verification thereof, and "calling for its full implementation in the most expedient and safest manner." Thus, the OPCW Executive Council decided:

> 4. [t]hat the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other States or non-State actors;
>
> [and]
>
> 18. *Reaffirm*[*ed*] that all Member States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, and *calls upon* all Member States, in particular Member States neighbouring the Syrian Arab Republic, to report any violations of this paragraph to the Security Council immediately[.]

Together with this example, the validity and enforceability of the Chemical Weapons Convention on nonstate actors according to the conventional rules dealing with the state jurisdiction is another dimension of the interplay between national and international law.

To conclude, what sort of future world do we prefer, what sort of governance should it have, and who or what would exercise power on it? This panel addresses this question and we should take into account that law is about conduct, social life, and personal choices and values.

International law looks at these categories through the perspective of what states decide should be the normative framework and the basis for coexistence and cooperation among equal sovereign entities. The concept of sensitive and vital interests sometimes accommodates itself with difficulties to this process. Therefore, reflections on cooperation, rule of law, and solidarity, as well as concepts of a humanity transposed into the legal sphere, are part of a pathway to achieving a common vision on this phenomenon.

Remarks by Jacques deLisle*

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Does a more powerful and assertive China threaten the universality of international law? Maybe, but not yet clearly so. The answer depends on China's still-emerging positions, on whether a universal system will accommodate China's preferences, and on one's net assessment of China's complex and ambiguous behavior. Any Chinese challenge to universality is national, not regional. There is no coherent Asian international law, and China is not leading its emergence.

China was once highly skeptical of universal international law. This perspective developed through: late Qing China's encounter with foreign powers that regarded China as not a "civilized" state and claimed colonial encroachments were permissible under the West's universal international law; the People's Republic's reception of Soviet doctrines that divided international law into bourgeois and socialist realms; and the late Mao era's radical rejection of law, internationally and domestically.

Reform-Era China embraced universalism, joining the international legal order on the latter's terms. By the dawn of the Reform Era, the PRC had resumed the Chinese seat at the United Nations, abandoned support for worldwide revolution, and sought acceptance as a normal state. Reform-Era China quickly joined major institutions of the international legal order, especially economic ones, including the World Bank, the IMF, and—fifteen years after beginning to seek GATT

* University of Pennsylvania.

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reentry—the WTO. In the WTO, China did not receive concessionary terms available to developing and postsocialist transitional economies, and agreed to special restrictions on Chinese exports. By the early 1990s, China had joined UNCLOS, acknowledged universal human rights, and acceded to major human rights treaties, with the notable exception of the ICCPR (which Beijing has signed but not ratified).

Reform-Era China's deep engagement with the international legal order has included much shirking and significant violations. But Beijing has not fundamentally challenged established international laws or legal institutions, called for systemic change, or proffered "Chinese international law" (despite talk of "Chinese international relations").

Are we reaching an inflection point, with China becoming less accepting of the status quo and more corrosive to universal international law? Foundations for such change lie in China's long-running economic success, its related rise as a great power with formidable military capacity, and, in turn, growing self-confidence, assertiveness, and sense of its own distinctiveness—as illustrated by Xi Jinping's "Chinese Dream." The Asian Financial Crisis of the 1990s, the Global Financial Crisis of the 2000s, and China's relatively successful weathering of both gave China —now a key member of the G20—reasons, clout, and credibility to question Washington Consensus–style features of the international economic legal order. China's new assertiveness in the South and East China Seas since the late 2000s has brought friction with prevalent international views on the law of the sea. Human rights relativism has become resurgent in China—especially on civil and political rights, with strong pushback against ostensibly universal values that Chinese sources deride as Western values ill-suited to China. In 2014, the Party's Central Committee called for China to develop "discourse power" and to participate actively in formulating international law—an agenda that could entail reshaping universal international law, but seems more likely to foster fragmentation.

Evidence from China's recent behavior varies across areas of international law. In international economic law, China has presented the Regional Comprehensive Economic Partnership, Asian Infrastructure Investment Bank, and New Development Bank as Chinese-led mechanisms to supplement and support the generally liberal international economic legal order. Early actions are consistent with this claim. U.S. policy—particularly Obama's unsuccessful opposition to the AIIB and Trump's withdrawal from the TPP—have given China greater options. These new institutions give China a potential basis for building a regional international economic legal order that suits China's preferences and that could be less liberal, leaving greater latitude for state-owned enterprises, state management of currency and foreign investment, industrial policy, mercantilist trade policy, and international political uses of state economic power. Yet, such an agenda has not fully emerged, and China appears to be seeking a new development model that—according to ambitious official programs—will bring liberalizing reforms at home that would dovetail with status quo international legal norms.

On issues of territorial sovereignty and the law of the sea, China's positions have become—especially amid the South and East China Sea disputes—geographically expansive (claiming sovereignty over all features inside the notorious nine-dash line, and maritime zones conferring rights to vast areas reaching near other states' coastlines) and jurisdictionally expansive (including ill-specified historic rights, controversial regulatory and security rights in exclusive economic zones, and novel authority to limit U.S. Navy activities, even in international waters). China's legal positions suffered a major blow—and the gap between China's claims and established international law was underscored—by the 2016 decision in the South China Sea arbitration case that the Philippines brought against China. China's dismissal of the ruling as a "scrap of paper" and Chinese actions that rival claimants, the United States, and others reject as contrary to international law point to Chinese challenges to existing law. But aspects of the tribunal's ruling are

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controversial, and China consistently casts its positions as *infra legem*, keeping openly revisionist options in reserve. China's growing naval power and far-flung interests may portend future positions more consistent with prevalent, pro–open seas, readings of UNLCOS.

On law governing the use of force and sanctions, China's position has softened from radical anti-interventionism and deference to sovereignty. Beijing accepted intervention in Iraq pursuant to UN Security Council authorization. China tolerated sanctions against Sudan amid prospects that Chinese recalcitrance would tarnish the Beijing Olympics. Beijing contributed forces to UN efforts against piracy (a *jus cogens* violation) in the Gulf of Aden. China accepted limited intervention in Libya, countenancing "responsibility to protect," manifesting concerns about at-risk Chinese nationals, and finding cover in Arab League and African Union support for action. Where such special factors have been absent, however, China has remained skeptical. Beijing opposed intervention in the former Yugoslavia, cooperated with Russia to block UN Security Council action on Syria, and sided with Russia against international efforts to address Moscow's taking of Crimea. China casts its own threats and uses of force or other coercive measures—in the South and East China Seas and, potentially, Taiwan—as domestic measures to protect Chinese sovereignty. With this mixed record, and rise as a great power (and status as one of the UN Security Council's P5), China arguably threatens universal norms—but only uncertainly, given how uncertain and contested international law is in this area.

China's now long-standing acceptance of universal human rights, accession to major human rights treaties, and status as an inaugural member of the UN Human Rights Council indicate convergence with global rules and institutions. Nonetheless, China's approach to human rights has retained much antiuniversalism. Official Chinese views persist that: states retain extensive sovereign discretion in implementing human rights and robust immunity from legitimate foreign criticism; and substantial variations in interpreting, and establishing hierarchy among, human rights are permissible, based on national differences in level of development, political system, and culture (which underpinned Beijing's brief flirtation with "Asian values" arguments). Under Xi, a newer strain of human rights pluralism has developed. A 2013 Party directive known as Document Number 9 rejected "universal values," and "Western" notions of civil society, press freedoms, and constitutional democracy. The Xi years also have brought an emphasis on an exceptionalist "Chinese Dream" and renewed interest in traditional Chinese values—both of which bode ill for commitments to universal international law of human rights.

In the emerging area of international law on climate change, China long resisted accepting a major share of international responsibility (despite its role as a leading emitter of greenhouse gases), and embraced a strong version of "common but differentiated responsibilities" (which put the burden primarily on already-developed states). More recently, and with increasingly compelling self-interest in addressing climate change, China has assumed a leading position in developing the legal regime centered on the UNFCCC, with Xi and Obama reaching a deal that paved the way for the Paris Agreement's entry into force. With Trump withdrawing the United States from the accord, China has greater opportunity to shape international legal rules, and lessened prospects that its behavior will depart from norms that the United States will have done less to shape.

In the nascent regime of international law for cyberspace, China has become the leading proponent (along with Russia) of state sovereignty—and, thus, permissibility of restrictive control—over the Internet. The clash between this position and the more liberal, decentralized, and nonstate (including ICANN) regulated approach favored by the United States, Europe, Brazil, and others makes this an area of international law characterized by a profound and congenital challenge—rooted in differences in internal political orders—to the establishment of universal international law for this issue area.

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As this brief survey suggests, China has moved from rejecting universal international law in the Mao Era and before, to embracing it broadly and deeply in the Reform Era, to a new phase of ambivalent attitudes and mixed practice. China has developed much greater capacity for influence and options to support, or undermine, universal international law. It has exercised that capacity and those options to varying degrees, in varying directions, across various areas of law. Much Chinese behavior diverging from universal norms resembles old school sovereigntist opposition—reprised in a 2016 China-Russia Joint Statement on the Promotion of International Law—to expansive and intrusive international law. China favors relatively illiberal and statist rules for the international economy, sovereignty-centered and closed-seas approaches to maritime territorial and jurisdictional issues, national autonomy on human rights, differentiated responsibilities for fighting climate change, and Internet sovereignty. These residual and other, newer challenges and potential challenges by China to universal international law imply fragmentation along many axes: geographic (a regional economic legal order centered on new Chinese-led institutions), political system type (for human rights or cyberspace), economic development (for differentiated environmental responsibilities), idiosyncratic (in cases of intervention or sanctions), or China-specific (for some territorial and related maritime zone claims). Given China's rapidly rising clout, unclear or unsettled agendas, and engagement across diverse areas of international law, a Chinese challenge to universal international law looms but is uncertain in magnitude and imminence.

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