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PUBLIC JURIST

2020'S: CHINA AT THE CROSSROADS

WITH AN INTERVIEW WITH CHAIR PROFESSOR WENFANG TANG, AUTHOR OF POPULIST AUTHORITARIANISM
WITH AN INTERVIEW WITH DR. SALVATORE BABONES, AUTHOR OF THE NEW AUTHORITARIANISM



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ABOUT the PUBLIC JURIST



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Public Jurist is the official magazine of students belonging to the BSocSc (Govt&Laws) & LLB programme at The University of Hong Kong. It is a non-partisan interdisciplinary publication that serves as a forum for diverse viewpoints on Law and Politics at the local and international levels, and promotes intellectual exchanges between students and academics on topics of interest relating to current public and legal affairs. Articles are meant to be accessible to a broad audience, not only political science and law students but also students from other disciplines, as well as the general public. *Public Jurist*, currently distributed by the Government and Laws Committee, The University of Hong Kong, formerly in association with the Government and Laws Committee, Politics and Public Administration Association ^{SSS HKUSU}, builds on the tradition of academic excellence of The Hong Kong Student Review of Political Science (previously known as "The Bulletin"), which was founded in 1977 as the quarterly magazine of the Association.

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FOREWORD

from the **EDITOR-IN-CHIEF**

Mr. Trevor T. W. Wan
BSocSc (Govt&Laws) & LLB III



The COVID-19 outbreak at the onset of 2020 has marked a rather unfavourable start as China ventures into the new decade. Added to this are slowing economic growth and an increasing challenging international environment plagued by trade wars and diplomatic affronts. To quote William Overholt, an eminent China watcher, “China has reached a threshold where success has eliminated the conditions that enabled miraculous growth ... [c]ontinued success requires re-invention of its economy and politics.” These innovations might as well determine whether this decade is indeed China’s decade.

This issue of *Public Jurist* is a consortium of essays investigating different dimensions of China’s growth, including its economic advancement, engagement with the international regulatory and legal order, and the potential impediments such as authoritarian pathologies and xenophobia. In addition to these wonderful perspectives are interviews with Professor Wenfang Tang, Head of Division of Social Science at the Hong Kong University of Science and Technology and author of award-winning *Populist Authoritarianism* and Dr.

Salvatore Babones, Associate Professor at the University of Sydney and author of the Wall Street Journal 2018 best book on politics *The New Authoritarianism*.

The Government and Laws Committee is indebted to our contributors who have gone to lengths to grace this magazine with valuable pieces. At the risk of causing any further boredom, it falls on me to restate the cliché that it is the GLC’s duty to disseminate up-to-date scholarship and diverse viewpoints on how our world is organised and how these established institutional configurations will change. China, as a major player, is undoubtedly one that we as students cannot afford to misread or match it with misnomers mistakenly. And here it is, an issue that hopes to shed light on these debates and discussions around China as it reaches, as the title suggest, a crossroads.

Trevor T. W. Wan, Founder and Editor-in-Chief

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CONTENTS

- 5 **A CONVERSATION WITH CHAIR
PROFESSOR WENFANG TANG
TELLING THE CHINESE STORY IN THE NEW
DECADE**
- Mr. Trevor T. W. Wan**
Editor-in-Chief, *Public Jurist*
Government and Laws Committee, The University of
Hong Kong
- 13 **THE CORONAVIRUS EPIDEMIC MAY
MARK THE END OF CHINA'S ECONOMIC
MIRACLE, BUT WHEN DID IT BEGIN?**
- 16 **INTERVIEW WITH DR. SALVATORE
BABONES
ON THE NEW AUTHORITARIANISM: TRUMP,
POPULISM, AND THE TYRANNY OF EXPERTS**
- Dr. Salvatore Babones**
Associate Professor, University of Sydney
Adjunct Scholar, Centre for Independent Studies
- 20 **WHEN UNIVERSAL RIGHTS
MEET A UNIVERSAL VIRUS**
- Professor Richard Cullen**
Visiting Professor, University of Hong Kong
- 25 **CHINA AND THE LIBERAL
INTERNATIONAL ORDER IN THE 2020S:
THE EMERGENCE OF A CHAOTIC
MÉLANGE**
- Professor Christopher A. McNally**
Professor of Political Economy, Champlain State University
- 29 **WILDLIFE PROTECTION IN CHINA IN THE
2020S**
- Dr. Peter J. Li**
Associate Professor of East Asian Politics, University of
Houston-Downtown
- 35 **2020: TURNING THE CHINESE DREAM
INTO REALITY**
- Mr. Anfield C. H. Tam**
BSocSc (Govt&Laws) & LLB I,
University of Hong Kong
- 37 **INTERNATIONAL NORMS
AND CHINESE ENVIRONMENTAL
GOVERNANCE**
- Dr. Xiang Gao**
Lecturer, University of New England
- 43 **PROGRAMME INFORMATION**
- 44 **REVIEW**
- 46 **ACKNOWLEDGEMENTS**



A CONVERSATION WITH CHAIR PROFESSOR WENFANG TANG

HEAD, DIVISION OF SOCIAL SCIENCE
HONG KONG UNIVERSITY OF SCIENCE AND TECHNOLOGY

TELLING THE CHINESE STORY IN THE NEW DECADE

Wenfang Tang is Head and Chair Professor of Division of Social Science at Hong Kong University of Science and Technology.

His current research focuses on public opinion, mass politics and political culture in contemporary China. He has authored and coauthored several books published by Oxford University Press, Cambridge University Press, and Stanford University Press, and many articles in academic journals including *American Journal of Political Science*, *Political Research Quarterly*, *Political Communication*, *Journal of Public Policy*, *China Quarterly*, *Journal of Contemporary China*, among others. His book *Populist Authoritarianism: Chinese Political Culture and Regime Sustainability* (Oxford University Press, 2016) won the CHOICE Outstanding Academic Title Award.

INTRODUCTION

The first two months of 2020 – in which many scholars dub the Chinese decade – witnessed waves of fear that swept across provinces as a novel species of coronavirus emerged in Wuhan with high infectivity. Despite the swift and rigorous response by the Chinese government, a corpus of commentaries criticized the Chinese government for their initial silencing of “whistleblowers” that thwarted earlier prevention attempts. They consider it as a structurally-entrenched pathology in authoritarian politics that very much characterizes the party-state. Without delving into the argumentative merits of either side, it is clear that these events reflect the need for the Chinese Communist Party (CCP) to seriously reflect the deficiencies in the Chinese political system to

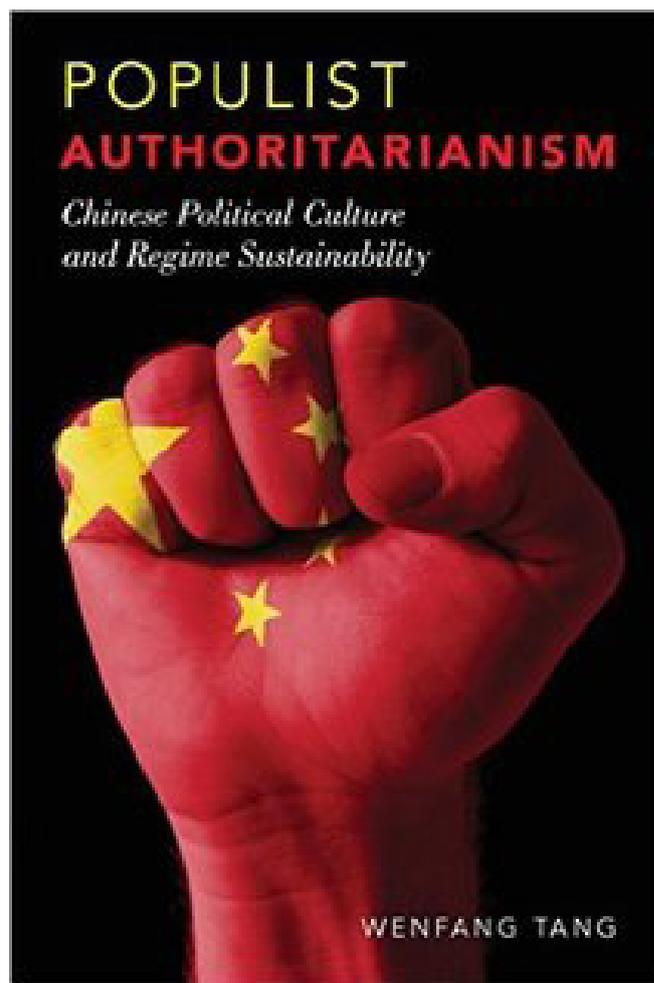
truly usher in a grandiose new Chinese decade that allows the Chinese story to be heard not only locally, but globally.

It is against this background that I had an inspiring conversation with Professor Wenfang Tang, the newly appointed Head of the Division of Social Science at the Hong Kong University of Science and Technology. Professor Tang is a widely acclaimed political scientist specialized in the conduction of large-scale public opinion surveys and quantitative analysis in which he applied extensively to investigate multiple political science variables in China. Some of his latest findings were consolidated into his book *Populist Authoritarianism* (Oxford University Press, 2016) which was awarded the CHOICE Outstanding Academic Title Award. At the risk of oversimplifying Professor Tang's argument, the book attempts to explain authoritarian resilience in China by proposing a theoretical framework that consists of six key elements, including the Mass Line ideology, accumulation of social capital, public political activism and contentious politics, a hyper-responsive government, weak political and civil institutions, and a high level of political trust.

In our conversation, Professor Tang kindly went to lengths and addressed the implications of various cardinal political events that occurred in China in recent years, such as the 2018 constitutional amendments to abolish presidential term limits as well as the revival of Confucianism in the governance discourse. Building on his insights from *Populist Authoritarianism*, Professor Tang shared a few suggestions on intertwined institutional innovations that might ameliorate authoritarian resilience and redress systemic deficiencies that endanger regime stability.

REGIME STABILITY AND INSTITUTIONAL INNOVATIONS

One of the primary arguments that emanates from *Populist Authoritarianism* concerns the generally high political trust among the popu-



Populist Authoritarianism: Chinese Political Culture and Regime Sustainability
(Oxford University Press, 2016)

lace and hyper-responsive governance exhibited by the CCP. Professor Tang recognized that these are attributes within the Populist Authoritarian (PA) system that could not be easily sustained, and the PA system is structurally prone to inherent instability, such as in face of political earthquakes. In short, Professor Tang argued that there are “built-in conundrums” and these are necessary trade-offs that inhere in a PA system that focuses on direct interaction between the state and the society. I asked Professor Tang what types of institutional innovations that China could adopt to redress these systemic deficiencies. “The key is that you need intermediate institutions such as the civil service, intermediate social groups, NGOs in enhancing stability. But most importantly, China needs elections, the rule of law and an independent judiciary.” However, as Professor Tang pointed out, “these

institutional innovations always go with ‘Chinese Characteristics’.”

“There are two things in the current system which do not resemble those of liberal democracies that are cardinal to PA’s effective performance in the Chinese context. First, people have their chance to voice out their dissatisfaction with the government through means such as protests and online discussions. Second, the concomitant feature of hyper-responsiveness in governance that addresses their dissatisfaction.”

“Yet, when we consider implementing institutional changes that are akin to democratic institutions, we also need to think about the defects in democracies. The institutional buffers such as courts and NGOs are sources of stability in democratic societies, but they may also create other problems such as cumbersome policy-making processes, unresponsive governments and low political trust that haunt democratic societies.”

In all fairness, these are trade-offs that accompany the ushering in of systemic changes in the Chinese system. “My answer might disappoint you, but as long as the system works well, there are bound to be side effects which may stymie authoritarian stability.”

CONSTRUCTIVIST NATIONALISM

Nationalist discourse has been a prominent component in the regime legitimacy of China which hark back to the 1990’s. In Professor Tang’s findings, nationalist discourse in China is amplified by its constructivist nature – that nationalism in China is deliberately constructed and manipulat-

ed by the CCP elites. Professor Tang noted this phenomenon was not unique to China. “Nationalism is constructivist in basically every country. In the United States, youngsters are taught at a very young age to be faithful and plead allegiance to their country.” Nonetheless, strong nationalism is not without blemish and may end up being antithetical to regime sustainability.

“The Chinese government is very sensitive to public opinion. In this vein, nationalism may end-up being a double-edged sword and excessive nationalism may backfire and hurt regime legitimacy of the party-state, particularly when the government appears to be weak in international affairs such as trade negotiations with the

United States and the South China Sea issue. In Susan Shirk’s *Changing Media, Changing China*, she explained how the Chinese government is too accommodative to public opinion, particularly in foreign policy making – a viewpoint that I share.”

When asked about whether nationalism and public opinion are themselves handcuffs in foreign policymaking,

Professor Tang disagreed and said the reversed equation did not stand. “A lot of times public opinion input does not affect the direction of foreign policy making, despite the government’s sensitivity. Foreign policy making is furtive plus constrained by technical expertise and specialized knowledge, so public opinion cannot provide much input in foreign policy making,” Professor Tang continued, “You may well have to give up short term interests for long term benefits during foreign policy calculation and negotiation which may not always sit well with the public expectation.”

The key is that you need intermediate institutions such as the civil service, intermediate social groups, NGOs in enhancing stability. But most importantly, China needs elections, the rule of law and an independent judiciary.



Medical staff in China working to combat COVID-19 (Source: The New York Times)

CORONAVIRUS OUTBREAK AND AUTHORITARIAN PATHOLOGIES

Minxin Pei, a prominent political scientist in the United States, described the coronavirus outbreak as a “disease of Chinese autocracy” as he criticized the CCP of “systemic cover-ups of scandals and deficiencies” to maintain CCP’s leadership that “hobbles the authorities’ capacity to respond quickly to epidemics.” I asked Professor Tang whether he agreed with Pei’s observations.

“Overall I disagree with his view. I do not believe that the coronavirus is a disease of Chinese autocracy. But having said that, I do not deny that the Chinese authoritarian system is fraught with its own pathologies. The fundamental concern for Xi Jinping is social stability, and he may grow paranoid with anything that may subvert social stability. This includes Dr. Li Wenliang’s post on WeChat about the coronavirus before the official announcement. But we must also look at things from a broader perspective. Within a month or

so, the authoritarian government has been extremely effective in curbing the spread of the coronavirus. They have the ability to build hospitals in a matter of days and quarantine millions of people that can hardly be replicated in other countries, especially in democratic states which value the freedom of movement. The capability to mobilise national resources and boost the morale and unity at the frontline are unmatched. Just look at Premier Li Keqiang’s visit to Wuhan during the very early days of the outbreak.”

“You do see much criticism online by social media users about reprimanding Dr. Li. But we must not ignore that the local government also wasted no time in dealing with the coronavirus as the Wuhan Municipal Health Commission issued an urgent announcement the same day as Dr. Li posted his WeChat message. Local governments realized the seriousness of the outbreak and responded quickly which averted a much larger outbreak, not to mention that Wuhan is a big city with more than 11 million residents that considerably aggravated containment difficulties.”

“In an upcoming op-ed I argue that Chinese authoritarian system is sometimes characteristic of what the late Yale Professor Charles Linblom called as having ‘strong thumbs, no fingers’. The Chinese government is very capable at national-level mobilization and allocation of resources and building hospitals quickly. However, it is not that efficient in handling the details such as dealing with WeChat posts. In a similar vein, China is very capable of moving factories to curb environmental pollution but is slow in providing individual level incentives for recycling. In a nutshell, the authoritarian system is capable of achieving grand objectives but may fail in tackling minute details.”

REVIVAL OF CONFUCIANISM

Scholars like Daniel A. Bell have noted the re-emergence of Confucian discourse in CCP’s governance rhetoric in recent years, although a full-scale adoption of Confucian political theory in the reform of state apparatus such as building a tricameral legislature as advocated by Jiang Qing remains out of bounds. Professor Tang believed this is a response to the need of the Chinese state to have its own ideology. “China certainly does not want liberal democracy which is very clear from the speeches of the leaders. Communism, despite being the *de jure* label, is becoming obsolete *de facto*.”

“China has been very successful in terms of social and economic development. But that is woefully inadequate if China wishes to further connect with the world. You will need something more – a coherent Chinese story to tell the world. This in turn requires a coherent ideology. Confucianism serves exactly that purpose.”

Professor Tang also agreed with an important element in Daniel A. Bell’s argument most recently restated in *The China Model* (Princeton University Press, 2015). “I am not a Confucian scholar. But there is one element in Bell’s Confucian model that is extremely consistent with the Chinese story. *Meritocracy*. What meritocracy

means is that you do not need elections. Elections do not guarantee that the best leaders are identified, and it is repeatedly shown that elections can be chaotic. In the Chinese meritocratic system, Chinese leaders who get promoted to the Central Government in charge of national policies require decades of regional and local experience. They have to accumulate the requisite experience with a good personality that entitles them to move up the ranks.”

“I also find resonance in Daniel A. Bell’s argument that a popular referendum may eventually be important to provide public approval for the China Model. In the public opinion surveys that I have conducted throughout the years, China’s political trust remains one of the highest consistently, achieving more than 70 or 80 out of 100 in consolidated numerical terms. I take this as a *de facto* referendum.”

2018 CONSTITUTIONAL AMENDMENTS

President Xi Jinping spearheaded another initiative in the gradual consolidation of his power in 2018 when the National People’s Congress approved amendments that effectively abolished presidential term limits. Debates ensued as critics claimed the move undermined the principle of collective leadership and safeguards against personalist rule that underpinned Deng Xiaoping’s political reforms. Supporters pointed to his economic and political achievements as indicators of support for the amendments.

Professor Tang echoed with the proponents. “I am in the middle of writing a piece that addresses one question that arises in public opinion surveys. That concerns whether there is a need for leadership rotation when the leader is performing well. There is an observable trend that respondents who agree with this statement has risen considerably in recent years under Xi Jinping’s tenure. That points to the general support among the Chinese citizenry for these constitutional amendments.”



President Xi Jinping cast his vote for the Constitutional Amendments in 2018 (Source: Financial Times)

In decoupling this phenomenon, Professor Tang took us back to the fundamental perils of democratic politics. “In a democratic system, the frequent rotation of leaders carries with it the lack of long-term policy making. That is why single leader with marvelous performance like Vladimir Putin in Russia is often considered as a blessing, although the flip side may also be true that one mistake by these strong leaders may have lasting damage. That is what happened under Mao Zedong.”

The system of collective leadership devised by Deng Xiaoping was intended to prevent the emergence of the cult of personality by diffusing power among group of elites. “That was during the time when China did not have a strong leader like Xi Jinping. In my view, leaders like Jiang Zemin and Hu Jintao were transition figures who did not have the vision or ability to rule in a longer timeframe. That changed under Xi. He is a strong leader and so far from the viewpoint of the majority of the Chinese people he is indeed very popular. He would win a re-election or a referendum if there was one.”

INTERNATIONAL ASSERTIVENESS

The Western media, in many instances, do not hesitate to paint China as an assertive leviathan in the international arena because it has rapidly ramped up efforts to promote its global image, such as the latest wave of "Twitplomacy" initiated by Ambassadors and Foreign Ministry officials. Professor Tang viewed the Western media attack on China as a “coordinated campaign in the public sphere against China’s global image and against all its initiatives.”

“I think China’s public image has actually been suffering since Donald Trump took power and this coordinated campaign has been working to some extent. Just look at the concerted efforts to ban Huawei from the international 5G market and negative publicity campaigns against the Belt-and-Road Initiative.” Part of the reason, as Professor Tang analysed, rests with Xi Jinping himself. “China has been rising more noticeably under Xi Jinping. He is sometimes too 'high-key', and his subordinates dare not defy through tuning down the rigor of the propaganda. This is what Deng Xiaoping warned against in the conduction of foreign affairs.”

Professor Tang added a historical dimension to his analysis in dissecting the fearful attitude displayed by the West. “When you look at history, China has always been a country that is capable of exerting influence globally beyond its heartland. What haunts the West is that China is not only successful, but its path of success differs from that of the West.”

“That is not to say that China should be complacent. In the face of these coordinated campaigns, China needs to change its propaganda directions. The Chinese story is not adequately told and illustrated in the English-language media. The English section of the People’s Daily and Global Times occupy only a very small portion of the global news arena and are often causally dismissed as state-propaganda with nil credibility. What the Chinese government needs to do is to strengthen the public relations efforts through non-state English channels in order to tell the Chinese story.”

RESHAPING THE WORLD ORDER?

China’s international presence has been buttressed by the various transnational political and economic initiatives, such as the Belt-and-Road Initiative, Made in China 2025 and the Asian Infrastructure Investment Bank. Arguments emerge that China is undergoing a process of “reshaping the world order more to its liking” (*The Economist*, February 2020) which does not sit well with the traditional position advocated by international relations scholars like John Ikenberry who argued that China can be socialised into the liberal world order.

Professor Tang agreed that, empirically, China is indeed trying to reshape the world order. “Before Xi Jinping took power, China’s global influence is predominantly economic. Since Xi took power, China is trying to spread globally the way it conducts affairs. This is where the influence transcends pure economic and treads onto the political realm that instilled a sense of fear and repugnance in the West. That is because spread-

ing political power means the diffusion of ideologies and cultural values that are fundamentally at odds with Western liberal democratic values.”

“I, however, do firmly believe that it is legitimate for different systems and different ideas to take root and evolve in the world. To say that only Western liberal democratic values should prevail and become the only game in town is itself tantamount to dictatorship and is devoid of any democratic content. Whether China’s system can co-exist with liberal democracy, nonetheless, is a question that should not be answered prematurely. It has far-reaching implications that may well go into the possibility of civilization clashes proposed by Samuel Huntington. There are simply too many variables in determining whether conflict or peace will prevail.”

“But in any event, I see nothing wrong with China having its own system. Indeed, many countries do view the China model in favourable terms, such as the African states.”

CHINA’S POLICY TOWARDS HONG KONG

Professor Tang arrived in Hong Kong amid rather unusual settings. His arrival coincided with the beginning of months-long protests against the now-withdrawn Extradition Bill which has demonstrably cautioned Beijing authorities concerning their policies towards Hong Kong as they witnessed a surge of anti-China sentiments across all spectrum of the society. Without doubt, as Professor Tang affirmed, that this would influence Beijing’s calculations in devising policies towards the Special Administrative Region.

“The protests in Hong Kong definitely taught the Chinese leaders a lesson. And the number one lesson is that ‘they did not understand Hong Kong’. Part of the reason is that they received biased reporting and flawed advice from ill-informed officials which were replaced one after another consequentially. The scale and duration of the protests definitely shocked Beijing. Offi-

cials in Beijing mistakenly thought Hong Kong could be easily managed if they successfully cooped a few business tycoons, but they hugely underestimated the impact of public opinion.”

“However, we must recognise that Hong Kong is part of the global game that China is playing other than issues with Taiwan, Trade War and South China Sea. I do not see any prospect that Hong Kong can break away in the near future. In the long term, I predict that there is a slim chance for China to make any significant concession to the public demands such as direct elections. But, of course, Chinese officials are still learning how to deal with Hong Kong after they realised how much they do not understand it.”

My third piece of advice is to learn how to tell the Chinese story.

ADVICE TO ASPIRING SCHOLARS

In the final part of the interview, I asked Professor Tang what sort of advice he would give to Hong Kong students who have the ambition to pursue postgraduate studies with a focus in Chinese politics.

“My first piece of advice is to go to China. In Hong Kong, we often see resistance and psychological barriers that are so strong that block a lot of people from trying to understand China. You have got to break that psychological wall, and perhaps travel to China. Do not maintain the feeling of superiority, in terms of, say, political system or freedom of expression, because that is not going to get you anywhere.”

“My second piece of advice is to equip yourself with the best skills as part of the graduate training. You will need to learn all the theories and research methodologies including statistical analysis. Studying China has become increasingly formalized in recent years which calls for enhanced ability to process huge amount of sta-

tistical information and write quantitative studies.”

“My third piece of advice is to learn how to tell the Chinese story. Too many people who are trained outside of China apply the standard set of Western political science theories to analyse China. These theories are predicated on liberal democratic assumptions that may not be as useful as they may seem when applied to the Chinese context. It is not useful to judge China

solely on whether it can fit the western discourse in academia. You need to learn how to tell the Chinese story, and I must admit that it is not as easy as it may seem. Start with narrow research questions and build from these

foundations. Accumulate enough field experience, theoretical knowledge and cutting-edge research tools and you will learn how to tell the Chinese story.”

For readers who are interested in learning more about Professor Tang's views on the recent coronavirus outbreak and China's authoritarian system, you are encouraged to read Professor Tang's latest op-ed published by the *South China Morning Post* at: <https://www.scmp.com/comment/opinion/article/3051336/amid-coronavirus-crisis-china-paying-high-price-its-authoritarian>



THE CORONAVIRUS EPIDEMIC MAY MARK THE END OF CHINA'S ECONOMIC MIRACLE, BUT WHEN DID IT BEGIN?

DR. SALVATORE BABONES

Associate Professor, University of Sydney

Adjunct Scholar, Centre for Independent Studies



Salvatore Babones is an adjunct scholar at the Centre for Independent Studies and an associate professor at the University of Sydney. His research focuses on the structure of economic globalization. His September, 2011 cover article in *Foreign Affairs* magazine, 'Middling Kingdom', predicted that China's run of rapid economic growth would ground to a halt by the end of the 2010s.

We all know that China has, in the memorable words of Mao Zedong, 'stood up'. But the Communist Party of China (CPC) now tells two conflicting stories of its stewardship of the Chinese economy. The first story, inherited from Mao (and indeed from the Kuomintang and the Xinhai Revolution) is that of China's recovery from the 'century of humiliation' that started with the First Opium War. In the most celebrated engagement of that war, the British warship *Nemesis* sank more than a dozen Chinese warships in one hour on January 7, 1841. From that moment, the days of the Qing Dynasty were numbered; China went on to suffer repeated foreign incursions, two terrible civil wars, and eight years of Japanese war crimes. The CPC arrived on the scene in 1949 to pick up the pieces and start the process of building a unified, modern China.

In this telling of Chinese history, the Qing were a feudal aristocracy presiding over a moribund peasant economy. The CPC liberated the Han people from virtual enslavement and educated the national minorities out of the darkness of barbarism. Any mistakes the CPC made in its early years (most notoriously, the Great Leap Forward and ensuing famine) can be blamed on foreign imperialists and capitalist roaders. After Mao's death, the CPC found the secret to economic success in 'socialism with Chinese characteristics'. Under the leadership of Deng Xiaoping and his successors, the CPC lifted 'more than 850 million people' out of poverty through its farsighted economic planning and sound economic management. In the beginning there was nothing, but the CPC brought light, and under Xi Jinping it is striving to 'achieve the Chinese dream of the great rejuvenation of the Chinese nation'.

But there is also a more patriotic second version of the CPC's official story. In this second telling of Chinese history, China was always at the center of the world. Politically, it was the Central State of a continental tianxia; economically, it was the world's richest, most productive, and most dynamic region right up until the 'century of humiliation'. Now that China's economy has grown to rival that of the United States, it is once again a strong country to which its smaller neighbors must defer. Under the wise leadership of the CPC, China has resumed its 'rightful' place in the world.

The Marxist theorists in the CPC's propaganda department seem not to have grasped the fact that this new, second story contradicts the CPC's own foundation myth. Yet it is arguably the second story that is true. In the 1200s, Marco Polo really did marvel at the stupendous wealth of the Yuen Dynasty. The early Ming fleets of Zheng He really were unrivalled anywhere in the world. And even in that 1841 battle between the Nemesis and the Qing fleet, the British victory owed more to superior seamanship than to superior technology. The richest 20 million people of 1841 China were almost certainly a match for

their 20 million British contemporaries, and they ruled a much larger empire. The industrial revolution did open up a gap between Britain and China, but only for a few decades. By the early twentieth century, China was already starting to catch up, and arguably was only held back by civil war and Japanese militarism.

Mao's catastrophically destructive economic management during the first three decades of CPC rule gave China levels of GDP per capita lower than those of India, North Korea, and most of the countries of sub-Saharan Africa, but those levels represented an artificial repression of China's true economic potential. Throughout the civil wars and revolutions of the 'century of humiliation' China always had the underlying economic structure of a middle-income country: not world-leading, but generally productive and able to fend for itself. In the short periods of peace, China's economy boomed, over and over again. But the periods of peace were always too short, and the disruptions always too frequent. When the CPC took power in 1949, it replaced these boom and bust cycles with a seemingly permanent, 30-year bust. It was China's tragedy that during its first sustained period of peace in 100 years, it was governed by a party that was ideologically committed to ensuring that prosperity would never return.

All that changed after Mao's death and Deng's rehabilitation. Deng didn't revive China's economy; he merely stopped destroying it. The economy duly bounced back, and over the next four decades enjoyed some of the highest rates of economic growth ever recorded. International observers joined the CPC itself in lauding China's efficient, technocratic policy-making. A few political scientists (and many poor country dictators) expressed their admiration for the 'China model' of repressive politics combined with (some degree of) market economics, what the Hong Kong sociologist Alvin So calls 'state neoliberalism'. Yet all the PRC has done in the reform era is return China's economy, in relative terms, to where it was in 1840. According to the widely-used GDP per capita estimates of the late

British economist Angus Maddison, China had roughly one-third of the GDP per capita of the United Kingdom on the eve of the First Opium War. Today the ratio is between one-quarter (based on exchange rates) and one-half (based on purchasing power parities).

When you focus just on the rate of economic growth, China's 8% average compound annual GDP per capita growth since 1980 seems nothing short of 'miraculous'. Surely it must be the sign of extraordinarily competent economic management? But when you focus on the level of productivity achieved, China's GDP per capita has only just caught up with that of Mexico, and still lags that of Poland, to say nothing of South Korea or Japan. The proposition that the CPC offers a successful model of economic management rests entirely on a con-

tinuation of rapid economic growth for another decade or two. Even the CPC's own projections of 6% annual growth won't cut it. At that rate, China won't even catch up to Poland until 2040.

And that's if you believe China's current GDP per capita figures (independent economists have estimated that China is actually about 20% poorer than it claims to be, due to years of over-reporting growth rates) and you believe its GDP growth rates (independent economists estimate growth rates that are three percentage points less than the official figures). Model a 20% poorer China growing at only 3% per year, and you get a pretty typical middle-income country. Account for the fact that much of that 3% growth represents wasted investments in things like unoccupied housing and unused steel stockpiles, and CPC economic management looks less impressive still.

The coronavirus epidemic will certainly put a big dent in China's economic growth for 2020. If China was ever looking for an opportunity to stop falsifying its statistics and come clean, this is it: the CPC can always claim that it was the coronavirus, not its own mismanagement, that was responsible for the end of China's growth miracle. No one, not even the gullible international press, will believe that the Chinese economy hit its 6% growth target in the first quarter. If China's leaders must admit to an economic failure -- and in

this case, there seems to be no choice -- they may as well admit failure at a time when no one will blame them. They could then use 2020 to conduct a benchmarking survey and create a new, honest base year for their economic statistics going forward. In fact, if they revised GDP down by 20% all at once, they could more easily claim to return to growth in 2021, the CPC's centenary year.

If China was ever looking for an opportunity to stop falsifying its statistics and come clean, this is it: the CPC can always claim that it was the coronavirus, not its own mismanagement, that was responsible for the end of China's growth miracle.

Don't count on it. Coming clean is not in the CPC playbook. By this time next year, China's economic statistics will probably be looking even more ridiculously unlikely. Maybe even the Western media will stop believing them. But don't count on that, either.



The New Authoritarianism

Trump, Populism, and the Tyranny of Experts

Salvatore Babones

AN INTERVIEW WITH

DR. SALVATORE BABONES

ON THE NEW AUTHORITARIANISM: TRUMP, POPULISM, AND THE TYRANNY OF EXPERTS

Named 2018 Best Book on Politics by the Wall Street Journal

INTRODUCTION TO *THE NEW AUTHORITARIANISM*:

When expert opinion becomes the only politically acceptable point of view, it no longer contributes to the health of democracy but instead promotes a new form of authoritarianism: the liberal authoritarianism of the expert class. *The New Authoritarianism* charts the rise of the expert class over two centuries and its humiliation in the UK Brexit referendum and the election of Donald Trump to be President of the United States.

While the authoritarianism of experts is a creeping force that slowly wraps its tendrils around the sleeping body politic, populism is a political flood that has the potential to sweep away decades of institutional detritus in a single season. Trump and Brexit have changed the terms of politics in the English-speaking world—and perhaps in continental Europe as well. What kind of democracy will arise in their wake is still to be seen.

Packed with quotations from the speeches of Abraham Lincoln, William Jennings Bryan, Winston Churchill, and of course Donald Trump, *The New Authoritarianism* offers a positive vision for the future of Anglo-American democracy—and of democracy itself.

Source: <https://thenewauthoritarianism.com>

INTERVIEW WITH DR. SALVATORE BABONES

In *The New Authoritarianism*, you have decried the dominance of experts in delineating the legitimate boundaries of political discourse. However, it might also be argued that, as a matter of division of labour in a representative democracy, the public has properly delegated to the experts to specialise in daily political affairs and the public is only called upon to adjudicate important issues such as presidential election to ensure governmental efficiency. Seen in this light, is it not normal that the experts will be endowed with certain authority *de facto* to shape the political discourse, or have these experts exceeded the limit that they should observe?

When experts shape political discourse, they arguably override democracy itself. Voting has little meaning if people are only allowed to vote on issues that a restricted expert class is willing to put before them. Even Hong Kong has that kind of limited democracy. Winston Churchill put it best when he said that "public opinion, expressed by all constitutional means, should shape, guide, and control the actions of Ministers who are their servants and not their masters." But this is perhaps to put everything on too high a plane. The real issue for me is: can people fire their agents? If the people have truly delegated authority to experts, then they should have it within their capacity to remove that delegation and appoint others to represent them. With legislatures, this is possible. With central banks, it is possible, but only at an extra degree of insulation. With public schools, universities, and public health systems, it is almost impossible for the people to exercise democratic oversight, and that is a problem.

You have praised the election of Donald Trump as the resurgence of populism that is good for democracy. Do you see this may evolve into a constant tension between the people and the

expert classes and is this something good for the democratic polity?

It's always good for people in power to be "on their toes." Politicians, senior civil servants, and even university professors have to know that they can be fired if they don't deliver the goods for their bosses, and it's the people who pay their salaries. American populism and the election of Donald Trump have brought more people than ever before into the political process: the 2018 midterm election set a new record for voter turnout, and people all over America are enthusiastic to participate in their democracy. Whether or not you agree with Trump's policies, his presence has brought a new passion to politics. Most political scientists are upset by that passion. I celebrate it.

The tyranny of experts seems to presuppose an expert social class with a collective determination in enforcing the exclusivity of their ideas. However, one might challenge whether these experts are coordinated or are an uncoordinated stratum of people. What is your response to this?

The expert class is, in Marxian terms, a "class in itself" more than it is a "class for itself." The members of the expert class do not always coordinate their actions (though in crises they often do, as during the 2008 global financial crisis or in the immediate aftermath of the election of Donald Trump). But when it comes to maintaining the tyranny of experts, they don't have to coordinate in order to act in a coordinated fashion, because they all share a vested interest in promoting their own power. Thus the one thing nearly all experts agree on is the importance of the role of experts. Consider an issue like global warming. Degreed professionals who are not climate scientists may or may not get directly involved in arguing the science of global warming. But they are mostly united in the assertion that "we must listen to the experts." There are two problems with this. The first, smaller problem is that "the experts" have very often turned out to

be wrong. Experts have a long history of overconfidence in their own judgments. But the second, bigger problem is that the assertion that we "must" listen to the experts is profoundly antidemocratic. It ultimately leads to Plato's argument in the Republic that we shouldn't have democracy at all. After all, who is better qualified to appoint a central banker: an elected legislature, or a panel of former central bankers? Clearly the latter. But the same argument is true, *mutatis mutandis*, in all aspects of life. So why have elections at all? Shouldn't even legislative vacancies be filled on the judgment of fellow legislators?

Do you see the campaign of Vice President Joe Biden as a strike-back of the class of experts?

Joe Biden has been endorsed by the same stratum of the Democratic Party that supported the nomination of Hillary Clinton four years ago. They have closed ranks behind him in order to stymie the candidacy of the maverick Bernie Sanders. The experts in the Republican Party (and both parties incorporate "liberal" technocratic wings) have accepted that they will have to wait until 2024 for their party to return to "normal," but those in the Democratic Party are intent on maintaining control in 2020, as they did in 2016. I don't know which Democratic candidate has a better chance of beating Donald Trump, but I believe that a Trump-Sanders choice would be better for American democracy.

No doubt many people see European Integration as an elite-driven project and Brexit is precisely a popular revolt against it. Do you see any prospects of that this transnational project can "de-eliticize" itself to guard against further backlash from the public?

The European Union is doomed to slide into economic and political irrelevance. I don't believe that the EU will break up. But I do believe that the Eurocratic class is so focused on maintain-

ing its grip on power that it would rather see Europe go into terminal decline than see others lead a European renaissance. In the twenty-first century, Europe has become the least dynamic major region of the global economy, as the EU seeks to regulate economic change rather than participate in it. This trend is clearest in the online economy, where the European response to innovation is to fine it. Europe is still very rich and the current generation of Eurocrats will live to enjoy that wealth. But their children and grandchildren will face the burden of managing decline instead of the thrill of striving for success. The EU should serve as a cautionary tale that demonstrates how a self-perpetuating class of experts will inevitably tend to prioritize their own interests over those of the people they supposedly serve.



WHEN UNIVERSAL RIGHTS MEET A UNIVERSAL VIRUS

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The concept of *universal human rights* is a relatively new one.¹ It is a model for mediating human interaction that is widely regarded in a positive way. It is

¹ The primary provisions of the Bill of Rights in the US Constitution were ratified in 1791. It was worded to provide a range of general protections for individual rights but its reach was far from universal. Thus, even legally freed slaves were not covered (*Dred Scott v Sandford* (1857)) and most of the provisions, including the First Amendment protecting free expression, had limited impact for around 160 years until the Civil Rights era in the US,

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also a concept that is deeply sourced in Europe's past.

Using a Chinese metric, one can credibly describe the long era of European history following the fall of the Western Roman Empire in 476 AD until 1945, as, more often than not, a "Warring States" period. Before and after that fall, powerful tribes invaded by land from the North. Vikings later did likewise by sea. Within much of Europe, numerous kingdoms were recurrently engaged in conflict with one another. Islamic invasion from the East had also begun by the 8th century leading to frequent confrontational responses, including the Crusades. Then came the Reformation in the 16th century. Christianity was split as never before. Still more savage levels of warfare followed.

Martin Luther, the man who did most to trigger the Reformation, was deeply hostile to the Pope and the Roman Catholic Church. In due course he also became militantly anti-jewish. Here we encounter another severe Western religious divide – one which dates back over 2,000 years to the dawn of the birth of Christianity.

In the 20th century Europe brought us World War I, from 1914-1918 – the *War to End All Wars*. That war did not secure this outcome. World War II followed from 1939 – 1945.

The most infamous aspect of World War II was the "Holocaust", the name given to the horrific

which followed World War II (Cullen, Richard and Tso, Kevin, "Commercial Free Speech: A Critical Reconsideration" (2016) 17 Australian Journal of Asian Law, available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2939388). The US Bill of Rights drew, in its drafting, on the Magna Carta (1215) and the English Bill of Rights (1689). However, neither of these provided widely applicable protections for individual rights: the former was, in essence, a "Bill of Rights for Barons" for and the latter, a "Bill of Rights for Parliament".

Nazi-German scheme where millions of Jews and other "undesirables" were exterminated in a series of Central European Death Camps. As it happens, Luther's anti-jewish legacy helped lay important foundations for this genocidal project.

The lead-up to this overwhelming terror encompassed years of fearsome Nazi attacks on Jews, which included "Kristalnacht", in November, 1938 when hundreds of Synagogues were wrecked, thousands of Jewish businesses were destroyed and some 30,000 Jews were arrested and sent to Concentration Camps.

The extreme revulsion felt around the world - after the totality of these unspeakable Nazi projects was revealed - helped energize a powerful desire to create the United Nations. In early 1946, the first meeting of the UN General Assembly was held in London. In late 1948, the General Assembly, adopted the Universal Declaration of Human Rights (UDHR) as a pivotal part of the project to protect individual rights against horrific abuse. The UDHR was strongly shaped by the intense European Enlightenment understanding of individual autonomy.

This groundbreaking international instrument states in its title that it is a universal declaration. In the preamble it goes on to proclaim the essential need for "the promotion of universal respect for and observance of human rights and fundamental freedoms".

These are admirable aims. Since 1948, a vast Human Rights Movement has evolved around the globe, standing on the shoulders of the UDHR. This movement has asserted the crucial need to protect human rights and its readiness to do so.

The outbreak of the new coronavirus in China, in Wuhan, in 2019 has, however, conspicuously tested this readiness on a global basis.

At this point we need to consider some facts. The human infectious disease arising from

this virus is now known as COVID-19. Although COVID-19 may yet turn out to be no more dangerous than a severe seasonal flu, like such a flu, it can be lethal. Those whose existing state of health is compromised are most vulnerable. Notably more concerning is that fact that this is a new human viral infection. There is no vaccine. There will not be one for some time. The precise mode of the development and the effects of COVID-19 are not yet fully known. It is, though, highly contagious.

Now we need to consider the increasingly grim reaction to Chinese people globally which has gathered such pace in the wake of the onset of this viral outbreak. The propagation of misleading and false information (for example citing the dangers of eating regular Chinese food) about the disease is epidemic. Highly discriminatory discussion and treatment of Chinese people is increasingly rampant in places like Australia the UK and the US.² This menacing

narrative has also been readily endorsed by certain groups within Hong Kong.³

In Australia, long-established Chinese Restaurants are closing and Chinese people have been locked out of their rental homes, to take just two examples.⁴ The impact of this massive stigmatization exercise is global. It includes malevolently recycled references to China being the “sick man of Asia” and the onset of a new “yellow peril”.⁵

2 See, for example: Zhao, Iris, “Coronavirus has sparked racist attacks on Asians in Australia — including me”, *ABC News Australia*, February 1, 2020, available at: <https://www.abc.net.au/news/2020-02-01/coronavirus-has-sparked-racist-attacks-on-asian-australians/11918962>; Williams, Austin, “Treating coronavirus like a Yellow Peril”, *Spiked*, January 30, 2020, available at: <https://www.spiked-online.com/2020/01/30/treating-coronavirus-like-a-yellow-peril/>; Oh, Inae, “The Coronavirus Is Inflaming the UK’s Racism: ‘To those people who told me London isn’t racist, think again’”, *Mother Jones*, March 4, 2020, available at: <https://www.motherjones.com/politics/2020/03/the-coronavirus-is-inflaming-the-uks-racism/>; Wahlquist, Calla, “Doctors and nurses at Melbourne hospital racially abused over coronavirus panic”, *The Guardian*, February 27, 2020, available at: <https://www.theguardian.com/world/2020/feb/27/doctors-and-nurses-at-melbourne-hospital-racially-abused-over-coronavirus-panic>; Wong, Tessa, “Sinophobia: How a virus reveals

the many ways China is feared”, *BBC News*, February 20, 2020, available at: <https://www.bbc.com/news/world-asia-51456056>; and Mead, Walter Russell, “China Is the Real Sick Man of Asia”, *Wall Street Journal*, February 3, 2020, available at: <https://www.wsj.com/articles/china-is-the-real-sick-man-of-asia-11580773677>.

3 Cheung, Tony and Wong, Natalie, “Something else may be spreading in Hong Kong amid coronavirus outbreak and anti-government protests – ‘xenophobia’ against mainland Chinese”, *South China Morning Post*, February 3, 2020, available at: <https://www.scmp.com/news/hong-kong/health-environment/article/3048591/something-else-may-be-spreading-hong-kong-amid>.

4 See: Webb, Carolyn, “Beloved Chinatown restaurant closes as customers stay away over coronavirus fears”, *The Age*, February 1, 2020, available at: <https://www.theage.com.au/national/victoria/beloved-chinatown-restaurant-closes-as-customers-stay-away-over-coronavirus-fears-20200212-p54076.html>; and Bell, Frances, “Coronavirus fears see Malaysian student evicted from Perth share house by landlord”, *ABC News Australia*, February 13, 2020, available at: <https://www.abc.net.au/news/2020-02-12/foreign-student-evicted-from-perth-house-over-coronavirus-fears/11959530>.

5 Zhang, Lijia, “Coronavirus triggers an ugly rash of racism as the old ideas of ‘Yellow Peril’ and ‘sick man of Asia’ return”, *South China Morning Post*, February 16, 2020, available at: <https://www.scmp.com/comment/opinion/article/3050542/>



We should remember, too, how in Hong Kong over many months, conspicuous numbers of China-related businesses have been trashed, some repeatedly and Mainland Chinese students, visitors and residents have lived in increasing fear of localist intimidation and violence.⁶

We have witnessed shocking levels of basic rights abuses directed at Mainland Chinese and China-linked businesses in Hong Kong and, now, after the onset of the COVID-19 epidemic, against Chinese people generally, worldwide.

But has that world-spanning human rights

coronavirus-triggers-ugly-rash-racism-old-ideas-yellow-peril-and

6 “Black Terror: Mainland Chinese are being attacked in Hong Kong”, *The Economist*, November 7, 2019, available at: <https://www.economist.com/china/2019/11/07/mainland-chinese-are-being-attacked-in-hong-kong>.

movement risen with all the vigour it can regularly display to denounce these abuses? With some limited exceptions, the answer is, no it has not.

To take one example, Human Rights Watch has expressed serious concern about the possible invasion of privacy rights in China arising from the use of surveillance technology as part of the massive and, thus far, significantly effective virus containment measures adopted within China to limit the spread of the virus which causes COVID-19 infections.⁷ But one searches in vain

7 See, Yang, Samuel and Zhao, Iris, “Bid to contain coronavirus COVID-19 sees Chinese tech giants deploy tracking maps”, *ABC News, Australia*, available at: <https://www.abc.net.au/news/2020-02-22/coronavirus-covid-19-china-quarantine-measures-questioned/11987900> where the Human Rights Watch spokesperson told ABC News in Australia that “where surveillance technology is used for



A sign in Nantes, France that reads “Coronavirus: It has made more people racist than sick.” (Source: The Atlantic)

for continuing, emphatic human rights initiatives denouncing the abuse of rights of Mainland Chinese in Hong Kong and Chinese people generally, just noted above.⁸

As it happens an internationally respected, principal commentator in China on the coronavirus outbreak, Professor Zhong, Nanshan, has stated that, from a medical standpoint, the drastic containment measures

tracking viruses or other purposes there are no effective privacy rights for people.”

8 See, for example, the comments of a Manchester University graduate student, Sam Phan, who recently said he hoped that xenophobia towards Britain’s Asian population would get a rare moment in the national spotlight in a coming BBC special on the coronavirus - reported by, Oh, Inae, “The Coronavirus Is Inflaming the UK’s Racism: ‘To those people who told me London isn’t racist, think again’”, *Mother Jones*, March 4, 2020, available at: <https://www.motherjones.com/politics/2020/03/the-coronavirus-is-inflaming-the-uks-racism/>

adopted have been – and remain – vital in the battle to limit the spread of COVID-19 infections.⁹

Human Rights Watch claims that “often the most effective responses to public health crises involve volunteer public participation”.¹⁰ It is good to recall how reliance on voluntary containment methods (combined with a free media sector) worked 10 years ago in the US, following the outbreak, there, in March 2009, of what came to be known as “Swine Flu” (the first cases of which surfaced earlier in Mexico).

9 “Top SARS Doctor: Coronavirus May Peak This Month”, *The Straits Times*, February 11, 2020, available at: <https://www.straitstimes.com/asia/east-asia/chinas-top-virus-expert-says-coronavirus-outbreak-may-peak-this-month>.

10 Human Rights Watch spokesperson quoted in report by Yang, Samuel and Zhao, Iris, “Bid to contain coronavirus COVID-19 sees Chinese tech giants deploy tracking maps”, *ABC News, Australia*, available at: <https://www.abc.net.au/news/2020-02-22/coronavirus-covid-19-china-quarantine-measures-questioned/11987900>.

Within a year, around 60 million were infected with Swine Flu in the US and over 12,000 persons died. Worldwide, the infection estimates range from 600 million to over a billion with death estimates ranging from 151,000 to 575,000 (mainly in Africa and South East Asia).¹¹ Fortunately, it transpired that the mortality rate with Swine Flu was comparatively low.¹²

In 2012, as the London Olympics progressed, an article by Ross Clark appeared in *The Spectator* entitled “Sinophobia, the last acceptable racism”. Clark argued that unfounded, critical responses to Chinese success at those games reflected an irrational suspicion of China.¹³

Unhappily, this analysis retains robust traction. After recently urging the world to show sympathy and express solidarity towards Chinese people at this very difficult time, the former Prime Minister of Australia, Kevin Rudd, went on to observe that: “These are ugly times and the racism implicit (and sometimes explicit) in many responses to Chinese people around the world makes me question just how far we have come as a human family.”¹⁴

11 See: “CDC Estimates of 2009 H1N1 Influenza Cases, Hospitalizations and Deaths in the United States”, *Centers for Disease Control - US*, May 14, 2010, available at: https://www.cdc.gov/h1n1flu/estimates_2009_h1n1.htm; “First Global Estimates of H1N1 Pandemic Mortality”, *Centers for Disease Control - US*, June 25, 2012, available at: <https://www.cdc.gov/flu/spotlights/pandemic-global-estimates.htm>; and “2009 – Flu Pandemic”, *Wikipedia*, available at: https://en.wikipedia.org/wiki/2009_flu_pandemic.

12 “2009, H1N1 Pandemic”, *Centers for Disease Control*, available at: <https://www.cdc.gov/flu/pandemic-resources/2009-h1n1-pandemic.html>.

13 Clark, Ross, “The last acceptable racism”, *The Spectator*, August 11, 2012, available at: <https://beta.spectator.co.uk/article/sinophobia-the-last-acceptable-racism>

14 Rudd, Kevin, “The Coronavirus and Xi,

After decades of copious human rights discourse, preaching tolerance, enacting hate crime laws and praising multiculturalism, we have come to this: the overall response of the global human rights movement to the comprehensive abuse of rights outlined here has been shamefully minimalist.

After decades of copious human rights discourse, preaching tolerance, enacting hate crime laws and praising multiculturalism, we have come to this: the overall response of the global human rights movement to the comprehensive abuse of rights outlined here has been shamefully minimalist.

It seems, more than 70 years since the passage of the UDHR, some people are still less *universal* than others.

Jinping’s Worldview”, *Project Syndicate*, February 8, 2020, available at: <https://www.project-syndicate.org/commentary/coronavirus-will-not-change-xi-jinping-china-governance-by-kevin-rudd-2020-02>.



CHINA AND THE LIBERAL INTERNATIONAL ORDER IN THE 2020S: THE EMERGENCE OF A CHAOTIC MÉLANGE

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As the first year of the 2020s began, China faced unprecedented challenges: unrest along its periphery, especially in Hong Kong, souring relations with the United States, and the large-scale outbreak of the COVID-19 coronavirus epidemic that shut down large parts of the Chinese economy. Any detailed prognosis of China's future in the new decade must thus be treated with caution. Black swan events, such as COVID-19, could easily derail established trends and patterns in China's outlook.

Based on: Christopher A. McNally, "Chaotic Mélange: Neo-liberalism and Neo-statism in the Age of Sino-capitalism," *Review of International Political Economy*, issue to be assigned; published online November 4, 2019 at: <https://www.tandfonline.com/eprint/FWMQPJXDC429J7SJF2ZK/full?target=10.1080/09692290.2019.1683595>

By stepping back and viewing the 2020s from a more distant and historically informed perspective, however, certain prospects can be detected. As China has become the second largest global economy, the country is increasingly seeking its own sphere of influence, represented by the Belt and Road Initiative (BRI), the founding of the Asian Infrastructure Investment Bank (AIIB), and the exertion of economic pressure on weaker neighbors (e.g., South Korea, the Philippines, Taiwan, etc.). In this manner, China's rising power is generating more intense conflicts with the established hegemon, the United States.

The big question confronting the West, especially America, is whether the world can avoid Thucydides' trap in this decade. Thucydides' trap expresses the situation when a rising power clashes with an established power, generating a security competition with a high probability of war.

This debate has already created a big shift in Washington's China policy. It has influenced a rethinking of economic relations, asking whether China's growing economy and technological prowess could pose an existential challenge to the United States. Those answering "yes" advocate a rapid "decoupling" of the two largest economies on earth, especially the severing of integrated technology supply chains extending around the globe.

Those answering "no" see "decoupling" as too extreme, arguing that the chains globalization has created are too strong to cut down without exorbitant costs. In fact, disintegration of established technology partnerships could create unintended consequences that present inherent risks to American power and innovation.

U.S. President Trump seems to have recently sided with the "no" camp, arguing that any restrictions on Chinese technology should not penalize American high-tech exporters. The back and forth in this debate expresses a hard

fact: the last forty years have seen a historically unprecedented integration of the globe's industrial economies, much of it centered on China. A "cold war" in which both sides carve out autonomous spheres of influence and jockey for power in a bipolar order is unlikely.

For sure, when listening to the new rhetoric coming out of Washington, no one can be faulted for thinking another cold war is dawning. The clearest indication of a new U.S. containment policy *vis-à-vis* China was U.S. Vice-President Mike Pence's speech at the Hudson Institute on October 4, 2018. This speech has been compared to the Iron Curtain Speech delivered by Winston Churchill more than 70 years ago.

In his speech, the vice-president laid out a fundamental change in U.S. policy toward China. He noted that "America had hoped that economic liberalization would bring China into a greater partnership with us and with the world. Instead, China has chosen economic aggression, which has, in turn, emboldened its growing military." Pence declared that "Beijing is employing a whole-of-government approach, using political, economic, and military tools, as well as propaganda, to advance its influence and benefit its interests in the United States."

China's aggression marked the beginning of a new era of "great power competition" under which foreign nations are "contesting [America's] geopolitical advantages and trying to change the international order in their favor." Clearly, the vice-president's speech foreshadows a fractious period during which the only country on the globe with the economic and military wherewithal to block China's rise seems determined to do just that.

The United States has, in fact, already begun to translate its adversarial rhetoric into concrete policy. Competition is heating up in various policy arenas, ranging from development finance (the BRI and AIIB) to technology and defense. However, just as American efforts directed at containing China are reaching a crescendo other

powers are pushing back.

Both America's and China's future depend on their ability to pull European countries, Japan, and pivotal developing economies, such as Saudi Arabia, Russia, India, and Indonesia into their orbits. As Washington's full-on assault of Huawei's participation in building new 5G infrastructure illustrates, the scorecard so far is not encouraging for American policy-makers.

If a new cold war is the wrong metaphor to describe China's relations with the existing global order, what then is a more likely scenario for the 2020s? I argue that it is the emergence of a *chaotic mélange* – a transitional era in which neither the United States nor China exert effective international leadership, while other powers hedge, balance, and dodge the influence of the two most important global players.

Such an era could be more messy, complex, and unruly than the post-World War II era of U.S. dominance, often conceived of as the “rules-based” liberal international order. Under such a scenario, the present edifice of international relations would atrophy, but not disappear.

Lower provisioning of global public goods would be one consequence: the global coordination of major challenges facing humanity, ranging from nuclear weapons to climate change, is likely to suffer. But this *chaotic mélange* is very different from the all-out competition among two major power blocs – one socialist, one capitalist – before the fall of the Berlin Wall. China is not the Soviet Union. The country does not engage in direct ideological rivalry with the United States and, most importantly, practices a form of capitalism – Sino-capitalism.

Chinese capitalism encompasses a larger role for the state than its liberal cousin in the

United States. The employment of state-owned enterprises, state control over the financial system, wide state regulatory purview, and massive state investments in infrastructure and technology are some of its hallmarks. However, Sino-capitalism also incorporates a highly dynamic and large private sector. China's economic future is predicated upon private capital accumulation, global economic integration, and market competition.

One important insight which can be traced back to Kant holds that there is a “capitalist peace” – nations whose economies rely on market competitive forces and private capital accumulation to drive their economic fortunes become inherently bound together. A full-scale divorce into two separate and autonomous economic spheres would have extreme economic costs. No American (or for that matter Chinese) government is likely to survive such an economic rupture politically.

Although not without its critiques and some contrary evidence, the capitalist peace theory holds up to scrutiny. Capitalist political economies with deep interdependencies, such as the United States and China, do not tend to engage in war with each other. In fact, capitalist integration is historically a more powerful force for peace than shared democratic norms.

But even if the United States chooses to pursue a decoupling of its economy from China's and comes to see China as another Soviet Union that needs to be contained, such a policy is highly unlikely to meet its desired objective. China is now the largest trading partner for more countries than the United States, including many American allies such as South Korea and Australia.

Perhaps most importantly, Sino-capitalism

I argue that it is the emergence of a *chaotic mélange* – a transitional era in which neither the United States nor China exert effective international leadership.



encompasses one of the globe's most vibrant economies with a rapidly growing consumer market. While still lagging behind the United States in overall technological development, China can provide many of the key inputs that modern economies require. And as China moves up the value-added ladder, its market demand for high-tech goods from America, Germany, Japan, and others is bound to further increase.

A U.S. policy to contain China and drive a wedge between China and other countries is thus unlikely to meet with success. Countries will hedge and balance their interests. In some cases, they will even pursue deeper economic integration with China, as seems to be the case with Japan, a staunch U.S. ally, and India, a potential bulwark against Chinese "expansionism" that Washington has been intent on cultivating.

Ultimately, most countries will, whenever possible, opt to dodge Washington's efforts to make them choose sides. Most senior leaders around the world tend to offer up the same response to American pressure: "Please do not ask us to choose between the United States and China. You will not like the answer you get." (F. Zakaria, "The New China Scare," *Foreign Affairs*, vol. 99, no. 1, p. 66).

The *chaotic mélange*, where the differing

capitalisms of both sides compete, at times clash, but also generate enormous synergies and spheres of cooperation, is thus a more befitting image to describe the 2020s than a new cold war and "economic decoupling." Instead of a starkly bipolar world, we are seeing the United States becoming selectively isolationist, while China's support for the liberal international order remains half-hearted.

An uneasy transitional era looms. The *diverging* interests of national capitalisms favoring neo-mercantilist jockeying for competitive advantage will be juxtaposed with the *converging* pressures of global corporate power, innovation networks, and market forces. Targeted clamp-downs on elements of globalism, including trade, finance, migration, and technology cooperation are likely to become more prevalent in all major political economies.

Nonetheless, no one country can afford to shut itself out from the dynamism that integrated value chains, technological advances, and global markets forge under capitalism. What will suffer is international leadership and with it the provisioning of global public goods. But this transitional era will look very different from the all-out competition between one socialist and one capitalist power bloc before 1990. Welcome to the *chaotic mélange* of the 2020s!



WILDLIFE PROTECTION IN CHINA IN THE 2020S

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The decade of the 2020s had a very bumpy start for China. A novel coronavirus named Covid-19 broke out in Wuhan, a mega city of 11 million people in Central China. On January 24, Wuhan was locked down. Much of the coastal region of the country was brought to a standstill. The massive shutdown of an entire city never happened in China's history. The pandemic had swept by March 15 across 120 countries, infected more than 163,000 and killed 6083 people. Like SARS (severe acute respiratory syndrome), this pandemic was traced to wild animals sold for food at a local wildlife wet market. As an emergency measure, China's National People's Congress imposed on February 24 a comprehensive ban on wildlife consumption and trade, thus elevating an earlier administrative order for shutting down the trade to the level of national legislation.

After going through the disastrous SARS in

2002-2003, how could China have allowed another pandemic to happen? Could this pandemic have been prevented? How does the current global public health crisis inform us about China's rule of law in the area of wildlife protection in this decade? In the following paragraphs, I am going to argue that the pandemic was not a surprise. While the Chinese authorities have been genuinely shocked by Covid-19's infectiousness and destructiveness in terms of human lives and economic costs, its long-term impact on the country's rule of law in wildlife protection remains an open question. Two decisions to be made in the near future could inform us if China will have rule of law in wildlife protection in the coming decade. These two decisions are, first, if the Chinese authorities shall turn the emergency measure of the current trade ban into a lasting policy and, second, if the Chinese government is going to replace the current Wildlife Protection Law with a one that is truly for wildlife protection.

SARS and a Missed Opportunity

SARS broke out in November 2002. It killed 774 and infected more than 8000 people across the world. More than half of the Chinese provinces were impacted. Patients were found in 28 countries and regions. This global public health crisis traced to wild animals sold for food at Guangdong's wet markets should have served as a wakeup call to the Chinese authorities. But it did not. Soon after the outbreak of the epidemic, Guangdong provincial government and the State Forestry Bureau issued a respective hunting and trade ban of terrestrial wild animals.¹ Yet, before SARS was over, the wildlife business interest had started to lobby the national government demanding the lifting of the trade ban. In mid-June when the last group of

¹ http://www.forestry.gov.cn/portal/main/govfile/13/govfile_1071.html?f_ww=1; See also, Zhang Gaowen and Ding Haisheng. (2007). "Some economics thoughts in response to Guangdong's cracking down on the crimes against wildlife resources," *Forestry Resources Management*, Vol.6. pp. 34-37, 92.

SARS patients were still recovering, a research team from an agriculture university released the result of their study conducted since April that the civet cats from the wild and captive bred did not have coronavirus.²

The timing of the research result was suspect. Who funded the research? How could the research team even obtain the samples when the trade was temporarily shut down? And how the samples, if still available from traders who were still trading illegally, were selected? These questions were apparently irrelevant to the State Forestry Bureau. In mid-August, the Bureau, the country's wildlife management agency announced the government's decision to resume wildlife trade and consumption of 54 species that were allegedly successfully domesticated.³ This was the decision that had been expected by the wildlife business interest.

The lifting of the trade ban was criticized by medical scientists, wildlife experts, legal specialists and animal protectionists. Zhong Nanshan, China's top medical scientist, believed that lifting the trade ban was a mistake. On various occasion, Professor Zhong called on the national authorities to consider a trade ban on wildlife. At the national legislative session in 2010, Professor Zhong warned the country that a SARS like epidemic could not be ruled out with the continuation of wildlife consumption and trade in the country.

An Oversized Influence

China's wildlife business interest has acquired an oversized influence in the country's policy-making related to wildlife. This influence has derived

² China News Network. (2003). "China Agriculture University restores the reputation of civet cats: no coronavirus was found," June 20, <http://news.sina.com.cn/o/2003-06-20/1132242767s.shtml>.

³ Peng Wei et al. (2003). "The decision to lift the ban on the trade of 54 wild animals is issued," *Yangcheng Evening News*, August 27, <https://news.sina.com.cn/o/2003-08-27/1432645456s.shtml>.

from its ability to serve the political objectives of the local governments through provision of employment and revenues. It has also come from its ability to control and frame a national discourse on wildlife and wildlife protection.

China has the world's biggest wildlife breeding operation. With a total annual revenue of 520.6 billion yuan in 2016, the industry also hired more than 14 million rural workers.⁴ The part of the wildlife breeding that supplies the exotic food markets, the one that is banned, produced a revenue of 125 billion yuan in 2016, was the second biggest component is the breeding operation next time fur animal farming. More than 6.2 million rural workers were employed in this line of production. The wildlife breeding operation was a sizable industry. Yet, in China's enormous GDP in 2016 of 74 trillion yuan, 520.6 billion yuan accounted for only 0.7% of the Chinese economy. And, the 6.2 million workers in wildlife farming that supplied the exotic food market represented less than 0.17% of the country's 900 million labor force.

The industry has increased its lobbying power through its ability to control and frame public discourse on subjects related to wildlife and wildlife use. Representatives of the business interest have promoted wildlife breeding as being good for conservation, good for "saving people's life," and good for poverty reduction. Each one of these three so-called "benefits" is in line with the government's political objectives. Representatives of the business interest have succeeded in convincing government officials that criticism directed at the wildlife farming industry was hostile attacks on the Chinese people, Chinese culture, China's national industries, and Chinese government.⁵ In one of the internal consultation sessions for revising the Wildlife Protection Law in early 2016, representatives of the

wildlife business interest urged China's national legislature to reject the demands of the radical animal activists who were serving the interest of foreign pharmaceutical companies in order to destroy the Traditional Chinese Medicine (TCM) and occupy China's medicine market.⁶

In the last 30 years, owners of the farming industry have had a bigger voice in government. And the most successful ones of the business owners have been showered with all kinds of honors and official titles. The owner of the biggest bear farm in Heilongjiang was made a delegate to the 10th provincial people's congress. When his term expired, his daughter took over the seat at the 11th and 12th provincial legislature. Guizhentang, the bear farm that caused a big stir in 2012 for attempting to go public at the country's stock market, was named a reputable commercial brand. Its owner was made delegate to the city legislature in the late 1990s. In their capacity as delegates to the local legislatures, they never forgot to drive home the point that theirs was production that contributed to conservation, public health and poverty reduction. In other words, wildlife farming is an industry that serves the political objective of the Party.

We see the influence of the wildlife farming industry in important policies. The revised Wildlife Protection Law not only reaffirmed the designation of wildlife as a natural resource, it also endorsed wildlife farming as a legal operation under state regulation. Furthermore, the WPL adopted the concept of the "artificially bred filial generations" (Article 25) to support captive farming as a long-term productive operation with the prospect of lifting the trade ban on tiger bones and rhino horns as long as the parts come from the "artificially bred filial generations," a prospect strongly demanded by the wildlife business interest. The other major concessions made to the business interest are related to animal performance, display, consumption for food and for medicine, that had not been spelled out in the previous version of

⁶ Meeting minute of an internal consultation meeting on the revision of the Wildlife Protection Law, February 2016, Beijing.

4 Ma Jianzhang (2017). Pp.102-103.

5 1st Finance and Economics News (2012). "Those who kill bears' accuse those who 'rescue bears' of anti-China intentions," a 1st Finance and Economics News story of May 14 at https://www.guancha.cn/society/2012_05_14_74004.shtml.



The Wet Market in Wuhan, Hubei that is allegedly the originating ground for the coronavirus outbreak (Source: Nikkei Asian Review)

the WPL. A major victory of the business interest was the inclusion “wildlife breeding and display” as a poverty reduction business in the Chinese Communist Party Central Committee “Document One, 2018,” the CCP’s most important policy document on rural work.⁷

Risks of the Production Mode

Intensive farming of a staggering number of wild animals is a risky mode of production. This farming model has expanded in the last 17 years. In Jiangxi province, wildlife farming has grown most rapidly in the last 10 years. Other provinces such as Yunnan, Guizhou and Hunan have also

⁷ The Chinese Communist Party Central Committee and the State Council (2018). “The Chinese Communist Party Central Committee and the State Council Ideas on Implementing the Strategy of Rejuvenating Rural Economy,” January 2, <https://jxjy.scau.edu.cn/2018/1012/c4933a144568/page.htm>.

seen their wildlife farming operations expanding at the same time. Despite public condemnation, renewed government support led to the attempt of Guizhentang to go public in China’s stock market to increase the number of bears for bile extraction. China’s tiger breeding facilities are highly concentrated feeding operations. Some 5000 to 6000 tigers of various sub-species are bred on the farms, in wildlife parks and facilities that supply tigers for display, performance, and photo-ops.⁸ China has the world’s biggest fur animal farming operation producing 95 million pelts from racoon dogs, minks, and foxes. It also produced 238 million pelts from rabbits and sheep.⁹ Wildlife farming for Traditional Chinese

⁸ A meeting minute of an internal consultation between officials from the National People’s Congress and representatives of the wildlife business interest, Beijing, February 2016.

⁹ Ma Jianzhang (2017). Report on the Strategy of a Sustained Development of China’s Wildlife Farming Industry, p.108.

Medicine (TCM) use raised 7.33 million animals of 4 species of reptiles, 9 species of mammals.¹⁰ Wild animals intensively bred for the exotic food market held a staggering number of animals that include 6 species of amphibians, 17 species of reptiles, 14 species of birds, and 5 species of mammals.¹¹ These animals could have already been cross-infected with all kinds of illnesses before they were loaded for transport to the wet markets.

Captive breeding of wildlife animals is intrinsically cruel. Farming animals in unnatural, barren and crowded conditions has adverse physical and mental health implications for the animals. China's bear farming is arguably the most inhumane operation where live bears are caged for life for bile extraction from an open wound cut in their stomachs. The brutalized bears have all kinds of physical and mental illnesses. The bile from these diseased bears is contaminated.¹² The sale of the deceased bears' meat and paws, a violation of China's laws (WPL and Food Safety Law), also has potential public health risks. China's two big tiger breeding facilities in Northeast China's Heilongjiang and in Southwest China's Guangxi are both notorious for housing the iconic animal in small cages.¹³ The sale of tiger meat and the process of tiger bones, legally liable, can also pass viruses from the dead tiger carcasses to the consumers.

A small snake pit inside a legal and licensed farm

¹⁰ Ma Jianzhang, p.109.

¹¹ Ma Jianzhang, p.110.

¹² Kati Loeffler, Jill Robinson, and Gail Cochrane, "Animals Asia Foundation Report: Compromised health and welfare of bears in China's bear bile farming industry, with special reference to the free-dripping bile extraction technique, March 2007," accessible at http://wildpro.twycrosszoo.org/000ADOBES/Bears/D312_AAF_VetReport_200703.pdf.

¹³ See a related report on the crisis partly accelerated by China's commercial tiger farming operation by Aron White "EIA: China's tiger farms are a threat to the species," June 15, 2017 at <https://www.chinadialogue.net/article/show/single/en/9849-EIA-China-s-tiger-farms-are-a-threat-to-the-species>.

can hold hundreds of illegally caught snakes with injuries and sicknesses. It is not a secret that breeding farms have been turned into hoarding facilities for illegally caught wild animals and smuggled foreign species.¹⁴ The concentration of a large number of animals from different sources provides a hotbed for cross infection of diseases and for mutation of viruses. Like most concentrated feeding operations, wild animals on the farms are not in their best of physical and mental health. Captive breeding of wild animals as a mode of production is intrinsically cruel. Suffering on the farm is widespread. Drug use is a common sight.¹⁵ "Like slavery, captive breeding of wild animals is not a production that can be improved," commented Mm. Qin Xiaona, founder of the Capital Animal Welfare Association in Beijing.

Still common in rural communities, wet markets with live, or perhaps more accurately, dying animals are still seen inside marketplaces in major metropolitan centers. The lawlessness on these wet markets is such that there is everything except "human meat" as a report wrote. Cages with snakes, badgers, civet cats, weasels, pangolins and others are typically staked one above another. These animals with broken legs exposing bones, open and bloody wounds, and open cuts filled with maggots and pus are suffering in their final hours before slaughter.¹⁶ "I was having mental torture when I saw one animal frantically licking one of its broken leg severed apparently by a leg trap," said a student investigator

¹⁴ China Biodiversity Conservation and Green Development Foundation (CBCGDF) (2020). "What a delegate to the city people's congress! Purchasing poached wild animals and keeping 40 hunting dogs for illegal hunting all year round, an eye-witness account by a volunteer," a CBCGDF report of February 20 at <http://www.cbcdgf.org/NewsShow/4854/11384.html>.

¹⁵ Conversation with Li Bo, a wildlife rescue activist, February 12, 2020.

¹⁶ China Economic Network (2012). "Exposing the wildlife smuggling Ring," a December 19 report at <https://view.news.qq.com/a/20130419/000006.htm>.

at a wildlife wet market in Guangdong.¹⁷ Dead or dying migrant birds caught from China's Poyang Lake and other wetlands where these birds have travelled thousands of kilometers are seen on these markets.¹⁸ Wildlife wet markets, filthy and smelly, are the front of wildlife warehouses that accept animals shipped from unknown places of origin. Exotic foods such as pangolins, tiger meat, and bear paws can be ordered through WeChat or other platforms.¹⁹

The outbreak of Covid-19 was not a surprise.

Conclusions

It seems that rule of law in wildlife protection has never been established in China. But, China does have a law ostensibly for protecting wildlife. It is called the Wildlife Protection Law of the People's Republic of China (WPL) that went into effect in 1989. To the critics, the WPL is unconstitutional because the nation's fundamental law only provides for protection of the nation's wildlife; it does not allow "use" of wildlife.²⁰ To other critics, the WPL is in fact a "wildlife resource utilization management law." Still others believe that the WPL equates captive breeding with wildlife protection. The breeders have thus become protectors of wildlife who then receive protection from the gov-

The prospect of rule of law in wildlife protection depends on the government's position on the current trade ban and what kind of a new Wildlife Protection Law it intends to create.

ernment.²¹ There are other laws that could have been enforced to crack down on the industry. Trans-provincial transport of wildlife animals has to have proper health certificates issued by certified vets of the place of origin to ensure that the animals are not from regions under quarantine or the animals are healthy. Wild animals to be slaughtered for food cannot be dead or diseased. Why are the wild caught animals with broken limbs, open wounds, and sicknesses sold and slaughtered for food?

What has the pandemic informed us about the future prospect of rule of law in wildlife protection area? The Chinese authorities have so far responded very quickly to the pandemic with actions to ban wildlife consumption through a three-agency administrative order in end of January and a national legislative decision to impose a comprehensive ban (February 24). Local governments from Shenzhen, Jiangxi, Guangdong, Hubei, Tianjin and others have adopted emergency measures to prohibit wildlife trade. The National People's Congress is preparing for a major revision to the Wildlife Protection Law. There is a growing awareness in China that the part of the wildlife breeding for the exotic market should be banned. The prospect of rule of law in wildlife protection depends on the government's position on the current trade ban and what kind of a new Wildlife Protection Law it intends to create.

17 Wechat conversation a student investigator of a wildlife market investigation team, July 2015.

18 Nanfang Metropolitan News (2012). "Migrant birds are blatantly hunted," February 15 at <http://news.sina.com.cn/green/news/roll/p/2012-02-15/110923936861.shtml>.

19 China Economic Network (2012). "Exposing the wildlife smuggling Ring."

20 Conversation with An Xiang, a lawyer in Beijing, October 20, 2019.

21 Conversation with Professor Guo Peng, February 12, 2020.



2020: TURNING THE CHINESE DREAM INTO REALITY

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The eyes of the world are on China as China enters the second decade of the second millennium in the midst of a bitter trade war with the US and a sudden outbreak of the novel coronavirus. For decades, there has been profound interest in China's development after the economic reform and whether China will replace the US as the sole dominant superpower. Observers are deeply concerned whether these events will put China's establishment at stake, and eventually trump China's efforts in becoming a global superpower.

For China, 2020 is another step closer to realizing the Chinese Dream, President Xi Jinping's vision for a rejuvenated Chinese nation. Known as the Two Centenary Goals, the CCP laid down ambitious ideals for the People's Republic, in particular doubling the GDP and per capita income (as of 2010 figures) by the centenary of

the CCP's founding in 2021, and transforming the nation into a "strong, democratic, civilized, harmonious, and modern socialist country" by the 100th anniversary of the People's Republic of China in 2049.

The past decade saw a dramatic shift in the ideology of the Chinese ruling class following the rise of President Xi, especially when it comes to the CCP's worldview that governs China's diplomacy. President Xi has consolidated much power internally in his first five years, including taking down corrupt "Big Tigers" within the CCP, adding "Xi Jinping Thought" into the CCP Constitution, and removing term limits for the Presidency. Unlike his predecessors, President Xi's status has been elevated similar to that of Mao Zedong. Other than "peaceful co-existence", China is getting prepared to become an economic and technology superpower under the leadership of President Xi, and there have been high hopes that the long-unsolved Taiwan Problem will come to a solution under his watch.

The Belt and Road Initiative is undoubtedly the signature project of the Chinese Dream as China has become increasingly engaged in regional and international affairs. In 2015, China unveiled the Asian Infrastructure Investment Bank that aims to provide support to the building of infrastructure in the Asia-Pacific region, a move that is seen to rival the World Bank and the IMF. Internally, Chinese Premier Li Keqiang launched the Made in China 2025 blueprint, targeting at high value-added industries to transform China into a technology-intensive powerhouse. China's information technology conglomerates have been blooming, with Huawei leading in 5G and Tencent ranking 5th in global brand value.

Following the election of Donald Trump as US President in 2016, China's prospects had been projected favourably due to President Trump's protectionist and isolationist approaches that alienated traditional US allies, such as the Euro-

pean Union and NATO. The Trump administration's foreign policy, for instance withdrawal from the Trans-Pacific Partnership (TPP) gave China more discourse and room to meddle in regional and global affairs.

By the same token, it is also the Trump administration that changed its attitude to China all of a sudden when the first round of tariffs was imposed on US \$34 billion worth of Chinese goods in 2018. For two years' time, the two largest economies traded retaliatory tariffs, despite

occasional cease-fires. Nevertheless, Bloomberg projected China's second place in total stock market capitalisation was dethroned by Japan and the World

Bank estimated China's GDP growth rate in 2020 will hit lower than 6%, which is lowest in nearly 30 years. The firm stance against Huawei has received bipartisan support in the US, and the US has been engaged in active lobbying in her allies to exclude Huawei from the 5G industry. By doing so, the US hope to delay China's technological advancement for 10 to 20 years by regulating microchip exports to China.

Although China and the US signed the Phase I Agreement on the trade war, the novel coronavirus outbreak has added even more uncertainty to the Chinese economy. Observers worry that the epidemic will further slow down China's economic growth due to its heavy impact on production lines and tourism.

2020 is going to be a make-or-break year for China. With increased participation in global affairs, there are more uncertainties on the prospects of China. In addition to President Trump's unpredictability on his China policy, 2020 is also a presidential election year for the US, which has casted a veil over the future of China, together with the novel coronavirus outbreak.

2020 is going to be a make-or-break year for China.

Ceremony for the 2020 UN Biodiversity Conference

2020年1月9日 中国·北京
January 9, 2020 Beijing, China



**INTERNATIONAL NORMS
AND CHINESE ENVIRONMENTAL
GOVERNANCE**

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The extent to which states incorporate or 'localise' international obligations and norms into their domestic political and legal environment has become a salient issue with the proliferation of international agreements and norms. China in particular has been a source of much consideration with its increasing international economic and political importance. International norms are shared expectations or standards of appropriate behaviours for actors in international community. China's incorporation of international norms into domestic practices and as part of its foreign policy can significantly impact an international policy or normative agenda. Moreover, because China is a relative newcomer to international society and in many ways ascribes to Westphalian state-centric notion of sovereignty and more insular notion of human, political and social rights, an investigation of how norms are incorporated into Chinese domestic system provides a window into the norm localisation process overall.

China has become an important player in the Convention on Biological Diversity (CBD) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). While rhetorically committed to both Conventions, the localisation process regarding each has been markedly different. For the CBD, Chinese rhetoric, law, policy and implementation has been largely consistent with the international norms and normative approach to biodiversity. In contrast, China's approach and commitment to CITES has been decidedly mixed: China has stated its commitment to restricting trade in endangered species but has resisted attempts to implement a more thorough regulatory apparatus domestically. Wildlife continues to be sold across China. The government has re-committed to traditional Chinese medicine which can to some extent use endangered flora and fauna. Chinese authorities have licenced wildlife farms for animals such as tigers, which many international policy makers believe generates greater demand and subsequently illegal trade. Recently, China announced its intention to lift a 25 year domestic ban on use of rhino horn and tiger bone.¹ This article argues that the differing results are due to two elements: first, the relative coherence of the international norm, including the rights and obligations that arise from the norm, and second, the cultural or normative 'match' between the international norms and the domestic value.

Convention of Biological Diversity (CBD)

China joined the CBD in 1993 and was one of the first countries to ratify it. Article 6 of the Convention requires contracting parties to 'develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programmes which shall reflect, *inter alia*, the measures set out in this

¹ 'Rhino Horn: Alarm as China Eases 25-year Ban on Rhino and Tiger Parts', *BBC News*, 30 October 2018, <https://www.bbc.com/news/world-asia-46027702>, access on 20 February 2020.

Convention relevant to the Contracting Party Concerned'.² Chinese State Council issued action plan on CBD in June 1994. Since 2007, the Ministry of Environment has taken initiative to update the plan in coordination with more than 20 relevant governmental departments. By September 2010, the State Council examined and approved *China National Biodiversity Conservation Strategy and Action Plan (2011-2030)*. The *Action Plan* has set strategic goals in three phases. The immediate goal is to effectively check the decline of biodiversity in important regions by 2015; the median term goal is to essentially control the loss and decline of biodiversity across the country by 2020; and the long-term goal is to have effective protection of biodiversity by 2030.³

Chinese conservation and preservation policies have had mixed success in protecting biodiversity. There have been some notable successes, such as forest regeneration (from 8.6 in 1949 to 20.35 today), and increasing numbers of *in situ* conservation areas, territory set aside as nature reserves and projects to mitigate impacts on ecosystems and regulate the use of wildlife resources. There are now over 2,600 nature reserves, national reserve, forest parks, protected land and marine areas covering approximately 17% of PRC's total land area established.⁴

Even though China's biodiversity continues to decline as human demand grows, there is little evidence to suggest that Chinese policymakers have a conception of biodiversity protection, implementation and monitoring measures that is at variance with the international norms of biodiversity. There are five main obstacles to the implementation of biodiversity norms in China: an

² Article 6(a), *Convention on Biological Diversity 1992*, <https://www.cbd.int/convention/articles/?a=cbd-06>, accessed on 19 February 2020.
³ Dayuan Xue, 'The Main Content and Implementation Strategy for China Biodiversity Conservation Strategy and Action Plan,' *Biodiversity Science* Vol. 19, No. 4 (2011), pp. 387–388.
⁴ 'China – Main Details,' *Convention on Biological Diversity*, <https://www.cbd.int/countries/profile/?country=cn#measures>, accessed on 20 February 2020.

overly prohibitory approach, a ‘top-down’ policy model, fragmented jurisdiction, competing policy objectives, the overriding goal of economic growth, and the lack of enforcement. Those obstacles, however, have neither challenged the international norms nor significantly changed the local normative discourse reflected in policy and law.⁵ Indeed, China’s growing leadership in global biodiversity regimes and subscription to the precautionary principles underlying the CBD are evidenced by China’s hosting of the forthcoming 15th meeting of Conference of Parties (COP15) in Kunming.

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

The global wildlife trade, comprised of food products, various wood products, exotic leather goods, live animals, curiosities and medicines, is estimated by the UN to be worth 23 billion dollars.⁶ China is the largest market for illegal wildlife products, and demand can be met legally

through an extensive licencing system given by the State Forestry Administration. These officially sanctioned wildlife farming operations produce about \$20 billion annual revenue, according to a 2016 government-backed report.⁷

Today, CITES accords global protection to more

5 Lin Feng and Guy Charlton, ‘Balancing Biodiversity and Natural Resources Protection Objectives with Ethnic Minority Autonomy: A Chinese Model,’ *Fordham International Law Journal* Vol.43, No. 3 (2020), pp. 3-4.

6 ‘Animals Live for Man’: China’s Appetite for Wildlife Likely to Survive Virus,’ *New York Times*, 16 February 2020. <https://www.nytimes.com/reuters/2020/02/16/world/asia/16reuters-china-health-wildlife.html> accessed on 20 February 2020.

7 Ibid.

than 37,000 species of animals and plants.⁸ The Convention seeks to regulate the trade of endangered flora and fauna and thus indirectly protects biodiversity by addressing the supply and demand of endangered flora and fauna. This trade is often accompanied by loss of biodiversity, the danger of invasive species, human and animal disease, such as COVID-19 and bird flu, and security problems associated with networks of illegal actors.⁹ CITES, *per se*, does not make wildlife trading or procuring illegal nor does it have enforcement mechanism. Nevertheless, CITES obligates state parties to enact domestic legislation that prohibits and penalises the import, export and re-export of the endangered species listed in the Convention.

China’s incorporation of international norms into domestic practices and as part of its foreign policy can significantly impact an international policy or normative agenda.

China acceded to CITES in 1981 and has subsequently enacted a number of laws and regulations to control the smuggling of CITES protected species. The principle legislation is the 1988 *Wildlife Protection Law* (revised 2016). The Law prohibits the sale, purchase, or use of rare or near-extinction wild animals. Animals

listed in CITES Appendix I and II are included in a list drawn up by the Chinese CITES management authority. Additionally, other protected local species are listed in the *Catalogue of Wildlife under National Key Protection*. The Law also provides exceptions for trade of wildlife species or their products for certain purposes such as scientific research, captive breeding, and public

8 ‘What is CITES?’ Convention on International Trade in Endangered Species of Wild Fauna and Flora, <https://www.cites.org/eng/disc/what.php> accessed on 19 February 2020.

9 ‘Report of the Secretary-General on the Activities of the United Nations Regional Office for Central Africa and on the Lord’s Resistance Army-affected Areas,’ United National Security Council S/2013/297, <https://digitallibrary.un.org/record/749503?ln=en> accessed on 19 February 2020.

15-28
October
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Logo of the 15th meeting of Conference of Parties (COP15) in Kunming (Source: Development Aid)

exhibitions with the approval of provincial-level government authorities (2016 Law, art. 27). The legislation is strengthened by Article 515 and 341(1) of the Criminal Law which, as interpreted by the Supreme People's Court in 2014, provides for a maximum penalty of life imprisonment for smuggling endangered species.¹⁰

Overall implementation of CITES has been poor. China remains the largest market for the wildlife trade, much of which is prohibited under CITES or involves endangered species. For example, an investigation of 7 cities in Guangdong Province in 2014 found that 23% of the 97 species sold were under threat, including 1 species critically endangered, 12 endangered, and 19 species recognised by CITES.¹¹ These problems are exacerbated by lack of rule of law, corruption and contradictory budgetary and administration arrangement. Chinese President Xi Jinping has reinvigorated the promotion traditional Chinese medicine as 'a treasure of Chinese civilisation' in building 'Healthy China'.¹² Global wildlife con-

servation groups are concerned that demand for traditional treatment using animal products would become the driving force of wildlife trafficking.¹³

Norm localisation of CBD and CITES in China

The norm localisation process of biodiversity and wildlife protection has been different in China. On one hand, China has embraced the biodiversity norms. Its implementation obstacles are not the result of normative disagreement between international convention and domestic values. On the other hand, China has failed to fully implement the wildlife protection norms, and has challenged the precautionary principles embedded in the norms. For example, China has continued to licence domestic wildlife farms, which has been strongly condemned by the international commentators for facilitating illegal wildlife trade.

In both areas the underlying attitudes towards wildlife in China, either the traditional – a utilitarian perspective which views flora and fauna medicine for Healthy China,' *Xinhua Net*, 25 October 2019, http://www.xinhuanet.com/english/2019-10/25/c_138502458.htm accessed on 24 February 2020.

13 'As China Pushes Traditional Medicine Globally, Illegal Wildlife Trade Flourishes,' *Reuters*, 28 March 2019, <https://www.reuters.com/article/us-china-tcm/> accessed on 24 February 2020.

10 Amanda Whitfort, 'China and CITES: Strange Bedfellows or Willing Partners?' *Journal of International Wildlife Law and Policy* Vol 22, No.4 (2019), pp. 344-47, especially the reinterpretation of Articles 312 and 341 of Criminal Law of the People's Republic of China about illegal purchase and hunting of endangered wildlife.

11 Alex T. Chow, Szeman Cheung, and Peter K. Yip, 'Wildlife Markets in South China,' *Human-wildlife Interaction* Vol. 8, No1 (2014), p. 108.

12 'Xi stresses role of traditional Chinese



Shanghai Natural History Museum exhibition on endangered animals and CITES (Source: Shanghai Daily)

as resources to be used in service to humans, or the emerging conservationist view that emphasises the conservation of the environment and the welfare of the population as a whole, are similar. So why the differences of the norm localisation process? In my view the differences are related to the nature of the normative regime and the ‘cultural match’ between the global norms and Chinese domestic value. First, domestic actors tend to favour an international norm that can justify their political and social programmes and promote their interests in domestic policy debates.¹⁴ From this perspective the biodiversity policy is consistent with China’s overall policy agenda addressing pollution and

environmental sustainability that are increasingly important to Chinese population. The localisation of wildlife trade protection norms, however, would seriously affect local business and population who continue to desire wildlife for food and medicines.

Second, characteristics of the international norms can also impact the likelihood that the norm can be accepted by domestic actors. The global biodiversity regime is relatively coherent. CBD requires a state party must set sufficient territory and monitoring systems in the relevant ecosystems to preserve biodiversity. The process need not be prohibitory, but it must in some way restrict various usage of bio-resources. CITES, however, is more contested. Some member states believe that limited hunting, use, and controlled markets better preserve endangered species rather than a total ban. In addi-

14 Andrew P. Cortell and James W. Davis, Jr., ‘How Do International Institutions Matter? The Domestic Impact of Intentional Rules and Norms,’ *International Studies Quarterly* Vol. 40, No. 4 (1996), p. 453.

tion, there is no global consensus about whether to destroy or use the historical wildlife stocks such as ivory once a ban has been enacted. Policy debates on those issues can significantly impact how the norms are implemented locally. In this case, China has seemingly ascribed to CITES while also pursuing policies that can potentially undermine the norms of wildlife conservation.

Third, the international norms of greater ‘cultural match’ are more likely to pass the ‘domestic policy filter’ in the implementation process.¹⁵ As such, norm diffusion tends to be more efficient when there exists high degree of cultural match; the global norm can resonate with the target country’s domestic values, beliefs or understandings which in turn can be reflected in national discourse, as well as the legal and bureaucratic system.¹⁶ With such cultural consistency, domestic actors are more likely to accept an international norm and treat it as a given or as ‘matter-of-fact.’¹⁷ For example, the international norms of biodiversity does not contradict with Chinese domestic notion of natural resource utilisation, and thus is better implemented. Areas set aside by Chinese policymakers need not be left unused. Nature reserves and nature parks can and do potentially allow significant resource usage despite their protected status. However, the use of wildlife continues to be an important component of Chinese culture and life style. The demand of shark fins, for instance, often consumed for cultural reasons, has increased as Chinese society has become wealthier. Therefore, it is not surprising that the localisation of wildlife conservation norms has met more ‘cultural resistance’ in China.

15 Amitav Acharya, ‘Asian Regional Institutions and the Possibilities for Socializing the Behavior of States,’ *Asian Development Bank Working Paper Series on Regional Economic Integration*, No. 82 (2011), p.14.

16 Jeffrey T. Checkel, ‘Norms, Institutions, and National Identity in Contemporary Europe,’ *International Studies Quarterly* Vol. 43, No. 1 (1999), p. 87.

17 Cortell and Davis, p. 74.

Conclusion

The article has focused on the how the content and structure of an international norm can affect the localisation process. The Chinese understanding and localisation process is a variance with the global normative regime relating to wildlife conservation. This is partially because the norm itself is contested at the global level and that trade in wildlife for food, speciality products and medicines remains an important aspect of the Chinese economy and society. Yet norms vary over time and culture does not in itself predetermine policy outcomes. Facing the recent outbreak of COVID-19, the Chinese government has considered banning the sale of wild animals across the country, which could significant influence the attitudes towards wildlife usage in the coming years. Nevertheless, it is unlikely to change, in the short term, China’s continued ‘normative contestation’ with the current global regime of wildlife conservation.

The Chinese understanding and localisation process is a variance with the global normative regime relating to wildlife conservation.



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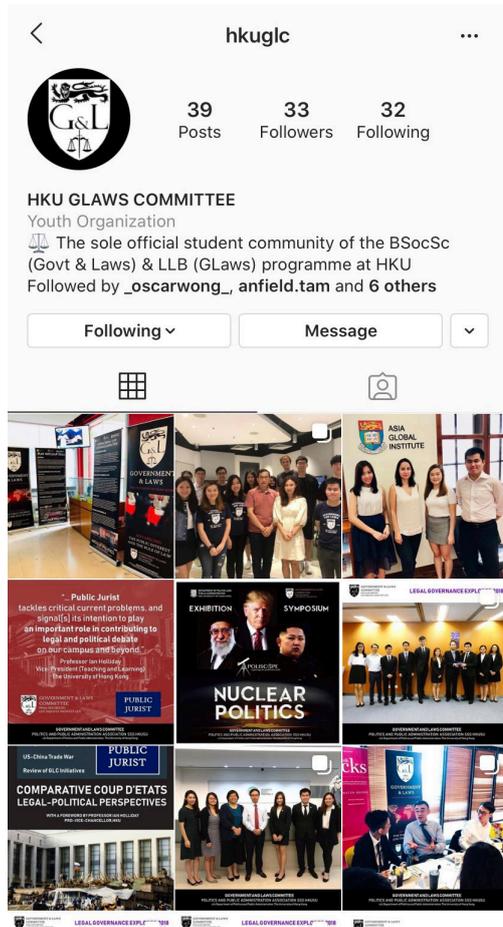
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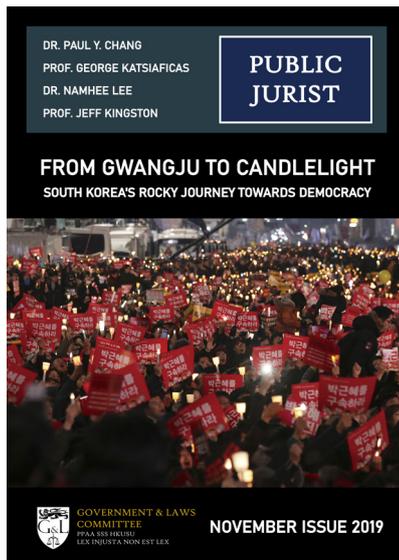
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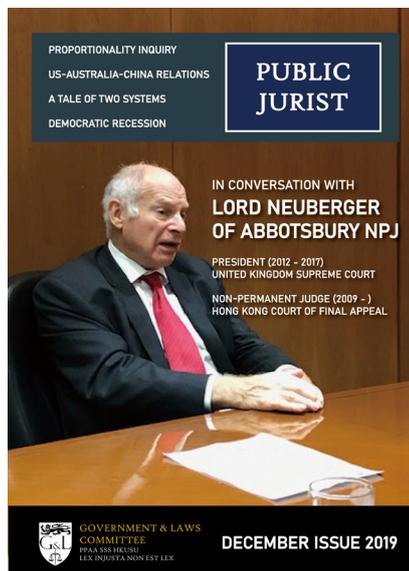
This issue explores the complexities and uncertainties surrounding Brexit by dissecting the constitutional tension between important players within the United Kingdom constitutional monarchy such as the executive, legislature and the Supreme Court which has revealed itself over the course of last 3 and a half years and investigating the future of European Integration by looking at the future roles of the European Union and its institutions as well as their relationship vis-à-vis member states.



NOVEMBER ISSUE 2019

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SOUTH KOREA'S ROCKY JOURNEY TOWARDS
DEMOCRACY**

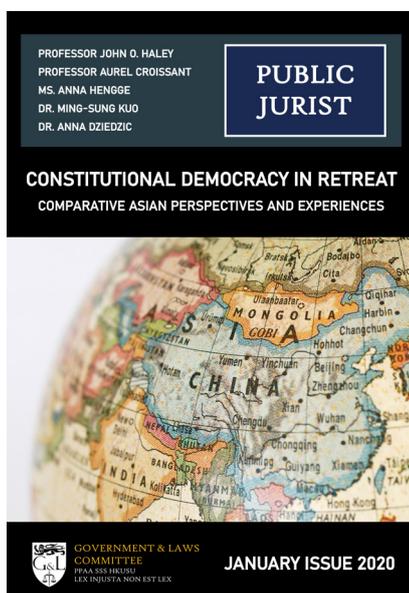
This issue revisits the South Korean resistance against authoritarian rule and struggle towards democracy from multidisciplinary perspectives, including political science, sociology, social movement studies and history. It tries to highlight the continual relevance of the South Korean democratisation process in our contemporary world and provides a more nuanced understanding to our readers regarding key movements such as the Gwangju uprising.



DECEMBER ISSUE 2019

**IN CONVERSATION WITH LORD NEUBERGER OF
ABBOTSBURY NPJ**

This issue features an interview with Lord Neuberger of Abbotsbury NPJ, a Non-Permanent Judge at the Hong Kong Court of Final Appeal and the former President of the United Kingdom Supreme Court, in which he shared his insights towards the rule of law, the proper understanding of judicial activism and his views towards One Country Two Systems etc. This issue also includes two articles by Professor Richard Cullen, Visiting Professor of the Faculty of Law on proportionality and China-Australia-US relations, as well as a roundtable report on democratic recession.



JANUARY ISSUE 2020

**CONSTITUTIONAL DEMOCRACY IN RETREAT
COMPARATIVE ASIAN PERSPECTIVES AND EXPERIENCES**

This issue addresses key questions arising from constitutional democracy backsliding in Asia by assembling a symposium of remarkable articles from renowned scholars including Professor John O. Haley, Professor Aurel Croissant, Ms. Anna Hengge, Dr. Ming-Sung Kuo and Dr. Anna Dziedzic. The contributors delve into different dimensions of constitutional backsliding in Asia, such as the problem of levelling of constitutional space, the empirical foundations of non-violent protests and the Chinese legacies in Northeast Asian jurisdictions. The intra-regional diversity is notable in this issue in which examples surveyed in the four articles are drawn from almost all corners of Asia.

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