1998).

“When public authority within a domain has not possessed these constitutional arrangements, recognised by the community of states as integral to legitimate sovereignty, that authority has generally not been recognised by that community as a proper state and has not been allowed full sovereign participation in international relations” (Barkin, 1998)

Moreover, the legitimate basis of sovereignty has changed over time. The complete history of this institution since the 17th century does not fit here (see Barkin, 1998). I should start in the 19th century because only here understandings of sovereignty start to be consequential for my case study.

In the 19th century, the revolutions of modernity took place, which created a huge power gap between Europe (the core) and the rest of the world (the periphery) (Buzan, 2017). From the 19th century until the end of World War II, the ‘modern package of sovereignty’ developed as the institution of sovereignty interacted with two other institutions: nationalism and territoriality (Buzan, 2017). First, since the core’s political revolutions in the late 19th century, popular sovereignty (nationalism) became the legitimate source of sovereignty: “a state is considered legitimate by the international community if it represents a national group” (Barkin, 1998). Second, territoriality – “the principle that political life should be organized on the basis of bounded spaces” (Buzan, 2017) – also became part of this arrangement. Nationalism helped to sacralise the territory as

part of the heritage of the people and non-consented transfers of territory became illegitimate – sovereignty posited exclusive authority over a people and a corresponding territory (Buzan, 2017).

However, this did not happen quite at the same time. Until the end of World War II, nationalism was the key norm of sovereignty. Although a territorial norm which linked territory to people developed, the embodiment of a national group by the state was the main legitimising principle (Barkin, 1998). After World War II, the potential for conflict led to the dismissal of nationalism as the main legitimate source of sovereignty (Barkin, 1998).

In sum, the institution of sovereignty in this period included the norm of nationalism, great power rights (more rights and responsibilities for great powers) and, to a less extent, territoriality. Sovereign equality would also be a good candidate because sovereignty in the core implied the respect for other states' sovereign rights. However, for there to be meaningful sovereign equality, sovereignty had to be universal, which it was not: the "core states had full sovereignty and periphery states did not" (Buzan, 2017). There was full sovereignty among the core states and divided sovereignty between the core and periphery. Until the end of World War II, sovereignty only applied to the core, because colonialism was also a dominant institution of international society that legitimized exploitation and dominance over non-European people and territories (Acharya & Buzan, 2019). This includes the sphere of great power rights. There was a prevailing belief in the core of Western superiority in the sense that other people were inferior and had to adhere to the Western 'standard of civilization' (Buzan, 2017). This, in turn, legitimized colonialism – allegedly, these people were not ready for self-governance and had to be taught the 'western-way'. Stuart Mill put it bluntly: "Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end" (Mill, 2003).

After the end of World War II, the institution of sovereignty changed profoundly. First, the institution of colonialism ceased to exist, which provided the basis for decolonization *en masse* (Acharya & Buzan, 2019; Buzan, 2017). "As the remaining empires unravelled between the 1940s and the 1970s, divided sovereignty faded, and sovereign equality became more or less universal" (Buzan, 2017). As sovereignty became universal and the sovereign equality norm became fully realized, great power rights remained the norm, though less substantive given the loss of the right to empire. Legalized hegemony was embedded in international society, granting special roles and privileges to great powers (Buzan, 2017). The United Nations Security Council (UNSC) is perhaps the best example.

A norm of self-determination entered the institution of sovereignty, which allowed for decolonization of multiple territories and people previously under European empire's rule. A major normative development occurred with the

replacement of nationalism by territoriality as the main legitimate source of sovereignty (Barkin, 1998). This is not to say that nationalism did not matter anymore – in fact, the liberation of national groups was a frequent argument for realizing self-determination. On the contrary, this means that territorial legitimation became the source for sovereignty, which means that national borders agreed in the post-war settlement and afterwards became sacrosanct, so could not be altered (Barkin, 1998). In other words, legitimate sovereignty was contingent to a question of functional control over a defined territory and transfers of acquired territory could not happen without consent. This is particularly evident if we look to some African post-colonial states, since they were deemed legitimate in spite of comprising different national or ethnic groups within them (Smith, 1991). Such normative change had the effect to reify territories and to dismiss foreign interference.

Thus, the institution of sovereignty between 1945 and the last decade of the 20th century comprised the norms of self-determination, sovereign equality, territorial integrity, non-aggression and non-interference. I haven't dedicated much space to the latter two, but the UN Charter is very clear about their significance. The second article comprises the obligation for states to refrain from the use of force in their international affairs – the only exceptions are UNSC approved actions to restore international peace and security and the right to self-defence. The existence of this norm becomes evident if one looks at the great diminishing of inter-state conflict after World War II (Bousquet, 2016). Also, the same article, as well as customary international law like Resolution 2625 of the UN General Assembly, states the duty not to intervene in matters within the domestic jurisdiction of any State. The understanding of sovereignty in this period is often associated with 'absolute' or 'rigid' sovereignty, since it shielded states greatly from having their sovereignty eroded.

After the end of the Cold War, this institution suffered its last transformation so far, which can be related to a striking change in the distribution of material capabilities: with the demise of the Soviet Union, the great powers that dominated international relations were Western liberal democracies (Barkin, 1998). These states contributed for the emergence of a new legitimate source of sovereignty: a state in post-Cold War world is legitimated less by its control of a territory and more by its ability to protect human rights of its citizens (Barkin, 1998). Two qualifications must be made. First, this understanding of human rights is Western by design, since the new norm includes civil and political rights, but not social and economic rights (Barkin, 1998). Second, only clear and gross violations of such rights constitute cause for ceasing to suspending a state's sovereign status or rights (Barkin, 1998).

This shift from 'absolute' to 'conditional' state sovereignty had some implications. First, the range of duties attributed to legitimate sovereign states increased, since one must not only respect others' sovereignty, but also enforce human rights at home to be acknowledged as a legitimate member of

international society. Second, human rights became the criteria to assess the legitimacy of social actors and its domestic institutions, which undermines the aforementioned norm of sovereign equality – a hierarchy of states is created. I should highlight how this signals the recovery of a Western ‘standard of civilization’ to judge non-western societies, since the understanding of human rights is of Western design. Third, interventions to make sure states comply with these requirements were viewed increasingly as legitimate rather than a violation of state sovereignty (Jones, 2018) – the norms of non-aggression and non-interference lose strength. Sovereignty was deemed as an obstacle to progress by liberal hubris, so human rights has been used to legitimize coercive intervention activities perpetrated by the West in the periphery (Carrai, 2019; Zhang & Buzan, 2019). “The international community was seen to have a right – even a moral obligation – to intervene in troubled states to prevent genocide and mass killing” (Ikenberry, 2011).

However, one must not exaggerate this transformation of sovereignty. First, it is mostly of Western design and application. This interpretation of sovereignty is liberal and non-consensual, since many Global South countries, especially postcolonial states, still hold on to the rigid conception of sovereignty eager to preserve their autonomy and shield themselves from foreign interference. Barkin (1998) notes that this normative shift is very contested outside Western liberal democratic core, especially in the Asia-Pacific region, since it is perceived as cultural imperialism or the imposition of Western values internationally.

Second, the extent to which human rights *de facto* erode absolute sovereignty is still reduced. If we take Responsibility to Protect (R2P) as an example, its application is very limited and sovereigntist: (i) the range of violations on which the international community is entitled to interfere is small; (ii) peaceful and consensual means are privileged over military intervention; (iii) intervention is a last resource tool – it is used only when everything else fails and requires UNSC authorization. R2P was supported by virtually every UN state, but its negotiations were long and resulted in this sovereigntist interpretation in light of the West-South divide. This shows how the transformation of sovereignty is still limited and that rigid conceptions of sovereignty are still meaningful, especially outside the West.

In sum, the institution of sovereignty after the 1990s comprises the norms of civil and political rights protection, humanitarian intervention (R2P), sovereign equality, territorial integrity, non-aggression and non-interference. The main differences concerning the previous period are the introduction of the first two norms, the waning of the last four and the demise of self-determination. First, self-determination is still present in international law, but after decolonization was completed, it lost application in practice. Second, sovereign equality is damaged because a hierarchy of states is created according to the new ‘standard for civilization’ – respect for civil and political rights. Third, territorial integrity, non-aggression and non-interference are relaxed in light of the new

norm of humanitarian intervention: the international community is allowed to interfere in domestic affairs, even through military means, to halt gross human rights violations.

Having sketched the evolution of the institution of sovereignty, I will now assess what is the Chinese official stance about it.

The Chinese understanding of sovereignty

For some years, China has included sovereignty among its three core interests and it has been a key driver of its foreign policy (Muller, 2016). Nonetheless, I've explained how the meaning of sovereignty can vary, so I need to see what it exactly means for China. I believe the following quote is able to answer this question:

“The principle of sovereignty not only means that the sovereignty and territorial integrity of all countries are inviolable and their internal affairs are not subjected to interference. It also means that all countries' right to independently choose social systems and development paths should be upheld” (Jinping, 2015).

It should be clear that China appears to stand for an absolute or rigid understanding of sovereignty. For Beijing, no interference in domestic affairs whatsoever should exist, regardless of its grounds, and territorial integrity is sacrosanct. Following this idea, “Chinese leaders [...] oppose norms that legitimize foreign intervention, such as the ‘responsibility to protect’, democracy and human rights promotion”² (Mazarr et al., 2018). For China, human rights are not unimportant, but their protection should not breach a country's sovereign rights – human rights are subordinate to sovereignty (Carrai, 2019). In a joint declaration, China and Russia stressed their intention to:

“Continue to work together against the politicization of the international human rights agenda, the policy of “double standards”, interference in the internal affairs of sovereign States under the pretext of human rights” (China & Russia, 2019)

In a similar fashion, Beijing advocates that each country should be free to have the social and political system it desires even if not democratic, therefore rejecting democracy promotion and regime change. China guides its foreign policy by the Five Principles of Peaceful Coexistence, which are enshrined in the Constitution (Muller, 2016). These principles – mutual respect for each other's

² Chinese contestation regarding R2P is not about its overall validity or existence, but about the concrete application, namely when it seeks regime change or erodes state sovereignty without the targeted state consent. I will explain it further forward.

territorial integrity and sovereignty, mutual non-aggression, mutual non-interference in each other's internal affairs, equality and mutual benefit, and peaceful co-existence – are frequently evoked in official discourse and lay the foundations for Chinese foreign policy. All the elements outlined previously attest support for the absolute conception of sovereignty dominant in international society between 1945 and the 1990s and indicate, at least, contestation towards the last normative change of this institution. But what does sovereignty as a 'core interest' mean for China?

Sovereignty as a Chinese interest has two major implications. First, it is meant to "to fend off foreign interference in China's domestic politics" (Tang, 2018). This concern is motivated by the aforementioned pressure of democratic and human rights norms after the Cold War, but also by the traumatic historical experience of the 'Century of Humiliation'. It makes reference to century that followed the Opium Wars where China was exploited and dominated by foreign powers such Britain, US, France and Japan – this narrative resonates a lot in official discourse and in Chinese society (Gries, 2020). This is, of course, linked with the regime security interest, because the warranty of autonomy and absence of foreign intervention in domestic affairs serves to preserve China's authoritarian political system (Stokes, 2019).

Second, sovereignty "refers to the country's ability to exercise authority over all geographic claims, including Taiwan. It also includes territory, which refers to the integrity of all land and maritime borders" (Mazarr et al., 2018). In other words, it means territorial integrity and 'national reunification' along these four axes: (i) stick to the 'one country, two systems' solution to ensure that China exercises jurisdiction over Hong Kong and Macao; (ii) oppose Taiwanese independence; (iii) defeat separatist movements (e.g., Tibet); (iv) ensure that Diaoyu and South China Sea's islands are Chinese territory (China, 2019). Chinese officials often stress how important is territorial integrity and how China will not concede to achieve this goal through every necessary means.

"China must be and will be reunited. China has the firm resolve and the ability to safeguard national sovereignty and territorial integrity, and will never allow the secession of any part of its territory" (China, 2019).

This section showed that China rhetorically stands for an absolute or rigid understanding of sovereignty. It has also explained what sovereignty means as an interest for China. I will now turn to Chinese practice in international affairs to assess the nature of Chinese *de facto* relation with the institution of sovereignty.

China's behavioural engagement with sovereignty

In the previous section, I explained how China stands for a traditional or rigid conception of sovereignty. This defence comes from China's traumatic experience of encounters with Western international society in the 19th and 20th centuries – the so-called 'Century of Humiliation' – and aims to avoid foreign interference in domestic affairs (Tang, 2018; Zhang, 2016). For Beijing, human rights are subordinate to sovereignty and cannot be a pretext to interfere with a state's domestic affairs. I argue that China does not support the prevailing interpretation of sovereignty after the 1990s. Notwithstanding, China does not outright reject it – its approach is best described as constructive and norm-shaping, since it seeks to mould the liberal stance into a more sovereigntist one, therefore conciliating liberal and rigid interpretations (Jones, 2018)

It might be puzzling, however, how China supported and supports R2P, since it leaves the door open for foreign military intervention in order to halt human rights violations. In fact, China was a full participant in the debate that generated R2P and supported it afterwards (Zhang & Buzan, 2019). This support has its singularities and it can be said that Chinese position regarding R2P, though in general supportive, lies at the conservative end of the spectrum (Nathan, 2016). On the one hand, "Beijing has always emphasized the first two pillars of the R2P mandate, *i.e.* the state's responsibility to protect its own citizens and the responsibility of the international community to encourage and assist the state to fulfil that responsibility" (Zhang & Buzan, 2019). On the other hand, China is very uneasy about the third pillar because it allows foreign military intervention. Beijing has often blocked or expressed reserves about sanctions and military intervention because it wants to guarantee that the application of R2P respects state sovereignty (Carrai, 2019). The major exception was the intervention in Libya (2011) that Beijing acquiesced to, but it hardened its position afterwards, since it perceived that NATO exceeded the UN mandate and sought for regime change, which for China is unacceptable (Jones, 2018). Never after Libya did China authorize a military intervention and this was the opportunity to reject any future non-consensual military intervention under R2P, as well as to delegitimize regime change (Zhang & Buzan, 2019).

While drawing 'red lines' and making it hard to apply R2P, Beijing's stance, in my view, cannot be viewed as one aimed to displace this norm, but to change it from within by participating constructively in the normative dialogue. For now, it is clear that China only endorses human rights concerns when they respect state sovereignty, which provides support for the argument outlined above. This probably happens because China perpetrates massive human rights violations at home, namely regarding freedom of religion, freedom of expression, freedom of assembly and freedom from arbitrary detention (Freedom House, 2020; Human Rights Watch, 2021), which also demonstrates lack of support for this interpretation of sovereignty. However, the constructive norm-shaper stance is noticeable, since Beijing participates in most international treaties on human rights and engages actively with the United Nations Human Rights Commission (Kinzelbach, 2013; Nathan, 2016). Anyway, having made clear how China

behaves regarding the after 1990s understandings of sovereignty, I should now assess Chinese actions regarding absolute sovereignty.

The first signal of Chinese support for this interpretation of sovereignty is its strong support for the UN system. This happens because the “fundamental purpose of the UN Charter, in Beijing’s view, is to preserve the sovereignty and territorial integrity of its member states”³ (Zhang, 2016). China sees the UN as the only legitimate body to address threats and to resort to the use of force, conditional upon the Security Council’s authorization where China holds a permanent seat and veto-power (Zhang, 2016). The UN system, where China holds considerable influence, is seen as the best tool to prevent breaches on states’ sovereignty and to tame the arbitrary exercise of power by western states, especially the US, which usually perpetrate these violations. For China, UN enforces the pluralist international order it desires (Buzan, 2010; Zhang, 2016).

China has also been a major contributor to UN’s peacekeeping operations. “In 2018 it ranked second place among the top ten contributors to the UN’s peacekeeping budget [...] By the end of 2018, China had contributed a total of 2,515 troops and military experts, and 151 police to UN peacekeeping missions (ranking tenth in the world)” (Morton, 2020). This is an unequivocal signal of Chinese support for the UN and for traditional understandings of sovereignty, since it voices two conditions for the peacekeeping missions: UNSC endorsement and consent by the host country’s government (Zhao, 2018).

The main evidence of Chinese compliance with the institution of sovereignty is, of course, its record regarding intervention and aggression, the two most striking ways of breaching one’s sovereignty:

“It has not gone to war since 1979. It has not used lethal military force abroad since 1988. Nor has it funded or supported proxies or armed insurgents anywhere in the world since the early 1980s. That record of non-intervention is unique among the world’s great powers. All the other permanent members of the UN Security Council have used force many times in many places over the last few decades — a list led, of course, by the United States” (Zakaria, 2020)

Thus far, it appears like “China has emerged as one of the strongest defenders of a traditional and absolutist concept of sovereignty, entering into contestation on a broad range of issues wherein state sovereignty is implicated, most notably humanitarian intervention” (Zhang, 2016). However, some cases show China’s compliance with its so proclaimed traditional interpretation of sovereignty is more flawed than it seems, especially when it harms Chinese interests. This has

³ See my second section to understand how the UN Charter protects state sovereignty.

led some authors to claim that China wants sovereignty for itself, but not for others (Stokes, 2019).

Buzan (2004) argued that a good case could be made to place international law as a derivative institution of sovereignty. I've explained in the second section how the UN Charter and international law protect state sovereignty by providing little exceptions for foreign intervention in domestic affairs (threats to international peace and security, self-defence and R2P). If sovereignty is based on mutual recognition, there is a need for mechanisms to settle disputes when conflicting sovereignty claims appear. Hence, international law is a key institution to preserve and enforce state sovereignty by being an impartial third part that applies collectively agreed-upon rules, which grants righteous sovereignty rights to the members of international society. With this in mind, it seems to me that Beijing's approach to international law is sometimes disruptive and self-serving.

The first evidence for this is Beijing's reluctance for third-party mediation of territorial disputes, preferring bilateral negotiations instead (Johnston, 2019). A striking example is Philippines' request for arbitration in 2013 under the UN Convention on the Law of the Sea (UNCLOS) in relation to competing disputes with China regarding some islands in the South China Sea. Beijing launched a campaign to discredit the arbitration panel and refused to participate in the proceedings, in spite of having signed and ratified UNCLOS (Williams, 2020). Second, "China has not accepted the compulsory jurisdiction of the ICJ under Article 36(2) of its Statute" (Muller, 2016). Third, in 2016, The Hague's Permanent Court of Arbitration examined claims brought by Philippines against China and ruled in favour of the former, resolving nearly every claim in its favour (Williams, 2020). The Chinese government opposed this ruling and did not acknowledge its validity.

I could mention more examples such as disrespects for human rights provisions or economic rules. But if I am measuring Chinese behaviour towards absolute understandings of sovereignty, I should only analyse domains of international law that actually seek to preserve sovereignty and not undermine it like the two I mentioned. Even taking this somewhat restrictive view of international law, there is enough evidence to assess that China does not always complies with international law.

However, one should stress that, despite these and some other cases, China values international law. Even if rejecting third-party settlement of disputes in the South China Sea, China tries to frame its claims under UNCLOS and general international law (Morton, 2016). Despite the militarization of atolls and reefs, it has never crossed the threshold of aggression defined by international law (Mazarr et al., 2018). In fact, China is attempting to 'create facts on the ground' to legitimize its territorial claims under international law, *i.e.*, it is building artificial islands to exercise effective authority and occupation, so it can claim

sovereignty over those territories, something that UNCLOS does not preclude (Rato, 2020; Williams, 2020). Besides:

“China, today, is an active participant in the major international institutions [...]. China is a signatory to hundreds of multilateral treaties and thousands of bilateral treaties, covering everything from arms control to human rights to environmental protection to trade and commerce. [...] Chinese officials regularly invoke the importance of international law and seek to portray China as a ‘staunch defender and builder’ of international rule of law” (Williams, 2020).

However, the aforementioned cases reveal that “China may refuse to comply with it [international law] when doing so suits its perceived interests” (Williams, 2020). This collides with the defence of absolute sovereignty, because that would imply recognition of international law’s authority to settle sovereignty disputes.

Leaving international law behind, some other Chinese actions also reveal that support for traditional sovereignty, while rhetorically strong, is in practice more flexible and nuanced (Muller, 2016). One should highlight the Chinese seizure of other countries’ key national assets under the Belt and Road Initiative (BRI), most notably Sri Lanka’s Hambantota port (Stokes, 2019). Another example is “the excerpts from a 2014 contract between the Chinese Export-Import Bank of China and the Republic of Kenya for the loans used to build Kenya’s Standard Gauge Rail, which raised much concern about possible Chinese encroachment on Kenya’s sovereignty” (Carrai, 2019).

It must be taken into consideration, however, that the only case where China has actually seized other national assets seems to be the Hambantota Port, so accusations of an alleged Chinese strategy of ‘debt-trap diplomacy’ lack sufficient empirical evidence (Johnston, 2019). Nevertheless, these cases show that Beijing’s actions, while valuing sovereignty for itself, “evinced a much looser definition for what constitutes a violation of sovereignty — and sometimes outright dismissal of the notion — when it comes to other countries” (Stokes, 2019). This is a poor signal for compliance with absolute sovereignty, which implies acknowledgement of other states’ sovereign rights.

Chinese claims on the South China Sea also indicate hypocritical support for absolute sovereignty. The ‘nine-dash line’ displays China’s sovereignty claims on the South China Sea. This map, though designed in the 1930s, was only used to frame territorial claims in 2009 (Morton, 2016). Chinese claims are quite expansive, encompassing almost the entire South China Sea; were they satisfied, it would mean the Chinese appropriation of the majority of other claimants’ Exclusive Economic Zones (EEZ), granted to them by UNCLOS (Rato, 2020). This, of course, does not go well with the absolute interpretation of sovereignty, since it would undermine other states’ territorial integrity.

Notwithstanding, the most striking feature of the 'nine-dash line' is that it never had any expression in reality, *i.e.*, there is no evidence that China exercised permanent authority and presence in those territories – UNCLOS's requirement for the establishment of sovereignty (Rato, 2020). I should recall that functional control over a territory is the main legitimate source of absolute sovereignty (Barkin, 1998), so the fact that China makes territorial claims without it demonstrates disrespect for this understanding. On the contrary, Beijing evokes historic and historical rights over these waters, but "UNCLOS does not recognize historic rights as a basis for claiming sovereignty over waters" (Dupuy & Dupuy, 2013) and:

"Although historical factors should, of course, be taken into account to a certain extent, their relevance must be limited to establishing whether a given state has exercised and still exercises authority *à titre souverain* over a defined area in an effective and continuing manner, and whether such exercise of authority has been accompanied by acquiescence by the third states concerned. None of these elements have been established by China" (Dupuy & Dupuy, 2013).

If we take into consideration that Chinese claims on the South China Sea are part of its core interests, it becomes clear that Beijing, while putting up an advocative front of absolute sovereignty, does not hesitate to halt compliance with this institution when it harms this core interest.

Through this section, I tried to test if the rhetorical commitment with rigid or absolute sovereignty found empirical support in Chinese behaviour. The evidences are uneven and mixed. On the one hand, China has blocked foreign interference in domestic affairs multiple times in the UNSC, has supported the UN system and has abstained from entering into conflict for decades. On the other hand, China rejects international law's authority on territorial disputes when it is inconvenient, has undermined a country's sovereignty under the BRI and holds territorial claims averse to rigid sovereignty considerations. I believe that the dominant pattern regarding absolute sovereignty is overall compliance, but a flexible one, because it stops when this understanding of sovereignty undermines Chinese interests. This converges Mazarr et al's (2018) argument that support for sovereignty is somewhat instrumental to advance Chinese interests rather than a socialized adherence.

Conclusion

In this article, I tried to explain how China relates with the institution of sovereignty.

The first step was to explain what an institution is in international society. To put it simply, it is a relatively stable and durable collection of rules, practices and norms that postulates appropriate behaviour for certain actors in a given context. Quite essentially, it is a set of ideas able to coerce international actors into behaving in a pre-defined fashion. I also highlighted how an institution is subject to transformation regarding the norms that constitute it.

With this in mind, I turned to the institution of sovereignty, explaining how it evolved over time. The main claim is that sovereignty always had certain requirements for a state to fulfil in order to be recognised as a rightful sovereign state in international society. Between the late 19th century and the end of World War II, the legitimate source of sovereignty was the representation of a national group. Since 1945 until the 1990s, it became authority over a territory that could not be transferred without consent. This was considered the absolute understanding of sovereignty, since it provided virtually no excuse to breach state sovereignty. From the 1990s onwards, the legitimate source became civil and individual rights protection. This, in turn, can be seen as conditional sovereignty, because a state can be subject to foreign interference if gross human rights violations are being perpetrated, so sovereignty hinges upon human rights protection. However, this is still a contested normative change between the West and the Global South.

Rhetorically, China shows unequivocal support for absolute understandings of sovereignty and even holds sovereignty as a 'core interest'. It is also very clear that China rejects the recent normative change occurred in the institution of sovereignty – it is not that human rights are not important, but nothing should undermine state sovereignty. Notwithstanding, the Chinese approach to this institution is not destructive. China is a constructive participant in the normative dialogue and tries to shape current norms into more absolute understandings.

However, Chinese behaviour is not always coherent with its rhetorical support for absolute sovereignty. The evidences displayed show a flexible approach to state sovereignty: while complying overall, China sometimes dismisses notions of absolute sovereignty to defend its interests.

My study has supported Barkin's (1998) insight that one should not regard an institution like sovereignty as static. This happens often in literature and conceptual precision is necessary to avoid generalizing an interpretation of sovereign across all epochs. Only with a rigorous account of what an institution means in a given period can we understand how an actor relates to it. As for China, I tried to dismiss both the myths that China is a hard sovereigntist country and that it wants to displace this institution because of human rights provisions. The ability of this institution to adapt to Chinese views and to retain its support remains an interesting development to follow.

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